



PLANNING REPORT

75 Princes Highway Port Fairy VIC 3284

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ATTACHMENT LIST

- Application Form
- Copy of Title
- Draft subdivision plan by All Spatial

ACKNOWLEDGEMENTS

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DOCUMENT CONTROL

This document has been prepared to aid the submission of a planning permit application for Two Lot Subdivision of Existing Dwellings at 75 Princes Highway Port Fairy.

Revision 1 – March 2025

PROPOSAL

The application proposes a two (2) lot subdivision of existing dwellings and creation of vehicle access to TRZ2

LOT LAYOUT

Lot 1 will contain an existing dwelling and will have a lot size of 838m².

Lot 1 will front Princes Highway and contain the original Edwardian heritage dwelling.

A new vehicle crossover and driveway will be created from the Princes Highway to the south-western corner of the site to provide vehicle access to the existing dwelling.

Lot 2 will contain the rear dwelling and will have a lot size of 1085m².

Lot 2 will have an irregular shape and will be accessed via the existing unsealed driveway along the northern boundary.

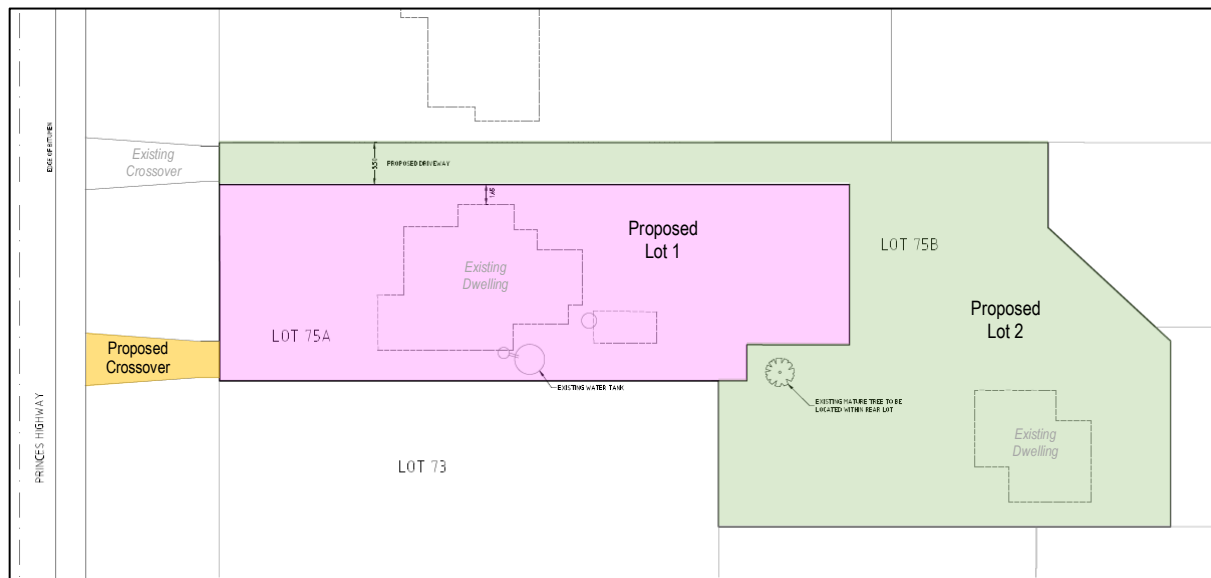


Figure 1 - Simplified site plan, showing proposed new lots and new crossover.

SITE ANALYSIS

THE SUBJECT LAND

The subject land is located at 75 Princes Highway Port Fairy (Lot 1 on 513357W). The land is located on the east side of the Princes Highway approximately 700m north-west of the town centre.

The irregular shaped allotment has its longest axis facing north/south and contains two dwellings. The main dwelling is at the front (west) of the property and the second dwelling is at the rear (east), that are currently both accessed via an unsealed driveway along the northern boundary.

The site is relatively flat and is well landscaped with a cottage garden feel. There is no front fence.

The speed limit adjoining the property is 60kmh. The proposed access location is to the south-western corner of the allotment.



Figure 2 - Aerial image of subject land and adjoining properties (Source: NearMap 2024)

PERMIT HISTORY

The existing studio cottage was permitted under planning permit PP2000-191.

The permit granted approval for a self-contained unit in addition to two existing self-contained units fronting Tieman Street to the east, plus the existing main dwelling fronting Princes Highway to the west. The building permit PS-1254/20010028/0 was issued for a Class 1ai building – Dwelling and it was built in accordance with the planning permit.

At that time, the subject land extended entirely between the Princes Highway and Tieman Street and included 4 dwellings, however the two units fronting Tieman Street were subdivided off in 2015.

THE SURROUNDS

The subject land is located within the established residential area broadly bounded by Uebergang Street to the north, Princes Highway to the west, Regent Street to the south and the Osmonds Lanes to the east, with Tieman Street intersecting a portion of this block.

The residential area contains varying styles of residential built form and varying lot sizes and patterns and lot densities throughout.

The subject land directly abuts a number of residential properties, with their respective backyard areas being located adjacent to the proposed new lots.

These surrounding backyard spaces are well landscaped and include a considerable amount of mature vegetation comprised of trees and shrubs.

RESTRICTIONS ON TITLE

There are no restrictions on title.

PLANNING CONTROLS

The site is located in the Neighbourhood Residential Zone – Schedule 1.

The following overlays apply to the land;

- Heritage Overlay Schedule (HO49)
- Design and Development Overlay Schedule 4

PERMIT TRIGGERS

A permit is required under:

Neighbourhood Residential Zone

- Clause 32.09-3 A permit is required to subdivide land.
- Clause 56 does not apply as each lot contains an existing dwelling as specified under Clause 32.08-3.
- Pursuant to Clause 32.09-13 An application to subdivide land into lots each containing an existing dwelling or car parking space is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Heritage Overlay

- Clause 43.01-1 A permit is required to subdivide land.
- Pursuant An application to subdivide land is NOT exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Design and Development Overlay

- Clause 43.02-3 A permit is required to subdivide land. Schedule 10 does not exempt the subdivision from requiring a permit.
- An application to subdivide land is NOT exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Clause 52.29 Land Adjacent to the Principal Road Network

A permit is required to create or alter access to a road AND to subdivide land adjacent to a road in a Transport Zone 2.

Princes Highway is located in Transport Zone 2.

An application under CL 52.29-2 is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Transport Victoria is a S55 referral authority.

POLICY

CLAUSE 2.02 VISION AND ASPIRATIONS

The Moyne Shire Council Plan (2021-2025) responds directly to the My Moyne, My Future 2040 Community Plan in focus areas that include:

- Place
- Environment
- People
- Economy

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.

Response

The proposed two lot subdivision provides the continuation under individual ownership of the two existing dwellings in a well-established residential area of Port Fairy.

The larger and smaller dwellings provide for housing diversity within Port Fairy, and the separation of the dwellings onto individual lots will maintain this diversity.

CLAUSE 2.03- 5 BUILT ENVIRONMENT AND HERITAGE

STRATEGIC DIRECTIONS [AS RELEVANT TO THE APPLICATION]

- Contain township development within defined boundaries and manage development on the fringes of townships to enhance the landscape setting.
- Protect and enhance the Shire's heritage places and precincts.
- Protect and enhance landscaping, including street trees, on all major approach routes, access roads and local streets.
- Retain the overall low scale and simple forms of residential development across Port Fairy.

Response

The proposed subdivision is contained within the township boundary.

The proposed subdivision will not have an adverse impact on the heritage significance of the Princes Highway precinct, nor will there be any impact upon any street trees along the Prince Highway.

There will be no change to the single storey scale of the existing dwellings.

CLAUSE 2.03- 6 HOUSING

The population of the Shire is growing, however, it is ageing and household size is declining.

A significant proportion of dwellings in the coastal towns are not permanently occupied, serving as holiday homes. This contributes to a lack of affordable worker accommodation, particularly during peak tourism periods.

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.

STRATEGIC DIRECTIONS

- Encourage population growth within all areas of the Shire.
- Encourage a range of accommodation opportunities in settlements, including medium density housing, to suit the needs of the Shire's residents.
- Support residential development densities that protect the heritage value and neighbourhood character of settlements.

Response

The proposed subdivision retains the existing dwellings. The existing density of the dwellings is not being altered by the proposal and the informal landscape setting of the dwellings is being retained.

As such the proposed subdivision will not have an adverse impact on the heritage value and neighbourhood character of the area.

CLAUSE 15.01- 3S SUBDIVISION DESIGN

OBJECTIVE

To ensure the design of subdivisions achieves attractive, safe, accessible, diverse, and sustainable neighbourhoods.

STRATEGIES

In the development of new residential areas and in the redevelopment of existing areas, subdivision should be designed to create liveable and sustainable communities by:

- Creating compact neighbourhoods that have walkable distances between activities.
- Providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.
- Reduce car dependency by allowing for:
 - Convenient and safe public transport.
 - Safe and attractive spaces and networks for walking and cycling.
 - Subdivision layouts that allow easy movement within and between neighbourhoods.
 - A convenient and safe road network.

Response

The proposed subdivision is the subdivision of existing dwellings. As such, the proposal provides moderately sized lots which provide for on-site car parking, turning movements and potential future extension of the dwellings (STCA) to be contained within the proposed lots.

The dwellings are well located with good access to services and transport within walking distance.

CLAUSE 15.03- 1S HERITAGE CONSERVATION

OBJECTIVE

To ensure the conservation of places of heritage significance.

STRATEGIES

- Identify, assess, and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.
- Provide for the protection of natural heritage sites and man-made resources.
- Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific, or social significance.
- Encourage appropriate development that respects places with identified heritage values.
- Retain those elements that contribute to the importance of the heritage place.
- Encourage the conservation and restoration of contributory elements of a heritage place.
- Ensure an appropriate setting and context for heritage places is maintained or enhanced.
- Support adaptive reuse of heritage buildings where their use has become redundant.
- Consider whether it is appropriate to require the restoration or reconstruction of a heritage building in a Heritage Overlay that has been unlawfully or unintentionally demolished in order to retain or interpret the cultural heritage significance of the building, streetscape, or area.

Response

The subdivision does not impact on the heritage significance of the dwelling at 75 Princes Highway as it is located to the side and rear of the significant heritage dwelling.

CLAUSE 16.01- 2S HOUSING AFFORDABILITY

OBJECTIVE

To deliver more affordable housing closer to jobs, transport, and services.

STRATEGIES

- Improve housing affordability by:
 - Ensuring land supply continues to be sufficient to meet demand.
 - Increasing choice in housing type, tenure, and cost to meet the needs of households as they move through life cycle changes and to support diverse communities.
 - Promoting good housing and urban design to minimise negative environmental impacts and keep costs down for residents and the wider community.

- Encouraging a significant proportion of new development to be affordable for households on very low to moderate incomes.
- Increase the supply of well-located affordable housing by:
 - Facilitating a mix of private, affordable, and social housing in suburbs, activity centres and urban renewal precincts.
 - Ensuring the redevelopment and renewal of public housing stock better meets community needs.
- Facilitate the delivery of social housing by identifying surplus government land suitable for housing.

Response

The property contains two existing dwellings which are retained under the proposed subdivision. The retention of these dwellings as part of the subdivision provides for the maximisation of housing diversity and housing affordability.

NEIGHBOURHOOD RESIDENTIAL ZONE

As already detailed above, a permit is required to subdivide the land in this Zone.

An application to subdivide the land, other than a subdivision where each lot contains an existing dwelling or car parking space, must meet all the requirements of Clause 56.

Response

In this instance, the proposed new lots each contain an existing dwelling and as such, there is no requirement for a Clause 56 analysis.

That being said, the subdivision takes the most appropriate pattern of subdivision possible on the site to ensure that the contributory heritage dwelling is retained in its entirety.

DESIGN & DEVELOPMENT OVERLAY SCHEDULE 4

SUBDIVISION REQUIREMENTS

- Subdivision should minimise the creation of additional crossovers wherever possible.
- Accessways should be combined where possible to reduce the number of crossovers along key approaches, particularly the Princes Highway.
- The frontage width of lots should be consistent with the typical frontage widths of existing lots in the street.
- Side-by-side subdivisions should be avoided unless they can demonstrate that they will result in development that can meet the side setback requirements of this schedule.

Response

The subdivision is consistent with other similar subdivisions in the surrounding area, including at 79-81 Princes Highway and 80 Princes Highway.

The proposed subdivision provides for suitably sized allotments to contain the existing dwellings and provides each lot meeting servicing requirements and ensuring that the garden character of the area can be retained.

The soakage pits are contained within each individual lot boundary under this proposed subdivision.



Figure 3 - Existing heritage dwelling fronting Princes Highway (Source: realestate.com.au)

HERITAGE OVERLAY H049

The decision guidelines require regard to be given to whether the proposed subdivision will adversely affect the significance of the heritage place and whether the proposed subdivision may result in development which will adversely affect the significance, character, or appearance of the heritage place.

Response

The proposed subdivision will not detract from the heritage significance of the Princes Highway streetscape or the features of the dwelling fronting Princes Highway which contributes to the understanding and character of the heritage overlay. The proposed subdivision will not adversely affect the significance, character, or appearance of the heritage precinct.

PORT FAIRY RESIDENTIAL HERITAGE PRECINCT HEIGHT DESIGN GUIDELINES

This document does not make any specific mention of requirements to be met for subdivisions.

PORT FAIRY HERITAGE CITATIONS 2015

The Princes Highway Street precinct identifies 75 Princes Highway (Edwardian Dwelling) as being contributory to the precinct.

The proposed subdivision does not detract from the heritage style features of the heritage dwelling as the existing spaces around all sides of the structure will remain and subsequently the open character of the property including garden setting will too be retained.



Figure 4 - Existing dwelling at rear of subject land, to be contained within proposed Lot 2.



Figure 5 - Onsite looking west along north boundary toward Princes Highway and rear of heritage dwelling.

LAND ADJACENT TO THE PRINCIPAL ROAD NETWORK

Pursuant to Clause 52.29-2 Land Adjacent to the Principal Road Network, a planning permit is required to create or alter access to a road in a Transport Zone 2 (Princes Highway).

DECISION GUIDELINES

- The Municipal Planning Strategy and the Planning Policy Framework.
- The views of the relevant road authority.
- The effect of the proposal on the operation of the road and on public safety.
- Any policy made by the relevant road authority pursuant to schedule 2, clause 3 of the Road Management Act 2004 regarding access between a controlled access road and adjacent land.

Response

- Previous approvals in close proximity at 71 Princes Highway for a similar subdivision.
- Pattern of unsealed crossovers in immediate area with drainage via swale drains.
- No removal of street trees required.
- 1m distance can be achieved to the nearby power pole.
- The new crossover is not located within 9m of another existing crossover at 73 Prince Highway.
- Crossover able to be constructed and existing crossover re-sheeted to meet VicRoads specifications.
- Existing crossover has an underlayer of gravel with grass over the top.



Figure 4 - Existing crossover/driveway (north-west corner) will provide access to proposed rear Lot 2



Figure 5 - Proposed crossover to provide vehicle access to proposed Lot 1

CLAUSE 53.01

A subdivision is exempt from a public open space requirement specified in this scheme if:

- It subdivides land into two lots and the council considers it unlikely that each lot will be further subdivided.

Response

The lot contains two existing dwellings in mature garden settings. There is unlikely to be further subdivision potential for either lot due to the easement and building layout.

The existing dwelling to the rear lot has extension potential, but due to the significant number of mature trees and siting of the dwelling is extremely unlikely to be further subdivided. It is noted that the landowner intends to downsize to the rear dwelling and wishes to retain the garden she has established over many decades. The driveway of Lot 2 includes approximately 350sqm of the 1085sqm, leaving around 700sqm with the dwelling and established garden. The existing dwelling is located in the South East Corner, meaning any extensions contemplated in the future are likely to be to the north of west. There is no logical area to create an additional lot on this property in the future, and there is no desire of the landowner to do so.

The front dwelling retains its substantial front setback, with the driveway located on the south side, and a 1.5m setback to the north side. There may be extension potential to the rear of the dwelling, but there is unlikely to be subdivision potential for this lot.

As such, it is put to Council is it extremely unlikely either lot has potential for further subdivision, and as such, the proposal meets the exemption at Clause 53.01.

CLAUSE 53.18

Clause 53.18 Stormwater DOES NOT apply to an application to subdivide land in a residential zone for residential purposes or to subdivide land into lots each containing an existing building or car parking space.

SUMMARY

The proposed subdivision is appropriate to the streetscape. The subdivision will not unduly impact on the character of the area as it provides for the subdivision of existing dwellings into separate lots that retains a sense of space and character appropriate to the heritage precinct. The lots are appropriately designed to allow for future extension or improvement of the dwellings (STCA) although this does not form part of this application.

The proposed crossover reflects those recently approved in close proximity. The Crossover will be unsealed (but upgraded) and in keeping with exiting crossovers along the this section of Princes Highway.

It is respectfully requested that a two-lot subdivision be supported on this occasion and a planning permit issued in due course.