



MPAA
STUDIO

TOWN PLANNING REPORT

VICSMART

Construction of a shed
2583 Princes Highway, Port Fairy

ISSUED 31 MARCH 2025

(03) 5562 9443
info@mpaastudio.co

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

QUALITY ASSURANCE

Town Planning Report

Construction of an outbuilding.
2583 Princes Highway, Port Fairy

Project Number

25-1503

Revision

01

Prepared By

CM

Project Lead

CM

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1. INTRODUCTION

This report has been prepared by MPAA Studio to support a planning permit application for the construction of a shed (outbuilding) located at 2583 Princes Highway, Port Fairy (the "Site").

The proposal triggers permit requirements under the following clauses:

- Clause 35.03-4 – buildings and works
- Clause 43.02-3 – buildings and works

This report assesses the proposal in relation to the Moyne Planning Scheme and concludes that it aligns with both state and local planning policies. On this basis, the report recommends that Council issues a planning permit for the shed.

1.1. Limitations

This report has considered the following documents:

- Moyne Planning Scheme (Planning scheme 27 March 2025).

2. SITE AND SURROUNDS

2.1. Site description and title particulars

Site address	2583 Princes Highway, Port Fairy
Title details	Lot 2 (PS308778Q)
Site description	The Site is a battle axe lot with an area of 5.8 hectares and a frontage of approximately 7.4 metres. The length of the driveway is approximately 600.7 metres, and fronts the Princes Highway which is part of the Principal Road Network (TRZ2).
Easements, restrictions or covenants	The site is not encumbered by any restrictions or covenants pursuant to Section 173 of the Planning and Environment Act 1987 and the Subdivision Act 1988. The driveway is shared and provides access to the neighbouring property to the east.

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

2.2. Site context

The Site consists of a single allotment covering 5.8 hectares, currently separated into sections by post and wire fencing. This includes paddocks and a residential area to the south. The property features various exotic pasture grasses. Located on the southern side of the Princes Highway, it falls within the Rural Living Zone and includes several overlays: Design and Development Overlay, Environmental Significance Overlay, Erosion Management Overlay, and Land Subject to Inundation Overlay. Access is via an all-weather route from the Princes Highway. On the southern part of the Site, there is a residence facing the ocean, surrounded by substantial vegetation that provides effective visual screening.

The Site borders the Farming Zone to the west and the Low Density Residential Zone to the north-east. It is positioned in the rural living area west of Port Fairy, serving as a transition between agricultural land and the outskirts of Port Fairy, establishing a rural context. Many dwellings are located nearby, situated along the coastline up to Ocean Drive.



Figure 1: Subject site and locality

3. PROPOSAL

Outbuilding

The proposed shed is located 10-metres from the western boundary.

The height of the shed is approximately 5.8 metres.

The shed includes several bays and a mezzanine.

The dimensions are 9.5 metres x 15 metres.

The primary material is Colorbond sheeting for both the walls and roof. Final colour is to be determined, but it will be of a muted and earthy tone.

There is also a small all-weather accessway leading from the existing driveway.

3.1. Planning permit triggers

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

- Clause 35.03-4 – buildings and works
- Clause 43.02-3 – buildings and works

4. PLANNING CONTROLS

4.1. Rural Living Zone

The subject site is zoned Rural Living Zone (Clause 35.03). The key purposes of the Rural Living Zone include:

- To provide for residential use in a rural environment.
- To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.
- To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

Pursuant to Clause 35.03-4 a permit is required for buildings and works. The proposed outbuilding meets the definition of the VicSmart application and will therefore be assessed under Clause 59.13.

4.2. Overlays

4.2.1. Environmental Significance Overlay

The property is partially within the Environmental Significance Overlay. The purpose of the Environmental Significance Overlay are:

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

Under Schedule 1 to the ESO, a permit is not required to construct a building or construct or carry out works where:

- A building or works is a domestic structure associated with an existing dwelling...

As the proposed shed is classified as an outbuilding associated with the existing dwelling, it is considered a domestic structure and does not require a planning permit under the ESO.

4.2.2. Design and Development Overlay

The property is within the Design and Development Overlay, specifically the Schedule 7 area – Port Fairy South Coast Precinct.

A planning permit is required under Clause 43.02-2 for buildings and works.

The construction of a shed (outbuilding) classifies the VicSmart application and will, therefore, be assessed under Clause 59.05.

5. VicSmart ASSESSMENT

5.1.1. Clause 59.05 – Buildings and works in an overlay

Decision Guideline	Response
The statement of significance and the objectives contained in the schedule to the overlay and whether the buildings and works will adversely affect that significance or the objectives.	<p>The design objectives are:</p> <ul style="list-style-type: none"> - To encourage a high standard of coastal architecture that respects the natural environment and is responsive to the coastal setting. - To minimise the visual intrusion of buildings when viewed from the foreshore. - To protect dune systems from excavation and visually dominant development. <p>The following comments are made:</p> <p>The height of the building should be taken in the context of its surroundings. In terms of visual impact, it will be nestled into the backdrop of the dune and associated vegetation, as at its highest point it will not exceed the tree line and the existing dwelling, particularly when looking south from the Princes Highway direction. From the foreshore direction, the proposed building will not be visible. There will therefore be no unnecessary or unacceptable visual intrusion.</p>
Whether the proposal meets any requirements specified in the overlay or the schedule to the overlay.	<p>Due to the large lot size, the outbuilding has negligible impact on site coverage.</p> <p>The proposal does not exceed the height limit of 7 metres.</p> <p>The setbacks are acceptable, being 10 metres from the nearest side boundary.</p> <p>The outbuilding is not located 1-metre behind the existing dwelling for various reasons. The proposed siting is an improved outcome with respect to DDO7. It would be not an ideal outcome to follow this DDO7 requirement, given the context of the existing dwelling and property.</p> <p>No additional landscaping or fencing is proposed.</p> <p>The outbuilding is a simple design. Given its design, the most appropriate outcome would be to ensure that reflective materials are avoided, securing a more muted and earthy tone to tie into the landscape. This could be a permit condition.</p>
For an application in a Salinity Management Overlay, any comments from the relevant referral authority.	N/A

For an application in a Neighbourhood Character Overlay, the relevant objectives, standards and decision guidelines of Clause 54.	N/A
Any relevant decision guideline specified in the overlay and the schedule to the overlay.	<p>The proposal responds reasonably well to the requirements and objectives of the Schedule. The siting has been specifically determined to reduce visual impact and to obtain a vegetation screen and backdrop.</p> <p>There is no additional fencing proposed.</p> <p>The colours and materials have been selected to reduce impact as they will be non-reflective reflective</p>

5.1.2. **Clause 59.13 – Buildings and works in a rural zone**

Decision Guideline	Response
The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, character and appearance of the area, landscape features, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.	<p>The proposed shed is located in a cleared area of the property, reducing impact on flora and fauna. It is also located just to the north of the primary dune system, but also away from the areas further north which are subject to inundation. The siting is considered acceptable in this regard, and does not prejudice the objectives to be achieved by the overlay.</p> <p>The colours and materials have been selected to reduce impact as they will be non-reflective reflective</p>
Whether the proposal will have an adverse impact on adjoining and nearby land uses.	The setback of 10-metres to the side boundary is sufficient to reduce any perceived impact on the neighbouring property or its land uses.
The need to protect amenity of existing residents.	The proposed outbuilding is associated with the existing dwelling. The amenity expectations of the area will be maintained in this regard.
The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses.	The outbuilding has been specifically located to avoid as many issues as possible. Its location will not impact surrounding agricultural use.
The likely environmental impact on the natural physical features and biodiversity of the area, including the need to retain vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge areas.	The proposal avoids the loss of vegetation and reduces the risk to impact wetlands as it is located outside of the mapped wetland further to the north.
The capability of the land to accommodate the proposed development.	Due to the location of the proposed outbuilding, there is the capacity for development. There may not have been

	capacity if it was located further north, or further south (due to wetland and dune areas which are inherently more sensitive with additional constraints).
Whether the development will support and enhance agricultural production.	Whilst the rural living zone is considered a rural zone, triggering the Clause 59.13 assessment, it is strongly noted that the land use is for rural living (dwelling) and the property does not provide or support a strong agricultural production link. The land is occasionally leased for grazing, for maintenance of grass purposes.
The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.	There are currently no toilets required and therefore not effluent disposal assessment.
Any Regional Catchment Strategy and associated plan applying to the land.	The proposal is both away from the immediate coastal dune, high water mark, and coastal erosion risk area as well as the mapped wetland to the north. The siting of the outbuilding has been deliberate to avoid these issues.
The impact of the proposal on any wetlands or waterways.	
Any integrated land management plan prepared for the site.	There is no integrated land management plan for the site.
Whether the development will require traffic management measures.	<p>No, the outbuilding will not create any additional traffic movements in the area.</p> <p>The proposal will require all weather access via a small new track from the existing driveway to the outbuilding. This track also avoids vegetation.</p>
<p>For buildings and works associated with a dwelling:</p> <p>Whether the dwelling will result in the loss or fragmentation of productive agricultural land.</p> <p>Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.</p> <p>Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.</p> <p>The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.</p>	<p>The land is not primarily used for agriculture – no impact.</p> <p>The setback from adjoining land to the west is appropriate and will not impact its agricultural land use.</p>

6. Conclusion

The proposed shed meets the landowner's needs and is situated in a location that minimally impacts the surroundings. This proposal addresses all requirements for buildings and works within the Rural Living Zone and its relevant overlays. Therefore, it is advised that a planning permit be granted with conditions.

We look forward to collaborating with Council on this application.

Cameron McNeill

Associate, MPAA Studio

31 March 2025