



**MPAA**  
STUDIO

## TOWN PLANNING REPORT

PROPOSED DWELLING  
4 RITCHIE STREET, PORT FAIRY  
ISSUED 13 FEBRUARY 2025

(03) 5562 9443  
info@mpaastudio.co

1 Dispensary Lane, Warrnambool  
Level 1, CoLab (above Allee Espresso)

# OVERVIEW

## Background

Address	<a href="#">4 Ritchie Street, Port Fairy</a>
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Lot Description	Lot 1 on Title Plan 821544
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## Relevant Planning Controls

Municipal Planning Strategy	Clause 02.01 Context
	Clause 02.02 Vision
	Clause 02.03 Strategic directions

Planning Policy Framework	Clause 11 Settlement
	Clause 13 Environmental Risks and Amenity
	Clause 15 Built Environment and Heritage
	Clause 16 Housing

Zone	Neighbourhood Residential Zone
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Overlays	Design and Development Overlay (Schedule 5)
	Erosion Management Overlay (Schedule 1)

Particular Provisions	None applicable
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## Permit Application Details

Description of Proposal	Building and works to construct a dwelling
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Permit requirement	Clause 43.02-2: Design and Development Overlay - Buildings and works
	Clause 44.01-2: Erosion Management Overlay - Building and works



# QUALITY ASSURANCE

<b>Town Planning Report</b>	<b>Project Number</b>
Proposed dwelling	24-1454
4 Ritchie Street, Port Fairy	
	<b>Revision</b>
	03
	<b>Prepared By</b>
	SM / AP
	<b>Project Lead</b>
	SM
	<b>Issued</b>
	13 February 2025

Revision	Date	Issue
03	13 February 2025	Final report

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# 1. INTRODUCTION

This report has been prepared by MPAA Studio in support of a planning permit application to construct a new architect-designed residence at [4 Ritchie Street, Port Fairy](#) (the 'Site'). The proposal has been carefully designed to integrate with the established coastal character of Port Fairy while responding to site conditions, environmental risks, and relevant planning controls.

The replacement dwelling is a contemporary, two-storey home that utilises high-quality, coastal-appropriate materials and a site-responsive design to minimise visual bulk and enhance the surrounding streetscape. The garage is recessed into the natural topography, reducing its prominence, while landscaping and retention of key vegetation ensure the proposal contributes to the green, open character of the area. The dwelling's setbacks, scale, and articulation support view sharing and neighbourhood integration, ensuring an outcome that is both visually and functionally appropriate.

This report demonstrates that the proposal aligns with the objectives of the Moyne Planning Scheme, including the Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF), by delivering a high-quality, well-integrated residential development that respects neighbourhood character, environmental resilience, and strategic planning objectives. The proposal also satisfies the Design and Development Overlay Schedule 5 (DDO5) requirements, ensuring an appropriate built form outcome that reinforces the coastal setting of Port Fairy.

The proposal represents a considered and sustainable redevelopment, contributing to Port Fairy's long-term growth and resilience while preserving its valued coastal character.

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

- Certificate of title (11 December 2024)
- Site photos
- [Town Planning Drawings](#) prepared by Pandolfini Architects (13 February 2025).

## 1.1. Limitations

This report has considered the following documents:

- Moyne Planning Scheme (Planning scheme last updated by VC237 on Tuesday 14 January 2025).



## 2. SITE AND SURROUNDS

### 2.1. Site description and title particulars

Site address	<a href="#">4 Ritchie Street, Port Fairy</a>
Title details	Lot 1 on Title Plan 821544R
Site description	<p>The site is rectangular in shape, measuring 19.99 metres in frontage to Ritchie Street and 40.23 metres in depth, with a total area of 806 square metres. It is developed with a single-storey dwelling, constructed in brick veneer with a corrugated metal roof, likely dating back to the 1950s.</p> <p>A semi-mature Norfolk Island Pine is located in the south-west corner of the site (rear), serving as a notable landscape feature.</p> <p>Informal vehicle access is provided along the eastern boundary. The front setback and nature strip are planted with low-growing vegetation, predominantly Gazania and Agapanthus.</p> <p>The site is positioned on a noticeable mound, forming part of a dune system, making it a high point in the street. The elevated position provides a distinct aspect, and the Norfolk Island Pine stands out as a key feature of the site.</p>
Easements, restrictions or covenants	The Site is not encumbered by any easements.

Refer to **Appendix A** - Certificate of Title.



Figure 1: Subject site and surrounding context

- |                      |                          |
|----------------------|--------------------------|
| 1 - Subject site     | 5 - 162 Griffiths Street |
| 2 - 6 Ritchie Street | 6 - Beach access         |
| 3 - 2 Ritchie Street | 7 - Rock Revetment       |
| 4 - 129 Beach Street | 8 - 1 Hanley Court       |

## 2.2. Surrounding development

### East:

- [2 Ritchie Street](#): A two-storey dwelling oriented towards Ritchie Street and Beach Street.
- [129 Beach Street](#): A two-storey dwelling oriented towards Beach Street.

### West:

- [6 Ritchie Street](#): A single-storey dwelling.

### Rear (South):

- [162 Griffiths Street](#): A double-storey dwelling, set back behind other dwellings along Griffiths Street.

### North:

- Directly north is a double storey dwelling at the corner of [Hanley Court and Ritchie Street](#).

The [beachfront context](#) in this location is characterised by the prevalence of two-storey dwellings, which are common and form a consistent part of the existing neighbourhood character. These larger, elevated dwellings take advantage of coastal views and contribute to the established built form along the foreshore. While architectural styles vary, the scale and massing of buildings in the area generally reflect a pattern of coastal residential development, with generous setbacks and a mix of landscaped and informal frontages.

[Ritchie Street](#) is a sealed road but lacks kerb, channel, or footpath, contributing to an informal character. The public and private domains are visually blurred, with soft transitions between private landscaping and the street edge. This informality is reinforced by the coastal vegetation, open setbacks, and the absence of rigid urban infrastructure.

[Beach Street](#) is located to the east, with beach access provided at the northern end of the rock revetment. The rock revetment was upgraded around 2018 to enhance coastal protection along Beach Street.

## 2.3. Planning history

Planning Permit No. PL19/030 was issued on 23 July 2020, permitting the development of two dwellings and subdivision. However, the permit was not acted upon.

The permit was issued following a determination by the Victorian Civil and Administrative Tribunal (VCAT) in [Monaghan v Moyne SC \[2020\] VCAT 783 \(21 July 2020\)](#), which directed the Moyne Shire Council to grant the permit.



## 3. PROPOSAL

The following section should be read in conjunction with [Town Planning Drawings](#) prepared by Pandolfini Architects (7 February 2025).

### 3.1. Proposal description

The proposal involves the demolition of the existing dwelling and the construction of a new dwelling designed by Pandolfini Architects. The proposed dwelling is a contemporary, two-storey residence designed to respond to the coastal environment and natural topography of the site.

The main part of the dwelling features an open-plan kitchen, dining, and living area, with supporting service spaces, including a laundry, pantry, and utility room. The entry foyer provides access to a staircase and a lift connecting both levels.

On the first floor, the master suite comprises a main bedroom, ensuite bathroom, and walk-in robe, oriented to maximise coastal views while considering privacy and minimising overlooking.

At the rear of the property, a separate bedroom and study pod is connected to the main dwelling via a corridor. This pod accommodates two additional bedrooms, each with ensuite bathrooms, as well as a study, living area, and gym.

Vehicle access is provided via a single garage, which is accessed through a courtyard, with space for an additional car park in front. The garage is located at basement level, utilising the natural fall of the site, minimising the need for excavation.

### 3.2. Design & siting considerations

The dwelling has been designed to provide comfortable day-to-day living, with additional space for visiting family. The design maximises coastal views while incorporating durable, coastal-appropriate materials suited to the coastal environment.

- The site coverage is approximately 381 square metres, with a garden area of 48% and a permeability of 403 square metres.
- The overall height of the dwelling ranges from 6.98 metres (front facade) to 7.365 metres, reflecting the natural undulation of the site. The facade height varies across the width of the site, with the design responding to the existing topography.
- Some minor excavation is required into the dune system; however, this approach enables the dune to remain the dominant visual element within the front setback, reducing the dwelling's visual impact on the streetscape.
- The height of the proposed dwelling is higher than the neighbouring dwelling at 2 Ritchie Street, reflecting the natural elevation of the subject site rather than an excessive built form outcome. The development is comparable in scale to surrounding dwellings and is designed to integrate into the broader streetscape.
- The proposal includes appropriate landscaping, enhancing the integration of the dwelling with its coastal setting and supporting the retention of the natural dune character.

### 3.3. Materials & finishes

The proposed dwelling incorporates a coastal-inspired material palette, featuring a mix of light-coloured and natural finishes to complement the surrounding environment. The selected materials are durable, suited to the harsh coastal conditions, and designed to age gracefully over time.

Key materials include:

- Light-coloured brick with render - providing a textured and robust finish.
- Aged timber boards - introducing a natural, weathered aesthetic that integrates with the coastal setting.



- Off-white cement cladding - offering a light and contemporary appearance.
- Light grey fibre cement cladding - contributing to a subtle, neutral facade.
- Light grey aluminium window reveals.
- Light grey render to boundary walls.
- Drystone retaining walls - reinforcing the site's natural dune character while providing structural support.
- Aged timber cladding to the rear pod and corridor external walls - maintaining a warm and natural aesthetic for the more private areas of the dwelling.

### **3.4. Planning permit triggers**

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

- [Clause 43.02-2: Design and Development Overlay](#) - Buildings and works
- [Clause 44.01-2: Erosion Management Overlay](#) - Building and works.



## 4. PLANNING POLICIES AND CONTROLS

### 4.1. Municipal Planning Strategy

#### [Clause 02.01 - Context](#)

Moyne Shire is located in south-western Victoria, with Port Fairy as its main settlement, supported by smaller townships such as Koroit and Mortlake. Port Fairy, with a population of approximately 3,742, is experiencing strong growth demand.

#### [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:

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):

- 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.

#### **Clause 02.03 Strategic Directions**

##### [Clause 02.03-1 - Settlement](#)

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. Demand has been strong for new development, redevelopment of older properties and more intense forms of urban housing.

Key strategic directions include:

- 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.

##### [Clause 02.03-3 - Environmental risks and amenity](#)

Climate change impacts are identified as an important environmental risk which must be considered. The coast is under threat from the effects of climate change, including sea level rise and increased storm surges. East Beach, the Griffiths Street and Wharf Precincts, and the areas around Belfast Lough in Port Fairy are severely impacted by flooding and coastal hazards.

The policy identifies that 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.

Key strategic directions include:

- Avoid development in coastal locations that may be affected by climate change impacts.

#### [Clause 02.03-5 - Built environment and heritage](#)

Development occurring in coastal areas and has the 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:

- Provide for the reasonable sharing of views of significant landscape features, including views of the ocean, coastal shoreline, estuaries, wetlands and notable cultural features.
- Retain the overall low scale and simple forms of residential development across Port Fairy.
- Protect all mature Norfolk Island Pines in Port Fairy from removal and lopping, and where such species is to be removed, encourage relocation of the tree.

#### [Clause 02.03-6 - Housing](#)

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:

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

See **Section 5.2.1** for an assessment of the application against the Municipal Planning Strategy.

## 4.2. Planning Policy Framework

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](#) aims to facilitate sustainable growth through a network of well-planned settlements that provide housing, jobs, services, and infrastructure while preserving regional character and natural resources.

Relevant key strategies include:

- Focusing growth and investment in major regional cities and regional centres.
- Ensuring growth aligns with regional growth plans and strengthens transport and economic linkages.
- Encouraging compact, well-connected urban areas to limit urban sprawl and promote infill development.
- Minimising exposure to natural hazards and integrating climate adaptation and mitigation strategies.

[Clause 11.01-1R Settlement - Great South Coast](#) aims to attract more people to the region by strengthening key settlements and promoting growth, investment, and liveability. Relevant key strategies include:

- Strengthening district towns, including Port Fairy, Koroit, Mortlake, and Timboon, to support local communities and industries.
- Encouraging investment in small towns facing economic and population challenges.

[Clause 11.01-1L-02 Settlement - Port Fairy](#) seeks to preserve Port Fairy's heritage, coastal character, and environmental values while managing growth and development in a sustainable manner. Relevant key strategies include:

- Protecting Port Fairy's distinctive character, including its heritage, coastal setting, and urban design quality.
- Ensuring development responds to coastal and floodplain constraints, particularly in sensitive areas like the Wharf Precinct and East Beach.
- Protecting key landscape features, including Norfolk Island Pines and the Belfast Lough environs.



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

[Clause 13.01-2S Coastal inundation and erosion](#) aims to manage coastal hazard risks and climate change impacts by ensuring development is appropriately sited and resilient.

Key strategies include:

- Avoiding development in areas vulnerable to coastal inundation and erosion.
- Ensuring land subject to hazards is identified and managed to prevent future risk.

[Clause 13.01-2S Coastal inundation and erosion - Port Fairy](#) Discourages any increase in residential density or the introduction of sensitive uses, such as schools or aged care, in areas affected by coastal inundation.

## **Clause 15 Built Environment and Heritage**

[Clause 15.01-2S Building design](#) promotes context-responsive, sustainable, and well-integrated development that enhances the public realm and local character. Relevant key strategies include:

- Using comprehensive site analysis to guide height, scale, and energy performance.
- Minimising impacts on neighbouring properties, the public realm, and the natural environment.
- Enhancing energy efficiency through passive design, renewable energy, and low-embodied-energy materials.
- Supporting sustainable waste management and stormwater retention.
- Encouraging landscaping that integrates with the site, retains vegetation, and enhances urban cooling.

[Clause 15.01-2L Building design - significant landscapes](#) Seeks to encourage a reasonable sharing of views between new and existing built form, particularly where the view is of a significant landscape feature, including views of the ocean and coastal shoreline, coastal cliffs and sand dunes, rivers and estuaries and notable cultural and scenic landscape features.

[Clause 15.01-5S Neighbourhood character](#) seeks to protect and enhance neighbourhood character, cultural identity, and sense of place. Relevant key strategies include:

- Supporting development that respects or contributes to the preferred neighbourhood character.
- Ensuring higher-density housing aligns with designated growth areas.
- Reinforcing local identity by responding to urban patterns, natural landscapes, significant vegetation, and community-valued built form.

## **Clause 16 Housing**

[Clause 16.01-1S Housing supply](#) promotes well-located, diverse, and integrated housing to meet community needs.

Relevant key strategies include:

- Encouraging higher-density housing in established urban areas while reducing sprawl in greenfield and fringe locations.
- Providing a mix of housing types, including affordable, accessible, and adaptable housing.
- Ensuring new housing is well-designed with high amenity and universal design principles.
- Facilitating housing growth near jobs, services, and public transport.

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 purposes of the Neighbourhood Residential Zone include:

- 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 above 650 square metres must provide a minimum garden area at ground level of 35%.

The proposal provides 390 square metres of garden area, comprising 48% of the Site (see **Sheet TP020**).

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. Design and Development Overlay

The Site is affected by [Schedule 5](#) to the [Design and Development Overlay](#) (DDO5). 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 5 to the Overlay relates to the Port Fairy East Beach Precinct, and provides the following design objectives:

- To deliver high quality contemporary design responses that support the integration of new development with Port Fairy's historic and coastal character.
- To protect the existing built form and landscape character of the precinct through the appropriate siting and design of new development.
- To ensure development provides for shared views of significant landscape features and does not dominate the dune backdrop and coast.
- To ensure development is sited to enable the retention of existing native coastal vegetation and encourage the planting of indigenous vegetation.
- To minimise the 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. See **Section 5.2.2** of this report for information which provides an assessment against the decision guidelines.

## 4.5. Erosion Management Overlay

The Site is affected by [Schedule 1](#) to the [Erosion Management Overlay](#) (EMO1). The purposes of the Erosion Management Overlay include:

- To protect areas prone to erosion, landslip, other land degradation or coastal processes by minimising land disturbance and inappropriate development.

Clause 44.01-1 'Erosion management objectives and statement of risk' sets out a schedule to the Overlay may contain erosion management objectives to be achieved, and a statement of risk.

Schedule 1 to the Overlay relates to the Port Fairy East Beach Precinct, and provides the following erosion management objectives:

- To ensure that applications for the development of land subject to coastal erosion risk are accompanied by a coastal erosion risk assessment.
- To ensure that development is designed and carried out in accordance with the recommendations of expert coastal erosion risk assessments.
- To ensure that development does not increase the risk of coastal erosion hazard to life, property or adjacent property
- To encourage the rehabilitation of land affected by coastal erosion hazard.

#### Permit Requirement

Pursuant to Clause 44.01-2, a permit is required for buildings and works. Clause 44.01-6 and the Schedule to the Overlay specify that a Coastal Erosion Risk Assessment may be required; however, Clause 4.0 allows the responsible authority to waive this requirement if deemed unnecessary.

In this case, the proposal is for a replacement dwelling, with no net increase in dwelling density. The rock revetment protecting Beach Street was rebuilt and strengthened around 2018 to safeguard infrastructure assets along the East Beach foreshore. Moyne Shire Council has commissioned several [structural assessments](#), and significant works have been undertaken to reinforce the revetment.

While not specifically designed to protect private properties, the revetment provides protection to Beach Street, indirectly benefiting properties located behind it, including the subject site. Given the strengthened coastal protection measures and the site's position behind dwellings at greater risk, the proposal does not significantly increase coastal erosion risk.

It is respectfully submitted that Council exercise discretion to waive the requirement for a Coastal Erosion Risk Assessment in this instance.

Decision guidelines are listed at Clause 44.01-8, and in the Schedule to the Overlay.

See **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 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 Neighbourhood 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 Neighbourhood 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. The proposal does not comprise a high impact activity, and accordingly, a CHMP is not required.

## 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 Design and Development Overlay?
- Does the proposal appropriately respond to the Erosion Management Overlay?

### 5.2. Key considerations

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

The proposal aligns with the objectives of the Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF) by delivering a high-quality, contemporary replacement dwelling that integrates with the established character of Port Fairy while ensuring environmental responsiveness. The proposal supports settlement and housing objectives (Clause 02.01, 02.02, 02.03-1, 02.03-6) by contributing to moderate growth within an existing settlement, accommodating housing demand without increasing density, and maintaining the neighbourhood's built form through appropriate setbacks, materials, and landscaping. The site's location within an Erosion Management Overlay (Clause 02.03-3) requires consideration of coastal hazard risks. However, as the proposal replaces an existing dwelling without increasing density and is located behind two existing dwellings (2 Ritchie Street and 129 Beach Street) that are at greater risk of erosion impacts, it does not significantly increase risk. Additionally, the upgraded rock revetment along East Beach, strengthened in 2018, provides protection to public assets along Beach Street, indirectly benefiting the subject site.

The proposal responds to built environment and heritage policies (Clause 02.03-5, Clause 15.01-2S, Clause 15.01-2L, Clause 15.01-5S) by respecting the low-scale, coastal character of Port Fairy. The design incorporates durable coastal materials such as light-coloured brick, aged timber, and cement cladding, ensuring longevity in the harsh coastal environment. The dwelling is sited to maximise ocean views while ensuring a reasonable sharing of views with neighbouring properties. The Norfolk Island Pine at the rear of the site is retained, preserving an important landscape feature. The garage is integrated at basement level, using the natural fall of the site to minimise visual impact. The overall scale and height of the dwelling reflect the site's natural elevation rather than creating excessive bulk, ensuring it remains proportional within the streetscape.

The proposal is also consistent with settlement and environmental risk policies (Clause 11.01-1S, 11.01-1R, 11.01-1L-02, Clause 13.01-2S, Clause 13.01-2L). It supports growth in an identified district town while maintaining Port Fairy's distinctive character and coastal setting. Given its location behind existing dwellings and its integration with the surrounding built form, the proposal does not increase exposure to coastal hazards. The policy framework discourages increased residential density in erosion-prone areas, and as the proposal does not intensify development, it remains consistent with these objectives. In addition, the highly site-responsive design minimises environmental impacts while providing for long-term resilience to coastal conditions.

Finally, the proposal supports housing supply objectives (Clause 16.01-1S) by delivering a well-designed, high-amenity dwelling in an established urban area, aligning with the principles of consolidated growth and sustainable urban development. The layout accommodates multi-generational living, providing flexible spaces for both permanent and visiting family members. The dwelling's thoughtful siting, materials, and integration with the surrounding neighbourhood ensure it contributes positively to the urban fabric while maintaining the natural and built characteristics of Port Fairy.



## 5.2.2. Does the proposal appropriately respond to the Design and Development Overlay?

The proposal aligns with the design objectives of the [Design and Development Overlay Schedule 5](#) by delivering a high-quality, architect-designed dwelling that integrates with the coastal character of the area. The design has been carefully considered to ensure compatibility with the surrounding built form, incorporating appropriate siting, scale, and materials that respond to the natural and built environment.

The dwelling retains existing vegetation, including the Norfolk Island Pine, and proposes new landscaping to further enhance the coastal setting. The garage is discreetly positioned at basement level, minimising its visual impact from the street and ensuring the built form remains recessive within the landscape. These elements directly respond to the design objectives of the Overlay, reinforcing a sensitive and site-responsive development that respects the existing and preferred character of the area. A response to the relevant design requirements for buildings and works is provided below to demonstrate how the proposal can be considered an appropriate and acceptable outcome under the Overlay.

DDO5 Requirement	Response
<b>Site Coverage and Permeability</b>	
<p>The site area covered by buildings should not exceed 40 per cent.</p> <p>The site area covered by permeable surfaces should be at least 50 per cent.</p>	<p><b>Variation required.</b> The proposed site coverage is 381 sqm (46 percent), exceeding the preferred target under DDO5, while permeability remains at approximately 50 percent, meeting the overlay requirements. The site coverage and permeability requirements are intended to ensure that new development is appropriately sited and designed to maintain the existing built form and landscape character of the precinct. Although the proposal slightly exceeds the preferred site coverage, it provides adequate landscaping within the front and rear setbacks, ensuring the site retains a green and open character. Additionally, the retention of the Norfolk Island Pine significantly contributes to the landscape character of the area. On balance, the variation to site coverage is appropriate, as the proposal meets the broader objectives of DDO5, ensuring a high-quality, well-integrated design that respects the precinct's character.</p>
<b>Building Massing</b>	
<p>Buildings should be articulated so that the overall bulk and mass of the building does not dominate views to and from the beachfront.</p> <p>Buildings on ridgelines or dune areas should be sited so that the bulk and mass of the buildings does not dominate the skyline when viewed from the public realm.</p> <p>Building height and massing should allow for equitable view sharing of East Beach with nearby properties.</p>	<p><b>Complies.</b> The proposed dwelling has been carefully designed and articulated to ensure that its bulk and mass do not dominate views to and from the beachfront. The built form responds to the natural topography, utilising the site's existing dune formation to integrate with the landscape. The design ensures the dwelling does not visually dominate the skyline when viewed from the public realm, as the overall height and massing remain consistent with surrounding development.</p> <p>The siting and orientation of the dwelling have been informed by a site analysis, ensuring a reasonable sharing of views toward East Beach. The design balances private view access while respecting the rights of neighbouring properties to maintain their visual connections to the coastline. Additionally, the garage is recessed into the site's natural fall, reducing its visibility and ensuring that the built form does not appear excessive within the streetscape.</p>

DDO5 Requirement	Response
<b>Building height</b>	
<p>Building height should not exceed 7 metres.</p> <p>A building may exceed the maximum building height by up to 1 metre if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.</p> <p>The dune system must not be excavated or filled to accommodate additional building height.</p>	<p><b>Complies.</b> The proposed building height ranges from 6.98 metres to 7.365 metres, reflecting the natural undulation of the site. The variation above 7 metres occurs where the site's natural slope exceeds 2.5 degrees, aligning with the allowance for additional height under the overlay requirements. The dwelling has been designed to follow the natural contours of the land, ensuring that bulk and mass are minimised while maintaining a low-profile form within the landscape.</p> <p>Importantly, the dune system has not been excavated or filled to achieve additional building height. Instead, the basement garage is integrated into the natural fall of the site, avoiding excessive earthworks while ensuring the dwelling remains visually recessive within the streetscape.</p>
<b>Building setbacks</b>	
<p>Any part of a new building or extension should be set back:</p> <ul style="list-style-type: none"> <li>- At least 6 metres from the front boundary</li> <li>- At least 2 metres from any side boundary</li> <li>- A distance of at least 6 metres between buildings on adjacent properties within 10 metres of any beach and street frontage.</li> </ul> <p>The first floor of a building should be set back behind the ground floor facade by a minimum of 2 metres to a street or East Beach frontage to reduce visual bulk.</p>	<p>The proposal generally <b>complies</b> with the setback requirements, ensuring appropriate spacing between buildings to maintain the coastal character and minimise visual bulk.</p> <p>The front setback of 5 metres, while slightly less than the preferred 6 metres, is consistent with adjoining properties, ensuring the development aligns with the established streetscape. The side setbacks comply, with 2 metres to the boundaries with 6 Ritchie Street, 129 Beach Street, and 162 Griffiths Street, ensuring appropriate separation and maintaining the prevailing built form pattern.</p> <p>The basement level (garage and courtyard) includes a zero setback to the common boundary with 2 Ritchie Street, with a wall height of 1.73 metres, aligning with standard fence height and ensuring no unreasonable impact on neighbouring properties.</p> <p>Additionally, the ground floor is set back approximately 3.2 metres from 2 Ritchie Street, further reducing bulk and maintaining visual separation between dwellings.</p> <p>The first floor is set back behind the ground floor facade, ensuring visual bulk is minimised when viewed from the street.</p>
<b>Frontage Presentation</b>	
<p>Buildings should provide an attractive and active edge to East Beach.</p> <p>Ground floor and first floor habitable room windows should be orientated towards the beach to provide passive surveillance.</p>	<p><b>Complies.</b> The proposal ensures an attractive and active edge to East Beach, with habitable room windows oriented towards the beach to provide passive surveillance while maintaining privacy for adjacent properties. The design carefully balances outlook and privacy, with front blade elements positioned to prevent overlooking while allowing for clear beach views that support passive surveillance and visual engagement with the coastal environment. The dwelling's architectural articulation and material selection further enhance its integration with the coastal</p>

DDO5 Requirement	Response
	character, ensuring the development presents a visually appealing and responsive interface to East Beach.
<b>Car Parking</b>	
<p>Driveways should be constructed of a permeable material.</p> <p>Garages, outbuildings and areas allocated for parking should be:</p> <ul style="list-style-type: none"> <li>- Sited to minimise visibility from the street.</li> <li>- Set back at least 1 metre behind the front wall of a building (excluding porticos and projecting windows).</li> <li>- Designed to respect the character of the area.</li> </ul> <p>Where double garages are provided, these should be accessed by a single width crossover.</p>	<p><b>Complies.</b> The garage is set back behind the facade, located at the end of the courtyard, minimising its visibility from the street.</p> <p>The vehicle access is seamlessly integrated into the facade, maintaining a cohesive architectural form. The driveway is informal, trafficable, and constructed of permeable materials, reinforcing the coastal setting and informal streetscape character.</p> <p>This exemplary approach to car parking respects the neighbourhood's character, minimises the visual impact of parking areas, and ensures a high-quality streetscape outcome.</p>
<b>Design Detailing</b>	
<p>When constructing new buildings or extensions or carrying out works:</p> <ul style="list-style-type: none"> <li>- Natural materials such as timber or stone should be used.</li> <li>- Unrendered brickwork or blockwork should be avoided.</li> <li>- Reflective materials should be avoided.</li> <li>- Non-reflective materials should be used for roofs.</li> </ul>	<p>The proposal <b>complies</b> with the design detailing requirements, incorporating natural materials such as aged timber, drystone retaining walls, and light-coloured brick with render, ensuring the dwelling integrates seamlessly with the coastal environment. The use of unrendered brickwork or blockwork has been avoided, and all materials have been carefully selected to be non-reflective, aligning with the design objectives to minimise glare and maintain the natural character of the area. The material palette enhances durability and weather resilience, while reinforcing the coastal aesthetic and broader landscape character.</p>
<b>Landscaping and Fencing</b>	
<p>Fences forward of the front façade or parallel to the street frontage should be at least 50 per cent visually permeable.</p> <p>Generous landscaping using indigenous species should be provided between dwellings and within the street frontages to soften built form.</p> <p>Service boxes and storage areas should be located where they are not visible from the street or visually screened using quality materials or landscaping.</p>	<p>The proposal <b>complies</b> with fencing and landscaping requirements, ensuring a visually open and well-integrated streetscape. No front fence is proposed, maintaining an unobstructed connection to the public realm, while side fences forward of the dwelling meet the 50 percent visual permeability requirement.</p> <p>Generous native landscaping is proposed within the front setback, softening the built form and reinforcing the coastal setting. This can be managed via a condition on the planning permit to ensure appropriate species selection and long-term integration with the streetscape.</p>

### 5.2.3. Does the proposal appropriately respond to the Erosion Management Overlay?

[Schedule 1 to the Erosion Management Overlay](#) seeks to:

- Ensure applications for the development of land subject to coastal erosion risk are accompanied by a coastal erosion risk assessment.
- Ensure development is designed and carried out in accordance with the recommendations of expert coastal erosion risk assessments.
- Ensure development does not increase the risk of coastal erosion hazard to life, property or adjacent property.
- Encourage the rehabilitation of land affected by coastal erosion hazard.

The application requirements under the EMO1 require a Site and Surrounds Plan and (if needed) a Coastal Erosion Risk Assessment.

#### **Site and Surrounds Plan**

The requirements for the site and surrounds plan is as follows:

- Boundaries, dimensions, shape, size, orientation, slope and elevation of the site.
- Relevant existing and proposed ground levels of the site, to Australian Height Datum taken by or under the direct supervision of a licensed land surveyor, and the difference in levels between the site and surrounding properties.
- Location, layout, size and use of existing and proposed buildings and works including vegetation removal on the site and on surrounding properties.
- Location, layout, size and purpose of any existing or proposed coastal erosion control structures on the site or surrounding properties.
- Construction details of all buildings, works and driveways

We note, the above requirements are contained within the application document.

- The use of surrounding properties and buildings.
- Adjoining roads, internal driveways, and access tracks.
- Any other notable features or characteristics of the site.

The below requirements are detailed overleaf.





Figure 2: Site and surrounds plan

- |                      |                    |
|----------------------|--------------------|
| 1 - Subject site     | 5 - Beach Street   |
| 2 - 2 Ritchie Street | 6 - Rock Revetment |
| 3 - 129 Beach Street |                    |
| 4 - 127 Beach Street |                    |

Notable features of the site and surrounding area include Beach Street to the east, which separates the subject land from the ocean, and the rock revetment wall, which was recently strengthened based on studies commissioned by Moyne Shire Council to protect public assets. Existing dwellings along Beach Street benefit from the revetment and the protection of Beach Street itself, and by extension, the subject site also benefits from these works.

The replacement dwelling does not increase residential density within the coastal hazard area. The site is located behind existing dwellings at 2 Ritchie Street and 129 Beach Street, which are closer to East Beach and more exposed to potential coastal hazards.

The rock revetment along East Beach provides protection to public assets on Beach Street, indirectly benefiting the subject site. Studies commissioned by Moyne Shire Council indicate that areas behind the revetment have a lower immediate risk of coastal erosion compared to unprotected locations. The proposal maintains the existing residential use and does not introduce additional risk factors.

Given these considerations, the proposal does not increase erosion risk or coastal hazard exposure and accordingly, a waiver from the requirement to prepare a Coastal Erosion Risk Assessment is requested.

## 6. Conclusion

The proposed replacement dwelling represents a high-quality, site-responsive development that aligns with the policy objectives and planning controls of the Moyne Planning Scheme. It appropriately balances coastal resilience, neighbourhood character, and design excellence, ensuring a sensitive integration within the established urban and natural landscape.

The proposal complies with the objectives of the Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF) by contributing to moderate, well-integrated growth, while maintaining Port Fairy's coastal character. The design, scale, and siting respond to the existing built form, ensuring view sharing, minimal visual bulk, and strong connections to the coastal environment. The use of durable, coastal-appropriate materials further reinforces longevity and environmental responsiveness.

The dwelling is consistent with the requirements of Design and Development Overlay Schedule 5 (DDO5), demonstrating compliance with height, setbacks, permeability, and massing provisions. The garage is sensitively integrated into the site's natural fall, minimising its visual impact, while landscaping respects the informal, open character of the area.

The site is located behind existing dwellings along Beach Street, benefiting from the rock revetment system that provides coastal protection to public assets. The proposal does not increase residential density or introduce additional risk factors. Given the strengthened revetment and Council-led assessments confirming reduced erosion risk for properties behind the seawall, the proposal does not exacerbate coastal hazard exposure and remains consistent with the Erosion Management Overlay (EMO1).

On balance, the proposal presents an appropriate and sustainable development outcome, maintaining the integrity of the coastal landscape, reinforcing resilient urban design principles, and contributing to the long-term viability of Port Fairy as a coastal settlement.

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

**Steve Myers**

**Managing Director, MPAA Studio**

13 February 2025

