

12 Polding Street, Port Fairy



Application for:

**1. Report and Consent Under
s.74(4) *Building Regulations* 2018,**

And

**2. Planning Permit for 'Works' Under:
Schedule 4 of Clause 43.02 Design &
Development Overlay
Moyne Planning Scheme.**

January 2025

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Summary of Proposal

This proposal consists of two elements and triggers the need for two approval processes.

Element 1 – One Bedroom Extension

The first element is the construction of a one-bedroom extension to an existing dwelling. The extension will abut the west facing wall of the dwelling and the north facing wall of the existing garage. The garage is affixed to the house. This element triggers:

1. The need for Report and Consent under s.74(4) of the *Building Regulations 2018* as the intention is to construct the west facing wall of the extension to within 2m of the property boundary with College St, and
2. The proposal constitutes 'works' under Schedule 4 of Clause 43.02-Design and Development Overlay of the Moyne Planning Scheme and therefore triggers the need for a planning permit.

Some of the generic planning information contained in Element 1 applies to Element 2.

Element 2 – Pergola

The second element consists of a covered pergola over the existing deck on the east side of the house. This element does not trigger the need for Report and Consent under the *Building Regulations 2018* but as it constitutes 'works', does trigger the need for a planning permit under Schedule 4 of Clause 43.02 of the Moyne Planning Scheme.

As the information required to support an application for Report and Consent under 74(4) of the *Building Regulations 2018* and an application for a planning permit under 43.02 of the Moyne Planning Scheme is similar, all the information required for both approvals is provided in this single document.

Element 1 – One Bedroom Extension

Application for Report & Consent

This report has been prepared to support an application to Council for Report and Consent under s74(4) of the *Building Regulations* 2018 for approval to not comply with the minimum setback requirements specified in Table 74 of s74(2) of the *Building Regulations* 2018.

Specifically, the application seeks to obtain Council approval to construct the west facing wall of a one-bedroom extension to the existing dwelling to within 1400mm of the boundary as opposed to the minimum 2000mm requirement specified in Table 74 of s.74 of the regulations.

An application fee of \$320.20 has been provided with this application.



Application for Report and Consent BUILDING REGULATIONS 2018 Part 5 – Siting

Address of Subject Land 12 Polding St, Port Fairy

Property owner/s name Amy Gibson and ROBERT GIBSON

Current Title details for all Land Lot 1 PS093419 Vol. 08910 Fol 322

Nature of Proposed Building Work 1 Bedroom Extension

I, Relevant Building Surveyor Owner Agent of Owner

Name Amy Gibson

Postal address PO Box 266 PORT FAIRY 3284

Email address ragibson2007@gmail.com

Contact phone 0435 199 108

Submit a copy of a building design and relevant documents to Council for consent in relation to the following matters

✓	Reg.	Reporting Matter	Fee*
	73(2)	Maximum front street boundary setback not complying with reg. 73	
✓	74(4)	Minimum front or side street boundary setback not complying with reg. 74	\$ 320.20
	75(4)	Maximum building height not complying with reg. 75	
	76(4)	Maximum site coverage not complying with reg. 76	
	77(3)	Impermeable surfaced covering allotment area not complying with reg. 77	
	78(6)	Car parking spaces not complying with reg. 78	
	79(6)	Side or rear boundary setback not complying with reg. 79	
	80(6)	Walls or carports "on boundaries" not complying with reg. 80	
	81(6)	Building setback for daylight to existing habitable room windows not complying with reg. 81	
	82(5)	Building setback for solar access to existing nth facing habitable room windows not complying with reg. 82	
	83(3)	Building design exceeding overshadowing of recreational private open space limits reg. 83	
	84(9)	Window or raised open space not complying with the overlooking constraints of reg. 84	
	85(3)	Building design not providing daylight to new habitable windows in compliance with reg. 85	
	86(3)	Private open space not complying with reg. 86	
	87(2)	Class 10a buildings not appurtenant to another building on the allotment	
	89(3)	Maximum front fence height not complying with reg. 89	
	90(2)	Fence setback from side and rear boundaries not complying with reg. 90	
	91(5)	Length or height of side or rear boundary fence not complying with reg. 91	
	92(2)	A fence more than 1.0m high and located within 9m of an intersection	
	94(6)	Fence setback for daylight to existing habitable room windows not complying with reg. 94	
	95(5)	Fence setback for solar access to existing nth facing habitable room windows not complying with reg. 95	
	96(3)	Fence location / height exceeding the overshadowing limits of reg. 96	
	97(2)	Masts, poles, antennas, etc. not complying with height limits of reg. 97	
*FEE CALCULATED AT \$320.20 (19.61 fee units) PER VARIATION			320.20

Signature 

Date 3/9/24

* 2024/2025 fee units set by Building Regulation 36 set to change 1 October 2024.

Return completed form to: Moyne Shire Council, Po Box 51, Port Fairy VIC 3284

The information requested on this form will be used solely by the Moyne Shire Council. We will not use your personal information for any other purpose without first seeking your consent, unless authorized or required by law. The Council may not be able to process your request unless sufficient information is given. You may apply to the Moyne Shire Council for access to and/or amendment of the information on 5568 0555

Application for Planning Permit

In addition to providing the information required to support an application for Report and Consent under the *Building Regulations* 2018, this report contains information required to support an application for a planning permit.

A planning permit is triggered as the proposal constitutes 'works' under Schedule 4 of Clause 43.02 Design and Development Overlay of the Moyne Planning Scheme.

A planning permit application fee of \$694 has been submitted with this application.

Planning Application Form is provided at **Attachment 2**.

Existing Conditions

The following images provide an overview of the location of the land at 12 Polding St, the location and extent of existing development on the land (the house) and an indication of where the proposed works are to be located (bedroom and pergola).

The property is **570.65m²** and is situated on the southeast corner of the intersection of Polding St and College St, Port Fairy.



Figure 1: Location of 12 Polding St in context of Port Fairy



Figure 2: View of 12 Polding St from Footpath Across the Road



Figure 3: View of 12 Polding St From Northwest Corner of Property



Figure 4: View of 12 Polding St From Northeast Corner of Property



Figure 5: View of 12 Polding St from north (Polding St)



Figure 6: View of 12 Polding St from west (College St)



Figure 7: Location of 12 Polding St, Port Fairy in Context of Neighbouring Houses and College St.



Figure 8 Location of Proposed Extension (Blue) and Pergola (Orange) at 12 Polding St, Port Fairy Relative to Neighbouring Houses

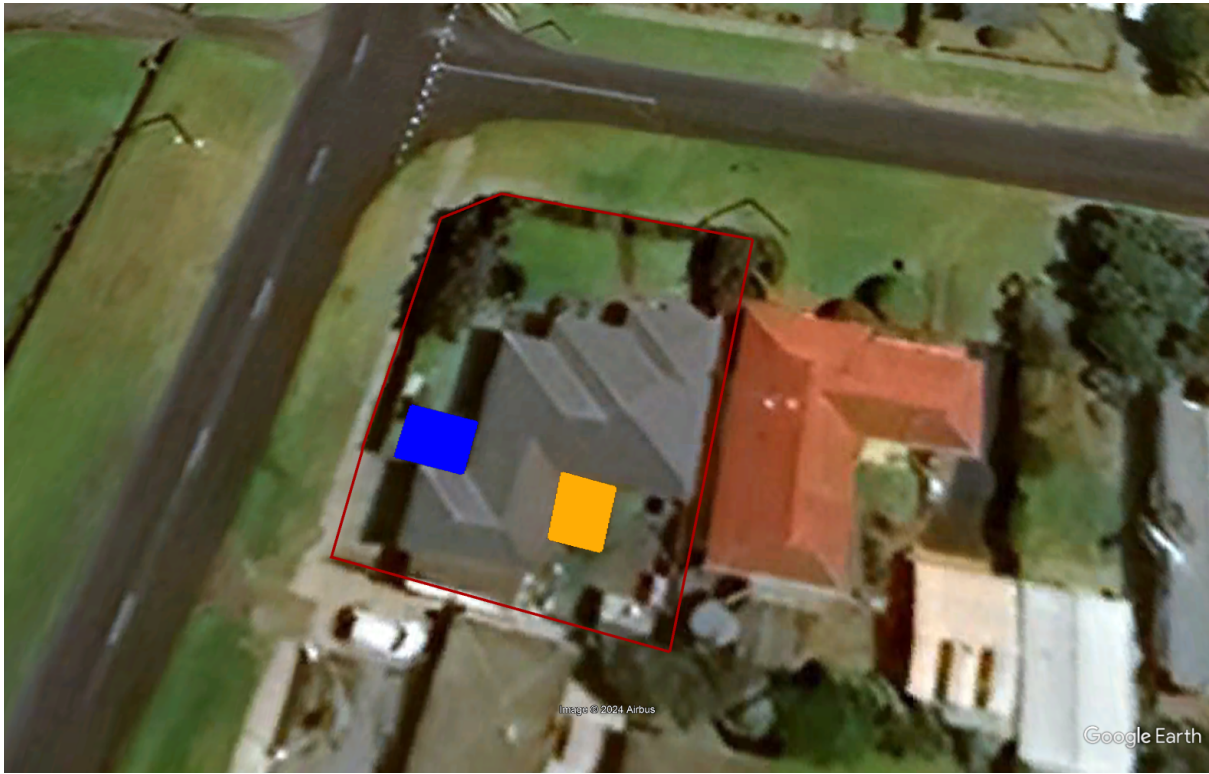


Figure 9: Close-up View of Proposed Extension (Blue) and Pergola (Orange) at 12 Polding St, Port Fairy.



Figure 10: Setback Distances for 12 Polding St, Port Fairy

Response to Ministerial Guidelines

Ministerial Guidelines Siting Requirement 2: Minimum street setback of a principal single dwelling

The objective of this guideline is to ensure the setback of the extension from the street respects the existing or preferred character of the neighbourhood while making efficient use of the site.

- a) ***The setback is consistent with a building envelope, if one has been approved under a planning scheme or planning permit and or specified in an agreement under section 173 of the Planning and Environment Act 1987.***

There is no building envelope applicable to the property

- b) ***The setback will not result in a disruption of the streetscape***

The front of the dwelling faces Polding St and contributes to the streetscape by way of dwelling setback, lawn, garden beds, bushes and a low fence.

In contrast, the west facing side of the dwelling faces College St and does not present the dwelling as a feature of the streetscape. The existing fence on the west boundary facing College St is constructed of masonry and stands 1800mm tall at the midpoint of the main wall and the piers exceed 2000mm as depicted in Figure 11 below. This wall has a notably greater impact on the College St streetscape than the dwelling which is obscured from view.

The College St boundary wall significantly obscures views of the dwelling from the footpath. Figures 12-15 below provide a view of the property from College St and the adjacent footpath. The photographs were taken at approximately 1700mm from ground level.

Due primarily to the existing fence, the proposed extension will not disrupt the existing streetscape. Furthermore, the original triple fronted design of the dwelling creates a staggered frontage which is reflected by the double garage that was added to the dwelling circa 2008. The proposed street facing wall of the extension to the dwelling is off-set from the main west facing wall and the garage, contributing to the staggered appearance of the dwelling facade. The proposed extension will protrude westward of the garage reflecting the staggered appearance of the Polding St frontage and limiting the risk of the proposed west facing wall dominating the streetscape.

The relatively small portion of the west facing extension wall that will be visible over the boundary fence from College St will resemble the existing architectural features of the dwelling in terms of staggered frontage, construction materials and colour.

Constructing a skillion roof over the extension will further reduce the visual impact of the extension and be consistent with the carport extension on the south side of the garage.



Figure 11: West facing boundary fence on College St. Midpoint on wall panel is approx. 1800mm and the two piers at either end of the panel approximately 2000mm.



Figure 12: View of 12 Polding St from west side of College St. Beige block-out indicates size and location of extension.



Figure 13: View of 12 Polding St from adjoining nature strip on College St. Beige block-out indicates location and size of extension as viewed from College St.



Figure 14: View of 12 Polding St from footpath on College St.



Figure 15: View of 12 Polding St from midpoint of footpath on College St.

- c) ***The setback is consistent with any relevant neighbourhood character objective, policy or statement set out in the relevant planning scheme***

12 Polding St is subject to Schedule 4 (Port Fairy Residential Areas) of the Design and Development Overlay 43.02 of the Moyne Planning Scheme.

A completed Character Area 14 Form is attached but in summary the proposed extension complies with:

- Height requirements - Façade is less than 5m and the roof less than 7m
- Landscaping and fencing – Apart from removing the short south facing section of fence that is not boundary fencing, there are no changes to existing boundary fencing or removal of existing garden vegetation apart from approximately 20m² of lawn.
- Roof – will be flat to minimise visual impact and provide consistency with carport roof on south side of garage.

The non-compliance under s.74 of the Building Regulations relates to setbacks. The performance standard requires the development to not compromise the characteristic scale and pattern of development in the area. For the reasons set out in (b) above, the proposed development will not compromise neighbourhood character.

- d) ***The setback will be more appropriate taking into account the prevailing setback within the street***

Not Applicable

- e) ***The setback will be more appropriate taking into account the preferred character of the area, where it has been identified in the relevant planning scheme***

Not Applicable

- f) ***The siting of the building is constrained by the shape and or dimensions of the allotment***

The location of the extension is restricted by the size of the allotment which is approximately 570m².

Constructing the extension on the north facing side of the house will impact the triple-fronted appearance of the property which is a key feature of this circa 1976 property. In achieving a satisfactory aesthetic, it is important the extension does not dominate the view of the property but rather present a frontage that is minimal.

There is inadequate space at the rear of the property to locate the extension if the existing outdoor living / deck area is to be retained and developed as proposed.

In either case, both options do not provide adequate 'flow' through the house making egress through the house disjointed and cumbersome. Consequently, locating the extension in the proposed location maintains the aesthetic from the street, optimises the use of the available land for residential purposes and ensures the internal flow through the existing dwelling is practical.

- g) ***The siting of the building is constrained by the slope of the allotment or other conditions on the allotment***

Not Applicable

- h) ***There is a need to decrease the setback to maximise solar access to habitable room windows and or private open space***

Not Applicable

- i) ***The setback will be more appropriate taking into account the desire or need to retain vegetation on the allotment***

Not Applicable.



Figure 16: Indicative guide to location of proposed extension. View looking north from South side.



Figure 17: Indicative view of extension looking east from College St footpath.

Neighbourhood Examples of Boundary Construction



Figure 18: Example of construction on corner block in Port Fairy. Apothecaries Hall on corner of Union and Cox Streets, Port Fairy with western wall on Union St boundary. Several other structures in Union St are also on the boundary.



Figure 19: Example of construction on corner block in Port Fairy. House on corner of Sackville and Campbell Streets (2 Sackville St) with southern house wall within approximately 1500mm of Campbell St Boundary.



Figure 20: Example of construction on corner of Campbell and William Streets (70 Campbell St). Garage is within 1200mm of William St boundary.



Figure 21: Example of construction on corner block in Port Fairy. Outbuilding associated with house on corner of Albert and Polding Streets, Port Fairy situated within 1m of Polding St boundary.



Figure 22: Example of construction on corner block in Port Fairy. House on corner of Albert and Polding Street situated on street boundary



Figure 23 Example of construction on corner block in Port Fairy. 13 Sackville St, Port Fairy with house wall situated approximately 500mm from street boundary.



Figure 24 Example of construction close to property boundary with road. Whalers Cottage at 15 James St, Port Fairy located approximately 1m from front boundary.

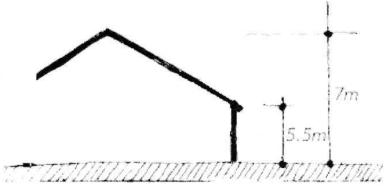
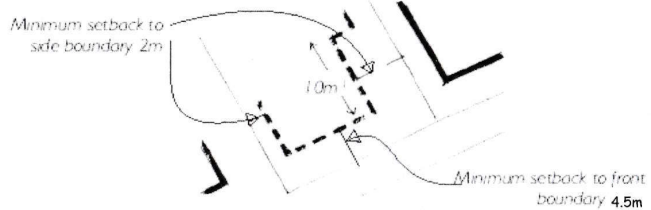
Character Area 14 Response-Extension

12 Polding St is subject to Schedule 21 of the Design and Development Overlay, which applies to an area of Port Fairy referred to as *Character Area 14*.

The forms below and the response to the Ministerial Guidelines support the application and the fundamental assertion the proposal does not negatively impact the character of the area.

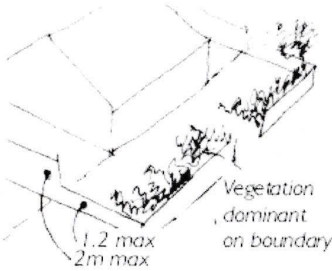

Character Area 14 (Page 1 of 3)

This form is intended to help applicants achieve a high standard of design and explain how their proposal responds to the area's character. It provides a checklist of design requirements that need to be satisfactorily addressed in order for Council to assess a development application. Please use additional pages if necessary and include any supporting drawings or photographs. These guidelines supplement those of the applicable state residential design code and they should be read in conjunction with the information accompanying this form which explains the ground rules for good design in this area. Please note these guidelines do not replace any of Council's other requirements. Please refer to the glossary for the definitions of some of the terms italicised these guidelines.

Performance Standard	Acceptable Solutions to meet Performance Standards	Design Notes for Acceptable Solutions	Does your proposal Conform with the acceptable Solutions Y/N?	How does your proposal respond to the Performance Standard ? If it does not conform, how else does it achieve the Performance Standard?
<p>Heights Ensure buildings in this area do not overwhelm those of the character areas or compete with the commercial and civic heart of Port Fairy for dominance.</p>	 <p>Height of façade 5.5m above natural ground level or less. Absolute height of building 7m or less. Excavation of the dunes is discouraged.</p>	<p>Appropriate heights help to ensure that the characteristic scale of building established by the towns heritage areas is respected and its contribution to character of the township is not overwhelmed by new development. Façade height should be 5.5m above the designated floor height rather than natural ground level, if the dwelling is affected by LSIO.</p>	<p><input checked="" type="checkbox"/> Y/N YES</p>	<p>Conforming. Building height and facade height compliant.</p>
<p>Setbacks Ensure new development does not compromise the characteristic scale and pattern of development in the area.</p>	 <p>Minimum setback to side boundary 2m 1.0m Minimum setback to front boundary 4.5m</p>	<p>Appropriate setbacks contribute to Port Fairy's buildings set in landscape character. Dwellings facing over the rear boundary of a lot should have a setback of 4.5m.</p>	<p><input type="checkbox"/> Y/N NO</p>	<p>Side setback on side boundary less than 2m. Refer to attached documentation.</p>

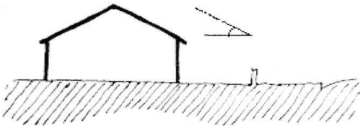
Character Area 14 (Page 2 of 3)

This form is intended to help applicants achieve a high standard of design and explain how their proposal responds to the area's character. It provides a checklist of design requirements that need to be satisfactorily addressed in order for Council to assess a development application. Please use additional pages if necessary and include any supporting drawings or photographs. These guidelines supplement those of the applicable state residential design code and they should be read in conjunction with the information accompanying this form which explains the ground rules for good design in this area. Please note these guidelines do not replace any of Council's other requirements. Please refer to the glossary for the definitions of some of the terms italicised these guidelines.

Performance Standard	Acceptable Solutions to meet Performance Standards	Design Notes for Acceptable Solutions	Does your proposal conform with the acceptable Solutions Y/N?	How does your proposal respond to the Performance Standard? If it does not conform, how else does it achieve the Performance Standard?
<p>Landscaping and Fencing Ensure development reflects the "buildings in gardens" character of Port Fairy.</p>		<p>Landscaping to provide a colourful foreground that matures to a height greater than the fence and provides the dominant element of the property boundary. In front of building façade fences should be no more than 1.2m high. Fences behind the front façade fences no more than 2m high.</p> <p><i>Seek horticultural advice about appropriate species selection and how to ensure the long term vitality of the plants.</i> <i>Flowering shrubs and trees add seasonal interest.</i> <i>Retain all significant vegetation on site except environmental weeds as defined by DSE.</i> <i>Use flowering shrubs and trees to add seasonal interest.</i> <i>Vistas from the rail trail should be protected by the sympathetic positioning of landscaping.</i></p>	<p>Y/N YES.</p>	<p>No loss of garden vegetation or changes to existing fences required as part of the proposal.</p>
<p>Frontage Ensure buildings are aligned to the street and provide it with an attractive and active edge.</p>		<p>Windows visible from the street to cover between 20 and 30% of the street façade. Service boxes and storage areas not visible from the street.</p> <p><i>Windows visible from the street increase the sense of safety for people walking along the adjacent footpath and add visual interest.</i></p>	<p>Y/N YES</p>	<p>Service boxes and storage not visible. do not form part of development.</p>

Character Area 14 (Page 3 of 3)

This form is intended to help applicants achieve a high standard of design and explain how their proposal responds to the area's character. It provides a checklist of design requirements that need to be satisfactorily addressed in order for Council to assess a development application. Please use additional pages if necessary and include any supporting drawings or photographs. These guidelines supplement those of the applicable state residential design code and they should be read in conjunction with the information accompanying this form which explains the ground rules for good design in this area. Please note these guidelines do not replace any of Council's other requirements. Please refer to the glossary for the definitions of some of the terms italicised these guidelines.

Performance Standard	Acceptable Solutions to meet Performance Standards	Design Notes for Acceptable Solutions	Does your proposal Conform with the acceptable Solutions Y/N?	How does your proposal respond to the Performance Standard ? If it does not conform, how else does it achieve the Performance Standard?
<p>Roofs Ensure development responds appropriately to the predominant roof character.</p>	<p>Preferably 30 degree minimum.</p> 	<p>Roofs should be pitched. No requirement on alignment.</p> <p><i>Pitched roofs are characteristic of Port Fairy. Verandahs should generally be pitched at a lesser angle than roofs.</i></p>	<p><input checked="" type="checkbox"/> Y/N</p> <p>YES</p>	<p>Roof will be flat to minimise visual impact and match flat roof on carport attached to south side of garage.</p>

Aboriginal Cultural Heritage Overlay Response

12 Polding St is subject to an Aboriginal Cultural Heritage Overlay.

The proposed works are exempt from the requirement to prepare a Cultural Heritage Management Plan as the works are minor, ancillary to the dwelling and/or constitute an alteration to a dwelling. Consequently, the works do not constitute a High Impact Activity under s.46(1)(a), s.46(1)(b) or s.48 of the *Aboriginal Heritage Regulations 2018*.

Furthermore, the works are specifically exempt under s9 of the regulations.

Site Coverage and Permeability

The property is 570m². When taking the:

- Dwelling
- One bedroom extension,
- Pergola and
- Car parking area

into account, approximately 256m² of property is covered by impermeable surfaces and approximately 55% of the property is retained for lawn and garden.

Land Use	Area	Percentage of Property
Impermeable Uses	256m ²	45%
Permeable Area	314m ²	55%
Totals	570m ²	100%

Building Massing

The buildings are designed to respect the character and rhythm of the surrounding area. Refer to the enclosed response to the Ministerial Guidelines.

Building Height and Siting

A response to height and siting is provided in the enclosed response to Ministerial Guidelines.

Building Setbacks

Setbacks are addressed in the enclosed response to Ministerial Guidelines.

Frontage Presentation

The Polding St frontage of the extension ties in with the existing dwelling frontage with a large window dominating the wall and the presentation to the street.

Garages and Car Parking

There are no changes to car parking or garage arrangements proposed.

Design Detail

The south and west walls will be rendered to match the existing house and garage with both walls being rendered and painted in 'Classic Cream'. The north wall will be natural weathered timber to provide a natural element. The roof will be Woodland Grey Colourbond to match the existing roof.

Landscaping and Fences

There are no changes to street fronting fences. The loss of garden is limited to approximately 20m² of lawn towards the rear of the front yard. There are no changes to service boxes or storage areas.

Extension Plans

Refer to **Attachment 1** for detailed plans of project proposal.

PLANNING PROPERTY REPORT



From www.planning.vic.gov.au at 17 December 2024 09:53 PM

PROPERTY DETAILS

Address: **12 POLDING STREET PORT FAIRY 3284**
Lot and Plan Number: **Lot 1 LP93419**
Standard Parcel Identifier (SPI): **1\LP93419**
Local Government Area (Council): **MOYNE** www.moynelvic.gov.au
Council Property Number: **S06835**
Planning Scheme: **Moyné** [Planning Scheme - Moyné](#)
Directory Reference: **Vicroads 571 M4**

UTILITIES

Rural Water Corporation: **Southern Rural Water**
Urban Water Corporation: **Wannon Water**
Melbourne Water: **Outside drainage boundary**
Power Distributor: **POWERCOR**

STATE ELECTORATES

Legislative Council: **WESTERN VICTORIA**
Legislative Assembly: **SOUTH-WEST COAST**

OTHER

Registered Aboriginal Party: **Eastern Maar Aboriginal Corporation**

[View location in Google Maps](#)

PLANNING SUMMARY

Bushfire Prone Area This property is not in a designated bushfire prone area.

Planning Zone [NEIGHBOURHOOD RESIDENTIAL ZONE \(NRZ\)](#)
[NEIGHBOURHOOD RESIDENTIAL ZONE - SCHEDULE 1 \(NRZ\)](#)

Planning Overlay [DESIGN AND DEVELOPMENT OVERLAY \(DDO\)](#)
[DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 4 \(DDO\)](#)
[HERITAGE OVERLAY \(HO\)](#)

Areas of Aboriginal Cultural Heritage Sensitivity

All or part of this property is an 'area of cultural heritage sensitivity'.

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Notwithstanding this disclaimer, a vendor may rely on the information in this report for the purpose of a statement that land is in a bushfire prone area as required by section 32C(3) of the Sale of Land Act 1962 (Vic).

PLANNING PROPERTY REPORT: 12 POLDING STREET PORT FAIRY 3284

Page 1 of 6

Planning Zones

[NEIGHBOURHOOD RESIDENTIAL ZONE \(NRZ\)](#)

[NEIGHBOURHOOD RESIDENTIAL ZONE - SCHEDULE 1 \(NRZ1\)](#)



Note: labels for zones may appear outside the actual zone - please compare the labels with the legend

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Notwithstanding this, a solicitor or vendor may rely on the information in this report for the purpose of a statement that land is in a particular zone as required by section 32C(3) of the Sale of Land Act 1962 (Vic).

Planning Overlays

DESIGN AND DEVELOPMENT OVERLAY (DDO)

DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 4 (DDO4)



DDO - Design and Development Overlay

Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

OTHER OVERLAYS

Other overlays in the vicinity not directly affecting this land

HERITAGE OVERLAY (HO)



HO - Heritage Overlay

Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

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Areas of Aboriginal Cultural Heritage Sensitivity

All or part of this property is an area of cultural heritage sensitivity.

Areas of cultural heritage sensitivity are defined under the Aboriginal Heritage Regulations 2016, and include registered Aboriginal cultural heritage places and land form types that are generally regarded as more likely to contain Aboriginal cultural heritage.

Under the Aboriginal Heritage Regulations 2016, areas of cultural heritage sensitivity are one part of a two-part trigger which require a 'cultural heritage management plan' be prepared where a listed high impact activity is proposed.

If a significant land use change is proposed (for example, a subdivision into 3 or more lots), a cultural heritage management plan may be triggered. One or two dwellings, works ancillary to a dwelling, services to a dwelling, alteration of buildings and minor works are examples of works exempt from this requirement.

Under the Aboriginal Heritage Act 2006, where a cultural heritage management plan is required, planning permits, licences and work authorities cannot be issued unless the cultural heritage management plan has been approved for the activity.

For further information about whether a Cultural Heritage Management Plan is required go to <http://www.dpm.vic.gov.au/your-questions>

More information, including links to both the Aboriginal Heritage Act 2006 and the Aboriginal Heritage Regulations 2016, can also be found here - <https://www.dpm.vic.gov.au/aboriginal-heritage-legislation>



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 Visit the full disclaimer at <http://www.dpm.vic.gov.au/your-questions>
 Notwithstanding this, a solicitor or vendor may rely on the information in this report for the purpose of a statement that land is in a bushfire-prone area as required by section 32C(2) of the Sale of Land 1962 (Vic).
PLANNING PROPERTY REPORT: 15 FOLDING STREET PORT FAIRY 3284 Page 4 of 6

Further Planning Information

Planning scheme data last updated on 4 December 2024.

A **planning scheme** sets out policies and requirements for the use, development and protection of land. This report provides information about the zone and overlay provisions that apply to the selected land. Information about the State and local policy, particular, general and operational provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council or by visiting <https://www.planning.vic.gov.au>.

This report is NOT a **Planning Certificate** issued pursuant to Section 199 of the **Planning and Environment Act 1987**. It does not include information about exhibited planning scheme amendments, or zonings that may affect the land. To obtain a Planning Certificate go to Titles and Property Certificates at Landata - <https://www.landata.vic.gov.au>.

For details of surrounding properties, use this service to get the Reports for properties of interest.

To view planning zones, overlay and heritage information in an interactive format visit

<https://mapshare.maps.vic.gov.au/vicplan>

For other information about planning in Victoria visit <https://www.planning.vic.gov.au>.

Designated Bushfire Prone Areas

This property is not in a designated bushfire prone area. No special bushfire construction requirements apply. Planning provisions may apply.

Where part of the property is mapped as BPA, if no part of the building envelope or footprint falls within the BPA area, the BPA construction requirements do not apply.

Note: the relevant building surveyor determines the need for compliance with the bushfire construction requirements.



Designated BPA are determined by the Minister for Planning following a detailed review process. The Building Regulations 2018, through adoption of the Building Code of Australia, apply bushfire protection standards for building works in designated BPA.

Designated BPA maps can be viewed on VicPlan at <https://maps.bpa.vic.gov.au/vicplan/> or at the relevant local council.

Create a BPA definition plan in [VicPlan](https://vicplan.vic.gov.au/) to measure the BPA.

Information for lot owners building in the BPA is available at <https://www.planning.vic.gov.au/>

Further information about the building control system and building in bushfire prone areas can be found on the Victorian Building Authority website <https://www.vba.vic.gov.au/>. Copies of the Building Act and Building Regulations are available from <https://www.legislation.vic.gov.au/>. For Planning Scheme Provisions in bushfire areas visit <https://www.planning.vic.gov.au/>.

Native Vegetation

Native plants that are indigenous to the region and important for biodiversity might be present on this property. This could include trees, shrubs, herbs, grasses or aquatic plants. There are a range of regulations that may apply including need to obtain a planning permit under Clause 52.17 of the local planning scheme. For more information see [Native Vegetation \(Clause 52.17\)](#) with local variations in [Native Vegetation \(Clause 52.17\) Schedule](#).

To help identify native vegetation on this property and the application of Clause 52.17 please visit the Native Vegetation Information Management system <https://vim.vic.gov.au/> and [Native vegetation \(environment.vic.gov.au\)](#) or please contact your relevant council.

You can find out more about the natural values on your property through NatureKit [NatureKit \(environment.vic.gov.au\)](https://naturekit.environment.vic.gov.au/)

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Note: Reliance on this information, or reliance on the information in this report for the purpose of a statement that land is in a bushfire prone area, as required by section 32C(3) of the Sale of Land 1962 (Vic).

Element 2 - Covered Pergola

Refer to **Attachment 1** for detailed plans for the pergola.

In summary, the proposed pergola will not be visible from the street. It will be covered with an impermeable roof and occupy the footprint of the existing deck.

The existing deck is located at the southeast corner of the dwelling and the pergola will be situated more than 3.6m from the south boundary and more than 4.2m from the east boundary. It does not impinge on the easement located on the southern boundary.

The roof height of the pergola will not exceed the roof height of the existing dwelling.

Being at the rear of the property, the proposed pergola complies with all aspects of the DDO 43.02 Character Area 14 requirements. A completed Character Area 14 Form for the pergola is provided below

Drawings for the proposed pergola are provided at **Attachment 1**.

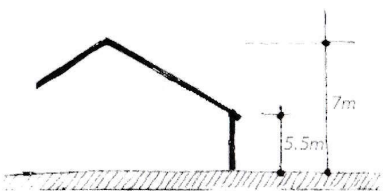
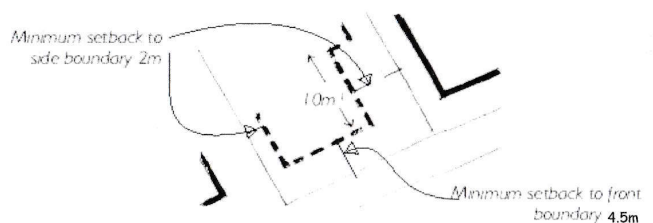
Pergola Plans

Plans for the pergola are provided at **Attachment 1**.

Character Area 14 Response - Pergola

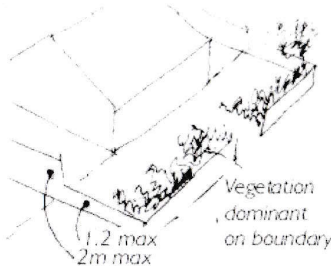
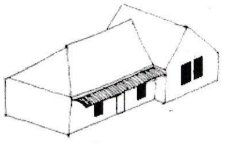
Character Area 14 (Page 1 of 3)

This form is intended to help applicants achieve a high standard of design and explain how their proposal responds to the area's character. It provides a checklist of design requirements that need to be satisfactorily addressed in order for Council to assess a development application. Please use additional pages if necessary and include any supporting drawings or photographs. These guidelines supplement those of the applicable state residential design code and they should be read in conjunction with the information accompanying this form which explains the ground rules for good design in this area. Please note these guidelines do not replace any of Council's other requirements. Please refer to the glossary for the definitions of some of the terms italicised these guidelines.

Performance Standard	Acceptable Solutions to meet Performance Standards	Design Notes for Acceptable Solutions	Does your proposal Conform with the acceptable Solutions Y/N?	How does your proposal respond to the Performance Standard ? If it does not conform, how else does it achieve the Performance Standard?
<p>Heights Ensure buildings in this area do not overwhelm those of the character areas or compete with the commercial and civic heart of Port Fairy for dominance.</p>	 <p>Height of façade 5.5m above natural ground level or less. Absolute height of building 7m or less. Excavation of the dunes is discouraged.</p>	<p>Appropriate heights help to ensure that the characteristic scale of building established by the towns heritage areas is respected and its contribution to character of the township is not overwhelmed by new development. Façade height should be 5.5m above the designated floor height rather than natural ground level, if the dwelling is affected by LSIO.</p>	<p><input type="checkbox"/> Y/N YES</p>	<p>Pergola walls less than 5.5m + roof height less than 7m</p>
<p>Setbacks Ensure new development does not compromise the characteristic scale and pattern of development in the area.</p>	 <p>Minimum setback to side boundary 2m 1.0m Minimum setback to front boundary 4.5m</p>	<p>Appropriate setbacks contribute to Port Fairy's buildings set in landscape character. Dwellings facing over the rear boundary of a lot should have a setback of 4.5m.</p>	<p><input type="checkbox"/> Y/N YES</p>	<p>Pergola setback greater than 2m from adjacent property boundaries</p>

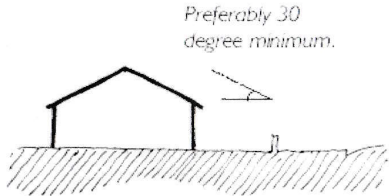
Character Area 14 (Page 2 of 3)

This form is intended to help applicants achieve a high standard of design and explain how their proposal responds to the area's character. It provides a checklist of design requirements that need to be satisfactorily addressed in order for Council to assess a development application. Please use additional pages if necessary and include any supporting drawings or photographs. These guidelines supplement those of the applicable state residential design code and they should be read in conjunction with the information accompanying this form which explains the ground rules for good design in this area. Please note these guidelines do not replace any of Council's other requirements. Please refer to the glossary for the definitions of some of the terms italicised these guidelines.

Performance Standard	Acceptable Solutions to meet Performance Standards	Design Notes for Acceptable Solutions	Does your proposal Conform with the acceptable Solutions Y/N?	How does your proposal respond to the Performance Standard? If it does not conform, how else does it achieve the Performance Standard?
Landscaping and Fencing Ensure development reflects the "buildings in gardens" character of Port Fairy.		Landscaping to provide a colourful foreground that matures to a height greater than the fence and provides the dominant element of the property boundary. In front of building façade fences should be no more than 1.2m high. Fences behind the front façade fences no more than 2m high.	Y/N YES	Pergola is at rear of property and not visible from street. All existing fencing & landscaping retained.
Frontage Ensure buildings are aligned to the street and provide it with an attractive and active edge.		Windows visible from the street to cover between 20 and 30% of the street façade. Service boxes and storage areas not visible from the street.	Y/N YES	Not visible from street No service boxes or storage areas.

Character Area 14 (Page 3 of 3)

This form is intended to help applicants achieve a high standard of design and explain how their proposal responds to the area's character. It provides a checklist of design requirements that need to be satisfactorily addressed in order for Council to assess a development application. Please use additional pages if necessary and include any supporting drawings or photographs. These guidelines supplement those of the applicable state residential design code and they should be read in conjunction with the information accompanying this form which explains the ground rules for good design in this area. Please note these guidelines do not replace any of Council's other requirements. Please refer to the glossary for the definitions of some of the terms italicised these guidelines.

Performance Standard	Acceptable Solutions to meet Performance Standards	Design Notes for Acceptable Solutions	Does your proposal Conform with the acceptable Solutions Y/N?	How does your proposal respond to the Performance Standard? If it does not conform, how else does it achieve the Performance Standard?
<p>Roofs Ensure development responds appropriately to the predominant roof character.</p>	<p>Preferably 30 degree minimum.</p> 	<p>Roofs should be pitched. No requirement on alignment.</p> <p><i>Pitched roofs are characteristic of Port Fairy. Verandahs should generally be pitched at a lesser angle than roofs.</i></p>	<p><input type="checkbox"/> Y/N</p> <p>YES</p>	<p>Roofs will be pitched and will approximate pitch of existing roof on dwelling</p>

Images of Proposed Pergola Site



Figure 25: View of adjacent property on east boundary from existing deck



Figure 26: Wide view of boundary with adjacent property to east of existing deck



Figure 27 View of southern boundary with adjacent property from existing deck



Figure 28 View of deck from east boundary.



Figure 29: View of existing deck from southeast corner.

Pergola Cladding & Roofing

The unclad walls will be furnished with retractable 'zip-track' blinds also in Woodland Grey.

The roof will be predominantly Colourbond in Woodland Grey with up to 30% of the roof area covered in 'Lasertite.'