

### Appendix 3 – Summary of submissions and Council's response (as at 29 August 2022)

#### Abbreviations:

AEP	Annual Exceedance Probability	LFDP	Local Floodplain Development Plan
AHD	Australian Height Datum	LSIO	Land Subject to Inundation Overlay
BAO	Buffer Area Overlay	MCP	<i>Marine and Coastal Policy 2020</i> (Victorian)
C69	Amendment C69moyn	MSC	Moyne Shire Council
C75	Amendment C75moyn	MSS	Municipal Strategic Statement
CFA	Country Fire Authority	NFPL	Nominal Flood Protection Level
DCPO	Development Contributions Plan Overlay	NRZ	Neighbourhood Residential Zone
DDO	Design and Development Overlay	PAEA	Planning and Environment Act 1987
DELWP	Department of Environment, Land, Water and Planning	PAER	Planning and Environment Regulations
DET	Department of Education and Training	PAO	Public Acquisition Overlay
DPO	Development Plan Overlay	PCRZ	Public Conservation and Resource Zone
EMO	Erosion Management Overlay	PEMS	PEMS Pty Ltd
EPA	Environment Protection Authority	PFCSP	<i>Port Fairy Coastal Structure Plan 2018</i>
ESO	Environmental Significance Overlay	PFLCHA	<i>Port Fairy Local Coastal Hazard Assessment 2013</i>
FO	Floodway Overlay	PHW	Princes Highway
GHCMA	Glenelg Hopkins Catchment Management Authority	PPF	Planning Policy Framework
GRZ	General Residential Zone	PPN	Planning Practice Note
GSCRGP	<i>Great South Coast Regional Growth Plan 2014</i>	PPRZ	Public Park and Recreation Zone
ICPO	Infrastructure Contributions Plan Overlay	RCZ	Rural Conservation Zone
IN1Z	Industrial 1 Zone	SLR	Sea level rise
IN3Z	Industrial 3 Zone	SSP	Shared Socio-Economic Pathway
IPCC	Intergovernmental Panel on Climate Change	UFZ	Urban Floodway Zone
LDRZ	Low Density Residential Zone	VCAT	Victorian Civil and Administrative Tribunal

Content of submissions in this document has been edited for manageability, clarity, and spelling/grammar, and responses should be read in conjunction with the original documents. Responses have been amalgamated where submissions are substantively equivalent.

Where submissions jointly addressed Amendment C69moyn and Amendment C75moyn, only the sections relevant to Amendment C69moyn have been considered in this report. Comments addressed to Amendment C75moyn have been included for consideration under that proceeding.

Table of submissions

Submission #	Submission overview	Council response
1, 3, 5, 8, 12, 14, 36, 71	Objection to application of the Environmental Significance Overlay (ESO7) to the Port Fairy Water Reclamation Plant.	<p>Although it is appropriate practice to implement a buffer between uses with potential for amenity impacts on sensitive receptors and future residential development, the ESO may no longer be the most suitable of the Victoria Planning Provisions to apply for the purpose following the introduction of the Buffer Area Overlay (BAO), as noted by the EPA in Submission 85.</p> <p>Council proposes to undertake additional research and consultation to consider interface requirements at Port Fairy's key industrial sites, and determine the appropriate application of the ESO and/or BAO to promote a cohesive outcome. Authorization for an amendment to implement the resulting recommendations will be sought at a later date if required.</p> <p>Therefore, Council resolved to abandon the application of the ESO as part of Amendment C69moyn at the Ordinary Council Meeting on 1 March 2022. It is therefore a matter before the Panel.</p>
2	<p>The cluster of small cottages in Griffith St near the entrance to the football/botanic garden area, (Nos 113 - 131), are a wonderful historic asset. The present height limit in this area is a mandatory 5m, however the proposal to include the properties in DDO6 and increase the height limit to 7m would negatively impact the cottages, overwhelming them and reducing their significance.</p> <p>A separate DDO for these properties is proposed, to maintain existing height limit.</p>	<p>The collection of small scale early cottages is acknowledged as a significant group within the town of Port Fairy, however, it is considered that the consistent scale has already been diminished by the developments at 119 and 121. The cottages are protected through heritage controls; as there is little opportunity for development on the adjacent blocks, it is difficult to justify a height control of 5 metres on the opposite side of Griffith Street. Given that the NRZ and HO provide for a generally low scale of development, Council considers that balancing the scale of the dwellings with</p>

		potential new construction can be managed through the NRZ and HO.
	<p>The use of building materials and colour schemes recommended in the historic area of Port Fairy (DDO1, DDO2 and DDO6) needs some further specification. The recommendations to use natural materials such as timber and stone is positive. Also, we fully agree that brickwork or blockwork should be rendered, and that use of reflective materials, and aluminium windows frames and doors should be avoided.</p> <p>But the use of synthetic sheet cladding, replicating wallboards, sawn stone, brick walls, and earthenware or slate tiles should also be avoided.</p> <p>Colour schemes should also be appropriate to enhance the building detail and consistent with the predominant state of the building. The current trend to paint renovated cottages white and grey does nothing to enhance the unique character of the historic streets of Port Fairy.</p>	<p>The DDOS have been revised to seek to balance a focus on the natural materials that are consistent with the character of the town with the potential of some contemporary materials so as not to restrict the palette of materials for new development too heavily.</p> <p>Colour schemes are highly subjective and trend-based, and easily changed, so as long as previously unpainted masonry is not painted, the painting guidelines for HO14 are considered to be sufficient.</p> <p><b>Council's 'Part A' DDOs have been amended to provide consistent advice on recommended materials.</b></p>
	<p>We are concerned that the rare and significant stone walls (fences) of Port Fairy are not mentioned in the plan. The many and varied walls around the town and its surrounds add immeasurably to the distinct character of Port Fairy and need to be protected. The local Branch of the National Trust are embarking on a project to document these walls, method of construction, approximate date of construction and perhaps identify the stonemasons that built different walls.</p> <p>Many walls have gone and we feel it is important to protect the walls that are remaining, given the unfortunate loss that occurred in another municipal area.</p>	<p>Council agrees that the stone walls around Port Fairy should be retained and protected.</p> <p>Heritage matters are beyond the scope of Amendment C69moyn, however, Council expects to work with the Port Fairy National Trust Branch to consider inclusion of the Stone Walls as part of a future Heritage Study and separate amendment process.</p>
3	Objection to the application of the ESO7	See Submission 1
4, 4a	<p>Objection to the rezoning of existing Farming Zone land to RCZ.</p> <p>Request that a portion of land adjoining Osmonds Lane to the east, and an area to the north of Mariner Court and Whalers Drive, be rezoned NRZ rather than RCZ, as Council approval to</p>	<p>In the PFCSP, the Belfast Lough environs are identified as:</p> <ul style="list-style-type: none"> <li>* having high environmental value as flora/fauna habitat;</li> <li>* being of significant landscape value with views across and within the Lough from key gateways and vistas into, and within, Port Fairy; and</li> <li>* being subject to existing riverine and estuarine flooding, and future</li> </ul>

	<p>develop was given under Permit No. 95043P, issued 27 October 1995.</p>	<p>coastal inundation.</p> <p>Consequently, the area has been excluded from the coastal settlement boundary, in accordance with <i>Planning Practice Note 36: Implementing a Coastal Settlement Boundary</i> (PPN36), and proposed for rezoning to the RCZ, in accordance with <i>Planning Practice Note 42: Applying the Rural Zones</i> (PPN42).</p> <p>The RCZ recognises the environmental sensitivity of the Lough environs whilst still allowing continued use of properties for both agricultural purposes and/or development of one dwelling per lot, as is currently permitted, subject to the requirements of flood provisions and any other applicable overlay being met.</p> <p>The PFCSP identifies sufficient land to accommodate future growth in Port Fairy - infill and greenfield - that is not subject to the high level of risk on the subject site.</p> <p>In any case, the rezoning of land requires careful consideration via the amendment process instituted by the PAEA, to ensure sufficient strategic justification is identified, and all potential impacts are considered appropriately. As such, the rezoning of an individual parcel of land that is not within the authorised scope and cannot be undertaken as part of Amendment C69moyn.</p> <p>Permit No. 95043P expired on 27 October, 1999. It is not relevant to a consideration of potential future planning scheme controls on the land.</p>
	<p>MSC has requested to acquire a section of my land for drainage infrastructure, reducing its capacity for future residential subdivision. It is requested that an equivalent area proposed for the RCZ be rezoned to the GRZ to compensate for the shrinkage of the building envelope.</p>	<p>Since this submission was lodged, the acquisition request was resolved by alternate means. There is no longer a basis to consider this request.</p>
	<p>Two proposed subdivisions would benefit by the extension of Osmond's Lane, allowing a safer and more direct route for the future residents.</p> <p>The submitter proposes that land required to facilitate such an expansion could be ceded to Council, and road costs negotiated.</p>	<p>Council notes that neither of the identified subdivisions have been approved at time of writing, and that the southern portion of Osmond's Lane is already developed, without capacity to accommodate the proposed increase in usage.</p> <p>The PFCSP identifies sufficient land to accommodate future growth in Port Fairy - infill and greenfield - that is not subject to the high</p>

	It is also proposed that a portion of the submitters land adjoining Osmond's Lane be rezoned for residential use.	level of flood risk, and does not hold comparable landscape and amenity value to the town as the subject site..  <b>No changes to Exhibited amendment documents are proposed in response to these submissions.</b>
5	Objection to the application of the ESO7	See Submission 1
6, 6a, 21a, 26a, 39, 39a, 58a, 97	<p><u>Model Lane - Zone Issues</u></p> <ul style="list-style-type: none"> <li>• The change of zoning from LDRZ to RCZ will unnecessarily restrict existing/future residential development on the land and subdivision of the land.</li> <li>• If the RCZ is to be used to conserve the natural environment, natural resources and biodiversity values it is better served being limited to that part of the site that is directly adjacent to the Belfast Lough that contains floodplain vegetation and supports existing biodiversity values.</li> <li>• The RCZ is not a Zone that should be used for consideration of land in floodplains. There is a suite of floodplain controls in the Victorian Planning Provisions that exist to control land in floodplains.</li> <li>• The existing LDRZ should not be altered or removed from that part of the site that has been established for residential uses and that part of the site closer toward the Model Lane frontage.</li> </ul>	<p>Due to its proximity to the Moyne River, the land identified in the submission is classified as part of the Belfast Lough environs, which are recognised as:</p> <ul style="list-style-type: none"> <li>• having high environmental value as flora/fauna habitat;</li> <li>• being of significant landscape value with views across and within the Lough from key gateways and vistas into, and within, Port Fairy; and</li> <li>• being subject to existing riverine and estuarine flooding, and future coastal inundation.</li> </ul> <p>Consequently, further development of the Lough environs is no longer considered to be appropriate and the area has been excluded from the coastal settlement boundary, in accordance with <i>Planning Practice Note 36: Implementing a Coastal Settlement Boundary</i> (PPN36), and proposed for rezoning to the Rural Conservation Zone (RCZ), in accordance with <i>Planning Practice Note 42: Applying the Rural Zones</i> (PPN42).</p> <p>The RCZ recognises the environmental sensitivity of the Lough environs whilst still allowing continued use of properties for both agricultural purposes and/or development of one dwelling per lot, as is currently permitted, subject to the requirements of flood provisions and any other applicable overlay being met.</p> <p>The PFCSP identifies sufficient land to accommodate future growth in Port Fairy - infill and greenfield - that is not subject to the high level of flood risk, and does not hold comparable landscape and amenity value to the town as the subject site.</p> <p>The full suite of floodplain controls was considered during the preparation of the PFCSP. <i>Planning Practice Note 12: Applying the Flood Provisions in Planning Schemes</i> (PPN12) notes that the application of flood provisions is dependent on the level of flood</p>

		<p>risk, assessed through a number of variable contributing factors. The Victoria Planning Provisions (VPP) include one zone that relates to use of land to manage flooding, the Urban Floodway Zone (UFZ), which is applied to urban areas where the primary function of the land is to convey active flood flows. The UFZ restricts the use of such land to activities such as apiculture, animal husbandry and recreational activities, as the risk associated with flooding renders it unsuitable for and further intensification of use or development. As such, the UFZ was not considered appropriate for application to land in Port Fairy.</p> <p>The VPP includes three flood-related overlays, the Floodway Overlay, the Land Subject to Inundation Overlay (LSIO) and the Special Building Overlay (SBO), which are the appropriate tools to manage a range of situations in both rural and urban areas where the potential flood risk is less than in the UFZ, and where control over development (buildings, works and subdivision), rather than land use, is sufficient. As such, the FO and LSIO are considered the appropriate tools to address the level of risk posed by flooding in Port Fairy, enabling the primary use of the land to be recognised while acknowledging its flooding characteristics.</p> <p>It would not be appropriate to maintain the existing LDRZ and thereby allowing intensification of development in areas that have high environmental value and high risk of flooding. Further, it would not be good planning practice to apply both the RCZ and the LDRZ to a single parcel of land; although some legacy issues remain in the scheme, Council seeks to avoid additional instances of applying multiple zones within individual lots.</p>
6, 6a, 21a, 39, 39a, 58, 58a	<p><u>Model Lane - Floodplain issues</u></p> <ul style="list-style-type: none"> <li>• There is minimal risk to the developed area of the site under the current Floodway Overlay.</li> <li>• 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, resulting in significant increases in planning constraints on the site.</li> <li>• The level of risk applied to the Port Fairy Floodplain through C69 is not consistent with State Planning Policy.</li> </ul>	<p>The State Government, through Clause 13.01-2S of the Moyne Planning Scheme, requires Council to plan for and manage the potential coastal impacts of climate change. This includes to "Plan for sea level rise of <i>not less than</i> 0.8 metres by 2100 and <i>allow for the combined effects of tides, storm surges, coastal processes and local conditions</i> such as topography and geology when assessing risks and coastal impacts associated with climate change'.</p> <p>Port Fairy has been subject to multiple local coastal hazard assessments (since 2007), including extensive scientific modelling on the impacts of a range of projected sea level rise scenarios up to</p>

	<ul style="list-style-type: none"> <li>• The Revised Local Floodplain Development Plan and the proposed Floodway Overlay will make it very difficult to gain a permit to construct new dwellings, dwelling extensions and further subdivision of the land.</li> <li>• Based on the revised Local Floodplain Development Plan, it is unknown whether any land would be viable for residential development. Notwithstanding this issue, the Development Plan specifically states that access to each dwelling must be via land that will have a flood depth of less than 300mm. On the basis that much of the site is proposed to be located in the Floodway Overlay (indicating a flood depth of greater than 0.5m) and large extents of Model Lane are also proposed in this Overlay, there is the current possibility that each future dwelling on each of the vacant lots could be refused on the grounds of safe access issues.</li> <li>• The landowners do not support this change to the planning controls, which would impact the ability to subdivide the land to provide additional land supply to the town, which is currently at critical lows; construct new dwellings; construct future dwelling extensions and additional associated shedding to meet the future needs of existing and future landowners.</li> </ul>	<p>1.2 metres. The use of computer based modelling has been consistently accepted by Planning Panels as an appropriate basis for application of flood controls.</p> <p>. The Victorian <i>Marine and Coastal Policy 2020</i> (MCP) and Marine and Coastal Strategy 2022 (MCS) note that the '<i>not less than 0.8m</i>' is a baseline measure only, intended for a review which is understood to be currently underway.</p> <p>It is also important to note that the 1.2m SLR scenario has the support of the GHCMA, the Floodplain Management Authority for the region under the <i>Water Act 1989</i>, as detailed in Submission 76a.</p> <p>State policy is to 'avoid development in identified areas that are vulnerable to coastal hazard risk', and to consider the Precautionary Principle in planning and decision-making, to protect the public from harm when scientific investigation has found a plausible risk. The PFCSP identifies land for future growth in Port Fairy that is not subject to high risk of inundation.</p> <p>The extent of the proposed overlays is based on the best available data and modelling, and their implementation will provide certainty for development in Port Fairy, and minimise impacts of flood events and costs to the community.</p>
6, 6a	<p><u>Land Supply</u></p> <p>If Amendment C69 proceeds as it is currently proposed, there will be a loss of lots to the already crippled land supply for the township.</p>	<p>The PFCSP identifies sufficient land to accommodate future growth in Port Fairy - infill and greenfield - that is not subject to the high level of risk on the subject site. The subject site is not within the Coastal Settlement Boundary that indicates an estimated 10-15 year supply of land for residential use.</p> <p>The PFCSP is based on the Precautionary Principle – Council seeks to avoid exacerbating the potential social and economic costs of flood events, in accordance with the PAEA Objective (c) 'to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria'.</p>
6, 6a, 7, 21, 27, 35, 74	<p><u>Insurance Premiums</u></p>	<p>According to information from the Insurance Council of Australia and the Floodplain Management Association, most insurers use the</p>

	<p>The landowners are also concerned about the economic impacts of the amendment which will result in a significant rise in insurance premiums for the land, and potential loss of asset value of the land</p>	<p>National Flood Information Database to determine insurance pricing, not local planning schemes. This database has been developed by the insurance industry with state and territory governments, and provides an address-specific assessment of potential depth of flooding. In addition, insurers assess flood risk for the 12 month period covered by the policy, not long-term projections.</p> <p>The 'expected cost of recovery' is a key factor in determining insurance premiums (along with likelihood and depth of flooding), therefore compliance with requirements set out in the overlays could be expected to reduce insurance premiums.</p> <p>Individual property values are not a relevant consideration.</p>
6, 6a	<p><u>Mitigation Works</u></p> <p>There are no details in C69 that proposes any flood mitigation works that could alleviate flooding effects to land within the vicinity of Model Lane to provide the continuing viability of land to be used for additional low density residential development.</p>	<p>The flood provisions proposed by Amendment C69moyn have been considered in a manner that is consistent with the pathway approach indicated by the <i>Marine and Coastal Policy 2020</i>, (MCP) recognising that 1) non-intervention in local natural systems, and 2) avoidance new uses and development in areas that are negatively impacted by coastal hazards, are the preferred adaption actions in the Port Fairy context. The MCP identifies mitigation works as 'the option of last resort', noting that they are often expensive, their benefits tend to be localised, and they frequently transfer problems to nearby areas. The MCP further states that the State government and Crown land managers do not have an obligation to manage marine environments for the primary purpose of protecting private property.</p> <p>The PFCSP states that mitigation works should not influence planning decision making until they are implemented, and relevant flood impact modelling is updated.</p>
6, 6a	<p><u>Concurrent exhibition of Amendment C75</u></p> <p>The approval to exhibit and progress consideration of Planning Scheme Amendment C75 (River Run Estate) proposes to rezone land from Farming Zone to General Residential 1 Zone with an average lot size of 500m2 that is now proposed to be located completely in the Floodway Overlay as detailed in C69. But in the very same Amendment seeks to remove the Low Density</p>	<p>Council is obliged to consider all applications for planning scheme amendments. Amendment C75moyn was exhibited concurrently with the further consultation period undertaken for Amendment C69moyn so that a number of overlapping issues could be fully understood and cohesively addressed through the amendment process. Amendment C75moyn is a proponent-led amendment that is a separate proceeding from Amendment C69moyn.</p>



	Residential Zone from 143 Model Lane. The concept of “robbing Peter to pay Paul” in a floodplain in an attempt to provide residential land supply is incongruous.	The proposal that is the subject of Amendment C75moyn will be assessed in accordance with the Moyne Planning Scheme. <b>No changes to Exhibited amendment documents are proposed in response to these submissions.</b>
7	Did not receive appropriate notification regarding exhibition of Amendment C69.	The exhibition of Amendment C69moyn was conducted in accordance with the requirements of the PAEA and PAER. Council confirms that the owners and occupiers of the property in question were included in the mailing of notification letters to owners and occupiers of affected properties which occurred on 14 May 2020.
	<p>We oppose any changes as we will be adversely affected by both amendments.</p> <p>We are in the process of subdividing 1 acre from our [#] acres fronting Model Lane. This is for retirement planning.</p> <p>Building permits on the flood overlay may be negated even if the subdivision goes ahead.</p> <p>The subdivided area is unsellable if a building permit cannot be obtained.</p> <p>The value of our existing property may decrease as it may be difficult to gain insurance coverage or if obtainable may be considerably higher premium.</p>	<p>Existing planning and building permits will not be affected by the new provisions.</p> <p>In accordance with State policy, Council seeks to 'avoid development in identified areas that are vulnerable to coastal hazard risk', in view of the potential loss of life, damage to property, and recovery costs to the community generated by a flood event. Under the Precautionary Principle, Council's responsibility is to protect the public from harm when scientific investigation has found a plausible risk.</p> <p>The flood overlays do not prohibit development on flood-affected land, but rather provide guidance to minimise the potential for loss of or damage to life or property. Compliance with the best practice measures outlined in the proposed flood provisions offers land owners the means to manage prospective investment to reduce, rather than compound, potential losses.</p> <p>Individual property values are not a relevant consideration.</p>
	Concerns regarding increased Insurance Premiums	<p>See Submission 6a.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
8	Objection to the application of the ESO7	See Submission 1
9	<p>The PFCSP is based on 3 untested assumptions:</p> <p>1. That the overlay for a bypass designed half a century ago is still fit for purpose.</p>	During preparation of the PFCSP, and in their submission to this Amendment C69 exhibition, the Department of Transport (DoT) (formerly VicRoads) confirmed the intent to retain the PAO for the Port Fairy Bypass (Submission 37).

		<p>The submission further states that the recently released <i>Princes Highway (PHW) Corridor Strategy</i> provides direction for the longer-term development of the Princes Highway. The Department is currently planning for the future of the PHW corridor, including investigating the longer term need for the PAO. This work, once completed, will inform future decision-making by Council.</p>
	<p>2. That the flood regime of the Moyne River warrants a high-risk strategy to safely manage its effect on areas of residential development without supporting evidence.</p>	<p>The State Government, through Clause 13.01-2S of the Moyne Planning Scheme, requires Council to plan for and manage the potential coastal impacts of climate change. This includes to "Plan for sea level rise of <i>not less than</i> 0.8 metres by 2100 and <i>allow for the combined effects of tides, storm surges, coastal processes and local conditions</i> such as topography and geology when assessing risks and coastal impacts associated with climate change'.</p> <p>Port Fairy has been subject to multiple local coastal hazard assessments (since 2007), including extensive scientific modelling on the impacts of a range of projected sea level rise scenarios up to 1.2 metres. The use of computer based modelling has been consistently accepted by Planning Panels as an appropriate basis for application of flood controls.</p> <p>It is also important to note that the 1.2m SLR scenario has the support of the GHCMA, the Floodplain Management Authority for the region under the <i>Water Act 1989</i>, as detailed in Submission 76a.</p> <p>State policy is to 'avoid development in identified areas that are vulnerable to coastal hazard risk', and to consider the Precautionary Principle in planning and decision-making, to protect the public from harm when scientific investigation has found a plausible risk. The PFCSP identifies land for future growth in Port Fairy that is not subject to high risk of inundation.</p> <p>The extent of the proposed overlays is based on the best available data and modelling, and their implementation will provide certainty for development in Port Fairy, and minimise impacts of flood events and costs to the community.</p>

	<p>3. That a planned sea level rise for Port Fairy that is 50% higher than that which applies to the rest of the Victorian Coast is fair and orderly and can be defended in any court challenge.</p>	<p>Council's responsibility is to protect the public from harm when scientific investigation has found a plausible risk (known as the Precautionary Principle). The extent of the proposed overlays is based on the best available data and modelling, which is an appropriate basis for application of flood controls.</p> <p>. The Victorian <i>Marine and Coastal Policy 2020</i> (MCP) notes that the '<i>not less than 0.8m</i>' is a baseline measure only, intended for a review which is understood to be currently underway. Further, the MCP notes that 'Sea level rise is not globally uniform and regional differences within <math>\pm 30\%</math> of the global average can result from several factors.'</p> <p>Council understands that a number of other localities are currently in the process of modelling local flood risk based on SLR scenarios above 0.8m.</p>
	<p>These assumptions clearly limit the development potential and life style opportunities for Port Fairy with a detrimental effect on the town's economic wellbeing and social fabric.</p>	<p>There is a long established and accepted practice of regulating land use and development by statutory planning schemes in Victoria. Planning schemes are one element of the diverse legislative framework that regulates how land is used, including by land owners.</p> <p>State policy is to 'avoid development in identified areas that are vulnerable to coastal hazard risk', and to consider the Precautionary Principle in planning and decision-making, to protect the public from harm when scientific investigation has found a plausible risk. The PFCSP identifies land for future growth in Port Fairy that is not subject to high risk of inundation.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
10	<p>I am writing to strongly object to 'Amendment C69 being implemented, as I wish to seek clarification that my family and I can build our future family home on [address].</p>	<p>The submission was made in June 2020, and Council records show that a planning permit for a dwelling, outbuilding and swimming pool on the identified site has been granted. Amendment C69moyn does not impact existing permits.</p> <p>Future permit applications will be determined on the basis of the planning scheme requirements that exist at the time of the application.</p>

	<p>I am really disappointed in the process and management of the implication of the Amendment C69 and the total lack of clarity and communication.</p> <p>The information I have been sent doesn't seem to show the enormity of how this Amendment can affect the lives of so many people along Model Lane.</p>	<p>The process undertaken for Amendment C69 has met the requirements of the PAEA and the PAER, including longer exhibition periods than the minimum of 28 days to allow for potential impacts of COVID-19. Further, two consultation periods were held during the earlier preparation of the PFCSP.</p> <p>All owners and occupiers of land in Model Lane were notified of the exhibition of Amendment C69 by mail via Australia Post, and advertisements were lodged in local papers. Further information has been available on Council's website, and Council officers have been available to discuss the implications of the amendment throughout.</p> <p>There is a long established and accepted practice of regulating land use and development by statutory planning schemes in Victoria. Planning schemes are one element of the diverse legislative framework that regulates how land is used, including by land owners.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
11	<p>We wish to voice our concerns as to the directives of the C69 Amendment poses and strongly object to specific content of it.</p> <p>It makes suggestions and reference to houses mapped in their proposed hazard zone areas by erosion/sea or floods and dwellings that are lost to events (such as fire, storm, etc.) shall not be supported to be replaced. This is a ludicrous view that suggests homes lost to the forces of nature and major events should not be replaced. There are precedents all over Australia of people's choices to reside in all manner of geographical areas like lakes, rivers snowfields, mountains, plains and coastal locations. A directive on how to best manage these areas and work with council led actions plans filtering through to State/Federal Government bodies would make more sense.</p> <p>The coastline is unique and protection and maintenance strategies should be put in place to mitigate the impacts of any climate change scenarios. These selected lifestyle areas will pass 'to generations' ongoing and should be enhanced and protected</p>	<p>The PFCSP notes that careful consideration should be given to the suitability of replacing dwellings or other structures that may be subject to high levels of future risk, particularly in light of changes to the <i>Marine and Coastal Act</i> in 2018. Further, the <i>Marine and Coastal Policy 2020</i> stipulates a hierarchy of adaption actions that prioritises non-intervention in marine and coastal processes, and avoidance of development in areas that are negatively impacted by coastal hazards. The flood controls proposed by Amendment C69moyn provide guidance on managing construction in affected areas, to minimise potential impacts.</p> <p>The MCP identifies mitigation works as 'the option of last resort', noting that they are often expensive, their benefits tend to be localised, and they frequently transfer problems to nearby areas. The MCP further states that the State government and Crown land managers do not have an obligation to manage marine environments for the primary purpose of protecting private property.</p>

	<p>by council and government while allowing the local population to habitat and enjoy these areas which exist all over Australia.</p> <p>We believe it is an error in the mapping display and context to the Northern end of our property, which abates the Thistle Place roadway. This was proposed to be low density residential zoned land allowing for 2000 sqm (sewered) or 4000sqm approved effluent system. This was what was proposed and exhibited throughout the display at the Amendment process, which we strongly supported at a .8 sea level rise scenario (not 1.2). This is in conflict with the current state mantra, which shall not be less than .800 sea level rise. This allows for the continuity of small lifestyle living allotments to remain on the South side of Thistle Place, which is not affected by overland waterway/flooding and catchment areas. Allotments, which would be in context and harmony with the current present day neighbourhood characteristics of the area. The mapping lines and clarity sought for the development of this area were evident on the previous exhibited coastal structure plan of 2017 however on the current exhibited C69 Amendment the potential low-density residential mapping has been altered and removed. On this basis we do not support C69.</p>	<p>The zoning of the subject property to Rural Living was determined through the development of the <i>Port Fairy West Structure Plan 2014</i>, which was implemented through Amendment C60moyn in 2016.</p> <p>The subject site is outside the Coastal Settlement Boundary, and there is no strategic justification to amend the zone at this time.</p> <p>Amendment C69 does not propose to rezone the land at Lot 2/25 Thistle Place and as such it is not included within the Amendment scope or documentation.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
12	Objection to the application of the ESO7	See Submission 1.
13	I wish to object to the proposed amendment as my understanding is it will impact how I use my land in the future.	<p>Council notes the content of this submission</p> <p>There is a long established and accepted practice of regulating land use and development by statutory planning schemes in Victoria. Planning schemes are one element of the diverse legislative framework that regulates how land is used, including by land owners.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
14	Objection to the application of the ESO7	See Submission 1.
15, 22, 26a, 48, 53, 53a	The landowners do not support the introduction of a Parking Overlay. The requirement to either provide carparking on site or pay for a reduction in spaces has the potential to impact the commercial floor area yield of the property, and consequent mix of	Council officers note that the <i>Port Fairy Car Parking Strategy 2017</i> found the existing supply of parking to be adequate for the

	<p>uses in any resultant development. It would likely result in a lower yield of commercial floor area. This is not an ideal outcome, as the Economic and Tourism Land Use Analysis (2016) for Port Fairy identifies a demand over the next 20 years for 5000 sqm of retail floor space, with a further demand for another 5400sqm (approx.) for office and hotel/accommodation floor space before 2036.</p>	<p>population, and offered further recommendations to manage heightened demand during peak periods.</p> <p>Further, funding to improve overall parking amenity in the town is provided through Council's annual budget. Consequently, Council has resolved to abandon the application of the Parking Overlay as part of Amendment C69moyn and not refer these submissions to a Panel. It is therefore not a matter before the Panel.</p>
	<p>The landowners do not support the mandatory height control in proposed DDO1 – 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.</p>	<p>The proposed DDO1 establishes a 9 metre height limit, which allows up to three storey development on a site, in keeping with the valued character of the town centre. In view of the increasing development pressures identified in the PFCSP, Council considers the mandatory height control is necessary to maintain consistency with the distinctive heritage scale and character of the town centre.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
16, 16a	<p>I wish to request a change to the wording for DD06 with regards to the setbacks. The current setback wording states:</p> <p>“River setbacks should be at least 4.5m or in line with the adjacent properties, whichever is greater”</p> <p>Your proposed change states:</p> <p>“Be set back a minimum 4.5 metres from property boundary adjacent to the Moyne River or in line with setbacks of adjacent properties.</p> <p>By removing the wording “whichever is greater” at the end of this statement it could be interpreted that anyone can build out as close as 4.5 metres to the river. If this was to happen it would completely remove the established development pattern on the river.</p>	<p><b>Council proposes to change the wording of the Exhibited DDO6 document to include ‘whichever is greater’.</b></p>
	<p>It is not clear why the second round of consultation is focused only on flood overlays, and what has become of the submissions made in the first round.</p>	<p>In August 2020, Amendment C69moyn was placed on hold to allow further flood modelling to be undertaken, in response to the submissions received in during the initial exhibition. The consultation undertaken between 16 December 2021 and 31</p>

		January 2022 focused on the new flood mapping to ensure that the community had the opportunity to provide feedback. Following the close of consultation, progression of the Amendment in its entirety has recommenced, and responses to the earlier submissions are included in this report.
	Secondly as the C69moyn Amendment now has various attachments relating to flood overlays one of which is the updated Flood Summary Report 2021 the information provided is not correct. Under 4.1 Flood History it states that 2 houses in Griffiths Street and units at the Garden Caravan Park where flooded in 2020. In fact the damage was far greater than that and I am sure the SES who worked tirelessly for over two weeks to clean up the damage would advise you that the following streets were excessively damaged: Bourne, Ritchie, Manifold & Connolly as well as Griffith Street and a large section of the Gardens Caravan Park.	Council notes this information.
	Further it is my understanding that in the past 10 years anyone wishing to build in these flood prone areas are required to have a start build height of 1.7 metres off ground level and this has been the case in new properties built in Bourne, Ritchie and Manifold Street. So if the C69moyn is to be related to the Amendment C75moyn Rivers Run Estate then that would suggest that this new estate would also need to comply with these guidelines. ... It concerns me as a resident that the Amendment C69moyn has become more about the proposed C75moyn Rivers Run estate than the original proposal put to residents.	<p>Although Amendment C75moyn was exhibited concurrently with the further consultation period undertaken for Amendment C69moyn, they remain two separate proceedings.</p> <p>The proposal that is the subject of Amendment C75moyn will be assessed in accordance with the Moyne Planning Scheme, and is required to satisfy all relevant requirements.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
17	<p>I wish to advise that my property will be affected by the Flooding &amp; Coastal Inundation and therefore request that any change to policy takes into account the preservation of our property and we are dually consulted with the ongoing project.</p> <p>I would also like to advise that I am supportive of the Reedy Creek Project and having this project escalated to provide direct access from Osmond Lane to the Rail Trail to create an easier access to the trail.</p>	<p>Council notes this submission and maintains the application of the flood controls is appropriate.</p> <p>All submissions have been and will be notified of progression of the amendment.</p> <p>The Reedy Creek project is beyond the scope of the amendment.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>

18	It is requested that the property at 65 Bank Street be rezoned to Commercial 1 Zone as part of Amendment C69moyn.	<p>This request was considered during the development of the PFCSP. At that time, rezoning was not supported due to the site's location on the periphery of the town centre, and neighbouring residential uses. Further, the PFCSP identifies adequate land for commercial rezoning to accommodate projected demand for commercial floor space in Princes Street and the eastern section of Bank Street.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
19, 19a	We write to advise of our conditional support of the planning scheme amendment c69moyn Port Fairy coastal and structural plan. It is our belief that by simplifying the planning processes we will have an easier and more consistent planning process in the township of Port Fairy.	Council notes the content of this submission.
	We refer to our correspondence in June 2020 and your notice of further consultation on the C69moyn Port Fairy Coastal and Structure Plan 2018. As per our discussions with you and correspondence then, if there is any change to our ability to subdivide and build on our block at [address], including the types of subdivision(s) and building/planning regulations applicable, we would not support the proposed plan. We have spent considerable time and money with local third-party planners exploring the possibilities for this block in recent years based on what they/we know as current status and should any change you are proposing impact our ability to act on these possibilities, we would not support.	<p>Changes to the Planning Scheme occur on an ongoing basis, as planning practice seeks to respond to changing conditions and information. An application for a planning permit to subdivide or undertake other works is assessed on the scheme as it exists at the time of the application.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
20	The proposed planning controls are predicated upon a 1.2m sea level rise by 2100. The use of this sea level rise scenario to inform proposed planning controls: a) is contrary to the planning policy framework and current Victorian planning benchmarks; and b) is not strategically justified.	The State Government, through Clause 13.01-2S of the Moyne Planning Scheme, requires Council to plan for and manage the potential coastal impacts of climate change. This includes to "Plan for sea level rise of <i>not less than</i> 0.8 metres by 2100 and <i>allow for the combined effects of tides, storm surges, coastal processes and local conditions</i> such as topography and geology when assessing risks and coastal impacts associated with climate change'.



		<p>The Victorian <i>Marine and Coastal Policy 2020</i> (MCP) notes that the 'not less than 0.8m' is a baseline measure only, intended for a review which is understood to be currently underway.</p> <p>Port Fairy has been subject to multiple local coastal hazard assessments (since 2007), including extensive scientific modelling on the impacts of a range of projected sea level rise scenarios up to 1.2 metres. The use of computer based modelling has been consistently accepted by Planning Panels as an appropriate basis for application of flood controls.</p> <p>It is also important to note that the 1.2m SLR scenario has the support of the GHCMA, the Floodplain Management Authority for the region under the <i>Water Act 1989</i>, as detailed in Submission 76a.</p>
	The proposed planning controls do not account for the significant differences between riverine flooding and coastal inundation, and therefore represent an inappropriate use of the VPP's.	<p>The updated proposed planning controls differentiate between riverine and coastal flooding through the application of LSIO2 and 4, and FO2 and 3. LSIO2 and FO2 are applied where the 1.2m SLR input does not contribute to flood levels.</p> <p>The proposed performance requirements and exemptions apply to areas affected by both riverine and coastal flooding as the means to reduce flood impacts are similar regardless of the source of the floodwater.</p>
	The proposed planning controls unreasonably preclude the implementation of mitigation or adaptation measures.	<p>The MCP identifies mitigation works as 'the option of last resort', noting that they are often expensive, their benefits tend to be localised, and they frequently transfer problems to nearby areas. The MCP further states that the State government and Crown land managers do not have an obligation to manage marine environments for the primary purpose of protecting private property.</p> <p>The PFCSP states that mitigation works should not influence planning decision making until they are implemented, and relevant flood impact modelling is updated.</p>
	The proposed nominal flood protection level (NFPL) is not strategically justified.	<p>The application of the NFPL is derived from the delineation guidelines utilised by GHCMA, the Floodplain Management Authority for the region under the <i>Water Act 1989</i>.</p>

	The DDO4 exemption Clause refers to obsolete legislation, the Heritage Act 1995; this reference and associated text should be updated to reference current legislation.	The identified text has been removed though Council's review of the DDOs.
	DDO4 Requested changes: That greenfield areas have their own, distinct DDO schedule which identifies existing and preferred character elements and requires side setbacks of the order of 3m between buildings setback requirements of the DDO4 therefore.	The land referred to in the submission is adjacent to established residential areas, therefore it is considered appropriate that future built form be integrated with existing character. <b>No changes to Exhibited amendment documents are proposed in response to this submission.</b>
21, 21a	We wish to submit an objection to the proposed amendments that would affect the Model Lane precinct with regards to rezoning, the planning control and floodplain changes  - Rezoning to RCZ in Model Lane will adversely affect property values/saleability whether occupied or vacant land.  - Be detrimental/restrict property owners wishing to extend - current regulations quite acceptable.  - Cease ability for property owners to subdivide - current regulations are reasonable.  - For those who have already subdivided, they're lots would be deemed fairly useless.	Current and/or future asset values and pricing are determined by a range of factors, and fluctuate according to circumstances. As such, individual property values are not a valid consideration in planning for long-term community benefit and wellbeing.
	Concerns regarding increased Insurance premiums	See Submission 6a.
	The landowner is currently applying to Moyne Shire Council for two applications to subdivide the land to create a total of 3 additional lots for future residential development.	Council records show that the subdivision permit applications submitted for the identified site have been granted. Amendment C69moyn does not impact existing permits.
	Concern regarding change of zoning from LDRZ to RCZ	See Submission 6a.
	Concern regarding concurrent consideration of Amendment C75moyn.	See Submission 6a.
	Model Lane - Floodplain issues	See Submission 6a. <b>No changes to Exhibited amendment documents are proposed in response to this submission.</b>
22	The re-zoning of the residentially zoned portion of the site to Commercial Zone is supported. This area, which fronts Princes	Council notes the content of this submission.

	Street has been used for commercial uses for in excess of 40 years (by the current owners – and much longer by previous owners before that).	
	Objections to Parking Overlay and mandatory height limit.	See Submission 15. <b>No changes to Exhibited amendment documents are proposed in response to this submission.</b>
23	<p>I am writing this letter to strongly object the proposed C69 amendment with regard to the rezoning of the south of Model Lane to a Rural Conservation Zone (RCZ).</p> <p>Only 2.5 years ago I have purchased 4200m<sup>2</sup> with the majority of my lifetime savings in a rural residential zone with aim to build a dwelling and to settle and live in Port Fairy. The property is well elevated and does not even adjoin to the Belfast Lough. There is another property with a dwelling in between what doesn't make my property any different to the ones on the north side.</p> <p>The rezoning plans will be a significant impact to my personal financial situation since I have invested my lifetime saving into this block of land.</p>	<p>In the PFCSP, the Belfast Lough environs are identified as:</p> <ul style="list-style-type: none"> <li>* having high environmental value as flora/fauna habitat;</li> <li>* being of significant landscape value with views across and within the Lough from key gateways and vistas into, and within, Port Fairy; and</li> <li>* being subject to existing riverine and estuarine flooding, and future coastal inundation.</li> </ul> <p>Consequently, the area has been excluded from the coastal settlement boundary, in accordance with <i>Planning Practice Note 36: Implementing a Coastal Settlement Boundary</i> (PPN36), and proposed for rezoning to the Rural Conservation Zone (RCZ), in accordance with <i>Planning Practice Note 42: Applying the Rural Zones</i> (PPN42).</p> <p>In accordance with State policy, Council does not consider it appropriate to intensify development in areas that are prone to high risk of flooding, in view of the potential loss of life, damage to property, and recovery costs to the community that may be generated in a 1%AEP flood event. The RCZ recognises the environmental sensitivity of the Lough environs whilst still allowing continued use of properties for both agricultural purposes and/or development of one dwelling per lot, as is currently permitted, subject to the requirements of flood provisions and any other applicable overlay being met.</p> <p>As such, the rezoning of the land identified in the submission does not preclude the objective to construct a dwelling, although a planning permit is required.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>

24	<p>While there are some good things in the proposed Amendment to the Planning Scheme, I have an overall sense that Moyne Shire is continuing to push development and short-term financial gain at the expense of heritage, environmental and social values. Our town is beautiful because of the natural environment and our community, but these are not the priorities of the amendment or the supporting documents. There are 'warm and fuzzy' statements, but when it comes to the hard work of implementing the complex and delicate requirements of environmental, social, and cultural heritage protections (including Indigenous cultural heritage), the amendment is lacking.</p>	<p>Amendment C69moyn is part of ongoing strategic work by Moyne Shire Council. There is a long established and accepted practice of regulating land use and development by statutory planning schemes in Victoria. Planning schemes are one element of the diverse legislative framework that regulates how land is used, including by land owners. Other elements are required to work in concert with planning to promote desired outcomes.</p> <p>Amendment C69moyn utilises available tools within the framework of the Victorian Planning Provisions, within its authorised scope and as justified by rigorous research, to guide future growth for the benefit of residents.</p>
	<p>Port Fairy has an abundance of housing which sits empty during the week, only occupied by holiday makers.</p> <p>An effective planning scheme amendment would ensure local people have affordable housing close to community facilities, and not allow the core of the town to be depopulated in the service of tourism.</p> <p>For Port Fairy to remain a liveable town, we need to look after all of our community, and our Country. A more equitable model would be the establishment of a Community Housing Trust to manage the development.</p>	<p>At present, there is no legislation in Victoria that allows Council to regulate the use of dwellings for short term accommodation.</p> <p>Similarly, although the objective to facilitate affordable housing was included in the PAEA in 2018, there is no mandatory requirement for the provision of affordable housing.</p>
	<p>An effective planning scheme amendment would do the hard work of moving Port Fairy back from the Ocean edge and waterways to reduce our exposure to the inevitable events of flooding and coastal erosion and inundation.</p>	<p>Council has no capacity to force private landowners to vacate their land in areas affected by coastal hazards. Amendment C69moyn provides land for future growth in Port Fairy that is not subject to high risk of inundation.</p>
	<p>An Environmental Effects Statement (EES) has not been recommended. Given the potential effects on wetlands and waterways, and EES should be developed to inform the amendment.</p> <p>A Cultural Heritage assessment is also needed, particularly as development is proposed in areas around waterways which are likely to have Cultural Heritage significance.</p>	<p>These assessments are required at the development level, at the cost of those who benefit from the development, rather than being funded by ratepayers of Moyne Shire.</p>
	<p>The location of the proposed highway bypass has been outdated for many years. It was never appropriate for it to cut across</p>	<p>See Submission 9.</p>

	Companion Lagoon. This project needs a thorough revision in line with current legislation and values including Indigenous Cultural Heritage, Environmental Values, hydrology, topography, and community access.	
	In the past correction of 'anomalies' has resulted in undesirable outcomes. Any amendments should be clearly identified and put to public comment. I cannot find details of these proposals.	The proposed correction of anomalies relates to the rezoning of numerous parcels of Council-owned land to Public Use, PCRZ and PPRZ zones, and including a small number of parcels in NRZ to align with surrounding rezoning. These changes are included in the Exhibited maps.
	The wetlands, waterways, solid basalt areas and appropriate environmental buffers should be excluded from the DPO4 to make it clear that only some areas are suitable for development. Zoning the entire area as DPO4 creates unrealistic expectations of the amount of land suitable for development.	Inclusion of these areas in the DPO ensures that they are considered in design and planning of development, and that responses can be considered in assessing the Development Plan to ensure appropriate and integrated treatment of sensitive areas.
	The condensing of 19 DDO to only 7 DDO has potentially negative effects on management of built structures.	The DDOs are expected to work in conjunction with other overlays and zoning to support positive outcomes in development.
	Flooding also includes local catchment effects (e.g. stormwater going into Powling Street Wetlands, Companion Lagoon, Thistle Place Swamp). These are not considered in the flood modelling, or the flood overlays, as they are not directly connected to the Moyne Floodplain, or to the ocean. This has been raised on multiple occasions with GHCMa and Moyne Shire, but continues to be ignored.	This information has been noted for future strategic work, noting that planning is an ongoing and evolving process.
	There is a gap between the existing EMO1 west of Port Fairy, and the proposed EMO1 east of Anna Catherine Drive. The EMO should be continuous through this area.	The application of the EMO to 'fill the gap' would require appropriate notice to affected landowners, and is beyond the scope of Amendment C69moyn.
	Only one additional ESO is proposed for the Sewage Treatment plant. An ESO was proposed for Powling Street Wetlands in 2001, but has never been implemented by the Shire. Given the National Significance of this and other areas to Latham's Snipe, it is recommended that ESOs be implemented for the following areas: <ul style="list-style-type: none"> <li>• Powling Street Wetlands</li> <li>• Companion Lagoon</li> <li>• Sandy Cove (near Griffiths Island)</li> </ul>	Additional ESOs are beyond the scope of Amendment C69moyn, but may be considered through future strategic work.

	<ul style="list-style-type: none"> <li>Wetlands on private property west of Port Fairy</li> </ul> <p>All coastal areas with native vegetation should also have ESO</p>	
	I understand that this is an incorporated document, but there are multiple factual errors which influence the proposed amendment.	The LDFP has been extensively revised since following the Exhibition period. The information provided is noted by Council, but cannot be included in the revised version, which focuses on performance criteria rather than detailed background to simplify requirements on landowners.
	Flooding also has potential environmental and cultural heritage impacts. The emergency response actions, and responses after flooding (when emotions are high) can cause permanent damage if undertaken in an ill-advised manner. This is similar to what happens after an emergency fire event. Wildfire response by DELWP now incorporates a much more considered approach to suppression and rehabilitation (for example during the 2019-2020 Budj Bim fires). This also needs to be applied to flooding.	Emergency responses are beyond the scope of the Planning Scheme.
	Through their history of approving inappropriate subdivisions and development in flood-prone areas, Council has demonstrated they are incapable of recognising flood risks, or defending their own policies.	Amendment C69moyn provides a strong framework for the determination of planning permit applications related to flooding and the potential
	<p><i>Proposed: With the exception of normal residential gardening activities – strongly discourage filling of the floodplain in all areas within the LSIO and FO unless it can be demonstrated that balanced cut and fill can be achieved consistent with the Glenelg Hopkins CMA Guidelines for Floodplain Cut and Fill.</i></p> <p><input type="checkbox"/> Not support the construction of private levees.</p>	Amendment C69moyn proposes flood controls that are in accordance with the MCP, which notes mitigation works as 'the option of last resort'.
	Given the high and increasing risks of flooding, Planning controls and Council policies should be actively discouraging further development and investment. Instead these areas should be actively depopulated in recognition of their vulnerability, and the risk to life and property.	<p>Amendment C69moyn identifies land for future growth in Port Fairy that is not subject to high risk of inundation.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
25	It seems that about one third of our property is identified as "subject to inundation". Some years ago we contacted the Shire regarding water flowing down from the Primary School area down Avery Street, ponding and then entering our property at our entrance and then continuing through our garage. After the Shire inspected the situation a very small bank was	<p>Amendment C69 proposes flood provisions that are one tool in the management of flood impacts, guiding future development to ensure that flood risks are not increased beyond the boundaries of the site on which development is occurring.</p> <p>Flood mitigation and drainage works are beyond the scope of Amendment C69moyn. Both the <i>Marine and Coastal Policy 2020</i></p>

	<p>placed at our driveway which seems to have reduced the problem. While this is much appreciated it looks like a very temporary solution.</p> <p>Avery Street at this stage has no kerb and channel and we would be very interested in being included in any consultation regarding flow mitigation/flooding and drainage in this area. We would be very concerned if any development led to increasing either the chance of flooding or any likelihood of increasing the extent of flooding occurring. We were concerned in fact to learn of the housing development in the Powlett wetlands.</p> <p>I understand that there is likely to be a drainage scheme developed for the Powlett Wetlands area to mitigate flooding. We totally support the Council in their endeavours to retain the village charm of Port Fairy.</p>	<p>and the PFCSP consider physical flood mitigation works to be the 'option of last resort'.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
26, 26a	<p><u>NRZ and DDOs</u></p> <p>The use of the Neighbourhood Residential Zone is generally supported to maintain the character of Port Fairy and the rationalisation of the number of Design and Development Overlays is also strongly supported to assist with efficient land use planning in the future. However, careful consideration of effect of these changes, especially the DDO, on the efficient, sustainable and affordable development of future housing in Port Fairy should be given. In particular the some of the side setback (e.g. minimum 2m) and site coverage requirements, will limit the development of dwellings on land in the new residential areas, limiting housing choice and seemingly exceeding the current development standards in the areas of new development (South Beach, Dyson Street, Perry Close, McGill Court etc) and also the character of the older residential areas of Port Fairy where old settlement presents a very close grained urban fabric which forms a significant part of the charm of Port Fairy.</p> <p>It is submitted that significant clarity of the planning policies detailed in the MSS and DDO could be gained through re-drafting and moving planning policies from the MSS to the Local Planning Policy of the Planning Scheme. The existing MSS and Local Policy sections of the scheme are currently complex, verbose,</p>	<p>The proposed suite of DDOs aim to recognise preferred outcomes for different precincts within the town, including greenfield development, with the intent of preserving key characteristics and avoiding incongruous additions as the town grows. Council has reviewed the DDOS to ensure that necessary measures to maintain the town's essential spacious and landscaped characteristics are included, without imposing undue restrictions on new development.</p> <p>Similarly, Clause 21.09-3 has been revised and simplified for ease of understanding and operation.</p> <p><b>Council proposes to replace the Exhibited DDOs, and the Exhibited Clause 21.09-3.</b></p>

	fragmented and require significant effort to address. It is submitted that significant clarity could be gained through re-drafting these documents and ensuring that local planning policies are contained in single easily identifiable part of the planning scheme.	
	<p><u>Rural Conservation Zone</u></p> <p>The proposed rezoning of the farming zone, low density residential zone and industrial zone land surrounding the Belfast Lough is overly restrictive and not representative of the recent patterns of development through this area.</p> <p>By rezoning a significant portion of this area to RCZ, the status quo of land use will be essentially fixed in time with little incentive for the current and/or future landowners of the larger parcels of land to invest in land revegetation and continued development of this precinct into a model example of low density residential development. It is argued that the existing zoning of this land is appropriate and controls over future development can be more appropriately managed through the use of overlays such as the Design and Development Overlay, Environmental Significance Overlay, Significant Landscape Overlay, Floodway Overlay and Land Subject to Inundation Overlay.</p>	See Submission 6a.
	Parking Overlay	See Submission 15.
	<p><u>Flooding</u></p> <p>Using a projected amount of sea level rise of 1.2m is significantly in excess of the state government planning policy of a minimum 0.8m rise by 2100 and council should provide similar detailed mapping to the community modelling a 0.8m rise and give further opportunity for community consultation around the level of inundation. From memory, the earlier structure planning mapping did not show to the impact of such rises to this level of detail and areas which were on the fringe of the impact are now significantly affected.</p>	<p>Port Fairy has been subject to multiple local coastal hazard assessments (since 2007), including extensive scientific modelling on the impacts of a range of projected sea level rise scenarios up to 1.2 metres. The use of computer based modelling has been consistently accepted by Planning Panels as an appropriate basis for application of flood controls.</p> <p>State policy is to 'avoid development in identified areas that are vulnerable to coastal hazard risk', and to consider the Precautionary Principle in planning and decision-making, to protect the public from harm when scientific investigation has found a plausible risk.</p> <p>The flood overlays do not prohibit development on flood-affected land, but rather provide guidance to minimise the potential for loss of or damage to life or property. Compliance with the best practice measures outlined in the proposed flood provisions offers land</p>



		owners the means to manage prospective investment to reduce, rather than compound, potential losses.
	<p><u>Zone Changes (Growth Areas A &amp; B)</u></p> <p>Given the significant growth in regional living, especially driven by COVID19 pandemic, with the greater ability of people to work remotely, there is significant housing pressure in Port Fairy. It is submitted that due to the increased demand for land and the high cost of development in Port Fairy, that the entirety of land in Growth Area A be rezoned to Neighbourhood Residential Zone 1.</p> <p>Given the significant costs in development and extension of infrastructure, it is submitted that council liaise with the various service authorities (e.g. Wannon Water) to establish an Infrastructure Contributions Plan Overlay or Development Contributions Overlay to facilitate development in both growth areas A and B.</p>	<p>Council notes that the Explanatory Report does not include the rezoning of a parcel of land in Growth Area A from LDRZ to NRZ. However, the Exhibited map indicates Council's intention to rezone the entirety of Growth Area A to be rezoned.</p> <p>The application of a DCPO or ICPO is beyond the scope of Amendment C69moyn.</p>
27, 74	Concerns regarding increased Insurance premiums	See Submission 6a.
	<p>Zoning from Low Density Residential to rural or similar, and applying flood overlays, will:</p> <ul style="list-style-type: none"> <li>• adversely affect value of properties .</li> <li>• increase deposit requirement by 20-33% for home loans rural living.</li> <li>• Have adverse effect on "saleability".</li> <li>• Increase restrictions on development and further subdivision of existing land.</li> </ul>	<p>Individual property values are not a relevant consideration.</p> <p>The flood overlays do not prohibit development on flood-affected land, but rather provide guidance to minimise the potential for loss of or damage to life or property.</p>
	<p>Design and Development Overlays will adversely affect further development of existing and future premises and use of land. Land previously listed with LDR will have further "red tape" and unreasonable costs increased to meet overlay requirements/conditions and will be detrimental to persons seeking to challenge overlay restrictions via VCAT due to financial constraints.</p>	<p>The proposed DDO3 replaces an existing Design and Development Overlay No. 16 (DDO16) that applies to land in Model Lane. Some key requirements, such as building height and permit exemptions, remain unchanged from DDO16, while the schedule has been revised to provide additional guidance to landowners.</p> <p>The suite of DDOs across Port Fairy seek to retain and enhance the character and amenity of the town, which benefits all residents and visitors. In particular, Model Lane lies along a primary approach to</p>

		<p>the town, and has potential for significant impact on visual amenity of town gateways.</p> <p>Consideration of requirements during the preparation and design phases of the development process will minimise impacts on use and development of affected land.</p>
	<p>Moyne Shire Council has attempted to “steamroll” through a multitude of adverse changes to current residential areas within Amendment C69, with little to no warning or meaningful advertisement, and without allowing reasonable time for residents to research the proposals or obtain legal advice.</p>	<p>The process undertaken for Amendment C69 has met the requirements of the PAEA, and the PAER, including longer exhibition periods than the minimum of 28 days to allow for potential impacts of COVID-19. Further, two consultation periods were held during the earlier preparation of the PFCSP.</p> <p>All owners and occupiers of land in Model Lane were notified of the Exhibition of Amendment C69moyn by mail via Australia Post, and advertisements were lodged in local papers. Further information has been available on Council’s website, and Council officers have been available to discuss the implications of the amendment throughout.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
28	<p>Could you please keep us informed about progress in this matter.</p>	<p>All submitters to Amendment C69moyn receive notification of any events or further information relevant to the Amendment, as per the requirements of the <i>Planning and Environment Act 1987</i>.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
29	<p>Our group has fought for 20 years to protect Latham's Snipe habitat at Port Fairy Powling Street Wetlands and surrounds. We have been involved in 2 VCAT hearings (PEMS versus Stewart and Honan) to prevent their habitat from being built on as well as a case (Pendragon) on the south beach to prevent housing being approved too close to the sea and subject to coastal inundation (Ocean Drive/Anna Catherine Drive). We have been involved with researchers from Federation University (Ballarat) for a number of years studying Latham's Snipe and the last few years using tracking devices. We have tracked them occupying Companion Lagoon. Amendment C69 Moyne Submission, rezoning this area residential, therefore concerns us greatly. We have seen a decline</p>	<p>Amendment C69moyn includes the application of a Development Plan Overlay (DPO) to Growth Area A and part of Growth Area B. The DPO proposes that land within the inundation areas be designated as wetlands to protect Latham Snipe and other fauna habitat, and reflect the naturally occurring environment. Further to Submission 38, Council is proposing to amend the Exhibited DPO Document to include a number of suggested measures to increase protection of the Latham's Snipe habitat.</p> <p>As Latham’s Snipe is a protected species under the <i>Environment Protection and Biodiversity Act 1999</i>, any development proposals</p>

	in bird numbers due to housing development at Powling Street taking over their habitat, and we fear the proposed rezoning of Companion Lagoon for residential purposes, will inevitably lead to their further decline. We urge you to reject the proposal to rezone Companion Lagoon for residential purposes.	that may have a detrimental impact on their habitat will require referral to and approval by the Australian Government.
	Rather than planning for a steady retreat of vulnerable housing from rising seas, the council plans to protect these houses by expensive rock walls which may well prove futile in the long run.	<p>The PFCSP and Amendment C69moyn provide for growth areas that are removed from risk of coastal flooding, to reduce the vulnerability of residents to flood impacts, and provides for updated mapping and flood provisions to respond to flood risk in existing settled areas. Landowners in flood-affected areas cannot be forcibly required to relocate.</p> <p>The provision of rock walls other and floodwater management measures do not form part of scope of the PFCSP or this Amendment. Both the PFCSP and the <i>Marine and Coastal Policy 2020</i> consider physical flood mitigation works to be the 'option of last resort'.</p>
	Planned housing development on basalt plains which require endless machine cracking of rock and an enormous disruption to the landscape and to people's lives.	<p>Council notes the content of this submission.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
29, 40	Disturbance of ancient Aboriginal sites which are abundant in and around Port Fairy.	<p>The <i>Aboriginal Heritage Act 2006</i> provides for the protection of Aboriginal cultural heritage in Victoria. The Victorian Aboriginal Heritage Register records details about Aboriginal places, objects and knowledge, and Registered Aboriginal Parties are involved in cultural heritage decision-making. Cultural Heritage Management Plans and Cultural Heritage Permit processes are in place to manage activities that may impact Aboriginal cultural heritage; these requirements are implemented at the development stage. See <a href="https://www.firstpeoplesrelations.vic.gov.au/aboriginal-heritage-legislation">https://www.firstpeoplesrelations.vic.gov.au/aboriginal-heritage-legislation</a>.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to these submissions.</b></p>
30	I would like to oppose the long term planning strategy in regards to Longer Term Industrial Growth, and the ESO with the 500 meter buffer that will surround the Water Treatment Plant.	The Port Fairy Framework Map included in Amendment C69moyn indicates the potential for future use of land along Blackwood Road for industrial purposes, although the PFCSP notes an ample

	<p>There is an existing industrial paddock opposite Bam Stone on the corner of Hamilton &amp; Blackwood Rd. We are concerned that the Longer term industrial growth will go down Blackwood Rd. In the long term map there are arrows directed down Blackwood Rd with the legend stating Longer Term Industrial Growth. ... if, down the track, Blackwood Rd is to become industrial, there will be a large parcel of land that has a 500 meter buffer that will restrict building/sheds. I realise the Industrial sheds out North Port Fairy have no room to expand, but out West Port Fairy, there is ample land that could be marked for industrial. Where the growth area of 600 houses is earmarked, is under water every winter. Unsure why or who suggested this area. This to me would be a better area for Industrial, and between Albert Rd and Blackwood Rd a better area for housing growth.</p>	<p>existing supply of industrial land in Port Fairy. The rezoning of further land for industrial use would require a future planning scheme amendment, at which time all relevant considerations will be assessed.</p> <p>Although it is appropriate practice to implement a buffer between uses with potential for amenity impacts on sensitive receptors and future residential development, as noted by the EPA, the ESO may no longer be the most suitable of the Victoria Planning Provisions to apply for the purpose following the introduction of the Buffer Area Overlay. Therefore Council has resolved to abandon the application of the ESO as part of Amendment C69moyn.</p> <p>Council expects to undertake additional research and consultation to ascertain whether the application of an ESO or a BAO would be an appropriate course of action in regard to the Wannon Water site and others, and undertake a separate amendment should it be required.</p>
	<p>Use of land in proximity to the Wannon Water – Water Reclamation Plant will be restricted by application of the ESO7. Some landowners purchased their holdings before construction of the plant in 2008-2009 (some as much as 50 years ago) with intentions to build housing, and it is not fair to impose these restrictions.</p> <p>Why do Wannon Water need this buffer, if it is for future development of the treatment plant, they have already acquired land they could use.</p>	<p>Changes to the Planning Scheme occur on an ongoing basis, as planning practice seeks to respond to changing conditions and information.</p> <p>If applied, the purpose of the Buffer Area Overlay would be to identify areas where there is potential for off-site impacts on human health or safety, or significant impacts on amenity, and ensure that use and development within the buffer area is compatible with off-site impacts.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
31, 31a	<p>I am very concerned about the development of the new dwelling zones. I know and understand the fear people have of compromising the 'small fishing village,' tourist attraction that Port Fairy is. However, the 'notion' of that small village feeling can be replicated with careful and considerate planning, so as to eliminate the 'suburban' development that plagues other areas in the south of the town and beyond this shire. Dwellings with smaller footprints, strict environmental regulations including correct orientation, rainwater capture and careful consideration of</p>	<p>As noted, Amendment C69moyn seeks to promote the identified objectives by using the available planning tools, with the intent of preserving key characteristics and avoiding incongruous additions as the town undergoes inevitable growth. Clause 21.09-3 delineates a coastal settlement boundary that will guide the long-term growth of Port Fairy; the NRZ emphasises existing forms of development and restricts height beyond 2 storeys. The proposed suite of DDOs aim to recognise preferred character outcomes for different character precincts within the town, including greenfield</p>

	<p>tree planting and open spaces should be a part of any future development. Clearly the expansion of the town will evolve but HOW that occurs will hopefully allay people's fears.</p>	<p>development, with the intent of preserving key characteristics and avoiding incongruous additions as the town grows. It is expected that the settlement character will continue to evolve, as in the past, rather than remain fixed in current patterns.</p>
	<p>The Bi-Pass seems to be still on the table, however the proposed route that was projected years ago seems very outdated now that many dwellings have been established and continue to be developed along the Albert Road. Why therefore is the proposed Bi-Pass not being moved further north? It seems to be ridiculously close to the proposed future housing development, according to the C69 amendments...?</p>	<p>During preparation of the PFCSP, and in their submission to this Amendment C69 exhibition, the Department of Transport (DoT) (formerly VicRoads) confirmed the intent to retain the PAO for the Port Fairy Bypass (Submission 37).</p> <p>DoT further states that the recently released Princes Highway (PHW) Corridor Strategy provides direction for the longer-term development of the Princes Highway. The Department is currently planning for the future of the PHW corridor, including investigating the longer term need for the PAO. This work, once completed, will inform future decision-making by Council.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
	<p>Amendment C69moyn and Amendment C75 Rivers Run Estate, I believe, contradict each other's information. They should not have been lodged in conjunction with each other as it has 'muddied the water', (so to speak), and made much of the information difficult to decipher with reference to each of them.</p>	<p>Amendment C69moyn seeks to implement high-level strategic directions for Port Fairy. Although exhibited concurrently, Amendment C75moyn is a separate, proponent-led amendment, requiring the consideration of a specific proposal applying to land in a different location to the site that is the subject of this submission. While Amendment C75moyn was exhibited at the same time the further consultation on Amendment C69moyn, it will be assessed separately on its merits.</p>
	<p>With the ever increasing threat of Climate change on coastal communities and consequential rising sea levels, the (FO) and the (LSIO) in the C69 amendment, become even more critical.</p> <p>...</p> <p>There is no reference to the fauna and flora significance, which historically, to our detriment in planning and development concepts, we have continued to ignore. Our modern understanding of settlement development should always START WITH the primary consideration of the environment and our impact on it.</p> <p>...</p> <p>The urbanization of our special open spaces puts at risk the</p>	<p>The PFCSP identifies environment, landscape and liveability as key issues for Port Fairy, and sets 'Protect the settlement's sensitive coastal surrounds' and 'Protect the rural surrounds and improve town centre approaches' as Key Directions to be considered in decision-making. Amendment C69moyn seeks to implement measures such as the rezoning of the Belfast Lough environs to the Rural Conservation Zone as a means of translating the intentions of the PFCSP into tangible protections.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>

	<p>known criteria many people noted in Moyne's 2040 Futures [Environment Doc]. "...most valued under the environment pillar was... The country lifestyle, including the farming landscape, and their access to an abundance of open space...".</p> <p>...</p> <p>People are much more sensitive to the familiar landscape changing and the consequential impact that has on their sense of freedom and wellbeing. That is why people visit here in numbers. The space and natural habitat within close proximity to the township, is a big asset. We should not be allowed to continuously build over all our natural space...!</p>	
32	<p>As land owners at [address] my husband and I would like to let the Moyne Shire know that we are strongly against any plans to re zone the Belfast Lough to a Rural Conservation Zone. Firstly we feel we are uninformed and do not believe we have received adequate correspondence with relation to this matter. A neighbour from Model Lane actually knocked on our door this afternoon to ask if we were aware of Councils plans. This is not good enough and has not given us ample time to do our research properly.</p>	<p>Council officers confirm that the property identified by the submitter was included in the mailing of notification letters to owners and occupiers of affected properties which occurred in May 2020, and the mailing regarding the further consultation in December 2021. We regret that impacts of the COVID-19 pandemic or other factors beyond Council's control may have prevented delivery of the letter. The amendment was also advertised in local papers and online in accordance with the requirements of the <i>Planning and Environment Act 1987</i> (the PAEA), and the <i>Planning and Environment Regulations 2015</i> (the PAER).</p> <p>Further, two consultation periods were held during the earlier preparation of the PFCSP.</p>
	<p>Secondly, we have been actively trying to sub divide an acre off our property for the past 18 months. This has been such an ongoing, unnecessarily stressful process where we have come across one hurdle after another. Two weeks ago we signed a contract with Wannon Water agreeing to pay \$30,000 to extend the water main as we were told if we want to subdivide we must extend the town water supply all the way out to our proposed subdivision (even though neighbours around us did not have to.) Wannon Water's argument was town growth which the council supported.</p> <p>Reading your proposed re zoning - which precludes it from inclusion within the settlement boundary for urban development</p>	<p>Subdivision processes are undertaken in accordance with the <i>Subdivision Act 1988</i> and the PAEA.</p> <p>Agreements with Wannon Water are outside of the scope of this Amendment.</p> <p>Council officers note that the subject property is not proposed to be rezoned by Amendment C69moyn. The land identified in the submission is outside the Coastal Settlement Boundary, which includes an estimated 15 year supply of land for residential use (as sought by State planning policy), and is therefore not prioritised for residential development at this time. The Boundary is established through an analysis of land opportunities and constraints with a minimum 10 year planning horizon. Port Fairy's land supply needs</p>

	and/or further subdivision makes no sense to us at all, nothing is consistent.	<p>are regularly assessed; the Boundary may be extended in future as requirements change.</p> <p>The application of the Coastal Settlement Boundary does not preclude subdivision of the land beyond, subject to compliance with relevant zones and overlays.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
33, 33a	I am objecting to RCZ2/ rural conservation zoning due to the property owners purchasing land in good faith on the current zoning of that area in Model lane, and with a proposed change it will affect any future development on their property.	<p>There is a long established and accepted practice of regulating land use and development by statutory planning schemes in Victoria. Planning schemes are one element of the diverse legislative framework that regulates how land is used, including by land owners.</p> <p>Due to its proximity to the Moyne River, the land identified in the submission is classified as part of the Belfast Lough environs, which are recognised as:</p> <ul style="list-style-type: none"> <li>• having high environmental value as flora/fauna habitat;</li> <li>• being of significant landscape value with views across and within the Lough from key gateways and vistas into, and within, Port Fairy; and</li> <li>• being subject to existing riverine and estuarine flooding, and future coastal inundation.</li> </ul> <p>Consequently, further development of the Lough environs is no longer considered to be appropriate and the area has been excluded from the coastal settlement boundary, in accordance with <i>Planning Practice Note 36: Implementing a Coastal Settlement Boundary</i> (PPN36), and proposed for rezoning to the Rural Conservation Zone (RCZ), in accordance with <i>Planning Practice Note 42: Applying the Rural Zones</i> (PPN42).</p> <p>The RCZ recognises the environmental sensitivity of the Lough environs whilst still allowing continued use of properties for both agricultural purposes and/or development of one dwelling per lot, as is currently permitted, subject to the requirements of flood provisions and any other applicable overlay being met.</p>

		The PFCSP identifies sufficient land to accommodate future growth in Port Fairy - infill and greenfield - that is not subject to the high level of flood risk, and does not hold comparable landscape and amenity value to the town as the subject site.
	Also FO3 flood way needs to be reviewed, it is not [as much of] a concern as it is made to be.	<p>Consistent with State planning policy, it inappropriate to intensify development in areas that are prone to high risk of flooding due to the potential loss of life, damage to property, and recovery costs to the community that may be generated in a 1% AEP flood event.</p> <p>The best available scientific evidence indicates a high flood risk in many parts of Port Fairy, and a likelihood of further increases. Council's responsibility is to protect the public from harm when scientific investigation has found a plausible risk (known as the Precautionary Principle).</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
34, 42	<p>I wish to express my disagreement with the proposed changes to increase the flood levels in the Moyne Shire.</p> <p>It appears to be an unwarranted large increase considering the current levels of .8 meters appear to be more than enough. Increasing the levels by .4 to 1.2 meters is not necessary at this time and may not even be necessary in the long term. Please take this as my disagreement to the proposal for flood level increase.</p>	<p>The best available scientific evidence indicates a high flood risk in many parts of Port Fairy, and a likelihood of further increases due to sea level rise. It is not appropriate to intensify development in areas that are prone to high risk of flooding, in view of the potential loss of life, damage to property, and recovery costs to the community generated by a 1% AEP flood event. Council's responsibility is to protect the public from harm when scientific investigation has found a plausible risk (known as the Precautionary Principle).</p> <p>The proposed use of the 1.2m SLR as a basis for flood provisions will provide certainty to the community, avoid more precipitous and expensive needs for revision of the flood controls, and minimise costs to the community, including loss or damage to life and property, and wellbeing costs, over the coming decades.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
35	This house is my only asset and my security nest egg, as a single mother of three young children. I have made improvements to the property based on the best advice and resale nature of this particularly beautiful homestead - these amendments will cause	Individual property values are not a relevant consideration.



	me great distress should I wish/need to sell the property in due course.	
	Concerns regarding increased Insurance premiums	See Submission 6a.
	As residents of Model Lane, I do not believe we have been consulted appropriately about these proposed changes. Will be affected by significant decrease in property valuation and by increased insurance levies + potentially uninsurable area due to flood zoning.	In undertaking amendments to the Moyne Planning Scheme, Council complies with the requirements of the PAEA, including requirements regarding public exhibition. In addition, the PFCSP underwent two periods of public consultation prior to adoption by Council in 2018.  <b>No changes to Exhibited amendment documents are proposed in response to this submission.</b>
36	Objection to the application of the ESO7	See Submission 1
37	<p>The Department of Transport (DoT) supports the implementation of a land use framework that facilitates opportunities for residential, commercial and industrial growth within the settlement boundary and that facilitates projected population growth.</p> <p>It is important that implementation of the structure plan integrates with the short, medium and long term development of the transport network in a manner consistent with the principles of the <i>Transport Integration Act</i> (2010).</p> <p>Princes Highway West is a key transport corridor that services South Western Victoria and the township of Port Fairy. We note the amendment does not propose any changes to the existing Public Acquisition Overlay (PAO) within the settlement boundary and is not likely to have any significant impact on the transport system. As such the DoT does not object to the proposed amendment.</p>	Council notes the content of this submission.
	<p><u>Active Transport</u> Future development within the study area should deliver an active transport network that supports more people cycling to key local attractors in and around their neighbourhood. The Department supports the upgrade of the [Rail Trail] to make it suitable for higher speed cyclists and to attract non recreational journeys.</p>	Council notes the content of this submission.
	<p><u>Buses</u> The Route 8 Warrnambool - Port Fairy bus service connects</p>	Council notes the content of this submission.

	<p>Koroit to Port Fairy and Warrnambool and services the study area. While the current patronage levels are well served, the Department will monitor future demand as the new residential development grows.</p>	
	<p><u>Existing Public Acquisition Overlay (Port Fairy Bypass)</u>  To protect the future viability of a bypass, amenity improvements such as acoustic treatments should be included for consideration in accordance with the Department's guidelines for Requirements of Developers - Noise Sensitive Uses and Requirements of Developers - Noise Sensitive Uses.  Section 4.0 of Schedule 4 to Clause 43.04 Development Plan Overlay (Requirements for Development Plan) suggest that a Movement Plan should consider a Bypass not in its current location (final bullet point). The Department's view is that this requirement should be edited to ensure the location of the Bypass as indicated by the Public Acquisition Overlay is retained.  The recently released Princes Highway (PHW) Corridor Strategy provides direction for the longer term development of the Princes Highway. The Department has applied for the release of funding from the Federal Government to progress planning for the future of PHW including capacity improvements between Warrnambool and Port Fairy as well as investigating the longer term need for the PAO. This work, once completed, will determine the ultimate need for a bypass of Port Fairy township. Until such time the DoT considers the need to retain the PAO.</p>	<p><b>Council proposes to remove the identified text from Schedule 4 to Clause 43.04 Development Plan Overlay – Port Fairy Growth Areas, Section 4, Movement Plan.</b></p>
38	<p>DELWP understands that this amendment seeks to implement the recommendations of the Port Fairy Coastal and Structure Plan (August 2018), to be achieved by the alteration of zone and overlay controls throughout the majority of the Port Fairy township. DELWP generally supports the amendment, and provides the following comments for Council's assistance.</p>	<p>Council notes the content of this submission.</p>
	<p><u>Local Coastal Hazard Assessment</u>  A key piece of work that has informed the content of this amendment is the Port Fairy Local Coastal Hazard Assessment (2013) (PFLCHA). DELWP was a partner in this work, through both funding via the Future Coasts program, and through</p>	<p>Council notes the content of this submission.</p>

	participation in the Project Control Group and the Technical Reference Group.	
	<p>DELWP has reviewed how the amendment applies to a number of Crown land parcels, and is comfortable in most cases. A number of observations follow:</p> <ul style="list-style-type: none"> <li>• EMO1 Management of Coastal Hazard will have its extent of coverage expanded to include Crown land. DELWP is comfortable with application of the EMO to Crown land, but notes that this may duplicate controls and regulatory outcomes on land use and development already achieved through the Marine and Coastal Act.</li> </ul>	<b>Council proposes to remove the EMO1 applied to Crown land, to avoid the duplication of controls.</b>
	<ul style="list-style-type: none"> <li>• The amendment appears to have missed an opportunity to review the suitability of applying public land zones to a number of public land parcels. The attached table identifies some examples. DELWP would welcome the opportunity to discuss with Council whether this amendment creates an opportunity to consider application of public land zones, or if this might be progressed within a future amendment.</li> </ul>	Council expects to progress the proposed changes within a future amendment.
	<p>Council should take the opportunity to update several of the planning scheme clauses to reflect current policy, following gazettal of the <i>Marine and Coastal Act 2018</i> and the <i>Marine and Coastal Policy</i> (DELWP 2020).</p> <ul style="list-style-type: none"> <li>• Clause 21.06 should be updated to reflect the Marine and Coastal Policy 2020 <i>in addition to</i> the <i>Victorian Coastal Strategy 2014</i>. The <i>Marine and Coastal Policy</i> has superseded the 'policy for decision making' parts of the <i>Victorian Coastal Strategy 2014</i>.</li> </ul>	<b>Council proposes to update Clause 21.06 should be updated to reflect the Marine and Coastal Policy 2020 in addition to the Victorian Coastal Strategy 2014.</b>
	<ul style="list-style-type: none"> <li>• The last dot point in Clause 21.06 should be deleted as the Western Coastal Board was wound up in 2018.</li> </ul>	<b>Council proposes to delete the identified dot point in Clause 21.06.</b>
	<ul style="list-style-type: none"> <li>• The wording of the common FO3 and LSIO4 decision guideline point "<i>Any approved and funded mitigation measures on public land which would reduce the impacts on the site</i>" may raise expectations of outcomes that conflict with current government policy. Additionally a 'measure' may be funded and delivered, but not maintained in the future.</li> <li>• DELWP anticipates that the responsible authority and the referral authority will be aware of and can consider the relevance</li> </ul>	<b>Council proposes to delete the guideline.</b>

	of proposed public land measures and projects in assessing applications. It may be preferable to remove the decision guideline, or reword to capture these key policy settings.	
	<ul style="list-style-type: none"> <li>Given the focus of FO3 and LSIO4 on coastal inundation, their interpretation would be enhanced if they referenced the Marine and Coastal Policy 2020.</li> </ul>	<b>Council proposes to include reference to the Marine and Coastal Policy.</b>
	<ul style="list-style-type: none"> <li>Review of aerial photography suggests coastal erosion extends for some distance north-east of the extent of the current East Beach sea wall, Council should consider if the EMO1 should be applied beyond the length of the sea wall.</li> </ul>	Council expects to progress the proposed changes within a future amendment, to allow appropriate consultation with affected landowners.
	<p>DELWP recommends that future development appropriately considers and protects habitat, native vegetation and wetland values present in Companion's Lagoon and the unnamed wetland south of Thistle Place. These wetlands are included in DELWP's Current Wetlands database. DELWP acknowledges the consideration given to protecting these values at Companion's Lagoon in the Objectives and Requirements for development in proposed DPO4, and suggests the following alterations and addition for clarity:</p> <ul style="list-style-type: none"> <li>At third point at <b>4.0 Requirements for development plan</b>: "The <i>protection</i>, restoration and appropriate integration of Companions Lagoon with new development (see below for further details), including appropriate interfaces."</li> </ul>	<b>Council proposes to include the identified text.</b>
	<ul style="list-style-type: none"> <li>At first point, <b>Servicing Plan at 4.0 Requirements for development plan</b>: "The location of major drainage lines, water features, proposed retarding basins and floodways, and the means by which they will be managed in accordance with the principles of water sensitive urban design, <i>and ensure protection of wetland and habitat values in Companion's Lagoon.</i> "</li> </ul>	<b>Council proposes to include the identified text.</b>
	<ul style="list-style-type: none"> <li>An ecological assessment of the impacts of stormwater runoff on the Companion's Lagoon wetland, undertaken by or with the participation of a suitably qualified and experienced aquatic ecologist, to the satisfaction of the responsible authority and the Department of Environment, Land, Water and Planning.</li> </ul>	<b>Council proposes to include the identified text.</b>
	<ul style="list-style-type: none"> <li>At second dot point, <b>Landscape and Open Space Plan</b>, reword to read: 'Appropriate design responses to support the habitat values of the lagoon, which include feeding <i>and roosting</i> areas for species such as the Lathams Snipe'.</li> </ul>	<b>Council proposes to include the identified text.</b>

	<ul style="list-style-type: none"> <li>• DELWP supports the requirement for a flora and fauna assessment to support the Development Plan required to be prepared in particular for Growth Area A.</li> <li>• DELWP supports zoning the Powling Street wetlands to PCRZ. Council should consider the merit of identifying a parallel future intention to inform the development plan required to be prepared for Growth Area A, via DPO4 in respect of Companion's Lagoon.</li> </ul>	<p>Council notes the content of this submission.</p> <p>Council notes that Companion Lagoon is currently in private ownership, ineligible for the PCRZ.</p>
	<ul style="list-style-type: none"> <li>• DELWP acknowledges that the amendment does not propose to rezone land south of Thistle Place, and does not seek to apply the DPO in this area. DELWP would support consideration of similar guidance in DDO7 to minimise and mitigate potential development impacts on this wetland, appropriately scaled to reflect the scale of development permissible in the zone. It appears to DELWP that additionally, or alternatively, this wetland might easily support extension of Schedule 1 of the Environmental Significance Overlay eastward.</li> </ul>	<p>Council expects to progress the proposed changes within a future amendment.</p>
	<ul style="list-style-type: none"> <li>• While the report <i>Translation of Port Fairy Coastal Hazard Assessment Port Fairy Coastal and Structure Planning Project</i> has focussed on riverine and coastal flooding hazards, these wetland areas may exhibit localised flooding. DELWP suggests the following text be included in the schedule for LSIO4 under Statement of Risk: "Wetland areas covered by Companion Lagoon, wetlands south of Thistle Place and Powling Street wetlands are also subject to local flooding."</li> </ul>	<p><b>Council proposes to include the identified text.</b></p>
	<ul style="list-style-type: none"> <li>• <i>Port Fairy Local Floodplain Development Plan (2019)</i> The statement on page 6 regarding Precinct 3: South Beach and Port Fairy West that '<i>Inundation within this precinct is easier to manage as private land within this precinct is only impacted by coastal inundation</i>' may overlook localised inundation patterns, especially associated with wetlands. DELWP notes that this area supports modelled Ecological Vegetation Classes of freshwater ecosystems, which in turn indicates localised non-coastal inundation is also a prevailing occurrence. DELWP suggests this wording is reconsidered.</li> </ul>	<p>Council notes that the designation of Precincts has been removed from the FLDP 2022.</p>
	<ul style="list-style-type: none"> <li>• DELWP would be concerned if the intent behind the statement "<i>Adaptation measures such as the creation of additional wetland areas capable of accommodating floodwaters are</i></li> </ul>	<p><b>Council proposes to remove the identified text from the LFDP.</b></p>

	<i>identified in the Port Fairy Coastal and Structure Plan 2018 for this area...</i> ” were interpreted to include modification of naturally occurring wetlands. This may warrant a short clarification to ensure that mapped Current Wetlands are not impacted.	
39, 39a	<p>I have 2 sons and a brother who qualified valuers and their initial thoughts are that the 3 lots could sell for \$1,000,000, but they would be virtually unsaleable based upon the proposed re-zoning. My expectations are that we be allowed to build on our blocks similar to our neighbours on both sides and with the same conditions they experienced over very recent years. Compensation would be sought on any contrary basis.</p> <p>Furthermore, we have recently spent some \$35,000 to get our land subdivided into 4 lots (including \$12,000 to get the power shifted) all to comply with the Planning Permit and council’s guidelines. This would be totally wasted if the land is re-zoned ‘Rural Conservation’.</p> <p>Should our land be re-zoned I will seek recompense for all legal, planning, valuation and VCAT fees, if needed. Compensation for diminution in market value will also be sought.</p> <p>We have invested recent expenditure in the land subdivision only to achieve a financial position to benefit my retirement. I expect you can understand my position.</p> <p>I trust that Council reconsiders what our family strongly feel will detrimentally affect our position and be potentially costly for Council.</p>	<p>Overall, current and/or future asset values and pricing are determined by a range of factors, and fluctuate according to circumstances. As such, individual property values are not a valid consideration in planning for long-term community benefit and wellbeing.</p> <p>There is a long established and accepted practice of regulating land use and development by statutory planning schemes in Victoria. Planning schemes are one element of the diverse legislative framework that regulates how land is used, including by land owners. Changes to the Planning Scheme occur on an ongoing basis, as planning practice seeks to respond to changing conditions and information.</p> <p>The RCZ recognises the environmental sensitivity of the Lough environs whilst still allowing continued use of properties for both agricultural purposes and/or development of one dwelling per lot, as is currently permitted, subject to the requirements of flood provisions and any other applicable overlay being met.</p> <p>An application for a planning permit to subdivide or undertake other works is assessed on the scheme as it exists at the time of the application.</p>
	Concern regarding change of zoning from LDRZ to RCZ	See Submission 6a.
	Concern regarding concurrent consideration of Amendment C75moyn.	See Submission 6a.
	Model Lane - Floodplain issues	See Submission 6a.
		<b>No changes to Exhibited amendment documents are proposed in response to this submission.</b>
40	The process for accessing the documents, understanding the process and providing feedback to the amendment has been complex and opaque. The myriad of documentation, not even	Council acknowledges that planning processes are complex, including the amendment process required under the PAEA.

	hosted on Moyne shire website, is not labelled or arranged for easy access, and there is no guide or support to identify the relevant sections or clarify the context for comparison.	Amendment C69moyn has progressed in accordance with the PAEA, including requirements for public notification and exhibition. Online information sessions were held in May and June 2020, in response to Covid-19 measures, and in person in January 2022, as part of the advertised consultation periods (which were extended beyond the minimum timeframes); council officers are available to provide further information during business hours.
	Concern for preservation of Aboriginal artefacts and Cultural Heritage.	See Submission 29.
	<p>While the amendment is ostensibly aimed at responding to the environmental/coastal issues previously identified, the amendment also includes the identification of significantly expanded residential zones which has not been subject to community consultation. This appears to be underhanded and tricky to effectively hide that proposed increase in the morass of information responding to the coastal plan.</p> <p>...</p> <p>Any significant increase in residential zoning should be treated as a separate proposal and be subject to extensive community consultation.</p>	<p>The PFCSP includes holistic consideration of matters relevant to the future of Port Fairy, including both demand for residential development and environmental/coastal issues. As a consequence, Amendment C69moyn implements recommendations regarding both areas.</p> <p>Community consultation has been conducted at several stages over the course of the preparation of the PFCSP and the progression of Amendment C69moyn, in accordance with the PAEA.</p>
	<p>The proposed increased residential zone, potentially doubling Port Fairy population within 20 years is not in keeping with community expectations or the 'village feel'. Port Fairy should not be considered a growth area for the benefit of developers and council coffers.</p> <p>...</p> <p>Port Fairy does not have the infrastructure nor appetite for such extensive development.</p>	<p>Council has prepared the PFCSP to guide future growth in response to trends that have seen population increase steadily over the past decades, and more recent increases in demand for accommodation. The provision of an overall framework enables measures to protect and maintain existing built form character to be applied, preventing <i>ad hoc</i> development.</p> <p>The qualities that appeal to residents also make Port Fairy attractive to those wishing to relocate. The PFCSP provides a framework to enable appropriate infrastructure and services to be implemented efficiently, to align with increases in population, and to inhibit ad-hoc development that undermines local character.</p>
	The land identified for this is subject to regular flooding and would not be suitable for development. Previous council approved	Amendment C69moyn proposes to apply flood controls and a Development Plan Overlay to the residential growth area to ensure

	development on Powling wetlands should have been sufficient lesson on this.	that development is designed with regard to the constraints of the site.
	There is no guideline or requirements for the inevitable sub-standard suburban developments, notably around the mix of housing with no provision for social/low cost housing. A major demographic in the town, older single women, could benefit from smaller and high efficiency housing, but this is unlikely to happen unless clear provision is made at this early stage.	<p>The Amendment proposes to apply DDOs to guide residential development, which are the appropriate mechanisms to regulate built form under the planning scheme. Residential Development Standards (ResCode) are also implemented through Clause 54 - One Dwelling on a Lot, and Clause 55 - Two or More Dwellings on a Lot and Residential Buildings.</p> <p>A range of housing types is supported by the Amendment. Under present legislation, there is no mandatory requirement to include Affordable Housing in residential development. Provision of Affordable Housing was added to the Objectives of the Planning Scheme in June 2018, and Council will promote its inclusion on a site by site basis.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
41	<p>We write to express our concern about the above proposed changes, as our property lies within the boundaries subject to the amendment, and creates great uncertainty in relation to utilisation and planning of our property, that threatens to directly affect our ability to create a stable and financially secure future for our family.</p> <p>We are now concerned that after selling our land for residential purposes under the old planning scheme, that great uncertainty now arises through this amendment that may directly affect the purchases ability to fulfil their vision and also our personal vision for how we may develop our property into the future.</p> <p>As residents of Model Lane, our wish is for clarification from council of what this amendment may mean for us and our future plans. The current pandemic crisis and resultant socioeconomic effects has caused so much instability and uncertainty. This amendment threatens to further undermine our community's sense of socioeconomic security.</p>	<p>Council has prepared the <i>Port Fairy Coastal and Structure Plan 2018</i> to guide future growth in response to trends that have seen population increase steadily over the past decades, and more recent increases in demand for accommodation. The provision of an overall framework enables measures to protect and maintain existing built form character to be applied, preventing <i>ad hoc</i> development.</p> <p>The PFCSP is based on the Precautionary Principle – Council seeks to avoid exacerbating the potential social and economic costs of flood events, in accordance with the PAEA Objective (c) ‘to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria’.</p> <p>The RCZ recognises the environmental sensitivity of the Lough environs whilst still allowing continued use of properties for both agricultural purposes and/or development of one dwelling per lot, as is currently permitted, subject to the requirements of flood provisions and any other applicable overlay being met.</p>



	We trust Council will give our concerns thorough consideration during review of the submissions to the above amendment, and remain open to future consultation and collaboration to achieve a result that best balances community and future environmental concerns.	<p>The flood measures proposed by Amendment C69moyn are based on the best available data and modelling, and their implementation will provide certainty for development in Port Fairy, and minimise impacts of flood events and costs to the community.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
42	See Submission 34.	
42a	Concerns regarding increased Insurance premiums	See Submission 6a.
42a, 58, 96, 101, 114	Flooding in the area has been minimal over the past 100 years, the new proposed increase reflects events which may never happen, current levels are sufficient.	<p>Past flood events are not considered to be reliable indicators of potential for future flood events given the current and potential impacts of climate change. Robust scientific data indicates increased frequency of storm/flood events, and ongoing sea level rise over coming decades.</p> <p>State policy, outlined in the <i>Marine and Coastal Policy 2020</i> (MCP), is to 'avoid development in identified areas that are vulnerable to coastal hazard risk', and to consider the Precautionary Principle in planning and decision-making, to protect the public from harm when scientific investigation has found a plausible risk.</p> <p>The proposed use of the 1.2m SLR as a basis for flood provisions will provide certainty to the community, avoid more precipitous and expensive needs for revision of the flood controls, and minimise costs to the community, including loss or damage to life and property, and wellbeing costs.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
43	<p>We the property owners of 44 Albert Road, Port Fairy, seek exemption from the land at this particular property being rezoned from a Mixed Use Zone to a Neighbourhood Residential Zone. The implications to us of a change to NRZ from a MUZ are that certain specific uses for the heritage building located on the property would be in doubt, and, potentially no longer be an option for us or any future owner to pursue.</p> <p>Therefore based on the existing and current heritage overlay provisions and other detail, this submission seeks to retain the</p>	<p>The land along Albert Road is predominantly residential, and therefore the Mixed Use Zone, which allows for a range of residential, commercial, industrial and other uses, is not an appropriate zone.</p> <p>The Neighbourhood Residential Zone allows for some non-residential uses, including a bed and breakfast and a home-based business, with potential for other uses to be determined through the planning permit application process. Future uses will be subject to</p>

	<p>uses for the heritage building as far as practical as they applied under the Mixed Use Zoning.</p> <p>...</p> <p>The historic cottage as it exists today lends itself as an ideal location for a showroom but with added facilities it could in the future be operated as a tea room, gallery, bed and breakfast or any small cottage type business.</p> <p>It would seem a shame if due to a zoning change a facility of this type could not be operated in this manner either currently or into the future. Certainly the zoning was one of the main reasons we purchased the property knowing, if we so desired, it could be used as a showroom. Allowing for the preceding, we seek approval for this property to be issued with some form of amendment or permit to continue to be able to operate in the way described above irrespective of whether the area is rezoned a Neighbourhood Residential Zone.</p>	<p>planning controls at the time of application.</p> <p>The rezoning of the land will not trigger a planning permit for an existing use (refer to Clause 63 <i>Existing Use Rights</i>).</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
44	<p><b>Residential Development:</b></p> <p>The C69 identifies two growth areas:</p> <ul style="list-style-type: none"> <li>- Growth area A, between the Princes Hwy and the Hamilton-Port Fairy Rd;</li> <li>- Growth area B, north of the Hamilton-Port Fairy Rd along the ridgeline (Albert Rd);</li> </ul> <p>Wannon Water support the rezoning of this land. Careful planning and sequencing of the development is needed in order to reduce establishment costs to developers and ensure that infrastructure is design and constructed in a manner that best services the entire future growth areas. Wannon Water is keen to work with council on development plants for both growth areas to ensure key servicing infrastructure especially the Sewerage Pump Stations are located and sized appropriately.</p>	<p>Council notes the content of this submission. It is expected that Council and any future proponent will work with Wannon Water during preparation of the Development Plan to ensure appropriate sequencing and provision of services and infrastructure.</p>
	<p><b>Industry Buffer:</b></p> <p>The amendment shows a 500m buffer around the Water Reclamation Plant and around SunPharma. (Consistent with EPA guidance "Recommended Separation distances for industrial residual air emissions 2013"). We support the establishment of</p>	<p><b>Council proposes to amend Figure 1: Port Fairy Framework Plan to identify the Wannon Water plant as 'Water Reclamation Plant'.</b></p>

	<p>this buffer. However in the figure shown in the Amendment, the Wannon Water facility is labelled incorrectly as “Water Treatment Plant”. The facility is however correctly labelled in the points on page 2 as “Water Reclamation Plant”. If the figure could be updated to reflect the true nature of the plant, that would be appreciated.</p>	
	<p>During the development of the Structure Plan, Wannon Water raised the need for a similar but smaller buffer distance of 25 m around the Water Treatment Plant on Princes Highway to protect residents from a Chlorine leak due pressurised chlorine on site and as well as a 50 m buffer to minimise noise disturbance to residents from the cooling fans used on site especially overnight. The 25 meter buffer was shown in the structure plan however it was not included in this amendment. Wannon Water believes this is an opportunities to place 50 m buffer via an appropriate planning overlay around the site for protection of residents and the facility.</p>	<p>It is expected that further buffers may be addresses through Council's future research and consultation regarding interface requirements at Port Fairy's key industrial sites, as outlined above.</p>
45	<p>I am keen to have a greater understanding of the proposed blank Neighbourhood Residential Zoning, particular where it relates to applying to the current Mixed Use Zone which is unsewered. Would there be a requirement to connect to sewer?</p> <p>What is the proposed minimum lot size?</p> <p>How will intensification of development be monitored particularly where there are existing uses associated with Home Occupation in the current Mixed Use Zones business that may impact the amenity if residential development is intensified?</p> <p>Is there any thought to the Public Acquisition overlays in this location and how development will occur around it?</p>	<p>There is no requirement for existing properties to connect to sewer as a result of the rezoning. Wannon Water have advised that properties in Albert Road can be sewerred.</p> <p>There is no minimum lot size identified in Schedule 1 to the NRZ.</p> <p>A planning permit application for future development is required to consider context of the site, including adjoining land use.</p> <p>Applications for planning permits are required to provide a site and context description and design response, so Council is able to assess whether appropriate measures are in place, such as those outlined in the DoT's guidelines for Requirements of Developers - Noise Sensitive Uses, and the EPA's Environment Reference Standards</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
46	<p>I would like to have our details kept for further information on the C69 Planning Amendment.</p>	<p>As a submitter to Amendment C69moyn, you will receive notification of any events or further information, as per the requirements of the Planning and Environment Act 1987.</p>

	Could you please add our email address for any further workshops or information that is coming about it.	<b>No changes to Exhibited amendment documents are proposed in response to this submission.</b>
47	I am writing to oppose the amendment on the basis that: · It is not clear how the amendment applies to existing approved developments	The amendment does not apply to previously approved developments.  <b>No changes to Exhibited amendment documents are proposed in response to this submission.</b>
48	Firstly, based on recent discussions with community members, it has become clear that many property owners/occupiers have not understood the extent of planning changes proposed for the town from the fact sheet sent to property owners with the notice of amendment.	Council acknowledges that planning processes are complex, including the amendment process required under the PAEA.  Amendment C69moyn has progressed in accordance with the PAEA, including requirements for public notification and exhibition.
	<u>Clause 21.06</u> 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.  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.	Council notes the content of this submission.
	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).  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.	Similarly, Clause 21.09-3 has been revised and simplified for ease of understanding and operation.  <b>Council proposes to replace the Exhibited Clause 21.09-3.</b>
	<u>Model Lane - Zone issues</u>	See Submissions 6a, 58a.
	<u>Regent Street</u> The proposed zoning retains the property at 14 Regent Street in two zones. This will leave the Neighbourhood Residential Zone parcel of land on this property, to be accessed via the Rural	Council notes that a direct translation of the existing zones has designated two lots in the same ownership into different zones, and that the owners have not made a submission to Amendment C69moyn regarding the change.

	Conservation Zone land. This creates confusing expectations for development versus risk for the property owners.	
	<u>Osmonds Lane</u> 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.	Council notes that a direct translation of the existing zones has created the identified anomaly, as the land was previously zoned for residential use. Amendment C69moyn does not address strategic justification to change the use of the land.
	<u>Erosion Management Overlay</u> 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. 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.	The requirement for a Coastal Hazard Assessment applies to the specific site and the proposed development, rather than the higher level, broader assessment undertaken by UNSW.  The MCP notes that coastal policies apply up to 5km inland from the high water mark; while properties do not directly front the high-water mark, there may be indirect, cumulative or synergistic impacts from development, which should be managed to minimise impacts on public as well as private land.
	<u>Parking Overlay</u>	See Submission 15.
	<u>LSIO and FO</u>	See Submission 6a. Council notes the HARC flood modelling has been peer reviewed.
	<u>Design and Development Overlays</u>	Council notes the extensive comments made in relation to the proposed suite of DDOs. Council has reviewed the DDOs to ensure that necessary measures to maintain the town's essential spacious and landscaped characteristics are included, without imposing undue restrictions on new development. The DDOs recognise preferred outcomes for different precincts within the town, including greenfield development, with the intent of preserving key characteristics and avoiding incongruous additions as the town grows.
	<u>Development Plan Overlay</u>	Council recognises that the designation of a future pedestrian linkage via Baxter Street in the PFCSP is indicative only. Future

	<p>Concern is raised over the requirement to provide a movement plan which includes a 'high quality and direct pedestrian connection to Bank Street and the Commercial core'. The map accompanying the overlay, indicates this connection should extend through the showgrounds connecting with the town.</p> <p>What this map doesn't show is that east of the showgrounds, there are a number of dwellings which back onto the showgrounds. There is no public land adjoining the showgrounds. It asks the developer to make significant contributions and construct a pedestrian network outside of the site, past existing residential development. This is significant cost imposition for a developer to undertake outside of the land area that they have available for development.</p>	<p>pedestrian linkages to Growth Area A are expected to be considered in more detail in the Development Plan that is required under the Development Plan Overlay.</p> <p>Council officers note that it is common and accepted practice for developers to provide either monetary or in-kind contributions to essential infrastructure for use by future residents, extending beyond the boundaries of the land identified in the submission where necessary to integrate new development with existing community resources.</p>
49	<p>The landowners are disappointed to see that the proposed industrial buffer of 100m around their operations (as identified in the Port Fairy Coastal and Structure Plan) on the Hamilton Port Fairy Road has not been translated into any specific planning scheme controls to protect the ability of their business to continue their current operations.</p> <p>The landowners and occupiers wish to protect their right to continue these operations and not be impacted by any change which introduces new land uses in proximity to their operations, thereby creating a conflict between sensitive and industrial uses.</p> <p>As such, the landowners request, that as part of this amendment, an additional schedule to the Environmental Significance Overlay is created to ensure that any development applications within 500m of their property, can be considered in relation to the existing amenity impacts of industrial uses.</p> <p>Given the 24-hour operations on site, the landowners feel a 100m buffer is not sufficient to protect their operations into the future and request a 500m buffer be applied to the site. An indicative 500m buffer is attached to this submission</p>	<p>Following the completion of Amendment C69moyn, Council proposes to undertake additional research and consultation to consider interface requirements at Port Fairy's key industrial sites, and determine the appropriate application of the ESO and/or BAO to promote a cohesive outcome. Consultation with landowners and stakeholders will be undertaken at that stage. Authorization for an amendment to implement the resulting recommendations will be sought at a later date if required.</p>
	<p>The landowners and occupiers are disappointed to have not been further consulted between the drafting of the Port Fairy and Coastal Structure Plan and the drafted planning scheme</p>	<p>Two rounds of consultation occurred prior to the adoption of the PFCSP in 2018, and Council has complied with the requirements of the Planning and Environment Act 1987 during the preparation of</p>

	provisions to have an opportunity to raise their concerns with Council and work productively towards protecting the economic contribution the business operations make to the town and wider Moyne Shire economies.	Amendment C69moyn, including requirements regarding public exhibition. The exhibition and panel procedures within the amendment process provide appropriate opportunities for resolution of concerns raised.
	The landowners are hoping to increase their landholdings in proximity to the business's current operations, and as such, would like Council to consider increasing the extent of Industrial Zoned land to the north of their property to facilitate an expansion as part of this amendment.	The rezoning of land requires careful consideration via the amendment process instituted by the PAEA, to ensure sufficient strategic justification is identified, and all potential impacts are considered appropriately. As such, the rezoning of an individual parcel of land that is not within the authorised scope and cannot be undertaken as part of Amendment C69moyn.  <b>No changes to Exhibited amendment documents are proposed in response to this submission.</b>
50	<p>The property is partially covered by a Land Subject to Inundation Overlay. The proposed changes increase the extent of flooding controls and place the property in both the Flood Overlay and the Land Subject to Inundation Overlay.</p> <p>At 0.8m sea level rise, as mapped by the GHCMa, there is no substantial change in risk to this property. 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 settlements, resulting in significant increases in planning controls on properties such as 5 Osmonds Lane, Port Fairy.</p> <p>The local floodplain development plan would put the property into a Class 3 or above hazard risk, meaning it would be difficult to gain a permit to extend the dwelling (which is modest in size) or to redevelop the site with either a new dwelling or two new dwellings.</p> <p>The landowners do not support this change to the planning controls, which would impact the ability to extend the existing dwelling to meet the future needs of residents or to redevelop this central corner site with infill housing.</p>	<p>The State Government, through Clause 13.01-2S of the Moyne Planning Scheme, requires Council to plan for and manage the potential coastal impacts of climate change. This includes to "Plan for sea level rise of <i>not less than</i> 0.8 metres by 2100 and <i>allow for the combined effects of tides, storm surges, coastal processes and local conditions</i> such as topography and geology when assessing risks and coastal impacts associated with climate change'.</p> <p>In accordance with State policy, Council does not consider it appropriate to intensify development in areas that are prone to high risk of flooding, in view of the potential loss of life, damage to property, and recovery costs to the community that may be generated in a 1%AEP flood event. Flood provisions, including the proposed Port Fairy Local Floodplain Development Plan, are put in place to guide development on properties at risk from flooding to minimise the potential loss of and/or damage to life and property.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission</b></p>
	Concerns regarding increased Insurance premiums	<p>See Submission 6a.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>

51	<p>I am writing to raise my concern regarding the proposed amendment to the Moyne Planning Scheme. On approximately 15 May 2020 I received a letter informing me of the proposed changes and have since spent numerous hours reading over the vast amount of documents contained on the <a href="http://planning.vic.gov.au">planning.vic.gov.au</a> website. I do not have a background in planning or law so interpreting the information contained has been extremely difficult.</p> <p>From my understanding my property located at [address], Port Fairy will be affected by the proposed Port Fairy Local Floodplain Development Plan 2019 as this will change the way in which I may be able to use my land in the future. Therefore, I object to the proposed amendment to the Moyne Planning Scheme.</p>	<p>Council officers appreciate community members' willingness to participate in the amendment process. Unfortunately, planning matters can be complex, so Council officers are available to assist in understanding and interpreting the required documentation.</p> <p>There is a long established and accepted practice of regulating land use and development by statutory planning schemes in Victoria. Planning schemes are one element of the diverse legislative framework that regulates how land is used, including by land owners.</p> <p>Flood provisions, including the proposed Port Fairy Local Floodplain Development Plan, are put in place to guide development on properties at risk from flooding to minimise the potential loss of and/or damage to life and property.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
51a, 52a	<p>We strongly object the proposed C69 amendment.</p> <p>Specifically, that the proposed Port Fairy Local Floodplain Development Plan 2019 will impact our property located at [address] causing detrimental issues such as:</p> <ul style="list-style-type: none"> <li>• Restricting permissions to add any extensions or additional dwellings to our house/land in the future</li> <li>• Restricting the ability to subdivide land</li> <li>• Inciting unreasonable costs to meet overlay requirements</li> </ul> <p>Please take into consideration our concerns. It is our hope that we can utilise our land in the future for our growing family. Thank you for the opportunity to engage in this process.</p>	<p>The proposed flood provisions respond to evidence of increasing flood risk in some areas of Port Fairy. It is not appropriate to intensify development in areas that are prone to high risk of flooding, in view of the potential loss of life, damage to property, and recovery costs to the community generated by a 1%AEP flood event. Council's responsibility is to protect the public from harm when scientific investigation has found a plausible risk (known as the Precautionary Principle, as outlined on p. 56 of the PFCSP). Compliance with the best practice measures outlined in the proposed flood provisions offers land owners the means to manage prospective investment to reduce, rather than compound, potential losses.</p>
	<p>Concerns regarding increased Insurance premiums</p>	<p>See Submission 6a.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
52	<p>I wish to object to the proposed amendment as from what I understand it will impact how I use my land in the future.</p>	<p>There is a long established and accepted practice of regulating land use and development by statutory planning schemes in Victoria. Planning schemes are one element of the diverse legislative</p>



		<p>framework that regulates how land is used, including by land owners.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
53, 53a	<p>It is requested that the site at 5a Barclay Street Port Fairy accessed via the un-named right of way off Barclay Street be re-zoned Commercial 1 zone to reflect the use of the site (under existing use rights) as part of the back of house supermarket operations.</p> <p>It is also requested for consistency that the rear of 30A-38 Sackville Street be re-zoned to Commercial 1 zone, so the properties are no longer located in both the General Residential and Commercial Zones. Whilst there is a accessway area to the rear of these properties it is not a road or a public area, and forms part of the loading dock of the supermarket and adjoining properties.</p> <p>The re-zoning of these parcels of land is procedural in nature to reflect the existing uses and full extent of the properties by locating them in one zone, the Commercial 1 zone. The rear of the Sackville Street properties and 5a Barclay Street should not be re-zoned to the neighbourhood residential zone as it does not reflect the underlying land use or commercial nature of the area.</p>	<p>The rezoning of land requires careful consideration via the amendment process instituted by the <i>Planning and Environment Act 1987</i>, to ensure sufficient strategic justification is identified, and all potential impacts are considered appropriately. As such, the rezoning of an individual parcel of land that is not within the authorised scope and cannot be undertaken as part of Amendment C69moyn.</p>
	Objections to the Parking Overlay and mandatory height limit.	<p>See Submission 15.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission</b></p>
54	Objection to the application of the ESO7	See Submission 1
55	Floodplain issues	See Submission 50.
	Concerns regarding increased Insurance premiums	See Submission 6a.
	Objections to Parking Overlay and mandatory height limit.	See Submission 15.

		<b>No changes to Exhibited amendment documents are proposed in response to this submission.</b>
56	Objections to Parking Overlay and mandatory height limit.	See Submission 15. <b>No changes to Exhibited amendment documents are proposed in response to this submission.</b>
57	Objections to Parking Overlay and mandatory height limit.	See Submission 15. <b>No changes to Exhibited amendment documents are proposed in response to this submission.</b>
58, 58a	<p>Floodplain Issues:</p> <p>The land owners do not support the increase in flooding controls as the property is already substantially affected by flooding. An increase in flooding controls may limit their options for adding additional farm infrastructure or developing the industrial zoned land.</p> <p>The land will be entirely covered and impacted by the Floodway Overlay. The expansion and intensification of the flooding controls proposed by C69 with the Revised Local Floodplain Development Plan will make it very difficult to gain a permit to construct new dwellings or dwelling extensions on the land.</p>	See Submission 6a.
	Existing flood controls are considered to provide sufficient protection in a flood or sea level rise event.	See Submission 42a.
	That Amendment C69 should include flood mitigation measures to alleviate the flood impact to the floodplain and the larger Model Lane residential area.	See Submission 6a.
	That C69 specifically consider the proposed residential development (C75) in the floodplain modelling to demonstrate the impact on the rest of the floodplain.	Modelling regarding the proposed residential development that is the subject of Amendment C75moyn will be addressed through that amendment process.
	<p><u>Zone issues</u></p> <ul style="list-style-type: none"> <li>• Re-zone the land in the IN1Z (along with suitable land for access from Model Lane) into IN3Z to provide a more immediate land supply for the existing demand for smaller lots and more inert industrial uses.</li> </ul>	In accordance with State policy, Council seeks to 'avoid development in identified areas that are vulnerable to coastal hazard risk', in view of the potential loss of life, damage to property, and recovery costs to the community generated by a flood event. The PFCSP identifies land for future industrial use in Port Fairy that

	<ul style="list-style-type: none"> <li>• Leave the land in the Farming Zone and only use the RCZ closer toward the Moyne River and Belfast Lough.</li> </ul>	<p>does not hold comparable landscape and amenity value to the town as the subject site, and is not subject to the high level of flood risk.</p> <p>Under the Precautionary Principle, Council's responsibility is to protect the public from harm when scientific investigation has found a plausible risk.</p> <p>There is a long established and accepted practice of regulating land use and development by statutory planning schemes in Victoria. Planning schemes are one element of the diverse legislative framework that regulates how land is used, including by land owners. Future permit applications will be determined on the basis of the planning scheme requirements that exist at the time of the application.</p> <p>Further, it would not be good planning practice to apply both the RCZ and the LDRZ to a single parcel of land; although some legacy issues remain in the scheme, Council seeks to avoid additional instances of applying multiple zones within individual lots.</p>
	<p>The owners question the intent of the rezoning as it is noted that the river itself if being retained in the Farming Zone. If the conservation values are so important, why is the river itself being left in the Farming Zone to the north of Gardens Caravan Park rather than moving to the Rural Conservation Zone or the Public Conservation Zone?</p> <ul style="list-style-type: none"> <li>• If the RCZ is to be used to conserve the natural environment, natural resources and biodiversity values it is better served being limited to that part of the site that is directly adjacent to the Belfast Lough that contains floodplain vegetation and supports existing biodiversity values that is currently leased by the GHCMA as detailed above.</li> <li>• It is common for floodplains to be located in the Farming Zone to limit intensification of development within floodplains, coupled with flooding overlays, such as the current Zoning pattern is at present. There is no need to amend the current Zoning regime on the subject site to better protect the floodplain, given that this can be reasonably done by the Floodway and Land Subject to Inundation Overlays.</li> </ul>	<p>In early 2019, DELWP prepared a Ministerial Amendment to rezone Coastal Crown Land between Port Fairy and Warrnambool from the Farming Zone to the PCRZ and PPRZ. This included the rezoning of the Belfast Lough and Moyne River to the PCRZ.</p> <p>It was submitted to the Minister for approval in mid-2019, however, it has not yet been gazetted.</p>

	Concerns regarding increased Insurance premiums	See Submission 6a.
	<p>I am writing to strongly object to the proposed C69 Amendment with regard to the rezoning of the south side of Model Lane to a Rural Conservation Zone (RCZ).</p> <p>My family has lived at [#] Model Lane for 20 years, we have payed rates and our property was purchased with a rural residential zoning and the confidence of being able to build additional dwellings and the option of potentially subdividing further.</p> <p>We own a well elevated residential property that does not even back onto the Belfast Lough and its environments. The landscape is no different to the north side of the road.</p> <p>Rezoning the south side of Model Lane will have significant impacts on our investment, is unfair, unnecessary and has nothing to do with conservation. There are already overlays in place acknowledging the floodplain and wetland habitats.</p>	<p>Due to its proximity to the Moyne River, the land identified in the submission is classified as part of the Belfast Lough environs, which are recognised as:</p> <ul style="list-style-type: none"> <li>• having high environmental value as flora/fauna habitat;</li> <li>• being of significant landscape value with views across and within the Lough from key gateways and vistas into, and within, Port Fairy; and</li> <li>• being subject to existing riverine and estuarine flooding, and future coastal inundation.</li> </ul> <p>Consequently, further development of the Lough environs is no longer considered to be appropriate and the area has been excluded from the coastal settlement boundary, in accordance with <i>Planning Practice Note 36: Implementing a Coastal Settlement Boundary</i> (PPN36), and proposed for rezoning to the Rural Conservation Zone (RCZ), in accordance with <i>Planning Practice Note 42: Applying the Rural Zones</i> (PPN42).</p> <p>The RCZ recognises the environmental sensitivity of the Lough environs whilst still allowing continued use of properties for both agricultural purposes and/or development of one dwelling per lot, as is currently permitted, subject to the requirements of flood provisions and any other applicable overlay being met.</p> <p>The PFCSP identifies sufficient land to accommodate future growth in Port Fairy - infill and greenfield - that is not subject to the high level of flood risk, and does not hold comparable landscape and amenity value to the town as the subject site.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
59	<p>We are concerned about the negative impact of the Amendment, particularly the Development Plan and the Floodway Overlay – Schedule 3. Under the new regulations [building a new dwelling] no longer appears to be possible. We recognise the concerns underlying the proposed Amendment, but consider both that (a) the modelling which underpins the reasoning for the Amendment is too uncertain to justify such immediate and severe planning</p>	<p>Port Fairy has been subject to multiple local coastal hazard assessments (since 2007), including extensive scientific modelling on the impacts of a range of projected sea level rise scenarios up to 1.2 metres. The use of computer based modelling has been consistently accepted by Planning Panels as an appropriate basis for application of flood controls.</p>

	<p>restrictions on our rights as property owners and (b) that possible alternatives, such as a more gradual introduction of the restrictions, have not been given due consideration.</p>	<p>Amendment C69moyn complies with State policy to 'avoid development in identified areas that are vulnerable to coastal hazard risk', and to consider the Precautionary Principle in planning and decision-making, to protect the public from harm when scientific investigation has found a plausible risk. The PFCSP identifies land for future growth in Port Fairy that is not subject to high risk of inundation.</p> <p>Gradual introduction of planning controls would undermine their efficacy, allowing intensification of development in known flood-prone areas for short-term benefit, but creating extensive legacy issues. This would conflict with Objective 2 of the Victorian Floodplain Management Strategy, to 'Reduc[e] legacy issues to minimise exposure to future flood risk and consequences', and increase impacts on the community in a flood event.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
60	<p>Unreasonable adverse impact on property rights and value</p> <p>It is prima facie unreasonable for new regulations to immediately and severely curtail the rights of property owners, with the consequent devaluation of such property.</p>	<p>There is a long established and accepted practice of regulating land use and development by statutory planning schemes in Victoria. Planning schemes are one element of the diverse legislative framework that regulates how land is used, including by land owners.</p> <p>Individual property values are not a relevant consideration.</p>
	<p>Long-term theoretical modelling, which may or may not become a reality, cannot be used to justify such draconian planning measures. The modelling is uncertain. Little adequate explanation has been provided for the assumptions that have changed the modelling so significantly as to require the drastic measures proposed by the amendment. Whilst it is clear sea levels are rising, it appears that the modelling around the severity and frequency of catchment floods is less certain – is the Council satisfied that the very complex modelling that forms the basis of the Amendment has been subject to appropriate technical review? Given the potential property devaluation throughout Port Fairy, it is reasonable to expect that the Councillors will have done everything possible to satisfy themselves regarding the accuracy and certainty of the modelling and will have explored alternatives</p>	<p>Port Fairy has been subject to multiple local coastal hazard assessments (since 2007), including extensive scientific modelling on the impacts of a range of projected sea level rise scenarios up to 1.2 metres. The use of computer based modelling has been consistently accepted by Planning Panels as an appropriate basis for application of flood controls.</p> <p>The modelling that forms the basis of the amendment has been peer reviewed to ensure it is robust and thorough. Council is satisfied that the modelling represents the best available advice, noting that technology and understanding is continually evolving and future studies may identify differing outcomes, with consequent changes to the planning scheme.</p>

	to the currently proposed immediate imposition of severe restrictions.	
	Apparent inaccuracy of mapping. According to Map No. 36LSIO-FO it appears that 92 Griffiths Street is subject to FO3 to a greater extent than other properties in Griffiths Street, although from observation the natural height of our property is higher than those properties	The flood mapping underlying the amendment has been updated since this submission was made.
	Very restrictive implications of Development Plan 2019. Regardless of the modelling, are the consequent very restrictive Development Plans required? There does not appear to be an acknowledgement that appropriate design measures could overcome the concerns Amendment C69 is seeking to address, so that reasonable development would be allowed to continue.	The LFDP does not prohibit development on flood-affected land, but rather provides guidance, outlining appropriate design measures to minimise the potential for loss of or damage to life or property. Compliance with the best practice measures outlined in the proposed flood provisions offers land owners the means to manage prospective investment to reduce, rather than compound, potential losses.
	Unintended adverse consequences. Given the proposed amendment may prevent property owners from being able to build new homes, there is the risk that owners of many existing properties that are currently at ground level (including 92 Griffiths Street) will renovate to the full extent allowable. This will likely result in less than ideal development and design. Such suboptimal neighbourhood development would be an unintended consequence of the immediate application of Amendment C69. Surely if planning changes are considered necessary, it would be better to do so incrementally?	<p>The LFDP 2022 includes provisions that apply to extensions of existing buildings, and there are DDOs in place over established areas to promote built form that supports existing the existing character and amenity of the town.</p> <p>As noted above, incremental introduction of planning controls would undermine their efficacy.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
61	<p>Requested change to Amendment C69moyn:</p> <p>1. Include a new objective and strategy within Clause 21.09-3 'Port Fairy' which identifies community services required to support future population growth, including the identification of opportunities to develop a secondary school (public or private) within the settlement.</p>	<p>The development of educational facilities is undertaken by the Victorian School Building Authority, as part of the Department of Education and Training. Generally, a State secondary school requires a population of 10,000 persons to support its viability. It is not envisaged that Port Fairy will grow to this size and as such provision for a secondary school is not warranted as a part of Amendment C69moyn.</p> <p>The PFCSP provides high level guidance for land use and development purposes; community services are expected to be provided by the relevant authorities as and when demand exists.</p>

		<b>No changes to Exhibited amendment documents are proposed in response to this submission.</b>
62	<p>Requested change to Amendment C69moyn:</p> <p>1. The north eastern corner of 13-17 Thistle Place be identified as a 'Low density residential area' within Figure 1 to Clause 21.09-3 'Port Fairy'.</p>	<p>The subject site is outside the Coastal Settlement Boundary, and there is no strategic justification to amend the Rural Living Zone applied through Amendment C60moyn, which implemented the Port Fairy West Structure Plan.</p> <p>In any case, the rezoning of land requires careful consideration via the amendment process instituted by the <i>Planning and Environment Act 1987</i>, to ensure sufficient strategic justification is identified, and all potential impacts are considered appropriately. As such, the rezoning of an individual parcel of land that is not within the authorised scope and cannot be undertaken as part of Amendment C69moyn.</p>
	<p>As discussed above, updated flood controls (LSIO3) were applied to site as part of the implementation of the Port Fairy West Structure Plan. The LSIO3 is based on modelling of various flood events, including consideration of the effects of flood behaviour from projected 0.8 metre sea level rise.</p> <p>As shown in Figure 2 below, LSIO3 applies to low lying areas within the site.</p> <p>Amendment C69moyn proposes to apply flood controls (proposed LSIO4 and FO3) based on projected future risk (combined effects of riverine flooding and projected sea level rise of 1.2m). It is understood that LSIO4 and FO3 will be applied in addition to existing flood controls.</p> <p>As shown in Figure 3 overleaf, the proposed LSIO4 and FO3 apply to a small area of the subject site. It is noted, that the proposed flood controls have no relationship with the existing LSIO3. The application of the LSIO4 and FO3 (as exhibited) within the vicinity of Thistle Place will not lead to an orderly planning outcome and accordingly should be removed from Amendment C69moyn.</p>	<p>Through the process of updating the flood mapping underlying the amendment, conducted since this submission was made, the extents of LSIO4 and FO3 have been integrated with existing overlays. A future amendment will be required to address changes to flood provisions applying to the Port Fairy West Structure Plan area as applied by Amendment C60moyn until appropriate mapping has been undertaken.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>

	<p>A further planning amendment would be required should Council wish to progress with updated flood controls in the Port Fairy West Structure Plan area.</p> <p>Requested change to Amendment C69moynes:</p> <p>2. Amendment C69moynes be amended to remove FO3 and LSIO from land in the vicinity of Thistle Place (including land at 13-17 Thistle Place).</p>	
63	<p>Amendment C69moyn proposes to rezone 196 Griffiths Street from General Residential to Neighbourhood Residential (NRZ). The proposed NRZ reflects the character of surrounding area (predominately single storey and double storey dwellings) and is generally supported.</p> <p>The amendment proposes to replace existing design controls (Design and Development Overlays) with contemporary design controls. These proposed controls are generally supported.</p>	<p>Council notes the content of this submission.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
63, 64, 65, 66, 67	<p>Requested change to Amendment C69moynes:</p> <p>1. Amend the Port Fairy Local Floodplain Development Plan to recognise the distinction between riverine flooding and coastal flooding and that policy, which seeks to assist in exercising discretion, allow for a tailored response which reflects future risk.</p>	<p>Through the process of updating the flood mapping underlying the amendment, conducted since this submission was made, the flood controls proposed by Amendment C69moyn have been amended to apply LSIO4 to those areas affected by the 1.2m SLR, and LSIO2 to those areas unaffected, and to differentiate the applicable NFPL in the LFDP. Performance requirements and exemptions remain unchanged, as there are minimal differences to impacts of flooding that are based on the floodwater's source.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
64	<p>Requested change to Amendment C69moynes:</p> <p>1. Relocate the northern boundary of the proposed NRZ approximately 5.5 metres to the north to align with the proposed 'house pads' on the enclosed plan.</p>	<p>Through the process of updating the flood mapping underlying the amendment, conducted since this submission was made, the extent of the Floodway Overlay applying to 2 Regent Street has been extended. Consequently, GHCMAs have provided advice to Council that development would not be supported and the proposed rezoning of the land to NRZ should not proceed.</p> <p><b>Council proposes to rezone the entirety of 2 Regent Street to the RCZ.</b></p>



	Recognising distinction between riverine flooding and coastal flooding in the LFDP	See Submission 63.
65	<p>Requested change to Amendment C69moyne:</p> <p>Amend the boundary between DDO5 and DDO6 to align with the proposed subdivision boundary.</p> <p>2. Abandon the application of the EMO along East Beach (on the basis that Moyne Shire Council has adopted an adaption response to rebuild the rock wall to project properties until the year 2100); and/or</p> <p>3. Amend Schedule 1 to the EMO to include guidance on when a coastal hazard assessment would not be required. Consideration should also be given to exempt permit requirements for vegetation removal in areas where the rock wall has been (or will be) upgraded.</p>	<p>Council notes that the subdivision application has been completed.</p> <p><b>Council proposes to amend the alignment of the DDOs to reflect the subdivision boundary.</b></p> <p>State policy is to 'avoid development in identified areas that are vulnerable to coastal hazard risk from impacts such as erosion and flooding (both estuarine and coastal), inundation, landslips and landslides, and geotechnical risk', due to potential damage to both constructed buildings and natural processes. The MCP notes that a number of responses may be required.</p> <p>The MCP further states that the State government and Crown land managers do not have an obligation to manage marine environments for the primary purpose of protecting private property.</p> <p>Applicants should consult with Council as the responsible authority to determine where a coastal hazard assessment is not required.</p> <p>The MCP notes that a number of responses may be required. Retention of vegetation is a key tool in minimising erosion, and it is policy in at both state and local levels that mitigation works such as sea walls do not influence planning decisions until implemented and modelled.</p>
	Recognising distinction between riverine flooding and coastal flooding in the LFDP	See Submission 63.
66	<p>Requested change to Amendment C69moyne:</p> <p>Amend Schedule 2 to the Rural Conservation Zone to specify a minimum lot size 5,000sqm for the purposes of a subdivision to create a lot for an existing dwelling.</p>	<p>Council notes the subdivision permit mentioned in the submission has been granted.</p> <p>A minimum lot size of 5,000m2 would allow intensification of development in areas of high environmental and amenity value, as well as high flood risk, which is contrary to the policy contained in the PFCSP and the MCP.</p>
	Recognising distinction between riverine flooding and coastal flooding in the LFDP	<p>See Submission 63.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission</b></p>

67	<p>Requested change to Amendment C69moyne:</p> <p>1. Amend Schedule 6 to the DDO as follows:</p> <p>a. Include discretion to allow garages forward of a dwelling subject to design criteria (such as garage doors being located at 90 degrees to the street and provision for glazing and landscaping to the street frontage.</p> <p>b. Replace the term 'equitable view sharing' with reasonable view sharing'.</p>	<p>The Design Objectives of DDO6 seek to ensure that new development respects the existing built character and does not dominate the visual setting, while minimising the detrimental visual impact of car parking and outbuildings. It is therefore not considered appropriate to allow for garages to be positioned forward of a dwelling.</p> <p>Council considers that 'equitable' remains the appropriate wording to express the intention of the ordinance. Council officers note that the existing DDO9, which applies to the Gipps Street and Moyne River Area, has included the objective 'to allow for ... an equitable sharing of views between properties' since 2006 without issue.</p>
	<p>Recognising distinction between riverine flooding and coastal flooding in the LFDP</p>	<p>See Submission 63.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission</b></p>
68	<p>Re the above amendment I was concerned how it will impact on my house at [address], I spoke to [name] who was going to forward a master plan to view if my house was far enough from the boundary and flood plain [that it] will not affect any building I wish to renovate or demolish.</p>	<p>Council notes the content of this submission.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
69, 69a	<p>Requested change to Amendment C69moyne:</p> <p>1. The Rivers Run land be identified as a 'Potential residential expansion area' within Figure 1 to Clause 21.09-3 'Port Fairy'.</p>	<p>As Amendment C75moyn, which is currently underway, is expected to resolve the issues which may affect its residential potential (to demonstrate accordance with relevant flood controls under a 1.2m SLR scenario, and that the land is outside any buffer agreed by SunPharma and the EPA), it is not considered necessary to include the identification for ongoing reference within Figure 1.</p>
	<p>Requested change to Amendment C69moyne:</p> <p>2. The nomination of a 500m 'Industrial Buffer Zone' be removed from Figure 1 to Clause 21.09-3 'Port Fairy'.</p>	<p>Council proposes to undertake additional research and consultation to consider interface requirements at Port Fairy's key industrial sites, and determine the appropriate application of the ESO and/or BAO to promote a cohesive outcome. Authorization for an amendment to implement the resulting recommendations will be sought at a later date if required.</p>

		Given this intention, Council considers it premature to make changes to the identified strategies.
	<p>The application of FO3 to the majority of the subject site as proposed by the Amendment is opposed:</p> <p>8.1 The FO is not an appropriate control in the context of the flood risk.</p> <p>8.2 The FO is overly restrictive to development and does not allow for a flexible adaptation pathway for climate change considerations.</p> <p>8.3 The FO is not intended to apply to areas of coastal inundation.</p>	<p>The full suite of available floodplain controls was considered during the preparation of the PFCSP. <i>Planning Practice Note 12: Applying the Flood Provisions in Planning Schemes</i> (PPN12) notes that the application of flood provisions is dependent on the level of flood risk, assessed through a number of variable contributing factors. The application of the FO is derived from the delineation guidelines utilised by GHCM, the Floodplain Management Authority for the region under the <i>Water Act 1989</i>.</p> <p>State policy is to 'avoid development in identified areas that are vulnerable to coastal hazard risk', and to consider the Precautionary Principle in planning and decision-making, to protect the public from harm when scientific investigation has found a plausible risk.</p> <p>The PFCSP identifies land for future growth in Port Fairy that is not subject to high risk of inundation. The flood overlays do not prohibit development on flood-affected land, but rather provide guidance to minimise the potential for loss of or damage to life or property. Compliance with the best practice measures outlined in the proposed flood provisions offers land owners the means to manage prospective investment to reduce, rather than compound, potential losses. The methods to reduce flood impacts are similar regardless of the source of the floodwater.</p>
	<p>Instead, LSIO4 should be applied to the Land identified in the submission (and broader Amendment area where appropriate):</p> <p>9.1 The LSIO is an appropriate response to the flood risk as it triggers assessment of flood hazard for any development;</p> <p>9.2 The LSIO would only allow development that can adequately manage flood risk through design of earthworks (and other measures) and the adoption of elevated floor levels to minimise risk.</p>	<p>The application of the FO and LSIO are determined by the depth and speed of modelled floodwaters, corresponding to levels of hazard. This provides the framework to assess the flood hazard for any development.</p> <p>The <i>Marine and Coastal Policy 2020</i> stipulates a hierarchy of adaption actions that prioritises non-intervention in marine and coastal processes, and avoidance of development in areas that are negatively impacted by coastal hazards.</p> <p>The MCP identifies mitigation works as 'the option of last resort', noting that they are often expensive, their benefits tend to be localised, and they frequently transfer problems to nearby areas. The MCP further states that the State government and Crown land</p>

		<p>managers do not have an obligation to manage marine environments for the primary purpose of protecting private property.</p> <p>Further, the PFCSP states that mitigation works should not influence planning decision making until they are implemented, and relevant flood impact modelling is updated.</p>
	<p>The LSIO4 extent should be based on 0.8m sea level rise (SLR) criteria. Applying 1.2m SLR is overly conservative.</p>	<p>Port Fairy has been subject to multiple local coastal hazard assessments (since 2007), including extensive scientific modelling on the impacts of a range of projected sea level rise scenarios up to 1.2 metres. The use of computer based modelling has been consistently accepted by Planning Panels as an appropriate basis for application of flood controls.</p> <p>The State Government, through Clause 13.01-2S of the Moyne Planning Scheme, requires Council to plan for and manage the potential coastal impacts of climate change. This includes to "Plan for sea level rise of <i>not less than</i> 0.8 metres by 2100 and <i>allow for the combined effects of tides, storm surges, coastal processes and local conditions</i> such as topography and geology when assessing risks and coastal impacts associated with climate change'.</p> <p>The Victorian <i>Marine and Coastal Policy 2020</i> (MCP) notes that the '<i>not less than 0.8m</i>' is a baseline measure only, intended for a review which is understood to be currently underway.</p>
	<p>The FO3 extent should be remapped for the broader Amendment area, including the subject site:</p> <p>11.1 FO3 should be based on existing flood risks and reviewed depth/hazard parameters.</p> <p>11.2 Flood-dominated conditions rather than ocean dominated conditions are appropriate to inform FO3.</p>	<p>Past flood events are not considered to be reliable indicators of potential for future flood events given the current and potential impacts of climate change.</p> <p>The flood provisions proposed by Amendment C69moyn take into account both riverine and coastal hazards, and provide appropriate guidance to manage both in isolation and combination.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to these submissions.</b></p>
70, 70a	<p>I wish to object to the proposed amendment C69moyn I do not believe current private land should be restricted by this amendment. We all purchased this land as a lifestyle and investment and care for the environment. I would like to be involved in discussions of conserving the wetlands currently the bird life and native wildlife needs protecting and communicating</p>	<p>There is a long established and accepted practice of regulating land use and development by statutory planning schemes in Victoria. Planning schemes are one element of the diverse legislative framework that regulates how land is used, including by land owners.</p>

	with DELWP and Moyne Shire is an integral part of protecting the Belfast Lough environs.	<b>No changes to Exhibited amendment documents are proposed in response to this submission.</b>
71	Objection to the application of the ESO7.	See Submission 1.
72	<p>As a current landowner I have no issues with C69 proposal to those assets.</p> <p>As a developer and vacant land owner I would like to express my support for the amendment – particularly the address of the ‘out of date’ design and development overlays.</p> <p>I think the amendment proposed will tidy this up somewhat and in turn create some consistency across the township.</p> <p>I would however like to know more about the inundation overlays and the ‘sea level rise’ impact.</p>	<p>Council notes the content of this submission.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
72a	<p>My property located at [address] is currently affected by the abovementioned amendment and we would like to raise attention to this specific allotment.</p> <p>Consideration to insurances for the rate payer and additional costs need to be factored in and given thought if they find their homes now in flood overlays.</p> <p>The block could be considered to be located at the gateway of the East Beach and failure to utilize the block to its potential could result in having something not aesthetically pleasing and potentially a missed opportunity for the town.</p> <p>Currently, if the block was to be pigeon holed under the current changes under review, we could see the block only used on the top half and only a tall, skinny structure at the back side of it with the remaining land on the Griffith Street side utilized as a tennis court/basketball court that would be used for more personal recreational use.</p> <p>Although the current amendment is being looked at as a blanket cover for areas, I do believe that some allotments should be given case by case consideration. The [address] allotment is more of an opportunity to work together for the best outcome for the township and the East Beach precinct to ensure that it is utilized to its best</p>	<p>The flood overlays do not prohibit development on flood-affected land, but rather provide guidance to minimise the potential for loss of or damage to life or property. Compliance with the best practice measures outlined in the proposed flood provisions offers land owners the means to manage prospective investment to reduce, rather than compound, potential losses.</p> <p>Council has reviewed the DDOs and included wording that allows for building height to be measured from finished floor level rather than ground level where properties are within the FO or LSIO.</p> <p>An application for a planning permit allows for case by case consideration of individual properties and specific development proposals.</p> <p>Council recommends consultation with GHCM, which provides advice to assist in preparing development plans that comply with flood controls.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>

	potential while still protecting and preserving the integrity of the heritage overlays nearby with the stone cottages on Griffith Street.	
73	<p>Loss of the feeding site at Companion lagoon due to housing development and / or disturbance from human recreation is likely to have a “knock-on” effect to the Port Fairy snipe population, such that reductions to the population using the lagoon will result in an equivalent or greater reduction in the population overall.</p> <p>I would strongly recommend that the existing wetland area within the proposed Growth Area A and planning scheme proposed NRZ1 area be protected from any form of development or human intrusion. This should include disturbance buffers of 100m (including the proposed Reedy Creek linear open space), exclusion fencing to keep out dogs and discourage access by human foot traffic and indigenous environmental plantings to screen the area at the fence boundary.</p> <p>Furthermore, I would also recommend establishing an additional Environmental Significance Overlay for Latham’s Snipe that incorporates the Companion lagoon wetland area, the urban wetland areas of Powling Street wetlands and Sandy Cove, and the wetland area on the opposite side of the Princes Hwy to Growth Area A (currently private land zoned ).</p>	<p>The content of this submission is noted, however, many of the proposed measures are not able to be implemented through the planning scheme. Given the nature of the land in private, fragmented ownership, there is limited scope to provide protections to Companion Lagoon through zoning. Although some legacy issues remain in the scheme, Council seeks to avoid additional instances of applying multiple zones within individual lots.</p> <p>The application of an ESO or similar overlay is beyond the scope of Amendment C69moyn, however, it is expected to be considered for future strategic work and a subsequent amendment.</p> <p>Amendment C69moyn does provide for planning to support the wetlands under the DPO, as amended in accordance with Submission 38. Further, Council recognises that the approval requirements of the federal EPBC Act provide oversight of development proposals, to ensure that the Lagoon’s environmental values are retained under the NRZ.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
74	See Submission 27.	
75	Model Lane - Floodplain issues	See Submission 6a.
	Concerns regarding increased Insurance premiums	See Submission 6a.
	The landowners generally support the replacement of Design and Development Overlay 21 with Design and Development Overlay 3 – as the objectives and content are very similar, resulting in no substantial changes to the future assessment of development on the land.	<p>Council notes the content of this submission.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
76, 76a	<p>1. This submission supersedes the CMAs 29 June 2020 submission.</p> <p>2. For the reasons stated in the following points 3 through 8, Glenelg Hopkins CMA supports Moyne Shire in its proposal to adopt flood related planning controls that account for the</p>	Council notes the content of this submission.



	provided by Moyne Shire in December 2021 addresses the matters raised at points 6 through 10 in the GHCMA's June 2020 submission.	<b>Council proposes to amend the LFDP to include the text recommended by GHCMA.</b>
	10. Further to point 8 - the CMAs understanding is that the number of schedules to the LSIO and FO pertaining to Port Fairy will be reduced to 1, thereby reducing the total number of LISIO and FO schedules in the scheme to 2, consistent with State Government objectives for streamlining planning scheme ordinance.	<p>Council supports the simplification of the LSIOs and FO relating to Port Fairy, however, having worked with GHCMA since the close of Exhibition to test the feasibility of reducing the overlays, it has not proven to provide the best outcomes for the town.</p> <p><b>Council proposes to replace the Exhibited LSIO and FO schedules with versions tailored to correspond to the updated overlays, to provide a cohesive suite of flood controls for Port Fairy.</b></p>
	<p>11. Glenelg Hopkins CMA considers that the August 2021 Hydrology and Risk Consulting (HARC) report titled "Moyne Amendment C69 Flood Summary Report V1.2" combined with the revised flood risk mapping outputs, now provide the best available sea level rise flood risk (both Riverine and Ocean Storm Tide) information for Port Fairy, accounting for the likely extent of riverine and/or ocean storm tide driven 1%AEP floods, up to the 1.2m higher mean sea level threshold (the highest sea level rise scenario yet mapped in the region).</p> <p>12. The August 2021 HARC report is the culmination of a peer review of the "Translation of Port Fairy Coastal Hazard Assessment" report (CARDNO, 18 August 2019) exhibited in 2020. The peer review was completed by Water Modelling Solutions Pty Ltd.</p> <p>13. As confirmed by the peer review process, the August 2021 HARC report demonstrates application of sufficiently robust methodology and rigour in the modelling processes used to delineate the revised flood risk control mapping exhibited in Dec. 2021.</p> <p><b>14. If the proposed amendment is adopted, Glenelg Hopkins CMA will adopt the 1%AEP flood level estimate for the 1.2m higher mean sea level scenario as the recommended minimum floor level (Nominal Flood Protection Level (NFPL)) for new dwellings in Port Fairy. This level will be adopted with</b></p>	Council notes the content of this submission.



	<p><b>no added freeboard. Points 15 through 24 below provide a summary of the reasoning behind adoption of this flood level estimate as the NFPL.</b></p>	
	<p>15. According to the CMAs analysis (see attached Excel spreadsheet) adoption of this NFPL will represent a modest (generally in the order of 100mm) increase in floor levels across the Port Fairy floodplain areas - over and above minimum floor levels currently recommended by the CMA.</p> <p>16. Glenelg Hopkins CMA commissioned a comprehensive analysis of the best available information concerning the trajectory of sea level rise along the Glenelg Hopkins Region coast. This analysis is documented in the attached "Tide Gauge Trigger Levels for Sea Level Rise Adaptation Pathways" report (Feb. 2022).</p> <p>17. This report synthesizes the best available sea level rise risk information relevant to the region and is attached to this submission as additional documentation supporting the amendment.</p> <p>18. The report clarifies the best available information on emissions scenarios, their potential influence on the sea level rise trajectory (rate of rise), and the risks sea level rise poses from the perspective of flood risk. It goes on to provide a clear logic for establishing an "adaptation pathway" for management of the worsening flood risks in coastal areas via the statutory planning system.</p> <p>19. The report establishes a logic for a sea level rise flood risk "adaptation pathway" founded on direct use of sea level rise data being collected by the Portland Tide Gauge. In this way, the report provides a documented, practical plan for direct translation of the policy settings of the Victorian Coastal Policy (2020) (specifically Policies 6.1 through 6.5 and 6.7) into on ground outcomes.</p> <p>20. The Tide Gauge Adaptation Pathway report shows that adoption of the 1.2m sea level rise , 1%AEP flood level estimate should provide at least 600mm of freeboard over the best estimate of 1%AEP flood levels until such time as the mean sea</p>	<p>Council notes the content of this submission.</p>

	<p>level reading at the Portland tide gauge reaches 1.17 m which equates to 0.66 mAHD. The report refers to this level as a “trigger level”, attainment of which marks the appropriate time to revise the NFPL upward by the addition of a freeboard margin.</p> <p>21. The timeframe for attainment of this level represents the most significant uncertainty in managing the sea level rise risk and is dependent on the actual emissions pathway the world follows.</p> <p>22. Currently, of 600mm of freeboard over the 1%AEP flood level scenario accounting for 0.8 metres of sea level rise has been recommended for all coastal greenfield development in the region</p> <p>23. For infill development, 800mm of freeboard over the estimate for the present-day 1%AEP flood level estimate is recommended. This amount of freeboard is comprised of the 600mm minimum freeboard allowance applied to all coastal development in the region since approximately 2008, plus an additional allowance of 200mm accounting for sea level rise up to approximately the year 2040.</p> <p>24. The NFPL approach described at points 22 and 23 above is consistent with the DELWP Guidelines for Coastal CMAs in Assessing Coastal Development and (until recently) Clause 13 of the Victoria Planning Provisions.</p>	
	<p>25. Clause 13 of the Victoria Planning Provisions has been amended recently (Sept 2021). The sea level rise risk is policy is now conveyed in Clause 13.01-2S. The “0.2m additional freeboard allowance for coastal infill” development as conveyed by the previous policy, is no longer supported. It is now policy to base flood risk considerations across the entirety of coastal floodplains on consideration of the risk posed by at least 0.8m of sea level rise.</p> <p>26. The revised policy represents a significant step in the right direction in terms of supporting practical and effective sea level rise risk mitigation on-ground and provides for a simplified approach to setting NFPLs for coastal development.</p> <p>27. Adoption of the 1%AEP flood level estimate accounting for up to 1.2m of sea level rise with no additional freeboard margin is</p>	<p>Council notes the content of this submission.</p>

	consistent with the Objective and Strategies of the new Clause 13.01-2S.	
	<p>28. Based on the assumption the global emissions continue to follow the IPCCs SSP8.5 trajectory (note that adoption of this scenario for planning purposes has been recommended by the Marine &amp; Coastal Council), this level is likely to attained sometime around the year 2068. After this, if no additional freeboard is added to the NFPL, the freeboard margin will diminish to zero if the Portland Tide gauge reaches a reading of 1.46m, which is predicted to occur at around 2098.</p> <p>29. To maintain a reasonable freeboard (safety) margin over 1%AEP flood levels into the future, the Nominal Flood Protection Level (recommended minimum floor level) will need to be revised upward preferably before reaching 1.17 on the Portland Tide Gauge to ensure the minimum floor level requirement stays ahead of (is adapted to) the worsening flood risk profile.</p> <p>30. To provide sufficient time for investment in revision of flood risk information, checking of the adaptation pathway and design and implementation of any statutory process to revise the planning scheme related flood risk controls, it is recommended that the level of 1.04 m on the Portland Tide gauge be adopted as an “early signal” of the need to act on upward revision of the NFPL. Based on the SSP8.5 emissions projection, this level could be attained by around 2058, thereby providing a 10 year window for the decision making process and implementation of an appropriate added freeboard margin.</p> <p>31. The report therefore indicates that the flood risk controls proposed by Moyne C69 can be expected to provide adequate protection to new development for a period in the order of 36 years into the future, after which (according to the current best available information) the performance of the adopted NFPL will decline and upward revision will be required, potentially in addition to increase in extent of the flood overlays using new flood risk mapping that accounts for sea level rise in excess of 1.2m.</p>	Council notes the content of this submission.

	32. The report also makes it clear that this operational timeframe could be substantially reduced (potentially in the order of 20 years) if the SSP8.5 “low confidence” scenario becomes a reality.	
	33. The CMA has not yet been able to undertake thorough assessment of the presence/absence of any significant “boundary” issues related to the proposed revision of the LSIO and FO not covering the full extent of the existing overlays. The CMA recommends that merging of the new overlay mapping with the existing overlay mapping be carefully considered in finalising the overlay maps to ensure no perverse outcomes arise from the transition between existing and new overlay mapping.	<p>Council has worked with GHCMa to finalise the LFDP since the close of Exhibition to ensure that the proposed overlays are integrated with the existing bordering overlays.</p> <p><b>Council proposes to replace the Exhibited LSIO and FO maps with versions tailored to differentiate between riverine and coastal flooding, and to integrate with existing bordering overlays, to ensure a cohesive suite of flood controls for Port Fairy.</b></p>
	34. It is recommended that the proposed revision of to the Floodplain Management text under Clause 21.06 be revised to adequately reflect the fact that some land in the shire is at risk of flooding by the southern-ocean during large storm tide events and that this may be the dominant flood mechanism in some areas such as Port Fairy West. In addition to textual improvements, it should be noted that the list of reference documents provided at the end of this clause is well out of date and needs complete revision. The CMA can provide a list of relevant contemporary plans and strategies to assist in the update of this list.	Council proposes to undertake a revision of the clause following the imminent PPF Translation.
	35. Glenelg Hopkins CMA looks forward to supporting the amendment through the Panel Hearing Process.	Council notes the content of this submission.
77, 77a	Residential development should be limited around the Sun Pharma site to ensure that risks associated with security, environment, emergency planning and public safety are minimised.	<p>Council proposes to undertake additional research and consultation to consider interface requirements at Port Fairy’s key industrial sites, and determine the appropriate application of the ESO and/or BAO to promote a cohesive outcome. Authorization for an amendment to implement the resulting recommendations will be sought at a later date if required.</p> <p>Given this intention, Council considers it premature to make requested changes to the identified strategies, but will consider them as part of the future work.</p>
	<i>Rezoning of land adjacent to the Sun Pharma site at 50 Sandspit Road (Lot 1/TP225199) from Industrial 1 to Rural Conservation.</i>	Amendment C69moyn proposed to rezone the subject site to RCZ, recognising the area as:

	Retain the land at 50 Sandspit Road (Lot 1/TP225199) in the Industrial 1 Zone.	<ul style="list-style-type: none"> <li>• having high environmental value as flora/fauna habitat;</li> <li>• being of significant landscape value with views across and within the Lough from key gateways and vistas into, and within, Port Fairy; and</li> <li>• being subject to existing riverine and estuarine flooding, and future coastal inundation.</li> </ul> <p>Further development of the Lough environs is no longer considered to be appropriate and the area has been excluded from the coastal settlement boundary, in accordance with <i>Planning Practice Note 36: Implementing a Coastal Settlement Boundary</i> (PPN36), and proposed for rezoning to the Rural Conservation Zone (RCZ), in accordance with <i>Planning Practice Note 42: Applying the Rural Zones</i> (PPN42).</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
78	Objection to the application of the ESO7.	See Submission 1.
79	<p>Environmental overlays contribute to addressing immediate environment issues and mitigate against further environmental degradation in the longer term. The management of the physical environment is a whole of Shire issue not just a Port Fairy issue.</p> <p>Why is a man-made town boundary the only area under consideration? The coastal areas throughout the entire Shire would benefit from being covered by the environmental erosion overlay.</p> <p>Having the same rules and regulations applying to all of Moyne would help to reduce duplication, red tape and ultimately result in a planning system that is better understood by the community and more effectively administered from the Council.</p>	<p>Amendment C69moyn addresses the study area of the PFCSP only; further strategic work would be required to address the specifics of issues applying to other parts of Moyne Shire, to ensure that measures implemented into the Moyne Planning Scheme are appropriate to fulfil the Objectives of the <i>Planning and Environment Act 1987</i>.</p>
	Will Council make representation to the State government to give up on the bypass in its current position, given that even your new residential overlays encompass the bypass area directly?	<p>During preparation of the PFCSP, and in their submission to this Amendment C69 exhibition, the Department of Transport (DoT) (formerly VicRoads) confirmed the intent to retain the PAO for the Port Fairy Bypass (Submission 37).</p> <p>The submission further states that the recently released Princes Highway (PHW) Corridor Strategy provides direction for the longer-</p>

		<p>term development of the Princes Highway. The Department is currently planning for the future of the PHW corridor, including investigating the longer term need for the PAO. This work, once completed, will inform future decision-making by Council.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
80, 80a	This submission is in relation to the land at [address], where a current planning permit application is underway for a 15 lot subdivision of the property.	Council notes the identified application for subdivision was withdrawn, and a current permit application is underway for a 16 lot subdivision. It is expected that outcome of the application will be determined under the Moyne Planning Scheme as it currently exists.
	Concern that DDOs are overly restrictive on new development, prohibiting needed housing supply, such as townhouses, and promoting larger lot sizes.	<p>The proposed suite of DDOs aim to recognise preferred character outcomes for different character precincts within the town, including greenfield development, with the intent of preserving key characteristics and avoiding incongruous additions as the town grows. Council has reviewed the DDOS to ensure that necessary measures to maintain the town's essential spacious and landscaped characteristics are included, without imposing undue restrictions on new development.</p> <p>Council proposes to amend the suite of DDOs to achieve appropriate housing outcomes suited to varying needs.</p>
	The proposed application of the LSIO4 and FO3 to this site is requested to be reviewed and amended to accord with the flood modelling prepared to support the subdivision of this land.	<p>The flood modelling submitted with the permit application does not indicate the same level of rigour, particularly as inputs are based on 2010 flood modelling work, rather than the more comprehensive 2021 work underlying the amendment. It is not clear whether the flood modelling submitted uses the same inputs, or whether it is modelled on the same scenario, and no indication that it has been peer-reviewed.</p> <p>Further, the PFCSP states that mitigation works should not influence planning decisions until implemented and modelled.</p>
	While the accompanying flood modelling in support of this subdivision demonstrates that it can be developed using a 1.2m sea level prediction, this is inconsistent with the Victorian Coastal Strategy, 2008.	The flood provisions proposed by Amendment C69moyn are consistent with the approach outlined in the <i>Marine and Coastal Policy 2020</i> , which notes that the ' <i>not less than 0.8m</i> ' is a baseline measure only, intended for a review which is understood to be

	<p>It is also submitted that the adopted Flood Overlay and Land Subject to Inundation Overlay be revised to be based upon a 0.8m sea level rise rather than the 1.2m sea level rise detailed in the exhibited documents.</p>	<p>currently underway. The use of the 1.2m SLR is supported by both DELWP and GHCMA.</p> <p>Port Fairy has been subject to multiple local coastal hazard assessments (since 2007), including extensive scientific modelling on the impacts of a range of projected sea level rise scenarios up to 1.2 metres. The use of computer based modelling has been consistently accepted by Planning Panels as an appropriate basis for application of flood controls.</p>
	<p>Significant concerns are raised with how the application of the Land Subject to Inundation Overlay and the Floodway Overlay has been applied. An obvious inconsistency with the mapping of these overlays, a lack of recognition of the previously supplied flood modelling data, significant concerns with the quality of the mapping underpinning these overlays and the utilisation of a 1.2m sea level rise in flood risk modelling are raised.</p>	<p>To translate the HARC flood modelling into planning overlays, a process of 'post-production' was undertaken, as outlined in Submission 76. Council and GHCMA worked closely to examine the FO and LSIO extents, completing the established process which ensures that unwarranted permit triggers and anomalies are removed. Overlays applying to McGill Court were amended through this process.</p>
	<p>While not widely understood to the general public, the combination of these overlays, the proposed Local Floodplain Development Plan and the proposed policies in the Municipal Strategic Statement, will cause significant impediment to development and re-development of properties within the township of Port Fairy. The limitation of utilising of engineering, infrastructure or architectural solutions to mitigate flood risk will significantly impede such development which could otherwise readily address flood risk in an appropriate manner.</p>	<p>State policy is to 'avoid development in identified areas that are vulnerable to coastal hazard risk', and to consider the Precautionary Principle in planning and decision-making, to protect the public from harm when scientific investigation has found a plausible risk. The PFCSP identifies land for future growth in Port Fairy that is not subject to high risk of inundation.</p> <p>The MCP identifies mitigation works as 'the option of last resort', noting that they are often expensive, their benefits tend to be localised, and they frequently transfer problems to nearby areas. The PFCSP states that mitigation works should not influence planning decision making until they are implemented, and relevant flood impact modelling is updated.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
81	<p>The Port Fairy Surf Life Saving Club and The Port Fairy Coastal Group jointly wish to propose that Moyne Shire Council consider adopting a Beach Nourishment Plan for the area of beach extending from the stairs at Beach St to the Bourne Ave.</p>	<p>Council notes the content of this submission, however, Amendment 69moyn addresses measures that can be implemented through the Moyne Planning Scheme. Adoption of a Beach Nourishment Plan is not related to the Planning Scheme, and cannot be implemented through a planning scheme amendment.</p>

		<b>No changes to Exhibited amendment documents are proposed in response to this submission.</b>
82, 82a	<p>I would like to commend the Port Fairy Council on its preparation and adoption of the Port Fairy Coastal and Structure Plan and Amendment and approve its adoption in its entirety.</p> <p>I applaud the adoption of the Rural Conservation Zone which reflects and protects the environmental and landscape values of the Belfast Lough and Mayne River and environs.</p> <p>I note the C69 Amendment recognises the land is subject to combined estuarine and coastal inundation which precludes it from inclusion within the settlement boundary for urban development and / or further subdivision.</p> <p>Numerous residences look onto this beautiful area. The Belfast Lough and environs is an area of great natural beauty and biodiversity which is enjoyed by residents and visitors alike, enhancing our health and well-being.</p> <p>There is great potential for future low impact eco-tourism in this area such as boardwalks, walking tracks, birdwatching and nature tours. Our town's natural beauty, clean air and pristine beaches attract many visitors which helps support our local economy. It is our responsibility to maintain and protect these assets for future generations, long term.</p> <p>I object to any rezoning of this Rural Conservation Zone to allow residential building in the future.</p>	<p>Council notes the content of this submission.</p>
	<p>There is mention in the C69 that the Port Fairy Council is considering a proposal allowing a minimum of 40 extra lots for residential use near the Sun Pharma Complex in a triangle of land bordered by Sun Pharma, the Rail Trail and present housing along the Princes Highway, numbers 181 to 147. The C69 Land Use Map presented for public perusal does not show any future planned residential growth in this area. Growth Area A, B and Lagoon Bay are the three areas designated for future residential development. The land near Sun Pharma being considered by the Council is to be zoned Rural Conservation in the C69 and nearly all of this land comes within the 500 meter Sun Pharma Buffer</p>	<p>Council is obliged to consider all applications for planning scheme amendments. Amendment C75moyn was exhibited concurrently with the further consultation period undertaken for Amendment C69moyn so that a number of overlapping issues could be fully understood and cohesively resolved through the amendment process. They remain two separate proceedings.</p> <p>The proposal that is the subject of Amendment C75moyn will be assessed in accordance with the Moyne Planning Scheme.</p>



	<p>Zone. Residences within that zone are impacted negatively by noise and odour pollution and it is not appropriate to allow more residential building in this area. I object strongly to any future development of this area for residential use.</p>	<p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
83, 83a	<p>CFA recommends:</p> <p>Including additional wording around the fire risk associated with the grassfire and recognition that allotments that interface with the grasslands to the north and north east will need improved fire protection measures.</p> <p>Whilst these fire protection measures may be able to be managed through municipal fire prevention notices and regular ongoing mechanical treatments; this is likely to require ongoing monitoring and intervention by council. CFA recommends consideration of either a perimeter formed road between the farming zoned land and proposed development areas to the north and north east or implementation of a community open space strategy to create separation between unmanaged grasslands and allotments.</p> <p>To assist in reducing grass fire penetration into the community CFA encourages Moyne Shire to consider whether there are appropriate planning controls for the proposed industrial, rural conservation and residential allotments to ensure those allotments that interface with unmanaged grassland have fire sensitive fencing (for example Colorbond fencing) and to ensure effective fire prevention is an ongoing requirement of all future landholders.</p>	<p><b>Council proposes to add a requirement for consideration of fire protection mechanisms in the Interface Plan requirement of the DPO.</b></p>
	<p>Review of the proposed settlement boundary particularly between the water treatment plant and the area identified as 'Growth Area B'. Presently this area creates a potential 'wick' of unmanaged grassland that may allow a grassfire running under a north wind influence to penetrate into the community. Furthermore, under a south westerly change such a fire could then significantly increase in risk. CFA recommends a review of this part of the settlement boundary to create a continuous hard boundary between Goldies Lane and Blackwood Road.</p> <p>CFA don't object to proposal C69.</p>	<p>Council expects to consider a review of the coastal settlement boundary as part of a future amendment.</p>

84, 84a	<p>We, [names], wish to make a submission in favour of the proposed Port Fairy Coastal and Structure Plan (amendment C69) in its entirety with particular focus on the privately owned land around the Belfast Lough area which will change to rural conservation zone from farming zone.</p> <p>We strongly oppose any of this privately owned land being rezoned to neighbourhood residential, with particular focus on the land surrounding Sun Pharma and the residential properties along the Princes Highway to Osmond Lane. Our reason for this opposition is supported by the Officer's recommendations in Moyne Shire Council's C69 amendment which we fully endorse.</p>	<p>The land adjacent to SunPharma is the subject of Amendment C75moyn, which is a separate process. It will be assessed in accordance with the Moyne Planning Scheme.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
85, 85a	<p>It is noted that the ESO7 is intended to be applied to an area of 500m around the Port Fairy Water Reclamation Plant.</p> <p>EPA also notes that the Department of Environment, Land, Water and Planning (DELWP) is currently considering the proposal of a Buffer Area Overlay (BAO). Whilst still in draft form and not currently in place in the VPPs, the BAO is intended to be used to identify areas where there is potential for off-site impacts on safety or human health from industry, warehouse or other uses, to ensure that use and development within buffer areas is compatible with those impacts.</p> <p>Instead of using an ESO to manage buffers, the BAO is intended to be a purpose-built tool to manage buffers through the planning system where the criteria for its use are met and replaces the use of ESOs for this purpose.</p> <p>It is unclear if in drafting this amendment, it was considered if the application of a BAO may be a more appropriate planning tool in this instance.</p>	<p>Council recognises that the ESO may no longer be the most suitable of the Victoria Planning Provisions to apply for the purpose following the introduction of the Buffer Area Overlay (BAO), as noted in the submission.</p> <p>Council proposes to undertake additional research and consultation to consider interface requirements at Port Fairy's key industrial sites, and determine the appropriate application of the ESO and/or BAO to promote a cohesive outcome. Authorization for an amendment to implement the resulting recommendations will be sought at a later date if required.</p> <p>Council resolved to abandon the application of the ESO as part of Amendment C69moyn at the Ordinary Council Meeting on 1 March 2022.</p>
	<p>In our previous response dated 15 November 2017 we identified significant concerns with the proximity of the land known as 169A and 183 Princes Highway, Port Fairy to industrial land, in particular the interface with vacant land east of the subject site zoned Industrial 1 Zone (IN1Z).</p> <p>Where there is an interface between residential zoned land and IN1Z land, it will affect the ability of the adjacent industrial land to</p>	<p>Amendment C69moyn proposed to rezone the subject site to RCZ, recognising the area as:</p> <ul style="list-style-type: none"> <li>• having high environmental value as flora/fauna habitat;</li> <li>• being of significant landscape value with views across and within the Lough from key gateways and vistas into, and within, Port Fairy; and</li> </ul>

	<p>accommodate heavy industrial uses (thereby undermining the purpose of the IN1Z) due to it being constrained by an adjacent residential development. Additionally, there is a likelihood that residents will be affected by amenity issues such as noise, dust or odour.</p> <p>To remove the incompatible interface, Council may wish to rezone the adjacent vacant IN1Z land to a more appropriate interface zone.</p>	<ul style="list-style-type: none"> <li>• being subject to existing riverine and estuarine flooding, and future coastal inundation.</li> </ul> <p>Further development of the Lough environs is no longer considered to be appropriate and the area has been excluded from the coastal settlement boundary, in accordance with <i>Planning Practice Note 36: Implementing a Coastal Settlement Boundary</i> (PPN36), and proposed for rezoning to the Rural Conservation Zone (RCZ), in accordance with <i>Planning Practice Note 42: Applying the Rural Zones</i> (PPN42).</p> <p>The PFCSP identifies sufficient land to accommodate future growth in Port Fairy - infill and greenfield - that is not subject to the high level of flood risk, and does not hold comparable landscape and amenity value to the town as the subject site.</p>
	<p>It is also noted that a strategy of the Structure Plan is to <i>Support further intensification of SunPharma in its current location but do not support any further expansion in recognition of adjacent residential development</i>. In having this strategy, Council should be aware of the potential implications on the nearby industry. While EPA recognises Council's intent to not support further expansion of the SunPharma site, intensification on the current SunPharma site could result in an increase in production volume which may in turn increase the amenity impacts associated with the site.</p> <p>Whilst the risk of amenity impacts due to current operations appears to be low, further intensification of SunPharma may result in the need for subsequent remedial actions to alleviate off-site effects.</p> <p>In accordance with the agent of change principle, SunPharma and the proponent will have an obligation in accordance with the agent of change principle to mitigate offsite amenity impacts.</p> <p>Consistent with EPA Publication 1518, such action may require costly, high technology solutions, which may not be economically feasible or fully effective, thus jeopardising the economic viability of the industry and potentially not alleviating off-site effects.</p>	<p>Council notes the content of this submission, which is expected to be addressed through the progression of Amendment C75moyn.</p>

	Council needs to carefully balance the desire to support appropriate residential development, whilst not constraining the existing industry's ability to effectively operate.	
	EPA considers that there is further work needed to consider the potential interface between residential and industrial land, the implications of supporting industrial intensification while also supporting nearby residential development and the justification of an ESO on SunPharma and the Port Fairy Water Reclamation Plant.	Council notes the content of this submission.
	EPA also reminds the planning authority to consider the potential for contamination on the sites proposed to be used for sensitive uses which does not appear to have been explicitly addressed.	Council notes the content of this submission.
86, 86a	<p>In summary this submission requests that:</p> <ol style="list-style-type: none"> <li>1. This land be included into the Neighbourhood Residential Zone, with the same overlay controls as on the land to the east.</li> <li>2. An Infrastructure Contributions Plan Overlay or a Development Contributions Plan Overlay be incorporated in the planning scheme to facilitate equitable sharing of development costs for Growth Areas A and B.</li> <li>3. The schedule to the Low Density Residential Zone be amended to support sewered development of LDRZ land with 2000m<sup>2</sup> minimum lot sizes. This request is made regardless of whether either of the first 2 requests are adopted by Council.</li> </ol>	<p>The rezoning of land requires careful consideration via the amendment process instituted by the <i>Planning and Environment Act 1987</i>, to ensure sufficient strategic justification is identified, and all potential impacts are considered appropriately. As such, the rezoning of an individual parcel of land that is not within the authorised scope and cannot be undertaken as part of Amendment C69moyn.</p> <p>Similarly, the implementation of a DCPO or ICPO is beyond the scope of Amendment C69moyn.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
87	I have concluded that Am C69 will also have no impact on gas pipeline infrastructure.	<p>Council notes the content of this submission.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
88	<p>The time given for the six-week public consultation over the Christmas holiday period is too short.</p> <p>The Council has been closed from 24th December until January 5th leaving two days to speak to one of their strategic planners before the public information session on Monday the 10th. Covid is another consideration.</p>	<p>Council acknowledges that planning processes are complex, including the amendment process required under the <i>Planning and Environment Act 1987</i>.</p> <p>The Exhibition of Amendment C69moyn has progressed in accordance with the <i>Planning and Environment Act 1987</i>, with the duration extended beyond the minimum 28 days to accommodate external events. Council officers were available to provide further</p>

	<p>I have had a quick look at the rezoning proposals and find them confusing. Without understanding the background, they do not make sense to me. I think we need more time and information here.</p> <p>Note: other issues raised in the submission address Amendment C75moyn, and will be considered through that process.</p>	<p>information until exhibition closed on 31 January. A number of consultation periods were also held during the preparation of the PFCSP.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
89, 92, 94	<p>I note that on the Port Fairy Coastal and Structural Plan - C69moyn, that a 'Future (indicative) pedestrian linkage' runs from Princes Highway along Bank Street to Baxter Street Reserve, through the Reserve and then through the backyards of properties at 3, 4, 4A and 5 Baxter Street, thence along the boundary between the Showgrounds and Cemetery to a proposed Growth Area.</p> <p>As the owner and resident of [address], I strongly object to this proposal on the grounds that it would: seriously impact the structure and organisation of my property; pass within three metres of my bedroom; destroy the peace and ambience of this residential area; introduce security and litter issues that currently do not exist; and undoubtedly significantly reduce the value of my property.</p> <p>My view is that such access for pedestrians is unnecessary and invasive, and contrary to the present ambience and atmosphere of Baxter Street. Baxter Street was designed and built as a closed court without pedestrian access to other areas and should remain as such. I therefore strongly recommend that this proposal be deleted from the plan.</p>	<p>Council recognises that the designation of a future pedestrian linkage via Baxter Street in the PFCSP is indicative only. Future pedestrian linkages to Growth Area A are expected to be considered in more detail in the Development Plan that is required under the Development Plan Overlay.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to these submissions.</b></p>
90	<p>We are the land owners of a property in Model Lane, Port Fairy. We wish to object against the proposed amendment C69moyn seeking to implement the strategic directions and recommendations of the Port Fairy Coastal and Structure Plan 2018. We consider the ramifications of the proposed changes to the overlays and zoning to be extreme and too severe for the existing and future land owners in this area. Such ramifications include the negative effect on land values and insurance premiums. The reduced property values will in turn reduce council</p>	<p>There is a long established and accepted practice of regulating land use and development by statutory planning schemes in Victoria. Planning schemes are one element of the diverse legislative framework that regulates how land is used, including by land owners.</p> <p>Port Fairy has been subject to multiple local coastal hazard assessments (since 2007), including extensive scientific modelling on the impacts of a range of projected sea level rise scenarios up to 1.2 metres. The use of computer based modelling has been</p>

	<p>rate revenue which will have to be offset by increasing other property owners rates.</p> <p>We believe the existing overlays and zoning adequately reflect the current and ongoing needs for our area as has been shown over a long period of time. The proposed changes are based on "what if" and "may be" modelling. Moyne Council is not the only council in Australia to have coastline. Why is it proposing changes based on "what if" and "may be" modelling when other councils are not?</p>	<p>consistently accepted by Planning Panels as an appropriate basis for application of flood controls.</p> <p>The Victorian <i>Marine and Coastal Policy 2020</i> (MCP) notes that the 'not less than 0.8m' is a baseline measure only, intended for a review which is understood to be currently underway. Further, Council understands a number of other localities are conducting flood modelling using scenarios in excess of 0.8m SLR.</p> <p>Individual property values are not a relevant consideration.. (re Increased Insurance Premiums - See Submission 6a)</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
91	<p>The section of road that is shown in the C[69]moyn amendment that runs ocean side of Bowker Court is requested to be removed for the following reasons:</p> <ul style="list-style-type: none"> <li>o It is understood as an error.</li> <li>o The area is not designated as a road reserve or indicated as a potential road reserve when subdivision was approved.</li> <li>o The road would not connect to anything and would degrade the function of the area for public and recreational use.</li> <li>o The road would reduce the amenity of the area for the property owners adjacent to this area.</li> <li>o Development of improved pedestrian access in this area and the prevention of unauthorised vehicle use of the area which is causing erosion is strongly supported.</li> </ul> <p>The proposed wetland in the plan in Port Fairy west is supported. To optimise the passive recreational and nature interaction value of this wetland area it is recommended that pedestrian and cycle access to this area is incorporated into the plans.</p> <p>Improved pedestrian and cycling connectivity is supported, however, more should be done than is currently indicated in the plans:</p>	<p>Council recognises that the designation of the area to the south of Bowker Court as a road in the PFCSP is an error, given that it is not a road reserve, or appropriate for use as such. Development of improved pedestrian access is outside the scope of the amendment.</p> <p><b>Council proposes to amend Figure 1, Port Fairy Structure Plan to remove indicated road.</b></p> <p>Council notes the indicated land is in private ownership. A development application would be expected to comply with the applicable planning scheme requirements at the time of lodgement.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>

	<p>o New subdivisions should have pedestrian and cycle access to other areas rather than be limited by following the road connections.</p> <p>o Additional cycle paths and pedestrian pathways and rest areas should be put in place to connect all existing paths and provide for safe walking and cycling both for commuting and recreational purposes.</p> <p>The establishment of community gardens and orchards is recommended for new subdivisions as a way to improve the sustainability of Port Fairy, encourage neighbourly connections, support Port Fairy's food scene, and reduce food miles.</p>	
92	See Submission 89 – re Future Pedestrian Linkage via Baxter Court`	
93	<p>Please accept my submission regarding C69 rural conservation and flood level amendments. I oppose both!</p> <p>In 2015-16, I purchased my block of land at 8 Model Lane in good faith, knowing the inundation level was on the lower end of my block, allowing me to build on the upper half.</p> <p>The new C69 amendments place my land completely within the inundation level.</p> <p>I believe this will devalue my home and increase flood insurance.</p> <p>The new C69 amendments will affect every land purchase, new building and existing build in Model Lane.</p> <p>I oppose C69 amendments.</p>	<p>State policy is to 'avoid development in identified areas that are vulnerable to coastal hazard risk', and to consider the Precautionary Principle in planning and decision-making, to protect the public from harm when scientific investigation has found a plausible risk. The PFCSP identifies land for future growth in Port Fairy that is not subject to high risk of inundation.</p> <p>Individual property values are not a relevant consideration.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
94	Future Pedestrian Linkage via Baxter Court`	See Submission 89.
95, 115	<p>We would like to know and oppose how a recorded floodplain can be rezoned to a residential area with global warming causing rising sea levels which will make higher tides stopping floodwater from River Moyne getting out to sea through the current exit being under the road bridge.</p> <p>Note: other issues raised in the submission address Amendment C75moyn, and will be considered through that process.</p>	<p>The flood controls proposed by Amendment C69moyn provide guidance to minimise the potential for loss of or damage to life or property, and to ensure that other properties are not affected by increased floodwater impacts as a result of development.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>

96	<p>We wish to submit an objection to the proposed amendments, C69moyn, which would affect properties along Model Lane. We feel that the current regulations are quite acceptable and reasonable to the benefit of both property owners and council departments responsible for future planning with flood levels being taken into account.</p> <p>Those people who have blocks which have been, or could be subdivided, could find that their land would not be able to be built on or be extremely restricted in their plans.</p> <p>While a number of people are benefiting from the current house prices, those who are wishing to purchase or find rentals are totally unable to do so. We feel that the proposed amendments do not encourage or make it easier for individuals or developers to assist with finding solutions to this problem. The increase of regulations will not simplify the network of Design and Development Overlays as one of your aims is stated to be.</p>	<p>Past flood events are not considered to be reliable indicators of potential for future flood events given the current and potential impacts of climate change. (See also Submission 42a)</p> <p>Individual property values are not a relevant consideration.</p> <p>Council has prepared the <i>Port Fairy Coastal and Structure Plan 2018</i> to guide future growth in response to trends that have seen population increase steadily over the past decades, and more recent increases in demand for accommodation. The provision of an overall framework enables measures to protect and maintain existing built form character to be applied, preventing <i>ad hoc</i> development.</p> <p>The provision of a range of housing types is supported by the Amendment, which is expected to alleviate some demand for rental/affordable housing. Under present legislation, there is no mandatory requirement to include Affordable Housing in residential development. Provision of Affordable Housing was added to the Objectives of the Planning Scheme in June 2018, and Council will promote its inclusion on a site by site basis.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
97	<p>I am writing today to strongly express our opposition to the Port Fairy Coastal Structure Plan C69 Moyne, for the following reasons:</p> <p>Model Lane – Zone Issues</p> <p>2. Residential homes west of Model Lane which are to be included in the overlay will incur additional hurdles in applying for building permits.</p>	<p>See Submission 6a.</p> <p>There is a long established and accepted practice of regulating land use and development by statutory planning schemes in Victoria. Planning schemes are one element of the diverse legislative framework that regulates how land is used, including by land owners.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
98	<p>I'm writing this email to inform you that I am against this Coastal and structure plan.</p>	<p>Council has prepared the <i>Port Fairy Coastal and Structure Plan 2018</i> to guide future growth in response to trends that have seen population increase steadily over the past decades, and more recent increases in demand for accommodation. The provision of</p>



	<p>I find it ridiculous that while businesses are struggling to find staff (mainly because Port Fairy have lost most of its locals due to far too many empty holiday houses)</p> <p>I think adding more pressure with more houses will not only add more pressure on lack of resources but will add more holiday people who aren't buying these houses to be waiters or bar tenders. Gardeners and cleaners etc have lost housing because rentals have disappeared. People are homeless and living in caravans- myself included!</p> <p>I am also passionate about the environment- the LAST thing port fairy needs is to be congested like Melbourne- you only have to see the thefts, rubbish and destruction that happens in town during the holidays- do we really want to see this on a full time basis?</p> <p>I surely hope not!</p>	<p>an overall framework enables measures to protect and maintain existing built form character to be applied, preventing <i>ad hoc</i> development.</p> <p>At present, there are no means for Council to regulate the use of dwellings for short-term accommodation purposes. The provision of a range of housing types is supported by the Amendment, which is expected to alleviate some demand for rental/affordable housing. Under present legislation, there is no mandatory requirement to include Affordable Housing in residential development. Provision of Affordable Housing was added to the Objectives of the Planning Scheme in June 2018, and Council will promote its inclusion on a site by site basis.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
99	<p>I support the current proposed C69 planning amendment.</p> <p>Within this amendment, I support the proposed zoning change on the property 169a and 183 Princes Highway (proposed Rivers Run Estate) from farming to Rural Conservation.</p> <p>As I have been advised, this would allow up to 4 houses to be built on this property. Most of this land is traditional floodplain/marsh/swamp area. The very low residential allowance (4) on this property with the new rural conservation zoning would allow for the safe location of the proposed residences and still allow seasonal animal grazing.</p>	<p>Council notes the content of this submission.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
100	<p>We are writing to strongly object to the proposed c69 amendment nominating a Conservation zone to the south side of Model Lane.</p> <p>There is an obvious demand for more housing around Port Fairy, and the ridges on the southern side provide sites to facilitate this.</p> <p>We believe the rural residential zoning is appropriate for protecting the Belfast lough environs in association with existing overlays for flooding and wetlands.</p>	<p>Due to its proximity to the Moyne River, the land identified in the submission is classified as part of the Belfast Lough environs, which are recognised as:</p> <ul style="list-style-type: none"> <li>• having high environmental value as flora/fauna habitat;</li> <li>• being of significant landscape value with views across and within the Lough from key gateways and vistas into, and within, Port Fairy; and</li> <li>• being subject to existing riverine and estuarine flooding, and future coastal inundation.</li> </ul>

	<p>We believe that this proposal unfairly constrains our purchased property (and our neighbours) without adequate notification and consultation.</p> <p>Please reconsider this proposal to permit housing requirements for the Port Fairy community.</p>	<p>Consequently, further development of the Lough environs is no longer considered to be appropriate and the area has been excluded from the coastal settlement boundary, in accordance with <i>Planning Practice Note 36: Implementing a Coastal Settlement Boundary</i> (PPN36), and proposed for rezoning to the Rural Conservation Zone (RCZ), in accordance with <i>Planning Practice Note 42: Applying the Rural Zones</i> (PPN42).</p> <p>The PFCSP identifies sufficient land to accommodate future growth in Port Fairy - infill and greenfield - that is not subject to the high level of flood risk, and does not hold comparable landscape and amenity value to the town as the subject site.</p> <p>Individual property values are not a relevant consideration.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
101	<p>There is a chance of a 1% induction overflow within 50+ years from the south side ocean flooding. This conclusion is unfair for a number of reasons.</p> <p>Devaluation of property. Potential buyers may be wary of purchasing property in this area because they will see that there may be issues with flooding.</p> <p>Increase costs in rates.</p> <p>Each property should be assessed independently for possible flood damage from the ocean as my property's footings is in excess of 80cm from the lowest point.</p>	<p>State policy is to 'avoid development in identified areas that are vulnerable to coastal hazard risk', and to consider the Precautionary Principle in planning and decision-making, to protect the public from harm when scientific investigation has found a plausible risk. The PFCSP identifies land for future growth in Port Fairy that is not subject to high risk of inundation.</p> <p>Individual property values are not a relevant consideration.</p> <p>An application for a planning permit allows for case by case consideration of individual properties and specific development proposals.</p>
	Existing flood controls are considered to provide sufficient protection in a flood or sea level rise event.	See Submission 42a.
	Concerns regarding increased Insurance premiums.	<p>See Submission 6a.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
102	Amendment C69 impinges on our property at [address]. The proposal is, no doubt, the result of considerable research.	Council notes the content of this submission.

	Scientists are also warning of possible sea level rises due to global warming. Accordingly, we accept the Amendment C69.	<b>No changes to Exhibited amendment documents are proposed in response to this submission.</b>
103	We [name] of [address] would like to put in objection to Bamstone c69 submission of their 500mtr ring around Bamstone as it will include our land [address]. We feel this will decrease land value and we won't be able to do anything with it in years to come, we feel 500mtr is not warranted as they have never had trouble with us as neighbours at any time in the last 20 years.	Amendment C69moyn does not propose to apply a buffer to the Bamstone site. <b>No changes to Exhibited amendment documents are proposed in response to this submission.</b>
104	I write to indicate endorsement of the amendment to rezone C69 to Rural Conservation. This protects the significant Belfast Lough and its surrounds, wildlife, bird life and heritage for future generations.	Council notes the content of this submission. <b>No changes to Exhibited amendment documents are proposed in response to this submission.</b>
105	<p>I object to the proposal to rezone land on the south side of model lane from farming to rural conservation zone based on:</p> <ul style="list-style-type: none"> <li>- general historical evidence of councils creating conservation zones as an act of public appeasement when creating new development zones without a strong basis for conservation facts.</li> <li>- that there is no historical evidence of the affected farming area in model lane creating environmental damage to the Loch or river environment. In fact river pollutants and inputs could more easily be proven within higher density urban environment closer to town and drainages flowing from existing and newer developments. As such it is clear discrimination against upstream farmland owners, seriously effecting their rights.</li> <li>- I object to the basis of all decisions made by the flood plan modelling investigations. All decisions are being guided virtually by worst case scenarios with little emphasis of long term historical lack of flooding, minimal damage and loss of life. It does not take into account the rapidly changing nature / world approach to tackling climate change and the potential exponential improvement to greenhouse gas and climate technologies. Therefore the modelling is biased and in -complete. More emphasis is placed on hypotheticals with little regards to known facts.</li> </ul>	<p>The purpose of the rezoning of the Belfast Lough environs to the RCZ is, <i>inter alia</i>, 'to protect and enhance the natural environment and natural processes', and 'to conserve and enhance the cultural significance and character of open rural and scenic non-urban landscapes', notwithstanding any previous purpose.</p> <p>The zone does not require evidence of damage to be applied, rather, it seeks to prevent damage from occurring where high environmental and amenity values are present.</p> <p>Port Fairy has been subject to multiple local coastal hazard assessments (since 2007), including extensive scientific modelling on the impacts of a range of projected sea level rise scenarios up to 1.2 metres. The use of computer based modelling has been consistently accepted by Planning Panels as an appropriate basis for application of flood controls.</p> <p>State policy is to 'avoid development in identified areas that are vulnerable to coastal hazard risk', and to consider the Precautionary Principle in planning and decision-making, to protect the public from harm when scientific investigation has found a plausible risk. The PFCSP identifies land for future growth in Port Fairy that is not subject to high risk of inundation.</p> <p>Recent reports note that efforts to reduce impacts of climate change and mitigate future effects are falling short of targets; consequently,</p>

	Computer Modelling can vary between consultants used and premise and source of their data.	higher risk scenarios appear more likely to come to pass. <b>No changes to Exhibited amendment documents are proposed in response to this submission</b>
106	I have no objection to Amendment C69moyn. The updated mapping slightly reduces the coverage of my block by the Floodway Overlay, and seems more realistic in corresponding to the contours of the terrain, whereas the existing Floodway Overlay seems to cut across contour lines.	Council notes the content of this submission. <b>No changes to Exhibited amendment documents are proposed in response to this submission.</b>
107	We would like to make an official objection to proposed changes. Our concerns are based around the potential for; higher costs involved in any additional extensions we propose; potential for denial of any further extension, i.e. shedding, decking, pool, landscaping, home extension, etc.; higher insurance premiums; devaluation of our property; limited number of potential purchasers if selling.  These are some concerns which are obvious but many unseen flow on effects may present at some stage.	There is a long established and accepted practice of regulating land use and development by statutory planning schemes in Victoria. Planning schemes are one element of the diverse legislative framework that regulates how land is used, including by land owners.  Individual property values are not a relevant consideration. <b>No changes to Exhibited amendment documents are proposed in response to this submission</b>
108, 110, 113	Objection to the progression of Amendment C75moyn in conjunction with Amendment C69moyn.  Note: issues raised in the submission address Amendment C75moyn, and will be considered through that process.	Council is obliged to consider all applications for planning scheme amendments. Amendment C75moyn was exhibited concurrently with the further consultation period undertaken for Amendment C69moyn so that a number of overlapping issues could be fully understood and cohesively addressed through the amendment process. Amendment C75moyn is a proponent-led amendment that is a separate proceeding from Amendment C69moyn.  The proposal that is the subject of Amendment C75moyn will be assessed in accordance with the Moyne Planning Scheme. <b>No changes to Exhibited amendment documents are proposed in response to these submissions.</b>
109	This submission is in relation to a property located on the eastern edge of the township of Port Fairy, [address].  It is requested that the zoning of the properties be amended to the Neighbourhood Residential Zone 1, with the associated Design and Development Overlay (Schedule 4) be applied to this land to	The rezoning of land requires careful consideration via the amendment process instituted by the <i>Planning and Environment Act 1987</i> , to ensure sufficient strategic justification is identified, and all potential impacts are considered appropriately. As such, the rezoning of an individual parcel of land that is not within the authorised scope and cannot be undertaken as part of Amendment

	accord with the zoning of the similar lots located to the south-west closer to the intersection with Sandspit Road.	<p>C69moyn.</p> <p>Similarly, the implementation of a DDO to the land is beyond the scope of Amendment C69moyn.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
110	<p>Objection to the progression of Amendment C75moyn in conjunction with Amendment C69moyn.</p> <p>Note: issues raised in the submission address Amendment C75moyn, and will be considered through that process.</p>	See Submission 108.
	Amend the LFDP to clarify that it is not intended to facilitate subdivision of land within the FO or LSIO.	<p>The LFDP does not prohibit development on flood-affected land, but rather provides guidance, outlining appropriate design measures to minimise the potential for loss of or damage to life or property. Compliance with the best practice measures outlined in the proposed flood provisions offers land owners the means to manage prospective investment to reduce, rather than compound, potential losses.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to these submissions.</b></p>
111	<p>We are the owners of [#] Model Lane and object to the use of a 1.2-meter sea level rise assumption to the proposed flood and inundation overlays of C69moyn.</p> <p>The Intergovernmental Panel on Climate Change 2019 assessment of sea level rise to 2100 published a low end between .3 and .6 meter rise if greenhouse gases were sharply reduced, at the high end an increase of 1.1 meters rise if greenhouse gases continued to increase strongly.</p> <p>To select the high-end assumption of 1.2 meters assumes efforts to curb the factors contributing to sea level rise are ineffective. That is a valid opinion, but equally so are other opinions within the above range of modelled outcomes.</p> <p>The selection of a high end sea level rise of 1.2 meters unduly penalizes property use and valuation. The use of a midpoint which</p>	<p>Port Fairy has been subject to multiple local coastal hazard assessments (since 2007), including extensive scientific modelling on the impacts of a range of projected sea level rise scenarios up to 1.2 metres. The use of computer based modelling has been consistently accepted by Planning Panels as an appropriate basis for application of flood controls.</p> <p>State policy is to 'avoid development in identified areas that are vulnerable to coastal hazard risk', and to consider the Precautionary Principle in planning and decision-making, to protect the public from harm when scientific investigation has found a plausible risk. The PFCSP identifies land for future growth in Port Fairy that is not subject to high risk of inundation.</p> <p>Recent reports note that efforts to reduce impacts of climate change and mitigate future effects are falling short of targets; consequently, higher risk scenarios appear more likely to come to pass.</p>

	<p>would give equal weight to the range of outcomes as to how effective actionable efforts may be.</p> <p>We put forth the use of .8 meters as a midpoint currently subject to more frequent updates as to how that midpoint is developing in the long-term projections.</p>	<b>No changes to Exhibited amendment documents are proposed in response to these submissions.</b>
112	<p>[I submit]That the C69 Amendment as given be adopted with the following changes:</p> <p>Return the buffer zone for Bamstone works to 100 metres. (EPA standard for Concrete etc. manufacturing is 100 metres.)</p>	No buffer overlay is proposed for the Bamstone site as part of Amendment C69moyn.
	<p>Objection to the progression of Amendment C75moyn in conjunction with Amendment C69moyn.</p> <p>Note: issues raised in the submission address Amendment C75moyn, and will be considered through that process.</p>	<p>See Submission 108.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to these submissions.</b></p>
113	<p>Objection to the progression of Amendment C75moyn in conjunction with Amendment C69moyn.</p> <p>Note: issues raised in the submission address Amendment C75moyn, and will be considered through that process.</p>	<p>See Submission 108.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to these submissions.</b></p>
114	<p>Model Lane – Zone Issues</p>	See Submission 6a.
	<p>Existing flood controls are considered to provide sufficient protection in a flood or sea level rise event.</p>	<p>See Submission 42a</p> <p><b>No changes to Exhibited amendment documents are proposed in response to these submissions.</b></p>
115	See Submission 95.	
116	<p>Growth is inevitable for Port Fairy so careful consideration must be made to any development that may spoil the charm and beauty of the township. After all, it is this factor which attracts visitors to the town. Once lost, we lose it for future generations.</p> <p>Views of the landscape and natural geographical features should be preserved. Especially after these recent times of mental stress due to the pandemic, open views should be preserved for everyone's well-being. I cannot help feeling that development in Port Fairy, which has been claimed to be in "great demand", is for those who wish to profit from the high value of land and property</p>	Council notes the content of this submission.

	<p>in the locality and not for the benefit of the town and its current population.</p> <p>The land surrounding a river's course, the flood plain, is a natural feature to allow water to drain away during flooding and is not suitable to build on. Removal of natural drainage areas could become extremely important in view of recent flooding (October 2020) and predicted future sea level rises.</p> <p>Global warming is making the weather worldwide unpredictable, therefore building on a flood plain is at higher risk of flooding in the future and is unsuitable for development. Developments on floodplains in other countries have been severely affected by water level rises and properties have become uninsurable.</p> <p>Port Fairy has excellent infrastructure of schools, hospital, medical clinics and care for the elderly and we feel further any development will put a strain on these services. While many effects of a greater population are inevitable with town growth, any increase in holiday rental properties, CBD congestion, car parks and road traffic, is to be minimised.</p>	
	<p>I also object to the way in which details of the development have been publicised before acceptance of the amendments to the re-zoning (C69MOYN) and floodplain overlay (C75MOYN).</p>	<p>There is no restriction on advertising of a proposal prior to approval of an enabling amendment.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to these submissions.</b></p>

117	<p>The Great South Coast Regional Plan (GSCRGP) is a high- level strategic document with relevance to the future planning of the Port Fairy Township. I accept that in this document Port Fairy has been identified as a 'district town' forecast to experience medium growth (page 41) over the next 30 years. However, I note the GSCRGP seeks to clarify the term 'growth' as being both economic growth and population growth and not necessarily outward expansion of settlements (page 4).</p> <p>The PFCSP prepared by the Hansen Partnership, builds on the regional growth plan and key to my submission, identifies the need to 'protect the unique environmental and landscape character elements of Port Fairy, particularly those associated with the coast, Moyne River and Belfast Lough' (page 19).</p> <p>The PFCSP clearly states that "the boundary does not contemplate any expansion of existing urban development to the north of the township due to a combination of environmental considerations and clear policy direction which seeks to avoid 'sprawl' along highways and coastal edges" (page 23).</p> <p>I support the above statements and policy direction in the PFCSP relevant to Port Fairy and the Belfast Lough environs, including the recommendation that the Belfast Lough Environs (private land) is to be rezoned to Rural Conservation Zone (from the current Farming Zone).</p> <p>However, I wish to express my concern to Councillors and the Planning Panel if Amendment C69moyn is to proceed, over the inclusion of the site identified as 'potential residential expansion area' (area) in figure 8 page 27. The inclusion of this area, which lacks any defined boundaries, is the only area identified with potential within the Township. There is no accompanying commentary for the area within the Structure Plan and its inclusion therefore seems ad hoc. It's unclear if this site was ever contemplated by Urban Enterprise in their demand projections and further, not having had sight of the minutes of the August 2018 Council meeting, it's not clear if the inclusion of this area generated any discussion by Councillors and whether Council took into account the Belfast Coastal Reserve Management Plan</p>	<p>Council notes that the site identified for 'potential residential expansion area' was included in the PFCSP as part of the resolution of submissions received during that process. As the PFCSP has been adopted by Council, it cannot be further amended.</p> <p>It is further noted that the identification is not included in Figure 1, Port Fairy Structure Plan in Clause 21.09-3 <i>Port Fairy Local Area Policy</i>. As Amendment C75moyn, which is currently underway, is expected to resolve the issues which may affect its residential potential (to demonstrate accordance with relevant flood controls under a 1.2m SLR scenario, and that the land is outside any buffer agreed by SunPharma and the EPA), it is not considered necessary to include the identification for ongoing reference.</p> <p>Council is obliged to consider all applications for planning scheme amendments. Amendment C75moyn was exhibited concurrently with the further consultation period undertaken for Amendment C69moyn so that a number of overlapping issues could be fully understood and cohesively addressed through the amendment process. Amendment C75moyn is a proponent-led amendment that is a separate proceeding from Amendment C69moyn.</p> <p>The proposal that is the subject of Amendment C75moyn will be assessed in accordance with the Moyne Planning Scheme..</p> <p><b>No changes to Exhibited amendment documents are proposed in response to these submissions.</b></p>
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	<p>(BCRMP) released a month earlier (July 2018).</p> <p>It appears to me that any residential development of this area will be at odds with the recommendations of the Structure Plan, including the rezoning of this land to Rural Conservation Zone (RCZ), which would normally only allow one (1) dwelling on the land subject to a planning permit. The cadastre also suggests limited opportunity for subdivision if the RCZ is to be applied given the minimum lot size of 40 hectares.</p> <p>The identification of this isolated area in a single map in the Structure Plan therefore appears as an afterthought and lacking any strategic support at this time. The Structure Plan in all other respects appears to 'discourage new dwellings within the Belfast Lough Environs', a specific strategy on page 29.</p> <p>By supporting Amendment C69moyn to include this individual area as having any 'residential potential' without any supporting context is considered inappropriate at this time, and also likely to prejudice the outcome of Amendment C75 (Rivers Run) which Council has chosen to consider concurrently with C69moyn.</p> <p>Council is respectfully requested to remove reference to the 'potential residential expansion area' prior to Amendment C69moyn advancing any further. If the amendment proceeds to a Planning Panel i submit that the site should be deleted or conversely the merits of amending the growth area boundaries and extending the coastal settlement boundary to include the site be considered in full.</p>	
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118	<p>As the submission acknowledges, due to its dynamic nature and further research, there have been many changes and amendments to the Port Fairy Flood Plans over the past 20 years.</p> <p>It has long been acknowledged that Port Fairy is prone to flooding, and general knowledge, experience, research and scenario analysis modelling has forecast and highlighted specific problem prone areas.</p> <p>Using various flood overlays mechanisms 0.4- 1.2 SLR over various time scenarios (10-100 years) the submitted town maps give a projection of where predicted flooding may/will occur.</p> <p>The 100 years scenario presented for example, could be devastating for many existing homes and any planned development within the projected areas.</p> <p>Obviously, PF flood plans if amended will also have implications for property insurance of inclusive properties (and possibly the whole town).</p> <p>With Climate Change, as many areas around Australia can demonstrate, hundred-year events happen rather more frequently and are now common. So, it is not unreasonable to suggest that a more conservative approach be used, rather than the optimistic “highly unlikely” approach suggested in this amendment.</p>	<p>Port Fairy has been subject to multiple local coastal hazard assessments (since 2007), including extensive scientific modelling on the impacts of a range of projected sea level rise scenarios up to 1.2 metres. The use of computer based modelling has been consistently accepted by Planning Panels as an appropriate basis for application of flood controls.</p>
	<p>There is also the issue of the environment. I am not an expert by any means, but I, do value the natural flood plain areas along the Lough.</p> <p>Its abundant bird life and vista are a wonderful town asset and in 2012 did help make Port Fairy “The World’s Most Liveable Community,” a tourist destination and of value to our town.</p> <p>This amendment, and it’s linking to the C75moyne amendment can put this wonderful town asset at risk.</p> <p>This latest, the C69moyne amendment is the latest and probably most important, as the Shire has linked the amendment to the C75moyne ‘Rivers Run Estate’ plans.</p>	<p>Council is obliged to consider all applications for planning scheme amendments. Amendment C75moyn was exhibited concurrently with the further consultation period undertaken for Amendment C69moyn so that a number of overlapping issues could be fully understood and cohesively addressed through the amendment process. Amendment C75moyn is a proponent-led amendment that is a separate proceeding from Amendment C69moyn.</p> <p>The proposal that is the subject of Amendment C75moyn will be assessed in accordance with the Moyne Planning Scheme.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to these submissions.</b></p>

	<p>In an effort to address the two amendments concurrently, I assume the Shire seeks clarity for both the appropriately named Rivers Run Estate, and any future entrepreneurial development proposals that may be proposed within flood prone plain areas.</p> <p>If both amendments are accepted, it would be a bold move and possibly set a precedent that may be difficult to reverse in the future.</p>	
119	<p>I wish to make a submission in favour of the proposed Port Fairy Coastal and Structure Plan (amendment C69) in its entirety with particular focus on the privately owned land around the Belfast Lough area which will change it from farming zone to rural conservation zone.</p> <p>For the reasons acknowledged in the c69:</p> <p>"Rezoning of land within the Lough area to reflect the impacts of this area from flooding, its role in accommodating the ecological function of the Lough as well as associated flora and fauna. It also reflects the importance of this landscape."</p> <p>I strongly oppose any of this privately owned land (which is in a flood overlay) being rezoned to neighbourhood residential, with particular focus on the land surrounding Sun Pharma and the residential properties along the Princes Highway to Osmond Lane.</p> <p>Unless you live close to Sun Pharma you would not be aware of the noise, odours and light intrusions associated with a pharmaceutical manufacturing factory operating 24 hours a day the impact it has on the houses in close proximity as in my case.</p> <p>My reason for this opposition is also supported by the Officer's recommendations in Moyne Shire Council's C69 amendment which I fully endorse.</p>	<p>Council notes the content of this submission.</p> <p>The land adjacent to SunPharma is the subject of Amendment C75moyn, which is a separate process. It will be assessed in accordance with the Moyne Planning Scheme.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
120	<p>We would like to see C69 amended to include Rural Conservation Zone Protection for the entire Belfast Lough. To not merely rely on rural zoning or flood controls.</p> <p>This submission is about protecting the Belfast Lough environs, one of the most significant landscape features of Port Fairy.</p>	<p>Council notes the content of this submission.</p> <p>The RCZ has been applied where appropriate within the area addressed by the PFCSP, which is implemented by Amendment C69moyn. Other areas are beyond the scope of the amendment</p>

	<p>It is recommended that all the land encompassed by the Highway and the coast road between the Port Fairy Moyne Road Bridge and Woodbine Road be included in the Belfast Lough Rural Conservation Zone.</p> <p>It is also recommended that where possible building within 300m of the lough or river be discouraged. To preserve the visual aspect as well as the environment (pollution of a significant wetland).</p> <p>This is about protecting the long views, uncluttered by buildings in the foreground or in the distance of this special rural landscape.</p> <p>Council is to be congratulated for the C69 planning initiative.</p> <p>Particularly the Rural Conservation Zoning and clarity around the Town Boundaries. Once landscape values are established VCAT will uphold the public rights to long views. This has happened in relation to buildings in the view frame of Tower Hill and the Grampians, and so called screening of buildings by trees is not always regarded as an adequate design solution.</p>	<p>and expected be the subject of future strategic work and subsequent amendments.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
	<p>Given the large number of submissions, including consideration of C75, It is recommended that any adjustments to the Town Boundary are made before C69 is passed. Once passed it should be adhered to so everyone can have confidence in the future and know where they stand.</p>	<p>Council does not propose any changes to the Exhibited documents in respect of the Coastal Settlement Boundary.</p>
121, 122	<p>Request to rezone Lot [#] LP1035 Hamilton-Port Fairy Road to NRZ and apply DDO4 and DPO, and to rezone Lot [#] LP1035 to LDRZ and apply DDO3, as part of Amendment C69moyn.</p>	<p>The rezoning of land requires careful consideration via the amendment process instituted by the <i>Planning and Environment Act 1987</i>, to ensure sufficient strategic justification is identified, and all potential impacts are considered appropriately. As such, the rezoning of an individual parcel of land that is not within the authorised scope and cannot be undertaken as part of Amendment C69moyn.</p> <p>Similarly, the application of the Development Plan Overlay and/or the Design and Development Overlay to the lots is not within the authorised scope of Amendment C69moyn.</p> <p>Council officers note that this does not preclude the preparation of a masterplan to provide integrated and staged development for the identified lots, which may be the subject of a future, proponent-led</p>

		amendment, and would welcome further discussion to facilitate its delivery.
	<p>Request to remove references to Reedy Creek south of Hamilton-Port Fairy Road from the DPO, if Lots [#] are not to be rezoned.</p> <p>...</p> <p>It is noted the structure plan documents indicate that Reedy Creek is within the Growth Area A and is identified as becoming a public open space. It is noted that the land containing Reedy Creek is located on Lot 80 and is not part of any land title proposed to be re-zoned currently as part of Growth Area A.</p> <p>As such, a linear open space would not be achievable as part of this re-zoning as the Reedy Creek Drain is in private ownership under Lot 80 and not part of the growth area.</p> <p>If Lot 80 is not proposed to be re-zoned to permit residential development, references to Reedy Creek as part of Growth Area A should be removed from the Structure Plan, Local Planning Policy and proposed Overlays.</p>	<p>While Reedy Creek is not in itself included in the DPO, it is feature of the landscape that needs to be integrated into planning for use and development of the adjacent land.</p> <p>The development of a linear open space along the land abutting the creek is considered an appropriate and desirable outcome, to provide amenity and recreational space for future residents.</p> <p>Council considers that the requirements regarding Reedy Creek in DPO4 will promote positive integration and high quality development on the adjacent land while avoiding negative impact on the creek, and should remain in DPO4.</p> <p>The exception to this is the requirement for a Landscape and Open Space Plan to include 'a landscape buffer on the western side of reedy Creek to provide separation from ongoing agricultural activity', which is beyond the boundary of DPO4 and more suitably included in any future overlay applied to Lot 80.</p> <p><b>Council proposes to remove this requirement from Amendment C69moyn as part of its submission to the Planning Panel.</b></p>
	<p>DPO - Movement Plan</p> <p>References to a direct connection to the commercial core via Bank Street should be removed, as this would necessitate the acquisition and demolition of dwellings in private ownership to provide a link through either Baxter Street or Paton Street and it is inappropriate to suggest this is a possibility.</p> <p>This dot point should be updated to reference a connection to the commercial core via Regent Street, which is part of the primary pedestrian network through the town, and provides links to the existing footpath network.</p>	<p>It is noted that the proposed DPO4 applies to a broader area than the land identified in the submission, beyond the subject sites, and as such, it is appropriate to include consideration of pedestrian access to Bank Street and Port Fairy's commercial core in any plans developed under the overlay without specifying access via Regent Street.</p> <p>It appears that confusion arises through the characterisation of an access route as 'direct', which is intended as providing for an efficient course without undue detours, rather than a straight pathway between two locations.</p> <p><b>Council proposes to substitute 'efficient' for 'direct' in the requirement to provide clarification, as part of its submission to the Planning Panel.</b></p>

	<p>It is noted that to provide a connection via Regent Street, any future contribution should be equitable or funded by Council where it passes past existing properties or public land such as the showgrounds. It would not be fair or equitable to require the development of lots 79 to be responsible for construction footpath infrastructure within the development, along Lagoon Road or the Hamilton Port Fairy Road adjoining the development and then extending another 500m to meet the existing network at College Street.</p> <p>...</p> <p>Consideration should be given as to the impost of trunk infrastructure being placed on one landowner to undertake the principal infrastructure costs and consider whether it is appropriate to provide for an opportunity to seek funding through state government or infrastructure authority grants to assist in bring the project to market in a timely efficient manner. If this site is not suitable for such grants, consideration should be given to consider whether an infrastructure contributions plan may be an appropriate mechanism to share the infrastructure costs amongst all properties within the growth area.</p>	<p>Funding for infrastructure requirements is a matter generally discussed by relevant parties at the time when a development application is made, when specific items, quantities and costs can be estimated, and proportional benefits understood.</p> <p>Council officers note that it is common and accepted practice for developers to provide either monetary or in-kind contributions to essential infrastructure for use by future residents, extending beyond the boundaries of the land identified in the submission where necessary to integrate new development with existing community resources.</p> <p>The application of a Development Contributions Plan Overlay is not within the authorised scope of Amendment C69moyn.</p>
	<p>Consideration should be given as to whether the land reserved for the bypass is fit for purpose or inappropriate to the needs of the traffic network and township in the future. It is noted that bypass land passes through the two proposed growth areas which appears to defeat the purpose of the bypass. Consideration should be given to the re-location of the bypass further west, beyond the proposed settlement boundary.</p>	<p>During preparation of the PFCSP, and in their submission to this Amendment C69 exhibition, the Department of Transport (DoT) (formerly VicRoads) confirmed the intent to retain the PAO for the Port Fairy Bypass (Submission 37).</p> <p>The submission further states that the recently released Princes Highway (PHW) Corridor Strategy provides direction for the longer-term development of the Princes Highway. The Department is currently planning for the future of the PHW corridor, including investigating the longer term need for the PAO. This work, once completed, will inform future decision-making by Council.</p>
	<p>Further clarification of the proposed gateway location to Port Fairy and extension of Avenue planting along Hamilton-Port Fairy Road should be provided in this dot point to provide clear guidance to the responsibility of this point, as it may be on land outside the ownership of the developers or Council's control.</p>	<p>The requirement for a Landscape and Open Space Plan applies to the broader area of the proposed DPO4, beyond the subject sites, and as such, it is appropriate to include a requirement that a 'gateway' landscaping treatment be considered, given that residential development of the land over time may shift the existing</p>

	<p>It is also noted, that there is already gateway signage on the Hamilton Port Fairy Road which is consistent with the other entrances to Port Fairy and has been upgraded by Council since the plan was initially prepared so a new gateway may no longer be necessary or appropriate to reference in the overlay.</p>	<p>urban boundaries.</p> <p>It is noted that signage may not be the only element in the design of a 'gateway', and that as the timing of the preparation of a development plan under the overlay is unknown, it is appropriate to anticipate possible requirements, such as replacement of existing features.</p>
	<p>It is recommended that the requirement relating to Site Coverage/Permeability be reviewed and amended to allow site area covered by buildings to 60% of the lot, and permeable surfaces to 40% of the lot in line with the National Construction Code (ResCode) requirements.</p> <p>The building and garage setbacks are supported to provide a consistent built form character across Port Fairy. The other requirements are consistent with newer areas of development in Port Fairy and should not create an onerous burden on the future development of lots.</p> <p>Consideration should be given to whether the inclusion of new dwellings within Growth Area A (including Lots 80 and 81 if re-zoned) would be suitable for assessment under the VicSmart Pathway as a local provision at Clause 59.15.</p> <p>Subject to compliance with the specified requirements in the schedule, the construction of a single dwelling in a Greenfields development should be suitable for VicSmart assessment as a method to reduce red tape and delays on lot purchasers by using the VicSmart mechanism to encourage compliant development.</p>	<p>Council has reviewed the application of DDO4 to Growth Area A.</p> <p>The objective of Schedule 4 to the Design and Development Overlay (DDO4) is 'to support development that respects the historic scale and pattern of Port Fairy's residential areas', and 'to encourage residential development that responds to the traditional character of buildings within a garden setting'.</p> <p>Given that Growth Area A is visually and physically separated from the established areas of Port Fairy, Council proposes to remove the application of DDO4 to the area covered by DPO4, and apply a schedule to the NRZ that includes only those performance standards considered necessary to maintain the town's essential spacious and landscaped characteristics. This is expected to reduce 'red tape' and delays in dwelling construction.</p>
	<p>A review of publicly available flood information from the Glenelg Hopkins Catchment Management Authority indicates that they have not previously undertaken any flood studies in the vicinity of Companion Lagoon or Reedy Creek south of Hamilton-Port Fairy Road.</p> <p>As such, the addition of Floodway and Land Subject to Inundation overlays is premature without further datasets providing a distinction between existing flood risk and potential flood risk due to forecast sea level rise.</p>	<p>The flood mapping included in the <i>Flood Summary Report 2021</i> has included riverine inputs as well as coastal inputs, and indicates a likelihood of future flooding that meets the benchmarks for application of the Floodway and Land Subject to Inundation Overlays. The use of computer based modelling has been consistently accepted by Planning Panels as an appropriate basis for application of flood controls.</p>

	<p>As the existing flood studies incorporated into the Planning Scheme do not provide a baseline data set for Companion Lagoon and surrounding areas (areas between Hamilton-Port Fairy Road and Princes Highway west of the existing township) based on a 1:100 flood event, it cannot be ascertained within the data proposed to be incorporated into the scheme where a known flood level will extend to and at what depth, capacity, time of inundation or velocity today versus the future increase in risk from Sea Level Rise.</p> <p>The area known as Companion Lagoon is extensive in a wet winter, (up to 23ha in October 2017 based on review of Nearmap Aerial Photography), and should be accurately mapped for regular inundation (annual events), events of medium frequency (5, 10 and 20 year events) as well as 100 year events prior to consideration of future risk increases based on sea level rise.</p> <p>It is thereby requested that the proposed LSIO and FO for this area be revised to provide additional background data un-related to sea level rise, and that the Local Floodplain Development Plan is updated accordingly to provide specific advice for this growth area to balance the development potential against the known flooding risks.</p>	<p>As indicated by the application of the LSIO2 and LSIO4 under Council's proposed changes to the amendment, the riverine nature of flooding in the Companion Lagoon area is recognised.</p> <p>Should future mapping indicate reduced risk of flooding, as in the case of a flood study undertaken to support a development application, Council would expect to include an update of the overlays as part of an enabling planning scheme amendment.</p>
	<p>Companion Lagoon is not in any public ownership and is not crown land and may not even be a designated waterway (subject to further investigation) or wetland. As such, it is not appropriate at this point in time to re-zone the main lagoon area to a Public Land Zone (such as Public Park and Recreation Zone or Public Conservation and Resource Zone) as some submissions to Council in the previous exhibition suggest.</p> <p>Whilst future development of the surrounding land may result in the Lagoon area being transferred to public ownership, a re-zoning based on this possibility is prohibited at this point in time under the Planning and Environment Act 1987.</p> <p>It re-zoning of the main Companion Lagoon wetland (i.e. the area subject to annual inundation) is desired at this point in time, a</p>	<p>It is noted that a public land zone, such as the Public Park and Recreation Zone or the Public Conservation and Resource Zone, is not the appropriate provision to apply to Companion Lagoon.</p> <p>Although some legacy issues remain in the scheme, Council seeks to avoid additional instances of applying multiple zones within individual lots. Amendment C69moyn proposes a DPO which includes consideration of Companion Lagoon. Further, Council recognises that the approval requirements of the federal EPBC Act provide oversight of development proposals, to ensure that the Lagoon's environmental values are retained under the NRZ.</p> <p>Council may consider the application of an ESO at a future date, as it is outside the scope of the current amendment.</p>



	<p>Rural Conservation Zone or an Urban Floodway Zone may be more appropriate to consider.</p> <p>The landowners do not dispute the existence or environmental and habitat importance of the lagoon, but rather seek that Council use the suite of tools currently available and appropriate to recognise the current land status.</p>	
	Objection to the application of ESO7	See Submission 1.
	<p>The landowners are disappointed to see a proposed industrial buffer of 100m around BamStone is identified in the Port Fairy Coastal and Structure Plan and at CI 21.09-3 in proximity to their landholding and are concerned should this potential buffer be translated into any planning scheme controls such as an Environmental Significance Overlay or a Buffer Overlay it would unreasonably impact the future development of the land.</p> <p>The landowners wish to protect their right to develop their land for industrial uses based on the current zoning and consider that as a Greenfields industrial site of substantial area, there are other mechanisms including under the existing development plan overlay which applies to the site to ensure future occupiers will not be impacted by the existing amenity impacts from other industrial zoned land nearby.</p> <p>As such, the landowners request that Council do not consider a buffer of any description to Bamstone as part of this amendment.</p>	<p>Amendment C69moyn does not propose to implement a buffer to the Bamstone site.</p> <p>Council proposes to undertake further research and consultation to consider interface requirements at Port Fairy's key industrial sites, and determine the appropriate application of the ESO and/or BAO to promote a cohesive outcome. Consultation with landowners will be undertaken at that stage. Authorization for an amendment to implement the resulting recommendations will be sought at a later date if required.</p> <p>There is a long established and accepted practice of regulating land use and development by statutory planning schemes in Victoria. Planning schemes are one element of the diverse legislative framework that regulates how land is used, including by land owners. Future permit applications will be determined on the basis of the planning scheme requirements that exist at the time of the application.</p>
121	Request to rezone Lot 63 LP1035 Blackwood Road to LDRZ and IN3Z, as part of Amendment C69moyn.	<p>The rezoning of land requires careful consideration via the amendment process instituted by the PAEA, to ensure sufficient strategic justification is identified, and all potential impacts are considered appropriately. As such, the rezoning of an individual parcel of land that is not within the authorised scope and cannot be undertaken as part of Amendment C69moyn.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
122	Design and Development Overlay 3	<b>Council proposes to remove the text 'If a garage is set back more than 10 metres from the front boundary, siting on a side</b>

	References to building garages on side boundaries if a 10m setback is provided should be removed from this schedule as they are inconsistent with the building setback requirements.	<b>boundary is acceptable provided other decision guidelines are met', as part of its submission to the Planning Panel.</b>
	Request to rezone Lot 64 LP1035 Blackwood Road to LDRZ, as part of Amendment C69moyn.  Request to investigate suitability for sewer connection.	The rezoning of land requires careful consideration via the amendment process instituted by the PAEA, to ensure sufficient strategic justification is identified, and all potential impacts are considered appropriately. As such, the rezoning of an individual parcel of land that is not within the authorised scope and cannot be undertaken as part of Amendment C69moyn.  Council notes that investigation of feasibility for connection to reticulated sewer systems is the responsibility of the landowner and/or developer.
	[address]  The landowners support the re-zoning of the land to Neighbourhood Residential Zone.  The inclusion of the site within DDO4 is supported, subject to the comments provided in relation to Lot 80-82 also applying to this land parcel.  The removal of the public acquisition overlay from the eastern boundary of the lot would be supported should the bypass be relocated further west beyond the settlement boundary of Port Fairy.	Council notes the content of this submission.
123	The property is currently predominantly covered by Floodway Overlay, with parts of the higher land within the lot being only partly affected by the Land Subject to Inundation Overlay.  The proposed changes in the first exhibition of C69 proposed that the land would have a reduced flood extent and that the bulk of the land would be instead located in the Land Subject to Inundation Overlay.  On the basis of the information contained in the first exhibition, the landowner did not consider it was necessary to make a submission to C69 as the flood extent was being reduced on their land to an extent where the rear part of their land may in fact have been viable to subdivide the land to provide another vacant lot for	Council notes that exhibition of an amendment provides opportunities for the proposed measures to be investigated and for input to be received from a wide range of sources, and it is common practice for changes to be recommended. The updated flood mapping was undertaken in response to submissions that raised concerns about the technical basis of the previous mapping.  Individual property values and costs are not valid considerations in planning for long-term community benefit and wellbeing.  <b>No changes to Exhibited amendment documents are proposed in response to this submission.</b>

	<p>future residential development with a frontage to Perry Close, with a concept building envelope located on the higher portion of the site.</p> <ul style="list-style-type: none"> <li>• Given the reduction in flood extent detailed in the first Amendment exhibition, and in good faith that the exhibited flood controls had been tested and approved for exhibition by DELWP, approved for exhibition by the Council and reports had been peer reviewed; the extent of flooding would not reasonably change and that some pre-planning might have been reasonable to commence for the site.</li> <li>• The landowner has invested considerable funds in having engineering costings for sewer and water servicing infrastructure for an additional lot and professional advice to guide pre-planning for a future subdivision proposal.</li> <li>• Now that the re-exhibition of the C69 is available, the land is now returned to being predominantly located in the Floodway Overlay and may not receive the support of the GHCMa to be able to be developed or subdivided in the future, despite the reduction in flood risk from the works undertaken to Reedy Creek.</li> </ul>	
	<p>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 settlements, resulting in significant increases in planning controls on properties.</p> <p>Strategic documentation prepared for C69 are well in excess of 0.8m sea level rise and set sea level rise (SLR) at 1.2m. The level of risk applied to the Port Fairy Floodplain through C69 is not consistent with State Planning Policy.</p> <p>The landowners have concerns that flood mitigation works to alter levels of Reedy Creek on the eastern side of the Princes Highway are not addressed and/or proposed as part of C69.</p> <p>Investigation and proposal of flood mitigation works such as this would potentially lessen the impact of residential zoned land on the western side of the Princes Highway to provide for increased</p>	<p>The State Government, through Clause 13.01-2S of the Moyne Planning Scheme, requires Council to plan for and manage the potential coastal impacts of climate change. This includes to "Plan for sea level rise of <i>not less than</i> 0.8 metres by 2100 and <i>allow for the combined effects of tides, storm surges, coastal processes and local conditions</i> such as topography and geology when assessing risks and coastal impacts associated with climate change'.</p> <p>Port Fairy has been subject to multiple local coastal hazard assessments (since 2007), including extensive scientific modelling on the impacts of a range of projected sea level rise scenarios up to 1.2 metres. The most recent modelling has included consideration of works to Reedy Creek. The use of computer based modelling has been consistently accepted by Planning Panels as an appropriate basis for application of flood controls.</p>

	<p>viability of land to be used for critically needed land supply that is not directly adjacent to the Belfast Lough and the Moyne River.</p> <p>The Revised Local Floodplain Development Plan and the proposed Floodway Overlay will likely make it very difficult to gain a permit to construct new dwellings, dwelling extensions or subdivision on the land.</p> <p>The landowners do not support this change to the planning controls which retains the bulk of the property within the Flood Overlay, which would impact the ability to subdivide the land to provide a modest subdivision/additional lot to the already crippled land supply in the township.</p>	<p>The Victorian <i>Marine and Coastal Policy 2020</i> (MCP) notes that the 'not less than 0.8m' is a baseline measure only, intended for a review which is understood to be currently underway.</p> <p>It is also important to note that the 1.2m SLR scenario has the support of the GHCMA, the Floodplain Management Authority for the region under the <i>Water Act 1989</i>, as detailed in Submission 76a.</p> <p>State policy is to 'avoid development in identified areas that are vulnerable to coastal hazard risk', and to consider the Precautionary Principle in planning and decision-making, to protect the public from harm when scientific investigation has found a plausible risk.</p> <p>The PFCSP identifies sufficient land to accommodate future growth in Port Fairy - infill and greenfield - that is not subject to the high level of risk on the subject site. Construction and/or subdivision are not prohibited in the FO, subject to conditions being met.</p> <p>The MCP identifies mitigation works as 'the option of last resort', noting that they are often expensive, their benefits tend to be localised, and they frequently transfer problems to nearby areas.</p>
	Concern raised regarding Insurance.	See Submission 6a.
	<p>The landowners have no concerns with the re-zoning of the Reedy Creek corridor to the Public Park and Recreation Zone, but raise significant concern that the policy at Clause 21.09-3 which identify Reedy Creek as a linear reserve providing a path of travel for pedestrians and cyclists between Companion Lagoon and the Belfast Loch is not possible to construct without acquiring adjoining private landholdings.</p> <p>Significant concern is raised that no preliminary investigation has been undertaken to determine the suitability of the landform and width to incorporate any revegetation and path. It is very unlikely based on an assessment of the width adjoining this property that there would be sufficient width to safely provide a corridor of travel towards the Lough or the Lagoon.</p>	<p>Clause 21.09-3 of the Municipal Strategic Statement provides high-level strategic direction to guide future growth in Port Fairy. More detailed feasibility investigations are expected to be undertaken at a later date; Clause 21.09-3 provides support to avoid use of the land for another purpose that may preclude development of the pathway.</p> <p>Should further investigation ascertain that the construction of a pathway is not feasible, the direction may be removed as part of a future amendment.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
124	We strongly agree with the rezoning of this land to a Rural Conservation Zone. Considering climate change and all that it	Council notes the content of this submission.

	<p>encompasses, particularly rising sea levels and erosion of our coastal fringe, it would be nothing short of disastrous to attempt to change what is currently a floodplain supporting native bird and animal life. The rail trail, linking our town to Koroit and beyond is a benign, environmentally compatible tourist attraction crossing this floodplain and has minimal impact on the environment. It is already in place and well maintained by community volunteers and to have this part of the rail trail in a natural unspoilt area is an asset which should be promoted, together with Port Fairy at it's destination. Cycling and hiking are both encouraged and embraced and should be part of its attraction together with the coast and all it has to offer residents and visitors alike.</p>	<p>Note: other issues raised in the submission address Amendment C75moyn, and will be considered through that process.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
125	<p>An application has been subsequently submitted to Council to develop the site, which was lodged in December 2021. The landowner has invested considerable funds in preparing the application and has purchased a dwelling that is to be relocated from another site in Port Fairy.</p> <p>There is current and real time pressure, both financially and otherwise, on the landowner for this proposal to be successful.</p> <p>Now that the re-exhibition of the C69 is available, the land is now returned to being entirely located in the Floodway Overlay and may not receive the support of the GHCMA to be able to be developed in the future or the current application.</p>	<p>It is noted that a permit for the development of a dwelling on the property has been granted since the submission was lodged. Amendment C69moyn does not impact existing permits.</p>
	Concerns raised re Sea Level Rise and mitigation works to Reedy Creek.	See Submission 123.
	Concern raised regarding Insurance.	See Submission 6a.
	Concern raised re Reedy Creek pathway	<p>See Submission 123.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
126	<p>The landowners have invested considerable funds in developing design plans for a dwelling extension, which will be submitted to Council imminently. The landowners do not support this change to the planning controls, which would impact the ability to construct</p>	<p>Council notes that a permit application for a dwelling had not been received at August 22, 2022.</p> <p>The flood overlays do not prohibit development on flood-affected land, but rather provide guidance to minimise the potential for loss of or damage to life or property. Compliance with the best practice</p>

	new buildings and works on the site for existing and future residential needs.	measures outlined in the proposed flood provisions offers land owners the means to manage prospective investment to reduce, rather than compound, potential losses.
	Other concerns raised	See Submission 6a. <b>No changes to Exhibited amendment documents are proposed in response to this submission.</b>
127	<p>My objections to the C69moyn amendment are: -</p> <ul style="list-style-type: none"> <li>· That this zoning / amendment change will open the door for more of Port Fairy's flood prone areas to developers' submissions.</li> <li>· I wish to avoid future Council liabilities for allowing flood prone land to be built on, as has happened in the past. EG. Low lying land south of the water tower.</li> <li>· I do support the creation of more sustainable housing as long as the first priority for Council is the minimisation of flooding of Port Fairy.</li> <li>· Port Fairy's open space is highly valued as it is what makes our town so special and inviting for residents and visitors. Any rezoning must aim to retain these open public vistas that we love.</li> <li>· Our open spaces are an environmental asset that when lost to development adversely affects native plants, insects, birds and animals, that are essential to a healthy ecology.</li> <li>· It is essential that the CMA and Council take a whole of Port Fairy approach to this amendment rather than concentrating on the Rivers Run Estate area.</li> </ul>	<p>Amendment C69moyn seeks to identify areas at risk of flooding and implement appropriate planning scheme provisions to minimise potential harm and loss in a flood event. As such, it supports future residential development in the designated growth areas, which are not subject to the high levels of inundation risk of properties closer to the coast and the Moyne River.</p> <p>Council is obliged to consider all applications for planning scheme amendments. Amendment C75moyn was exhibited concurrently with the further consultation period undertaken for Amendment C69moyn so that a number of overlapping issues could be fully understood and cohesively addressed through the amendment process. Amendment C75moyn is a proponent-led amendment that is a separate proceeding from Amendment C69moyn.</p> <p>The proposal that is the subject of Amendment C75moyn will be assessed in accordance with the Moyne Planning Scheme.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>
128	DET advises that it has assessed the Amendment, and notes that a portion of land owned by DET in Campbell Street is proposed to be included within a Floodway Overlay (FO) and Land Subject to	<p>Council notes the content of this submission.</p> <p><b>No changes to Exhibited amendment documents are proposed in response to this submission.</b></p>

	<p>Inundation Overlay (LSIO). This inclusion is based on the findings of the Moyne Amendment C69 Flood Summary Report.</p> <p>DET advises that it does not raise any objections to the proposed Floodway Overlay and Land Subject to Inundation Overlay as shown in the public consultation documents. DET also advises that it does not intend to make further submissions on this matter.</p>	
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