LINTONIA

TOWN PLANNING

# PLANNING REPORT

55 Gipps Street

Port Fairy Vic 3284

# CONTENTS

## ATTACHMENT LIST

- Application Form
- Copy of Title
- Draft planning drawings by Shape Building Design

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DOCUMENT CONTROL

This document has been prepared to aid the submission of a planning permit application for 55 Gipps Street Port Fairy Vic 3284

Revision 1 05/03/2026

# PROPOSAL

It is proposed to replace the existing dwelling on site with a new dwelling and partially remove the existing outbuilding on site. The existing fencing and boat shed will be retained.

### DEMOLITION

The existing dwelling and part of the existing shedding will be demolished. The lower boatshed will be retained.

*Figure 1 Site from river frontage. Red clouds indicate buildings to be removed*

### REPLACEMENT DWELLING:

A replacement dwelling will be constructed on site, including garaging, separate living areas, bedrooms, bathrooms and a landscaped yard with spa pool.

Ground floor:

The ground floor includes an entry porch, double garage, single garage, two bedrooms, bathroom and WC as well as a laundry and rumpus/bar area. There is a lift well and staircase to access upstairs. The bedroom and rumpus/bar open onto a rear deck with inbuilt BBQ. Outdoors the yard will be landscaped with

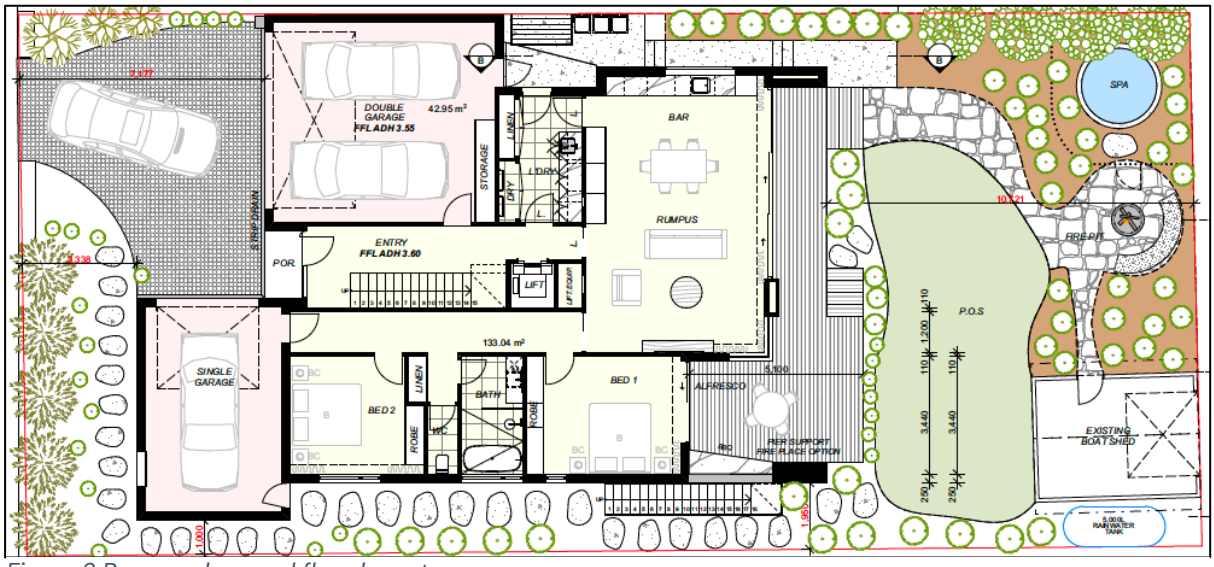



*Figure 2 Proposed ground floor layout*

permeable paving in the driveway and a firepit and spa in the rear yard. Existing fencing will be maintained.

### First floor:

The first floor includes a master suite with WIR and ensuite, two bedrooms, a bathroom, WC and an open plan living/dining/kitchen area leading onto a balcony. There is an external stair (screened) providing access from the balcony to the rear yard.

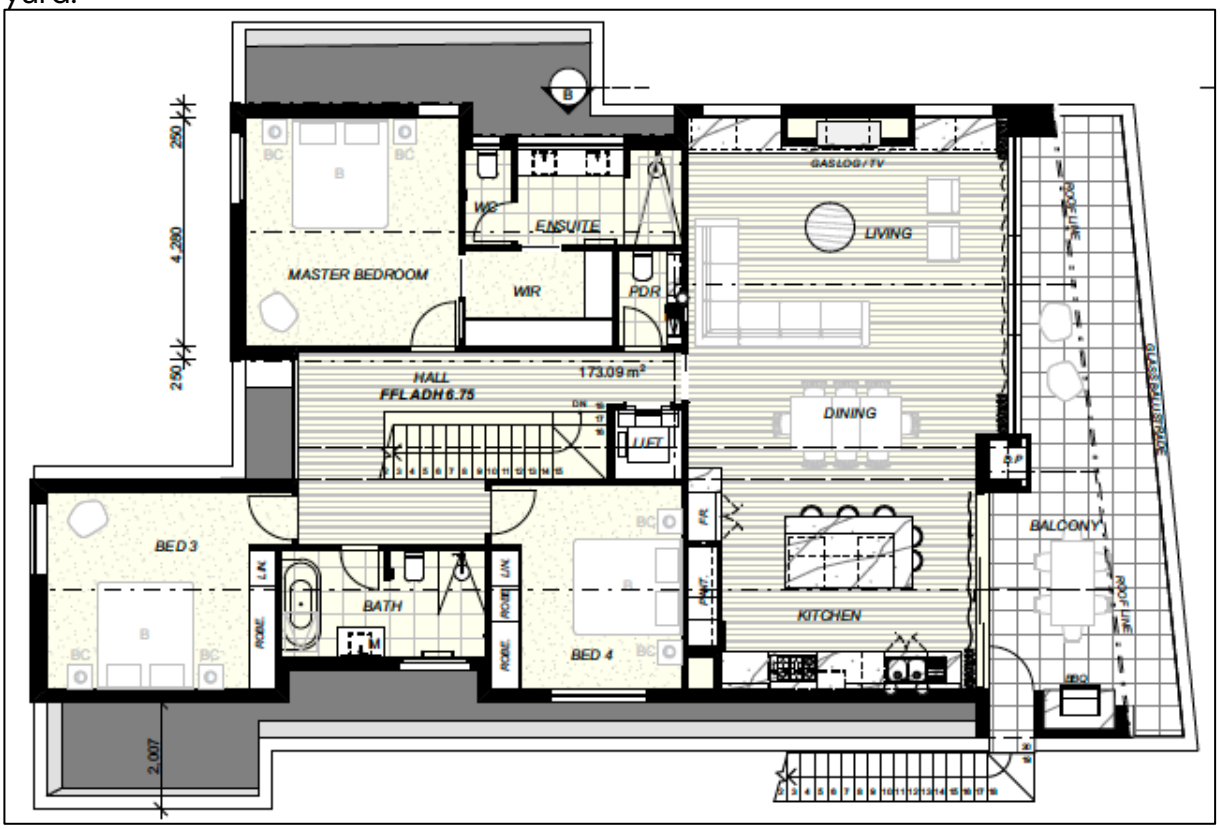



*Figure 3 Proposed first floor layout*

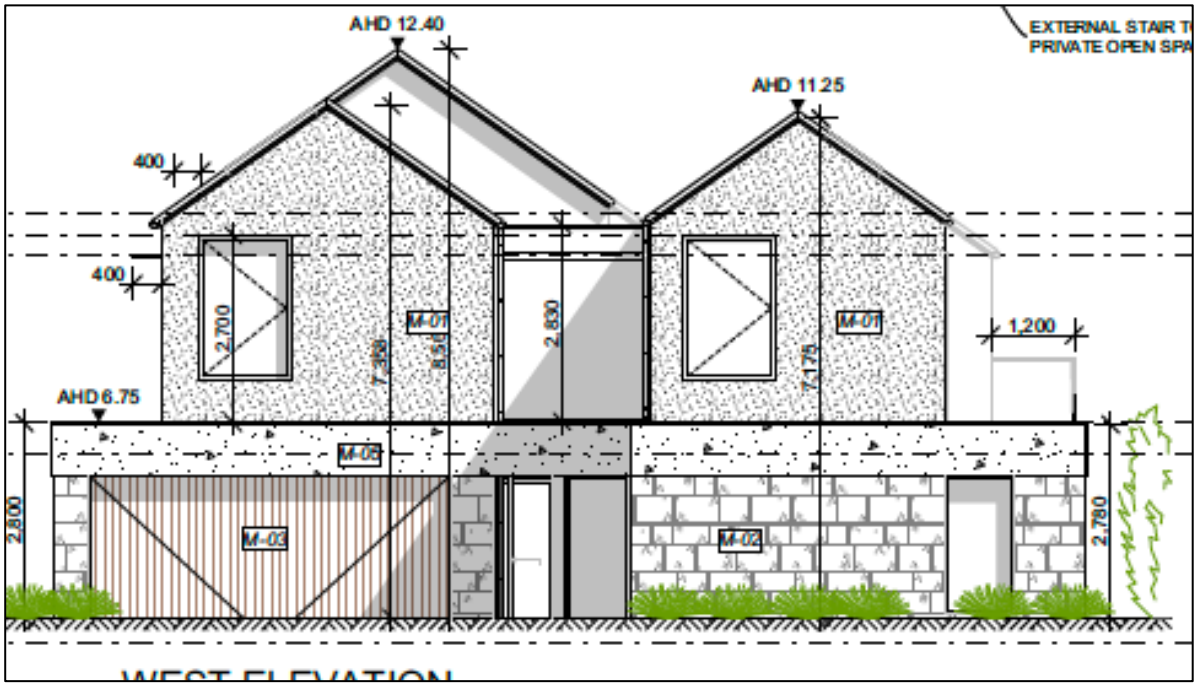



*Figure 4 Gipps St Facade including heights*

MATERIALS:

External materials include stone cladding to the ground floor, render to the first floor, a dark Colorbond roof and timber clad garage door. The balustrade is proposed to be glazed, and the external stair has perforated steel cladding.

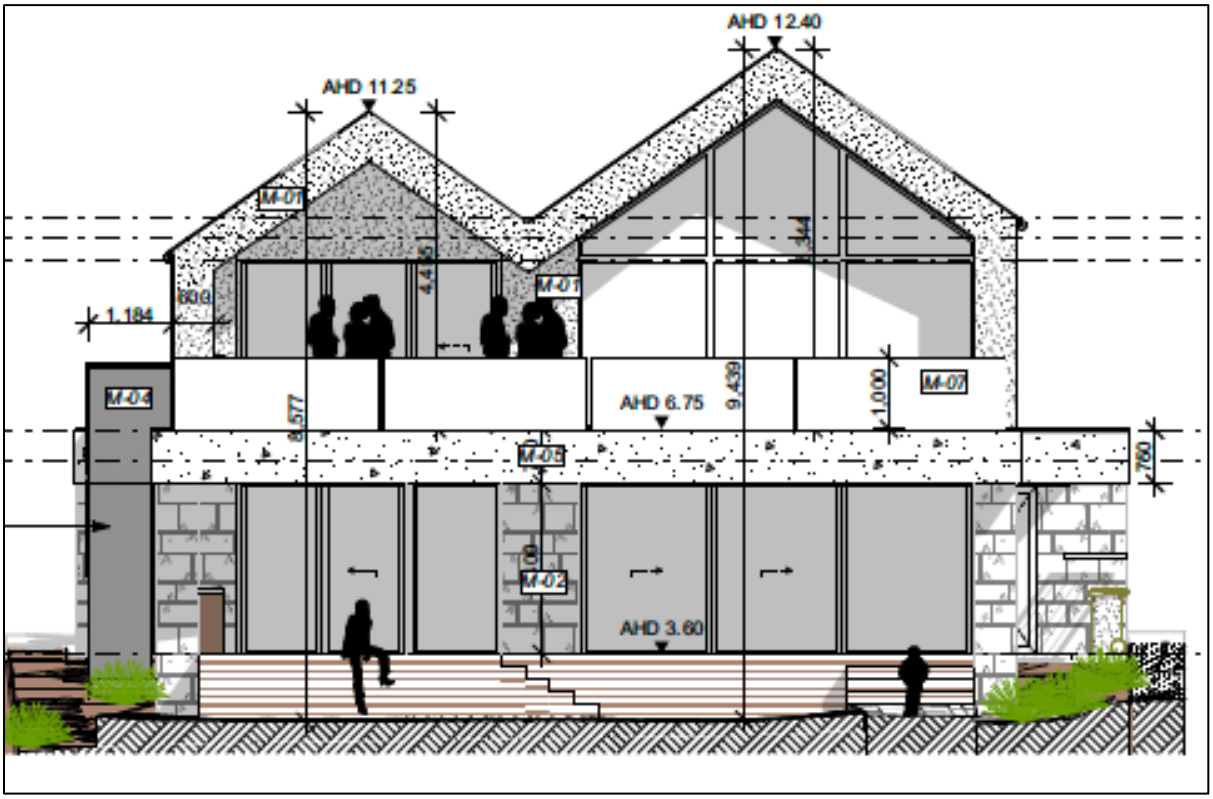



*Figure 5 River (east) facade*

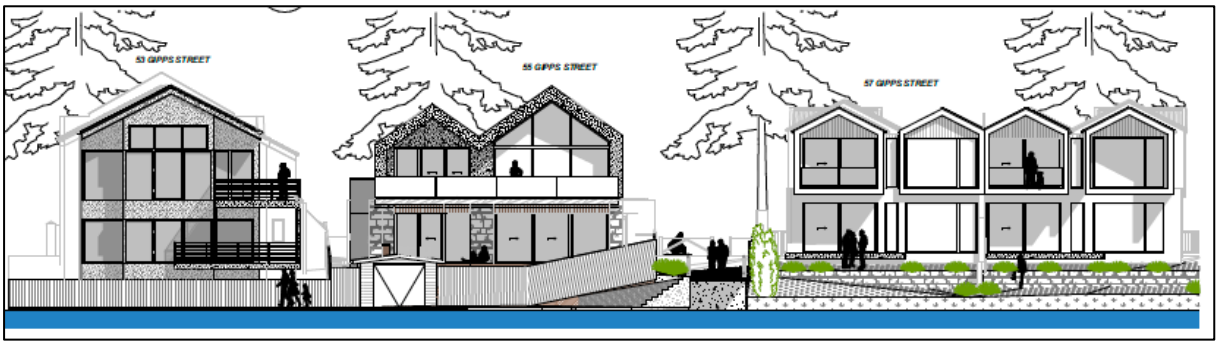



*Figure 7 River elevation*

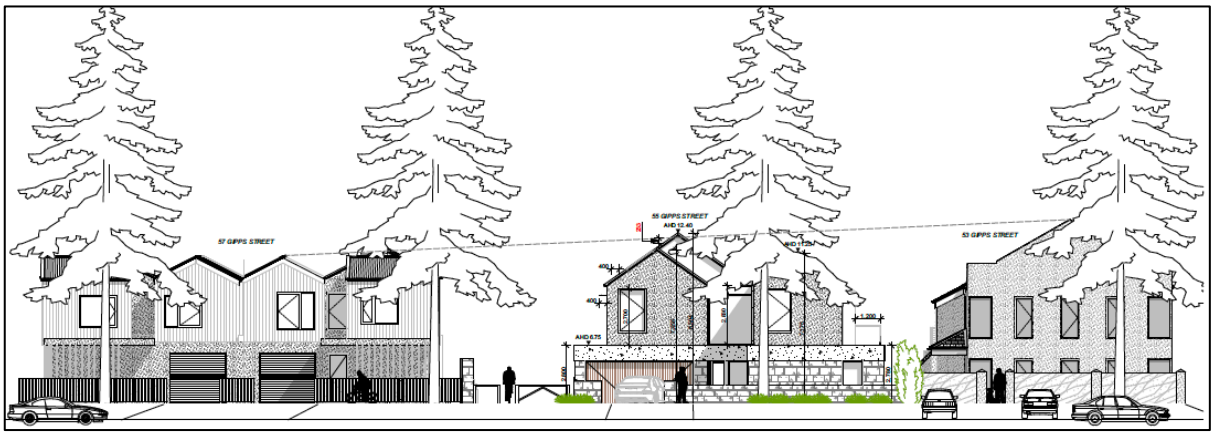



*Figure 6 Gipps St streetscape*

### BUILDING HEIGHTS:

The Gipps Street, the front of the gable is a maximum of 7.5m in height and the building is set pretty much at ground level (3.6m AHD).

To the rear of the building, the overall building height is 8.8m from NGL to the peak of the south gable, and 9.44m to the peak of the north gable. The building height is measured from the Nominal Flood Protection Level at the rear of the dwelling and as such, meets height recommendations in the DDO. From the NFPL to the peak of the n north gable, the building is 8.8m in height.

The building is close to the average height of the two adjoining properties, on both the Gipps Street and river frontages as illustrated in the streetscape elevations.

### SETBACKS:

The building has varied setbacks and is setback close to the average setback of the two adjoining properties. The building is partially built to the north boundary to accommodate the garage but has a 2m setback elsewhere. The single garage is setback 1.0m from the south boundary but has a 2m setback elsewhere. The rear setback is increased from 4.5m to 12.2m and sits in a similar position in terms of river setback to the two adjoining properties.


*Figure 9 Site context plan showing site in white*


*Figure 8 Contemporary dwelling to north, walkway and subject dwelling with stone fence*

*Figure 11 Existing Gipps Street frontage (double storey part of dwelling not visible at eye level)*

*Figure 10 Dwelling to the south from riverwalk and dwellings to the north from Gipps Street*

*Figure 12 Existing double storey dwellings within a block of the subject property*

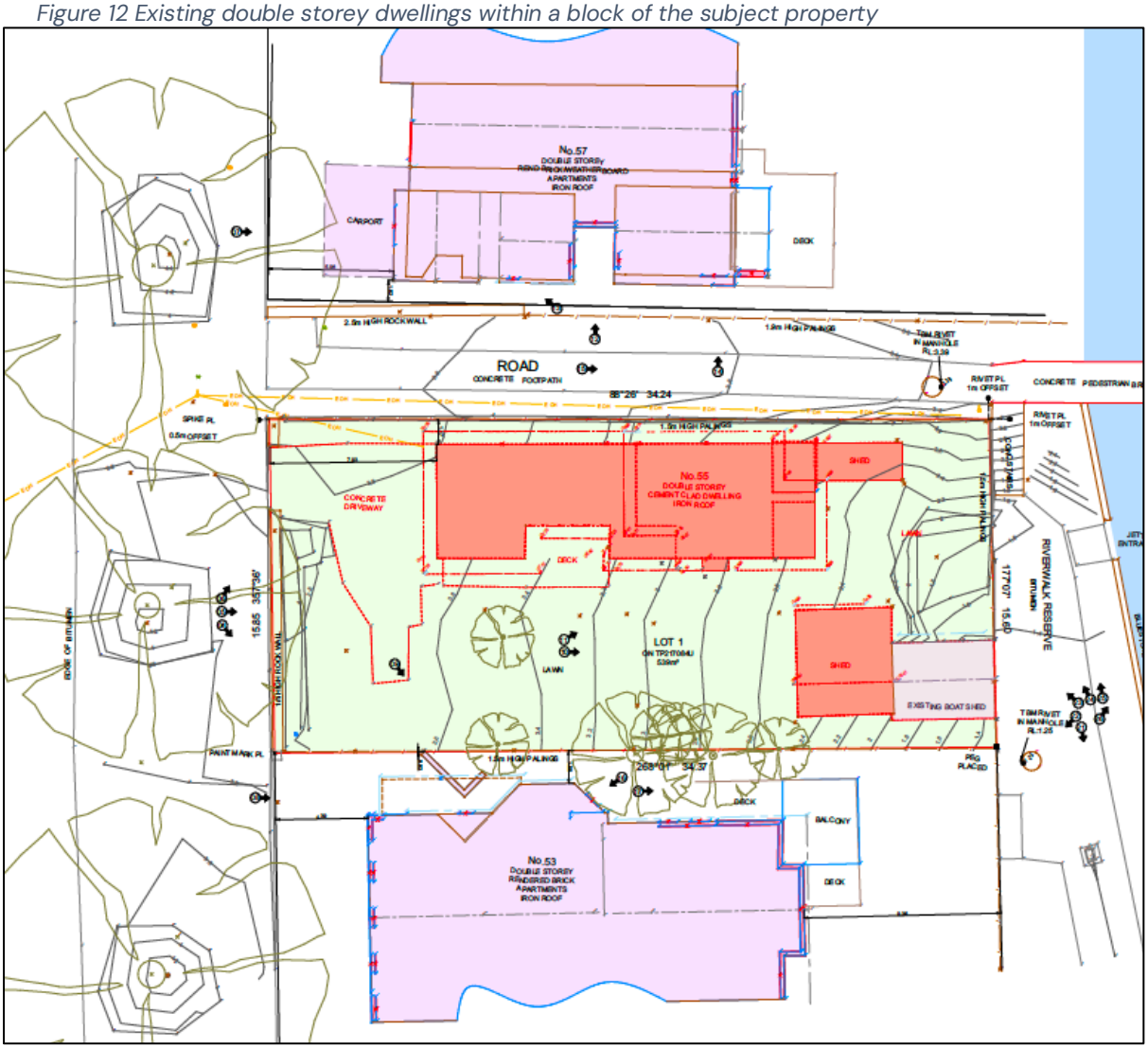



*Figure 13 Site survey showing context of adjoining properties*

## SITE ANALYSIS

The site is 547sqm in area and contains a double storey dwelling, located on the northern side of the lot. There is a low stone fence to Griffiths Street, paling fences to other frontages, and a single crossover to the northern side of the Gipps Street frontage.

The dwelling appears to date from the mid twentieth century and was likely built in the 1960s. The dwelling has no identified heritage significance. The dwelling is setback around 1m from the north boundary, and 4.1m from the river boundary.

To the north of the site is a public walkway created in 1938 which leads to a pedestrian bridge across the Moyne River. Beyond this is a contemporary dwelling, with a historic stone wall facing the walkway.

To the east of the site is a public lane, created in the 1940s leading to the wharf.

To the south is a double storey dwelling in cream tones, dating from the late 1980s or 1990s. It does not have heritage significance.

To the West is a line of Norfolk Island Pine Trees in Gipps Street.

*Figure 14 Aerial photo of existing lot 2021 via land checker*

### RESTRICTIONS ON TITLE

There are no restrictions on title.

## PLANNING CONTROLS

The Planning Controls which apply to the property are as follows:

- The property is in the Neighbourhood Residential Zone Schedule 1.
- The property is located in a Design and Development Overlay Schedule 6.
- The property is located in a Heritage Overlay Schedule 51.
- The property is partially located in a Flood Overlay Schedule 3.

## PLANNING PERMIT TRIGGERS

### NEIGHBOURHOOD RESIDENTIAL ZONE –

A planning permit is not required under the Neighbourhood Residential Zone as the lot is greater than 300sqm and is proposed to contain a single dwelling.

### DESIGN AND DEVELOPMENT OVERLAY SCHEDULE 6 –

A planning permit is required to construct a building or construct or carry out works and to construct a fence.

The application 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.

### HERITAGE OVERLAY SCHEDULE 51 –

A planning permit is required to demolish a building, to construct a building or construct or carry out works, and to construct a fence.

The application 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.

### FLOODWAY OVERLAY SCHEDULE 3

A planning permit is required to construct a building or construct or carry out works including a fence and a swimming pool or spa if the vessel protrudes more than 100mm above natural surface level.

An application under this overlay 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.

# STATE AND LOCAL PLANNING POLICY

## CLAUSE 02.03-5 STRATEGIC DIRECTIONS – HERITAGE AND BUILT ENVIRONMENT

- 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.
- Retain the overall low scale and simple forms of residential development across Port Fairy.

*Response*

The dwelling has been designed and setback from Griffiths Street to minimise impact on the nearby Norfolk Island Pine Tree.

The scale of the replacement dwelling is similar to the adjoining dwellings to each side. It will provide a similar scale to the existing dwelling for pedestrians moving from Griffiths Street to the bridge.

## CLAUSE 02.03-6 STRATEGIC DIRECTIONS – HOUSING

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

*Response*

The replacement dwelling responds appropriately to the neighbourhood character of the area and is similar in form to other contemporary dwellings in Griffiths Street which sit well in the heritage context and respect both the streetscape and the river frontages.

## CLAUSE 11.01-1L-02 SETTLEMENT PORT FAIRY

- Retain the distinctive character of Port Fairy based on its heritage features, coastal and river location. rural setting and high-quality urban design.
- Encourage development that responds to the constraints of the Moyne River floodplain and increasing coastal hazards, while protecting the sensitive coastal surrounds and iconic wharf precinct.
- Encourage infill development, particularly smaller dwellings, in the Town Centre Residential Precinct that is respectful of the environmental, heritage and character context of the town.
- Support limited new housing development in the East Beach, Griffiths Street and Wharf Precincts where land is not subject to flooding or erosion risk, and access is managed to the satisfaction of the responsible authority.
- Protect the existing avenues of Norfolk Island Pines.

*Response*

The proposed replacement dwellings provide elements of distinctive character including gable roof forms and high levels of urban design along with passive surveillance. The site is prominent with three public frontages to Griffiths Street, the walkway and the laneway/river frontage. The high-quality architectural design is responsive to the public interface, providing high levels of passive surveillance as well as appropriate levels of privacy for the residents. The dwelling has been designed to respond to the constraints of the Wharf precinct, including by managing flood risk in a responsive manner. The floor level of the dwelling is set at the NFPL as specified by the GHCMA and is higher than the existing dwelling's floor level by a small amount. The site has a significant drop to the river side, and the dwelling floor levels and setbacks have resulted in a flood resilient replacement dwelling to ensure there isn't an increase in risk to future occupants.

The dwelling will be a high-quality addition to the Wharf precinct.

## CLAUSE 13.03-1S FLOODPLAIN MANAGEMENT

To assist the protection of:

- Life, property and community infrastructure from flood hazard, including coastal inundation, riverine and overland flows.
- The natural flood carrying capacity of rivers, streams and floodways.
- The flood storage function of floodplains and waterways.
- Floodplain areas of environmental significance or of importance to river, wetland or coastal health.

### STRATEGIES

- Avoid intensifying the impact of flooding through inappropriately located use and development.
- Plan for the cumulative impacts of use and development on flood behaviour.

*Response*

There is no increase in intensity of impact, as the proposal is for a replacement dwelling. It does not increase the number of dwellings in the area. The dwelling has been designed to ensure it does not worsen impacts during a flood event with the NFPL met as per the advice of the GHCMA.

## 13.03-1L FLOODPLAIN MANAGEMENT - MOYNE

### STRATEGIES

- Discourage the use of fill in areas prone to flooding.

- Avoid the development of permanent, temporary or removable housing in areas subject to the Floodway Overlay.
- Support the development of housing in areas subject to the Land Subject to Inundation Overlay provided the design response addresses identified flood risks including the availability of safe accessways.

*Response*

There is no fill proposed.

The replacement dwelling, whilst partially located in the Floodplain Overlay is designed for flood resilience and has a floor level set at the NFPL as specified by the GHCMA.

The higher corner of the yard is proposed to have an outdoor spa installed as specified on the plans. Given this is located on the highest area of the rear yard, it has been designed, as much as possible to ensure there are no unreasonable impacts on the floodplain.

POLICY GUIDELINES

Consider as relevant:

- Ensuring the availability of accessways to habitable buildings that are subject to a depth of flooding of not more than 0.3 metres for flood events up to and including the 1 per cent Average Exceedance Probability standard.

*Response*

The Griffiths Street frontage of the lot is not affected by flooding. The existing vehicle access point to Griffiths Street is unaltered by this proposal.

- Ensuring development is consistent with any relevant Local Floodplain Development Plan.

*Response*

See assessment against the Local Floodplain Development Plan for more detail.

- Achieving balanced cut and fill in accordance with the Glenelg Hopkins Catchment Management Authority Guidelines for Floodplain Cut and Fill.

*Response*

Cut and fill is avoided where possible of the site. Natural ground levels will be retained as much as possible as per the plans.

# INCORPORATED AND REFERENCE DOCUMENTS

## PORT FAIRY HERITAGE CITATIONS 2015

GIPPS STREET AND MOYNE RIVER PRECINCT

## HISTORICAL CONTEXT:

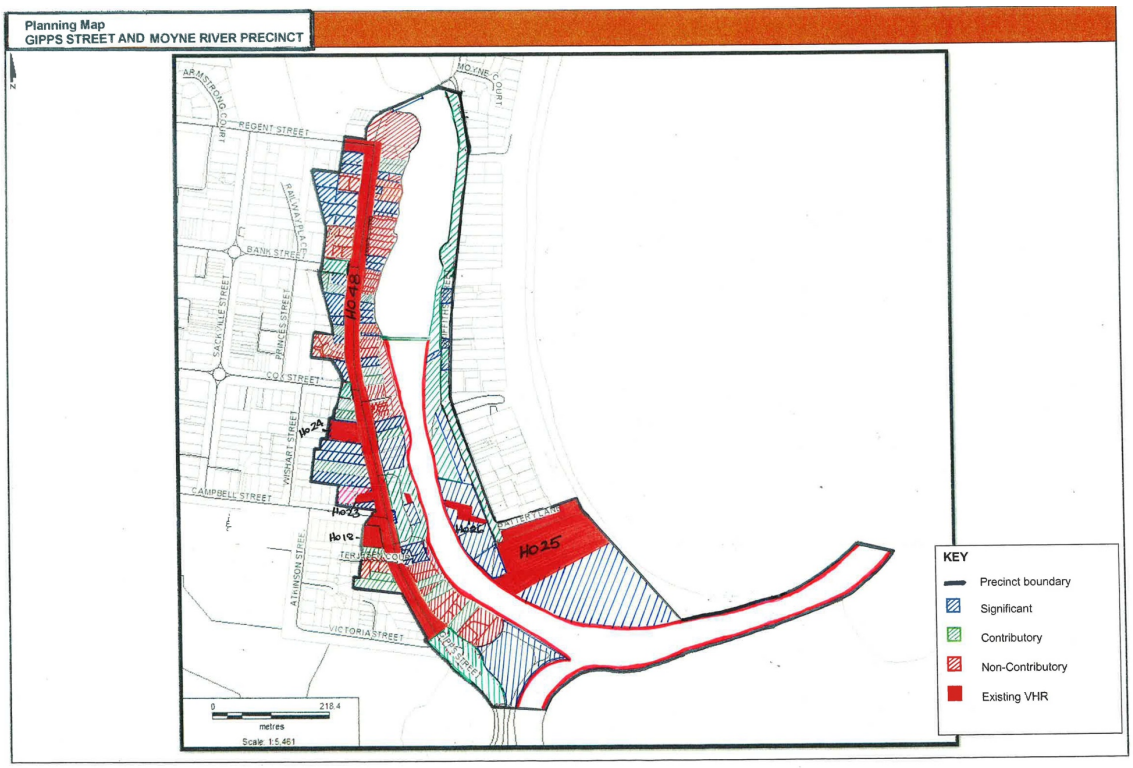



*Figure 15 Heritage Significance Map via Heritage Citations 2015*

The area covered by the Gipps Street and Moyne River Precinct is one of the two earliest areas of settlement in Port Fairy. Along with Griffiths Island, it is thought to have been settled in the 1820s by early whalers who established seasonal campsites and temporary structures along the Moyne River and on Griffith Island.

### SIGNIFICANCE

Significant to Precinct:

- Right of Way (and path) between 57 and 55 Gipps Street

Contributory to Precinct

- Smale Lane (located between 43 and 45 Gipps Street)
- Riverwalk Reserve, west bank, Moyne River
- Un-named lane between 55 and 57 Gipps Street

Non-Contributory to Precinct

- **House, 55 Gipps Street**

### KEY CHARACTERISTICS:

Much building fabric survives from each period of development along the Moyne River and Gipps Street with many of the historical changes to the fabric demonstrating the Precinct's sequential development. Almost all of the historic *Araucaria heterophylla* (Norfolk Island Pines) street trees survive. While there have been some inappropriate alterations and additions to the building fabric and while there are some intrusive buildings overall, the Precinct retains a high degree of integrity, is in good condition and is relatively intact to its later twentieth century character when its heritage values were first recognised by the 1976 Cox Tanner Report.

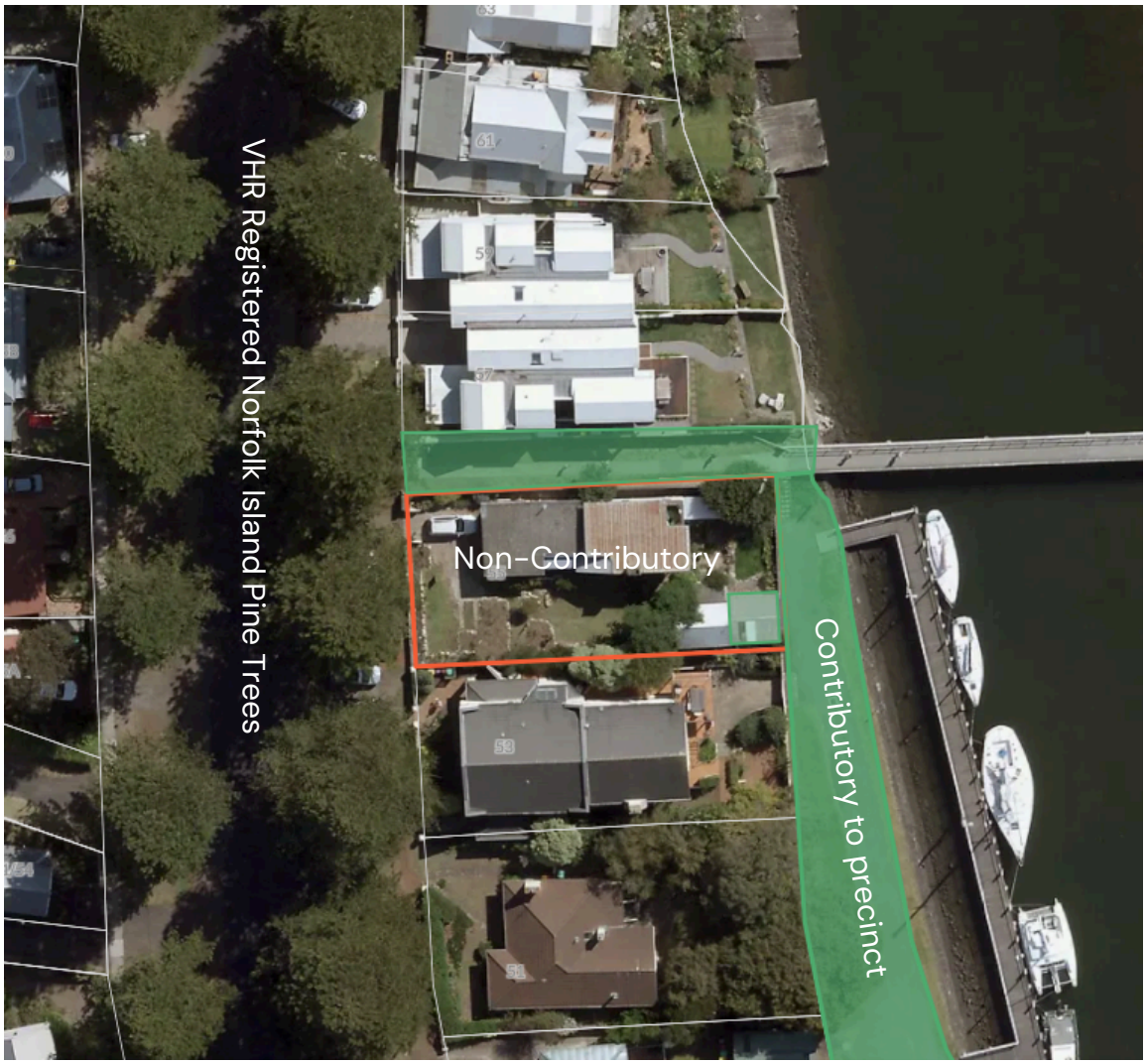



*Figure 16 Map showing areas of Contributory, Non-Contributory and State Level Significance.*

## PORT FAIRY RESIDENTIAL HERITAGE PRECINCT HERITAGE DESIGN GUIDELINES

### GENERAL

- Design proposed buildings and works to harmonise with the heritage character of the precinct.
- Design the general form of new residential buildings to include:
    - Pitched roofs.
    - Timber posted verandahs where this is characteristic of the streetscape.
    - Vertical rectangular timber windows.
- Encourage buildings or building additions that are constructed to a height of not more than one storey.
- Site new buildings to respond to the prevailing setbacks and settings of the streetscape.

*Response*

The dwelling has been designed to harmonise with the precinct to all facades. The design includes a pitched gable roof, uses timber detailing and provides vertical rectangular timber windows to the street façade.

The dwelling replaces an existing two storey dwelling and uses multiple pitched gable roofs and varying setbacks to ensure the building does not appear to dominate the streetscape.

The proposed design increases the setback to the river frontage compared to existing and generally matches the front setback of the adjoining buildings to Griffiths Street.

### RELATIONSHIP TO STREET

Reduce perceived building bulk by articulating wide building facades through changes in footprint, height, or materials.

Orientate the main door of the dwelling and the windows of habitable rooms towards the street.

Encourage Verandah treatments that:

- Use style, materials and detailing that complement those of heritage buildings.
- Are pitched less steeply than roofs.

*Response*

The building façade is broken into several forms, with the main door and habitable room windows facing the street. There is an additional window in the south garage facing the street to improve articulation at ground floor level. A small porch is proposed and given the need to garage 3 cars on site, this is a suitable façade

detail, although it is not a traditional Verandah. At first floor, the building is broken into gable wings with a central flat roof to split the two roof forms.

### PITCHED ROOFS AND CHIMNEYS

Design new development with pitched roofs such as hipped or gabled forms of at least 30 degrees.

Encourage chimneys that reflect the existing residential skyline character.

*Response*

The pitched roofs are 30 degrees and include gable form which is prevalent in recent builds along Griffiths Street. There are no chimneys proposed.

### SERVICES

Locate infrastructure such as air conditioning units, storage for gas bottles, TV aerials, above ground rainwater tanks and solar panels where they are not visible from the street.

*Response*

All infrastructure will be located in places where it is no visible from Griffiths Street.

*Figure 17 Visualisation from entrance to pedestrian walkway*

### COLOURS AND MATERIALS

Encourage the use of materials that are complementary to the character of the heritage precinct.

Encourage the use of muted tones of lighter colours for larger surfaces such as walls and roofs, while darker deep colours are encouraged for details such as window frames, door frames and Verandah posts.

*Response*

The materials are generally light and natural in tone. The ground floor is clad in bluestone to Griffiths Street, with a concrete parapet and a light-coloured render at first floor level. The garage doors are timber clad to provide a traditional style detail. Aluminium framed windows and doors are proposed and are similar in style to those on the adjoining buildings, which are not heritage buildings.

### WINDOW AND WALL RATIOS

Design window treatments in new development to reflect the predominant vertical orientation and pattern characteristic of early heritage buildings in Port Fairy with:

- A 33 per cent to 67 per cent window to wall proportion.

*Response*

The street facing windows have vertical proportions and are similar to the windows of the adjoining dwellings.

The street facing façade has an area of 108sqm. The street facings windows and doors are 22.05sqm in area – a proportion of 21% of the façade.

This is similar proportion to the adjoining dwellings to the north and south and as such, is in keeping with the immediate character of the area.

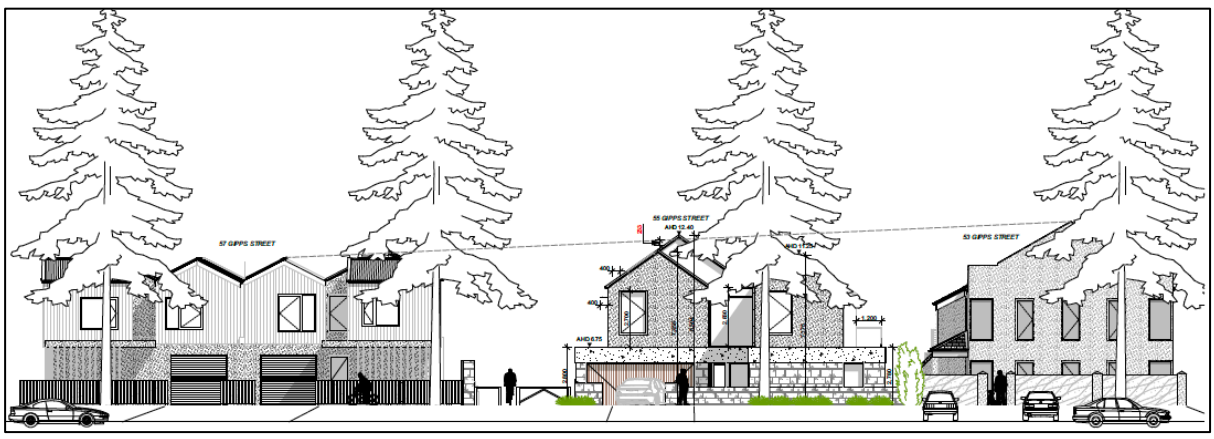


*Figure 18 Gipps St elevation showing adjoining dwellings*

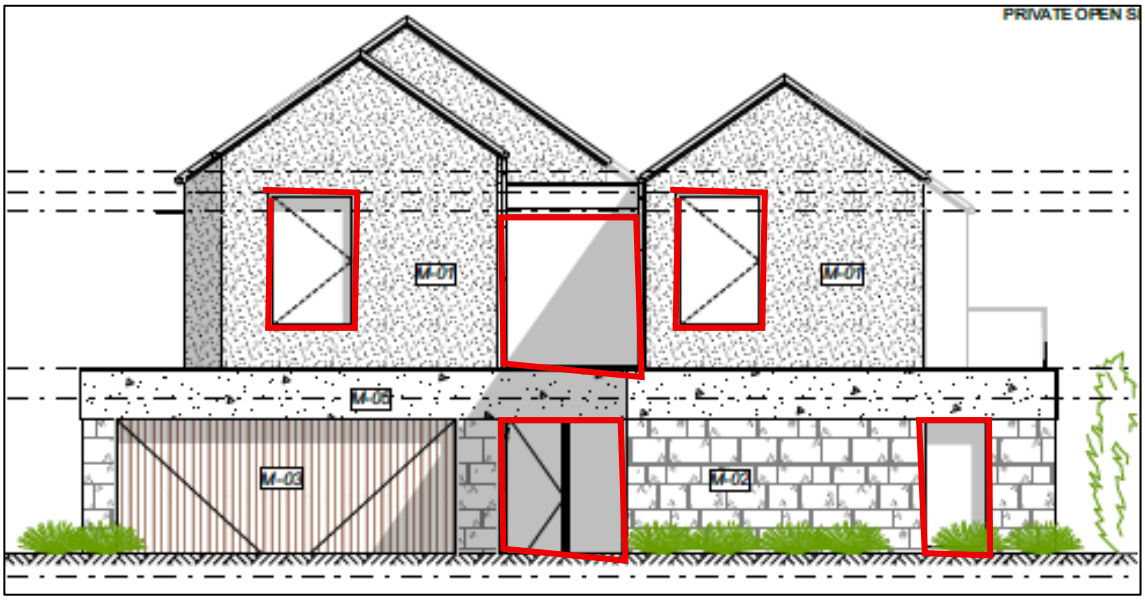



*Figure 19 Street facing façade (windows outlined in red. Garage door width 5.8m*

## GARAGES, CARPORTS, AND PARKING

Site garages and carports behind dwellings, and if not practical, behind the building façade. The greater the width of garage/carport, the greater the setback should be to minimise the impact of the garage/carport on the street facade.

Design and construct vehicle crossovers to be as narrow as possible using permeable materials.

Screen areas of hard paving visible from the street with planting.

*Response*

The existing crossover is being retained, and the ground floor has a side facing garage with a window facing the street to reduce the visual impact of car parking and allow the double garage to be recessive in the streetscape.

The single garage is screened from the street and has a large, glazed window to the street frontage. The double garage is setback 7.5m from the street frontage, and the side wall of the single garage is setback 3.3m from the street frontage.

The 3.3m setback is the midpoint of the setbacks of the two adjoining properties. It is noted the property to the north also has a side facing carport and single garage facing Griffiths Street in a similar arrangement to that proposed on site, albeit, in a narrower lot (11m width instead of a 15.85m width.).

Screening landscaping is proposed to behind the existing fence to soften the stone façade of the single garage. The double garage is setback 4.2m behind the front façade.

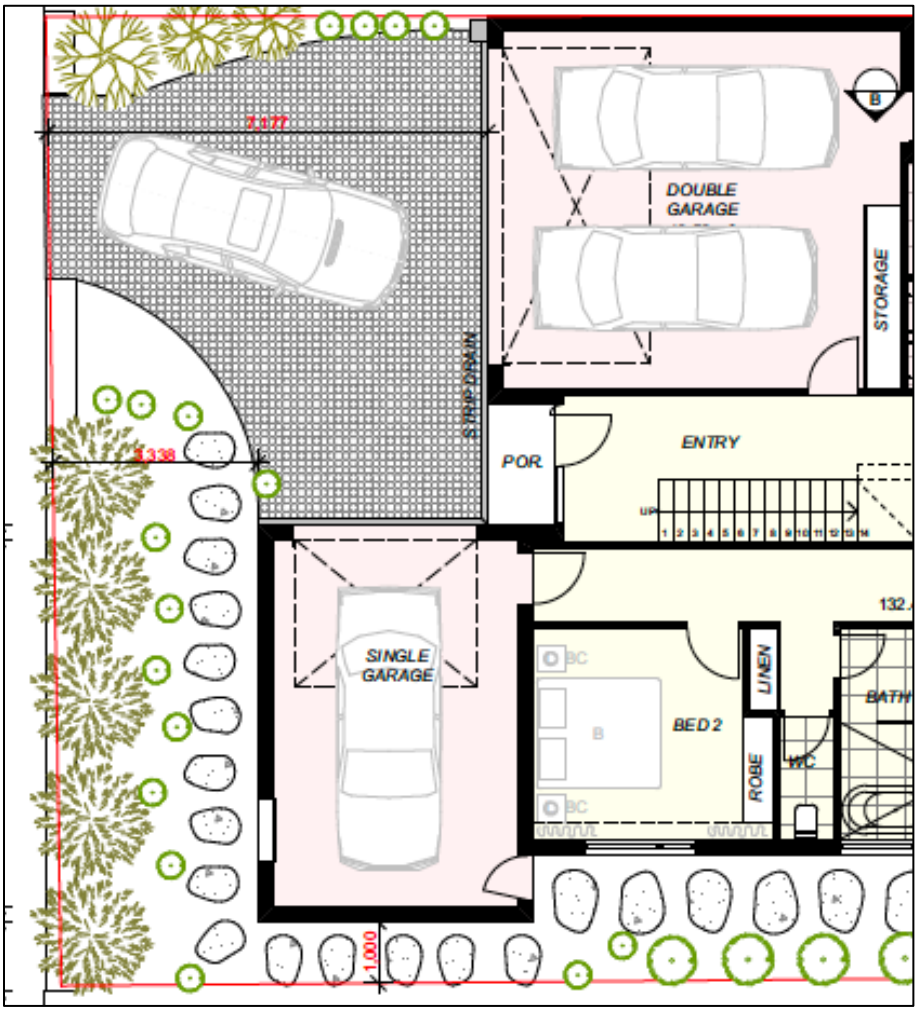
Siting  the



*Figure 20 Proposed garage layout*

garages off the rear laneway is not practicable in this circumstance due to flood risk.

## LANDSCAPING

Design development to be consistent with the garden character of Port Fairy by:

- Retaining street trees.
- Providing low boundary walls.
- Establishing landscaped cottage gardens.
- Using permeable surfaces.
- Avoiding excavation and parking areas over the root spread of street trees.

*Response*

The existing street trees are retained by the proposal as are the existing low front boundary stone wall. The proposed landscaping will have a cottage style but include native plantings to Griffiths Street. A permeable driveway surface is

proposed. No excavation is proposed which would have a negative impact on street trees.

### CORNER LOTS

Design development on corner lots to present an attractive façade to all street frontages that responds to the heritage characteristics of the area, including similar street setbacks, verandahs, glazing styles, fencing styles and materials.

*Response*

Whilst not technically a corner lot, the site adjoins the existing public walkway owned by Moyne Shire to the north leading to the pedestrian bridge. The existing paling fence is proposed to be retained.

Where the garage is proposed to be built on the walkway boundary, bluestone cladding is proposed to echo the character of the contributory stone wall to the north side of the lane. Large windows are proposed at first floor as well as a balcony will provide passive surveillance. The building provides an attractive frontage to the walkway.

To the river laneway, the existing boat shed will be retained. The east façade includes a mix of bluestone cladding, decks and balconies to provide a high level of materiality and historic context. The new building will have a greater setback from the river laneway compared to the existing dwelling.

*Figure 21 Pedestrian view from Gipps St walkway entrance*

## PORT FAIRY LOCAL FLOODPLAIN DEVELOPMENT PLAN 2023

### APPLICATION REQUIREMENTS

Documents providing:

- A written response to Clause 13.03-1S and 13.03-1L of the Moyne Planning Scheme, *Floodplain Management*, including demonstration that the proposed development could not be located on land not subject to flood risk, and a response to relevant decision guidelines.

*Response*

Provided above.

- An outline of any actions or measures required to reduce the risk to individuals, property, infrastructure, and the environment, over the predicted life of the buildings or works, including those applying to the siting and design of the buildings or works, and/or to the use and occupation of all aspects of the proposal.

*Response*

The dwelling has been designed to meet the NFPL parameters as set by the GHCMA with regard to the potential for 1.2m sea level rise to occur. The site slopes up to Griffiths Street and as such, as minimal risk to its access points for vehicles and pedestrians.

- For proposals including fencing, a statement of compliance with the *Glenelg Hopkins CMA Guidelines for Fencing in Flood-prone Areas,* or evidence demonstrating that the fence does not significantly obstruct flood flows.

*Response*

Existing fencing is proposed to be retained.

- For proposals involving cut-and-fill earthworks, a statement of compliance with the *Glenelg Hopkins CMA Guidelines for Floodplain Cut and Fill*, including:
    - plans prepared by or under the direction and supervision of a licensed land surveyor showing ground levels to AHD of all fill and borrow areas, depths of cut and height of fill, and calculations showing the net level for level cut and fill volume balance.
    - modelling of flood behaviour demonstrating impacts of proposed works.
- A flood risk report is required for proposals to develop land located within the FO if the application does not fully comply with this Local Floodplain Development Plan.


Figure 23 Extent of Floodway Overlay (via Land checker) aerial Photo 2021

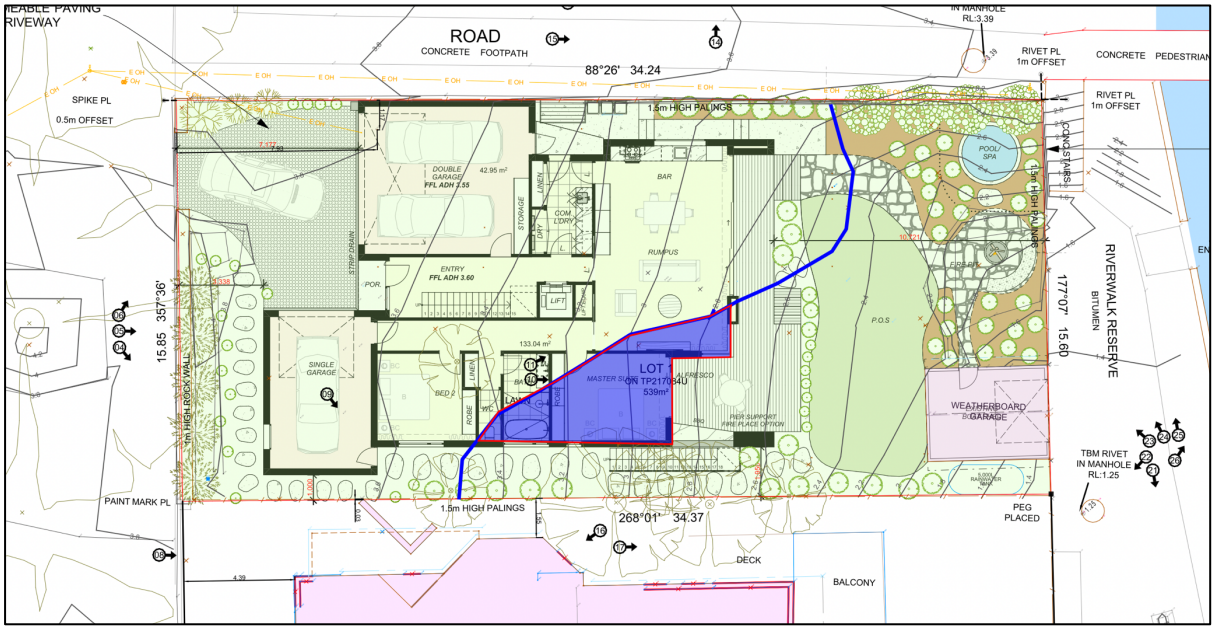



*Figure 22 Extent of internal floor area of building within Floodway Overlay (approximate)*

## PERFORMANCE CRITERIA

The following performance criteria apply to all land within the FO and LSIO.

### ALL APPLICATIONS

Applications for development must not:

- reduce the capacity of the floodplain to store and convey floodwater;
- divert or impede the flow of floodwater; or
- adversely impact downstream or neighbouring land.

- New or replacement buildings (excluding outbuildings and sheds) must have a floor level finished at or above the relevant NFPL as stipulated at clause 4.5, unless the application is accompanied by written advice that an alternative floor level is acceptable, issued by the Floodplain Management Authority no more than three (3) months prior to lodgement of the application.

*Response*

The proposed site layout increases the building setbacks from the river frontage. The existing building is setback 4.18m from the river frontage.

The advice was received in September 2025. Whilst beyond the 3-month recommendation, there is no evidence known to indicate the NFPL may have changed in the intervening period.

The ground floor of the dwelling is set at 3.6m AHD as per the NFPL as specified by the GHCMA. The dwelling setback from the river has increased by 6.52m to the deck and 8.5m to the internal floor space. The NGL to the rear of the replacement dwelling is around 2.8m, with a NFPL to the deck and interior being substantially higher at 3.6m AHD (800mm above NGL)

NEW OR REPLACEMENT BUILDINGS (EXCLUDING OUTBUILDINGS AND SHEDS) SHOULD:

- be sited on the highest available natural ground, unless it can be demonstrated to the satisfaction of the responsible authority and the Floodplain Management Authority that this is not viable.

*Response*

The dwelling setback from the river frontage has increased from 4.18m to 12.4m (not including the deck). The dwelling is set at a minimum NGL of 2.8mm with the lowest point of the site being just under 1.4mAHD. The NFPL is met by the design, and the extend of floor area within the flood overlay is restricted to a corner of the living room, part of the ground floor master and adjoining bathroom.

- be constructed to minimise potential for disrupting floodwater flow.

*Response*

The dwelling has been thoughtfully sited to meet the client's needs and to ensure the increased setbacks provide the least potential for disrupting the flow of water through the site. The spa has been sited on the higher side of the site, and the existing fencing will be retained.

- be constructed on stumps (or piers) and bearers, unless the Floodplain Management Authority has advised otherwise in writing within three (3) months of lodgement of the application.

*Response*

The small part of the building within the Flood Overlay is able to be constructed on stumps and more detail can be provided under permit conditions if necessary. The section drawings provide a preliminary indication of stump locations.

- be aligned with the longest wall parallel to the dominant direction of floodwater flow, unless:
- it can be demonstrated that this cannot be practically achieved, to the satisfaction of the Floodplain Management Authority and the responsible authority; or the Floodplain Management Authority has advised in writing that an alternative alignment is acceptable, no more than three (3) months prior to lodgement of the application.
- be constructed of water-resistant building materials up to the NFPL.
- be constructed of salt resistant building materials up to the NFPL within the area prone to storm tide flooding.
- be designed and constructed so that:
    - the ground surface under raised building floors is sloped or mounded to ensure floodwater freely drains away from the sub floor area; and
    - any subfloor structure cladding is of an open style (such as spaced timber boards) to allow entry and exit of floodwater; and
    - have building fill pads constructed in accordance with the Floodplain Management Authority Guidelines for Floodplain Cut and Fill, where deemed acceptable by the Floodplain Management Authority.

*Response*

The small part of the building within the Flood Overlay is able to be constructed of flood proof materials and more detail can be provided under permit conditions if necessary.

### SWIMMING POOLS (PERMANENT)

Permanent swimming pools must be fully in ground with no protrusion of pool walls above natural ground surface, unless the application is accompanied by written advice from the Floodplain Management Authority that an above ground protrusion is acceptable. The Floodplain Management Authority advice must be dated no more than three (3) months prior to lodgement of the application.

Fences must:

- be designed and constructed to minimise the likely effects of flooding.
- not unduly divert or obstruct floodwater; and
- minimise the potential for debris to be trapped.
- Any application for the construction of a fence must demonstrate compliance with the *Glenelg Hopkins CMA Guidelines for Fencing in Flood-prone Areas*.

*Response*

The spa has been a more recent addition to the project, and specific advice has not been sought at this stage. The spa is located at a minimum NGL of 2.4m AHD and will be partially sunk into the ground. Further detail can be provided if needed.

DECISION GUIDELINES

Before deciding on an application, the responsible authority must consider (as appropriate) whether the proposed development:

- Can be located on land outside the FO and LSIO, to prevent creation of further legacy floodplain management challenges and increased vulnerability of people and structures to potential flood damage.
- Minimises risk of negative impacts from flooding on people, property, and/or infrastructure, particularly in relation to existing residents or other properties (includes generating risk where none previously existed, and intensifying existing risk by exacerbating flood characteristics).
- Minimises the risk of residents becoming isolated from essential services and supplies during a flood event, and the danger posed to emergency personnel in reaching such residents during large floods.
- Maintains free passage and temporary storage of floodwaters and otherwise avoids altering flood behaviour.
- Is designed and uses appropriate materials and constructions methods to minimise the likelihood of damage by water, including salt water where relevant.
- Maintains a vegetated buffer to drainage corridors to minimise erosion of stream banks and verges during large floods and maintain the natural drainage function, stream habitat, and wildlife corridor and landscape values.

*Response*

As much as possible, within the boundaries of the other planning controls on the property, the replacement dwelling has been located outside the parts of the land subject to inundation. This approach, along with setting the replacement dwelling

floor level at a NFPL of 3.6m AHD aims to minimise the risk of negative impacts from flooding on the surrounding precinct and nearby infrastructure. The replacement dwelling should not intensify flood risk, and it is possible, in the near future that with the replacement of the Moyne River Road bridge, the flood risk on the downstream properties may change and potentially even reduce.

The Gipps Street frontage of the property maintains flood free access and there is no identified risk of occupants becoming isolated or posing a danger to emergency personal in a large flood.

The increase in building setbacks to the Moyne River side of the replacement dwelling will maintain and potentially improve passage of water through the property in a flood event. It is noted that is a significant change in levels from the north to the south side of the lot, and that the public walkway is higher again comparted to the riverwalk area.

The replacement dwelling has been designed with flood resilient materials in mind for the parts of the. Building potentially affected by water and potential for damage is likely to be limited.

Landscaping is proposed in the rear yard, but there is no vegetated buffer on site or adjoining the site. The retention of the boat shed will not alter flood behaviour with free passage of water to all sides of the building.

# OVERLAYS

## HERITAGE OVERLAY SCHEDULE 55

### PURPOSE

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

*Response*

The proposed replacement dwelling does not remove any elements of heritage significance from the precinct. The proposed dwelling is responsive to character elements in the area without mimicking heritage style to ensure the replacement dwelling will not adversely affect eh significance of the precinct.

# DESIGN & DEVELOPMENT OVERLAY SCHEDULE 6

## PORT FAIRY GRIFFITHS STREET AND WHARF PRECINCT

### 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 character and scale of the river and dune landscapes through the appropriate siting and design of new development.
- To ensure development provides for shared views of the Moyne River estuary and does not dominate the visual setting.
- To ensure development is sited to enable the retention of existing native coastal vegetation that respects the identified landscape character.
- To minimise the visual impact of car parking and outbuildings.

*Response*

The proposed dwelling design meets the landowners needs to age in place and also delivers high quality contemporary design with references to the historical characteristics of the area. This appropriately integrates the replacement dwelling within the historical and coastal character of the area. The retention of the boatshed to the river frontage retains the references to the riverside land uses along the river.

### REQUIREMENTS

The following buildings and works requirements apply to an application to construct a building or construct or carry out works:

A permit cannot be granted to construct a building or construct or carry out works which are not in accordance with any built form requirements expressed with the term 'must'.

A permit may be granted to vary a built form requirement expressed with the term 'should'.

*Site Coverage and Permeability*

- The site area covered by buildings should not exceed 40 per cent.

- The site area covered by permeable surfaces should be at least 50 per cent.

*Response*

Partially Achieved

The proposed site coverage is 46% of the site, including the existing boat shed.

The existing site coverage is 34% of the site. An increase of 12% is proposed.

The permeability of the site is 54% of the site as permeable paving is proposed.

Permeability is achieved, a slight variation in site coverage is proposed.

*Building Massing*

- Buildings should be articulated along the frontage so that the overall bulk and mass of the building do not compromise the characteristic scale and streetscape rhythm of the precinct.
- Building height and massing should allow for equitable view sharing of the Moyne River estuary with nearby properties.

*Response*

Achieved

The building is articulated to all frontages, and the mass is broken up in a way that will not compromise the characteristic scale or rhythm of the precinct. The building height is the average of the adjoining two buildings, and the setbacks of the building are increased comparted to existing.

*Building Height*

- Building height should not exceed 8 metres.
- 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.
- If the land is in a Floodway Overlay, Land Subject to Inundation Overlay or is liable to inundation, the maximum building height specified in this schedule is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

*Response*

Achieved

The cross section of slope across the site is 3.65 degrees to the centre of the site, and 4.13 degrees to the south boundary. As such, the maximum building height is up to 9m as per the policy above.

The land is also located in a floodway overlay to the rear of the site, so the building height to the rear is measured from the minimum floor level of 3.6m AHD.

*Figure 24 Existing view from bridge and indicative visualisation from bridge of replacement dwelling*

To the street frontage, the south gable has a maximum height to the peak of the roof of 7.1m (11.25AHD), the north gable has a height of 7.5m, and the rear north gable has a maximum height of 8.5m (12.4AHD).

To the river frontage, the south gable has a maximum height to the peak of the roof of 7.65m (11.25AHD above a floor level of 3.6AHD). The north gable has a maximum height of 8.8m (12.4AHD above a floor level of 3.6mAHD).

The building heights meet policy requirements.

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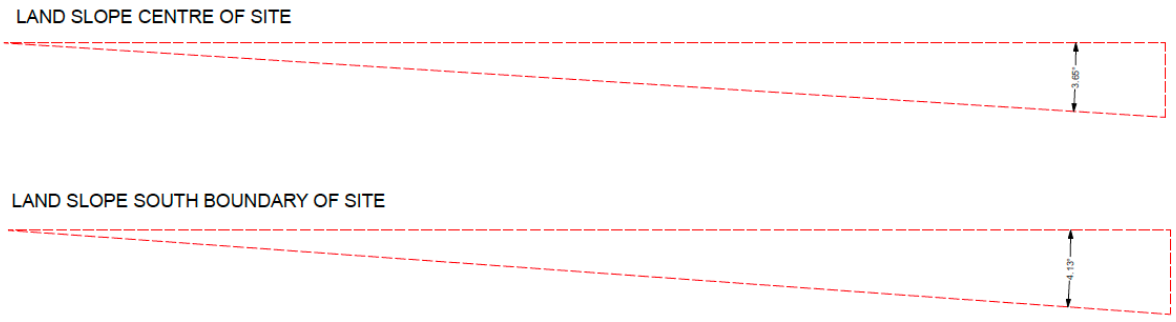


*Figure 25 Slope from Gipps Street to river frontage (based on survey levels at 200mm intervals)*

*Figure 26 Indicative visualisation of walkway and Gipps Street views for a pedestrian*

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*Figure 27 Existing view of dwelling and walkway*

*Building Setbacks*

Any part of a new building or extension should be set back:

- At least 2 metres from any side boundary.

If the rear boundary of the property is adjacent to the Moyne River Reserve, the building should be set back:

- From the property frontage at least the average of the front setbacks of the buildings on the two immediately adjoining properties.
- From the rear boundary 4.5 metres or the average of the rear setbacks of the buildings on adjoining properties, whichever is greater.
- The first floor of a building should be set back by a minimum of 3 metres behind the ground floor facade to a street and/or the Moyne River to reduce visual bulk.

*Response*

Partially achieved

SIDE SETBACKS

Where possible a 2m side setback has been achieved. The single garage has a 1m setback, with the setback increasing to 1.95m beyond this. The north side has a greater setback than the existing building, except for the double garage which is proposed to be built on the side boundary and clad in bluestone. Given the 15.7m width of the lot, and the three public frontages, along with the high levels of articulation at ground and first floor, the partial variation in setbacks is appropriate to the context of the site. The stone clad wall on the boundary is a contemporary interpretation of other historical stone boundary walls in the area, and across the walkway.

The north setback is not dissimilar to the adjacent new dwellings to the north side of the walkway.

The first floor has an additional 2m side setback to each side, achieving or exceeding the recommended setbacks.

REAR SETBACKS (RIVER)

The rear of the property is adjacent to the riverwalk reserve, with the river beyond this. As such, the river property setbacks are considered relevant.

The front setback varies between 3.3m and 7.1m. The 3.1m setback is less than the 4.39m setback to the south, and greater than the 2.5m setback to the carport on the northern properties. The average setback of these two properties is 3.4m, and the setback proposed is 3.1m – a difference of 300mm. The slightly smaller than

average setback is proposed to enable the dwelling to have a significant increase in rear setback to the river.

The 7.1m setback is greater than the garage setback on the property to the north.

The rear (river) setbacks of the adjoining properties are 13.8m to the north, and 9.3m to the south. The existing dwelling is setback 4.3m from the river frontage.

The replacement dwelling is setback 12.2m from the rear (river) boundary, with a 2m wide deck/balcony above it. The dwelling exceeds the average setback of the two adjoining dwellings of 11.55m by 0.65m.

#### First Floor Setbacks:

The first-floor setbacks vary across the site. While bedroom 3 sits directly above the single garage without a front setback it is integrated into the roof design and includes an additional 2m side setback. The master bedroom is setback 4.3m behind the front façade (being the front of bedroom 3) and is also integrated into the roof design. The integration of the first floor into the roof design and the additional side setbacks ensure the first floor does not present as visually bulky at first floor level on Griffiths Street, as illustrated in the streetscape elevations. The integration of the side walls into the roof and first floor side setbacks reduces the overall building height to less than the recommended height control at the front. This is to be commended for a two-storey property on a sloping lot.

To the rear of the building there is an angled balcony at first floor. The balcony has a width of 3.6m to the south end and 2.1m to the north end. The roof partially overhangs the balcony to provide weather protection. Given the significant increase in the setback of the building to the river as well as the integration of the first floor into the gable roof, the variation of a blanket 3.0m first floor setback is appropriate in this instance. It is also noted that the balcony has a deck below and will provide a very open glazed frontage to the river corridor.

The first floor has a maximum width of 10.7m, allowing for a combined 5.0m side setback on the lot. As the width of the first floor is modest, this balances out the reduced first floor setbacks and allows the gable roof form, which is an established character feature of recent buildings along the river to achieve a highly integrated architectural outcome for the prominent property.

#### *Frontage Presentation*

- Buildings should provide an active frontage and support passive surveillance to the Moyne River.
- Ground floor and first floor habitable room windows should be orientated towards Griffiths Street or Gipps Street.

*Response*

Achieved

The building provides active frontages and passive surveillance to the Moyne River as well as having windows oriented to Gipps Street at ground and first floor level.

*Design Detailing*

- When constructing new buildings or extensions or carrying out works:
- Natural materials such as timber or stone should be used.
- Unrendered brickwork or blockwork should be avoided.
- Reflective materials should be avoided.
- Non-reflective materials should be used for roofs.

*Response*

Achieved

The proposal does not use reflective materials. The ground floor is to be clad in bluestone, with a concrete finish parapet and the first floor will be rendered blockwork. Timber features include the deck, balcony and garage doors. The first floor is lighter in tone compared to the ground floor ensuring it does not dominate or increase the visual bulk of the building.

*Outbuildings and Car Parking*

- Driveways should be constructed of a permeable material.
- Garages structures should have an external maximum width of 6.5 metres.
- Garages, outbuildings and areas allocated for parking vehicles should be:
- Sited to minimise visibility from the street.
- Set back at least 1 metre behind the front wall of a building (excluding porticos and projecting windows).
- Designed to respect the character of the area.
- Where double garages are provided, these should be accessed by a single width crossover.

*Response*

Partially Achieved

The driveway location is being retained, and permeable paving placed on site to provide a suitable driveway surface.

The garages on site have been split into two to ensure that the visual bulk of carparking is minimised, and that there is no need to rely on street parking for the three vehicles the landowners have. The double garage has a garage door width

of 5.8m, and the single garage is not facing the street. There is a large window to the side of the single garage to provide passive surveillance to the street.

The double garage is setback 4.2m behind the front wall of the building (being the side of the single garage). The side orientation of the single garage minimises visibility from the street and allows the front porch to be clearly visible. This approach to have a side facing car park or garage has been taken elsewhere in Gipps Street.

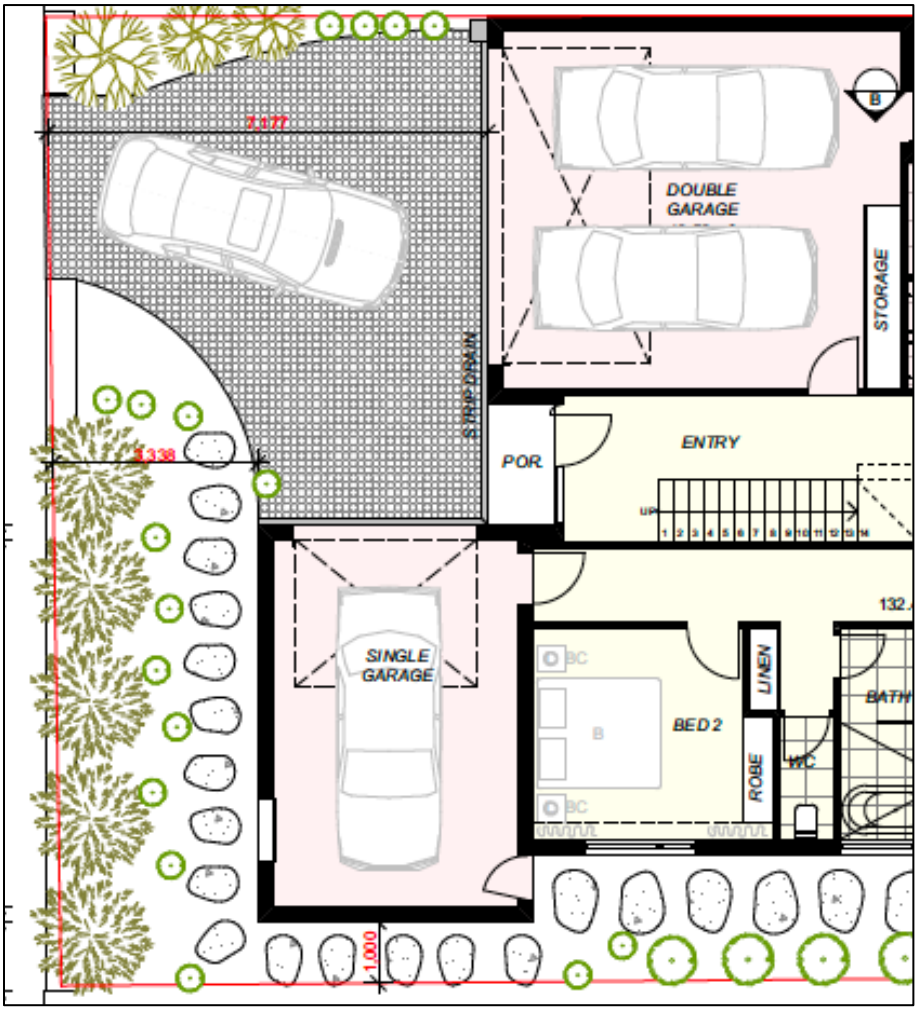


*Figure 28 Proposed garage layout*

The garages are timber clad and provide sufficient car parking for the landowners needs whilst not interfering with the Norfolk Island Pine trees or relying on street parking for additional vehicles. The garages continue to be accessed by a single crossover in the same position it is currently in.

*Landscaping and Fencing*

A fence forward of the front façade of the building and/or within 5 metres of any Moyne River frontage should:

- Not exceed 1.2 metres in height.
- Be at least 50 percent permeable.

Landscaping should be provided between dwellings and street frontages and along any driveway associated with a 'battle-axe' subdivision to soften built form and hard surfacing.

Landscaping should utilise indigenous species wherever possible.

Service boxes and storage areas should be located where they are not visible from the street or visually screened using quality materials or landscaping.

*Response*

Achieved

The existing fences are proposed to be retained and restored where possible. There is an existing stone fence to the street frontage.

Indicative landscaping is show on the site plans, and additional detail can be provided as needed.

The service boxes will not be visible from the streetscape.

## DECISION GUIDELINES

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the design responds to the building and works requirements contained within this schedule.
- The integration of the design response with any heritage considerations.
- Whether the design responds to the landscape and visual setting of this precinct.
- Whether the building setbacks provide a balance between buildings and landscape.
- Whether garages, outbuildings and areas allocated for parking vehicles have been sited and designed to minimise visibility from the street.
- Whether the building materials and colours minimise the visual impact of buildings and respect the character of the area.
- Whether front fencing and landscaping reflects the seaside character of the area and provide opportunities for passive surveillance to the street.

*Response*

The building has been designed by the architect and landowner to both meet their needs and respond to the character of the area which includes a mix of heritage elements and contemporary architecture. The replacement dwelling is in a prominent location and will integrate with the pattern of double storey dwelling with gable roofs which has emerged along Gipps Street in the last 15 years without mimicking the architecture of existing dwellings. There is sufficient carparking provided on site which should prevent degradation of the Norfolk Island Pine Tree in the adjoining road reserve and the dwelling provides high levels of passive surveillance to the riverwalk area and the walkway. There is a balance between heritage character, flood resilience and contemporary architecture meeting the needs of a large family on site.

The building is a respectful replacement dwelling providing a high-quality visual addition to the precinct.

# FLOODWAY OVERLAY SCHEDULE 3

## PORT FAIRY RIVERINE AND COASTAL INFLUENCED INUNDATION AREAS

### FLOODWAY OBJECTIVES TO BE ACHIEVED

- To address the increasing effects of 1 per cent Annual Exceedance Probability (AEP) riverine and/or ocean storm tide floods, including reducing the risk to human life and the economic impacts of damage to infrastructure and property.
- To identify and manage development of land subject to an inundation depth of 0.5 metres and above, and/or combined water velocity and depth (VxD) of more than 0.4 square metres per second under a 1 per cent AEP flood event with 1.2 metres sea level rise by 2100.
- To avoid increasing risk in areas at high risk of coastal influenced inundation.

### STATEMENT OF RISK

- Several areas within Port Fairy have been identified as being at risk of coastal influenced inundation. This poses significant risks for the community in terms of economic, social and environmental impacts. The Floodway Overlay delineates land where flood hazard will be highest during 1 per cent AEP riverine and/or ocean storm tide floods and where new development should be carefully managed, if not avoided.
- Further development of land within the area delineated by the FO3 is likely to worsen the social and economic consequences of floods into the future.

### APPLICATION REQUIREMENTS

The following application requirements apply to an application for a permit under Clause 44.03, in addition to those specified in Clause 44.03 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A written response to relevant matters in the Port Fairy Local Floodplain Development Plan 2023 Incorporated Document.
- Plans drawn to scale, showing the boundaries and dimensions of the site, surrounding uses, and the layout of existing and proposed buildings and works.
- Elevation plans showing natural ground level and the finished floor levels of any existing and proposed buildings taken at AHD and showing the nominal flood protection level nominated by the relevant floodplain management authority.

*Response*

As per attached drawings and assessment against the Port Fairy Local Floodplain Development Plan.

DECISION GUIDELINES

The following decision guidelines apply to an application for a permit under Clause 44.03, in addition to those specified in Clause 44.03 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The contents of the Port Fairy Local Floodplain Development Plan 2023 Incorporated Document.
- The context of the proposed development having regard to the longer-term impacts of riverine and coastal flooding.

*Response*

It is put forward, that a replacement dwelling which is set above the NFPL and has flood free vehicle and pedestrian access to the street frontage is an appropriate addition to the area which will not worsen flood impacts over time.

It is expected that one the Moyne River Bridge is re-built there will be a re-consideration of how the water flows through the wharf precinct, and it is expected that there is potential that flood impacts may reduce should a new bridge improve the flow of water out to the ocean.

## SUMMARY

The proposed replacement dwelling is a high-quality architectural addition to the precinct that sits comfortably with its public interfaces and surrounding built form

context. It replaces a non-significant dwelling which is at the end of its useful lifespan providing a significant increase in amenity for the landowners allowing them to age in place over coming decades.

The site is specifically designed to ensure it does not worse flood risk to the precinct and to contain the real-life car parking needs of the landowner to the property instead of relying on unregulated street parking in Gipps Street.

The integrated gable roof design has become a character feature of the precinct in recent years, and this dwelling provides a subtle contemporary addition to this character, whilst grounding the ground floor in natural stone cladding.

It is respectfully requested that the application be considered on its merits and a permit issued in due course.