



Myers

Planning & Associates

Town Planning Report

Partial demolition and extension to an existing dwelling
1 Cox Street, Port Fairy

Issued 31 October 2024
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Overview

Background	
Address	1 Cox Street, Port Fairy
Lot Description	Lot 2 PS 026261 (Volume 07900 Folio 063)
Relevant Planning Controls	
Municipal Planning Strategy	Clause 02.01 Context
	Clause 02.02 Vision
	Clause 02.03 Strategic Directions
	Clause 02.04 Strategic Framework Plan
Planning Policy Framework	Clause 11 Settlement
	Clause 15 Built Environment and Heritage
	Clause 16 Housing
	Clause 19 Infrastructure
Zone	Neighbourhood Residential Zone (Schedule 1)
Overlays	Design and Development Overlay (Schedule 2)
	Heritage Overlay (Schedule 55)
Particular Provisions	Clause 52.06 Car Parking
Permit Application Details	
Description of Proposal	Partial demolition and extension to an existing dwelling
Permit requirement	Clause 43.01-1: Heritage Overlay - Demolition, construction of a building
	Clause 43.02-2: Design and Development Overlay - Buildings and works

Quality assurance

Town Planning Report
1 Cox Street, Port Fairy

Project Number
24-1256

Revision
03

Prepared By
AP

Project Lead
AP

Issued
28 October 2024

Revision	Date	Issue
00	5 March 2024	Draft issued to client
01	28 June 2024	Draft issued to client
02	2 July 2024	Final version for Council issue
03	31 October 2024	Updates in response to C69moyn

Acknowledgement of Country



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

We care about our community



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



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1. Introduction

1.1. Purpose

This report has been prepared by Myers Planning & Associates in support of a planning permit application for partial demolition and extension to an existing dwelling, at 1 Cox Street, Port Fairy (the 'Site').

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

Accordingly, the proposal triggers the following permit requirements:

- Clause 43.01-1: Heritage Overlay - Demolition, construction of a building
- Clause 43.02-2: Design and Development Overlay - Buildings and works.

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

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

- Certificate of title (dated 28 June 2024);
- Site Photos;
- Town Planning Drawings prepared by Hatch Projects (dated 16 October 2024).

1.2. Limitations

This report has considered the following documents:

- Moyne Planning Scheme (as of VC270 on Friday 11 October 2024);
- Certificate of Title (dated 28 June 2024);
- Town Planning Drawings prepared by Hatch Projects (dated 16 October 2024);
- Port Fairy Heritage Citations 2015;
- Moyne Shire Council Heritage Pre-Application Advice (via meetings in person).

2. Site and surrounds

2.1. Site description and title particulars

Site address	1 Cox Street, Port Fairy
Title details	Lot 2 PS 026261 (Volume 07900 Folio 063)
Site description	The Site is an irregular in shape with an area of approximately 512 square meters and a frontage to Cox Street of approximately 13 metres.
Easements, restrictions or covenants	The Site is not encumbered by any easements, restrictions or covenants pursuant to Section 173 of the Planning and Environment Act 1987 and the Subdivision Act 1988.

Refer to Appendix A - Certificate of Title.

2.2. Site analysis

The Site is an irregular rectangle shape, with the eastern boundary comprising a 'step in' approximately midway along the boundary, reflecting the abuttal of the Site to properties facing Gipps Street to the east.

The Site is currently developed with a modest, single storey dwelling, comprising a simple weatherboard design, corrugated iron hipped roof, with a projecting gable front and masonry verandah pillars. The dwelling has been extensively altered at the rear, and includes an attached carport built almost to the boundary to the west. A low wire fence is located along the frontage of the Site to Cox Street, as well as cottage style gardens in the front yard, and one established tree. Landscaping and paving are provided in the rear yard.

Refer to Appendix C - Site Photos and **Figure 1** below.



Figure 1: Aerial Plan

2.3. Site Context

The Site is located within the central Port Fairy historic residential area, between the central commercial district (to the west) and the Moyne River precinct (to the east).

The Site is located within the Cox Street Heritage Precinct. The Site is also located adjoining the Gipps Street & Moyne River Heritage Precinct, which is located to the east of the Site, and the Wishart Street Precinct, which is located to the southwest of the Site.

The Cox Street Heritage Precinct comprises a diverse range of buildings, spanning from mid-Victorian to modern eras. Cox Street's eastern segment primarily comprises late Victorian and Edwardian structures, with a mix of residential and former commercial properties. Notable examples include William Rutledge's former residence, 'Emoh', dating back to the late 1840s, the Council Chambers housed in the former Bank of Victoria and Commercial Bank premises, the Colonial Bank building, the former telegraph office and police sergeant's residence, and Jago's Garage, formerly a blacksmith's shop.

Within the eastern end of the Precinct, olive trees dating from 1911 are located on the south side of the street, matched with later plantings along the northern side of the street from 1980. Crossovers are predominantly informal and unsealed. It is common to see cars parked informally within the large grass verges within the eastern end of Cox Street.

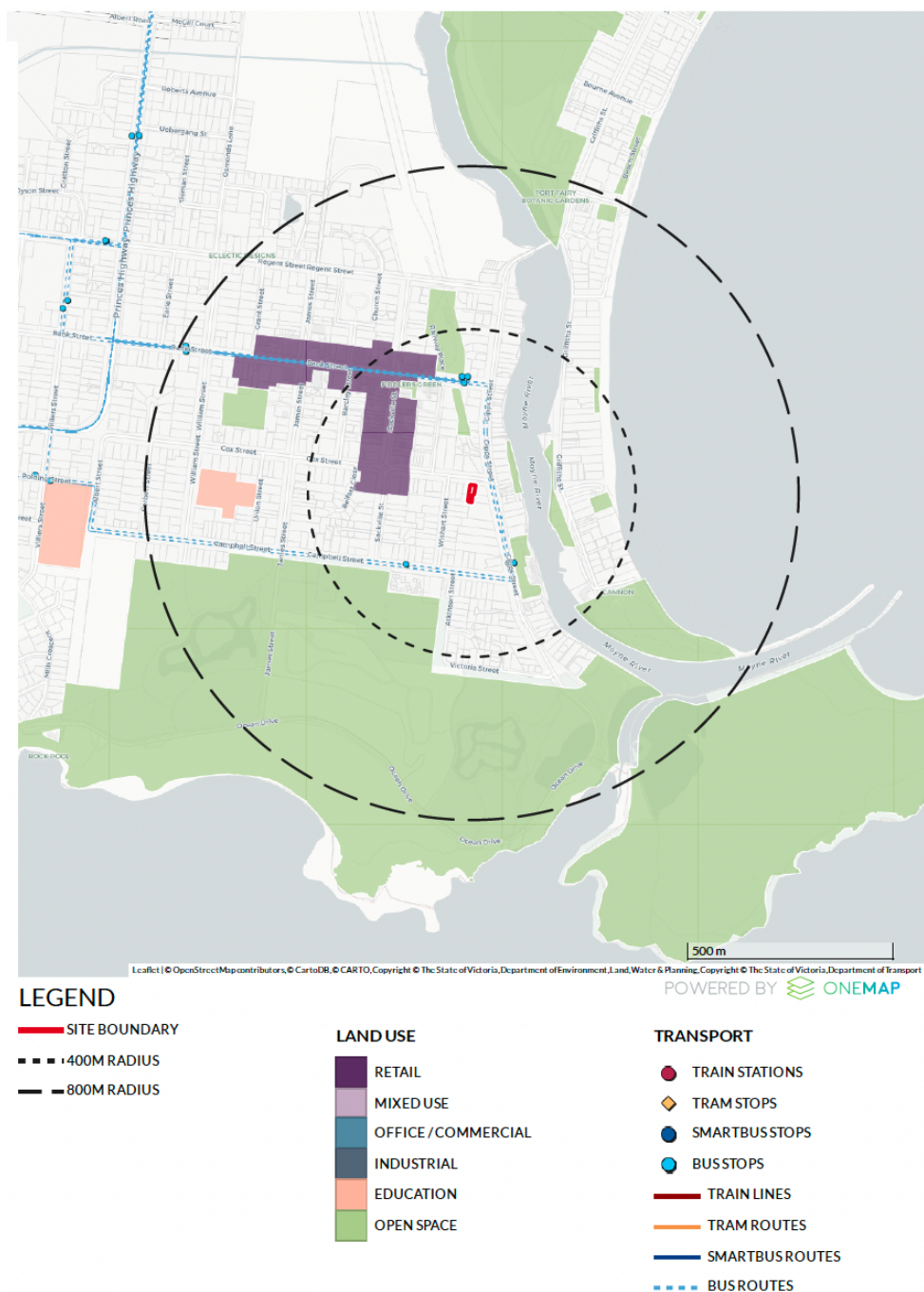
The locality is characterised by a relatively low scale built form, comprising one and two storey buildings, typically located on generous, landscaped lot sizes and with either timber or stone fences. The Council Chambers, at 10 Cox Street, dominates the eastern end of the Precinct.

The Site's key interfaces are as follows:

North	<p>Immediately to the north is the road reserve of Cox Street.</p> <p>To the north is 4 Cox Street, developed with a single storey dwelling, and detached garage. This dwelling is somewhat obscured from the street by a high stone fence.</p>
East	<p>46 Gipps Street, developed with a single storey timber house which addresses both Cox Street, and Gipps Street. A later addition, comprising a two storey structure, and sensitively designed double garage, is located along the Cox Street elevation. This addition is set back deep within the Site but is visible from the streetscape. This Site is identified as being contributory to the Gipps Street & Moyne River Heritage Precinct.</p> <p>44 Gipps Street, developed with a single storey timber house, with a later extension to the rear. This Site is identified as being contributory to the Gipps Street & Moyne River Heritage Precinct.</p>
Southeast	<p>40 Gipps Street, known as Captain John Mills House, and listed on the Victorian Heritage Register (VHR) due to its significance to the State of Victoria.</p> <p>The significance of Captain John Mills's House, as highlighted by the VHR, lies in its historical importance as one of the oldest surviving timber structures in Victoria. It showcases a progression of development and illustrates a variety of early building methods and materials. The dwelling's initial segment, likely constructed around late 1843, overlooked the developing port on the west bank of the river. A subsequent rear section predates 1848. The addition of a front section in 1853 is noteworthy for its alignment with the formal street layout established in the mid-1840s. These distinct phases of construction offer insights into the available building techniques of the time and the opportunities afforded by the nearby port.</p> <p>The cottage is located some distance from the Subject Site given the large property on which Mills House is located, and the siting of the buildings in the southeast corner of the property (except for the stables located on the northern boundary adjoining 44 Gipps Street).</p>

Southwest	12 Wishart Street, developed with a single storey timber house. This Site is identified as significant to the Wishart Street Precinct.
West	3 Cox Street, developed with a single storey timber house and, along with a 'row of <i>Ulmus procera</i> (English Elm) x 3 at rear and in right-of-way', is identified as significant to the Cox Street Heritage Precinct.
	Lot 2, Cox Street, currently vacant. At the time of writing this report, a planning permit is being considered by Council for the development of a two-storey dwelling on the Site.

Refer to **Figure 2 - Context Plan**.



3. Proposal

3.1. Overview

The proposal seeks planning approval for the demolition of the non-heritage rear portion of the existing dwelling and the construction of a new double-storey rear addition and garage.

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

3.2. Planning permit triggers

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

- Clause 43.01-1: Heritage Overlay - Demolition, construction of a building
- Clause 43.02-2: Design and Development Overlay - Buildings and works.

3.3. Key elements

Demolition

The later additions to the existing dwelling at the rear, and the carport, are proposed to be demolished. Refer to demolition plans included in the Town Planning Drawings.

Proposed extension

The proposal incorporates the construction of a two-storey extension to the dwelling on the Site, whilst retaining the original component of the dwelling at the streetscape.

The proposal involves the rearrangement of the internal living areas and at ground floor, the addition of a new master bedroom with ensuite and walk in robe, a sitting room, open plan kitchen / family / meals area, a butler's pantry, laundry and powder room. A stacker door connects the meals area to an outdoor timber pergola, with a small roof provided over a BBQ area on the eastern boundary of this outdoor area. A lift and staircase provide access to the second storey, which comprises two additional bedrooms, a bathroom with separate powder room, a movie room / games room, and a south facing outdoor deck area.

The extension retains the existing setback of the dwelling, and includes walls on the eastern boundaries deeper within the Site, 13 metres from the property frontage to Cox Street and 4.79 metres behind the façade of the existing dwelling. On the west, a tandem garage is proposed to be built along the western boundary. The garage is setback 8.29 metres from the Cox Street frontage, and behind the front façade of the dwelling and is accessed via a permeable driveway.

The extension comprises a highly articulated form which has been derived from the scale of the streetscape elevation of the dwelling to Cox Street. The roof is pitched at 30 degrees, with lower pitches to the tandem garage.

The design includes dormer windows as part of the design in the upper roof design. As the dwelling runs north-south on a relatively narrow site where direct northern light is difficult to obtain, the dormers provide additional eastern and western light to the habitable rooms whilst protecting privacy (overlooking) for the owners and adjoining properties. The dormer windows are a common feature in dwellings utilising attic type construction to aid with head height and room sizes based on the lower springing heights of the room. In addition, the dormer windows providing an important aesthetic feature in promoting articulation the longer roof forms of the upper floor. It should also be noted that the dormer windows are located approximately 18m from the street frontage, and are all recessed behind both the proposed lower and upper main roof forms.

The finished floor level of the extension is set lower than the finished floor level of the existing dwelling, to ensure the height of the extension is minimised. The extension comprises a maximum overall height of 6.98 metres above natural ground level. External materials and colours include muted and natural colours including Colorbond 'Southerly' roofing, horizontal painted weatherboards, feature painted shingles, rendered masonry and painted cladding, all white or off-white colours. The front door, garage door, and aluminium screening around the rear deck are intended to be a muted green.

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



4. Planning policies and controls

4.1. Municipal Planning Strategy

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

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

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

- o Live in well-planned and connected neighbourhoods that protect our way of life and cultural heritage.
- o Have access to housing that suits our budget, the size of our family and lifestyle needs.
- Clause 02.03 **Strategic directions:**
- Clause 02.03-1 **Settlement** identifies Port Fairy Port Fairy is the main settlement within Moyne Shire and is identified as a district town in the Great South Coast Regional Growth Plan with moderate growth capacity through infill and greenfield development. It is an historic coastal town that is a popular destination for tourists. Integral to the town's character are the intact historic buildings, active working port, Moyne River estuary, Belfast Lough, Griffiths Island and its coastal setting. Port Fairy is experiencing an increase in population driven by its attractive setting. The population increases substantially over the summer holiday period. Demand has been strong for new development, redevelopment of older properties and more intense forms of urban housing. Due to the ongoing popularity of the Great Ocean Road region, development and tourism pressures are expected to increase.
- . Key strategic directions include:
 - o Direct growth to settlements in accordance with their role and function specified in the Moyne Shire settlement hierarchy at Table 1, where Port Fairy is identified as a district town capable of moderate growth, with potential for infill development.
 - o Promote Port Fairy as the retailing, service and cultural centre for the municipality.
- Clause 02.03-5 **Built environment and heritage** identifies development occurring in coastal areas and has the potential to affect landscape character. The Shire contains an outstanding collection of heritage places that are recognised as a significant asset and give it a distinctive character. Port Fairy has benefitted from heritage protection for several decades. Relevant strategic directions include:
 - o Contain township development within defined boundaries and manage development on the fringes of townships to enhance the landscape setting.
 - o Protect and enhance the Shire's heritage places and precincts.
- Clause 02.03-6 **Housing** identifies the population of the Shire is growing, however, it is ageing and household size is declining. Housing affordability and availability of long-term rental stock is declining in the Shire, and there is limited dwelling diversity, due to a low proportion of medium density and small dwellings in urban areas. There is a need to provide well-located and accessible housing in the Shire to accommodate demand and attract new residents. However, housing growth is subject to infrastructure

constraints, and can compromise environmental, heritage, landscape and neighbourhood character values. Relevant strategic directions include:

- o Support residential development densities that protect the heritage value and neighbourhood character of settlements.

- Clause 02.04 Strategic Framework Plan:

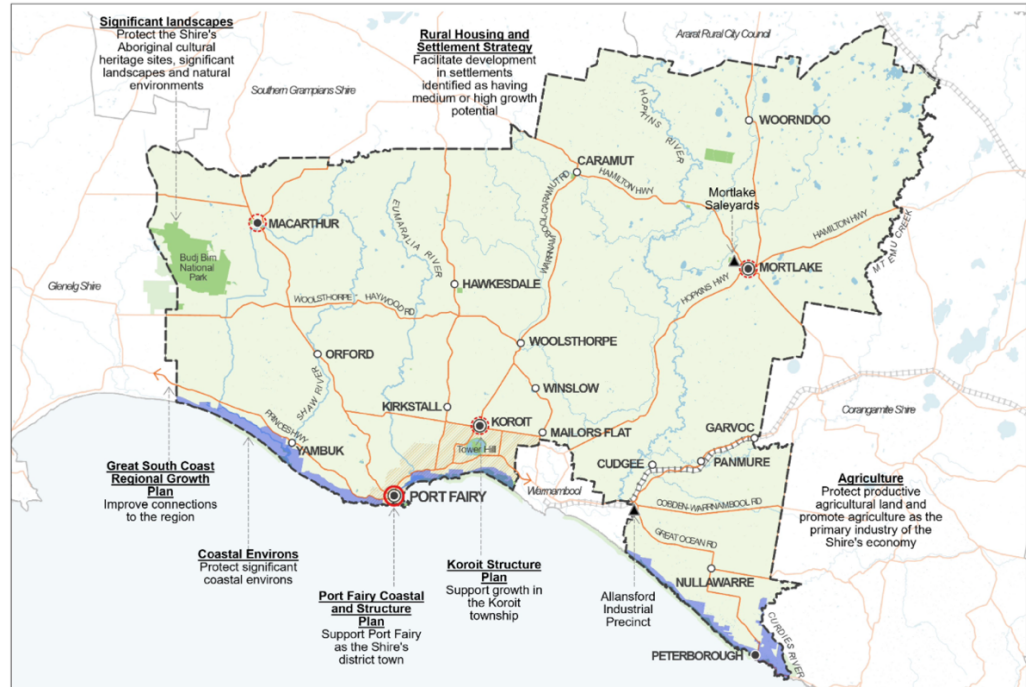


Figure 3: Moynes Strategic Framework Plan

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

4.2. Planning Policy Framework (PPF)

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

Clause 11 Settlement

- Clause 11.01-1S **Settlement**: Seeks to facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.
- Clause 11.01-1R **Settlement - Great South Coast**: Aims to attract more people to the region.
- Clause 11.01-1L-02 **Settlement - Port Fairy**: Seeks to retain the distinctive character of Port Fairy based on the heritage features, the coastal and river character and high-quality urban design.

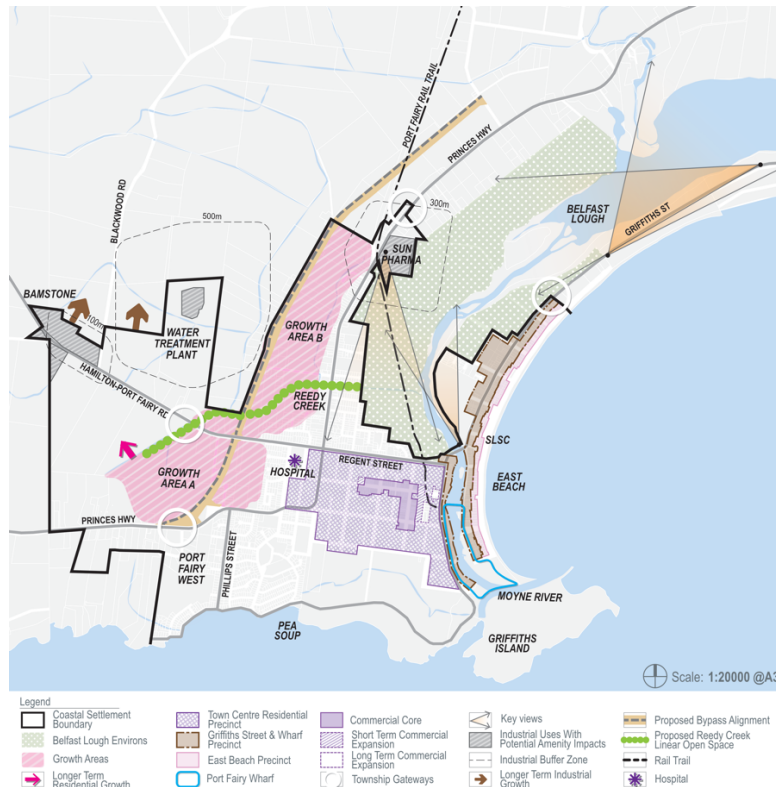


Figure 4: Port Fairy Framework Plan

- Clause 11.03-6S **Regional and local places**: Seeks to facilitate place-based planning.

Clause 15 Built Environment and Heritage

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

Clause 16 Housing

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

Clause 19 Infrastructure

- Clause 19.03-2S **Infrastructure design and provision**: Aims to provide timely, efficient and cost-effective development infrastructure that meets the needs of the community.
- Clause 19.03-2L **Infrastructure - planning, design and construction**: Seeks to encourage a consistent approach to the design and construction of infrastructure within Moyne Shire through the implementation of the Infrastructure Design Manual.
- Clause 19.03-3S **Integrated water management**: Seeks to sustainably manage water supply, water resources, wastewater, drainage and stormwater through an integrated water management approach.

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

4.3. Neighbourhood Residential Zone

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

- To recognise areas of predominantly single and double storey residential development.
- To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Clause 32.09-1 provides that a schedule to the Zone must contain the neighbourhood, heritage, environment or landscape character objectives to be achieved for the area. Schedule 1 to the Zone provides the following neighbourhood character objective:

- To protect the unique low scale coastal village character of Port Fairy.

Permit Requirement

Pursuant to Clause 32.09-5 **Construction and extension of one dwelling on a lot**, a permit is not required to extend one dwelling on a lot of more than 500 square metres.

Minimum Garden Area Requirement

Pursuant to Clause 32.09-4 **Construction or extension of a dwelling or residential building**, a lot size between 500 - 650 square metres must provide a minimum garden area at ground level of 30%. This is irrespective of whether a planning permit is required under the zone.

Garden area is defined as any area on a lot with a minimum dimension of 1 metre that does not include a dwelling, driveway or carpark, except for an eave, fascia or gutter that does not exceed a total width of 600mm, a pergola, an unroofed terrace, patio, deck, steps or landings less than 800mm in height, or domestic services normal to a dwelling.

The proposal provides 206 square metres of garden area, comprising 40.23% of the Site.

As such, the garden area complies with requirement under Clause 32.08-4.

No further assessment is required pursuant to the Zone in this instance.

4.4. Heritage Overlay

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

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

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

- Demolish a building, including partial demolition.
- Construct a building.

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

The subject Site is within Heritage Overlay 55 (Cox Street Precinct). This precinct is subject to the Port Fairy Residential Heritage Precincts Heritage Design Guidelines (June 2023).

The subject Site is identified as a significant property to the precinct and notes the dwelling as 'Kitty's, timber house, 1 Cox Street'.

The Statement of Significance provides as follows:

How is it significant?

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

Why is it significant?

The Cox Street Precinct is of historical significance for its associations with key citizens of Port Fairy, of all classes and from all periods, and especially with William Rutledge. This is reflected in the surviving buildings such as: Emoh and its associated structures which was the home and headquarters of William Rutledge; the former Colonial Bank, now the Moyne Shire offices; Jago's Garage which was formerly a blacksmiths; and the so-called Apothecary's Hall which was actually the premises of Mark Tucker and Robert White, undertakers and cabinet makers. The Cox Street Precinct is of historical significance for representing the evolution of Port Fairy generally, from its commercial beginnings to its more residential nature today. (Criterion A, Criterion G and Criterion H)

*The Precinct is of architectural significance for its early commercial buildings, cottages and houses which demonstrate a wide range of periods and types. Melbourne architects, A.L. Smith and Thomas Watts designed the Bank of Victoria and it is likely that local architect John Mason designed other buildings. The Warrnambool architect, Tag Walter designed the Moderne house at No. 43 Cox Street, perhaps the most sophisticated design from the period in Port Fairy. The range of buildings is supported and united by the presence of mature *Metrosideros excelsa* (New Zealand Christmas Tree) and *Olea europea* subspecies *europea* (Olive Tree) street trees and the open character and non-suburban infrastructure of the street. (Criterion E)*

Pre-application advice received from Council's Heritage Advisor has confirmed that despite the identification of the dwelling as significant to the precinct in the Port Fairy Heritage Citations (2015), the dwelling dates from late 1940s or early 1950s, and dates from the last years of significance of the Heritage Overlay Precinct (post WWII period). The dwelling is suggested as not being significant but contributory to the Heritage Overlay values of the precinct.

A planning assessment under the Heritage Overlay is provided under **Section 5.2.2** of this report.

4.5. Design and Development Overlay

The Site is affected by Schedule 2 to the Design and Development Overlay (DDO2). The purposes of the Design and Development Overlay include:

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

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

Schedule 2 to the Overlay provides the following design objectives:

- To deliver high quality and contemporary design responses that support the integration of new development with Port Fairy's historic character.
- To encourage small building footprints that respond to heritage and infrastructure constraints and provide for housing diversity.
- To retain the landscape qualities of the precinct and minimise the detrimental visual impact of car parking and outbuildings.

Permit requirement

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

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

Refer to **Section 5.2.3** of this report for information which provides an assessment against the decision guidelines.

4.6. Particular Provisions

4.6.1. Clause 52.06 Car Parking

The purpose of Clause 52.06 is:

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

Clause 52.06-1 identifies the scope of the provision, and relevantly provides (edited for clarity and relevance):

Clause 52.06 does not apply to:

- the construction and use of one dwelling on a lot in the General Residential Zone unless the zone or a schedule to the zone specifies that a permit is required to construct or extend one dwelling on a lot.

As Clause 52.06-1 provides that the Clause does not apply to the construction of one dwelling on a lot in the General Residential Zone, this Clause does not apply to the proposal, and there is no requirement to consider this Clause further.

4.7. Other planning considerations

4.7.1. Aboriginal Cultural Heritage Sensitivity

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

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

One or two dwellings

Regulation 9 sets out that the 'construction or an extension to one or 2 dwellings on a lot' is an exempt activity. On this basis, a CHMP is not required for the proposed development.

5. Planning Assessment

5.1. Overview

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

- Is the proposal consistent with the Municipal Planning Strategy?
- Is the proposal consistent with the Planning Policy Framework?
- Does the proposal appropriately address the provisions of the Heritage Overlay?
- Does the proposal appropriately respond to the Design and Development Overlay?

5.2. Key considerations

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

The proposed extension has been designed to be integrated within the settlement of Port Fairy, where the MPS encourages infill development which is balanced against the protection of the heritage and built form character of Port Fairy. The redevelopment of the site, whilst retaining the existing dwelling, will support the ongoing role of Port Fairy as a key district town with a distinctive character (Clause 11 **Settlement**).

The proposed extension presents a sensitively design to integrate within the Cox Street Heritage Precinct. The proposed extension retains single storey height at the building frontage to Cox Street, with the two-storey form set back from the street façade, and designed to reference an attic-style form where the bulk of the second floor is contained within the roof form. The dwelling will provide a visual transition between the two-storey form to the east and the single storey dwelling to the west, and retains the characteristic setbacks of the street.

The proposed extension is of a high quality design, and include features sympathetic to the heritage values of the surrounding area, including appropriate setbacks of the second storey form and newer addition from the street, the retention of the existing dwelling to Cox Street, gable and hipped pitched roof forms, and vertically orientated windows on the Cox Street façade. The proposed garage is consistent with the surrounding character of garages within the Heritage Overlay and will integrate well into the surrounding built form character of the area. The proposal is considered to respond well to Clause 15 and Clause 02.03-5 of the Municipal Planning Strategy (**Built Environment and Heritage**).

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

5.2.2. **Does the proposal appropriately address the provisions of the Heritage Overlay?**

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

Decision Guideline	Response
General Issues	
The Municipal Planning Strategy and the Planning Policy Framework.	The Municipal Planning Strategy and the Planning Policy Framework have been considered in this report. Please see Section 5.2.1 .

Decision Guideline	Response
<p>The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.</p> <p>Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.</p> <p>Whether the demolition, removal or external alteration and proposed works will adversely affect the significance of the heritage place.</p>	<p>The Cox Street Heritage Precinct is of historical and architectural significance to the Shire of Moyne for its associations with key citizens of Port Fairy, of all classes and from all periods, and especially with William Rutledge. This is reflected in the surviving fabric of the buildings, particularly the stone cottages and timber houses, as they show the evolution of Port Fairy, from its commercial beginnings to more residential nature. The Precinct is identified as comprising a good degree of integrity and is in good condition, despite some major losses of nineteenth century buildings and some infill buildings.</p> <p>As identified by Council's Heritage Advisor, the dwelling is contributory to the precinct, as it comprises a timber cottage dating from post WWII and represents the later part of the Precinct's development.</p> <p>Accordingly, the extension to the dwelling, located at the rear of the existing dwelling, is not considered to adversely affect the broader values of the Cox Street precinct. The proposal will maintain the streetscape rhythm of Cox Street, whilst also providing a modern infill extension.</p> <p>The extension comprises elements which will integrate with the Cox Street precinct, including gable forms, and will retain the existing landscaped front yard, which will somewhat obscure views of the addition from the streetscape.</p>
<p>Any applicable heritage design guideline specified in the schedule to this overlay.</p>	<p>The proposal has been assessed against the Port Fairy Residential Heritage Precinct Heritage Design Guidelines.</p> <p>The proposed extension will harmonise with the heritage character of the precinct. The proposal includes design features such as pitched roofs, vertical rectangular windows, and is well located to the rear of the site.</p> <p>The proposed garage is sited behind the street façade of the dwelling, which will be compatible with the adjoining pattern of garages in the area.</p> <p>It is acknowledged the Guidelines encourage buildings that are constructed to a height of not more than one storey. In this instance, the two-storey component of the building is considered appropriate given it is setback from the street façade of the dwelling, the retention of the dwelling, and having regard to the character of the Precinct, which includes two storeys at 46 Gipps Street (infill development) and the former Bank of Victoria at 10 Cox Street (significant to Precinct).</p>

Decision Guideline	Response
<p>Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.</p> <p>Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.</p>	<p>The proposed extension will not adversely affect the significance of the Cox Street precinct.</p> <p>The proposal is considered to provide a suitable response to the Port Fairy Residential Heritage Precincts Heritage Design Guidelines, and the character outcomes expressed through the Design and Development Overlay (Schedule 10).</p> <p>The proposed extension will provide for an appropriate infill development and has mitigated the height and bulk of the dwelling by retaining the existing dwelling, and containing the second storey within an attic style form, setback from the ground floor façade.</p> <p>The appearance of the extension will integrate with the surrounding built form character and is considered to respect the heritage Precinct.</p> <p>Consideration has been given to the impact of the proposal on the significance of Mills Cottage at 40 Gipps Street. The properties share a common boundary, which comprises a small portion of the northern boundary of 40 Gipps Street, and the southern boundary of 1 Cox Street. The proposed extension is located 12 metres from the southern boundary of 1 Cox Street, and approximately 50 metres from Mills Cottage. Given the ample setback, it is considered the proposed extensions will not have any appreciable impact of the significance of the Mills Cottage setting. Due to the high wall along the Gipps Street frontage of the Mills Cottage site, the topography of the land, and the visual prominence of the Norfolk Island Pines, it is not anticipated the extension will be highly visible in the Gipps Street streetscape.</p>

5.2.3. Does the proposal appropriately address the provisions of the Design and Development Overlay?

The following table provides an assessment of the proposal against the requirements of Schedule 2 to the Design and Development Overlay.

Response to Design Objectives:

DDO2 Design Objectives	Response
To deliver high quality and contemporary design responses that support the integration of new development with Port Fairy's historic character.	The proposal comprises an extension to the existing dwelling, which provides a contemporary design response, whilst integrating the development with the historic qualities of the locality.
To encourage small building footprints that respond to heritage and infrastructure constraints and provide for housing diversity.	The proposal contributes to the diversity of housing in Port Fairy by providing a dwelling which will allow long term occupation by the owner as a result of the universal design principles incorporated into the project.
To retain the landscape qualities of the precinct and minimise the detrimental visual impact of car parking and outbuildings.	The extension maintains the streetscape rhythm with respect to the existing pattern of garages alongside the boundaries of properties, and the existing dwelling is retained.

Response to Requirements for Buildings and works:

DDO2 Requirement	Response
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.	Complies. The site coverage is considered to respect the character the surrounding buildings, and the open space character of the area.
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.	Complies. The design of the extension comprises a highly articulated design including a variety of roof forms and changes in height, which effectively breaks down the mass and bulk of the dwelling extension. The first floor is setback 13 metres from the frontage of the site to Cox Street.
Building Height and Siting	
Building height, other than in Wishart Street, should not exceed 7 metres.	Complies. Height is less than 7 metres.
Building Setbacks	
The setbacks of new buildings should retain the established development pattern and respect characteristic setbacks.	Complies. The siting of the extension is located towards the rear of the existing dwelling, and responds well to the development pattern of the streetscape and existing setback pattern of nearby dwellings, with particular reference to the setback of the dwellings to the east and west.

First floor extensions should be set back as far as possible from the street to minimise visual intrusion in the rhythm of the streetscape.	Complies. The first floor extension is setback as far as practical to minimise visual instruction in the streetscape. It is noted that the dwelling to the east (46 Gipps Street) comprises a two storey form and the proposal would be in keeping with the height of this form, and the dwelling at 5 Cox Street.
<p>Any part of a new building or extension should be set back:</p> <ul style="list-style-type: none"> - 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. 	<p>Variation. The existing dwelling is set close to the eastern boundary, which is not proposed to be altered. The extension is then to be built on the boundary behind the existing dwelling, approximately 13 metres from the street frontage. Given the large setback to the street, and the fence proposed in front of this, the reduced setback is considered appropriate.</p> <p>The proposed garage is to be setback on the western boundary, which is considered to maintain the existing siting of the carport to be removed.</p> <p>Although the combined setbacks between buildings on adjacent properties is not met, sufficient space is to be provided around the existing dwelling to maintain the setting of the existing dwelling and maintain the streetscape rhythm.</p>
Frontage Presentation	
Buildings should provide an attractive edge to the street and enable passive surveillance of the street.	Complies. The existing dwelling façade is to be maintained, and glazing to be provided at first floor which will enable passive surveillance of the street.
Design Detailing	
<p>Building materials, form, colours and roof pitch should respect the character of the precinct.</p> <p>When constructing new buildings or extensions or carrying out works:</p> <ul style="list-style-type: none"> - Natural materials such as timber or stone should be used. - Unrendered brickwork or blockwork should be avoided to a street facing facade. - Reflective materials should be avoided. - Non-reflective materials should be used for roofs. - Silver aluminium windows or doors should be avoided. 	<p>Complies. The extension comprises a mix of materials in a palette to complement the existing dwelling.</p> <p>Rendered masonry walls are proposed, along with horizontal weatherboards to respond to the character of the area.</p> <p>Reflective materials and silver aluminium has been avoided.</p>

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.	<p>Complies. The garage is setback behind the front wall of the existing cottage and 8.29 metres from the property boundary, which is further than the existing carport.</p> <p>The siting and design of the garage and parking area is reflective of the siting and design of garages in the area, and is not considered to result in any adverse visual impacts in the locality.</p>
Garages should have a maximum external width of 6.5 metres.	Complies. A single width garage is proposed.
Garages should be sited at least 1 metre behind the front wall of a building (excluding porticos and projecting windows).	Complies. The garage is setback greater than 1 metre behind the front wall of the building.
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.	Variation. The garage is setback along the western boundary to retain the siting of the existing carport, and to maintain northern orientation to living areas to the rear.
Landscaping and Fencing	
Landscaping should utilise predominantly indigenous species.	Complies. The existing landscaping including garden beds and the existing tree is to be retained in the front yard, as shown on the Site Plan.
Fences forward of, or parallel to, the front façade should be at least 50 per cent visually permeable.	Variation. Fencing is to comprise approximately 28% permeability, as per detail on plans, which is considered to be an appropriate outcome having regard to the neighbouring fencing character.
Service boxes and storage areas should be located where they are not visible from the street or are visually screened using quality materials or landscaping.	Complies. Storage areas are located to the east and are screened.

On balance, the proposal is considered to respond appropriately to the character outcomes sought by the Design and Development Overlay.

6. Conclusion

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

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

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

Myers Planning & Associates

October 2024

Appendices

Appendix A	Certificate of Title
Appendix B	Town Planning Drawings
Appendix C	Site Photos