

Town Planning & Services

Planning Report – Lot 1 TP
176789C – 2 Ocean Drive Port
Fairy, Vic. 3284.

Construction of single dwelling.

Report prepared by [REDACTED]
Date 10/02/25

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2. DOCUMENT CONTROL

This document has been prepared to aid the submission of a planning permit application at 2 Ocean Drive, Port Fairy, Vic. 3284.



3. PROPOSAL

It is proposed to construct an individual 3 bedroom detached dwelling which has been specifically designed to suit the site constraints and coastal character of South Beach Port Fairy. The sloping site has an overall area of 530 sqm with the dwelling designed to address the front (Ocean Drive and Pea Soup), with the main focus of the residence overlooking the Russell Clarke Reserve and wetlands to the north and east of the site. The building follows the slope of the site, allowing for a small extent of excavation, with the rear section of the building having an elevated floor level to allow for potential inundation in the 1/100 year flood level adopted in Amendment C69.

The dwelling features a combination of slightly pitched and flat roofing styles, together with a mix of external materials and colours in contrasting light and darker coastal tones including brickwork, masonry, natural timber cladding, feature double glazed aluminium windows and “Surfmist” Colorbond roofing and screening.

The accommodation comprises entrance portico and front door leading to entrance hall, open plan kitchen/dining/meals/living area, rumpus room, 3 bedrooms (1 ensuite), bathroom and separate W/C, elevated outdoor living area, drying yard, double garage, gardens to front side and rear. The dwelling has a floor area of 295.70 sqm incl garage and outdoor living area, leaving 183 sqm of open space and garden or 34% of the site area. The garden areas and the use of permeable driveway pavements allows for 48% of the site being permeable.

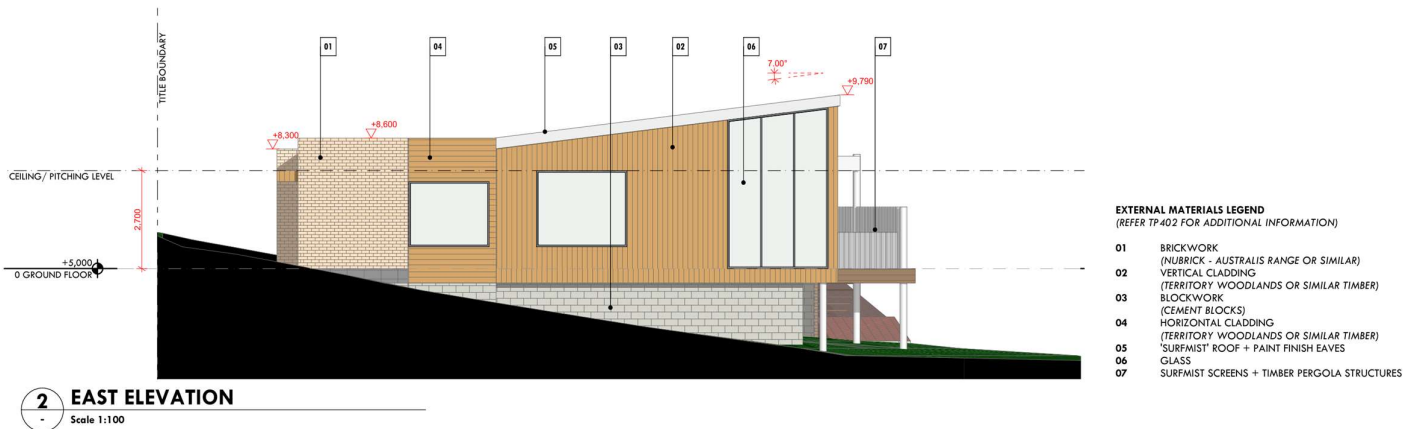
The dwelling façade is setback 4.5m from the front boundary (south), 2.0m from the rear (north) boundary, 1.07m from the east with the garage wall having zero setback to the western side otherwise 3.7m from the western side. The dwelling is mostly obscured at the front by plantings in the road reserve which are assumed to be retained by Council.



Rear elevation view from Russell Clarke Reserve looking southwest



Front elevation view from Ocean Drive looking north



4. PLANNING CONTROLS

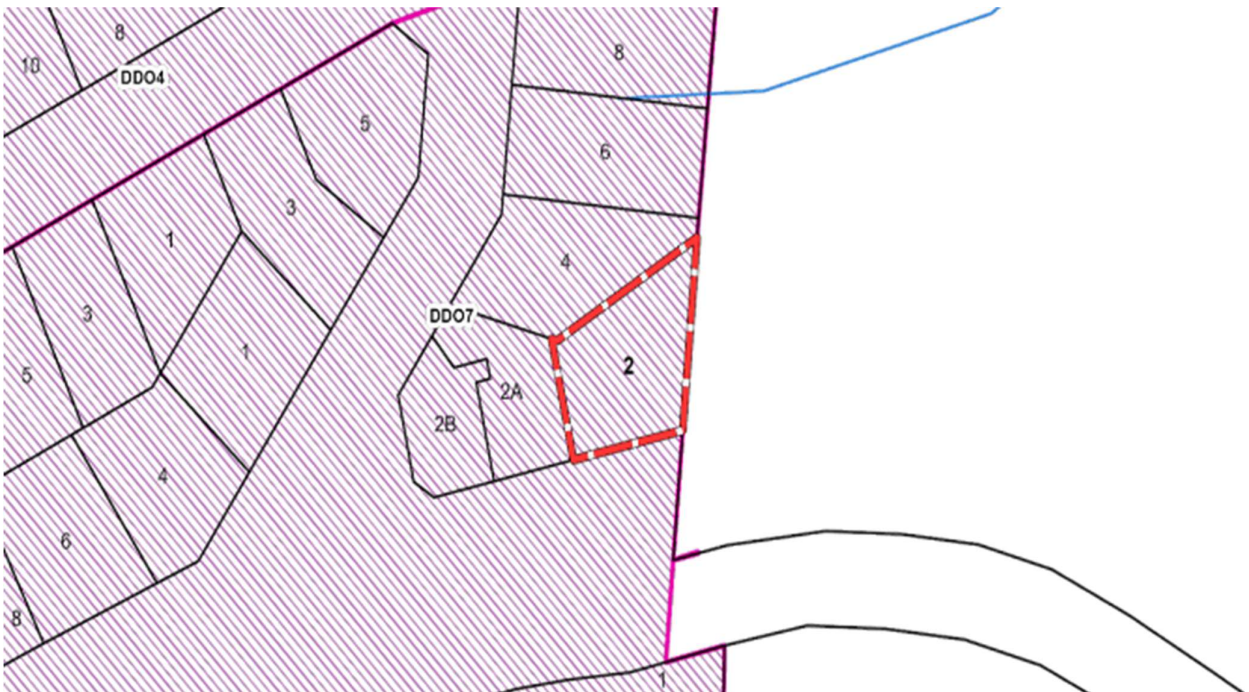
Zone

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

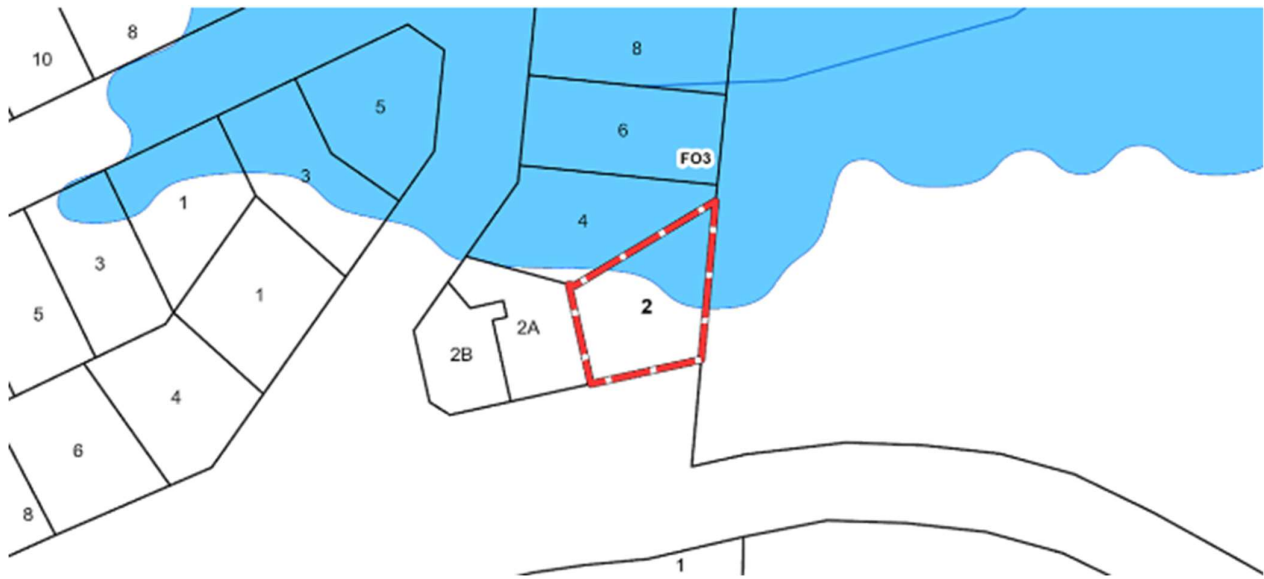


Overlays

Design Development Overlay Schedule 7 (DDO7)



Floodway Overlay Schedule 3 (FO3)



Land Subject to Inundation Schedule 4 (LSIO4)



Other

The site is within a Designated Bushfire Prone Area, and is designated as being with a site of Aboriginal Heritage Significance.

Permit requirements

- A permit is not required for a dwelling in the NRZ1 as the site exceeds 300 sqm.
- A permit is required for buildings and works under the DDO7 pursuant to **Clause 43.02-2**.
- A permit is required for buildings and works under the FO3 pursuant to **Clause 44.03-2**
- A permit is required for buildings and works under the LSI04 pursuant to **Clause 44.04-2**.

A cultural heritage management plan is not required as a single dwelling is an exempt activity under the Aboriginal Heritage Regulations 2018.

5. SITE ANALYSIS

The site is situated to the west of the town centre on South Beach opposite “Pea Soup” bay. The site has an area of 530 sqm and falls quite sharply to the north away from Ocean Drive. Refer to survey plan submitted with the application and the excerpt below.



The site has been mostly cleared of vegetation and is mostly mown grass. There is a clump of shrubs on the eastern boundary which will be retained, and a group of mature shrubs in the road reserve which partly obscure the frontage of the site. Access to the site is gained directly from Ocean Drive which is a constructed Council maintained road with a shared footpath/bike path along the frontage.

There is a pair of semi-detached double storied dwellings abutting to the west, a two storey and a single storied dwelling abutting to the north, and vacant land (Russell Clarke Reserve) abutting to the west. The site is fenced along the western and eastern boundaries and unfenced along the rear and front boundaries.

The prevailing character is predominantly double storied residential development on small allotments with dwellings positioned along Ocean Drive to capture sea views.

Refer to images below.



Frontage to Ocean Drive



Within the allotment looking west



Looking north



Looking west

6. RESTRICTIONS ON TITLE

None

7. PLANNING ASSESSMENT

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 7 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY
PORT FAIRY SOUTH COAST PRECINCT
03/10/2024**

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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, provided this fence is not fronting the beach.*
- *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 site area covered by buildings should not exceed 40 per cent in a residential zone or 35 per cent in a rural zone.

The site area covered by permeable surfaces should be at least 50 per cent in a residential zone or 60 per cent in a rural zone.

ASSESSMENT

Variation requested. The site coverage exceeds the preferred site coverage of 40% with a proposed site coverage of 55% of the site area. This is due to the compact site area of 530 sqm and the extent of inundation as determined by amendment C69. The developable site area has been reduced by 144sqm leaving 386sqm of developable area. with the extent of inundation restricting the developable area of the lot to the extent that the lot would ordinarily be undevelopable except for a two storey dwelling perched at the high point of the land. In reaching the design response, considerable efforts have been made to design a dwelling that fits with its surroundings without dominating visually and keeping the dwelling single storey which is the applicants preference which is considered to be an improved outcome particularly in a streetscape sense.

On this basis, when consideration is given to the extent of the block that is undeveloped remaining, the fact that the rear section is elevated well above the flood level and the modest dwelling footprint, it is considered that the outcome meets the design objectives of the overlay to ensure:

“A high standard of coastal architecture that respects the natural environment and is responsive to the coastal setting” AND

“To minimise the visual intrusion of buildings when viewed from the foreshore and protect dune systems from excavation and visually dominant development.”

The design response is innovative and responsive to the site constraints and its setting and is considered worthy of Council’s support despite slightly exceeding the preferred (“should”) site coverage.

Building Massing

Buildings should be articulated so that the overall bulk and mass of the buildings does not dominate the beachfront or dune setting.

Buildings should be sited so that the bulk and mass of the buildings does not dominate the skyline when viewed from South Beach, Ocean Drive or the Princes Highway.

Building height and siting should allow an equitable sharing of ocean and/or beachfront views with adjacent properties.

ASSESSMENT

As discussed, the dwelling is a modest 3 bedroom dwelling that does not dominate its site or surroundings. The building will be barely visible from Ocean drive as it is below road level and obscured by vegetation.

Building Height

The dune system must not be excavated or filled to accommodate additional building height.

Building height should not exceed 7 metres.

A building may exceed the maximum building height by up to 1 metre if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.

If the land is in a Floodway Overlay, 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 maximum building height is 7.13m at the rear and 2.4m at the front allowing for approx. 1m of excavation, in order to achieve a level surface from which to build. This is considered to essentially meet the standard given the ground level for much of the site is below road

level, and also in order to achieve the front setback of 4.5m. The extent of excavation is approx. 1m which is also considered appropriate given the slope of the site.

Building Setbacks

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

- *At least 4.5 metres from a street boundary.*
- *At least 2 metres from a side boundary in a residential zone or 5 metres in a rural zone.*

ASSESSMENT

Variation requested. A minor front setback variation of 500mm is requested which is considered appropriate (and negligible) given there is no building abutting to the east (vacant reserve land) and the diminutive height of the building at the front when viewed from the road.

Outbuildings and Car Parking

Driveways should be constructed of a permeable material.

Garages and outbuildings should have a maximum external width of 6.5 metres.

Garages should be sited at least 1 metre behind the front wall of a building (excluding porticos and projecting windows).

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

ASSESSMENT

The dwelling is accessed via a tapering 4.5m wide crossover which is narrower than the garage width and appropriate in the streetscape. The garage is recessed 1m behind the front façade. The driveway is permeable.

Design Detailing

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.*

ASSESSMENT

The choice of external finishes is contemporary, low maintenance and non-reflective using timber panelling. The use of unrendered masonry has been chosen so as to be low maintenance and is not considered excessive or unattractive.

Landscaping and Fencing

Fencing should not be provided forward of the front façade along the beachfront.

Fences forward of the front façade or parallel to the street frontage must be at least 50 per cent visually permeable.

Landscaping must be provided between dwellings and within the street frontages to soften built form.

Landscaping should utilise predominantly indigenous species wherever possible.

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

ASSESSMENT

No front fence is proposed. Side fencing is as existing. Rear fencing is to be post and rail timber fencing to a height of 1.8m to allow free flow of water.

03/10/2024

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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 buildings and works requirements contained within this schedule.*
- Whether the design responds to the landscape and visual setting of this precinct and whether measures have been taken to reduce visual dominance.*
- Whether garages, outbuildings and parking areas have been sited and designed to minimise visibility from the street.*
- Whether the building materials and colours minimise the visual impact of buildings and reflect the character of the area.*
- Whether front fencing and landscaping reflect the seaside character of the area and provide opportunities for passive surveillance to Ocean Drive and the beach.*

ASSESSMENT

As discussed the dwelling is of modest size and bulk and will be barely visible from the front and only obliquely visible from the east given the slope of the site.

External colours are muted and do not obscure views or view lines. There is no loss of native vegetation.

Clause 44.03

FLOODWAY OVERLAY

Purpose

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

To identify waterways, major floodpaths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding.

To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.

To reflect any declarations under Division 4 of Part 10 of the Water Act, 1989 if a declaration has been made.

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 and wetland health, waterway protection and flood plain health.

Clause 44.03-7

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 local floodplain development plan or flood risk report.*
- *Any comments of the relevant floodplain management authority.*
- *The Victorian River Health Strategy (2002) and any relevant regional river health strategy and associated wetland plan.*
- *Any other matters specified in a schedule to this overlay.*

03/10/2024

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**SCHEDULE 3 TO CLAUSE 44.03 FLOODWAY OVERLAY
PORT FAIRY RIVERINE AND COASTAL INFLUENCED INUNDATION AREAS
Decision guidelines**

The following decision guidelines apply to an application for a permit under Clause 44.03, in addition to those specified in Clause 44.03 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 context of the proposed development having regard to the longer term impacts of riverine and coastal flooding.*

ASSESSMENT

The proposal was referred to the CMA pre application and has been designed accordingly with the floor level at 5m above ground level. Refer excerpt from CMA below

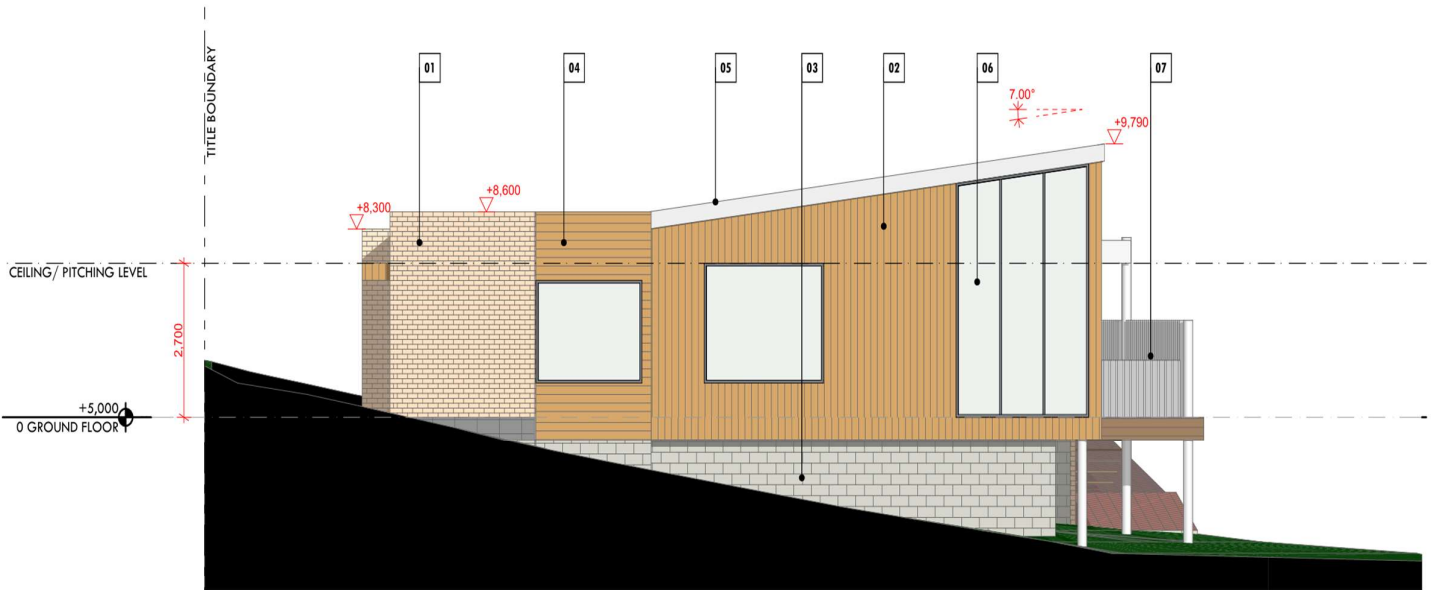
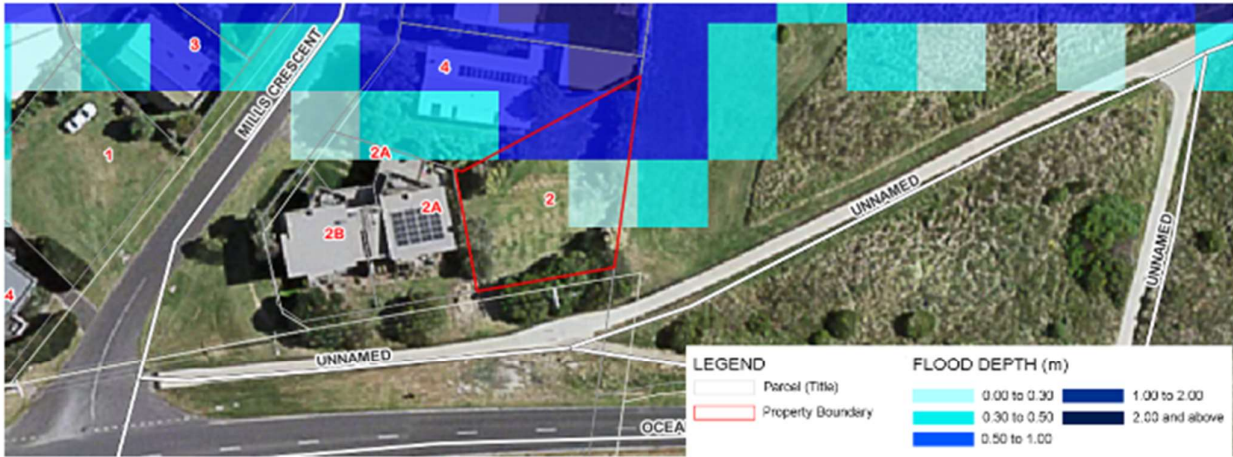
Thank you for your application which we received on 08 October 2024.

The table below summarises the available flood data for this property.

Flood Information Summary

| Item | Best Available Information |
|---|-----------------------------------|
| Planned for 1% AEP flood level | 3.18 m AHD |
| Nominal Flood Protection Level (minimum floor level) | 3.48m AHD |
| Minimum depth of flooding on site – 1% AEP | 0.0m |
| Maximum depth of flooding on site – 1% AEP | 0.73m |
| Property Hazard category – 1% AEP | Low to High |
| Maximum depth of flooding on access – 1% AEP | 0m |
| Access Hazard category – 1% AEP | Low |

Figure 1 showing estimated extent and depth of the planned for 1%AEP flood event (storm tide).



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
03/10/2024**

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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

The area covered by the LSIO is minimal and has been addressed in the FO assessment above.

MUNICIPAL PLANNING STRATEGY

Clause 02.03-3

03/10/2024

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Environmental risks and amenity

Climate change impacts

The coast is under threat from the effects of climate change, including sea level rise and increased storm surges. East Beach, the Griffiths Street and Wharf Precincts, and the areas around Belfast Lough in Port Fairy are severely impacted by flooding and coastal hazards.

Rising sea levels may threaten land use and development due to eroding shorelines, increased cliff instability and landward penetration of saline water within estuaries. Development and infrastructure close to coastal and estuarine areas, including sea walls and

other protective structures, may threaten the capacity of the environment to adapt to rising sea levels and increased tidal penetration.

Bushfire

The municipality faces complex fire risk in agricultural, forested, urban bushland, rural residential and coastal areas.

Floodplains

The catchments within the municipality include areas of land prone to natural flooding. The inherent function of the floodplains to convey and store floodwater should be preserved to minimise the deterioration of environmental values, and manage flood risks to assets and communities.

ASSESSMENT

The dwelling has been designed in accordance with a floor level of 5m which is above the recommended level. The design is innovative as the rear of the house is elevated above the flood line in accordance with the preapplication CMA advice.

The site is accessible for emergency vehicles and has a static water supply in the event of fire.

Clause 02.03-5

03/10/2024

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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.

ASSESSMENT

The proposed dwelling is not “imposing” and discreet in its street presentation and does not overwhelm the limited capacity of the site.

Clause 16.01-1S

20/12/2021

VC174

Housing supply

Objective

To facilitate well-located, integrated and diverse housing that meets community needs.

Strategies

Ensure that an appropriate quantity, quality and type of housing is provided, including aged care facilities and other housing suitable for older people, supported accommodation for people with disability, rooming houses, student accommodation and social housing.

Increase the proportion of housing in designated locations in established urban areas (including under-utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas.

Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.

Identify opportunities for increased residential densities to help consolidate urban areas.

Facilitate diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types.

Encourage the development of well-designed housing that:

- *Provides a high level of internal and external amenity.*
- *Incorporates universal design and adaptable internal dwelling design.*

Support opportunities for a range of income groups to choose housing in well-serviced locations.

Plan for growth areas to provide for a mix of housing types through a variety of lot sizes, including higher housing densities in and around activity centres.

ASSESSMENT

The dwelling adds to the limited housing supply within Port Fairy on an allotment restricted by its compact size, slope and flooding constraints. This form of urban consolidation is supported by the wider planning principles in Victoria.

Clause 13.02-1S

Bushfire planning

Policy application

This policy must be applied to all planning and decision making under the Planning and Environment Act 1987 relating to land that is:

- *Within a designated bushfire prone area;*
- *Subject to a Bushfire Management Overlay; or*
- *Proposed to be used or developed in a way that may create a bushfire hazard.*

Use and development control in a Bushfire Prone Area

In a bushfire prone area designated in accordance with regulations made under the Building Act 1993, bushfire risk should be considered when assessing planning applications for the following uses and development:

- *Subdivisions of more than 10 lots.*
- *Accommodation.*
- *Child care centre.*
- *Education centre.*
- *Emergency services facility.*
- *Hospital.*
- *Indoor recreation facility.*
- *Major sports and recreation facility.*
- *Place of assembly.*
- *Any application for development that will result in people congregating in large numbers.*

When assessing a planning permit application for the above uses and development:

- *Consider the risk of bushfire to people, property and community infrastructure.*
- *Require the implementation of appropriate bushfire protection measures to address the identified bushfire risk.*
- *Ensure new development can implement bushfire protection measures without unacceptable biodiversity impacts.*

ASSESSMENT

The relevant works do not significantly increase the bushfire fire risk over and above what already exists with a site which is zoned for residential development. The area is sparsely vegetated by protected vegetation.

The site has excellent access for emergency vehicles, potable water supply for firefighting purposes.

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.*

This clause does not apply to a VicSmart application.

ASSESSMENT

The proposal meets the decision guidelines of Clause 65 in that it is a modest building designed to fit with the prevailing character and site constraints. There is no vegetation for removal and existing infrastructure in place. The existing transport infrastructure is not adversely affected with the proposal representing orderly planning.

8. CONCLUSION

On balance the proposed design is a considered and innovative design response to a site which poses some design challenges. The outcome is believed to be responsive and appropriate for its setting and flooding constraints.

The style of the dwelling is contemporary and uses materials which will weather naturally with the height and building footprint intended to not overwhelm its site or the streetscape.

It is hoped that the proposal is supported by Council.