



# Myers

Planning & Associates

## Town Planning Report

Demolition of outbuilding, construction of two dwellings, construction of outbuildings, and three (3) lot subdivision  
9 Sackville Street, Port Fairy

# Overview

## Background

Address	9 Sackville Street, Port Fairy
Lot Description	Lot 1 TP 810212F (Volume 10662 Folio 335)

## Relevant Planning Controls

Municipal Planning Strategy	<p>Clause 02.01 Context</p> <p>Clause 02.02 Vision</p> <p>Clause 02.03 Strategic Directions</p> <p>Clause 02.04 Strategic Framework Plan</p>
Planning Policy Framework	<p>Clause 11 Settlement</p> <p>Clause 15 Built Environment and Heritage</p> <p>Clause 16 Housing</p> <p>Clause 19 Infrastructure</p>
Zone	General Residential Zone (Schedule 1)
Overlays	<p>Design and Development Overlay (Schedule 10)</p> <p>Heritage Overlay (Schedule 71)</p>
Particular Provisions	<p>Clause 52.06 Car Parking</p> <p>Clause 55 Two or more dwellings on a lot</p> <p>Clause 56 Residential subdivision</p>
Strategic Planning Documents	Moyne Planning Scheme Amendment C69moyn (Port Fairy Coastal and Structure Plan)

## Permit Application Details

Description of Proposal	Demolition of outbuilding, construction of two dwellings, construction of outbuildings, and three (3) lot subdivision
Permit requirement	<p>Clause 32.08-3: General Residential Zone - Subdivision</p> <p>Clause 32.08-7: General Residential Zone - Construction of two or more dwellings and outbuildings</p> <p>Clause 43.01-1: Heritage Overlay - Subdivision, demolition, construction of a building</p> <p>Clause 43.02-2: Design and Development Overlay - Buildings and works</p> <p>Clause 43.02-3: Design and Development Overlay - Subdivision</p>





# Quality assurance

**Town Planning Report**

9 Sackville Street, Port Fairy

**Project Number**

24-1249

**Revision**

01

**Prepared By**

AP

**Project Lead**

AP

**Issued**

24 June 2024

Revision	Date	Issue
01	24 June 2024	Issue for lodgement

## Acknowledgement of Country



We acknowledge the Traditional Owners of the Country on which this application applies and recognise their continuing connection to the land, water and culture. We pay our respects to their Elders past, present and emerging.

## We care about our community



We donate a fixed percentage of our income each year to local organisations that work towards a better world. We also advise and represent a select group of clients on a reduced cost or pro bono basis.

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# 1. Introduction

## 1.1. Purpose

This report has been prepared by Myers Planning & Associates in support of a planning permit application for demolition of outbuilding, construction of two dwellings, construction of outbuildings, and three (3) lot subdivision, at 9 Sackville Street, Port Fairy (the 'Site').

The proposal provides a site responsive design which directly responds to the provisions of state and local planning policy and complies with the Moyne Planning Scheme.

Accordingly, the proposal triggers the following permit requirements:

- Clause 32.08-3: General Residential Zone - Subdivision
- Clause 32.08-7: General Residential Zone - Construction of two or more dwellings on a lot including outbuildings
- Clause 43.01-1: Heritage Overlay - Subdivision, demolition, construction of buildings
- Clause 43.02-2: Design and Development Overlay - Buildings and works
- Clause 43.02-3: Design and Development Overlay - Subdivision.

Having considered the proposal with respect to the Moyne Planning Scheme, it is the conclusion of this report that the proposal is consistent with both state and local planning policy. As such, this report recommends, and requests Council issues a permit for the proposal.

The following documents should be read in conjunction with this report and are provided as part of the application:

- Insert Certificate of title (dated 14 June 2024);
- Town Planning Drawings prepared by [REDACTED] (dated March 2023);
- Architect's Statement prepared by [REDACTED] (dated 22 June 2024).

## 1.2. Limitations

This report has considered the following documents:

- Moyne Planning Scheme (last updated by VC255 on Friday 03 May 2024);
- Moyne Planning Scheme Amendment C69moyn Port Fairy Coastal and Structure Plan Panel Report (9 December 2022).

## 2. Site and surrounds

### 2.1. Site description and title particulars

Site address	9 Sackville Street, Port Fairy
Title details	Lot 1 TP 810212F (Volume 10662 Folio 335)
Site description	The Site is generally rectangular in shape with an area of 1013 square meters and a frontage of approximately 12.57 metres.
Easements, restrictions or covenants	The site is not encumbered by any easements, restrictions or covenants pursuant to Section 173 of the Planning and Environment Act 1987 and the Subdivision Act 1988.

Refer to Appendix A - **Certificate of Title**.

### 2.2. Site analysis

The Site is generally rectangular in shape with an area of 1,013 square metres. The Site is currently development with a timber cottage, which comprises a single storey design with a simple hipped roof, and low pitched front verandah. The dwelling comprises a later extension to the rear of the building, and a single detached carport to the north of the dwelling. The dwelling is setback approximately 10 metres from the front property boundary and is built along the southern boundary of the Site. The Site comprises a deep title (approximately 80 metres) which contains a remnant stone wall identified from an 1850 building, although the cottage is noted as being of later construction. The frontage comprises a low timber picket fence to Sackville Street, permeable paving for the driveway, and an informal crossover, consistent with other dwellings in this part of Sackville Street. The rear of the Site comprises established garden planting.

The Site is relatively flat with less than 1 metre fall across the site. Due to the low scale of the dwelling, flat nature of the Site, and the pattern of surrounding development, there are limited views from the Site.

The street frontage of the Site comprises a footpath to Sackville Street and a generous verge. The Norfolk Island Pines within the street are the earliest in Port Fairy, dating from 1874 (west side) and 1884 (east side), and comprise the dominant visual element of the streetscape. These Norfolk Island Pines are listed on the Victorian Heritage Register (H2239) and are noted as being of historical, social and aesthetic significance as they provide strong form and a dramatic visual impact as the signature street tree planting at Port Fairy. The trees provide an important landscape feature visible throughout the town and from surrounding areas.

Refer to Figure 1 **Aerial Plan** below and Appendix C **Site Photos**



Figure 1: Aerial Plan

### 2.3. Site Context

The Site is located within the central Port Fairy historic grid, immediately south of the central commercial district around Sackville Street. The CBD of Port Fairy provides a supermarket and a range of food and retail premises, and community facilities, consistent with Port Fairy's role as a district town.

The Site is located within the Sackville Street (south) Heritage Precinct. Development on the west and east side of Sackville Street (between Cox Street and Campbell Streets) comprises a range of residential dwellings from varying eras of construction including mid-Victorian, Edwardian, and Interwar periods. Most dwellings are single storey, comprise low or no front fencing, and generally consistent setbacks, although some dwellings comprise greater setbacks, and unusually, the dwelling at number 15 is oriented to the north instead of the street.

Significant to the precinct, and indeed to the State of Victoria as evidenced by the listing on the Victorian Heritage Register is Motts Cottage, located two properties to the south of the site at 5 Sackville Street. Motts Cottage is identified as a very early dwelling, with the oldest part, the single storey, two-room timber section dating from about the time the town was surveyed and laid out in 1845, or even before since it is skew to the street<sup>1</sup>. Mott's Cottage also comprises a later addition to the rear which is two storeys.

The subdivision pattern of the locality comprises a mixed pattern. Some of the historic dwellings are located on larger, rectangular allotments and have not been subject to any further subdivision. Notably, the rear paddock of Motts Cottage at number 5 was subdivided and developed with three, single storey dwellings which are well screened through the use of landscaping at the rear of the cottage site. On the west side of Sackville Street, between numbers 6 and 8, is a small street known as Dunlea Way, which contains seven dwellings, on smaller than typical lots averaging around 270 square metres. These dwellings represent a more recent infill development within the locality.

To the south of Campbell Street, within walking distance of the site is Southcombe Park, comprising cricket fields, the Belfast Aquatics Centre, the Tennis Club, and a caravan park. On the corner of Atkinson and Campbells Street is the Port Fairy Community Services Centre containing day care and kindergarten services. Two primary schools are located within 900 metres walking distance of the site. An open space area known as Russell Clark Reserve, and the southern beaches of Port Fairy are located approximately 1 kilometre to the south of the site.

The Site's key interfaces are as follows:

North	11 Sackville Street, developed with a single storey dwelling. This property is identified as significant to the Sackville Street Heritage Precinct.
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<sup>1</sup> <https://vhd.heritagecouncil.vic.gov.au/places/2837>



East	14b Wishart Street, comprising a vacant allotment partly developed with a basketball court and appearing to be used in conjunction with other properties in Wishart Street. This land is identified as significant to the Sackville Street Heritage Precinct.
South	1 and 2 Chastel Close, both comprising single storey dwellings, located behind the Motts Cottage site at 5 Sackville Street. These dwellings comprise infill development, and are identified as non-contributory to the Sackville Street Heritage Precinct.  7 Sackville Street, located to the south of the site, is developed with a single storey dwelling and detached outbuilding. This property is identified as contributory to the Sackville Street Heritage Precinct.

Refer to Figure 2 **Context Plan**.



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<b>LEGEND</b>	<b>LAND USE</b>	<b>TRANSPORT</b>
SITE BOUNDARY	RETAIL	TRAIN STATIONS
±400M RADIUS	MIXED USE	TRAM STOPS
800M RADIUS	OFFICE / COMMERCIAL	SMARTBUS STOPS
	INDUSTRIAL	BUS STOPS
	EDUCATION	TRAIN LINES
	OPEN SPACE	TRAM ROUTES
		SMARTBUS ROUTES
		BUS ROUTES

Figure 2: Context Plan

# 3. Proposal

## 3.1. Overview

The proposal seeks planning approval for the demolition of outbuilding, construction of two dwellings, construction of outbuildings, and three (3) lot subdivision

Refer to enclosed Town Planning Drawings for full details of the proposal.

## 3.2. Planning permit triggers

In accordance with the provisions of the Moyne Planning Scheme, the proposal triggers the following planning permit requirements:

- Clause 32.08-3: General Residential Zone - Subdivision
- Clause 32.08-7: General Residential Zone - Construction of two or more dwellings on a lot and outbuildings
- Clause 43.01-1: Heritage Overlay - Subdivision, demolition, construction of buildings
- Clause 43.02-2: Design and Development Overlay - Buildings and works
- Clause 43.02-3: Design and Development Overlay - Subdivision.

## 3.3. Key elements

Key elements of the proposal include:

### Demolition

The existing outbuilding on the Site is proposed to be demolished. This is a later addition to the Site and is non-contributory to the heritage values of the Site.

### Construction of two dwellings and outbuildings

Two double storey dwellings are proposed to be located to the rear of the existing dwelling with access from a common driveway to Sackville Street. The dwellings are a contemporary form and comprise a compact footprint. The dwellings have a maximum height of 6.78 metres, with the height of the dwellings broken up visually by the use of contrasting materials and screens.

The dwellings are setback 2 metres from the southern boundary of the Site, and located generally centrally within each proposed lot.

At ground floor, the dwellings comprise:

- Entry
- Powder room
- Open plan kitchen / living / dining room
- Pantry / laundry.

At first floor, the dwellings contain:

- Two bedrooms, each with a built-in robe, and one with direct access to the north facing first floor deck
- Shared bathroom
- Office / desk space on the first floor landing.

The dwellings utilise mixed materials including timber cladding, Corten steel and corrugated iron roofing.

The dwellings are to feature vertical natural timber battens topped with zinc cladding, although only a small portion of the zinc is visible from the street (the northwest corner of the dwelling is about 75% timber and 25% zinc cladding). Both timber and zinc are natural materials that develop a mottled patina over time, allowing them to blend seamlessly with the landscape rather than standing out. Timber a traditional cladding material, complements zinc, which is used in a modern context. As zinc weathers, it turns a soft, uneven gray, similar to dull galvanized iron, and its folded, imperfect surface gives it a naturally aged appearance.

Each dwelling is to be provided with the required number of parking spaces, with the dwelling on Lot 2 to be provided with an undercover parking space via a carport. The carport (outbuilding) is to comprise a maximum height of 3.6 metres and is a simple skillion design, refer to Town Planning Drawings for full details.

The proposed dwellings are to be provide with small garden sheds (outbuildings) to meet the extremal storage requirements of Rescode (Clause 55.05-6). Refer to Town Planning Drawings for full details of siting and design of these minor structures.

#### Subdivision

The proposal seeks approval for a three (3) lot subdivision, to locate each of the dwellings onto their own title, along with a common property driveway. The subdivision layout is derived from the design of the two new dwellings and lot sizes respond accordingly. The subdivision layout is generally summarised below:

- Lot 1: 391 square metres, to contain the existing dwelling.
- Lot 2: 197 square metres.
- Lot 3: 237 square metres.
- Common property driveway: 186.5 square metres.

Refer to enclosed town planning drawings for full details of the proposal.

# 4. Planning policies and controls

## 4.1. Municipal Planning Strategy

The Municipal Planning Strategy (MPS) sets out the municipal context, outlines the Council vision, and provides for strategic directions for planning with a focus on specific areas and issues within Moyne Shire. The most relevant clauses within the MPS are set out below.

- Clause 02.01 **Context**: identifies the Moyne Shire is located within south western Victoria with a population of approximately 17,374 in 2021 which is growing modestly, with strong demand for growth along coastal areas. The three main urban centres of Port Fairy, Koroit and Mortlake have populations of approximately 3742, 2184 and 1477 respectively. The rural areas, small townships and rural settlements account for the balance of the Shire's population. The Shire is predominantly rural based with a focus on grazing agriculture, dairy and beef production, wool and prime lamb production, aquaculture and cropping.
- Clause 02.02 **Vision**: The adopted 'Vision' for Moyne, as identified within the Moyne Shire Council Plan (2021-2025) and the My Moyne, My Future 2040 Community Plan is:
  - o The people of Moyne embrace the region's extraordinary cultural and ecological country. Our fertile volcanic plains and pristine coast are the pride of Victoria's southwest. From coast to country, our connected and vibrant communities are active stewards, working meaningfully towards the protection and advancement of environment, history, social and economic vitality for present and future generations.

The priority aspirations for each of the above themes include a commitment to (as relevant):

- o Live in well-planned and connected neighbourhoods that protect our way of life and cultural heritage.
- o Have access to housing that suits our budget, the size of our family and lifestyle needs.
- o Move around Moyne easily.
- Clause 02.03 **Strategic directions**:
- Clause 02.03-1 **Settlement** identifies Port Fairy as the major business and administrative centre of the Shire and an historic coastal town. The town is identified as moderate growth capacity through infill development and some growth beyond existing urban zoned land, but within defined settlement boundaries. Port Fairy is experiencing an increase in population driven by its attractive setting, and demand has been strong for new development, redevelopment of older properties and more intense forms of urban housing. Port Fairy is also recognised as having regional heritage significance because of its role in the European settlement of the area. Key strategic directions include:
  - o Direct growth to settlements in accordance with their role and function specified in the Moyne Shire settlement hierarchy at Table 1, where Port Fairy is identified as a district town capable of moderate growth, with potential for infill development.
  - o Encourage growth within clearly established boundaries of townships and settlements to protect their character, protect adjoining farmland and ensure that the environment of the area is not compromised.
  - o Promote Port Fairy as the retailing, service and cultural centre for the municipality.
- Clause 02.03-5 **Built environment and heritage** identifies development occurring in coastal areas and has the potential to affect landscape character. The Shire contains an outstanding collection of heritage places that are recognised as a significant asset and give it a distinctive character. Port Fairy has benefitted from heritage protection for several decades. Relevant strategic directions include:
  - o Contain township development within defined boundaries and manage development on the fringes of townships to enhance the landscape setting.
  - o Protect and enhance the Shire's heritage places and precincts.
  - o Protect all mature Norfolk Island Pines in Port Fairy from removal and lopping, and where such species is to be removed, encourage relocation of the tree.
- Clause 02.03-6 **Housing** identifies the population of the Shire is growing, however, it is ageing and household size is declining. Housing affordability and availability of long-term rental stock is declining in



## 4.2. Planning Policy Framework (PPF)

To ensure the overarching objectives of planning in Victoria are met, policies contained within the Planning Policy Framework (PPF) must be considered. The PPF clauses of most relevance to the Site and the proposal are set out below.

### Clause 11 Settlement

- Clause 11.01-1S **Settlement**: Seeks to facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.
- Clause 11.01-1R **Settlement - Great South Coast**: Aims to attract more people to the region.
- Clause 11.01-1L-01 **Settlement - Port Fairy**: Seeks to retain the distinctive character of Port Fairy based on the heritage features, the coastal and river character and high-quality urban design, and protect the existing avenues of Norfolk Island Pines.

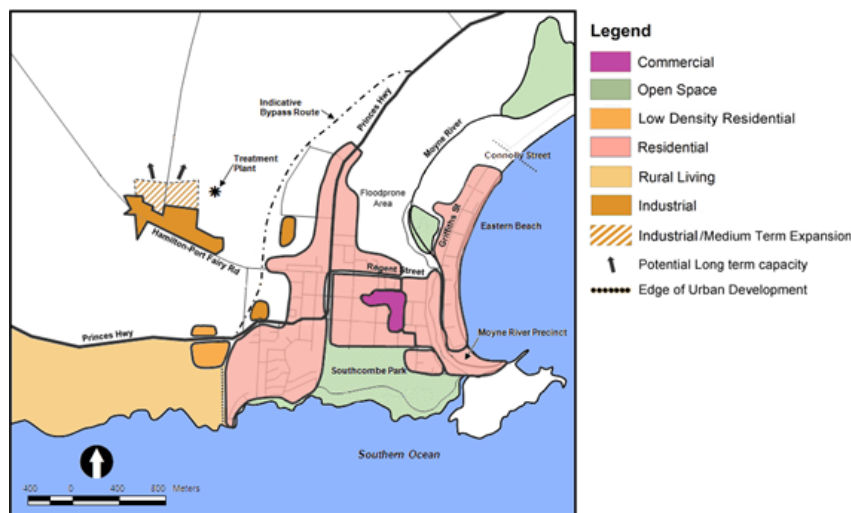


Figure 4: Port Fairy Framework Plan

- Clause 11.03-4S **Coastal settlement**: Seeks to plan for sustainable coastal development.
- Clause 11.03-6S **Regional and local places**: Seeks to facilitate place-based planning.

### Clause 15 Built Environment and Heritage

- Clause 15.01-1S **Urban design**: Aims to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.
- Clause 15.01-2S **Building design**: Seeks to achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.
- Clause 15.01-3S **Subdivision design**: Seeks to ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.
- Clause 15.01-5S **Neighbourhood character**: Aims to recognise, support and protect neighbourhood character, cultural identity, and a sense of place.
- Clause 15.03-1S **Heritage conservation**: Seeks to ensure the conservation of places of heritage significance.

### Clause 16 Housing

- Clause 16.01-1S **Housing supply**: Seeks to facilitate well-located, integrated and diverse housing that meets community needs.

### Clause 19 Infrastructure

- Clause 19.03-2S - **Infrastructure design and provision**: Aims to provide timely, efficient and cost-effective development infrastructure that meets the needs of the community.
- Clause 19.03-2L - **Infrastructure - planning, design and construction**: Seeks to encourage a consistent approach to the design and construction of infrastructure within Moyne Shire through the implementation of the Infrastructure Design Manual.

- Clause 19.03-3S - **Integrated water management**: Seeks to sustainably manage water supply, water resources, wastewater, drainage and stormwater through an integrated water management approach.

See **Section 5.2.1** of this report for an assessment of the proposal against the policies of the Planning Policy Framework.

### 4.3. General Residential Zone

The Site is located within the General Residential Zone (Schedule 1). The purpose of the General Residential Zone is:

- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

#### Permit requirements

Pursuant to Clause 32.08-3 **Subdivision**, a permit is required to subdivide land. An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the table within Clause 32.08-3
- Should meet all of the standards included in the clauses specified in the table within Clause 32.08-3.

Pursuant to Clause 32.08-7 **Maximum building height requirement for a dwelling, small second dwelling or residential building**, a permit is required to construct two or more dwellings on a lot. A development must meet the requirements of Clause 55.

#### Other requirements

Pursuant to Clause 32.08-4 **Construction or extension of a dwelling or residential building**, a lot size above 650 square metres must provide a minimum garden area of 35%. As described in Planning Practice Note PPN84: Applying the minimum garden area requirement<sup>2</sup>, where an application proposes two or more dwellings on a lot, the minimum garden area does not need to be equally distributed to each dwelling. In addition, where an application proposes two or more dwellings on a lot and subdivision of the land, the application will be assessed against the minimum garden area requirement for the construction of the dwellings and not the minimum garden area requirement for subdivision.

Pursuant to Clause 32.08-11 **Maximum building height requirement for a dwelling, small second dwelling or residential building**, a dwelling must not exceed 11 metres in height and must not contain more than 3 storeys at any point.

Application requirements are listed at Clause 32.08-12. Decision guidelines are listed at Clause 32.08-14.

A planning assessment under the General Residential Zone is provided at **Section 5.2.2** of this report.

### 4.4. Heritage Overlay

The Site is located within the Heritage Overlay. The purpose of Clause 43.01 Heritage Overlay is:

- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

Pursuant to Clause 43.01-1 **Permit requirement**, a planning permit is required to:

- Subdivide land
- Demolish or remove a building
- Construct a building.

<sup>2</sup> <https://www.planning.vic.gov.au/guides-and-resources/guides/planning-practice-notes/applying-the-minimum-garden-area-requirement#heading-9>

Clause 43.01-6 provides that a schedule to the overlay may specify heritage design guidelines for any heritage place included in the schedule. Decision guidelines are listed at Clause 43.01-8.

The subject site is within Heritage Overlay 71 (Sackville Street Precinct). This precinct is subject to the Port Fairy Residential Heritage Precincts Heritage Design Guidelines (June 2023).

The subject site is identified as a significant property to the precinct (refer to Figure 5 below). The Statement of Significance identifies the site comprise a 'later timber cottage' and a remnant stone wall, located in the rear yard, from an 1850 building.

The Statement of Significance provides as follows:

*What is significant?*

*The Sackville Street Precinct runs north-south and is located towards the east of the original street grid of Port Fairy. It runs between Regent Street in the north and Campbell Street in the south. It is comprised of two largely residential sections separated by the commercial section of Sackville Street (between Bank and Cox Streets) but united by the planting of Araucaria heterophylla (Norfolk Island Pines) (VHR H2239). Being close to the Wharf area and the commercial interests in Bank, Cox and Sackville streets, the two residential sections were amongst the first to be developed in the town. The surviving sequence of development complements the commercial section of Sackville Street.*

*The key heritage characteristics and elements of the Sackville Street Precinct are:*

- *The uniformly residential character of the streetscape, comprising structures dating from the 1840s to the 1970s.*
- *The uniformly single storey scale and detached form of the residences, the majority of which occupy uniform setbacks from the street frontage, behind generally low picket or brick and stone fences.*
- *The relative intactness of the precinct to its mid-twentieth century state, with few prominent infill buildings or intrusive additions.*
- *The extent to which the early history of land subdivisions and development is reflected in the street pattern and many remaining structures.*
- *The country town quality arising from the wide street, the absence of curbs and channels, the low scale of the built form and the generous garden setbacks associated with many of the dwellings.*

*While there have been some subdivisions and some alterations and additions to the building fabric of the Precinct, there are no intrusive buildings and no loss of street trees. Overall the Precinct has a very high degree of integrity and is in very good condition.*

*The Sackville Street Precinct is of historical and architectural significance to the Shire of Moyne.*

*Why is it significant?*

*The Sackville Street Precinct is of historical significance for its associations with key citizens of Port Fairy, of all classes and from all periods. This is reflected in the surviving fabric of the buildings, particularly the early stone and timber cottages such as Nos. 4, 5, 6, 14, 83, 87, 88, 89, 91, 98 Sackville Street. The editor of a local newspaper, the Belfast Gazette, lived at No. 4. Mott's Cottage, No. 5 Sackville Street is recognized for its typical sequence of occupancy and ownership. The Modernist house at No. 8 Sackville Street was the home of Eric Gilpin, son of Oliver Gilpin and manager of his father's Port Fairy chain store. The former Oddfellows Hall belonged to one of the most important friendly societies in Port Fairy and its hinterland. (Criterion A and Criterion E).*



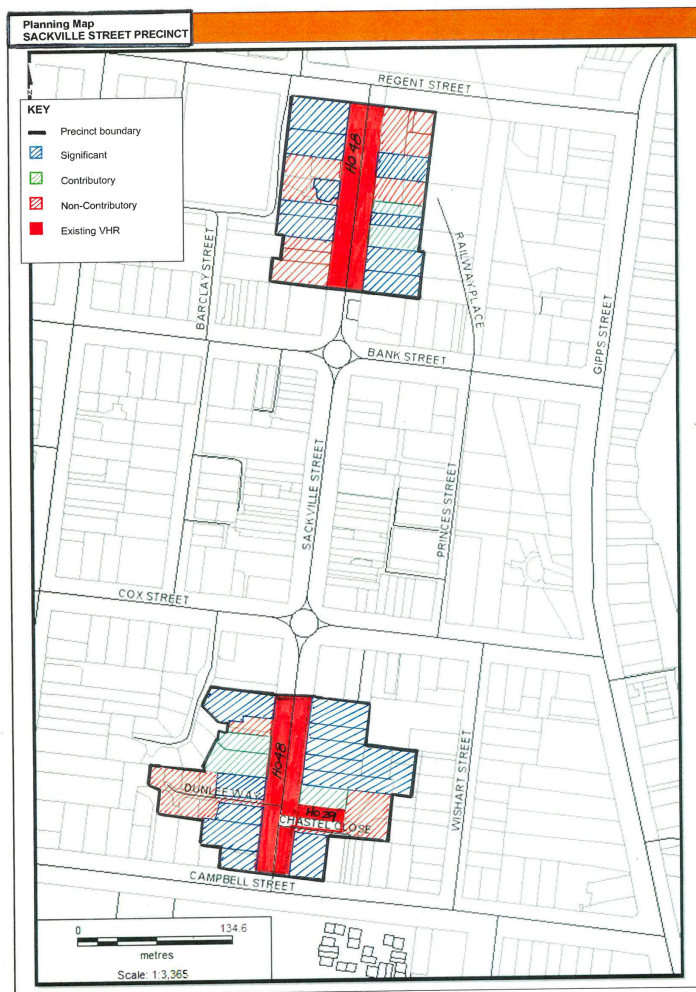


Figure 5: Sackville Street Precinct Map 2013 (Port Fairy Heritage Citations 2015)

A planning assessment under the Heritage Overlay is provided under **Section 5.2.3** of this report.

## 4.5. Design and Development Overlay

The Site is affected by Schedule 10 to the Design and Development Overlay (DDO10). The purposes of the Design and Development Overlay include:

- To identify areas which are affected by specific requirements relating to the design and built form of new development.

Clause 42.01-1 **Design objectives** sets out a schedule to the Overlay must contain a statement of the design objectives to be achieved for the area affected by the schedule.

Schedule 10 to the Overlay provides the following design objectives:

- To respect the scale, design and finish of traditional residential development within Port Fairy.
- To acknowledge the importance of variety to Port Fairy's character, in terms of size, design, setbacks and materials.
- To ensure that new development respects the character established by heritage development and does not compromise or threaten that character.
- To ensure that development retains the landscape qualities of the area.

### Permit requirement

Pursuant to Clause 43.02-2 **Buildings and works**, a permit is required to construct a building or carry out works.

Pursuant to Clause 43.02-3 **Subdivision**, a permit is required to subdivide land.

Decision guidelines are listed at Clause 43.02-6, and in the Schedule to the Overlay.

Refer to **Section 5.2.4** of this report for information which provides an assessment against the decision guidelines.

## 4.6. Particular Provisions

### 4.6.1. Clause 52.06 Car Parking

Clause 52.06 is applicable as new dwellings are proposed on site. The purpose of Clause 52.06 is:

- To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
- To support sustainable transport alternatives to the motor car.
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
- To ensure that car parking does not adversely affect the amenity of the locality.
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

Table 1 to Clause 52.06-5 **Number of car parking spaces required under Table 1** specifies requirements for car parking for dwellings, noting that dwellings with two (2) bedrooms must provide for one (1) car parking space per dwelling.

Clause 52.06-9 **Design standards for car parking** requires that plans showing car parking spaces must meet the design standards of Clause 52.06-9, unless the responsible authority agrees otherwise. Relevant to this application, **Design Standard 2 - Car parking spaces** requires:

Where two or more car parking spaces are provided for a dwelling, at least one space must be under cover.

A planning assessment against relevant car parking provisions is provided under **Section 5.2.5** of this report.

### 4.6.2. Clause 55 Two or More Dwellings on a Lot

Clause 55 is applicable to the application as two or more dwellings. The purpose of this particular provision is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character.
- To encourage residential development that provides reasonable standards of amenity for existing and new residents.
- To encourage residential development that is responsive to the site and the neighbourhood.

A Clause 55 Assessment has been provided at **Appendix E** to demonstrate compliance with the objectives. See also **Section 5.2.6** of this report.

### 4.6.3. Clause 56 Residential Subdivision

The purposes of Clause 56 are to:

- To create liveable and sustainable neighbourhoods and urban places with character and identity.
- To achieve residential subdivision outcomes that appropriately respond to the site and its context for:
  - o Infill sites within established residential areas.
  - o Regional cities and towns.

- To ensure residential subdivision design appropriately provides for: Policy implementation, liveable and sustainable communities, residential lot design, urban landscape, access and mobility management, integrated water management, site management, utilities.

Pursuant to Clause 32.08-3, an application to subdivide land must meet the relevant requirements of Clause 56 Residential Subdivision.

A Clause 56 Assessment has been provided at **Appendix F** to demonstrate compliance with the objectives. See also **Section 5.2.7** of this report.

## 4.7. Other planning considerations

### 4.7.1. Aboriginal Cultural Heritage Sensitivity

The Site is identified as being an 'area of cultural heritage sensitivity' pursuant to the Aboriginal Heritage Regulations 2018. These areas relate to landforms and soil types where Aboriginal places are more likely to be located.

A Cultural Heritage Management Plan (CHMP) is required for an activity if the activity is a 'high impact activity' and falls in whole or part within an area of cultural heritage sensitivity. Division 2 of the Aboriginal Heritage Regulations 2018 set out various exempt activities for which a CHMP is not required.

#### **3 or more dwellings on a small lot**

Regulation 10 sets out that the 'construction of 3 dwellings on a lot' is an exempt activity if the lot is less than 1,100 square metres and the lot is not within 200 metres of the coastal waters of Victoria. On this basis, a CHMP is not required for the proposed development.

#### **Small subdivisions**

Regulation 11 sets out that the 'subdivision of land' is an exempt activity if the total area of land to be subdivided is less than 1,100 square metres and the land is not within 200 metres of the coastal waters of Victoria. On this basis, a CHMP is not required for the proposal.

Refer to **Appendix G** for a CHMP checklist.

### 4.7.2. Planning Scheme Amendment C69moyn (Port Fairy Coastal and Structure Plan)

Planning Scheme Amendment C69moyn (The Amendment) seeks to update the Moyne Planning Scheme, to implement the Port Fairy Coastal and Structure Plan. Following exhibition of the Amendment and consideration by Planning Panel, the Panel recommendations were adopted by Council in March 2023. The Amendment is currently being considered by the Department of Transport and Planning.

The Site is proposed to be rezoned to the Neighbourhood Residential Zone as part of the Amendment. The existing Design and Development Overlay (Schedule 10) will be replaced with a new Design and Development Overlay (Schedule 2 - Port Fairy Town Centre Surrounds Precinct).

Refer to Section Refer to **Section 5.2.8** of this Report for a detailed assessment against the proposed provisions.

# 5. Planning Assessment

## 5.1. Overview

The following chapter outlines the key planning considerations of the proposal in response to relevant policy and the provisions of the Moyne Planning Scheme. In summary, the following key considerations are relevant to the assessment of the proposal:

- Is the proposal consistent with the Municipal Planning Strategy and the Planning Policy Framework?
- Does the proposal appropriately address the provisions of the General Residential Zone?
- Does the proposal appropriately address the provisions of the Heritage Overlay?
- Does the proposal appropriately respond to the Design and Development Overlay?
- Does the proposal address car parking considerations at Clause 52.06?
- Does the proposal respond to the objectives within Clause 55?
- Does the proposal respond to the objectives within Clause 56?
- How does the proposal respond to the provisions proposed as part of Planning Scheme Amendment C69moyn (Port Fairy Coastal and Structure Plan)?
- Is the proposal consistent with the relevant General Provisions?

## 5.2. Key considerations

### 5.2.1. **Is the proposal consistent with the Municipal Planning Strategy and the Planning Policy Framework?**

The proposal is well located within the existing settlement of Port Fairy, which is identified as both the major business and administrative centre of the Moyne Shire (Clause 02.03-1 **Settlement**), and a district town within the Great South Coast region capable of medium growth (Clause 11.01-1R **Settlement - Great South Coast**). The Municipal Planning Strategy encourages infill development where this is balanced against the protection of the heritage and built form character of Port Fairy.

The proposal is considered to appropriately balance the protection of the heritage values of the site and character of Port Fairy with the provision of additional housing, as sought by Clause 02.03-6 and Clause 16 **Housing**. The proposal will provide a net gain of two (2) dwellings within the central town area of Port Fairy, close to existing shops, schools and areas of open space and recreation. The proposal utilises the existing access to the site to minimise any impacts to the Norfolk Island Pines, and is considered consistent with the Port Fairy Framework Plan and policy (Clause 11.01-1L-02 **Settlement - Port Fairy**).

The proposal provides a high quality, architect-designed built form which has been derived from careful consideration of the site and surrounds, including the heritage values of the broader Sackville Street south precinct. The proposal has located the new dwellings behind the existing dwelling, deep within the site, where the height of these dwellings can be absorbed and will be recessive when viewed from the streetscape. Although visible from Sackville Street, the new dwellings are a small footprint, will not overwhelm the setting of the existing dwelling, or the scale of development within Sackville Street. The dwellings are modest in footprint, designed to protect and respond to the existing neighbourhood character, whilst also providing for increased density within the core residential area of Port Fairy. Although a modern form and materiality has been utilised, the dwellings are easily identifiable as modern infill, and will contribute to the vibrancy of Port Fairy's character. The subdivision design is considered appropriate as it responds directly to the built form proposed, rather than creating vacant lots in this instance. The proposal responds to the key characteristic of the neighbourhood character as expressed through the Design and Development Overlay, and Port Fairy Design Guidelines, including setbacks, heights and design detail. The proposed dwellings will support low energy forms of transport such as walking and cycling due to the site's excellent location near to the CBD of Port Fairy, as well as open space and recreational assets including Southcombe Park, the Belfast Aquatic Centre, and the Moyne River and beach environments. The proposal is considered to respond well to Clause 02.03-5 of the Municipal Planning Strategy and Clause 15 of the Planning Policy Framework (**Built Environment and Heritage**).

The proposal provides an appropriate response to Clause 02.03-6 **Housing** and Clause 16.01-1S **Housing supply**. The proposed dwellings will directly contribute to dwelling diversity by providing small sized dwellings within the

central residential area of Port Fairy. This will meet the identified need in Clause 02.03-6 **Housing**, and will encourage population growth as well as a range of dwelling styles within Port Fairy, whilst also respecting the heritage values and neighbourhood character of the area.

The proposal can be appropriately serviced by the required infrastructure to support the development. Reticulated services including sewer, water, and telecommunications are readily accessible within Sackville Street for servicing of the development. The proposal therefore provides an appropriate response to Clause 02.03-9 and Clause 19 **Infrastructure**.

On balance, the proposal is considered to respond appropriately to Municipal Planning Strategy and Planning Policy Framework of the Moyne Planning Scheme.

## 5.2.2. **Does the proposal appropriately address the provisions of the General Residential Zone?**

The proposal requires assessment under the General Residential Zone (Schedule 1), including the minimum garden area requirements.

In accordance with Clause 32.08-4, the minimum garden area required for the project is 354.55 square metres. The proposal provides 399 square metres of garden area, comprising 39.5% of the Site. As such, the garden area complies with requirement under Clause 32.08-4.

The proposed dwellings comply with the maximum building height requirement of Clause 32.08-11, and are less than 3 storeys in height.

A response to the decision guidelines of Clause 32.08-14 is provided below.

Clause 32.08-14 Decision Guideline	Response
<b>General Issues</b>	
The Municipal Planning Strategy and the Planning Policy Framework	The Municipal Planning Strategy and the Planning Policy Framework have been considered in this report.  Please see <b>Section 5.2.1</b>
The purpose of this zone.	The proposal complies with the purpose of the <b>General Residential Zone</b> , in particular by providing for a diversity of housing types in locations offering good access to services and transport, within an existing residential area of Port Fairy.
The objectives set out in a schedule to this zone.  Any other decision guidelines specified in a schedule to this zone.	There are no objectives or decision guidelines set out in the schedule to this zone.
The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in the General Residential Zone.	Overshadowing diagrams have been included as part of the Town Planning Drawing set at <b>Appendix B</b> . The overshadowing diagrams demonstrate the proposal will not shade the existing rooftop solar energy system located on the dwelling at 1 Chastel Close to the south.
<b>Subdivision</b>	
The pattern of subdivision and its effect on the spacing of buildings.	The subdivision has been designed to respond directly to the built form and siting of the proposed dwellings, and will maintain a sense of space around the existing dwelling, and the proposed dwellings.

For subdivision of land for residential development, the objectives and standards of Clause 56.	A Clause 56 Assessment has been provided as part of this application. Refer to <b>Appendix F</b> and <b>Section xx</b> of this report.
<b>Dwellings and residential buildings</b>	
For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55. This does not apply to an apartment development of five or more storeys, excluding a basement.	A Clause 55 Assessment has been provided as part of this application. Refer to <b>Appendix E</b> and <b>Section xx</b> of this report.

### 5.2.3. Does the proposal appropriately address the provisions of the Heritage Overlay?

The proposal requires assessment against the decision guidelines of the Heritage Overlay. A response to these decision guidelines of Clause 43.01-8 is provided below.

Decision Guideline	Response
<b>General Issues</b>	
The Municipal Planning Strategy and the Planning Policy Framework.	The Municipal Planning Strategy and the Planning Policy Framework have been considered in this report.  Refer to <b>Section 5.2.1</b> .
The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.  Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.	The Sackville Street Heritage Precinct is of architectural and historical significance to the Shire of Moyne for its associations with key citizens of Port Fairy, of all classes and from all periods. This is reflected in the surviving fabric of the buildings, particularly the early stone and timber cottages. The Precinct is identified as comprising a high degree of integrity and is in very good condition.  The proposed dwellings are set well back into the rear of the site, behind the existing timber cottage which is to be retained. The siting of the proposed dwellings will largely retain views of the streetscape as a single storey character, whilst also providing for sensitively designed infill development. The dwellings have been designed to not adversely affect the heritage values of the site, and will retain the setting of the existing dwelling and the remnant stone wall, as well as the character of the precinct more broadly.

<p>Any applicable heritage design guideline specified in the schedule to this overlay.</p>	<p>The proposal has been assessed against the Port Fairy Residential Heritage Precinct Heritage Design Guidelines.</p> <p>Given the siting of the new dwellings behind the existing cottage on the land, many of the Design Guideline requirements are not applicable as the new dwellings will not be highly visible from the street.</p> <p>The proposal provides a suitable response to the Guidelines by providing articulation, pitched roofs, predominantly vertical rectangular windows, and the siting of car parking behind the streetscape elevation of the existing cottage.</p> <p>It is acknowledged the Guidelines encourage buildings that are constructed to a height of not more than one storey. In this instance, two storey forms are considered an appropriate design due to the deep setback of the buildings within the site. Further, although the new dwellings comprise two storeys, the bulk and scale of the dwellings has been broken down through the modest footprint of the buildings, which in turn reduces the overall scale of the development when viewed from Sackville Street. The Norfolk Island Pines obstruct long range views across the Sackville Street (south) precinct, and will remain the dominant visual element of the streetscape.</p>
<p>Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.</p> <p>Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.</p>	<p>The proposed buildings will not adversely affect the significance of the Sackville Street precinct.</p> <p>The Heritage Overlay does not prohibit new development from being seen within the streetscape, but rather requires assessment of how development may or may not impact the heritage place. In this instance, the location of the development to the rear of the existing dwelling goes a long way to reducing the visual impact of the infill development, notwithstanding glimpses of the development will be seen from the street, and will be also be seen from adjoining properties within the precinct.</p> <p>It is considered that the 46.6 metre setback to the proposed dwellings provides for enough separation of built form to Sackville Street and it can be readily absorbed into the streetscape as a backdrop element, noting the Norfolk Island Pines will remain the dominant visual element within the streetscape.</p> <p>The colours, materials and roof design play a large part to ensure that the townhouses respect the heritage character of the locality, which comprises a mix of materials reflective of the varying eras of construction reflected within the precinct.</p>
<p>Whether the demolition, removal or external alteration and proposed works will adversely affect the significance of the heritage place.</p>	<p>Demolition is only proposed to the existing outbuilding.</p> <p>It is submitted that the removal of this buildings will have no impact on the existing heritage dwelling or the Sackville Street precinct given it is a later addition to the precinct.</p>

Whether the proposed subdivision may result in development which will adversely affect the significance, character or appearance of the heritage place.	The subdivision design follows the buildings proposed, which is considered to provide an appropriate response.
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**5.2.4. Does the proposal appropriately address the provisions of the Design and Development Overlay?**

The following table provides an assessment of the proposal against the requirements of Schedule 10 to the Design and Development Overlay, and the Port Fairy Design Guideline performance standards.

Decision Guideline	Response
<b>General Issues</b>	
<p><u>Building Height</u></p> <p>Building height should not be detrimental to the character of the area.</p> <p>Building height should be appropriate to the character of the area and should not exceed a Design Guidelines Height of 7.0 metres.</p>	<p><b>Performance standard met.</b></p> <p>The maximum overall height of the development is 6.78 metres.</p>
<p><u>Facade height</u></p> <p>Building height should not be detrimental to the character of the area.</p> <p>Building height should be appropriate to the character of the area and should not exceed a Façade Height of 5.25 metres.</p>	<p><b>Performance standard met.</b></p> <p>The dwellings include a facade heights of 5.25 metres.</p>
<p><u>Building bulk and mass</u></p> <p>Buildings should be articulated so that the overall bulk and mass of the building does not compromise the characteristic scale and pattern of the area.</p>	<p><b>Performance standard met.</b></p> <p>As encouraged by the design guidelines, the design of the dwellings comprises a small footprint and therefore effectively breaks down the mass and bulk of the dwellings. This is further mitigated by locating the dwellings deep within the site, behind the existing dwelling.</p>
<p><u>Setbacks</u></p> <p>Building should be setback from front, rear and side boundaries to reflect the pattern of buildings within landscape lots that is characteristic of the area.</p> <p>The setback of new buildings should retain the established development pattern and respect characteristic setbacks.</p>	<p><b>Performance standard met.</b></p> <p>Side setbacks of 2 metres are provided, which complies with the acceptable solutions.</p>
<p><u>Carparking, garages and outbuildings</u></p> <p>Garages, outbuildings and areas allocated for the parking of vehicles should be sited to minimise visibility from the street and be designed to be consistent with the character of the area.</p>	<p><b>Performance standard met.</b></p> <p>All garages and parking areas will be obscured from the street.</p>



<p><u>Building materials and colours</u></p> <p>Materials and colours should respect the character of the area and not overwhelm the natural and built setting.</p>	<p><b>Performance standard met.</b></p> <p>The proposal includes a mix of natural and muted, low reflective materials including feature corten cladding, timber cladding and a corrugated iron roof.</p>
<p><u>Landscaping and fencing</u></p> <p>Front fencing and landscaping should reflect the 'buildings in landscape character' of the area and enable passive surveillance to the street.</p> <p>Landscaping should provide for the replacement of environmental weeds with indigenous planting.</p>	<p><b>Performance standard met.</b></p> <p>Existing cottage style landscaping in the front yard of the existing dwelling will be retained.</p>
<p><u>Site coverage</u></p> <p>The combined site coverage of buildings and impermeable surfaces should respect the pattern of building and open space characteristic of the area.</p>	<p><b>Performance standard met.</b></p> <p>The site coverage of the proposed dwellings, garden sheds, proposed carport and the existing dwelling, is 305 square metres or 30% of the site.</p> <p>The proposal provides 70% permeable areas.</p>
<p><u>Frontage</u></p> <p>Buildings should provide an attractive and active edge to the street and provide for passive surveillance to the street.</p>	<p><b>No change to existing.</b></p> <p>The frontage of the site to Sackville Street will remain generally as existing.</p>
<p><u>Roof pitch</u></p> <p>The roof pitch of buildings should be consistent with the predominant roof character of the area.</p>	<p><b>Alternative design solution.</b></p> <p>The proposed roof design includes a skillion roof pitched at 12 degrees. Although lower than the pitch sought by the Design Guidelines, the roof pitch proposed will assist in ensuring the height is minimised for the development, and is an appropriate outcome.</p>
<p><u>Access</u></p> <p>Driveways should be designed to meander and incorporate new and retained planning to partially screen development.</p> <p>Driveways should be development with a permeable surface wherever possible.</p>	<p><b>Performance standard met.</b></p> <p>The driveway is unable to meander given the site area. A permeable surface is proposed for the driveway areas.</p>
<p><u>Subdivision</u></p> <p>The frontage width of lots abutting the street should be consistent with the typical width of existing lot frontages in the street.</p> <p>Subdivision layout should retain the established pattern of development.</p> <p>Subdivision should avoid the creation of new crossovers wherever possible.</p>	<p><b>Performance standard met.</b></p> <p>The frontage width of Lot 1 abutting Sackville Street is generally consistent with the existing frontage width of lots within the area, and will be compatible with the character of the area.</p> <p>The lot design responds directly to the proposed dwellings.</p> <p>Smaller lot sizes which respond to infill dwelling designs are evident in the locality, including in Dunlee Way and Chastel Close to the south of the site.</p> <p>The proposal makes use of the existing crossover and does not propose any additional crossovers.</p>

### **5.2.5. Does the proposal address car parking considerations at Clause 52.06?**

The proposal has appropriately considered Clause 52.06. Each dwelling provides for an appropriate number of car parking spaces, including two spaces for the existing dwelling, and a single space each for the proposed dwellings. These car parking areas are located behind the existing dwelling on the land and will ensure the visual impact of these areas is minimised.

The proposal seeks Council's agreement to vary the requirement of Clause 52.06-9 **Design Standard 2 - Car parking spaces**. Specifically, the requirement for at least one space to be undercover when two spaces are provided, as this applies to the proposed parking for the existing dwelling.

The proposal seeks to provide two, open spaces for the existing dwelling, instead of providing a new garage to replace the one which is to be demolished. The open parking spaces in this instance is considered to minimise the extent of buildings on Lot 1, to support the open character and low site coverage sought by the Design and Development Overlay. On this basis, and given the required number of spaces is met, the requirement is recommended to be supported.

The proposal therefore provides an appropriate response to the provisions of Clause 52.06.

### **5.2.6. Does the proposal respond to the objectives within Clause 55?**

The proposal has considered the relevant standards and objectives of Clause 55, where it is considered a high level of compliance is provided. A full detailed assessment is provided as part of the application at **Appendix E**.

### **5.2.7. Does the proposal respond to the objectives within Clause 56?**

The proposal has considered the relevant standards and objectives of Clause 56 and it is considered a high level of compliance is provided. A full detailed assessment is provided as part of the application at **Appendix F**.

### **5.2.8. How does the proposal respond to the provisions proposed as part of Planning Scheme Amendment C69moyn (Port Fairy Coastal and Structure Plan)?**

Consideration has been given to the proposed provisions under Planning Scheme Amendment C69 which are relevant to the site, as follows.

#### Proposed Neighbourhood Residential Zone

The proposal remains an acceptable development when considered against the provision of the Neighbourhood Residential Zone, noting the purpose of the Zone includes:

- To recognise areas of predominantly single and double storey residential development.
- To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.

The proposal responds well to these objectives by providing a double storey residential development which appropriately respects the neighbourhood and heritage character of the area, as currently expressed through the Design and Development Overlay (Schedule 10) applying to the land.

Further, pursuant to Clause 32.09-11, the proposed dwellings would comply with the maximum height (9 metres) and maximum number of storeys (2 storeys) under the proposed Neighbourhood Residential Zone.

#### Proposed Design and Development Overlay (Schedule 2 - Port Fairy Town Centre Surrounds Precinct)

The proposed design requirements of Design and Development Overlay (Schedule 2 - Port Fairy Town Centre Surrounds Precinct) are generally consistent with the design requirements articulated through the existing Schedule 10 to the Design and Development Overlay. Accordingly, the proposal is considered to remain an appropriate outcome pursuant to the design requirement of the proposed Schedule 2.

It is noted the proposed Schedule 2 to the Overlay includes some new, explicit consideration of the impact of development on the 'streetscape rhythm' of the precinct. Given the proposed development is setback deep within the site, and no substantial change is proposed to the frontage of the existing dwelling to Sackville Street, it is considered the rhythm of the streetscape in this instance is maintained.

The proposed Schedule 2 also includes some refinement of the design objectives from those expressed in the existing Schedule 10. Notably, rather than only requiring new development to 'respect' the character established by heritage development, the proposed Schedule 2 provides the following new objectives (emphasis added):

- To deliver high quality and contemporary design responses that support the integration of new development with Port Fairy's historic character.
- To encourage small building footprints that respond to heritage and infrastructure constraints and provide for housing diversity.

It is evident in the objectives of proposed Schedule 2 that infill development is anticipated and indeed encouraged in this area, particularly small building footprints which contribute to housing diversity, where heritage and infrastructure constraints are well considered. The proposal responds well to these objectives, by providing small footprint dwellings, sensitively sited, which will contribute to housing diversity. The proposal is therefore considered an appropriate response to the proposed Schedule 2 to the Overlay.

### **5.2.9. Is the proposal consistent with the relevant General Provisions?**

In accordance with Section 60 of the Planning and Environment Act 1987, this report has considered the Moyne Planning Scheme. The objectives of planning in Victoria have been considered, particularly the objective to provide for the fair, orderly, economic and sustainable use and development of land.

This report has assessed the proposal against the relevant objectives, strategies and policies of the Municipal Planning Strategy and the Planning Policy Framework, particularly with regard to the content in the MPS and PPF relating to amenity expectations, heritage and appropriate settlement patterns with an emphasis on infill development within existing settlements, to consolidate population and reduce pressure on urban sprawl. This report has assessed the proposal against the purpose of the General Residential Zone, and the relevant overlays and particular provisions.

The land is suitable for development due to the large rear yard which provides an opportunity for sensitively designed infill development. The design has considered the relevant heritage considerations and has limited visual impact on the existing dwelling and broader precinct. The proposal therefore complies with Clauses 65.01.

## 6. Conclusion

This report has described the proposal and provided a comprehensive assessment of the proposal against relevant policy and planning controls of the Moyne Planning Scheme.

The key consideration of this application is the balancing of planning policy which seek to both promote infill development close to well serviced areas, whilst also protecting the important heritage values of Port Fairy. In Port Fairy, infill development must also be considered within the context of the limited existing greenfield sites in the town and noting that a considerable number of suitable lots for infill development are situated within the Heritage Overlay.

In this case, the proposed development is an appropriate outcome, due to the high-quality design undertaken by an architect with extensive experience in heritage conservation and design. The modest footprint and scale of the dwellings further contribute to their successful integration within the locality, as well as the setback of the new forms deep within the development site, and the retention of the streetscape rhythm of Sackville Street.

The existing allotment represents a unique opportunity for infill development within the existing urban area of Port Fairy. The design response demonstrates a thoughtful consideration of the heritage frontage along Sackville Street, preserving an acceptable level of integrity within the broader streetscape. The site's location ensures excellent access to the Port Fairy CBD and the array of services and facilities it offers, enhancing the overall viability and sustainability of the proposed development.

It is therefore the conclusion of this report that the application is consistent with the purposes and intent of the planning controls and policy framework of the Moyne Planning Scheme. It follows as the recommendation and request of this report that Council issue a planning permit for the proposal.

We look forward to working with Council during the assessment of the application.

Myers Planning & Associates

**June 2024**

# Appendices

Appendix A	Certificate of Title
Appendix B	Town Planning Drawings
Appendix C	Site Photos
Appendix D	Architect's Statement
Appendix E	Clause 55 Assessment
Appendix F	Clause 56 Assessment
Appendix G	CHMP Checklist