



**MPAA**  
STUDIO

## TOWN PLANNING REPORT

DWELLING, AGRICULTURAL SHED AND REMOVAL OF  
VEGETATION  
2681 PRINCES HIGHWAY, PORT FAIRY  
ISSUED 27 NOVEMBER 2024

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# OVERVIEW

## Background

Address	2681 Princes Highway, Port Fairy
Lot Description	Land in Plan of Consolidation 375165L (Volume 11878 Folio 413)

## 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 12 Environment and Landscape Values Clause 13 Environmental Risks and Amenity Clause 15 Built Environment Clause 19 Infrastructure
Zone	Farming Zone.
Overlays	Environmental Significance Overlay (ESO1) Significant Landscape Overlay (SLO4)
Particular Provisions	Clause 52.17 Native Vegetation
Policy Documents	Marine and Coastal Policy (2020) Siting and Design Guidelines for Structures on Victorian Coast (May 2020)

## Permit Application Details

Description of Proposal	Buildings and works to construct a dwelling and agricultural shed and removal of vegetation
Permit requirement	Clause 35.07-4: Farming Zone - Buildings and works. Clause 42.01-2: Environmental Significance Overlay - Buildings and works, removal of vegetation. Clause 42.03-2: Significant Landscape Overlay - Buildings and works, removal of vegetation. Clause 52.17-1: Native Vegetation - Removal of native vegetation

# QUALITY ASSURANCE

**Town Planning Report**

Dwelling, agricultural shed and removal of vegetation

2681 Princes Highway, Port Fairy

**Project Number**

24-1368

**Revision**

02

**Prepared By**

AP

**Project Lead**

AP

**Issued**

26 November 2024

<b>Revision</b>	<b>Date</b>	<b>Issue</b>
00	15 August 2024	Draft issued to client
01	16 August 2024	Lodgement with Council
02	27 November 2024	Response to Council RFI



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# 1. INTRODUCTION

This report has been prepared by Myers Planning & Associates in support of a planning permit application for buildings and works to construct a dwelling and agricultural shed and removal of vegetation at 2681 Princes Highway, 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 35.07-4: Farming Zone - Buildings and works.
- Clause 42.01-2: Environmental Significance Overlay - Buildings and works, removal of vegetation
- Clause 42.03-2: Significant Landscape Overlay - Buildings and works, removal of vegetation.
- Clause 52.17-1: Native Vegetation - Removal of native vegetation.

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:

- Town Planning Drawings, prepared by Abe McCarthy Architects;
- Coastal Hazard Vulnerability Assessment, prepared by Water Technology;
- Land Capability Assessment, prepared by Provincial Geotechnical.
- Native Vegetation Assessment Report, prepared by Okologie Consulting.

## 1.1. Limitations

This report has considered the following documents:

- Moyne Planning Scheme (last updated by VC263 on Friday 22 November 2024);
- Certificate of Title (dated 15 August 2024).



## 2. SITE AND SURROUNDS

### 2.1. Site description and title particulars

Site address	2681 Princes Highway, Port Fairy
Title details	Land in Plan of Consolidation 375165L (Volume 11878 Folio 413)
Site description	The Site is an irregular shape, and comprises three parts with a combined area of with an area of 45.01 hectares and a frontage of approximately 255 metres to the Princes Highway.
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 comprises land in Land in Plan of Consolidation PC 375165L, which comprises an overall area of 44.97 hectares in three parts.

The largest part of the property comprises an area of 39.85 hectares and is located south of the Princes Highway, between the existing dwellings known as 2681 and 2689 Princes Highway. This part of the Site comprises an existing crossover, fencing which reflects the agricultural use of the land, and is used for grazing of cattle.

The Site also comprises two smaller parts, located south of an unmade government road, which generally sits north of the dune area in the southern portion of the Site. These two portions are located either side of the Sandhills Cemetery site, which comprises Crown Land not in this title and not subject to this application. The eastern part of the title comprises a section of land which appears cleared in association with the historical use of the land for agriculture, alongside a more hilly, vegetated dune formation. The western part of the title (the site of the proposed buildings) comprises a more cleared area, with a gentle undulating topography and higher points on the western and eastern sides of this part of the Site. Two temporary sheds (to be removed) are currently located within this part of the Site.

The overall topography of the Site reflects the broader landscape character of the adjoining properties, with the land falling away from the Princes Highway, down towards the central portion of the Site. This central area comprises a Mapped Wetland, although has historically been used for grazing as part of the agricultural use of the land. The land then rises to the south to the dune area, before falling away to the beach south of the Site.

Vegetation within the Site comprises exotic dominated grassland (improved pasture) associated with the agricultural use of the land, along with a highly modified cover of Coastal Dune Scrub in the southern section of the Site, and a modelled Current Wetland throughout the central area of the Site. Refer to **Appendix F** Native Vegetation Assessment Report for a detailed assessment of the existing vegetation within the development area.

The site of the proposed buildings, is subject to a number of site constraints, including the unmade government road, the mapped wetland, the coastal dune scrub native vegetation, as well as areas impacted by coastal erosion and coastal inundation. These constraints have been shown within the Town Planning Drawings - Site Analysis Plan (Sheet TP05).

Refer to **Figure 1** Aerial Plan, **Appendix B** Town Planning Drawings, **Appendix C** Site Photos and **Appendix F** Native Vegetation Assessment Report.





Figure 1: Aerial Plan

### 2.3. Site context

The Site is located immediately west of the 'Port Fairy West / Thistle Place' area, west of the township of Port Fairy. The Port Fairy West area is located within the Low Density Residential Zone and the Rural Living Zone and comprises two distinct areas of development, one centred around the Princes Highway and Thistle Place roads, and another strip of development along the dune in the south.

To the east, the surrounding land is within the Farming Zone, the same as the subject Site. South of the Princes Highway, and along the area between Dura Lane and the Site, dwellings are located on a range of lot sizes, and similar to the pattern of development in Port Fairy West, are either located along the higher land nearby to the Princes Highway, or south along the dune area.

Approximately 1.5 kilometres to the west of the Site is an established aquaculture facility, which comprises a collection of light-coloured buildings located near the dune.



The Site's key interfaces are as follows:

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North	2684 Princes Highway, comprising a dwelling on a lot of approximately 33 hectares, located north of the Princes Highway.
East	2681 Princes Highway, comprising a dwelling on a lot of approximately 5.6 hectares and located within the Farming Zone.  2581 Princes Highway, comprising a dwelling located in the southern part of the Site along the dune. This property is within the Rural Living Zone.
South	Sandhills Cemetery, comprising Crown Land a generally unkempt former cemetery located within the Heritage Overlay.  Further south is Crown Land comprising the coastal reserve and the beach and ocean.
West	2689 Princes Highway, comprising a dwelling on a lot with an area of approximately 4 hectares.  2747 Princes Highway, comprising a historic farmhouse on the land, within the Heritage Overlay, located on a high point near the Princes Highway.

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## 3. PROPOSAL

### 3.1. Overview

The proposal seeks planning approval for buildings and works to construct a dwelling and agricultural shed and removal of vegetation, at 2681 Princes Highway, Port Fairy.

### 3.2. Planning permit triggers

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

- Clause 35.07-4: Farming Zone - Buildings and works.
- Clause 42.01-2: Environmental Significance Overlay - Buildings and works, removal of vegetation.
- Clause 42.03-2: Significant Landscape Overlay - Buildings and works, removal of vegetation.
- Clause 52.17-1: Native Vegetation - Removal of native vegetation.

### 3.3. Key elements

#### **Siting:**

The buildings are to be located in the south western corner of the Site, with the agricultural shed located within the larger portion of the title, and the dwelling located on the southern portion, south of the unmade government road. The buildings are setback a minimum 20 metres from the western boundary, 63 metres to the southern boundary, and 40 metres to the south eastern boundary of this portion of the title. The effluent disposal area is to be located to the northeast of the dwelling siting.

#### **Dwelling:**

The dwelling comprises a basement vehicle access ramp to the basement level, which contains:

- Garage and vehicle storage areas
- An entry hall, and central stairwell
- Storage rooms, plant room, and lift
- A mud room, steam room, shower and WC,
- Wine room, walk in storage and safe storage,
- Home cinema room.

At ground floor, guest parking and access is provided via a northern gravel forecourt, with access stairs to the entry porch in the eastern wing of the dwelling. The dwelling design wraps around a central north-facing courtyard, a north terrace, and a kitchen garden. It also includes east and south terraces, with the south terrace featuring steps that lead down to ground level.

At ground floor the dwelling comprises:

- Master bedroom, dressing room and ensuite,
- Three further bedrooms, each with dressing rooms and ensuites,
- Open plan kitchen, living / sitting and dining room with butler's pantry,
- Library, office and laundry.

To the east of the dwelling is a detached pool house which comprises:

- Pool, including sundeck, spa and beach entry,
- Enclosed pool lounge including kitchenette, island bar, and pool change room,
- Undercover BBQ and outdoor dining area,
- Pool backwash tank and filtration equipment located below the deck on the east terrace.



**Agricultural shed:**

To the west of the dwelling, the agricultural shed comprises a north facing access forecourt, with two agricultural machinery and grain / hay storage zones either side of a central vehicle store. Pedestrian access is provided from the eastern end of the building, alongside a covered parking area. The shed also contains a small kitchenette, WC, and office / den space. The shed is to be used in association with the agricultural use of the land.

**External appearance and materials:**

The dwelling comprises a series of gable roof forms pitched at 25 degrees, located around a central lower roof form pitched at 3 degrees. The pool house and agricultural shed comprise gable roof forms pitched at 25 degrees and sections of lower roofs at 3 degrees, to complement the dwelling.

The buildings are provided with a cohesive suite of external materials, designed to reflect the natural landscape setting of the buildings. The external materials include:

- Natural stone walling in an earthy colour tone for external and internal wall cladding, including retaining walls and chimneys,
- Australian hardwood expressed posts and beams in a naturally weathered tone for timber structural elements,
- Australian timber lining boards and battens in a natural weather or stained tone for external wall elements,
- Standing seam profile metal roofing in black or dark grey tone for visible gabled roof cladding,
- Aluminium / metal finish in black colour tone for window frames and detail accents,
- Diamond sawn bluestone tiles for external stone paving and landscape elements,
- Tumbled basalt pebbles for unsealed driveway and landscape elements
- Black asphalt for sealed driveway and landscape elements,
- Precast concrete with formwork pattern in a subtle earthy tone for the agricultural shed external walls.

**Removal of vegetation:**

The application proposed the removal of 0.444 hectares of native vegetation, comprising Coastal Dune Scrub and the modelled Current Wetland.

**Ancillary works:**

An in-ground rainwater tank is provided for the dwelling to the east of the northern guest parking forecourt. Two further 88,900L rainwater tanks, are provided to the west of the agricultural shed, with connections and fittings to allow access by the CFA for firefighting purposes.

Access to the buildings is to be provided via the existing crossover to the Princes Highway, generally located in the centre of the frontage of the Site. The access is to be constructed to ensure access is provided above levels of inundation within the lower lying areas of the land, subject to the requirements and standards of the responsible authority and referral authorities.

Refer to **Appendix B** Town Planning Drawings for full details of proposal.



## 4. PLANNING POLICIES AND CONTROLS

### 4.1. Municipal Planning Strategy

#### Clause 02.01 Context

The Moyne Shire is located in south western Victoria and occupies an area of approximately 5600 square kilometres. The Moyne and Hopkins Rivers flow through the municipality from north to south. The Hamilton and Princes Highways are the main road links through the municipality.

The Shire has a coastline of over 90 kilometres extending westward (with the exception of the City of Warrnambool) from Curdies Inlet near Peterborough, to a point near the mouth of the Fitzroy River approximately mid-way between Port Fairy and Portland. The western portion of the Shire extends some 50 kilometres inland from Port Fairy, whilst the eastern portion extends some 90 kilometres inland.

The population of Moyne (approximately 17,374 in 2021) is growing modestly, with strong demand for growth along coastal areas.

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 is:

*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:

- Live in well-planned and connected neighbourhoods that protect our way of life and cultural heritage.
- Have access to housing that suits our budget, the size of our family and lifestyle needs.
- Move around Moyne easily.
- Have access to affordable transportation services regardless of our age or where we live.
- Be supported to live off the grid and have access to renewable energy benefits through local partnerships and an increased uptake of sustainable practices locally.
- Set the standard for sustainable farming practices.
- Actively reduce our carbon emissions and support the regeneration of land.
- Be innovators and use technology to increase the quality and quantity of farming while protecting the environment.
- Support the growth of our local industries through digital innovations and encouraging local expertise.

#### Clause 02.03 Strategic Directions

##### Clause 02.03-2 Environmental and landscape values

The coastal areas of the municipality are an important biodiversity, recreation and economic asset. There is a need to protect and manage the coast in an environmentally sustainable manner. This includes ensuring that development on the coast recognises the sensitive nature of these assets.

The natural landscape of the municipality is an important asset that requires protection from inappropriate use and development. The visual and environmental implications of development on the municipality's natural features can destroy the attractiveness and environmental qualities of the area.

Relevant strategic directions include



- Protect significant landscapes and natural environments
- Protect areas of remnant native vegetation, particularly along roadsides and on freehold land, recognising the ecological and economic value.
- Manage land use and development to minimise impacts on coastal and river environments.

**Clause 02.03-3 Environmental risks and amenity**

The coast is under threat from the effects of climate change, including sea level rise and increased storm surges. 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.

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

Relevant strategic directions include:

- Avoid development in coastal locations that may be affected by climate change impacts.
- Ensure land use and development responds to fire risk

**Clause 02.03-5 Built environment and heritage**

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.

Relevant strategic directions include

- Retain the openness of the rural landscape between townships by limiting development.

**Clause 02.4 Strategic Framework Plan**



Figure 2: Moyno Strategic Framework Plan



See **Section 5.2.1** for an assessment of the application against 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 to the Site and the proposal are set out below.

### Clause 11 Settlement

- Clause 11.01-1S **Settlement**: Seeks to facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.
- Clause 11.01-1R **Settlement - Great South Coast**: Aims to attract more people to the region.
- Clause 11.01-1L-01 **Settlement - Moyne**: Relevant strategies include:
  - o Discourage residential subdivision or development in sensitive or dynamic areas such as primary or secondary sand dunes, wetlands or where views to and from scenic landscapes such as The Bay of Islands Coastal Park, The Crags, Lake Yambuk and Tower Hill may be impacted.
  - o Maintain the rural character and natural landscape beyond townships and settlements.
- Clause 11.01-1L-02 **Settlement - Port Fairy**: The Port Fairy Framework Plan shows the site as being within a rural living area. See Figure 3 below.

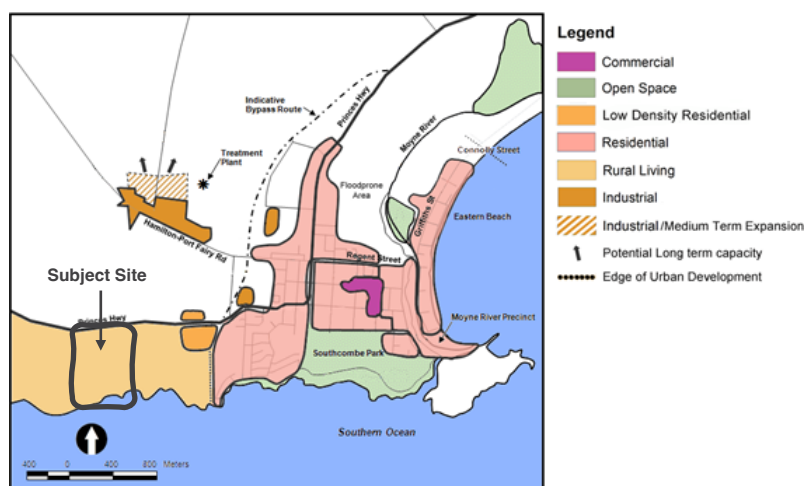


Figure 3: Port Fairy Framework Plan

- Clause 11.03-4S **Coastal settlement**: Aims to plan for sustainable coastal development. Relevant strategies include:
  - o Minimise linear urban sprawl along the coastal edge and ribbon development in rural landscapes.
  - o Protect areas between settlements for non-urban use.
  - o Limit development in identified coastal hazard areas, on ridgelines, primary coastal dune systems, shorelines of estuaries, wetlands and low-lying coastal areas, or where coastal processes may be detrimentally impacted.
  - o Ensure a sustainable water supply, stormwater management and sewerage treatment for all development.

### Clause 12 Environment and Landscape Values

- Clause 12.01-1S **Protection of biodiversity**: Seeks to protect and enhance Victoria's biodiversity.
- Clause 12.01-2S **Native vegetation management**: Aims to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.
- Clause 12.02-1S **Protection of the marine and coastal environment**: Seeks to protect and enhance the marine and coastal environment.

- Clause 12.02-1L **Protection coastal areas - Moyne**: This policy applies to land adjacent to the coastline including the area affected by the Environmental Significance Overlay Schedule 1. Relevant strategies include:
  - o Ensure development provides substantial landscaping using environmentally suitable plant species to screen and blend development with coastal environs.
  - o Discourage new access roads leading to or running parallel with the coastline.
  - o Discourage the development of buildings and structures on sand dunes on free hold properties.
  - o Discourage soil removal and excavation close to the boundary of the coastal reserve.
- Clause 12.02-1L-02 **Coastal landscapes**: This policy applies to the development of land affected by the Significant Landscape Overlay Schedules 3, 4, 5 and 6, and seeks to maintain locally significant views and vistas that contribute to the character of the coastal and coastal hinterland region. Relevant strategies include:
 

Built form:

  - o Encourage development that is subordinate to the natural, visual and environmental landscape character and significance.

Vegetation:

  - o Use indigenous species or non-invasive native / exotic plantings that are already a feature of the area for landscaping around developments.
  - o Ensure that indigenous coastal vegetation in the Significant Landscape Overlay Schedule 4 - Lake Yambuk to Port Fairy Coast Landscape Area is the dominant feature of the coastal landscape.

Between settlements - coastal locations:

  - o Ensure building design responds to the natural setting in relation to siting, materials and colours.
  - o Establish substantial landscaping around buildings in open landscapes using indigenous coastal vegetation.
  - o Minimise visual clutter of the coastal landscape.
  - o Ensure development retains views to the coast, capes and hinterland.
- Clause 12.03-1S **River and riparian corridors, waterways, lakes, wetlands and billabongs**: Aims to protect and enhance river and riparian corridors, waterways, lakes, wetlands and billabongs.
- Clause 12.05-1S **Environmentally sensitive areas**: Seeks to protect and conserve environmentally sensitive areas.
- Clause 12.05-2S **Landscapes**: Aims to protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.

#### **Clause 13 Environmental Risks and Amenity**

- Clause 13.01-1S **Natural hazards and climate change**: Seeks to minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning.
- Clause 13.01-2S **Coastal inundation and erosion**: Aims to plan for and manage coastal hazard risk and climate change impacts.
- Clause 13.02-1S **Bushfire planning**: Aims to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.
- Clause 13.04-2S **Erosion and landslip**: Seeks to protect areas prone to erosion, landslip or other land degradation processes.

#### **Clause 15 Built Environment**

- Clause 15.01-6S **Design for rural areas**: Aims to ensure development respects valued areas of rural character.
- Clause 15.03-1S **Heritage conservation**: Seeks to ensure the conservation of places of heritage significance.

#### **Clause 19 Infrastructure**

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



An assessment of the proposal against the policies of the PPF is contained within **Section 5.2.1** of this report.

## 4.3. Farming Zone

The Site is located within the Farming Zone (Clause 35.07). The purposes of the Farming Zone include:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

Pursuant to Clause 35.07-1 **Table of uses**, and the schedule to the Farming Zone, a permit is not required for the use of land for a dwelling where:

- It is the only dwelling on the lot.
- The area of the land is a minimum of 40 hectares.
- It meets the requirements of Clause 35.07-2 Use of land for a dwelling.
- It is located more than one kilometre from the nearest title boundary of land subject to a permitted or proposed wind energy facility, or land set aside for a wind energy facility.

The proposal meets the above requirements, and accordingly no permit is required for the use of the land for a dwelling. In addition, the use of the land for 'Agriculture' is a Section 1 use, and no permit is required for the use of the proposed agricultural storage shed.

Pursuant to Clause 35.07-4 **Buildings and works**, a permit is required to construct a building or construct or carry out works associated with a Section 1 Use, where the setbacks of the Clause are not met. Both proposed buildings are within 20 metres of an unmade government road. A permit is therefore required pursuant to Clause 35.07-4 for buildings and works.

There are no specific application requirements for buildings and works under the Zone. **Decision guidelines** are listed at Clause 35.07-6. See **Section 5.2.2** for a response to the Farming Zone.

## 4.4. Overlays

### 4.4.1. Environmental Significance Overlay

The Site is affected by Schedule 1 to the Environmental Significance Overlay (ESO1 - Coastal Areas and Estuaries). The purposes of the Environmental Significance Overlay include:

- To identify areas where the development of land may be affected by environmental constraints.
- To ensure that development is compatible with identified environmental values.

Clause 42.01-1 **Environmental significance and objectives** sets out a schedule to the Overlay must contain:

- A statement of environmental significance.
- The environmental objectives to be achieved.

The **Statement of environment significance** contained in Schedule 1 to the Environmental Significance Overlay states:

The Shire's coast is of outstanding environmental significance and is of value as a conservation, scientific and tourism resource. It supports a range of vital commercial, recreational and tourist activities amongst a diverse range of ecosystems of which Childers Cove, the Bay of Islands, The Craggs and Lake Yambuk are particularly



noteworthy. Although the coastal areas of the Shire contain significant sites of biodiversity much of the adjacent land has been cleared of native vegetation and developed for rural land uses. This has resulted in fragmented patches of remnant vegetation, which have become more important to protect and sustain because of their role as habitat.

Estuaries such as Lake Yambuk, Moyne River and The Cutting (former Merri River entrance) represent unique ecosystems comprising coastal saltmarshes, rushes, sedges and seagrasses which link catchments to the coastal marine environment. They are also under pressure associated with adjoining land management and river mouth openings. These areas are also sites which exhibit hazards related to sea level rise and potential acid sulphate soils and the need to consider these matters when considering development activity on the coast.

Estuaries and their associated wetlands are an important component of the landscape and are biologically productive ecosystems, which provide the following functions:

1. Provide habitat for native flora and fauna such as the Orange-bellied Parrot.
2. Provide nursery and breeding sites for aquatic fauna.
3. Trap sediments and assimilate and recycle nutrients.
4. Provide landscape value and are a valuable recreation resource.
5. Are sites of cultural, scientific, educational and economic significance, particularly with respect to fisheries.

The **Environmental objective** to be achieved includes:

- To protect and enhance flora and fauna habitat of the coast, estuaries, associated wetlands and indigenous native vegetation from the impacts of development.
- To protect and enhance the stability and environmental quality of sand dunes and coastal cliffs from the impacts of development.
- To protect the physical, biological and water quality integrity and functioning of estuaries from development within or adjoining an estuary including:
  1. Avoiding the interference of environmental flows, natural flooding regimes and tidal flows.
  2. The avoidance of interfering with the appropriate management of artificial river mouth openings of estuaries that minimises detrimental effects on the estuarine environment.
  3. The avoidance of concentrated stormwater flows and filtering of stormwater, nutrients and other pollutants.
  4. The prevention of soil erosion and sedimentation.
  5. The prevention of the disturbance of acid sulphate soils associated with estuaries and low-lying coastal areas.
  6. The recharge and discharge of ground waters.
- To encourage development including infrastructure to locate away from the sea, estuaries and wetlands through the use of buffer zones. Buffer zones can assist in protecting development from sea level rise hazards, mitigate the impacts of development and permit wetland vegetation to migrate as a result of predicted sea level rise associated with climate change.

Pursuant to Clause 42.01-2 **Permit requirement**, a permit is required to construct a building and carry out works and remove vegetation.

There are no application requirements listed Clause 42.01-4 or the Schedule. The Schedule notes all applications must be referred in accordance with Clause 66.04. **Decision guidelines** are listed at Clause 42.01-5 and in the Schedule to the Overlay. Refer to **Section 5.2.3** of this report for an assessment against the Environmental Significance Overlay, in addition to the Native Vegetation Report at **Appendix F**.





#### 4.4.2. Significant Landscape Overlay

The Site is affected by Schedule 4 to the Significant Landscape Overlay (SLO4 - Lake Yambuk to Port Fairy Coast). The purposes of the Significance Landscape Overlay include:

- To identify significant landscapes.
- To conserve and enhance the character of significant landscapes.

Clause 42.03-1 **Landscape character and objectives** sets out a schedule to the Overlay must contain:

- A statement of the nature and key elements of the landscape.
- The landscape character objectives to be achieved.

The **Statement of nature and key elements** of the landscape contained in Schedule 4 to the Environmental Significance Overlay states:

The coast from Lake Yambuk to Port Fairy is a contrasting mix of rugged, rocky coastline and long sandy beaches and dunes. There are notable scenic features at Lake Yambuk and The Craggs and these, combined with the panoramic views to Lady Julia Percy Island, make this stretch of coast regionally significant.

Lake Yambuk is a picturesque inland lagoon that is trapped behind the dune system, and The Craggs is a notable headland with high cliffs just outside Port Fairy. This is a largely untouched and attractive coastal landscape that is accessible to visitors, but still offers a sense of seclusion and remoteness.

The landscape is notable in Victoria's Western region as the point at which the rolling volcanic plains intersect with the sea. It has high Aboriginal significance with many known heritage sites along the coast, around The Craggs and at Lake Yambuk, and offshore at Lady Julia Percy Island.

The **Landscape character objectives to be achieved** include:

- To increase the coverage of native and indigenous vegetation, particularly in corridors that link to vegetated hillsides, and adjacent to Lake Yambuk.
- To protect and enhance indigenous coastal vegetation and ensure that it is the dominant feature of the landscape within the coastal strip.
- To protect locally significant views and vistas, including long and extensive views of the coastal and hinterland landscape from main roads throughout the landscape, and largely natural and unbuilt views of lakes and other water bodies from their edges.
- To ensure that development in and around settlements within the landscape does not impact on the characteristics of surrounding landscapes, including key views and viewing opportunities.
- To ensure that long stretches of the coastal strip between Lake Yambuk and Port Fairy remain free of visible development.
- To ensure that the settlement of Port Fairy has a clearly defined boundary between it and the natural landscape beyond.
- To protect the largely natural and undeveloped character of the landscape, viewed from, at or near the coast.
- To minimise the visual prominence and intrusion of developments on the coastal edge.
- To encourage landscape change that is consistent with the cultural heritage values of the landscape.
- To minimise the visibility of infrastructure, particularly in visually prominent areas of the landscape.
- To retain the character of the rural hinterland landscape, including cultural elements such as dry-stone walls and rocky outcrops.
- To ensure that shelter belt planting remains a feature of the rural hinterland landscape.
- To protect landscape character and attributes that are consistent with the Aboriginal cultural heritage values of the area.
- To recognise, and protect, the landscape of the Lake Yambuk to Port Fairy Coast as a place of significant Aboriginal cultural heritage value.



Pursuant to Clause 42.03-2 **Permit requirement**, a permit is required to construct a building and carry out works and remove vegetation.

There are no application requirements listed Clause 42.01-4 or the Schedule. The Schedule notes all applications must be referred in accordance with Clause 66.04. **Decision guidelines** are listed at Clause 42.01-5 and in the Schedule to the Overlay. Refer to **Section 5.2.4** of this report for an assessment against the Significant Landscape Overlay.

## 4.5. Particular Provisions

### 4.5.1. Clause 52.17 Native Vegetation

Clause 52.17 is applicable to the planning application given the proposal includes the removal of native vegetation. The purpose of Clause 52.17 is:

- To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three-step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):
  1. Avoid the removal, destruction or lopping of native vegetation.
  2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
  3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.
- To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.

Pursuant to Clause 52.17-1 a permit is required to remove 0.444 hectares of native vegetation.

A Native Vegetation Assessment Report has been prepared by Okologie Consulting, and is attached at **Appendix F**.

The Native Vegetation Assessment Report provides a detailed response to the **Application Requirements** of Clause 52.17-2, the **Decision Guidelines** of Clause 52.17-4, and demonstrates a suitable offset is available pursuant to Clause 52.17-5.

## 4.6. Other planning considerations

### 4.6.1. 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.

**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 respond to the Farming Zone?
- Does the proposal appropriately respond to the Environmental Significance Overlay?
- Does the proposal appropriately respond to the Significant Landscape Overlay?
- Does the proposal appropriately respond to Clause 52.17 Native Vegetation?

### 5.2. Key considerations

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

The Moyne Shire comprises spectacular coastal areas which provide important biodiversity and economic assets, generate tourism revenue, and are dynamic locations subject to a range of coastal issues and processes which must be considered in the context of development. Broadly, the Municipal Planning Strategy, Planning Policy Framework, and the Overlays which apply to the land seek to ensure these coastal areas are protected from inappropriate development, and ensure development recognises, and responds to the sensitive nature of these areas (Clause 02.01 **Context**, Clause 02.03 **Strategic directions**).

The proposal responds to these key characteristics of the Site and its location, and provides a sensitively designed, considered response to the location of the Site in the coastal environment. The Site is one of the only undeveloped parcels of land between the edge of the Port Fairy west urban areas, and the vegetated dune areas to the west of Dura Lane. The development of the Site will therefore not contribute to linear sprawl along the coastal edge, given the character of development, which includes the range of dwellings and agricultural buildings (aquaculture facility) currently located in this area. The information provided with the application, including the Coastal Hazard Vulnerability Assessment, and Land Capability Assessment demonstrate the buildings can occur without detrimentally affecting coastal processes (Clause 11.01-1L-01 **Settlement**, Clause 11.03-4S **Coastal settlement**, Clause 19.03-3S **Integrated water management**).

The proposed buildings respect the coastal location of the Site, and provide an appropriate response to Clause 02.03-2 **Environmental and landscape values** and Clause 12 **Environment and Landscape Values**. A response to the Marine and Coastal Policy 2020 and the Siting and Design Guidelines for structures on Victorian Coast (May 2020) is provided at **Appendix G** and **H** respectively.

The proposed buildings are low scale, designed to sit modestly in the coastal setting, and will be read generally as single storey, and mostly contained within the suggested 8 metre height guideline (with the exception of the chimney forms). Given the large setback from the Princes Highway, the buildings will not be dominant visual features of the landscape when viewed from either the Highway, or the coast. The design of the buildings has given regard to the landscape features of the siting of the buildings, with the scale and height of the buildings kept lower than the highest point of the adjoining high points of the dunes on the east and west. This ensures the buildings are not dominant over the landscape.

The proposed buildings utilise a materials palette of natural materials appropriate for the coastal location, including natural stone walls, timber cladding, bluestone and precast concrete. The dwelling and machinery shed are to be surrounded by local indigenous species plantings, to integrate the buildings within the coastal landscape. Views across the Site to the coast will be largely unaffected by the proposed development given the scale of the buildings proposed.



The application has been accompanied by a Coastal Hazard Vulnerability Assessment (Water Technology, 2024) (CHVA) which provides a detailed assessment of coastal erosion and coastal inundation in relation to the proposal, and assesses the coastal vulnerability of the project. The CHVA identifies the proposal is not impacted by storm erosion hazard, and the Site is of a low risk to property and life due to erosion by 2100. The CHVA also identifies the proposal is largely not impacted by coastal inundation, including storm tide conditions due to the finished floor levels proposed. The development footprint is identified as being at risk of being impacted by the effects of wave run-up, however this is considered as being a low rate of runup and overtopping. This risk has been appropriately mitigated through design features, as the landscape wall lines to the dwelling perimeter and basement entry ramp wall edges sit elevated above the wave run-up level, with landscape areas sloped to ensure water runs off appropriately. In addition, a detailed drainage design (subject to appropriate permit conditions) can be implemented to ensure the appropriate management of water, including for the management of overland stormwater and the basement areas, to mitigate any concerns with water entry to this area.

The proposed accessway to the development Site is identified as being at medium risk of inundation by both present-day and future storm tide conditions, and it is recommended the driveway be designed to be above such conditions. Subject to conditions on any permit issued which appropriately implements these recommendations, the proposal is considered to appropriate mitigate risks associated with the coastal setting of the Site (Clause 02.03-3 **Environmental Risks and Amenity**, Clause 13.01-1S **Natural hazards and climate change**, Clause 13.01-2S **Coastal inundation and erosion**).

The land is within a Bushfire Prone Area, but is not within the Bushfire Management Overlay. The proposal does not result in any significant increased bushfire risk, and the appropriate BAL-rating will be determined for the structure at the building permit stage (02.03-3 **Environmental Risks and Amenity**, Clauses 13.02-1S **Bushfire planning**).

The architect-designed buildings are high-quality design, thoughtfully crafted to integrate with the surrounding landscape, and carefully sited and scaled to respect the setting. The design respects and preserves the character of the surrounding rural area, and utilises natural materials to complement the surrounding landscape. The proposed landscaping will further integrate the buildings within the Site. The siting of the buildings, and the design proposed, will not adversely affect the adjoining properties which are identified within the Heritage Overlay, including the Sandhills Cemetery and the farmhouse at 2747 Princes Highway (Clause 02.03-5 **Built Environment and Heritage**, Clause **15 Built Environment**).

On balance, the proposal provides an appropriate response to the Municipal Planning Strategy, and the Planning Policy Framework of the Moyne Planning Scheme.

## 5.2.2. Does the proposal appropriately respond to the Farming Zone?

The proposal complies with the Municipal Planning Strategy and the Planning Policy Framework, as outlined in **Section 5.2.1** of this report.

The Glenelg Hopkins Regional Catchment Strategy 2021-2027 (RCS) contains general objectives and management measures regarding the role of landowners in caring for and managing the environmental qualities of the land.

The RCS identifies the Site as being within the South Eastern Coastal Plains local area, although the Site is outside the Key Biodiversity Area (between Port Fairy and Warrnambool). Key challenges and threats in the South Eastern Coastal Plains include loss of habitat, degradation, weed invasion, coastal development and climate change impacts. The proposal is accompanied by a CHVA which appropriately addresses the coastal siting. The balance of this report demonstrates the proposal is generally in line with the objectives sought by the RCS.

The site is suitable for the proposed development. The pattern of development is in keeping with similar development along the coastal zone both east of the Site (Thistle Place area) and west (Dura Lane area). Visual impacts associated with the design and siting are appropriately mitigated by incorporating a generally single storey form, sympathetic colours and materials, and indigenous landscaping to integrate the buildings into the landscape.

On balance, the proposal is consistent with the Farming Zone.



### 5.2.3. Does the proposal appropriately respond to the Environmental Significance Overlay?

The proposed development has been designed to ensure it is respectful of the coastal location of the Site, having regard to the unique environmental qualities of the Site including the wetland area, and coastal interface. The proposed development seeks to minimise ground disturbance by utilising existing access locations, to avoid impacts to native vegetation.

The CHVA prepared for the proposal demonstrates the siting of the buildings will not be adversely affected by coastal erosion or inundation, subject to implementation of the recommendations in relation to drainage and access. It is intended to upgrade the existing access to the building site to provide suitable access in accordance with the requirement of the responsible authority, and any other authorities, above any identified inundation levels.

The proposal is not anticipated to impact on any neighbouring properties, given the generally similar land uses and development occurring on these properties. The adjoining Sandhills Cemetery will remain unaffected by the proposal.

Wastewater will be disposed of in line with best practice standards, as outlined in the Land Capability Assessment. The proposal will incorporate standard residential stormwater management, retained on site with overflow managed to ensure no adverse impacts to the coast, or the wetland areas.

Indigenous species are to be utilised to incorporate the development within the landscape, and further enhance the local biodiversity of the Site. This landscape area will also act as a landscape buffer between the buildings and the coastline, and the buildings and the wetland area. Further management of the wetland interface can be managed via permit conditions as considered appropriate by Council and the relevant authorities. Construction methods will be sensitive to the site location, and can be managed via permit conditions as required.

The proposed design is considered broadly consistent with the objectives and principles of the Siting and Design Guidelines for Structures on Victorian Coast (May 2020). The buildings are a high-quality design standard, compatible with the local character, with reference to the scale, design and external colours of nearby dwellings. The siting, size, height, materials, colours and external finishes are compatible with the coastal character of the area, and have been designed to be nestled within the higher points of the adjoining dunes. Cross ventilation is provided with ample doors and windows, and a north facing courtyard which is protected from coastal winds. Refer to **Appendix H** for a detailed response.

The proposal is considered to provide an appropriate response to the Environmental Significance Overlay.

### 5.2.4. Does the proposal appropriately respond to the Significant Landscape Overlay?

The character and setting of the proposed buildings are consistent with the character of buildings along the coast in the broader locality, where it is noted that this is not an area of coastline which is free from development. Dwellings, tourist accommodation and aquaculture facilities are dotted along the coastline west of Port Fairy, and the proposed buildings are in keeping with the scale and character of the buildings. The proposed buildings are clustered together in one area of the site, to mimic traditional homestead clusters, and are to be constructed of natural materials to integrate into the landscape.

The buildings have minimised earthworks where practical, whilst balancing earthworks and excavations with the height of the building to reduce the overall scale of the buildings. The buildings comprise traditional forms include generous roof pitches to reflect forms of the traditional buildings found in rural areas. Views of the buildings from the Princes Highway will be generally limited given the low scale of the building, and the large distance of the buildings from the Highway.

It is intended to landscape the area surrounding the proposed buildings to provide an overall increase in the quantity and quality of native vegetation on the Site, which has been affected by the agricultural use of the land. In turn, this will ensure the buildings are appropriately landscaped and integrated into the Site's coastal setting. The requirement to prepare a detailed landscape design is invited as a condition on any permit issued.



Given the modified quality of vegetation to be removed, the removal of vegetation in this instance is considered appropriate as it does not conflict with the landscape character objectives articulated in the Schedule to the Overlay.

The proposal is considered to provide an appropriate response to the Significant Landscape Overlay.

#### 5.2.5. Does the proposal appropriately respond to Clause 52.17 Native Vegetation?

The removal of native vegetation under Clause 52.17 is considered appropriate in this instance. As outlined in the Native Vegetation Assessment Report (**Appendix F**), the vegetation proposed to be removed is highly modified due to historical agricultural activities on the land. This modification is a key factor in assessing the proposal as an acceptable outcome.

The siting of the proposed buildings has been carefully considered to balance the objectives of the Moyne Planning Scheme while addressing site specific constraints, including native vegetation, erosion hazards, inundation risks, and siting and design considerations. Considering the modified nature of the vegetation at the dwelling site, and the coastal erosion and inundation extents identified in the Coastal Hazard Vulnerability Assessment, the proposed siting, resulting in a minor loss of native vegetation, is considered an appropriate outcome in this context.

Further details are provided in the Native Vegetation Assessment Report included as **Appendix F**.



## 6. Conclusion

The proposal aligns with the objectives of both the Municipal Planning Strategy (MPS) and the Planning Policy Framework (PPF) by supporting the sustainable development of the land for the purposes of a dwelling.

The proposal is respectful of the coastal setting and comprises a high-quality design which is appropriate for the Site, having regard to the Farming Zone, Environmental Significance Overlay, the Significant Landscape Overlay and Clause 52.17 provisions.

The proposal appropriately balances the site constraints, and provides a development which mitigates risks associated with the coastal setting to an appropriate level, whilst also providing a sensitive response to local conditions.

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

**Amanda Power**

**Associate, MPAA Studio**

27 November 2024



# APPENDICES

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Appendix A	Certificate of Title
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Appendix B	Town Planning Drawings
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Appendix C	Site Photos
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Appendix D	Coastal Hazard Vulnerability Assessment
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Appendix E	Land Capability Assessment
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Appendix F	Native Vegetation Assessment Report
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Appendix G	Marine and Coastal Policy Response
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Appendix H	Siting and Design Guidelines for Structures on Victorian Coast Response
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