

20/02/2025

Planning Department
Moyne Shire Council
Princes Street
Port Fairy VIC 3284

Dear Planning Team,

Please find attached a planning permit application for Lot 1 TP 520483N – 49 James Street, Port Fairy, Vic. 3284

Attached are the following documents;

- Planning Permit Application Form
- Copy of Title
- Planning Assessment Report
- Plans and Elevations

Please contact me on 03 5562 5229 or via [REDACTED] if you have any questions on the above application.

Yours faithfully,

[REDACTED] Managing Director

Designing Spaces



Planning report

Lot 1 TP 520483N - 49 James Street, Port Fairy, Vic.
3284

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ACKNOWLEDGEMENTS

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DOCUMENT CONTROL

This document has been prepared to aid the submission of a planning permit application for 49 James Street, Port Fairy, Vic. 3284

Revision 1

1. BACKGROUND

- A planning application was previously submitted by the applicant to Moyne Shire Council on 18th October 2023.
- Notice was given by Council.
- 1 objection was received [REDACTED]
- Applicant responded to objections 14/02/24.
- In response to a submission, and Council's Heritage Adviser's advice, the plans were revised to reduce the walk in pantry width which increased the eastern setback slightly, the existing chimney is being retained and a survey plan included to define a boundary discrepancy raised in a submission.
- Council issued Notice of Decision 30/04/24.
- Appeal lodged to VCAT by objectors.
- After the decision was issued, the planning controls covering the site were amended by Planning Scheme Amendment C69. C69 introduced a Land Subject to Inundation Overlay control which was not previously present at the time of assessment and altered the Design Development Overlay Schedule from Schedule 10 to Schedule 2.
- At the VCAT hearing, the Tribunal ruled that a new application be lodged assessing the application against the new planning controls.
- A revised application has been prepared including amended plans which include the following changes to the original application:
 - Floor level of the proposed extension raised to 3.64m AHD
 - Garage floor level adjusted to 3.28 AHD.
 - Overall maximum building height increased from 5.89m to 5.98m above natural ground level.

2. PROPOSAL

It is proposed to demolish garaging and outbuildings on the site and to construct a single storey rear extension to the existing 3 bedroom dwelling including a new garage and outdoor area.

The demolition component will increase the available open space by removing later additions of garaging and outbuildings, and to consolidate and better integrate the floor area of dwelling and garage to improve its functionality, accessibility and outdoor living space.

The extension will add 91.57 sqm of living accommodation and will contain an open plan kitchen/dining/family room, laundry, bathroom, a partially covered alfresco area, and new integral double garage (43.99 sqm). An ensuite, WIR and WC will also be incorporated into the existing floor plan.

The extension will be constructed in Sycon Linea wall cladding, facing brickwork on the eastern elevation, corrugated Colorbond roofing and aluminium windows and doors in "Antique White". The existing dwelling will be reclad to match the extension, with new timber double hung windows added at the front and a new part glazed front entry door installed to tie the old and new together. An outdoor deck and alfresco will be added between the existing house and the extension to link the two components.

The extension will be 5.98m high and connected to the existing building fabric via a connecting 'wasps' waist" style link with the extension well setback from the James Street frontage.

The existing driveway alignment will be modified to suit the new garage with a new 1.2m high picket front fence and replacement side fencing at the same heights as the existing fencing and as shown on the plans.

The overall site coverage is 247 sqm (48.23%) leaving 41.14% for garden and secluded open space.

AHD levels have been shown on the plans for the assessment of flooding impacts. The floor levels have taken into consideration the flood advice from the floodplain manager GHCA and are above the flood level in accordance with the CMA advice.

James Street (front) perspective looking east



Regent Street perspective looking south



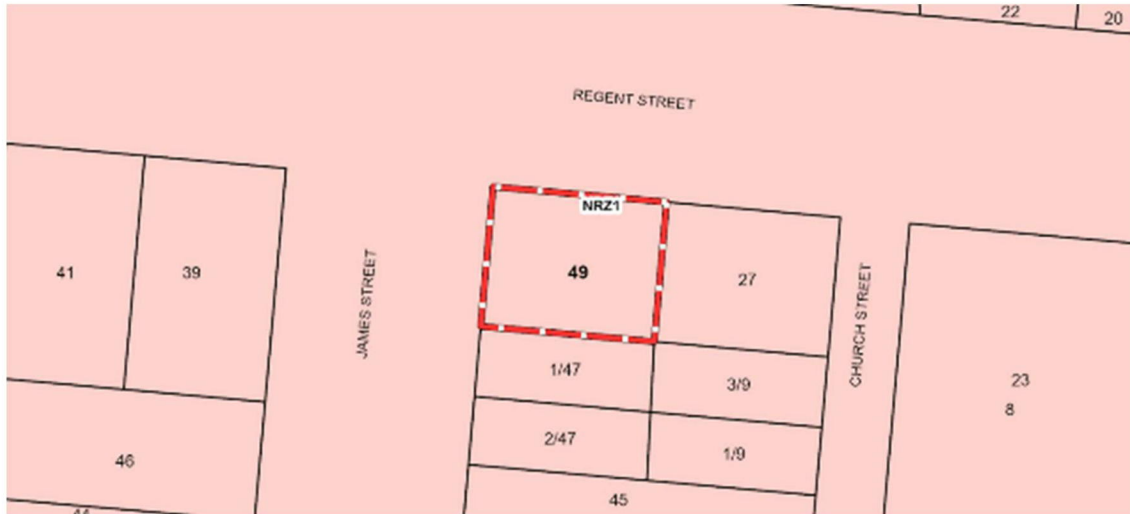
Representations of extension insitu



3. PLANNING CONTROLS

Zone

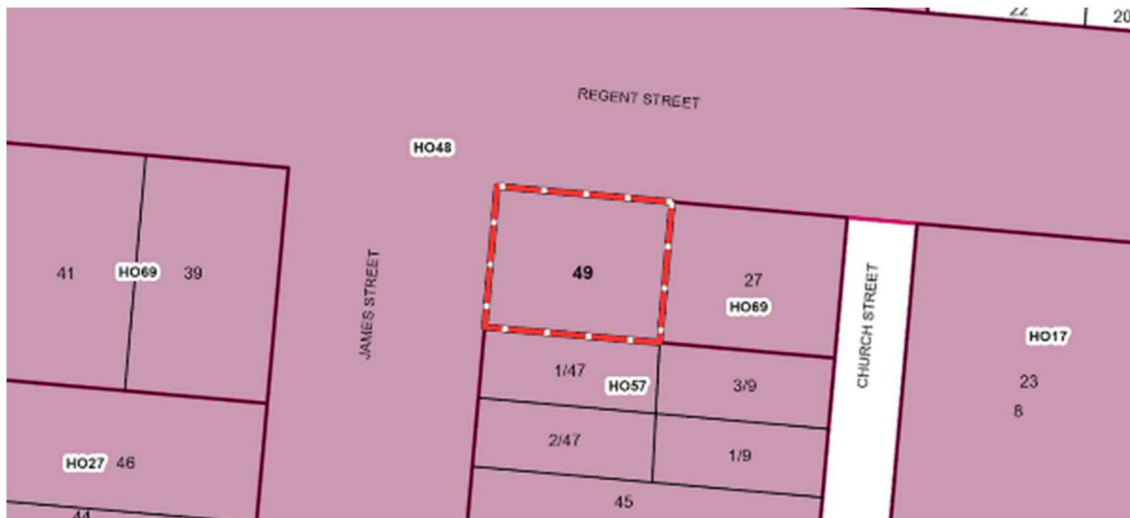
The site is located in the Neighbourhood Residential 1 Zone (NRZ1).



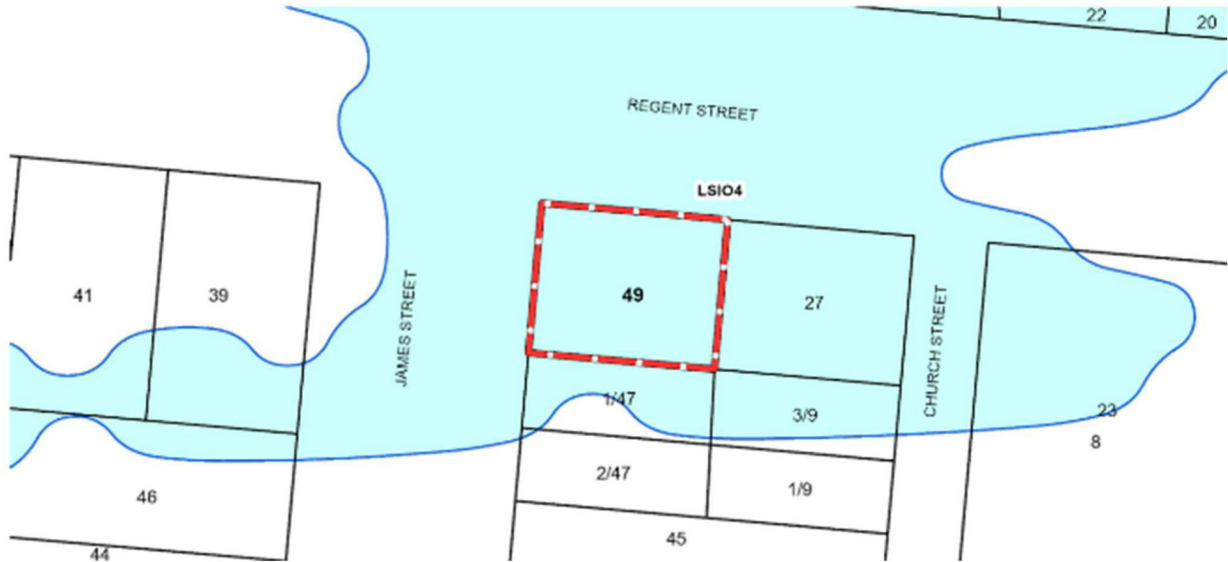
Overlays

The following Overlays apply to the land:

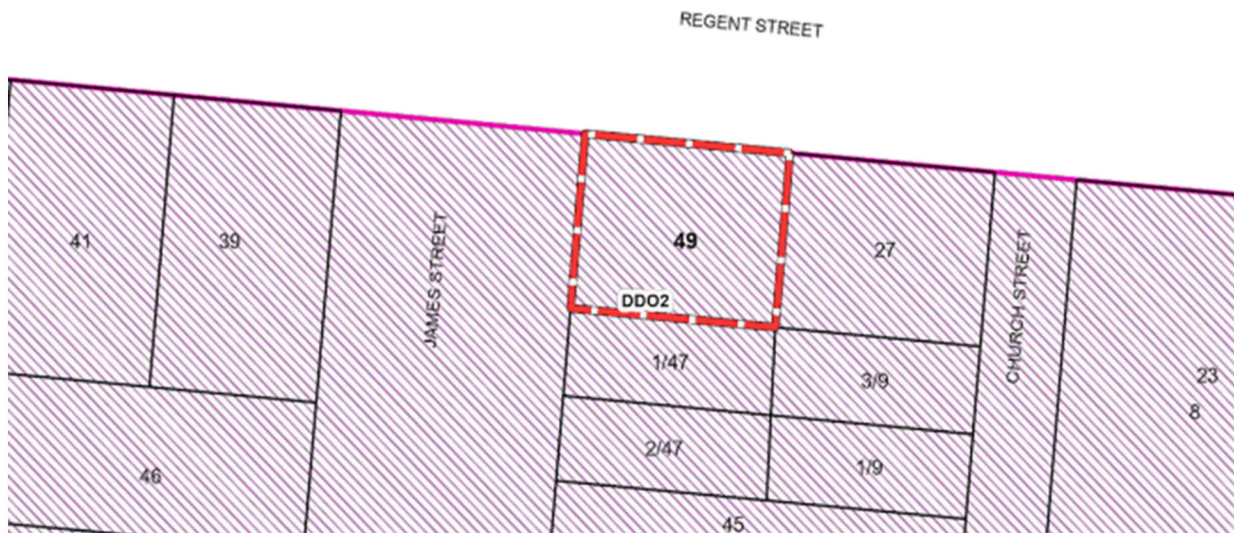
Heritage Overlay Schedule 57 (H057) – James Street Precinct. The building is contributory to the precinct.



Land Subject to Inundation Overlay Schedule 4 (LSI04)



Design and Development Overlay Schedule 2 (DDO2).



Other

The site is within an area of Aboriginal Cultural Heritage Sensitivity.

4. PERMIT REQUIREMENTS

No permit is required under the NRZ zone as the site exceeds 300 sqm.

A permit is required under the Heritage Overlay H057 at Clause 43.01 –1 to construct a building or carry out works. The site is situated within the James Street Heritage Precinct.

A permit is required under the Design Development Overlay Schedule 2 (DD02)– Clause 43.02–2 buildings and works.

A permit is required under the Land Subject to Inundation Schedule 4 (LSI04) – Clause 44.04–2

The proposal is exempt (single dwelling) from the need to prepare a Cultural Heritage Management Plan under the Aboriginal Heritage Regulations 2018.

5. SITE ANALYSIS

The subject site extends to 512 sqm which is generally flat containing a single storey weatherboard dwelling on the corner of James Street and Regent Street Port Fairy. The dwelling has a veranda to the front elevation and a later rear lean-to extension at the rear, and 3 garages with outbuildings. There are 2 gravel crossovers (1 in Regent Street and 1 in James Street) a driveway with garage set back on the block on the James Street frontage. There is a concrete footpath at the intersection of James Street and Regent Street.

There are established gardens which are mainly lawned, a selection of shrubs and enclosed by close boarded fencing and a low front timber picket fence.

The site is situated close to Saint John’s Anglican Church and the centre of Port Fairy. There is an individually heritage listed cottage abutting to the east at 27 Regent Street and a pair of modern semi-detached dwellings abutting to the south at 47 James Street.

The prevailing neighbourhood character is mainly single storied residential with a blend of established dwellings with predominantly standard front setbacks and wide grassed nature strips and mature Norfolk Island pine trees (State Heritage listed) in the road reserve along Regent Street and a concrete footpath along part of the Regent Street frontage.

The site is situated within the James Street Heritage Precinct.

Subject dwelling - James Street frontage



Location plan



Drone image



Corner Regent Street and James Street elevation



View from Regent Street of garages and abutting cottage





Regent Street looking east



James Street looking south

13

115 Fairy Street, Warrnambool VIC 3280

6. RESTRICTIONS ON TITLE

None

7. PLANNING ASSESSMENT

Clause 43.01

HERITAGE OVERLAY

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

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.

Clause 43.01-8

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.*
- 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.*
- Any applicable heritage design guideline specified in the schedule to this overlay.*
- Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.*

- *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.*
- *Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.*
- *Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.*
- *Whether the lopping or development will adversely affect the health, appearance or significance of the tree.*

ASSESSMENT

The dwelling is a contributory building within the James Street Heritage Precinct. The heritage significance of the place is the contribution that it makes to the precinct. The proposed extension is single storied standing at 5.98m which is slightly higher than the height of the existing cottage at 5.21m but is well setback from the street, viewed in perspective, the extension is well setback (15m) from the James Street frontage which diminishes its impact so as to not be the dominant element of the heritage place. The extension clearly reads as a new addition so as to not confuse the interpretation of the site or the wider precinct. The pitched roofline of the extension adds visual interest and allows for the use of angular windows which add to the contemporary look and feel of the extension as well as providing a high degree of natural light and creating a very attractive internal space for the dwelling.

The demolition components are of non-contributory elements which appear to have been added well after the dwelling was constructed. The rear lean to and chimney are not considered significant to dwelling or the heritage precinct. The removal of the 3 garages is considered a benefit to the overall outcome as it will "open up" a somewhat cluttered site

and allow the significant aspects of the site (the dwelling and gardens) to be better interpreted and appreciated. The choice of external materials, colours and design elements are sympathetic to the vernacular and prevailing character of the precinct in the height of the built form of both the existing dwelling and the precinct. The external alterations in the choice of cladding are subtle and non-intrusive.

Overall, it is considered the proposed works as a collective improve the heritage place and enhance the precinct.

The proposal is generally consistent with Council's Heritage Advisers advice as follows:

Heritage advice

The demolition of the existing carports, garage and sheds / outbuildings, as well as the rear additions to the existing dwelling are acceptable from a heritage perspective. The demolition of the existing chimney is not supported, and the plans

should be reviewed to allow retention of the chimney, even if the internal fireplace is not required.

The replacement of the weatherboard cladding and timber windows is supported, ideally the new cladding profile should closely match the existing timber, and the replacement timber sash windows should be based on traditional proportions and detailing.

The new additions to the rear are generally supported, as they are located well to the rear of the site and are separated by a narrower link to the existing dwelling. Support is subject to the following preferred amendments, to further reflect the prevailing characteristics of the Heritage Overlay:

- *Increase the side setback of the family room to 3m from Regent Street, to reduce the overall width of the rear addition;*
- *Retention of the brick chimney as noted above.*

Colours and finishes are monochromatic, but acceptable.

Whilst not strictly a heritage issue, we also note that the rear boundary and fence are not aligned, which ideally should be addressed as part of this application, to avoid boundary issues in the future. We also note the offset to the masonry wall of 500mm from the boundary, which does not appear to allow for access for maintenance or cleaning of leaf litter and the like from the space (even assuming the fence was relocated to the boundary.)

We note also that the adjacent dwelling to the south along James Street appears to be built to boundary, and query if this boundary has been surveyed.

Plans were revised based on the Heritage Advisers comments. The side setback was increased to 1.25m from Regent Street which was supported by Council and the chimney retained and NOD issued with following amended plans condition.

WHAT WILL THE CONDITIONS OF THE PERMIT BE?: (7 Conditions)

Endorsed Plans

- 1) Before the endorsement of any plans, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) A rendered finish to the east wall of the garage in a colour matching the dwelling, or as otherwise approved by the responsible authority.
 - b) An updated materials and colour schedule to show the colour of the rendered garage and a muted, heritage colour for the fencing to be constructed.

DATE OF NOTICE: 30/04/2024

SIGNATURE FOR THE
RESPONSIBLE AUTHORITY



Phone: 1300 656 564

Email: moyne@moyne.vic.gov.au
www.moyne.vic.gov.au

All correspondence to:
PO Box 51 Port Fairy VIC 3284



PL23/190 – Proposed Conditions continued

- c) Annotations on the site plan that the crossover to Regent Street is to be removed and the nature strip reinstated to the satisfaction of the responsible authority.

Clause 43.02

DESIGN AND DEVELOPMENT OVERLAY

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

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

Clause 43.02-6

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The design objectives of the relevant schedule to this overlay.*

- *The provisions of any relevant policies and urban design guidelines.*
- *Whether the bulk, location and appearance of any proposed buildings and works will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.*
- *Whether the design, form, layout, proportion and scale of any proposed buildings and works is compatible with the period, style, form, proportion, and scale of any identified heritage places surrounding the site.*
- *Whether any proposed landscaping or removal of vegetation will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.*
- *The layout and appearance of areas set aside for car parking, access and egress, loading and unloading and the location of any proposed off street car parking*
- *Whether subdivision will result in development which is not in keeping with the character and appearance of adjacent buildings, the streetscape or the area.*
- *Any other matters specified in a schedule to this overlay.*

**SCHEDULE 2 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY
PORT FAIRY TOWN CENTRE RESIDENTIAL PRECINCT**

Buildings and works

A permit is required to construct a fence unless:

- *The fence is forward of the front façade of the building and does not exceed 1.2 metres in height and is at least 50 per cent permeable.*
- *The fence is behind the front façade of the building and does not exceed 2 metres in height.*

The following buildings and works requirements apply to an application to construct a building or construct or carry out works:

A permit cannot be granted to construct a building or construct or carry out works which are not in accordance with any built form requirements expressed with the term 'must'.

A permit may be granted to vary a built form requirement expressed with the term 'should'.

Site Coverage and Permeability

The combined site coverage of buildings and impermeable surfaces should respect the pattern of building and open space characteristic of the area.

ASSESSMENT

Generally the prevailing site coverage of the precinct is that of buildings having a varied site coverage. There are units abutting the site which have a high site coverage and dwellings which appear to have a site coverage of around 50%. The proposed site coverage of 48.23% is much less than the existing building coverage which is cluttered

by 3 garages and various outbuildings. The site is a compact and slightly restrictive corner site of 512 sqm. In order to achieve a usable internal layout the proposed site coverage is seen as reasonable when considered holistically with the associated benefits in an urban design sense that the overall outcome achieves.

The permeability of surfaces is 41.37% but meets the objective as there is a reduction of impervious surfaces from the current situation and impervious surfaces are well within rescode requirements for example (if they were applicable).



Building Massing

Buildings should be articulated so that the overall bulk and mass of the building does not compromise the characteristic scale and streetscape rhythm of the precinct.

Building height, other than in Wishart Street, should not exceed 7 metres. In Wishart Street, building heights should not exceed 5 metres and façade heights should not exceed 3 metres.

If the land is in a Floodway Overlay, or Land Subject to Inundation Overlay or is liable to inundation, the maximum building height specified in this schedule is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

ASSESSMENT

The extension is single storied under 7m at 5.98m with setbacks of 6.7m from the west boundary, 2.10m from the north boundary, 5.4m from the south and 1.6m to the dwelling from the east boundary with the garage 200mm off the boundary. This is considered an improvement to the existing situation, and well within the prevailing character.

Building Setbacks

The setbacks of new buildings should retain the established development pattern and respect characteristic setbacks.

First floor extensions should be set back as far as possible from the street to minimise visual intrusion in the rhythm of the streetscape.

Any part of a new building or extension should be set back:

- *At least 2 metres from any side boundary.*
- *A distance of at least 6 metres between buildings on adjacent properties within 10 metres of the building frontage.*

ASSESSMENT

The setback from the northern boundary (Regent Street) is 2.1m which meets the prevailing character.

The setback on the eastern boundary is 1.6m rather than 2m as recommended, with the garage rear wall 200mm off the boundary. The design response and overall outcome makes better use of space on a constrained allotment and allows for a more functional internal and external layout for the extension. The garage has been placed to increase the usable open space within the rear garden whilst being no imposition in overshadowing or amenity for the cottage next door. As shown below in the overshadowing diagrams, overshadowing is in fact decreased by the proposal with the proposed outcome considered an improvement for the amenity and appearance and appeal of abutting properties.

Frontage Presentation

Buildings should provide an attractive edge to the street and support passive surveillance of the street.

ASSESSMENT

The proposed frontage to James Street is unchanged. The return frontage to Regent Street is an improvement to the existing which is now activated and more interesting with improved passive surveillance.

Design Detailing

Building materials, form, colours and roof pitch should respect the character of the precinct.

When constructing new buildings or extensions or carrying out works:

- *Natural materials such as timber or stone should be used.*
- *Unrendered brickwork or blockwork should be avoided.*
- *Reflective materials should be avoided.*
- *Non-reflective materials should be used for roofs.*
- *Silver aluminium windows or doors should be avoided.*

ASSESSMENT

External materials are muted light tones which will suit the existing dwelling and its surroundings. The roof pitch of the extension is of a similar pitch to the roofscape in the area and that of the existing dwelling.

Window shapes and placements are contemporary and suit the style of the proposed extension. They blend with the existing dwelling without mimicking to read as a separate but appropriate addition.

Outbuildings and Car Parking

Garages, outbuildings and areas allocated for vehicle parking should be sited to minimise visibility from the street and be designed to be consistent with the character of the precinct.

Garages structures should have a maximum external width of 6.5 metres.

Garages should be set back at least 1 metre behind the main building façade (excluding porticos and projecting windows).

If a garage is set back more than 10 metres from the building frontage, siting on a side boundary is acceptable provided other requirements are met.

Where double garages are provided, these should be accessed by a single width crossover.

ASSESSMENT

The proposed garage is well setback from James Street and is not the dominant feature of the development.

Landscaping and Fencing

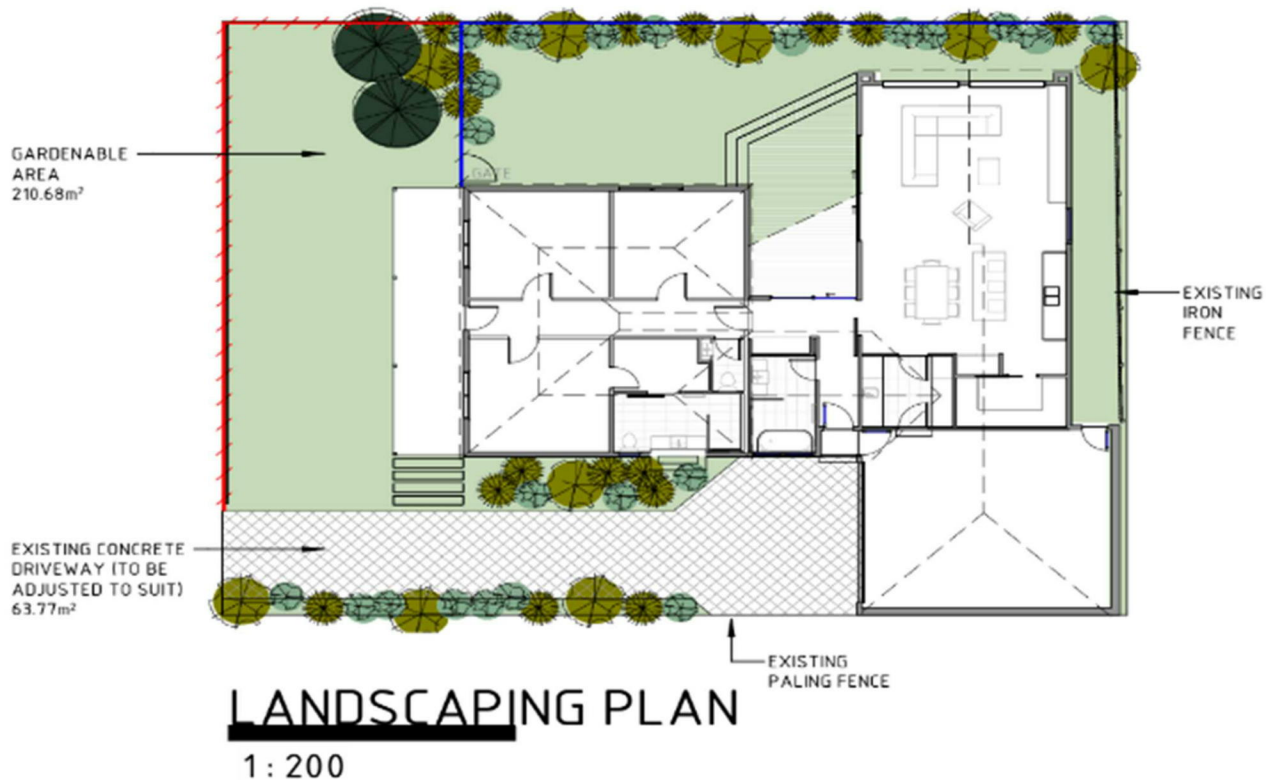
Landscaping should utilise predominantly indigenous species.



Fences forward of, or parallel to, the front façade should be at least 50 per cent visually permeable.

Service boxes and storage areas should not be located where they are not visible from the street or are visually screened using quality materials or landscaping.

ASSESSMENT

Landscaping and fencing are shown below and are consistent with the guidelines.



FENCING SCHEDULE	
	1200 HIGH TIMBER PICKET FENCE
	1800 HIGH COLORBOND FENCE

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- *Whether the design responds to the building and works requirements contained within this schedule.*
- *The integration of the design response with any heritage considerations.*
- *The contribution the proposed development makes to housing diversity in Port Fairy.*
- *Whether the development reinforces traditional streetscape patterns.*
- *Whether building footprint and/or building height are detrimental to the existing patterns and character of the area.*

- *The availability of areas of open space and landscaping.*
- *Whether subdivisions provide sufficient space along driveways for landscaping.*

ASSESSMENT

As discussed, the proposed extension and associated works are single storey scale and fit with the prevailing character of the streetscape. The extension is well setback from James Street and is recessed behind the facade of the existing dwelling. The building height is 5.98m high at the apex of the roof well below the recommended maximum of 7m. No part of the extension exceeds 20m or 10m without a change in façade.

Clause 44.04

LAND SUBJECT TO INUNDATION OVERLAY

Purpose

*To implement the Municipal Planning Strategy and the Planning Policy Framework.
To identify flood prone land in a riverine or coastal area affected by the 1 in 100 (1 per cent Annual Exceedance Probability) year flood or any other area determined by the floodplain management authority.*

To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.

To minimise the potential flood risk to life, health and safety associated with development.

To reflect a declaration under Division 4 of Part 10 of the Water Act, 1989.

To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.

To ensure that development maintains or improves river, marine, coastal and wetland health, waterway protection and floodplain health.

Clause 44.04-8

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *Any local floodplain development plan.*
- *Any comments from the relevant floodplain management authority.*
- *The existing use and development of the land.*

- *Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.*
- *Alternative design or flood proofing responses.*
- *The susceptibility of the development to flooding and flood damage.*
- *The potential flood risk to life, health and safety associated with the development. Flood risk factors to consider include:*
 - *The frequency, duration, extent, depth and velocity of flooding of the site and accessway.*
 - *The flood warning time available.*
 - *Tidal patterns.*
 - *Coastal inundation and erosion.*
 - *The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.*
- *The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.*
- *The effect of the development on river, marine and coastal health values including wetlands, natural habitat, stream stability, erosion, environmental flows, water quality, estuaries and sites of scientific significance.*
- *Any other matters specified in a schedule to this overlay.*

SCHEDULE 4 TO CLAUSE 44.04 LAND SUBJECT TO INUNDATION OVERLAY PORT FAIRY RIVERINE AND COASTAL INFLUENCED INUNDATION AREAS

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 44.04, in addition to those specified in Clause 44.04 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- *The contents of the Port Fairy Local Floodplain Development Plan 2023 Incorporated Document.*
- *The integration of innovative building or landscape measures to manage or reduce the impacts of flooding.*
- *The context of the proposed development having regard to the longer term impacts of riverine and coastal inundation.*

ASSESSMENT

In accordance with the floodplain development plan (excerpt below), floor levels meet the requirements as shown below and shown blue on the plans.

- Floor level of the proposed extension 3.64m AHD
- Proposed driveway 3.00m AHD.
- Veranda floor level 3.44 AHD.
- Garage floor level 3.28 AHD.

6.4 Extensions to existing habitable buildings

Extensions to existing habitable buildings must:

- be constructed on stumps (or piers) and bearers unless:
 - it can be demonstrated to the satisfaction of the Floodplain Management Authority and the responsible authority that this requirement cannot be practically achieved; or
 - the application is accompanied by written advice that an alternative construction method is acceptable, issued by the Floodplain Management Authority no more than three (3) months prior to lodgement of the application;
- be aligned with the longest wall parallel to the dominant direction of floodwater flow;
- be constructed of water resistant material up to the relevant NFPL;
- be constructed of salt resistant material up to the relevant NFPL within the area prone to storm tide flooding; and
- have a finished floor level that is not less than the applicable level in the following table:

Size of habitable building extension (footprint in square metres)	For existing finished floor levels below the adopted 1% AEP flood level. If the difference is:		For existing floor levels above the adopted 1% AEP flood level. If the difference is:	
	greater than 300mm	between 0 and 299mm	between 1 and 299mm	greater than 300mm
	the finished floor level of the extension must not be lower than:			
Up to 20m ²	Existing floor level	Existing floor level	Existing floor level	Existing floor level
20 to 40m ²	NFPL	NFPL	NFPL	Existing floor level
Greater than 40m ²	NFPL	NFPL	NFPL	NFPL

Additionally, as shown overleaf, the CMA provided the following advice which was also used to calculate the proposed floor levels.

Item	Best Available Information
Planned for 1% AEP flood level	3.338 m AHD
Minimum depth of flooding on site - 1% AEP	0.218m
Maximum depth of flooding on site - 1% AEP	0.608m
Property Hazard category - 1% AEP	Medium
Maximum depth of flooding on access - 1% AEP	0.55m





02.03-5

Built environment and heritage

Built environment

Development occurring in coastal areas and between settlements and on highly visible sites has potential to affect landscape character. Larger, more 'imposing' dwellings, that are designed to maximise coastal views, often protrude above existing vegetation and natural landforms.

There is increasing pressure for substantial tourism development in coastal and non-urban locations. Other tourism-related development pressures relate to signs, car parking and viewing platforms.

Heritage

The Shire contains an outstanding collection of heritage places that are recognised as a significant asset and give it a distinctive character.

The Shire has been occupied by three Aboriginal clans and played a key role in local indigenous history, leaving many significant cultural heritage places, including the Budj Bim World Heritage Area, Tower Hill and areas along the coast and river valleys. Distinctive volcanic cultural landscapes contribute to the richness of the Shire's heritage. There is a need to appropriately protect these heritage places and landscapes.

Port Fairy has benefitted from heritage protection for several decades, having been the subject of one of the earliest heritage studies undertaken in Victoria in 1976. In addition, heritage protection has been applied to heritage precincts and significant places in Mortlake. There are places of heritage significance in locations other than Port Fairy and Mortlake that need to be protected from inappropriate development. The Avenue of Honour on the eastern approach to Mortlake is historically and aesthetically significant to Victoria as a memorial to World War 1 and 2 veterans and is listed on the Victorian Heritage Register.

ASSESSMENT

Restoration and heritage protection are supported by the MSS. The proposal is considered to conserve and enhance the significant aspects of the site within the James Street Heritage precinct, by reducing clutter, removal of non-contributory elements and adding life and longevity to the existing cottage.

15.01-5S

Neighbourhood character Objective

To recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Strategies

Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.

Ensure the preferred neighbourhood character is consistent with medium and higher density housing outcomes in areas identified for increased housing.

Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:

- *Pattern of local urban structure and subdivision.*
- *Underlying natural landscape character and significant vegetation.*
- *Neighbourhood character values and built form that reflect community identity.*

ASSESSMENT

The scale and height of the proposed extension is consistent with the neighbourhood character of the area and reflective of the look and feel of Port Fairy and the James Street/Regent Street area.

Clause 65.01

APPROVAL OF AN APPLICATION OR PLAN

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- *The matters set out in section 60 of the Act.*
- *Any significant effects the environment, including the contamination of land, may have on the use or development.*
- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the environment, human health and amenity of the area.*
- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*
- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*
- *The impact the use or development will have on the current and future development and operation of the transport system.*

ASSESSMENT

The proposal has been assessed against the Heritage Overlay provisions and the Design Development Overlay Schedule 2 and LSI0 Schedule 4 provisions and found to be consistent with the purposes and objectives.

The proposed works are sympathetic to the character of the area and pose no environmental or amenity detriment and represents orderly planning of the area.

The proposed alterations are contemporary but subtle and unobtrusive and of a suitable scale so as to complement the existing dwelling and streetscape consistent with the objectives and preferred design objectives of the location.

The outcome provides an enhanced overall street presentation and a more attractive and liveable dwelling which will fit well its surroundings.

SUMMARY

The proposed extension has been designed to improve the appearance and functionality of the heritage place and to breathe new life into a contributory heritage building within the James Street precinct. The proposal improves the appearance of the wider heritage precinct by removing non contributory elements which detract from the significant of the place and wider precinct.

The extension is of modest height and bulk and does not confuse the interpretation of the original cottage and was previously supported by Council's Heritage Adviser and Council.

The proposal has been modified to take into consideration the new flood controls and has been designed in accordance with the CMA advice.

To that end it is hoped that now a permit can be issued.