

**MOYNE PLANNING SCHEME AMENDMENT C69  
INTRODUCTION OF THE PORT FAIRY  
STRUCTURE PLAN, 2018**

**NO. 169A & 183 PRINCES HIGHWAY, PORT  
FAIRY**

**URBIS**



# INTRODUCTION

1. My name is Stuart Andrew McGurn and I am a Director of Urbis Pty Ltd. My qualifications and experience are described in **Appendix A**. I have been instructed by Maddocks Solicitors (on behalf of the land owner) to provide my opinion in respect of the proposed Amendment C69 to the Moyne Planning Scheme in relation to the land at No. 169A and 183 Princes Highway, Port Fairy.
2. The subject land comprises an irregular parcel of open rural land of approximately 7 hectares in area, located 1.5 km north west of the Port Fairy Town Centre. The Moyne Planning Scheme identifies that the land is predominantly within the Farming Zone, with two smaller portions (with a frontage to Princes Highway) located in the General Residential Zone.
3. Amendment C69 proposes to implement the Port Fairy Structure Plan (2018) and undertake a range of corresponding rezoning, overlay and policy changes which relate to the Structure Plan.
4. Key components of proposed Amendment C69 which affect the subject land are the introduction of the Port Fairy Structure Plan 2018 (Hansen Partnership) as a 'background document' and revisions to local policy. The structure Plan identifies the subject land on the 'Settlement and Housing Plan' as a '*Potential Residential expansion area...*' (subject to qualifications). Additionally the Amendment proposes to apply the Flood Overlay and revise the extent of the Land Subject to Inundation Overlay – reflecting a revised floodplain development plan and adoption of a 1.2 metre high benchmark in modelling Sea Level Rise (SLR).
5. My review of the proposed Amendment has been informed having regard to:
  - An inspection of the subject sites and the surrounding area.
  - The Moyne Planning Scheme and reference documents of relevance.
  - Exhibited materials comprising Moyne Planning Scheme Amendment C69. Including the exhibited Planning Scheme clauses and relevant background material described in the Explanatory Report.
  - The Port Fairy Coastal Structure Plan 2018, Hansen Partnership.
  - The submission of Myers Consultants on behalf of the land owner in relation to the Amendment.
  - Submissions to Amendment C69 by SunPharma – pharmaceutical manufacturer located to the north of the subject site.
  - Council meeting agenda 1 March 2022 recommending the matter be referred to an Independent Panel.
  - Planning Practice Note 36 'Implementing a Coastal Settlement Boundary' (November 2016).
  - Additional materials identified by Moyne Shire Council as background to the Amendment including 'Economic and Tourism Land Use Analysis 2017, Urban Enterprise' and '*Port Fairy Coastal and Structure Plan – Issues and Opportunities Paper May 2017*'.
  - Memorandum of Water Technology dated 18 July 2022 summarising the opinion relation to flooding affecting subject land and proposed Amendment C69 and C75.
6. Additionally I note that the land is subject to Planning Scheme Amendment C75 which proposes to rezone the land for residential purposes and seek approval of an accompanying planning permit for subdivision. This Amendment was exhibited in December 2021 and January 2022. It has not yet advanced to a Planning Panel hearing. I have had regard to the material comprising Amendment C75 as relevant context to the subject site.
7. For completeness I note that I have also been engaged in respect C69 as it affects land at 4 Bowker Court Port Fairy. Given the common subject matter there are similarities in elements of my statements.
8. A summary of my opinion in relation to proposed Amendment C69 in relation to the subject land is:

- **The Port Fairy Structure Plan (and associated documents) identify increasing demand for housing in Port Fairy and a need for increased diversity to support an ageing population and housing for key workers and families.**
- **Residential development within Port Fairy is significantly constrained by flooding and heritage, reducing the apparent future supply. Consequently there is a need to consider land which is suitable for future residential development.**
- **The subject site is well located in the context of the township, is contiguous with existing residential subdivision and proximate to township services.**
- **The subject site has been identified as a 'Potential Residential Expansion Area' (subject to further investigation) within the Port Fairy Structure Plan, 2018 and has advanced to a formal planning scheme amendment (C75).**
- **It is appropriate to continue with the designation of the subject site in the Structure Plan as a 'Potential Residential Expansion Area' to enable the extensive investigations of Amendment C75 to proceed to a full and proper consideration.**
- **The consideration of flood risk and the potential separation from industrial use are detailed matters and I defer to the advice of Mr Warwick Bishop of Water Technology and Dr Iain Cowan of Tonkin + Taylor in this regard.**

9. I declare that I have made all the enquiries that I believe are desirable and that no matters of significance which I regard as relevant have, to my knowledge, been withheld from the Panel.

# SUBJECT SITE AND SURROUNDS

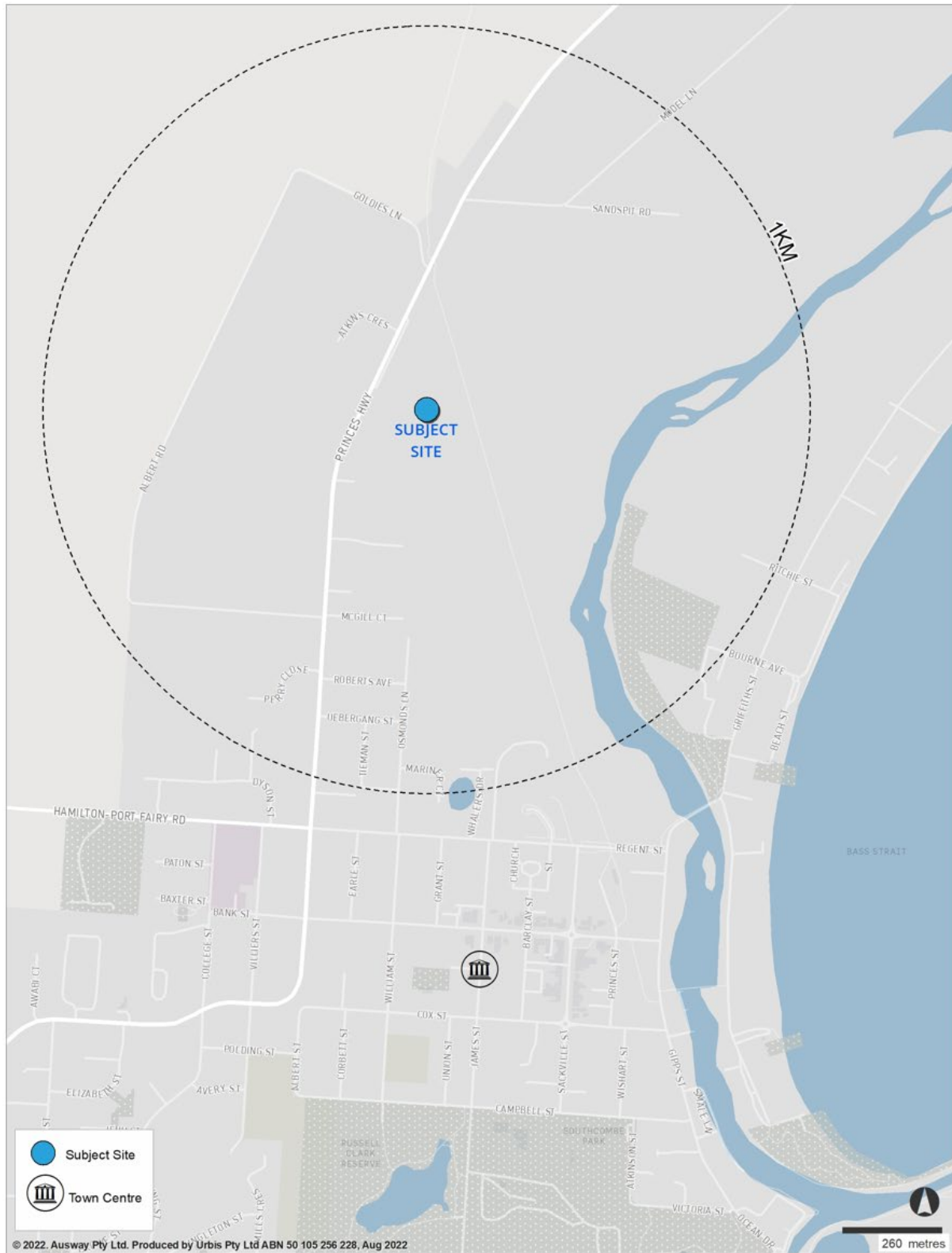
10. The subject site comprises a parcel of land of approximately 7 hectares in area, located approximately 1.5 km north west of the Port Fairy Town Centre. The land comprises four titles identified as No. 169A Princes Highway and No. 183 and 183 A Princes Highway. Drainage and sewerage easements affect part of the land at No. 183 Princes Highway. The land is presently open rural land and is predominantly in the Farming Zone, with two smaller parcels which have a frontage to Princes Highway located in the General Residential Zone.
11. The land is largely flat, falling approximately 2.39m from the north to the south east corner. It is presently vacant but retains farm fencing, stockyard and stock troughs.
12. An aerial photo of the subject land is included at **Figure 1**. A location plan is included at **Figure 2**.
13. Surrounding land includes the following:
  - To the north is the Port Fairy Rail Trail (and its intersection with the Princes Highway). The northern portion of the trail is lined with native vegetation (planted). Beyond this is the SunPharma pharmaceutical manufacturing premises which is in the Industrial 1 Zone.
  - To the south is a 3.5 metre reserve/powerline easement. Beyond this land is in the General Residential Zone and comprises a caravan park. Further south is farming land in the Farming Zone.
  - To the north west are residential properties which front Princes Highway. The residential lots are typically 600sq m to 800 sq m and are located in the General Residential Zone. Dwellings are also located along the opposite side of Princes Highway.
  - To the east of the site is the Rail Trail which forms the eastern (diagonal) boundary. Beyond this is land in the Industrial 1 Zone and comprises Sun Pharma as noted above and vacant farming land to the south east as well as low lying land comprising the Belfast Lough and Moyne River.



## 169A & 183 PRINCES HIGHWAY, PORT FAIRY

### SITE LOCATION

Figure 1.



**URBIS**

## 169A & 183 PRINCES HIGHWAY, PORT FAIRY

### SITE LOCATION

Figure 2.

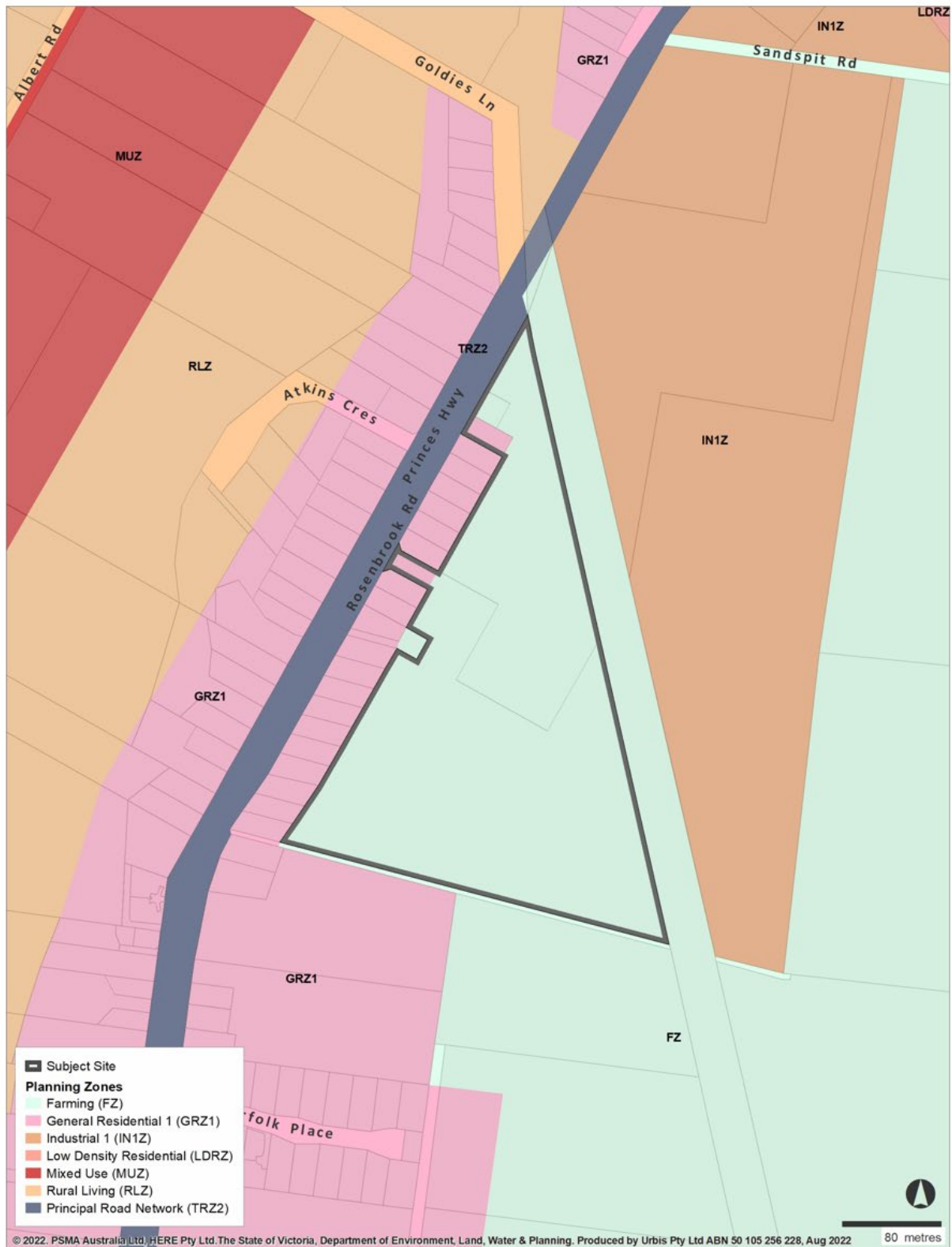
# MOYNE PLANNING SCHEME

## ZONES AND OVERLAYS

14. The subject site falls within the Moyne Planning Scheme and is largely contained in the Farming Zone (**Clause 35.07**). **Figure 3** includes the zoning map extract. The broad purposes of the Farming Zone are to *'provide for the use of the land for agriculture'*, to ensure non agricultural uses (including dwellings) do not adversely affect the use of land for agriculture and to encourage retention of employment and population to support rural communities. Land in the Farming Zone is subject to minimum lot size restrictions of 40 hectares and one dwelling per lot. The portions of the subject site with frontage to Princes Highway are included in the General Residential Zone (**Clause 32.08**).
15. Land in the surrounding area is variously zoned as follows:
- The dwellings immediately adjoining to the west along both sides of Princes Highway are in the General Residential Zone.
  - Land to the south is partly within the General Residential Zone 1 and partly in the Farming Zone.
  - Land to the north comprises the Rail Trail and is within the Farming Zone.
  - Beyond the rail trail the land, including SunPharma is within the Industrial 1 Zone. Areas of the land opposite the subject site include vacant areas of Industrial 1 Zone land. Further to north and north east, land is in the Farming Zone.

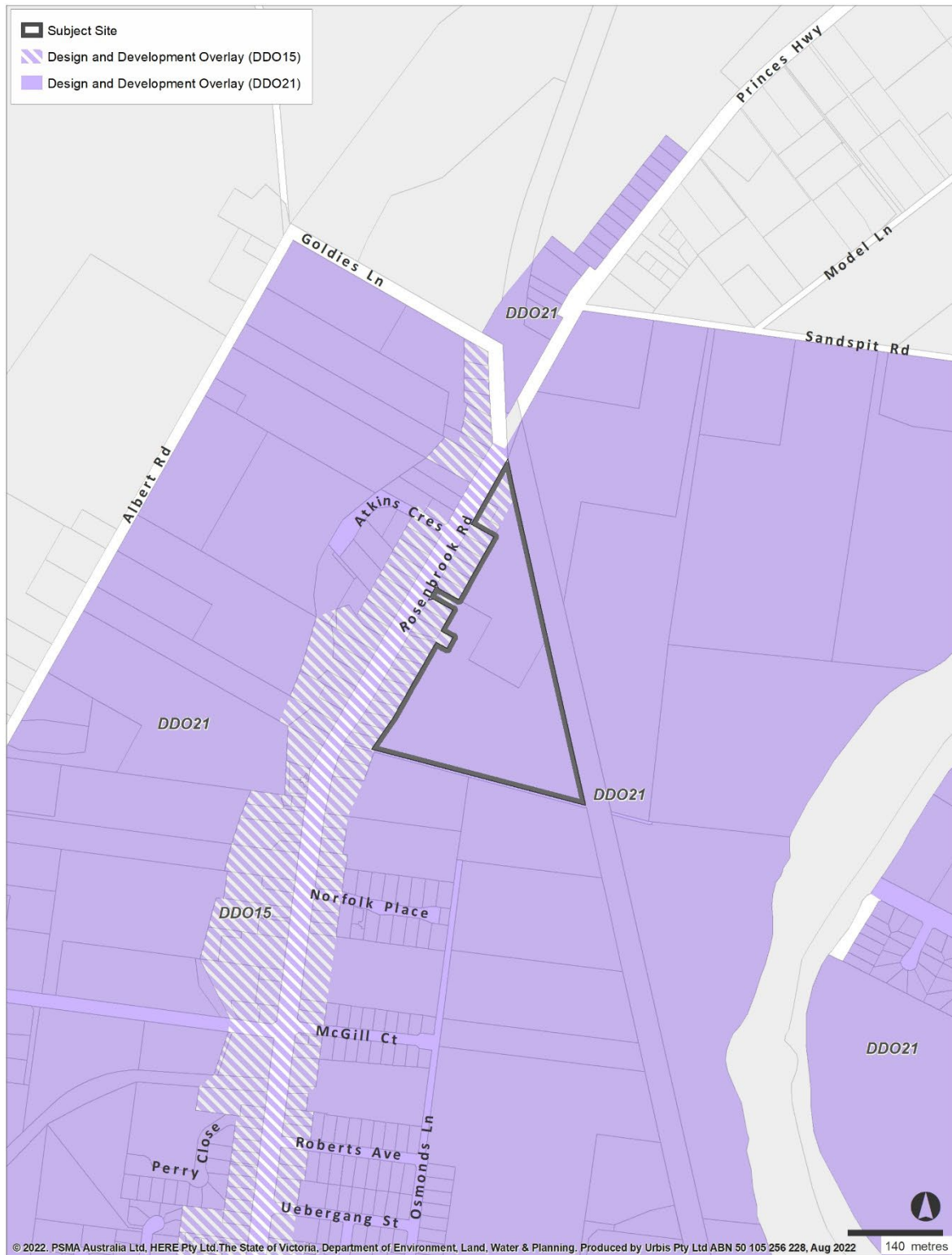
## OVERLAYS

16. The subject site is affected by the following Overlays:
- The subject site and surrounding land to the north east and south is included in Design and Development Overlay 21 'Peripheral Areas – Port Fairy Design Guidelines Character Area 14'. Refer to **Figure 4**. The design objectives make reference to the historic scale and pattern of Port Fairy and the high scenic and environmental values of the area. Building height should not exceed 7 metres.
  - The 'Princes Highway' parcels are affected by Design and Development Overlay 15 'Town Entrances – Port Fairy Design Guidelines Character Area 8' (**Clause 43.02**). Refer to **Figure 4**. The design objectives make reference to the heritage qualities of the town and making an attractive entry. Building height should not exceed 7 metres.
  - The eastern portion of the land is subject to the Land Subject to Inundation Overlay 2. (**Clause 44.04**) Refer to **Figure 5**.
17. The land is also identified as an area of **Aboriginal Cultural Heritage Sensitivity** and is part of a broader designated **Bushfire Prone Area**.



## 169A & 183 PRINCES HIGHWAY, PORT FAIRY PLANNING ZONES

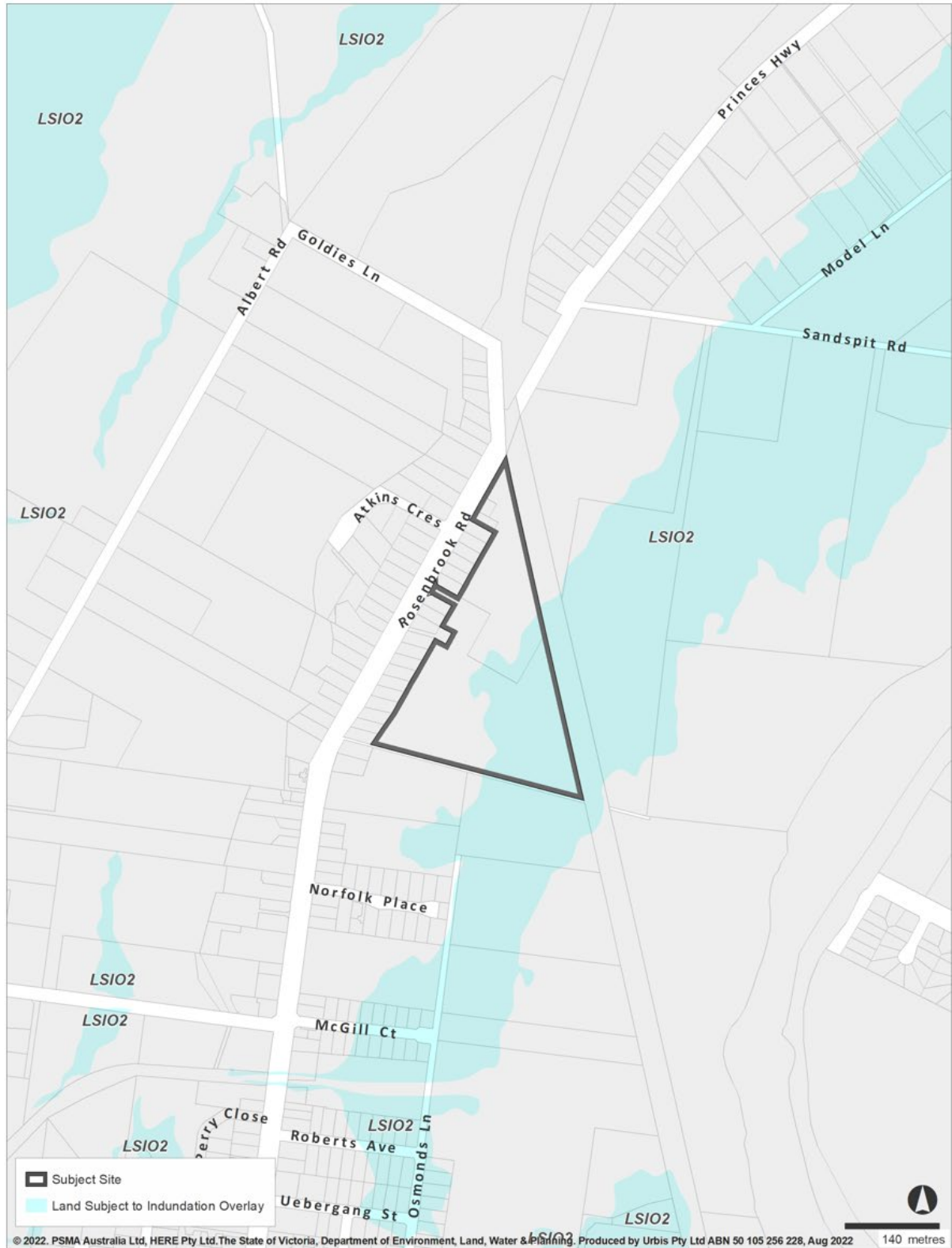
Figure 3.



## 169A & 183 PRINCES HIGHWAY, PORT FAIRY

### DESIGN AND DEVELOPMENT OVERLAY (DDO15 & DDO21)

Figure 4.



## 169A & 183 PRINCES HIGHWAY, PORT FAIRY LAND SUBJECT TO INUNDATION OVERLAY (LSIO2)

Figure 5.

# PLANNING POLICY FRAMEWORK

18. Key elements of the State and Regional Planning Policy Framework include;

- **Clause 11.01-1S** 'Settlement' – to ensure regions are planned in accordance with the regional growth plan – in this case the 'Great South Coast Regional Growth Plan' (Victorian Government 2014). Planning is to *'create and reinforce settlement boundaries'* and to *'provide for growth in population and development of facilities and services across a regional or sub-regional network.'* Port Fairy is identified as a 'District Town' in the Great South Coast Regional Growth Plan'.
- **Clause 11.01-1R** – Settlement – Great South Coast seeks to plan for a network of settlements around Warrnambool, Hamilton and Portland and 'district towns' (including Port Fairy). Key strategies include (selected relevant):
  - *'Support the role of Warrnambool as the key population and employment centre for the region with key links to Geelong and Melbourne.'*
  - *'Facilitate the district towns of Allansford, Camperdown, Casterton, Cobden, Coleraine, Dunkeld, Heywood, Koroit, Mortlake, Port Campbell, Port Fairy, Terang and Timboon to support local communities, industry and services.'*
  - *'Support development and investment in small towns that are facing economic and population challenges.'*
  - *'Support growth and economic opportunities throughout the region, especially along the north-south (Henty Highway) and east-west (Princes Highway) corridors.'*
  - *'Support higher economic and population growth along the east-west primary growth corridor by capitalising and building on existing connections, strengths and infrastructure.'*
- **Clause 11.02-1S** 'Supply of Urban Land' seeks to provide a sufficient supply of land for residential commercial, retail, industrial, recreational, institutional and other community uses. Policy is to provide for projected population growth over at least 15 years at a municipal level and to provide clear direction about where growth should occur.
- **Clause 11.03-3S** 'Peri Urban Areas' seeks to identify and protect strategically important areas for reasons of environmental biodiversity, agriculture, landscape, water and natural resources amongst other things. It is also notes establishment of settlement boundaries and protection of non urban breaks as important to the character of peri urban towns.
- **Clause 11.03-4S** 'Coastal Settlement' seeks to plan and manage for sustainable coastal development to protect coastal values by limiting urban sprawl, protecting non urban breaks and protecting eco systems and water quality.
- **Clause 12.02-1S** 'Protection of Marine and Coastal Environment' has the objective *'To protect and enhance the marine and coastal environment'*. Strategies include:
  - *'Maintain the natural drainage patterns, water quality and biodiversity in and adjacent to coastal estuaries, wetlands and waterways.'*
  - *'Maintain and enhance water and soil quality by minimising disturbance of sediments.'*
  - *'Protect and enhance natural features, landscapes, seascapes and public visual corridors.'*
- **Clause 12.03-1S** 'River corridors, waterways, lakes and wetlands' has the objective to *'protect and enhance river corridors, waterways, lakes and wetlands'*. Development is to *'respond[s] to and respect[s] the significant environmental, conservation, cultural, aesthetic, open space, recreation and tourism assets of water bodies and wetlands.'* Development should be *'sensitively designed and sited to maintain and enhance environmental assets, significant views and landscapes along river corridors and waterways and adjacent to lakes and wetlands.'*
- **Clause 12.05-2S** 'Landscapes' has the objective *'To protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments'*. The strategies seek to ensure that *'development does not detract from the natural qualities of significant landscape areas'*.

- **Clause 13.01-1S** 'Natural hazards and climate change' objective is 'To minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning.' Strategies include:
  - *Ensure planning controls allow for risk mitigation and climate change adaptation strategies to be implemented.*
  - *Site and design development to minimise risk to life, health, property, the natural environment and community infrastructure from natural hazards.*
  - *Consider as relevant: Climate change data and information maintained by the Department of Environment, Land, Water and Planning. Adaptation action plans prepared under Division 2 of Part 5 of the Climate Change Act 2017. Policy documents Consider as relevant: Climate science report prepared under Part 6 of the Climate Change Act 2017.*
- **Clause 13.01-2S** 'Coastal Inundation and erosion' – seeks to plan for the potential coastal impacts of climate change in areas susceptible to inundation, erosion and other factors. Relevant strategies include:
  - *'Plan for sea level rise of not less than 0.8 metres by 2100 and allow for the combined effects of tides, storm surges, coastal processes and local conditions such as topography and geology when assessing risks and coastal impacts associated with climate change.*
  - *Ensure that land subject to hazards is identified and appropriately managed to ensure that future use and development is not at risk.*
  - *Avoid use and development in areas vulnerable to coastal inundation and erosion. Respond to marine and coastal processes in the context of the coastal compartment type.*
  - *Assess the effectiveness, costs, benefits, impacts (direct, cumulative and synergistic) and path dependency of available adaptation options in the following order: 1. non-intervention 2. avoid 3. nature-based methods 4. accommodate 5. retreat 6. Protect'*
- **Clause 13.02-1S** 'Bushfire Planning' takes a risk based approach to bushfire and communities to direct population and development to low risk locations and prioritise human life.
- **Clause 13.03-1S** 'Floodplain management' has the objective:
 

*'To assist the protection of:*

  - *Life, property and community infrastructure from flood hazard, including coastal inundation, riverine and overland flows.*
  - *The natural flood carrying capacity of rivers, streams and floodways.*
  - *The flood storage function of floodplains and waterways.*
  - *Floodplain areas of environmental significance or of importance to river, wetland or coastal health.'*
- **Clause 13.07-1S** 'Land use compatibility' has the objective 'To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts'. Strategies include:
  - *'Ensuring that use or development of land is compatible with adjoining and nearby land uses'*
  - *'Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses'*
  - *'Protect existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.'*

Policy documents for consideration include recommended separation distances for industrial residual air emissions (Publication 1518, Environment Protection Authority, March 2013).
- **Clause 14.01-1S** 'Protection of Agricultural Land' seeks to preserve productive farmland of local or regional strategic significance.

- **Clause 15.03-2S** 'Aboriginal cultural heritage' seeks to '*ensure the protection and conservation of places of Aboriginal cultural heritage significance*'. Strategies include ensuring the protection of pre and post contact Aboriginal cultural heritage places.
  - **Clause 16** 'Housing' notes that '*Planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure.*' Housing should have good access to services, walkability to activity centres, public transport schools and open space. **Clause 16.01-1S** 'Housing Supply' seeks to facilitate well located and diverse housing supply that meets community needs.
  - **Clause 17.01-1R** 'Diversified economy - Great South Coast' supports agriculture as a primary source of economic prosperity in contribution to the food production.
19. **Clause 21** of the Moyne Shire Planning Scheme identifies Port Fairy as a 'major town' in the Shire. A landscape character assessment 'Great Ocean Road Landscape Assessment Study, 2003 identified Port Fairy as part of a significant landscape along the coast extending from Port Fairy to Warrnambool.
20. **Clause 21.03** outlines key 'Factors influencing future planning and development', including (selected):
- *'The population of Moyne is relatively stable with some population decline in the northern area of the Shire.*
  - *The population in the Shire's townships and settlements is ageing and this trend is likely to continue as older people remain in the townships, people retire from farms to towns, and retirees move to the Shire from other areas.*
  - *Agricultural areas along the coast, between settlements or on the edge of townships are under pressure from other forms of development, most noticeably housing.*
  - *The development of housing in sensitive locations, such as the coastline is an issue.*
  - *The Shire has a high quality historic built environment, a wide range of heritage places in towns and rural areas, towns of distinctive urban character, farmland of historic and landscape interest and rich aboriginal heritage.*
  - *The importance of landscape character to the economy of the Region and the need to relate new development to landscape character.*
  - *The importance of containing township development within defined boundaries, and of managing development on the fringes of townships so that it enhances the character of the town's landscape setting.*
  - *The need to retain the dominance of the landscape between townships, and avoid ribbon development.*
  - *The importance of views of the landscape from road corridors, and the need to control and manage development that is highly visible from main road corridors and principal tourist routes.*
  - *The need to retain the dominance of the landscape from key viewing locations throughout the Region. '*
21. **Clause 21.03** also identifies that under the 'Coastal Recommendations Report (2006) Port Fairy has the 'classified role and function' of:
- 'Port Fairy – District Town with moderate growth capacity with some growth potential beyond existing urban zoned land or through infill but within defined settlement boundaries;'*
22. Port Fairy is also recognised as an 'activity node' in the Victorian Coastal Strategy and is identified as exhibiting the following values:
- *'Natural and cultural values including sites of indigenous and non-indigenous significance, scenic landscapes, wildlife viewing and wetlands and ecosystems;*
  - *Commercial fishing, shipping and boat harbour activities and residential development; and*
  - *Tourism and recreation values including swimming and surfing beaches, recreational fishing and boating and a range of accommodation types.*

23. 'Settlement and Housing' at **Clause 21.05** recognises Port Fairy as '*an historic coastal town that offers a high quality of life for its residents and is a popular tourist destination*'. Key issues for Port Fairy includes increasing number of older residents along with character and heritage. This clause notes 'Port Fairy contains a range of natural and built elements which contribute to a unique Neighbourhood Character and which is being threatened by intensive forms of new development. Also, *'Development in Port Fairy is placing pressure on views from the public domain on the coast and river environment, which contribute to the character of the town and are sensitive to the height of development'*'.
24. Relevant objectives in relation to 'Settlement and Housing' include:
- *'To define a sustainable urban/non urban edge to the main townships and settlements within the Moyne Shire. To maintain compact urban forms that will allow for the ease of service delivery and minimal infrastructure costs. Unplanned developments that have potential to adversely affect the landscape and environmental qualities of the municipality, will not be supported.*
  - *To protect the Neighbourhood Character of Port Fairy. To ensure that new development in Port Fairy respects built form and/or the coastal and riverine location of the area, including existing character, the integrity of the dune formations, maintenance of floodplains, native vegetation and significant view lines to and from the coast.*
  - *To identify flood prone land and ensure that new development is compatible with flood hazard*
  - *To recognize that views form an important part of the amenity of a property and to provide for a reasonable sharing of views of significant landscape features, including views of the ocean, coastal shoreline, estuaries, wetlands and notable cultural features.'*
25. Corresponding strategies include (selected relevant):
- *Provide for a diverse range of housing opportunities that do not detrimentally impact on the residential amenity of an area.*
  - *To encourage population growth within all areas of the Shire.*
  - *To encourage a range of accommodation opportunities in urban areas including medium density housing to suit the various and changing needs of the Shire's residents.*
  - *To introduce mandatory building height controls to ensure that new development will not dominate the coastal and Moyne River estuary surroundings and viewlines of Port Fairy.*
  - *To introduce discretionary building height controls to ensure that new development will respect the Neighbourhood Character in the established areas of Port Fairy away from the coast and the Moyne River estuary.*
  - *To encourage residential development within existing serviced areas and established settlements.*
  - *To encourage aged and special care accommodation within the Shire.*
  - *Protect residential amenity by encouraging a reasonable sharing of views between new and established properties, particularly where the view is of a significant landscape feature, including views of the ocean and coastal shoreline, coastal cliffs and sand dunes, rivers and estuaries and notable cultural and scenic landscape features.*
26. **Clause 21.06** relates to 'Environment' and notes the significance of the coastal environment and associated wetlands and estuaries. Issues include sprawling development at the edges of Port Fairy which 'spills' into the natural landscape. Landscape character and significance identifies:
- 'Port Fairy to Warrnambool Coast – Regional Significance, which is evident by the contrasting landscape views between the open farming areas and coastal edge at Killarney from Tower Hill and the Princes Highway encompassing the coastal dunes and waterways'.*
27. Key issues are identified in relation to the protection of vegetation, protection of environmental features, habitat protection and flood plain management. Relevant objectives include:

- *'To integrate the effects on flood hazard from both a 100 year ARI flood event and storm tide with a 0.8 metre rise in sea levels projected to the year 2100 in assessing development of greenfield sites in Port Fairy.'*
  - *For urban infill development in Port Fairy, a projected sea level rise of 0.2 metres over current 1 in 100 year flood levels by 2040 will be used to assess development.*
  - *To implement the requirements of the Port Fairy Local Floodplain Development Plan 2013 Incorporated Document.*
  - *To retain the open and rural character of views and outlooks, particularly from main road corridors.*
  - *To ensure that appropriate risk assessment is undertaken to consider the impact and hazards of sea level rise and climate change impacts. To avoid impacting the environment from the exposing of acid sulphate soils.'*
28. Policies relating to 'Economic Development' are included at **Clause 21.07** these recognise the importance of agriculture in the region and established businesses including 'Glaxo' now SunPharma. Tourism is a key sector of the economy in Port Fairy.
29. The Local Area Policy for Port Fairy is at **Clause 21.09- 3**. It includes the Port Fairy Structure Plan. Key elements of the local area policy include:
- *To retain coastal and river character of Port Fairy, including vegetation and new works which respect the areas coastal landscapes and heritage.*
  - *A range of residential opportunities is facilitated which protect and reflect the important historical and amenity values present in Port Fairy. Smaller lot subdivision and higher density types of residential development compatible with the character and appearance of the area be encouraged.*
  - *Infill residential development should be encouraged to strengthen the population base within walking distance of the commercial area.*
  - *Port Fairy should remain the retailing, service and cultural centre for the surrounding districts.*
  - *The consolidation of major retailing and commercial functions within the central commercial area of Port Fairy should be promoted.*
  - *Industrial development in and around Port Fairy is promoted. Industry should be focused on the existing industrial areas and on land beyond the sewerage treatment plant. Industrial development should be located to minimise its visual impact, particularly near major access roads into and out of Port Fairy.*
  - *Significant environmental features which contribute to the appeal of Port Fairy, including the coastline, the Moyne River, the Lough and the significant areas of open space should be protected and promoted.*
  - *Minimise development on land liable to flooding and, where development is permitted, ensure that the siting of buildings and works takes into account the potential depth of flooding, the route of major floodways and the impact on the operation of the Moyne River floodplain and its tributaries. Ensure that all new development permitted on the floodplain maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard and local drainage conditions.*
  - *Strongly discourage the filling of land which is liable to flooding unless balanced cut and fill can be achieved as per the Glenelg Hopkins Catchment Management Authority Guidelines for Floodplain Cut and Fill.*

30. The Port Fairy Framework Plan at **Clause 21.09-3.1** is included at **Figure 6**.

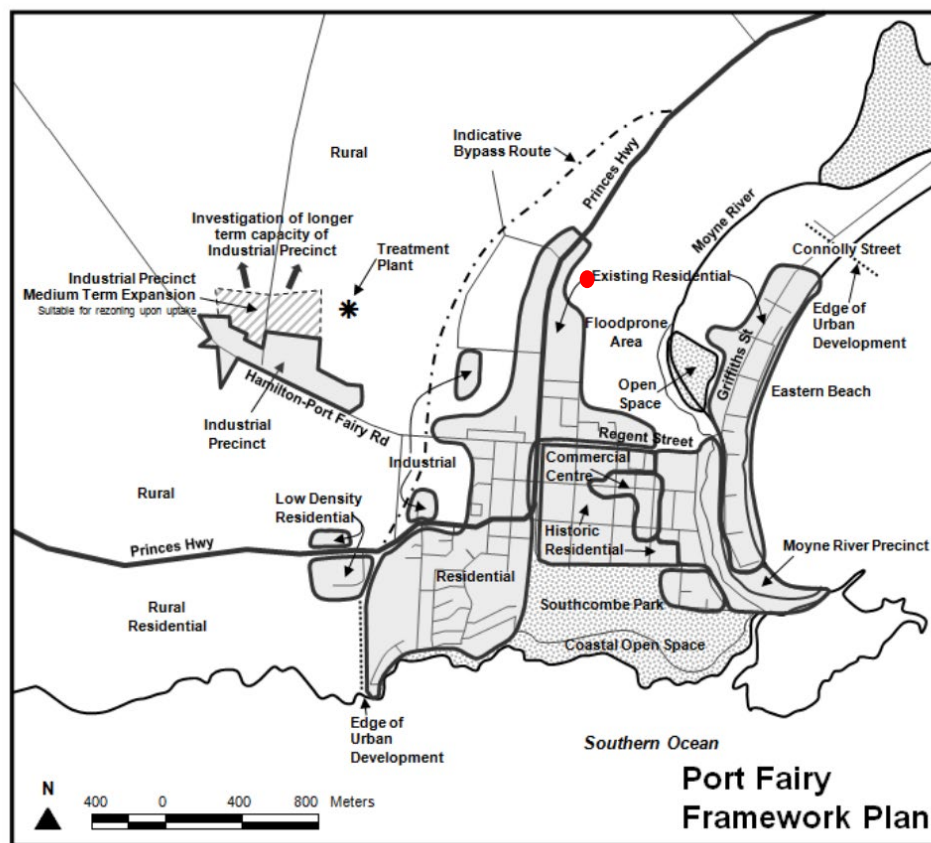


Figure 6: Extract from Clause 21.09-3.1 'Port Fairy Framework Plan' (Subject Site ●)

## PROPOSED AMENDMENT C69

31. Amendment C69 seeks to implement the recommendations of the 'Port Fairy Coastal and Structure Plan 2018'. The amendment makes a suite of changes to Local Policy, implements new zone and overlay controls and updates operational provisions. The Amendment – through reference to the Structure Plan and in the Port Fairy Policy at **Clause 21.09** will identify a settlement boundary for the township. The Structure Plan also identifies two 'Growth Areas' to address residential demand.
32. The Amendment was exhibited in May and June 2020. Following submissions, further hydrological modelling was prepared by Hydrology and Risk Consulting Pty Ltd on behalf of Council. The work was completed in August 2021 and available for public consultation between December 2021 and January 2022. Council considered Amendment C69 at the Council meeting on 1 March 2022 and resolved to refer submissions (128 in total) to an independent Panel.
33. In respect of the subject site the Amendment proposes the following relevant changes:
- Revising the Local Areas Policy for Port Fairy at **Clause 21.09**, including identifying a settlement boundary for the township as identified in the 'Port Fairy Coastal and Structure Plan 2018'.
  - Within the Structure Plan identify the subject site as:
    - 'Potential Residential expansion area (if development can demonstrate accordance with relevant flood controls under a 1.2 SLR scenario, and that the land is outside any buffer agreed by SunPharma and the EPA)' depicted in Figure 8 'Settlement and Housing' Plan.

- Identified in Figure 12 'Economic Development' Plan and elsewhere as subject to an indicative '500 m buffer' from the SunPharma premises.
- Identified in Figure 15 'Built Environment and Heritage' Plan as having a 'key open landscape view' across the land.
- Introducing the relevant background documents at **Clause 21.11**:
  - '*Port Fairy Coastal and Structure Plan 2018*'
  - '*Translation of Port Fairy Coastal Hazard Assessment - Port Fairy Coastal and Structure Planning Project (Cardno) 2019*'
- Update the list of Incorporated Documents in the Schedule to **Clause 72.04** to introduce:
  - An updated '*Port Fairy Local Floodplain Development Plan 2019*'; and
  - '*Glenelg Hopkins Catchment Management Authority Guidelines for Fencing in Flood Prone Areas 2015*'.
- Rezoning the General Residential Zone land to the Neighbourhood Residential Zone 1 (**Clause 32.09**).
- Rezoning the Farming Zone land to the Rural Conservation Zone 2 (**Clause 35.06**).
- Delete DDO21 from the land.
- Revise the existing DDO15 into new DDO4 with additional controls for development on the Residential Zone land.
- Applying Floodway Overlay 3 (**Clause 44.03**) and modifying the Land Subject to Inundation Overlay (extent and schedule) to identify areas subject to coastal inundation and a 1.2 metre sea level rise based on the report 'Translation of Port Fairy Coastal Hazard Assessment' Cardno, 2019.
- Amend the policy at **Clause 21.06** and **Clause 21.11** to reflect a 1.2 metre sea level rise benchmark as proposed in the new Flood Overlay and a Land Subject to Inundation Overlay provisions (refer extract of 'updated Proposed FO – LSIO' at Figure 5).

34. The impact of these amendments is addressed in my assessment of the amendment.

## PROPOSED AMENDMENT C75

35. Amendment C75 relates specifically to the subject land and proposes to rezone the land from the Farming Zone and General Residential Zone to the Neighbourhood Residential Zone (NRZ). The amendment also proposes to apply a Development Plan Overlay (DPO) to enable appropriate development controls to be implemented to guide future land use and development.
36. A concurrent permit application seeks approval for subdivision of the land into 75 lots, associated earthworks, 10 x townhouses, easement removal and Road Zone access.
37. The Amendment originally proposed changes to the Land Subject to Inundation Overlay to correlate with proposed earthworks (cut and fill within the site). The proposed overlays were removed from the Amendment given the consideration of the Floodway Overlay and Land Subject to Inundation Overlay comprising part of Amendment C69.
38. The Amendment was submitted in June 2020 and was exhibited in December 2021 and January 2022. A total of 89 objecting submissions were made to the Amendment. The Amendment was placed on hold while Council sought further information from the Proponent. The Council has not determined how to proceed with the Amendment following exhibition.

# ASSESSMENT

## OVERVIEW OF PORT FAIRY STRUCTURE PLAN 2018

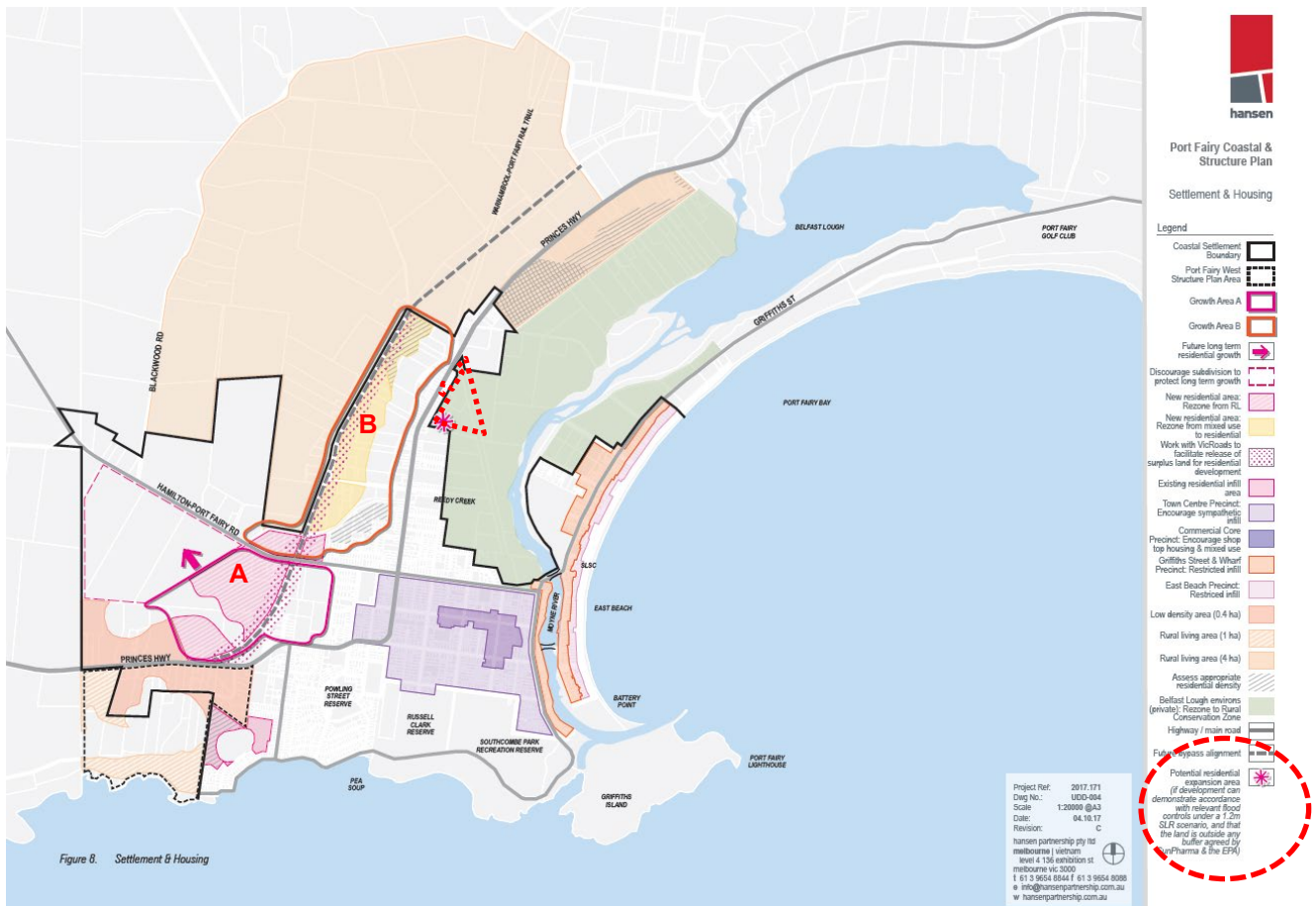
39. The focus of Amendment C69 is the Port Fairy Structure Plan and implementation of its recommendations into the Planning Scheme. Port Fairy township is recognised as an important town within the Great South Coastal Region having a valuable economic and social role and displaying significant landscapes with high quality heritage environments.
40. The Structure Plan is intended to enable a translation of the recommendations of the Port Fairy Local Coastal Hazard Assessment 2013 and provide a long-term strategic framework to guide and manage land use and development in Port Fairy and the surrounding area. The Structure Plan was prepared by Hansen Partnership on behalf of Moyne Shire and was adopted by Council in 2018. At the same time, Council resolved to prepare a planning scheme amendment (C69) to implement the recommendations of the Structure Plan into the Scheme.
41. The Structure Plan recognises the historic village character and environmental sensitivity of Port Fairy. The Structure Plan identifies 13 Key Directions for the Township:
- *‘Respond to the housing needs of existing and future residents*
  - *Recognise the critical importance of Port Fairy’s character and heritage*
  - *Protect the settlement’s sensitive coastal surrounds*
  - *Recognise the regional importance of Port Fairy’s tourism industry*
  - *Plan for future local employment opportunities*
  - *Prioritise the creation of a walkable and cycle-able town*
  - *Develop a network of diverse open spaces*
  - *Support equitable access to services and facilities for all*
  - *Plan for a resilient and engaged community*
  - *Be pragmatic but use the precautionary principle in responding to flooding impacts*
  - *Adopt best practice in response to climate challenges*
  - *Protect the rural surrounds and improve town centre approaches*
  - *Connect and embrace the wharf environs’*
42. The key designation affecting the subject site is the identification of the subject land for *‘potential future residential development’* (‘Housing and Settlement Plan’) subject to flood and sea level rise considerations and proximity to established industry. Additionally, the ‘Built Environment and Heritage Plan’ at Figure 14 (p.45) identifies a view corridor as ‘key landscape view’ radiating out from the Highway across the subject land, while Figure 12 ‘Economic Development’ Plan nominates a 500 metre ‘buffer’ associated with SunPharma.
43. It is apparent that a key tension of the Structure Plan is managing the demand for housing with protection of established character and environmental constraints. This is a common balance in many coastal environments, but a particularly pointed issue in Port Fairy where the irregular coast line, Moyne River and low lying land give rise to potential flood risk across the township. The submissions with respect to the subject land and the focus of my review is the potential for the subject land to contribute to the opportunity for future residential development balanced against the constraints of the land.

## MANAGING RESIDENTIAL GROWTH IN PORT FAIRY

44. Within the State Planning Policy Framework Port Fairy is part of the 'Great South Coast Regional Plan, 2014' which identifies Port Fairy as a 'district town'. District Towns are designated for the purpose of providing local and some sub regional services, and potential for a 'medium' level of growth. The South Coast Regional Plan also highlights the importance of tourism in surrounding areas and environmental constraints to growth.
45. While the Planning Scheme indicates that the population of the Municipality is 'relatively stable' (**Clause 21.03**), there is a trend for population growth in the south and specifically within Port Fairy, as well as concentration of retired population and a high proportion of 'holiday rentals'.
46. The Moyne Shire Council Plan 2021-2025 identifies the housing diversity and affordability as urgent issues, but particularly in Port Fairy. The Port Fairy Structure Plan and Amendment C69 observe that Moyne Shire is experiencing increasing population growth and changes in demographic trends increasing housing demand. Consequently key challenges include providing increased housing diversity to support an aging population, rental accommodation for key workers and accommodation suitable for families.
47. 'Key issues' associated with 'Settlement and Housing' identified at p.16 of the Structure Plan observes *'The availability of land for residential development is highly constrained and the coastal location means that there are environmental considerations which must guide the location of development'*. This is to be balanced against demand for dwellings in Port Fairy being 'reasonably high' (p.16) and identification of Port Fairy as one of the fastest growing regional settlements in Victoria. It is anticipated that since this time Port Fairy will have experienced increased migration as a result of desired 'lifestyle' values and workplace flexibility stemming from the Covid 19 pandemic.
48. The objectives in relation to 'Settlement and Housing' in the Structure Plan include (selected relevant):
  - *'To support Port Fairy as being the primary 'district town' for Moyne Shire and its role in accommodating a medium level of growth, as reflected in the State Planning Policy Framework.*
  - *To ensure an appropriate supply of residential land within Port Fairy in recognition of its role.*
  - *To direct housing growth to areas not subject to identified inundation.*
  - *To promote a compact urban form which avoids sprawl and provides a clear delineation between urban and rural areas.*
  - *To deliver opportunities for residential growth across a range of growth fronts and formats to reflect the diversity of demand.*
  - *To encourage the delivery of housing which is responsive to demographic changes.*
  - *To encourage sensitive residential infill development close to the commercial core.*
  - *To ensure infill development is delivered in a way which is sensitive to the environmental, heritage and character context.'*
49. These are important considerations in respect of future housing opportunities. The corresponding strategies include:
  - *'Integrate a Coastal Settlement Boundary into the Municipal Strategic Statement to provide certainty and clarity for the current and future extent of growth for Port Fairy.*
  - *Allow for a 'layered' system of growth where applicable planning controls reflect the types of development that may occur in each area (see highlight box on Page 25).*
  - *Do not support the intensification of housing in locations where there is associated coastal erosion and flooding constraints that cannot be properly managed.*

- For residential land within identified industrial buffer zones, require further investigations by qualified professionals based on localised conditions and agreed with the EPA and relevant industrial operators before determining appropriate residential densities.
- Discourage new dwellings within the Belfast Lough Environs.'

50. Together these strategies emphasise the multiple pressures where demand conflicts with the opportunities for supply. The themes of environment, flood and character constraints are repeatedly emphasised in the existing Planning Policy Framework (as well as the Structure Plan) and provide key elements for consideration of planning permit applications and Planning Scheme Amendments.
51. An extract of the 'Settlement and Housing Plan' from the Structure Plan is included at **Figure 7**.



**Figure 7. Extract from Figure 8 Settlement and Housing Plan (subject site identified in red dash).**

52. This 'Settlement and Housing Plan' identifies the following key housing opportunities:
- **Growth Area A**, located west of the existing urban area of Port Fairy. The area has a total area of 270,000sqm and a net developable area of 189,000sqm. This is noted as including areas nominated as 'new residential area Rezone from RL'.
  - **Growth Area B**, located in the existing Mixed Use Zone along Albert Road ridgeline. This area has a total area of 177,000 sqm with a net developable area of 123,900sqm (Mixed Use Zone) and 45,500 sqm (Rural Living Zone). This is noted as including areas nominated as 'new residential area rezone from Mixed Use to Residential'.

- The **Subject Land** is identified with an asterisk and nominated as ***'Potential Residential expansion area (if development can demonstrate accordance with relevant flood controls under a 1.2 SLR scenario, and that the land is outside any buffer agreed by SunPharma and the EPA).'***
  - Other nominal areas of ***'Infill Housing'*** eg *'work with Vic Road to facilitate surplus land for residential development along the 'future bypass alignment', areas of 'Restricted Infill' and 'Town Centre Precinct encourage sympathetic infill'.*
  - A more significant area of ***'Existing Residential Infill'*** located south of the Princess Highway.
53. The Structure Plan was informed by (amongst other things) demographic analysis prepared by Urban Enterprise (on behalf of Moyne Shire) as part of the *'Economic and Tourism Land Use Analysis Report, 2017'*. This included a population projection which recognised an accelerating growth rate in Port Fairy – comprising 1.33% per annum between 2011 – 2016 (previously 1.22% over 15 years). The 2021 ABS census has indicated that the population has since increased from 3,028 in 2016 to 3,420 in 2021 and this equates to a growth rate of 2.5 % per annum.
54. The 'Economic and Tourism Land Use Analysis Report' indicated at p.58 that:
- 'It is calculated that there is currently between 12 and 13 years supply of residential land in Port Fairy (August 2017). Given that there has been a relative lack of greenfield supply made available to the market in recent years, it is likely that underlying demand is at the upper end of the scenarios analysed and therefore that land supply is at the lower end of the range.'*
55. In the Structure Plan, the 'High Growth Scenario' has been adopted to address the *'likely backlog of demand'*, such that 897 dwellings will need to be provided to meet anticipated demand to the year 2040. Around half of these (378 lots) will be accommodated in 'Growth area A' with an average size of 500 sq m. The balance of lots will be provide in Growth Area B and infill developments ('high growth scenario').
56. In relation to 'preferred housing outcomes' it is noted that *'the majority of 'conventional' residential development'* will be accommodated in the *'residential growth areas'* (p.25). These areas are to provide 'greenfield' development to ensure that Port Fairy remains *'accessible to younger families'* (p.26) – with the Key area for this purpose being 'Growth Area A'. It is also noted that these areas have the capacity to accommodate growth beyond the projections identified in background reports. However, fractured ownership in the case of Growth Area B, makes the timing of delivery difficult to predict.
57. Additionally the 'Settlement and Housing Plan' identifies 'future long term residential growth' adjoining to the north west of 'Growth Area A'. This area is nominated within the Coastal Settlement Boundary and is annotated to indicate *'discourage subdivision to protect long term growth'*. This area is within the Rural Living Zone and partly within the proposed Flood and LSIO controls. The land is not accounted for in the supply demand analysis table and it was *'not anticipated this further area will be required before at least 2050 unless there are significant shifts in growth rates'* (p.25) (my emphasis).
58. Other opportunities for 'infill' are constrained by character and amenity considerations and are identified as having only a limited or modest contribution to future housing availability. Further, Amendment C69 proposes rezoning land in the General Residential Zone and the Mixed Use Zone to the Neighbourhood Residential Zone, embedding a more restrictive zoning regime (in addition to heritage and environmental overlays). Even land already zoned for residential purposes (such as along Eastern Beach) is acknowledged as potentially more constrained (or having less capacity) than previously considered.
59. The subject site does not fall within any of the descriptions of the preferred housing models and is not included in the calculation for future land supply. Rather it is (as noted) identified in the Structure Plan as a ***'Potential Residential expansion area'*** (with qualifying constraints). This designation is a reflection of its status as under investigation for a number of years, and formally as Amendment C75.

## ROLE OF THE 'POTENTIAL RESIDENTIAL EXPANSION AREA'

60. When considering the significant factors affecting residential growth in Port Fairy I consider that there remains a need to explore all potential options for future housing supply that are suitably located in the context of the township. This is recognising the need to advance potential residential growth opportunities on multiple fronts which are contiguous with, and make logical connections with established urban areas.
61. I am instructed that the nomination of the land as a 'potential opportunity' is an outcome of lengthy discussions and fluctuating environmental considerations and 'waiting periods' while multiple flood strategies were prepared for the township.
62. Key events in this timeline include:
  - Discussions between the previous land owner and Council in the early 2000s regarding a combined Planning Scheme amendment and permit application (at which time the Land Subject to Inundation Overlay covered the majority of the site).
  - Purchase of the land by the current land owner in 2012.
  - 'Port Fairy Local Floodplain Development Plan 2013' (Incorporated Document) prepared and implemented into the Planning Scheme to guide development (C54 11 December 2014). This included a reduced area of the 'Land Subject to Inundation Overlay' applied to the land.
  - Port Fairy Regional Flood Study modified the Land Subject to Inundation Overlay – November 2017 (based on Sea Level Rise of 0.8 metres). The current LSIO reflects this modelling.
  - Preparation of the 'Port Fairy Coastal and Structure Plan 2018' identifying the land as a potential residential expansion area – adoption of the Structure Plan in 2018.
  - The 'Port Fairy Local Coastal Hazard Assessment', Cardno 2017 (updated 2019) was prepared and exhibited as part of C69. The Assessment adopted a Sea Level Rise of 1.2m as part of the hydraulic modelling assumptions.
  - Amendment C69 was exhibited in May and June 2020.
  - Amendment C75 was submitted by the proponent in June 2020.
  - Further flood modelling was undertaken in association with C69 in August 2021 and available for public consultation December 2021 and January 2022.
  - Amendment C75 was exhibited December 2021 and January 2022.
  - Amendment C69 was considered at the Council meeting on 1 March 2022 where it was determined to refer it to the Independent Panel. In response to the submission of the land owner, this included a change to the exhibited documents to *'annotate the Port Fairy Framework Plan in Clause 21.09 to be consistent with the PFCSP'*.
63. This represents discussions in the order of 10 – 15 years regarding the development outcomes for the land. The appropriate conclusion for these discussions is a proper and thorough testing of issues through consideration of submissions in Amendment C75. The nominations within the Structure Plan (and translated into the local area policy at **Clause 21.09**) provide an adequate basis on which to facilitate this outcome. Further, given the extent to which Amendment C75 has been entertained – including through full preparation of supporting materials and exhibition it should be recognised by Amendment C69 as it is currently proposed.
64. Planning Practice Note 36 'Implementing a Coastal Settlement Boundary' (November 2016) includes key matters for consideration in settlement boundaries and Structure Plans in coastal locations. These are derived from the Victorian Coastal Strategy (VCS). The practice note indicates that *'the location of a coastal settlement boundary should be established through a strategic planning process with a 10 year planning horizon'*. Matters for consideration in coastal settlement boundaries include:
  - *'Desired future vision for a settlement.'*
  - *Role and function of the settlement in comparison with other settlements within the region.*

- *Constraints on development such as topography, native vegetation, rural land-use activity and areas of environmental or landscape significance and sensitivity.*
- *Areas with susceptibility to flooding (both river and coastal inundation), landslip, erosion, coastal acid sulfate soils, salinity, wildfire or geotechnical risk.*
- *Supply/demand of land within a 10 year planning horizon and opportunities for future growth (if any).'*

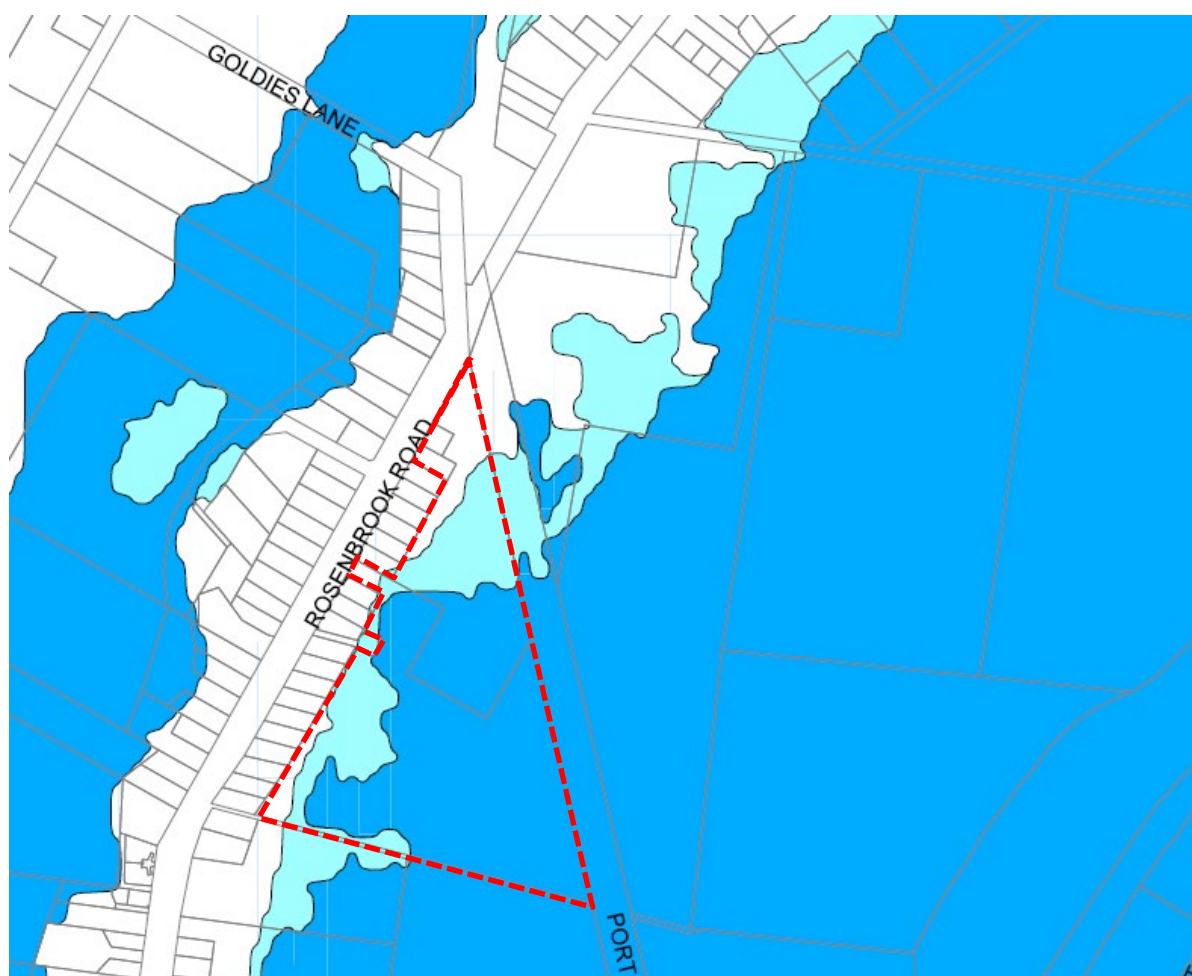
And additionally

*'Climate change and bushfire risks and infrastructure capacity should also inform considerations about whether to protect settlement boundaries.'*

65. Having regard to these considerations and policy of the Moyne Shire I consider that at a high level there is support to consider the future suitability of land for residential purposes and inclusion within the coastal settlement boundary, namely;
  - The subject land is locationally suitable being embedded within the existing urban areas, close to the town centre (1.5km).
  - Residential use of the land would not result in 'sprawl' along the Highway given there are already urban areas to the north, south and opposite.
  - The land has multiple access points from the Highway.
  - Provision of residential land in this location would be contiguous with the existing residential zoned land to the west.
  - Future residents would have good connectivity to the Town Centre via the rail trail, as well as along Princes Highway.
  - The land does not have significant agricultural value, being close to existing urban areas and limited in scale.
  - An assessment of Aboriginal Cultural Heritage Sensitivity has been prepared.
  - No significant constraints have been identified by way of native vegetation or biodiversity.
  - Bushfire Risk in the surrounding setting is managed through the Bushfire Prone Area tool, rather than the Bushfire Management Overlay.
66. Notwithstanding the above, there are a number of key areas where further consideration is warranted.
67. Firstly, the proximity to SunPharma pharmaceutical manufacture is a matter for detailed consideration with respect to potential offsite emissions (noise, odour and light spill), or potential for risk of an emergency incident. The facility is a significant and long established employer within the township and makes an important economic contribution. It has some (albeit relatively limited) reference in the Planning Scheme as 'Glaxo' but includes multiple references in the Structure Plan.
68. Within the Structure Plan it is proposed that a 500 metre separation buffer from SunPharma be considered. This far exceeds the separation from existing residents in the surrounding area. The actual separation distance should be a matter which is resolved through detailed review of processes and offsite amenity impacts and is the subject of expert advice from Dr Iain Cowan of Tonkin + Taylor and I defer to him in this regard.
69. The land is physically and visually separated from the facility by established vegetation that lines the rail trail. Any new residences would be no closer to the facility than the existing residential use along the Highway. The potential residential opportunity of the land is not in itself a significant growth front and generally extends away from the facility. The relationship of future dwellings with SunPharma would also come down to the layout of a final subdivision.
70. While the potential for future expansion of the industrial facility has been raised, this would need to consider the impact of expansion on existing residents. We note that the submission from SunPharma indicates that there has been complaints from existing residents regarding the facility operations. To this extent there is already an obligation on consideration the amenity impact of the existing facility. I also note that areas of land to the east of the existing facility have been nominated

in the Structure Plan and exhibited Amendment C69 as being rezoned to the Rural Conservation Zone. This, along with proximity of established residential uses would limit the prospect of significant expansion of the facility in this location.

71. The final determination of an appropriate separation is a matter which should be the subject of Amendment C75, and or accommodated by reference in the Development Plan Overlay.
72. Secondly the matter of flooding is central to the consideration of Amendment C69. To the extent that Amendment C69 proposes to implement flood modelling and the 'Port Fairy Local Coastal Hazard Assessment' this is a highly technical matter. The extent of the proposed 'updated flood modelling' prepared for Port Fairy and affecting the subject site is included at **Figure 8**. This shows the majority of the land as affected by the Flood Overlay, with peripheral areas on the western side included in the Land Subject to Inundation Overlay.



**Figure 8: Updated Proposed Flood Overlay and Land Subject to Inundation Overlay (Site red dashed) – Exhibited January 2022.**

73. One of the key matters in dispute is the hydraulic flood modelling prepared in the Port Fairy Local Coastal Hazard Assessment on behalf of Moyne Shire, but particularly the adoption of a 1.2 metres Sea Level Rise in predictions. I refer to the summary opinion of Water Technology in the memo of 18 July 2022 that the Land Subject to Inundation (and not the Floodway Overlay) is the appropriate tool to apply to the land in this instance. Additionally I note that Mr Warwick Bishop of Water Technology is to provide a Statement addressing these matters and I rely on his expert opinion in this regard.

74. I also note that the existing State Planning Provision in respect of 'Coastal Inundation and erosion' **Clause 13.01-2S** adopt a rate of 0.8 metre sea level rise by 2100. This approach is set by Planning Practice Note 53 'Managing coastal hazards and the coastal impacts of climate change' which states that there is a need to '*Plan for sea-level rise of not less than 0.8 metres by 2100, and allow for the combined effects of tides, storm surges, coastal processes and local conditions such as topography and geology when assessing risks and impacts associated with climate change.*' Adoption of levels beyond this should be rigorously justified if they are to be the basis of overlays in Amendment C69.
75. Additionally it has been submitted in the material accompanying Amendment C75 that the flood levels affecting the land (with a 0.8m SLR) can be managed through modification to site levels which do not require the import or export of fill. The final design of a subdivision or Development Plan (and extent of developable land) is a matter which in itself needs to be thoroughly tested. The flood controls resolved through Amendment C69 will provide part of the means to consider this (in addition to other relevant considerations).
76. Finally, Figure 14 of the Structure Plan 'Built environment and Heritage' designates a 'Key Open Landscape View' from the Highway adjoining the subject site and SunPharma. In my observation, while the farmland and Belfast Lough environs are open and do allow views, the views are relatively limited from the Highway. This is noting that the 'break' between SunPharma (on the north) and the existing residences on the south is restricted and partly screened by existing vegetation along the northern portion of the Rail Trail – as shown in the photos at **Figure 9 and 10**. Again, this is a matter which would be subject to detailed review in a Planning Scheme Amendment or subdivision proposal.



**Figure 9. View from Highway across the site from the Highway.**



**Figure 10. View along Rail Trail in proximity to the Highway.**

77. So while I accept that the policy and existing context may present some challenges to the future development of this parcel of land, they are not conclusive and do not amount to a 'prohibition'. They are complex and detailed matters which should be properly ventilated in consideration of Amendment C75. To this extent I support the designation of the Structure Plan and its replication in the local area policy at **Clause 21.09**.
78. I note also that Amendment C69 proposes to rezone the subject land from the Farming Zone to the Rural Conservation Zone – but given the designation of the land for 'potential future residential development' in the Structure Plan it would seem more appropriate that the rezoning be deferred to enable the full review of the opportunity to be considered by Amendment C75. At that time, and as appropriate, it would also be necessary for the Coastal Settlement Boundary to be considered as part of changes to proposed **Clause 21.09**.

# CONCLUSION

79. In summary my conclusion is that:

- **The Port Fairy Structure Plan (and associated documents) identify increasing demand for housing in Port Fairy and a need for increased diversity to support an ageing population and housing for key workers and families.**
- **Residential development within Port Fairy is significantly constrained by flooding and heritage, reducing the apparent future supply. Consequently there is a need to consider land which is suitable for future residential development.**
- **The subject site is well located in the context of the township, is contiguous with existing residential subdivision and proximate to township services.**
- **The subject site has been identified as a 'Potential Residential Expansion Area' (subject to further investigation) within the Port Fairy Structure Plan, 2018 and has advanced to a formal planning scheme amendment (C75).**
- **It is appropriate to continue with the designation of the subject site in the Structure Plan as a 'Potential Residential Expansion Area' to enable the extensive investigations of Amendment C75 to proceed to a full and proper consideration.**
- **The consideration of flood risk and the potential separation from industrial use are detailed matters and I defer to the advice of the relevant experts in this regard.**

80. I declare that I have made all the enquiries that I believe are desirable and that no matters of significance which I regard as relevant have, to my knowledge, been withheld from the Panel.

# **APPENDIX A      STATEMENT OF QUALIFICATIONS AND EXPERIENCE**

## NAME AND ADDRESS

Stuart Andrew McGurn  
Director  
Urbis Pty Ltd  
Level 12, 120 Collins Street  
MELBOURNE VIC 3000

## QUALIFICATIONS

- Bachelor of Arts 1984
- Graduate Diploma Urban Planning 1986

## PROFESSIONAL EXPERIENCE

- Current Position: Director, Urbis Pty Ltd
- 2010-2015: Partner, Environmental Resources Management Australia Pty Ltd
- 1998 – 2010: Director, Fulcrum Town Planners Pty Ltd
- 1986 – 1998: Town Planner in local government – Cities of Broadmeadows and Melbourne, including role as Principal Planner – City of Melbourne

## AREA OF EXPERTISE

- Statutory planning for local and state government on a range of residential, commercial and industrial issues.
- Consulting advice to a wide range of commercial and local government clients addressing the management of urban development and the statutory planning process.
- Extensive planning advice to architects, project managers and other professionals involved in a range of projects and the built form and visual impact issues associated with the development of land.

## EXPERTISE TO PREPARE THIS REPORT

Professional qualifications and expertise in town planning both in the public and private sectors.

## INSTRUCTIONS WHICH DEFINED THE SCOPE OF THE REPORT

My instructions required me to undertake a town planning assessment of proposed Amendment C69 to the Moyne Planning Scheme and its relevance to the land at 169A and 83 Princes Highway Port Fairy. In so doing, I have relied upon those matters set down below.

## FACTS, MATTERS AND ASSUMPTIONS RELIED UPON

I have relied upon the following in the preparation of this report:

- Inspection of the subject site and surrounds.
- Review of the Moyne Planning Scheme and strategic policies of relevance.
- Planning Practice Note 46 Strategic Assessment Guidelines for Planning Scheme Amendments
- Documents and materials listed in the introduction to my statement.

## **DOCUMENTS TAKEN INTO ACCOUNT**

Relevant documents are described above.

## **IDENTITY OF PERSONS UNDERTAKING THE WORK**

Stuart McGurn, Director, assisted by Christina McRae, Director.

## **SUMMARY OF OPINIONS**

A summary of my opinions in relation to this matter is included at paragraph No. 79 of my evidence.

I have made all the inquiries that I believe are desirable and appropriate and no matters of significance which I regard as relevant have to my knowledge been withheld from the Panel.



**Stuart McGurn**  
**Urbis Pty Ltd**



### **BRISBANE**

Level 7, 123 Albert Street  
Brisbane QLD 4000  
Australia  
T +61 7 3007 3800

### **MELBOURNE**

Level 12, 120 Collins Street  
Melbourne VIC 3000  
Australia  
T +61 3 8663 4888

### **PERTH**

Level 14, The Quadrant  
1 William Street  
Perth WA 6000  
Australia  
T +61 8 9346 0500

### **SYDNEY**

Level 23, Darling Park Tower 2  
201 Sussex Street  
Sydney NSW 2000  
Australia  
T +61 2 8233 9900