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Proposal: Construction of Three Dwellings and a Restricted Recreation Facility,
and Removal of Native Vegetation

Address: Lots 22, 24, 26 and 31 Hotplate Drive, Mount Hotham

Applicant: Mountain Planning

Date: 19 April 2021

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1.0 Executive Summary

Subject Land	Lot 22, 24, 26 and 31 Hotplate Drive, Mount Hotham
Area of Land	Lot 22 is 177m ² , Lot 24 is 192m ² , Lot 26 is 172m ² and Lot 31 is 175m ²
Proposal	Construction of a dwelling on Lot 22, 24 and 26, Construction of a Restricted Recreation Facility on Lot 31 and removal of native vegetation
Zone	Comprehensive Resort Development Zone – Schedule 1
Overlays	Bushfire Management Overlay – Schedule 1 Erosion Management Overlay – Schedule 1
Planning Permit Triggers	Clause 4.1 of Schedule 1 to the Comprehensive Resort Development Zone Clause 44.01-1 of the Erosion Management Overlay Clause 44.06-1 of the Bushfire Management Overlay Clause 52.17 of the Native Vegetation provisions
Summary of Merits	<ul style="list-style-type: none"> - The land is in an appropriate area for further residential development. - The architectural design of the building is consistent with the character of the area. - The buildings will be constructed to a BAL 40 to minimise the risk of bush fire to life and property. - The proposal is consistent with the Alpine Resorts Planning Scheme. - Native vegetation losses will be minimised where possible by retaining native vegetation outside of the building footprints. - The development fully complies with the Comprehensive Development Plan.

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Table of Contents

1.0 Executive Summary2

2.0 Introduction5

 2.1 Permit requirements under the Alpine Resorts Planning Scheme5

 2.2 Cultural Heritage Management Plan6

3.0 Subject Land and Surrounds7

 3.1 Subject Land7

4.0 The Development16

Planning Scheme Controls35

 5.1 Zone.....35

 5.2 Comprehensive Development Plan.....39

 5.2 Overlays.....41

 5.2.1 Bushfire Management Overlay41

 5.3.2 Erosion Management Overlay41

 5.3 Planning Policy Framework42

 5.3 Municipal Strategic Statement43

 5.4 Local Planning Policies45

 5.4 Particular Provisions46

 5.4.1 Clause 52.1746

 5.4.2 Clause 53.0247

 5.5 Clause 65.....48

5.0 Conclusion49

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2.0 Introduction

This report has been prepared by Mountain Planning on behalf of each of the leasees which own Lots 22, 24 and 26 and collectively own Lot 31. The proposal includes the construction of a single dwelling on Lot 22, 24 and 26 and a recreational building on Lot 31 to be used exclusively by the owners of Lot 22, 24 and 26. To facilitate the proposed development native vegetation is required to be removed due to the very small nature of the allotments and the inability to avoid native vegetation removal.

The land is zoned Comprehensive Resort Development Zone – Schedule 1 and is covered by:

- Bushfire Management Overlay – Schedule 1
- Erosion Management Overlay – Schedule 1

This application is accompanied by:

- A town planning report
- Development plans prepared by Grant Amon Architects
- A Bushfire Hazard Landscape Assessment
- A Bushfire Hazard Site Assessment
- A Bushfire Management Statement
- A Bushfire Management Plan
- A Geotechnical Report prepared by Coffey
- A Flora and Fauna Assessment Report
- A Site Environmental Management Plan
- Copy of title

This report addresses the relevant provisions of the Alpine Resorts Planning Scheme, including the Planning Policy, Municipal Strategic Statement and local planning policies.

This report covers the four leasehold allotments and four separate planning permit applications are submitted; one for each building.

2.1 Permit requirements under the Alpine Resorts Planning Scheme

The following provisions of the Alpine Resorts Planning Scheme trigger a planning permit in this instance:

- To construct a building or construct or carry out works pursuant to Clause 4.1 of Schedule 1 to the Comprehensive Resort Development Zone, Clause 44.01-1 of the Erosion Management Overlay and ~~Clause 44.06-1 of the Bushfire Management Overlay.~~
- To remove native vegetation pursuant to the Erosion Management Overlay and Clause 52.17.

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2.2 Cultural Heritage Management Plan

The subject land is not located within an area of cultural heritage sensitivity. Regulation 7 of the *Aboriginal Heritage Regulations 2018* state that a planning permit is required if the activity area is an area of cultural heritage sensitivity and the activity is a high impact activity. Therefore, a Cultural Heritage Management Plan (CHMP) is not required.

The activity is the construction of a single dwelling. Regulation 9 is applicable to a development comprising of one or two dwellings. It states:

- (1) *The construction of either of the following is an exempt activity:*
 - (a) *One or 2 dwellings on a lot or allotment;*
 - (b) *An extension to one or 2 dwellings on a lot or allotment.*
- (2) *In this regulation, a reference to the construction of one or 2 dwellings on a lot or allotment does not include a construction that is part of a high impact activity referred to in Regulation 47.*

Having regard to Regulation 9 we submit that the construction of a single dwelling on the subject land is an exempt activity. We also submit that the Regulation 47 does not apply as we are not undertaking any development listed in Regulation 47.

We also submit that a Restricted Recreation Facility is not a use listed in Regulation 46 and is therefore not a high impact activity.

We also submit that Regulation 50, which applies to the Alpine resorts, would normally trigger the need for a CHMP as it states:

- (1) *The construction of a building or the construction or carrying out of works in an alpine resort is a high impact activity if the construction of the building or the construction or carrying out of the works would result in significant ground disturbance.*

Despite Regulation 50, however, Regulation 9 provides an overriding exemption for the construction of a single dwellings and as such a Cultural Heritage Management Plan is not required.

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3.0 Subject Land and Surrounds

3.1 Subject Land

The subject land is formally known as Crown Allotment 8A, Section B, Parish of Hotham. The leasehold allotments forming the subject land of these applications include Lot 22, 24, 26 and 31. A copy of the underlying allotment is provided as **Attachment A**.

Lot 22, 24 and 26 abut Hotplate Drive and are located on the north eastern side of the road. Hotplate Drive is an elevated roadway that provides access to allotments to the north east and carparking to the south west which are underneath the upper road which runs parallel to the road accessing the subject allotments.

The allotments are irregular in shape and consist of the following areas:

Lot 22 - 177m²

Lot 24 – 192m²

Lot 26 – 172m²

Lot 31 – 175m²

Lot 31 is located on the northern side of Lot 22 and is accessed by the common staircase off Hotplate Drive which is located on the western side of Lot 22.

The subject land slopes from the south west down to the north east and each lot has an approximate fall of 5m across the allotment which equates to a slope of approximately 20 degrees.

The ground level of each allotment sits a lot lower than Hotplate Drive. Hotplate Drive has an AHD of 1,735m and the ground level of Lot 22 is 1,732.50m; this height difference is consistent for each allotment.

The subject land contains scattered native vegetation and an assessment of the flora and fauna can be found in **Attachment B**.

The feature and level survey of the subject land is provided in Figure 3.1 below.

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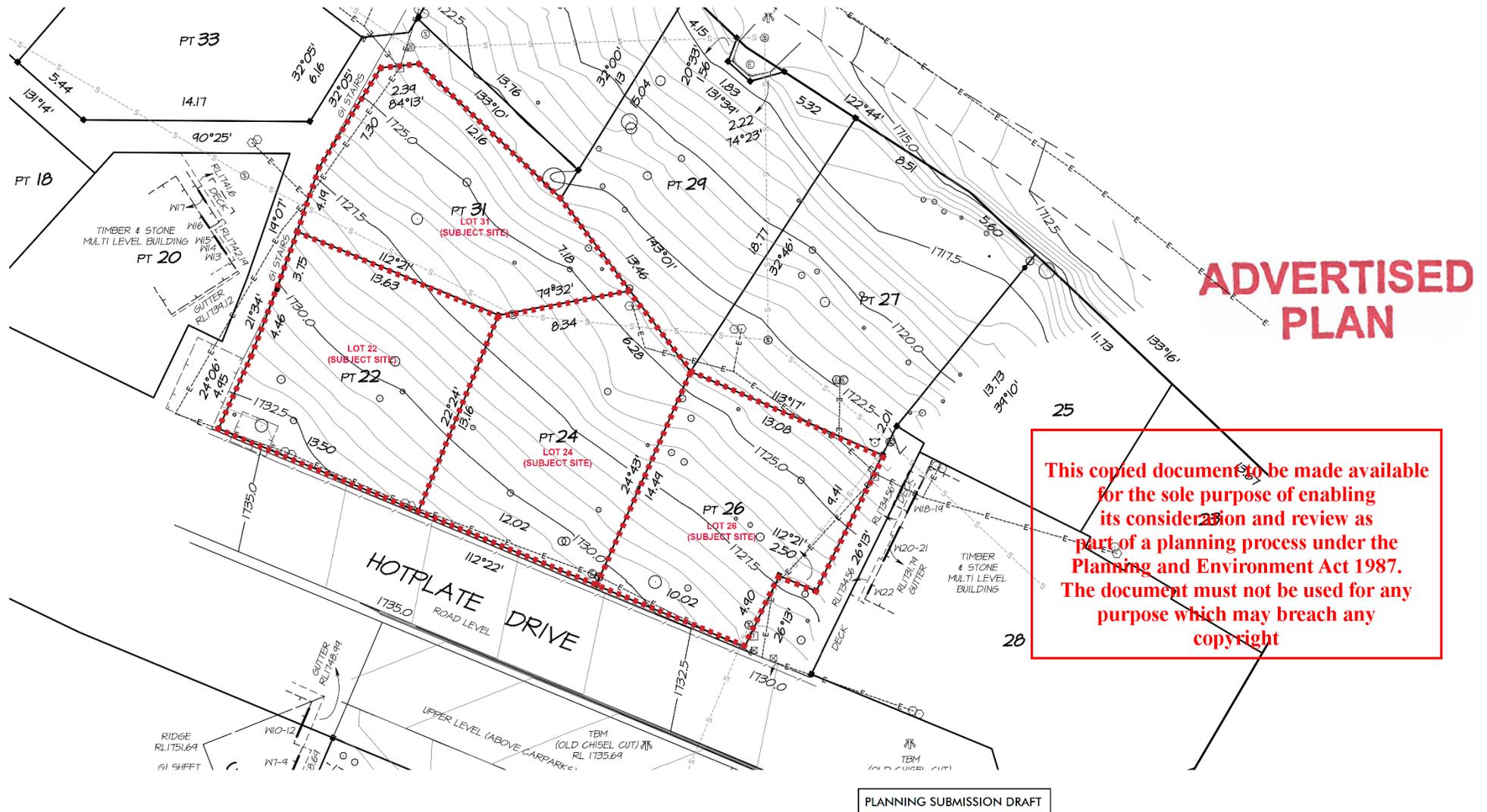


Figure 3.1: Feature and level survey

In the south western corner of Lot 22 there is a common garbage hutch. We understand that negotiations have occurred with the RMB to relocate this hutch off the privately owned leasehold allotment.

We also note that there is a series of infrastructure traversing through the subject allotments. This infrastructure generally follows the leasehold boundaries and the proposed freestanding nature of each building well within the allotment boundaries ensures that there will be no impact on existing infrastructure.

Photos of the subject land and surrounds are provided in the figures below.

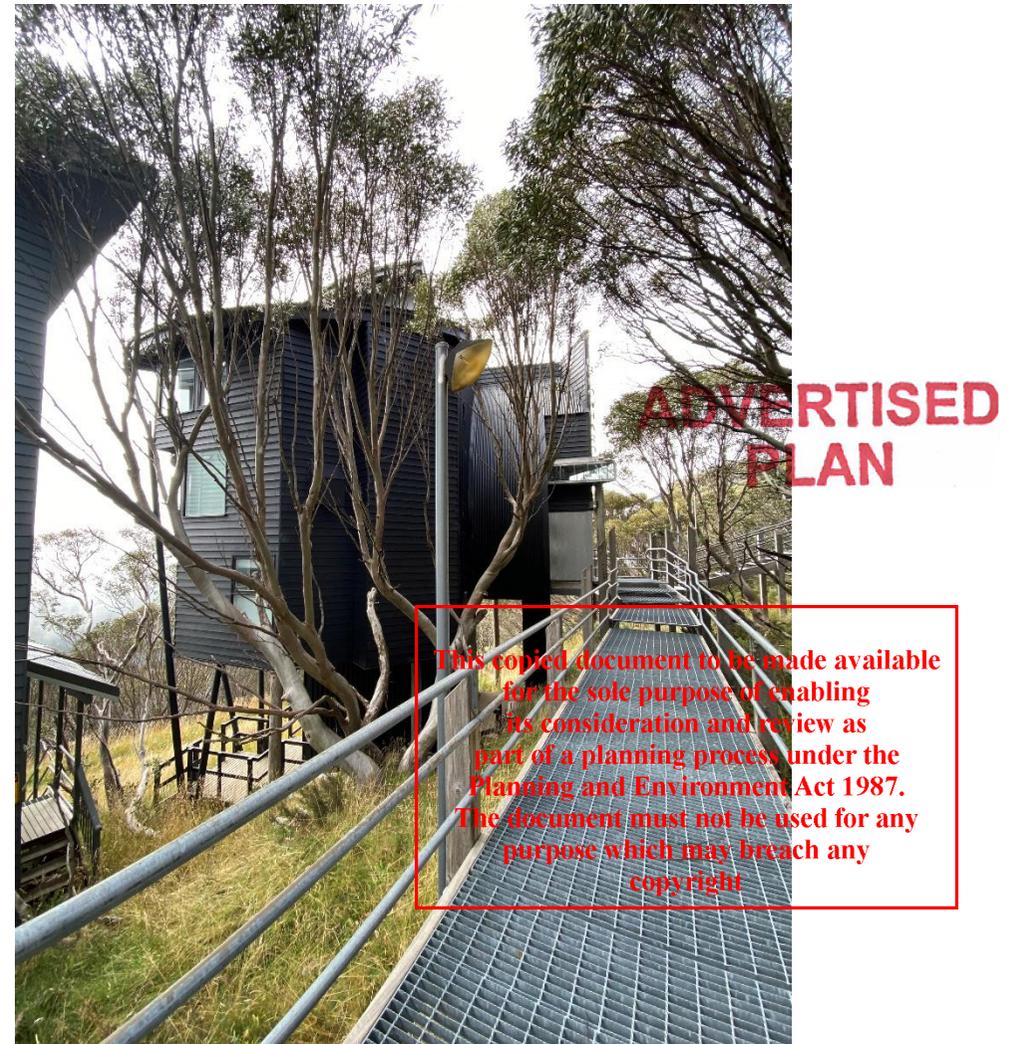


Figure 3.2: Common stairway taken in front of Lot 34 looking at the building on Lot 32 with Lot 31 in the background in the right hand corner



Figure 3.3: Common stairway alongside Lot 31 looking at Lot 32



Figure 3.4: Existing building on Lot 20 looking over Lot 22 and Lot 31



Figure 3.5: Existing building on Lot 20 with windows overlooking Lot 22



Figure 3.6: Existing building on Lot 38.



Figure 3.7: Existing streetscape of Hotplate Drive (photo is taken on the lower tier of the road)

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Figure 3.8: Existing streetscape of Hotplate Drive (photo is taken from the upper tier of the road)



Figure 3.9: Existing streetscape looking over the subject allotments to the south east

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Figure 3.10: Existing building adjoining to the north west. Note each building has a height of two storeys above the road level



Figure 3.11: Existing streetscape and building looking north west

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Figure 3.12: Hotplate Drive looking north west



Figure 3.13: View of the subject land from the adjoining Lot 28

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Figure 3.14: Aerial view of the subject land

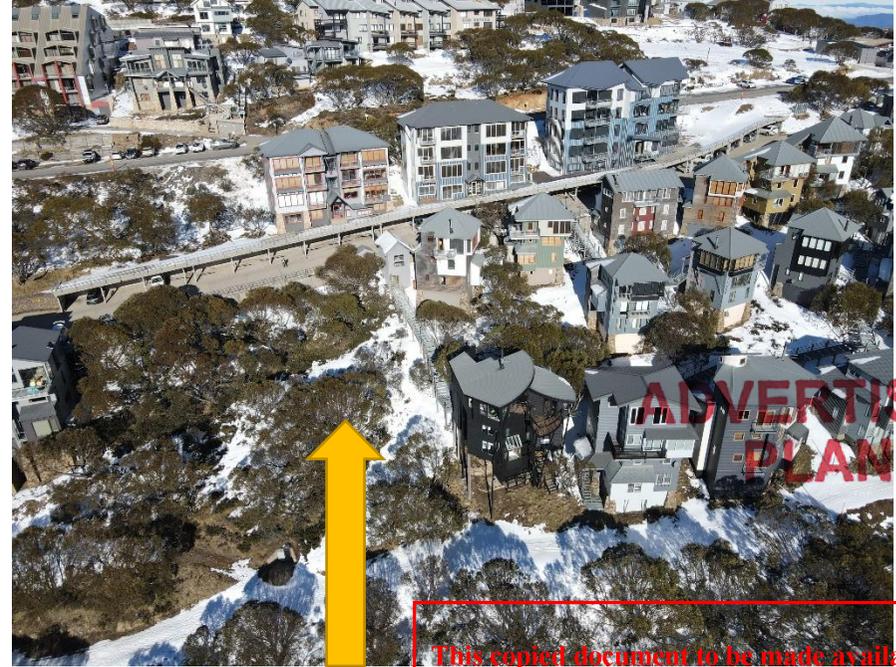


Figure 3.15: Aerial view of the subject land

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4.0 The Development

It is proposed to construct a single dwelling on each of Lots 22, 24 and 26 and a recreational building to be used in association with the three dwellings on Lot 31. To facilitate the development it is also necessary to remove native vegetation due to the very small nature of the allotments. We note that a permit is not required to reduce the car parking rate and Clause 22.06-1 requires 1 space for each three bedroom development. Each dwelling will contain four bedrooms and 1 space will be provided within the building and 1 space will be provided via the allotment entitlement which is located underneath the upper tier road of Hotplate Drive.

The following details the development proposed on each allotment.

Lot 22

It is proposed to construct a single dwelling on Lot 22 and remove native vegetation. The dwelling will feature a modern interpretation of a classic alpine refuge. The dwelling will be three storeys in height with a loft. The building will be clad in metal in a Monument colour with extensive natural stone to the base and framing the garage and main dwelling entry off Hotplate Drive.

Each level will contain:

Lower Ground Floor

- Store and ski tuning room

Ground Floor

- Main entry (pedestrian and vehicle) directly off Hotplate Drive

- Single garage
- Ski room and drying room
- Rumpus room
- Bathroom
- Bedroom 4

First Floor

- Master bedroom with ensuite
- Bedroom 2
- Bedroom 3
- Bathroom

Second Floor

- Open plan living, kitchen and dining room with deck to the east
- Reading alcove

Loft

- Void over second floor
- Open loft room

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Plans of the proposed dwelling are provided in the figures below and also in **Attachment C**.

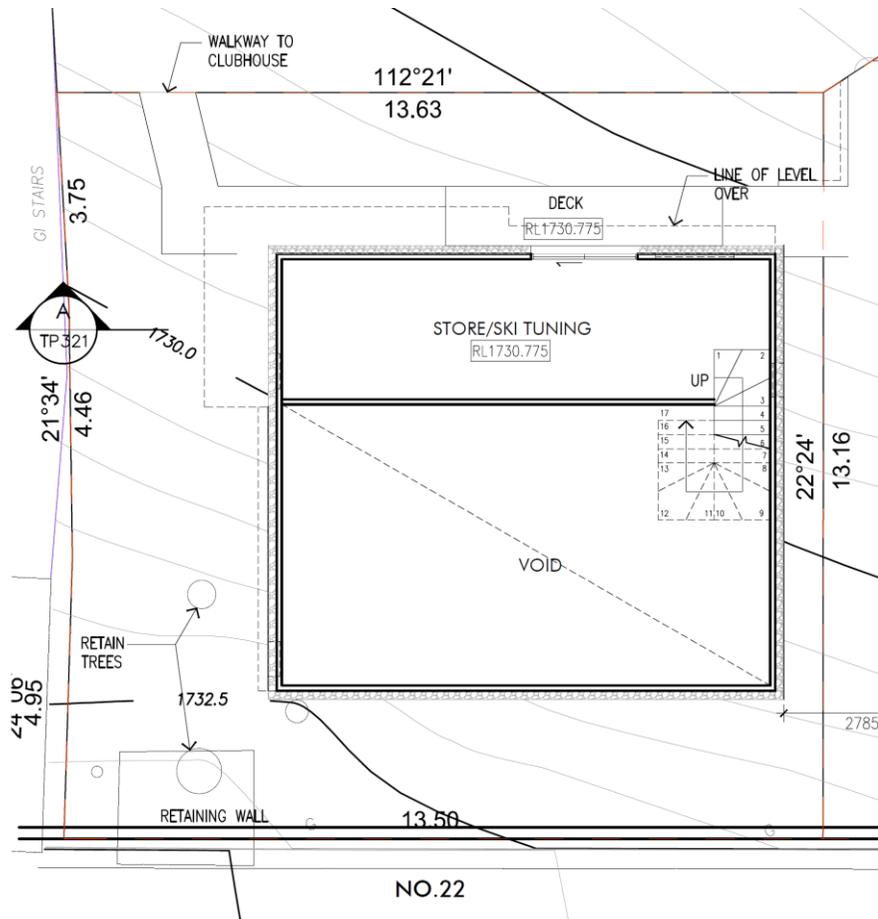


Figure 4.1: Proposed lower ground floor

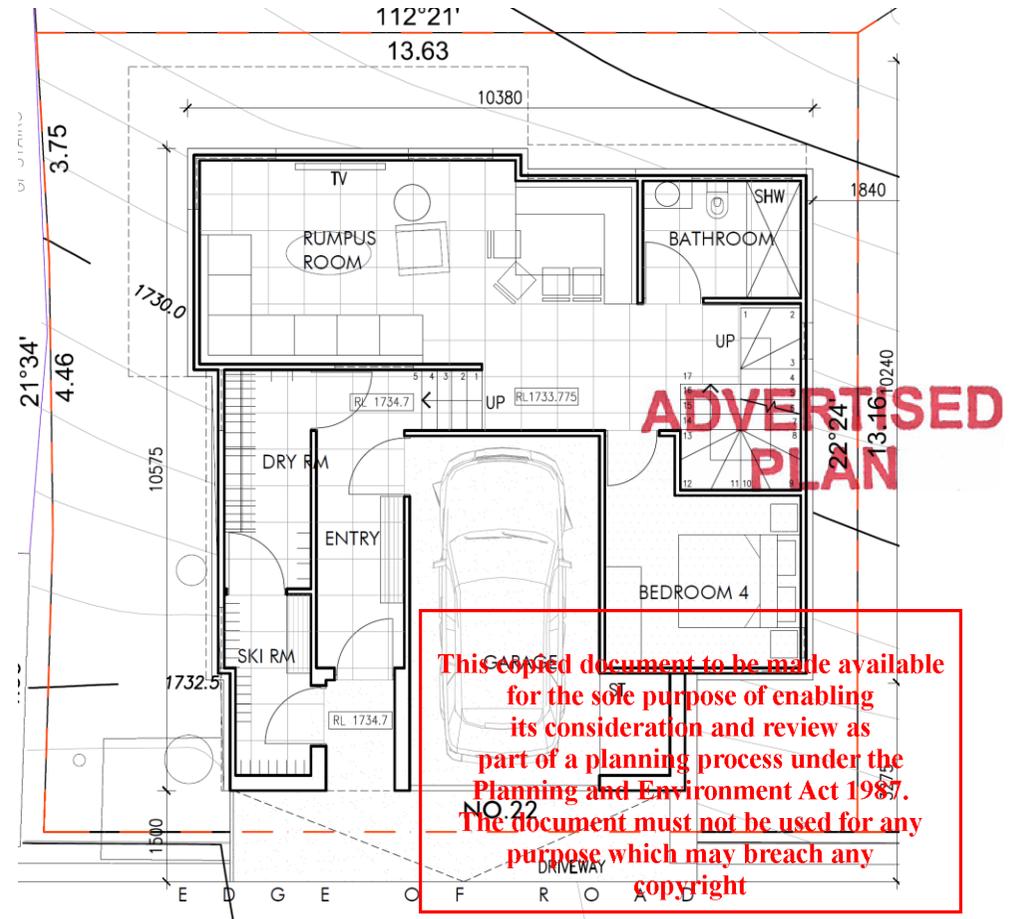


Figure 4.2: Proposed ground floor

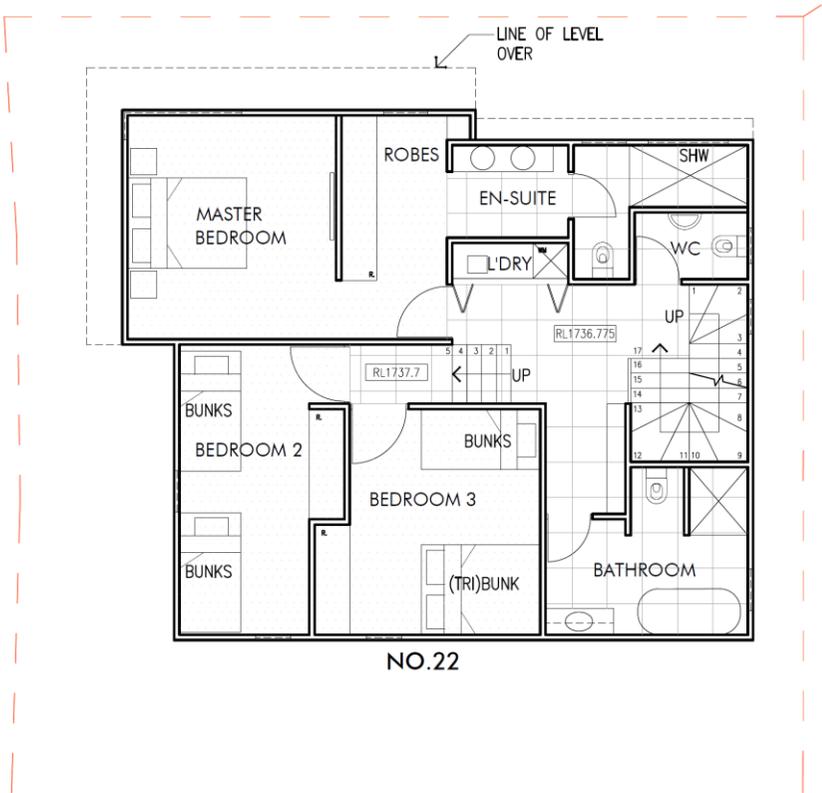


Figure 4.3: Proposed first floor

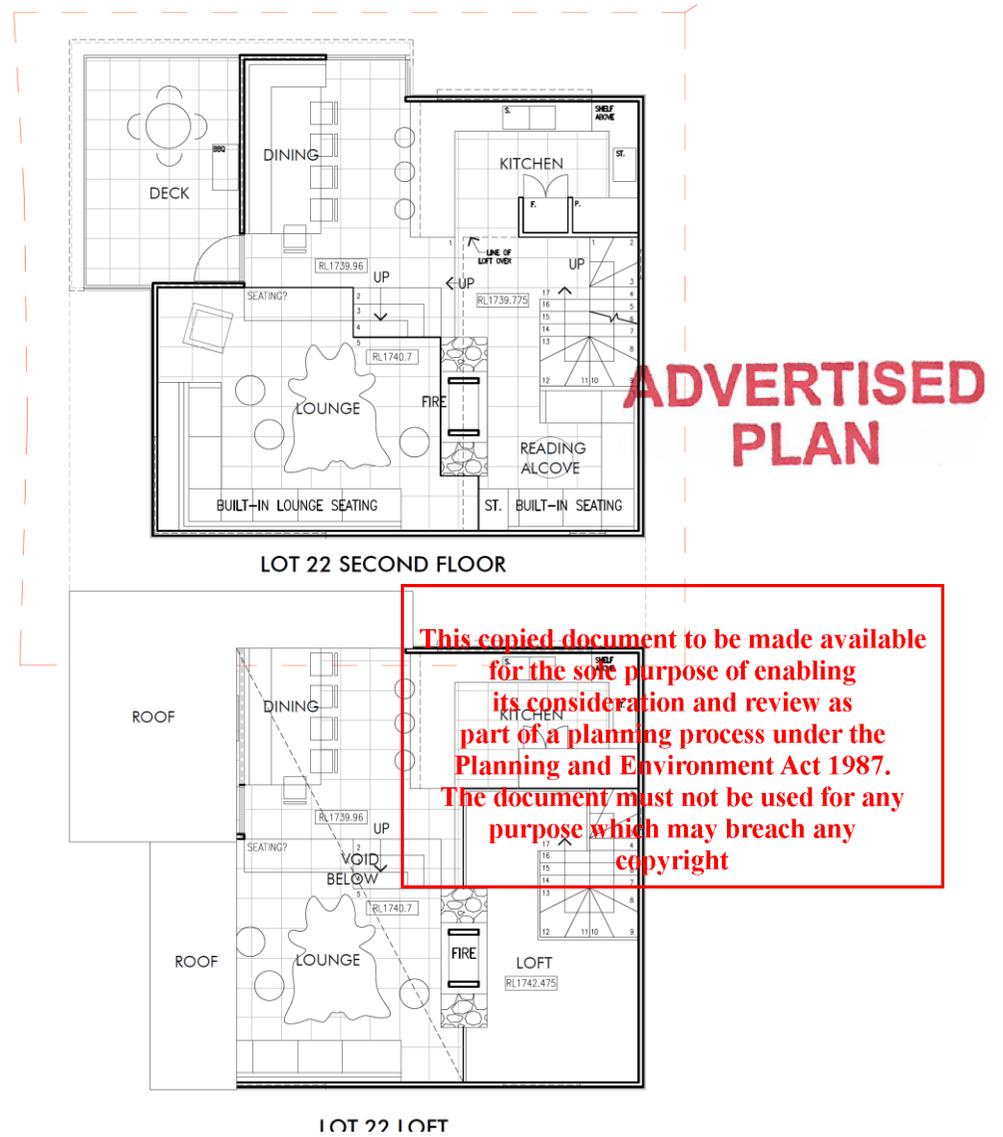


Figure 4.4: Proposed second floor and loft

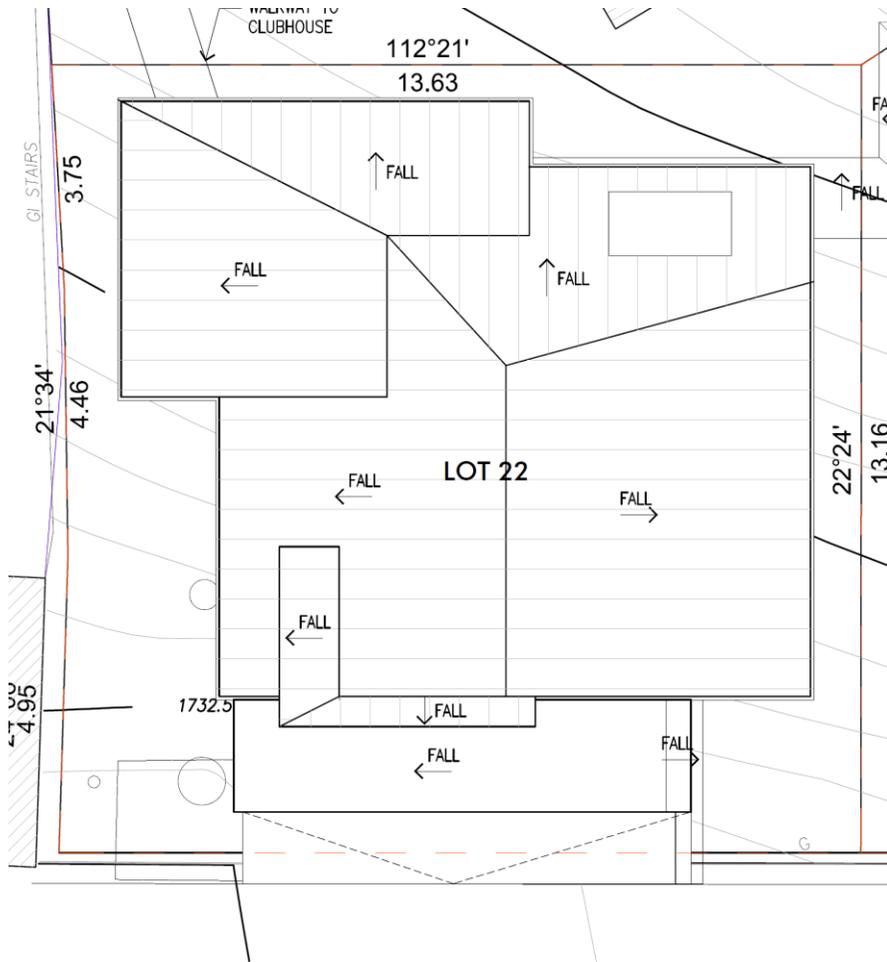


Figure 4.5: Proposed roof plan

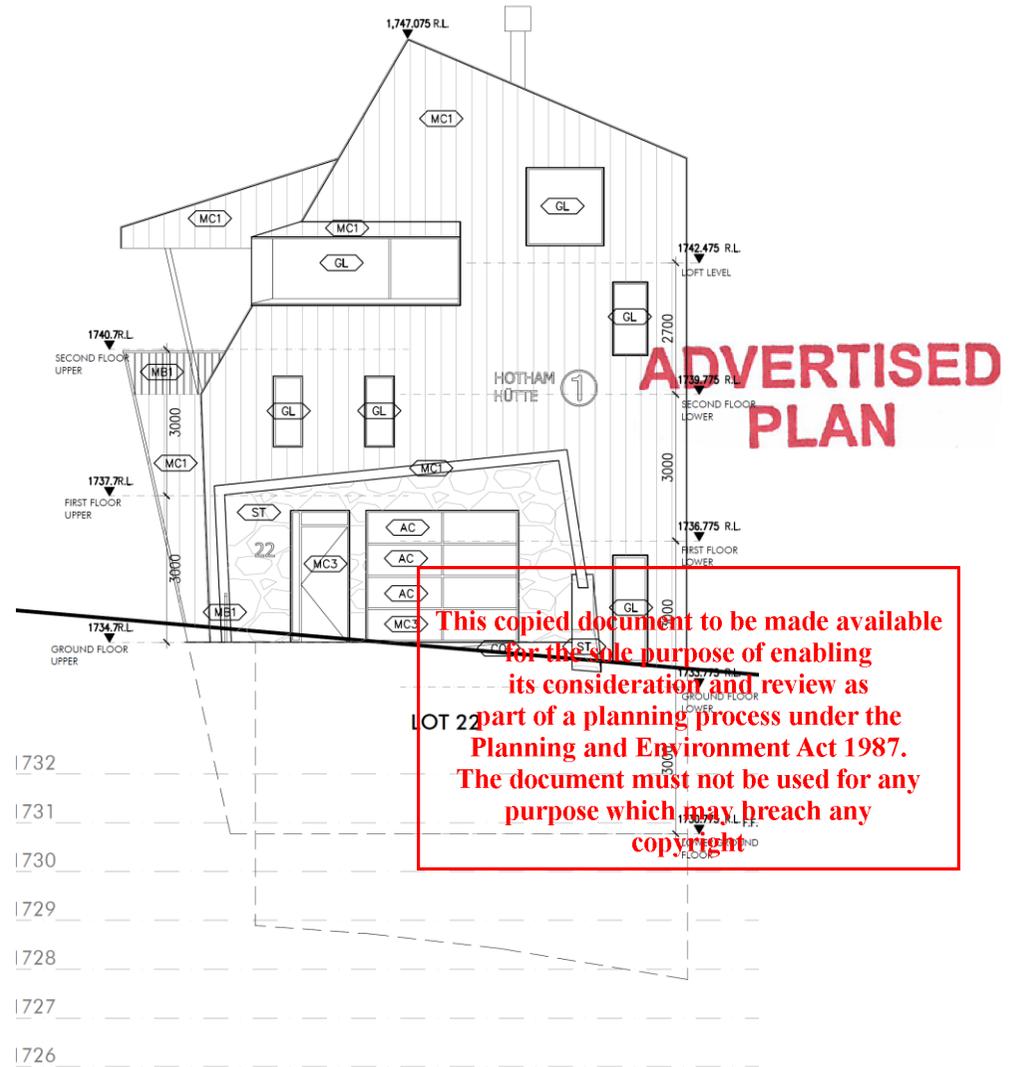


Figure 4.6: Hotplate Drive elevation

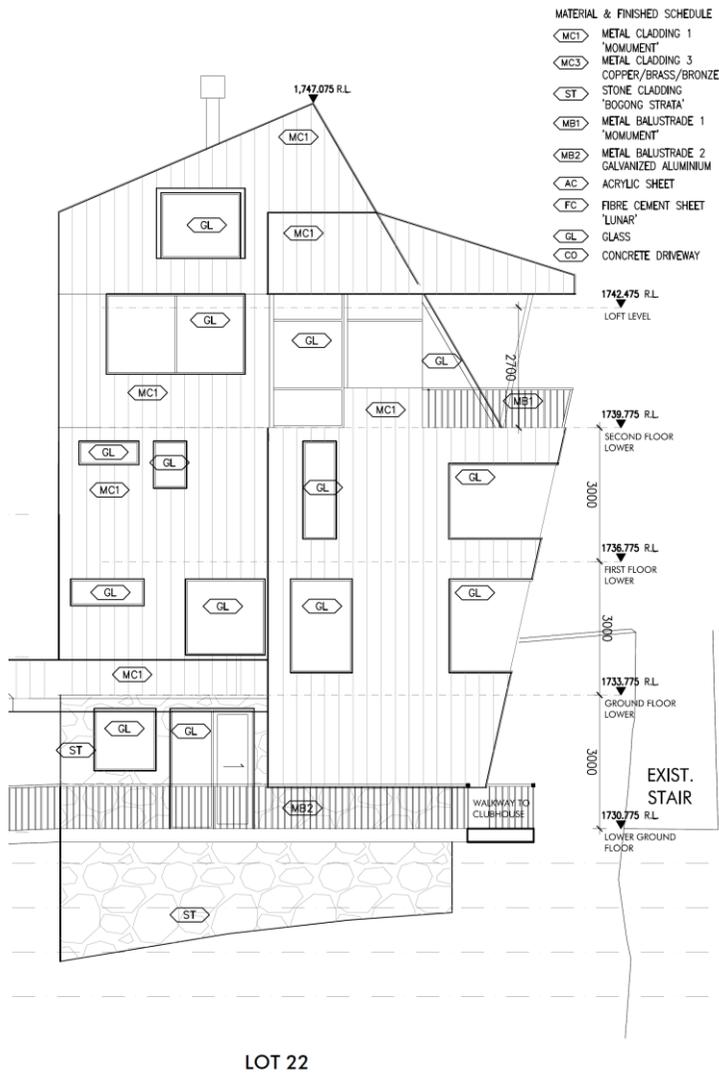


Figure 4.7: Proposed north elevation

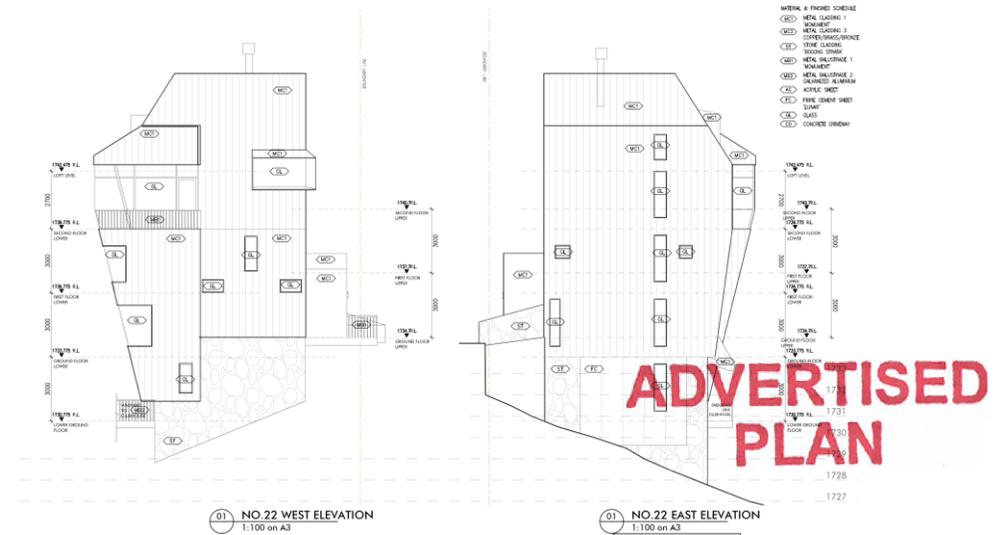


Figure 4.8: Proposed east and west elevation

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Lot 24

It is proposed to construct a single dwelling on Lot 24 and remove native vegetation. The dwelling will feature a modern interpretation of a classic alpine refuge. The dwelling will be three storeys in height with a loft. The building will be clad in metal in a Basalt colour with extensive natural stone to the base and framing the garage and main dwelling entry off Hotplate Drive.

Each level will contain:

Lower Ground Floor

- Store room
- Toilet
- Bathroom
- Rumpus room
- Bedroom 3
- Bedroom 4
- Staircase linking to Lot 26 and to the road

Ground Floor

- Main entry (pedestrian and vehicle) directly off Hotplate Drive
- Single garage
- Ski room and drying room
- Bathroom
- Bedroom 1 with ensuite
- Bedroom 2

First Floor

- Open planned dining, lounge, TV lounge and kitchen with deck to the north

Second Floor

- Void above first floor

Plans of the proposed dwelling are provided in the figures below and also in **Attachment C**.

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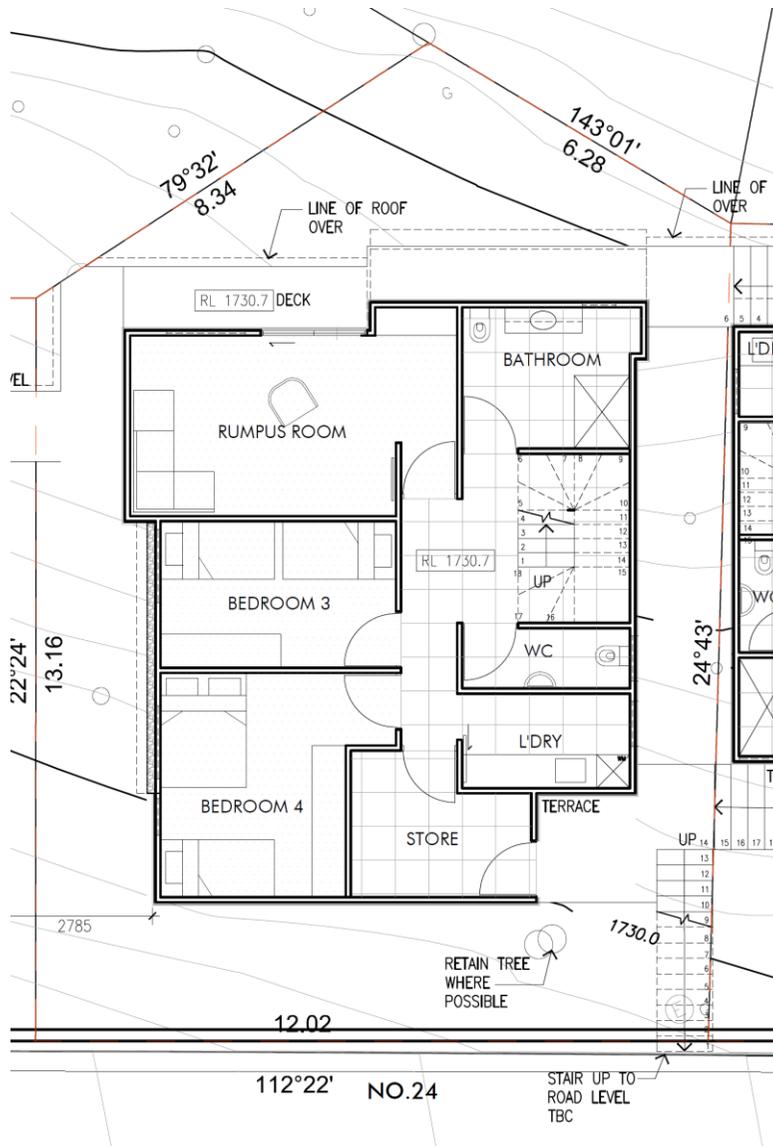


Figure 4.9: Lower ground floor plan

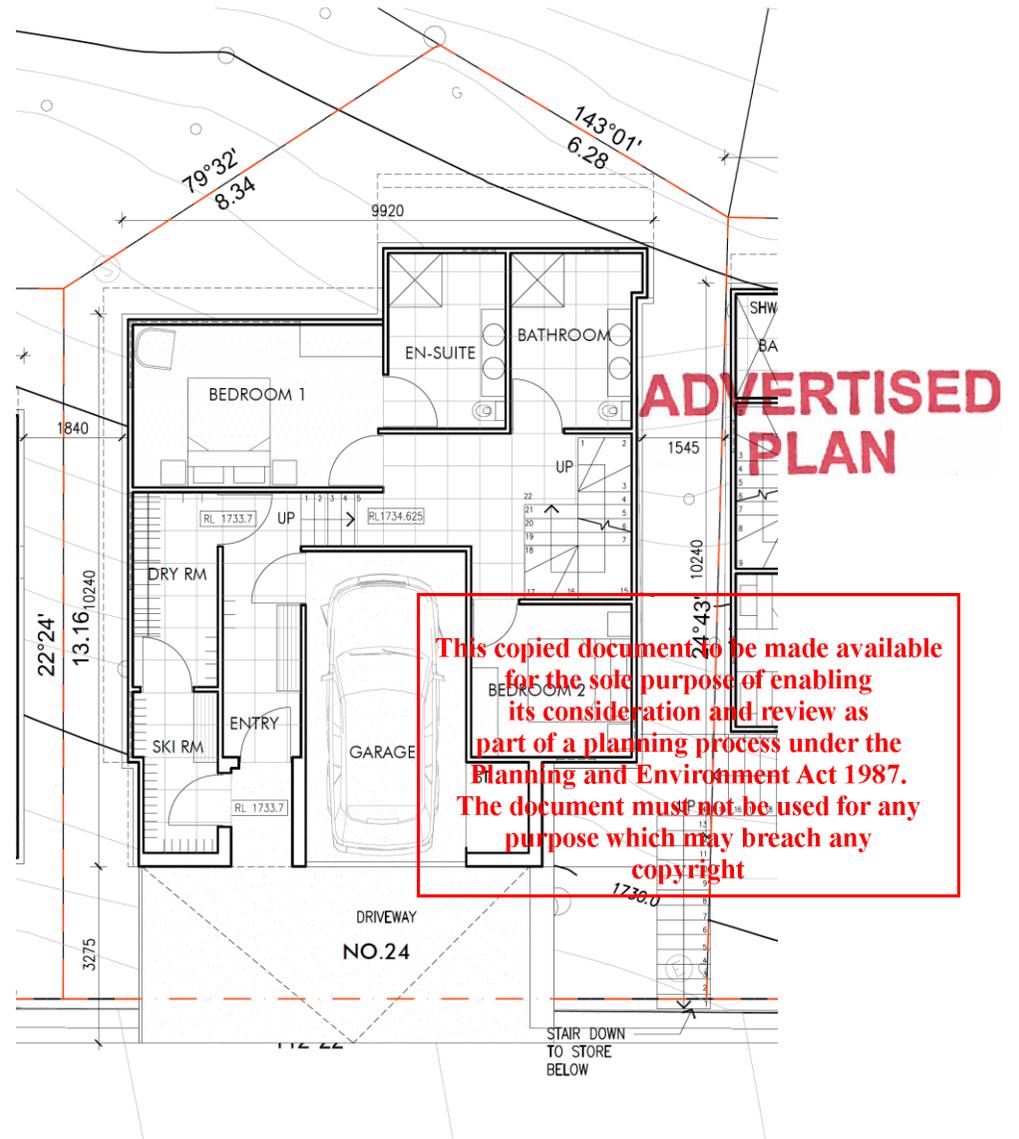
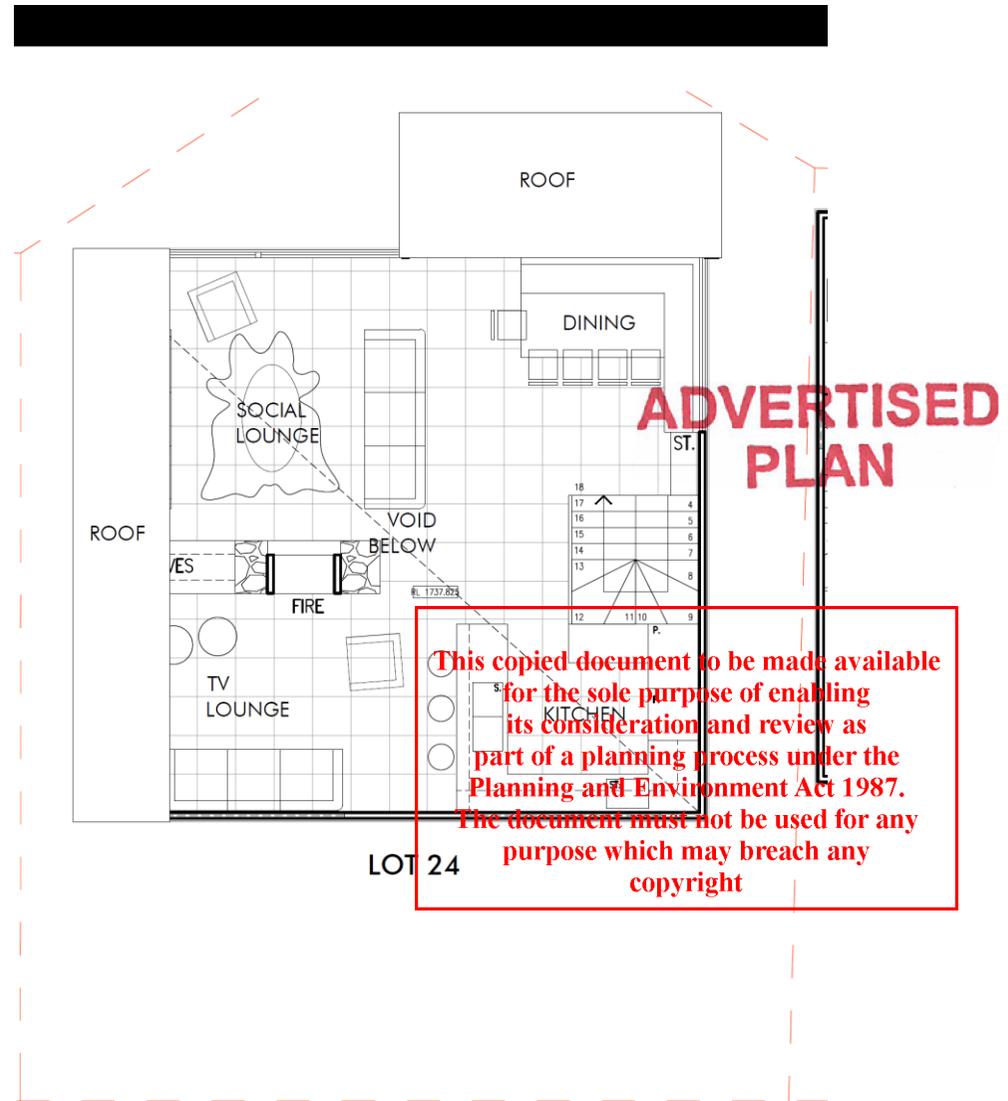


Figure 4.10: Ground floor plan



NO.24

Figure 4.11: First floor plan



LOT 24

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Figure 4.12: Second floor void plan

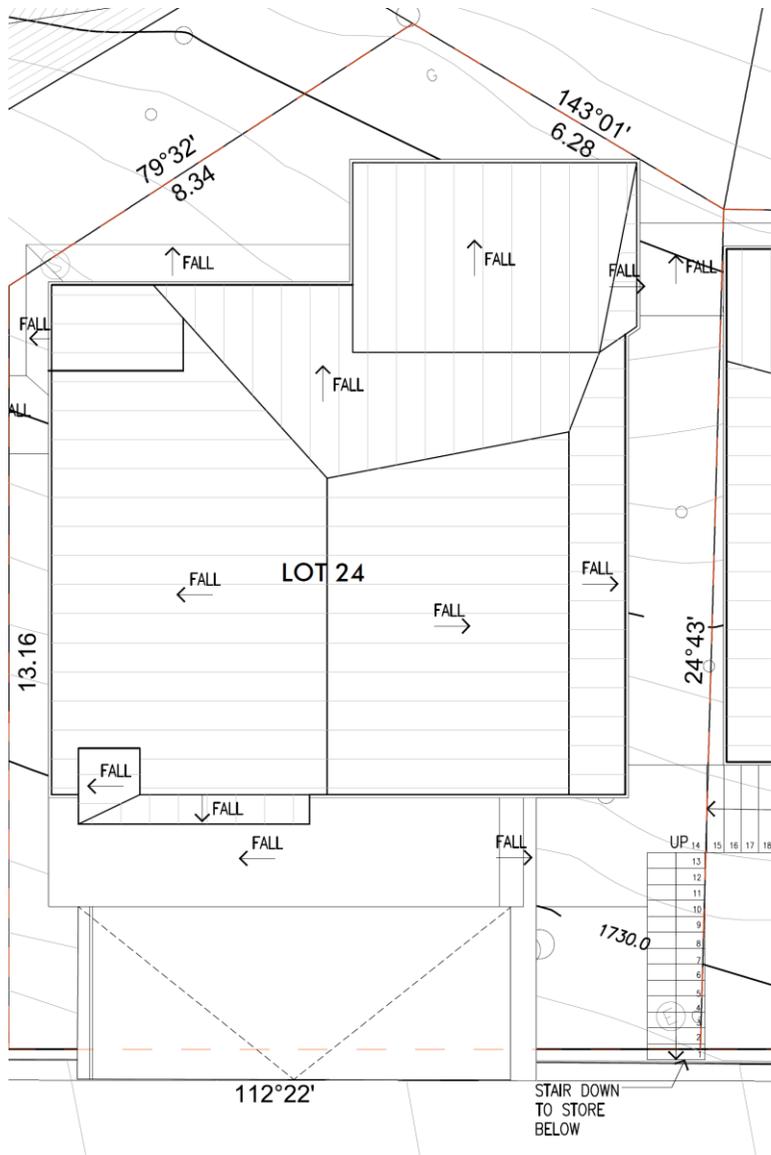


Figure 4.13: Roof plan

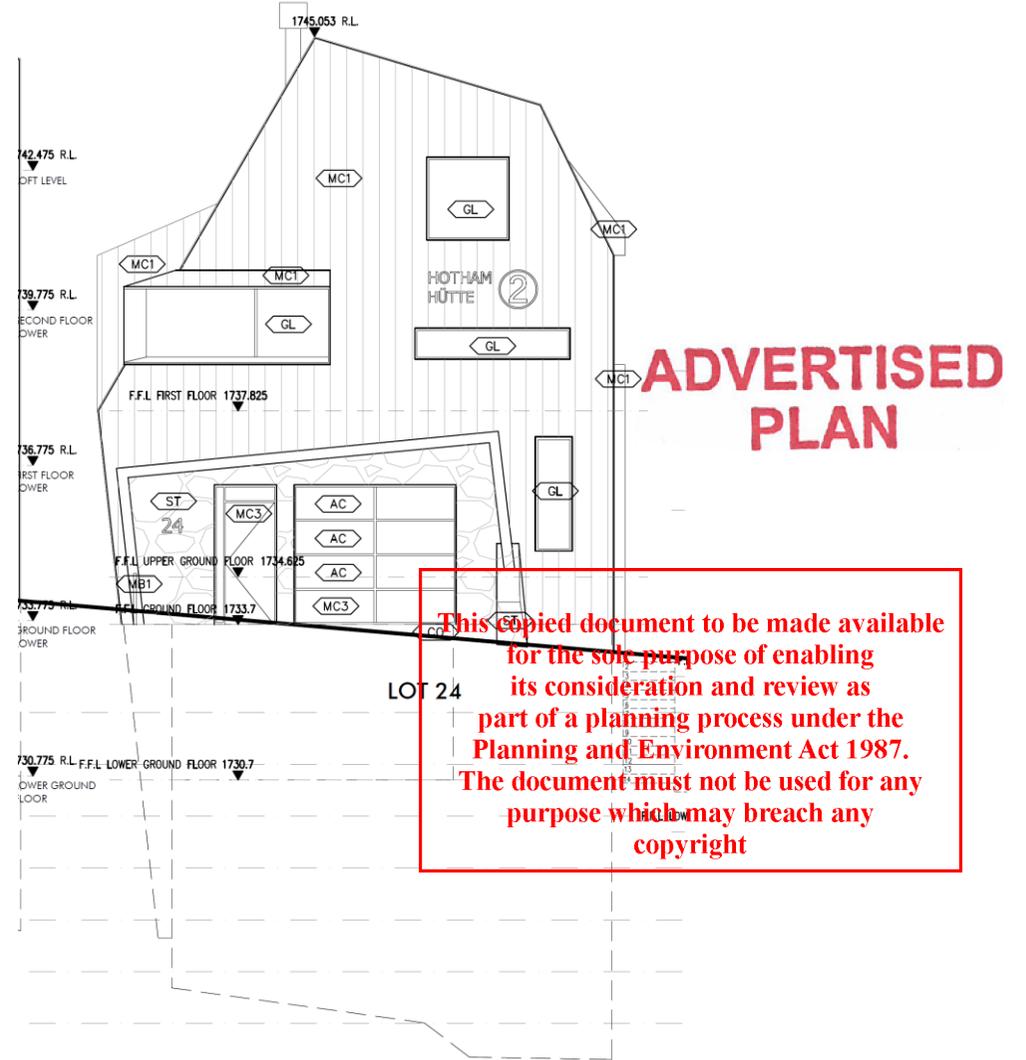


Figure 4.14: Hotplate Drive elevation

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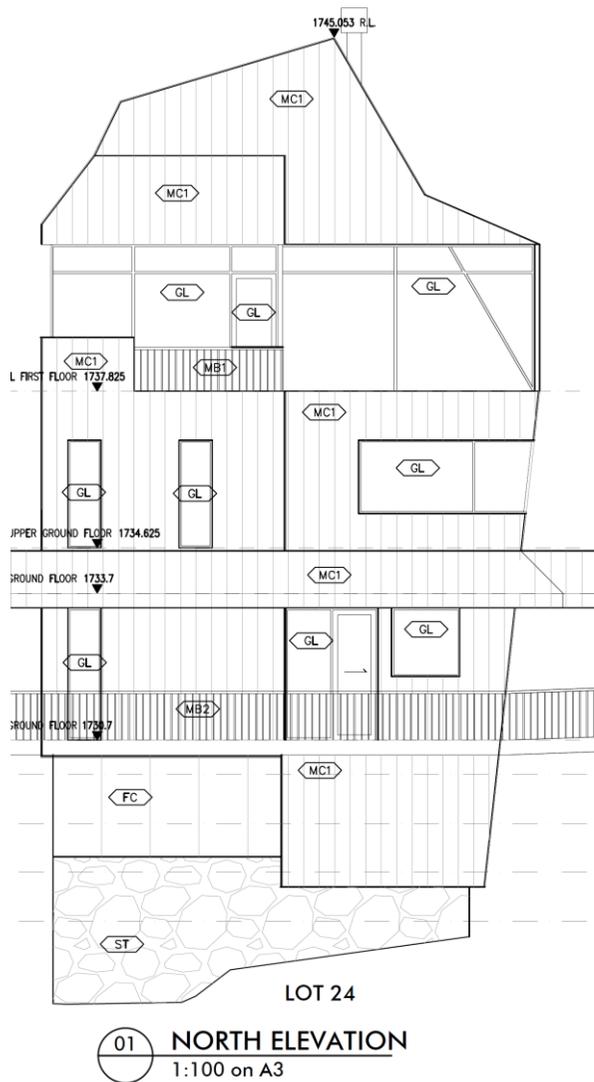


Figure 4.15: Proposed north elevation

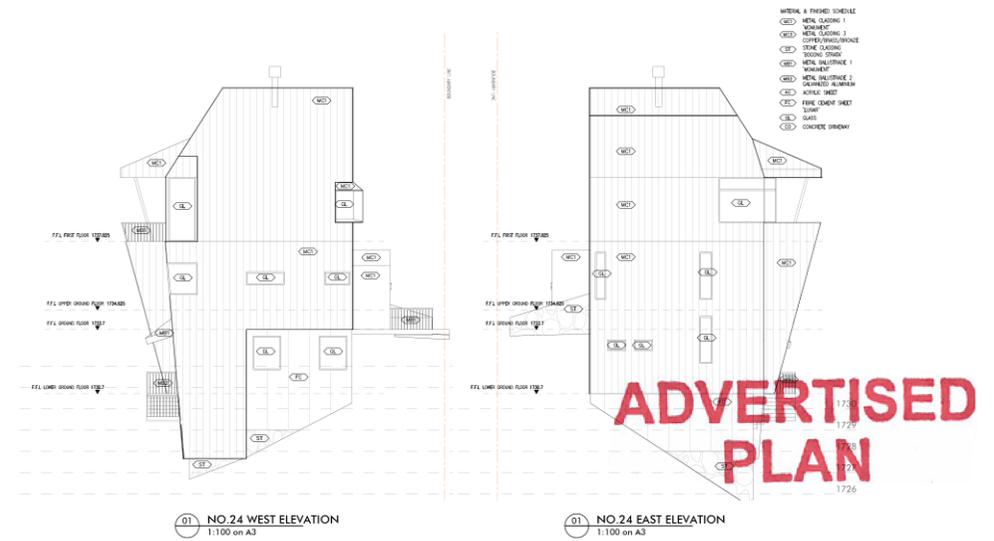


Figure 4.16: Proposed east and west elevations

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Lot 26

It is proposed to construct a single dwelling on Lot 26 and remove native vegetation. The dwelling will feature a modern interpretation of a classic alpine refuge. The dwelling will be three storeys in height with a loft. The building will be clad in metal in a Monument colour with extensive natural stone to the base and framing the garage and main dwelling entry off Hotplate Drive.

Each level will contain:

Lower Ground Floor

- Store room
- Bedroom 4 with ensuite
- Bedroom 3 with ensuite
- Laundry
- Toilet
- Stairway to northern deck linking to deck on Lot 24
- Stairway from Hotplate Drive linking to both Lot 24 and 26

Ground Floor

- Main entry (pedestrian and vehicle) directly off Hotplate Drive
- Single garage
- Ski room and drying room
- Bathroom
- Bedroom 1 with ensuite
- Bedroom 2

First Floor

- Open planned dining, lounge and kitchen with deck to the east
- Reading alcove

Second Floor

- Void above first floor with loft room

Plans of the proposed dwelling are provided in the figures below and also in **Attachment C**.

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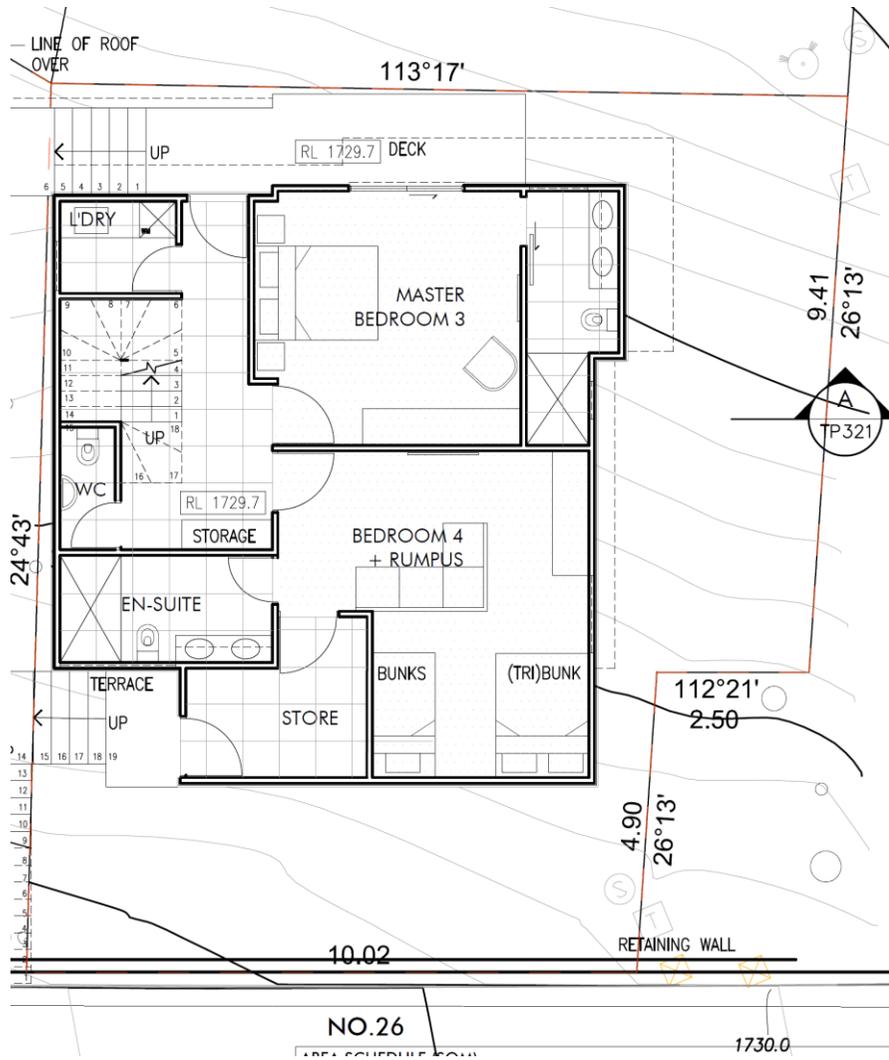


Figure 4.17: Lower ground floor plan

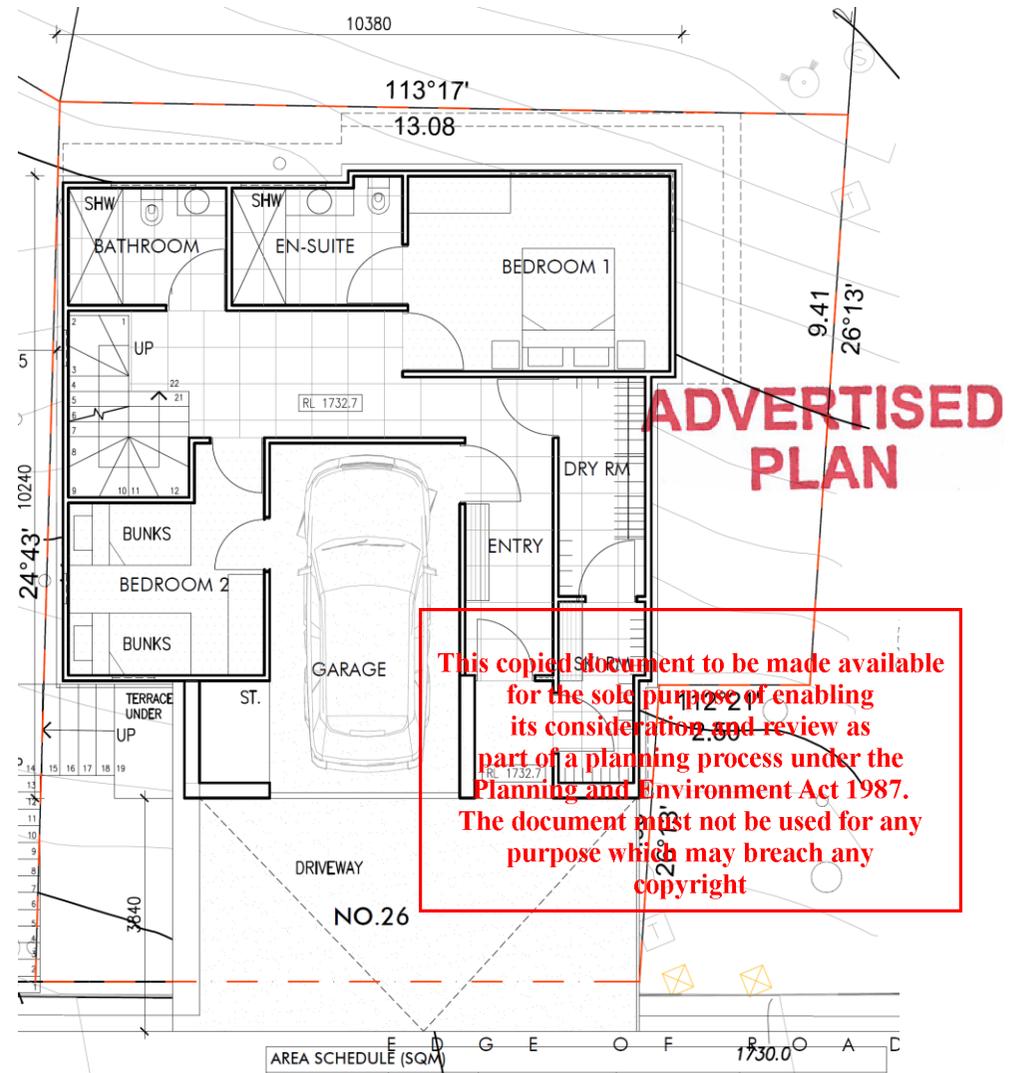


Figure 4.18: Ground floor plan

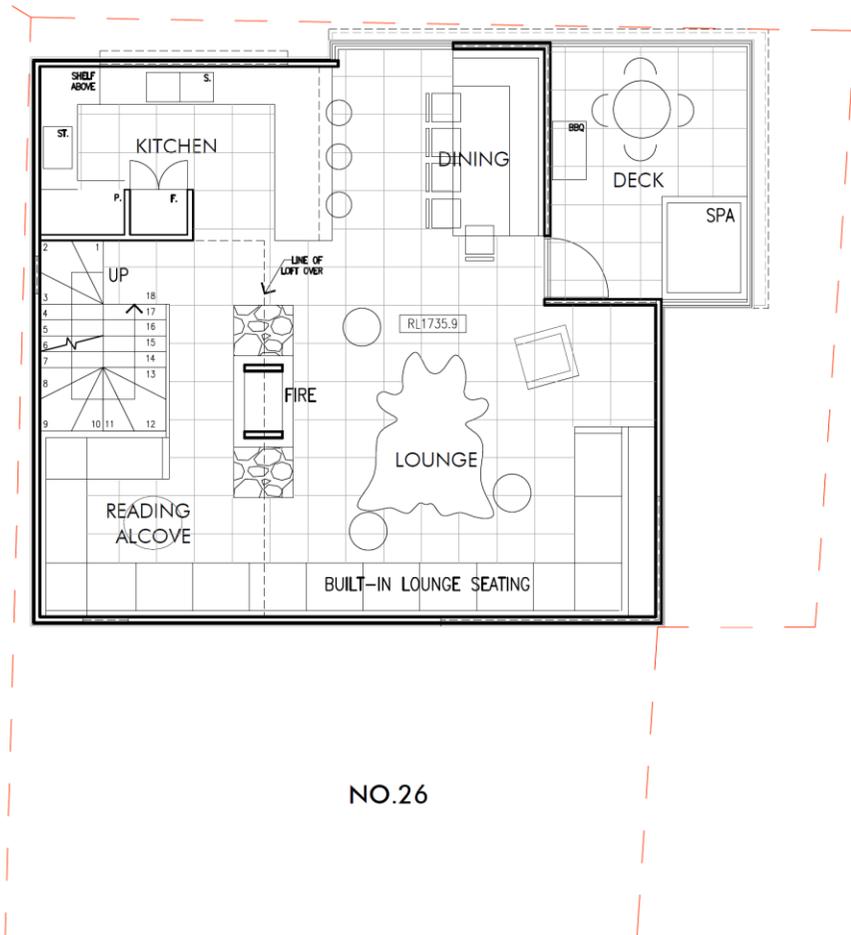


Figure 4.19: First floor plan

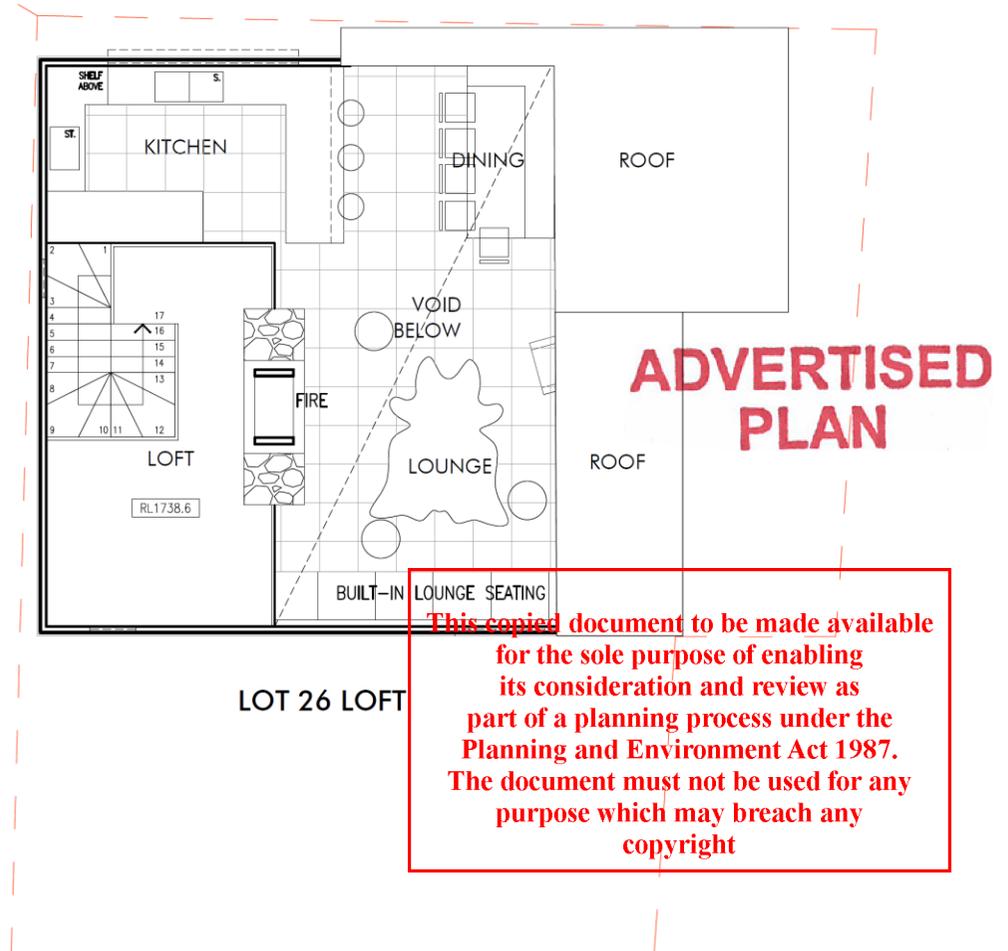


Figure 4.20: Loft plan

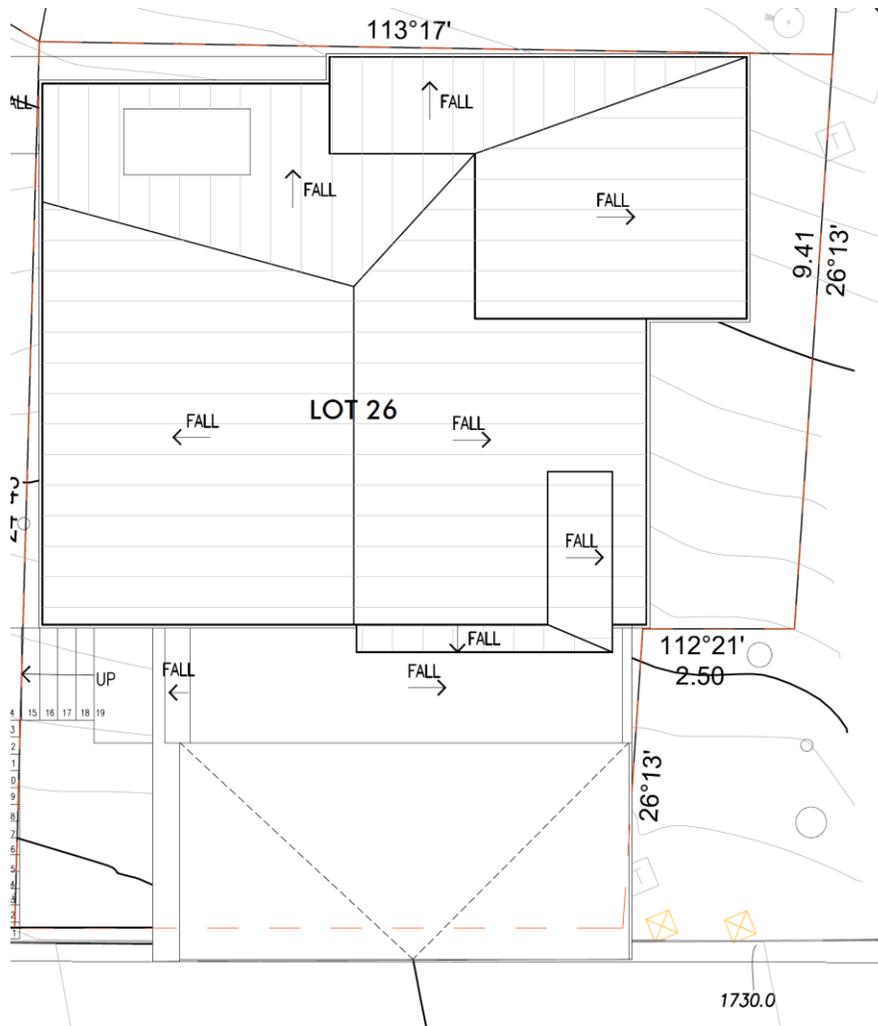


Figure 4.21: Roof plan

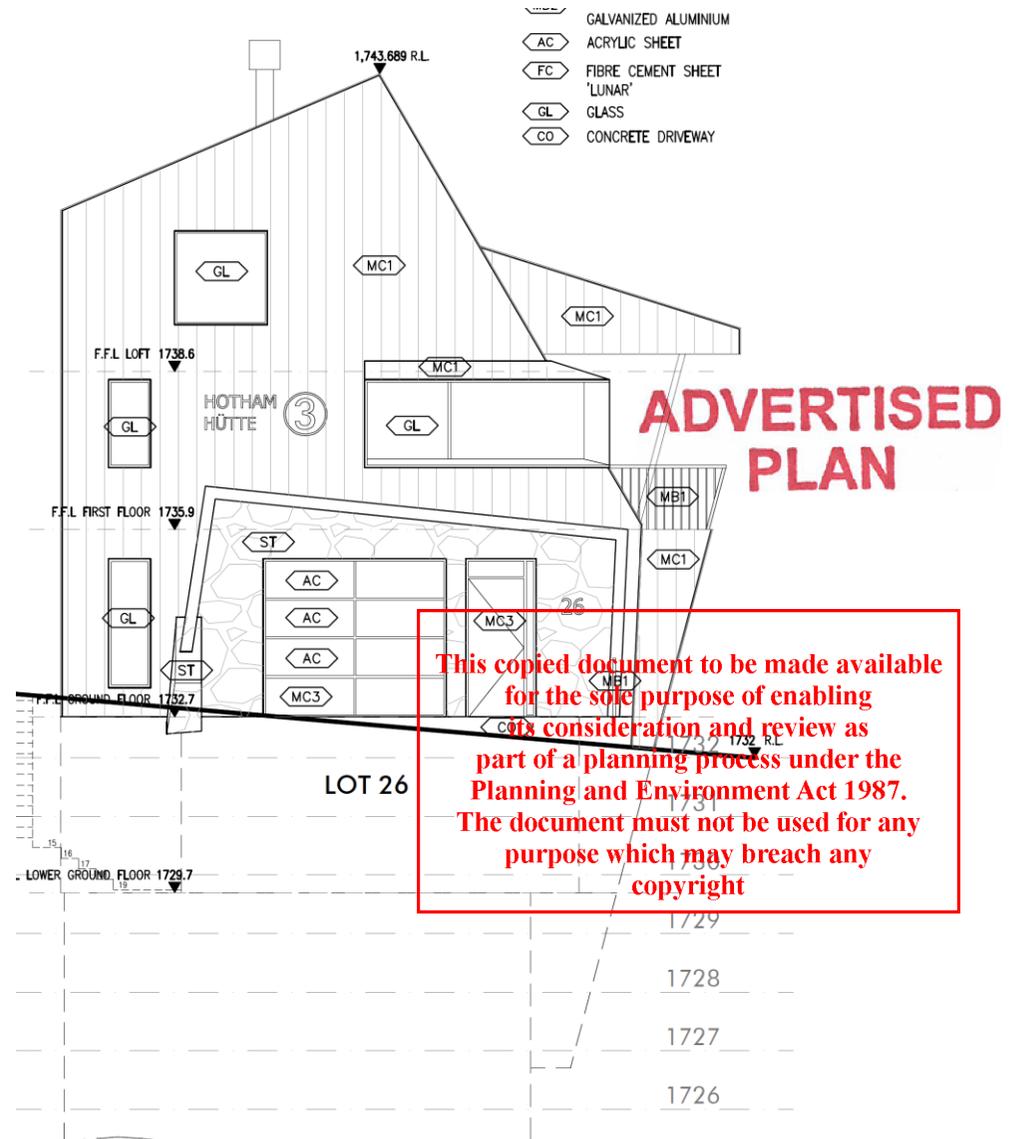


Figure 4.22: Hotplate Drive elevation

Lot 31

The three dwellings on Lots 22, 24 and 26 whilst built on separate leasehold allotments will function as a collective group for the three owners of the allotments. To value add to the overall development and to provide additional recreational space for each dwelling a communal, separate, recreational building is proposed. This building could be defined as an outbuilding associated with a dwelling given it is located on the same parent allotment (Crown Allotment 8A, Section B, Parish of Hotham). However, it also fits well within the definition of a Restricted Recreation Facility which is defined as under Section 73.03:

Land used by members of a club or group for leisure, recreation, or sport, such as a bowling or tennis club, gymnasium and fitness centre. It may include food and drink for consumption on the premises, and gaming. It may also include use by members' guests, or by the public on payment of a fee.

This land use suits the proposed building as the facility will only be accessible by the owners and guests (the members) of the dwellings on Lots 22, 24 and 26 and the building provides recreational opportunities. This definition is of no consequence under the zoning as a Restricted Recreation Facility falls within the Leisure and Recreation land use group which is as-of-right under the Alpine Resorts Planning Scheme.

The architectural style of the building will contain similar elements to the three proposed dwellings, however, it will be more modest in built form and height to ensure that the three proposed dwellings obtain views over the proposed recreational building. The material palette, colours and finishes will be consistent with the three proposed dwellings to ensure a consistent character is created by this overall development.

On the northern side of each dwelling there will be a covered walkway linking each of the dwellings to the recreational building.

Each level will contain:

Lower Ground Floor

- Entry off a new external staircase linking to the existing common staircase
- Large store room and ski tuning room
- Bathroom

Ground Floor

- Large open planned lounge room with private bar, seating, pool table and table tennis table
- Primary entrance off a new external staircase linking to the existing common staircase

First Floor

- Lounge room
- Bathroom
- Spa
- Sauna
- Large east facing deck with BBQ

Plans of the proposed recreational building are provided in the figures below and also in

Attachment C.

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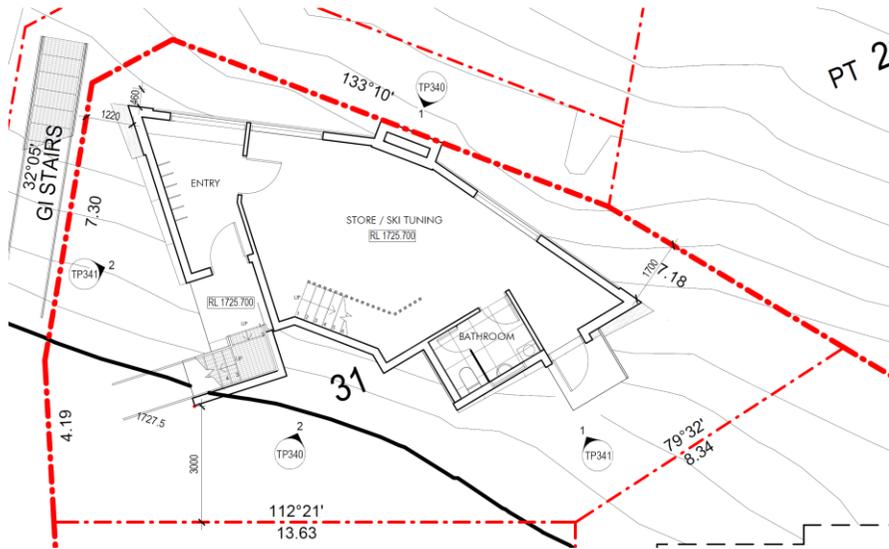


Figure 4.25: Proposed lower ground floor plan

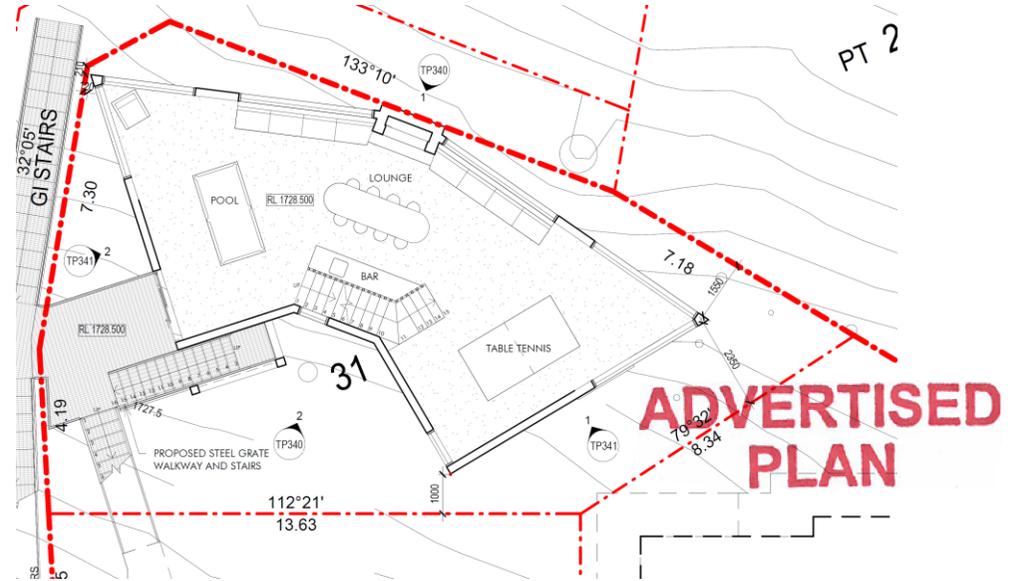


Figure 4.26: Proposed ground floor plan

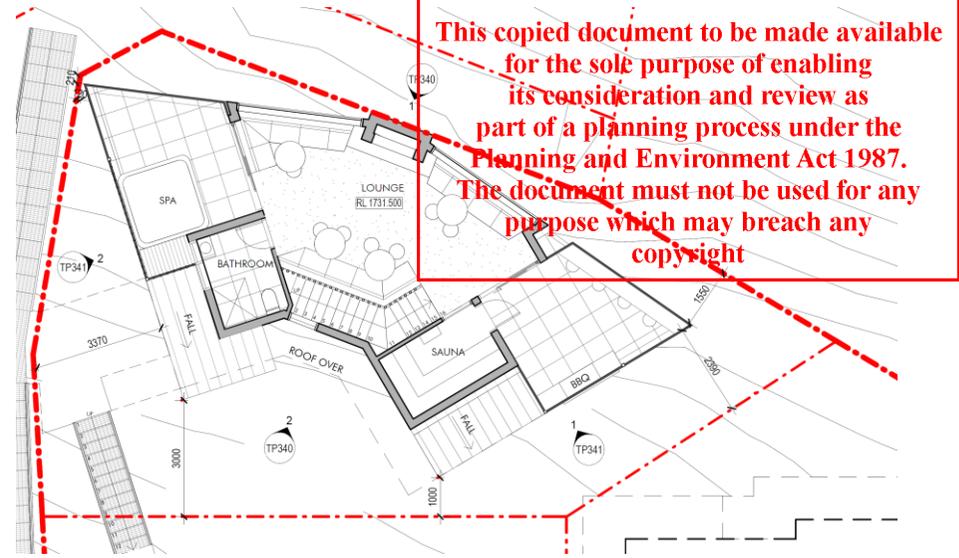


Figure 4.27: Proposed first floor plan

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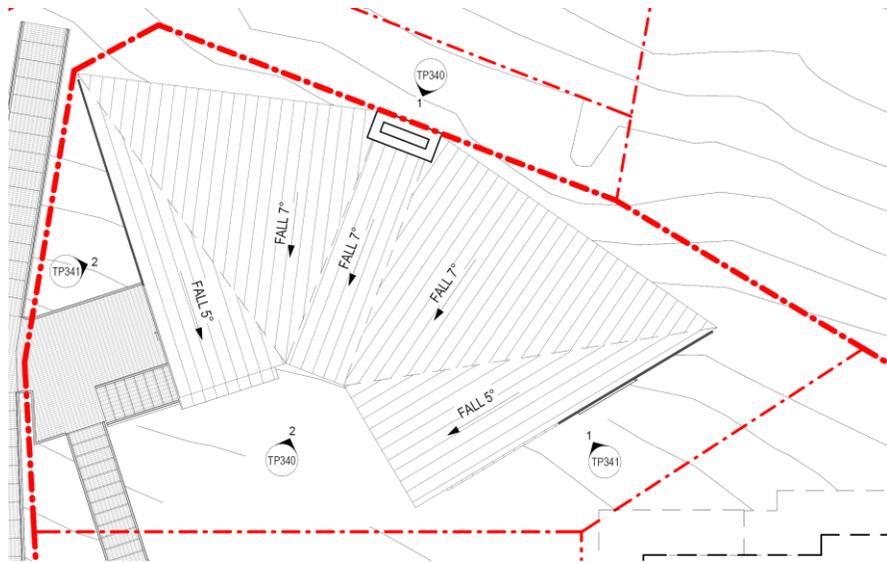


Figure 4.28: Proposed roof plan

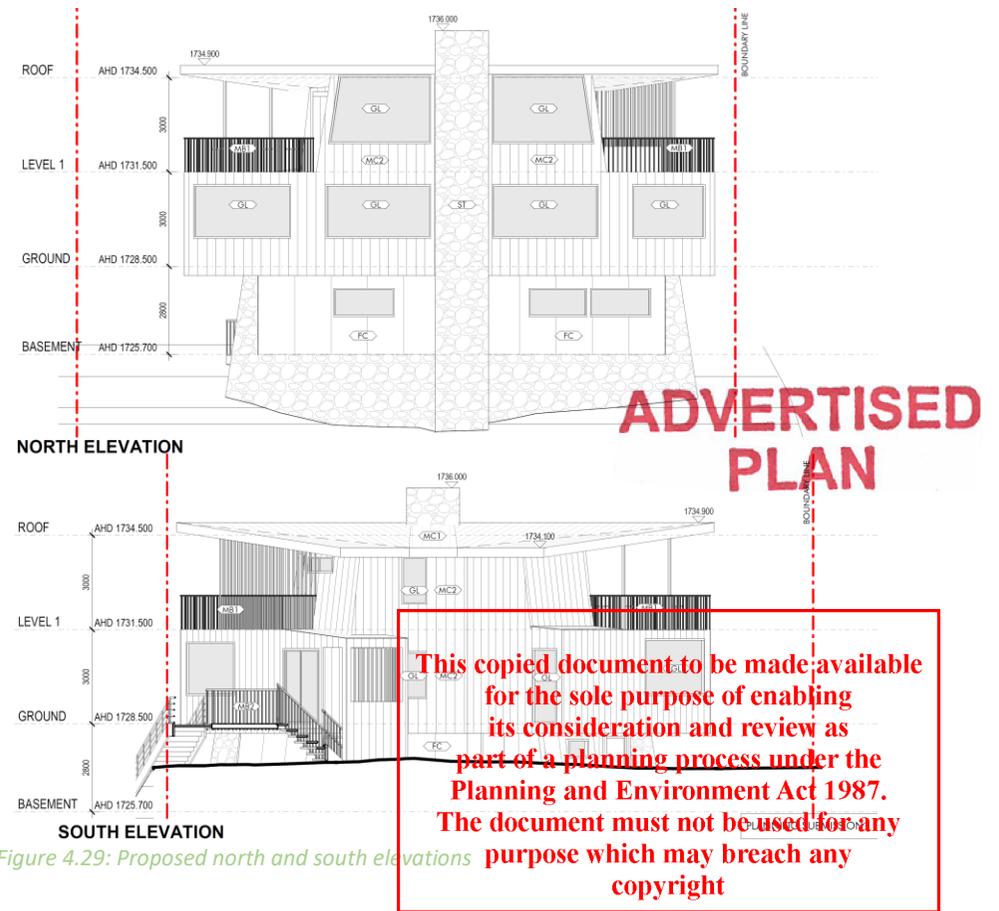


Figure 4.29: Proposed north and south elevations

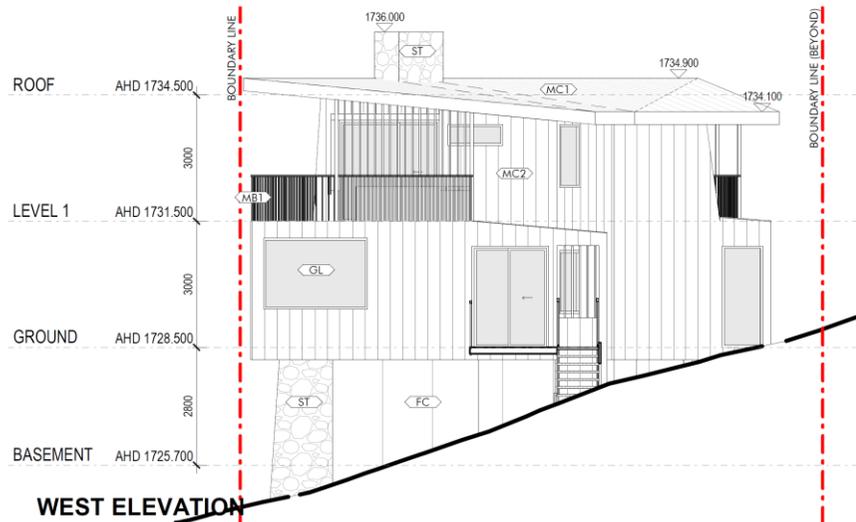
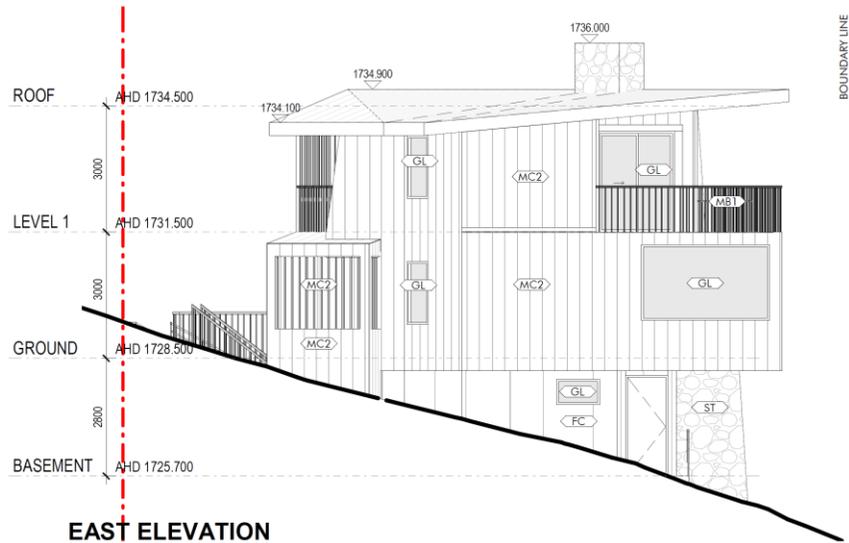


Figure 4.30: Proposed east and west elevations

3D views of the proposed development are provided in the following figures and at **attachment C**.



Figure 4.31: 3D elevations

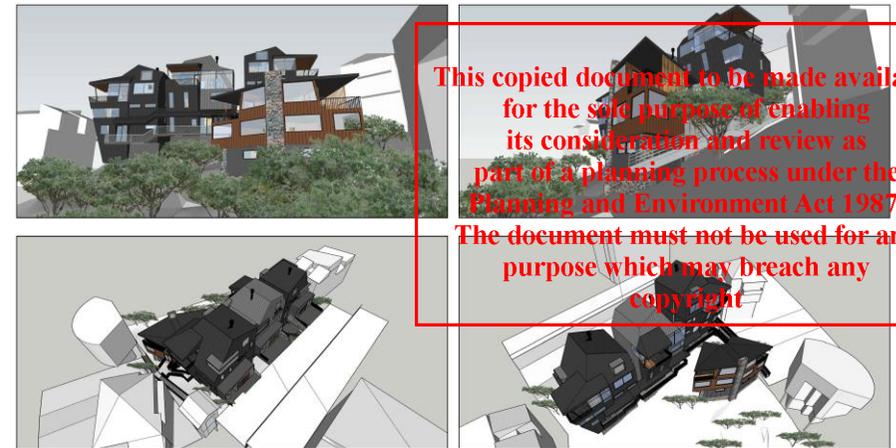


Figure 3.32: 3D elevations

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Planning Scheme Controls

5.1 Zone

The site is located within the Comprehensive Resort Development Zone – Schedule 1 (CDZ1) of the Alpine Resorts Planning Scheme. Figure 5.1 shows the zoning of the subject land and surrounds.



Figure 5.1: Zoning of the subject land and surrounds

The relevant purposes of the CDZ1 are:

- To encourage development and the year round use of land for a commercially orientated, alpine resort.
- To provide for residential development in a variety of forms in an alpine environment.
- To encourage development and the use of the land which is in accordance with sound environmental management and land capability practices, and which takes into account the significance of the environmental resources.
- To provide for the integrated development of land in accordance with a comprehensive development plan incorporated in this scheme.

The use of the land for a dwelling and restricted recreational facility are Section 1 uses and no planning permit is required for the use of the land.

Pursuant to Clause 4.1 of the C1Z a planning permit is required to construct a building or construct or carry out works. There are several exemptions provided, however none apply in the circumstances of this proposed development.

Pursuant to Clause 4.2 the proposed development is exempt from the notice requirements of the *Planning and Environment Act 1987* as the proposal is consistent with the comprehensive development plan applying to the area; this is addressed in the following section of this report.

Clause 5.0 sets out the relevant decision guidelines the responsible authority must consider, these include:

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *An assessment of the likely environmental impact on the natural physical features and resources of the area and in particular any impact caused by the proposal on soil and water quality, by the emission of noise, dust and odours and any geo-technical implications.*
- *The impact of the use or development on the flora, fauna and landscape features of the locality.*
- *The protection and enhancement of the natural environment and the character of the area, including the retention of vegetation and fauna habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridge lines, property boundaries, discharge and recharge areas.*
- *The design, colours and materials to be used and the siting, including the provision of development and effluent envelopes for any building or works.*

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- *The location of any building or works with respect to the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.*
- *The interface with adjoining areas, especially the relationship with residential areas.*
- *The streetscape, including the conservation of buildings, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and landscaping.*
- *Consideration of public safety in relation to the management of snowshed, snow accumulation, and extreme climatic conditions.*

In response to the relevant decision guidelines we submit the following:

- An assessment of the proposal against the State Planning Policy Framework and the Local Planning Policy Framework is provided in the following sections.
- The proposal will cause some environmental impacts largely through the removal of the native vegetation. The removal of the snow gums is unavoidable given their location on the subject land and the very small size of the allotments. We understand that the RMB has undertaken an assessment of the likely losses within the resort as a result of infill development and the subject allotments have been accounted for. We have undertaken a flora and fauna assessment which identifies the environmental impacts likely. Furthermore, our clients are prepared to offset the native vegetation losses through a payment to the RMB.
- Only the minimal amount of native vegetation will be removed to facilitate the development and every attempt will be made to retain trees outside of the building footprints.

- The architectural design of the proposed buildings, along with the materials, colours and finishes, respects the character of the area. The design respects the existing built form of the surrounding buildings and will complement the overall Hotplate Drive area. We also note that there are no specific design controls in this area of Mount Hotham, however, we have designed a building which is consistent with the character of the area. The architectural form is a modern interpretation of an alpine refuge.
- The location of the proposed buildings will not impact the natural environment, waterways, roads or vistas. The buildings will not be visible from the Great Alpine Road due to the topography and also the existing buildings between the subject land and the road. The buildings will be visible from the Playground Trail; however, it will be consistent with the built form in the area and will not be out of character. The figures below show how the development will nestle into the existing streetscape; it can be seen that the built form is consistent with the adjoining buildings and the views will be obtainable from the upper tier development over the proposed buildings.

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Figure 5.2: 3D montage of the development as viewed from the upper tier of Hotplate Drive. Note the building height is similar to the west abutting building



Figure 5.3: 3D photo montage of the development as viewed along Hotplate Drive looking north west

A video of the proposed development in the streetscape can be accessed here:

<https://www.dropbox.com/sh/8btn993dn0tr7q0/AACXKSnQafNeGZvC31Rk74Sea?dl=0>

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- The west, east and south abutting land is zoned Comprehensive Development Zone Schedule 1 and a dwelling exists on the west abutting allotment and a large lodge exists on the eastern allotment. The land to the north is vacant and future development is proposed on these lots consistent with the development which we propose. The land further to the north is part of the ski field and the proposed development will not impact on this area.
- The streetscape will not be impacted as the buildings will not be visible from the Great Alpine Road.
- The buildings have been designed to ensure that snowshed occurs on the subject land. It is important to note that this area only allows pedestrian access via the internal stairways. Therefore, snow shedding to the surrounding land is acceptable and will not pose a risk to life as this area is not accessible by foot.

Overall, the proposed development is site responsive, it responds to the existing conditions of the land, and the proposal is well supported by the CDZ1.

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5.2 Comprehensive Development Plan

The Hotham Village Comprehensive Development Plan 1 (2017) is an incorporated document to the Alpine Resorts Planning Scheme and consideration must be given to this plan. The relevant purpose is:

- To consolidate the Hotham Central precinct as the primary focus for entertainment facilities, community facilities, restaurants, shops and commercial accommodation.
- To provide safe skier and pedestrian linkages within the precinct through the provision of skier and pedestrian tunnels, overpasses and walkways.
- To protect and enhance view lines from Hotham Central by providing appropriate height and setback controls for all buildings.
- To provide the majority of sites with all-weather road access and on-site car parking.

It is submitted that the proposal is consistent with the relevant purposes for the following reasons:

- The site is appropriately located for further accommodation development. The land was created as part of a leasehold subdivision with the intention that dwellings would be constructed on each allotment.
- The proposal utilises Hotplate Drive for vehicle access with pedestrian access directly to the road. Internal stairways will be created to link to existing stairways and a new staircase will be constructed in between Lots 24 and 26 to provide pedestrian access to the lower levels of these dwellings.
- The plan requires that the “majority of sites” have “on-site car parking”, as such, the proposal facilitates this outcome by providing one car parking spaces for each dwelling within the allotment with the additional of a second car space under the

upper tier road of Hotplate Drive. Each dwelling will therefore have 2 car spaces and we submit that this meets the requirements of Clause 52.06 and Clause 22.06-1.

The subject land is located within the Lower Development Site within the plan. The following demonstrates the consistency with the relevant performance measures of the plan:

- It is a requirement that the development is setback 1.5m from the closest kerbside or constructed edge of a road abutting the site and a permit can be granted to vary this requirement. The design team has carefully sited the dwellings to ensure a minimum setback of 1.5m is achieved for Lot 22 and the setbacks for Lot 24 and 26 are 3.275m and 3.840m which exceeds the requirements. Figure 5.4 shows these setbacks from the edge of the road.

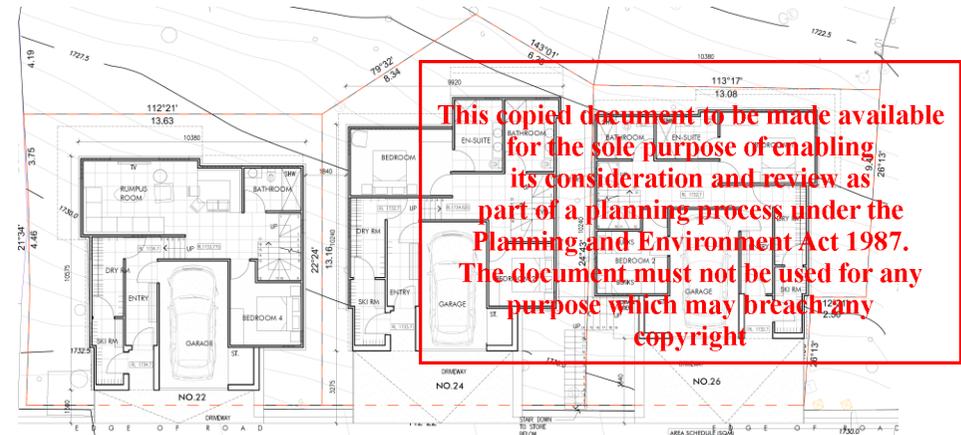


Figure 5.4: Proposed front setback from the edge of the road.

- The buildings are located within the site development boundaries as designated by the RMB.

- The site coverage permissible is 75% of the total site. Lot 22 will have a site coverage of 38.6%, Lot 24 will have a site coverage of 45.7%, Lot 26 will have a site coverage of 48.4% and Lot 31 will have a site coverage of 35.4%. Therefore, the development is well within the permissible site coverage.
- The maximum building height is three storeys (indicative). It is submitted that each building is three storeys or less and we note that the loft is not counted as a storey as it is within the roof space. It is also noted the lower ground floor of Lot 22 is merely an open foundation structure that will be utilised for storage and ski tuning. What is critical when looking at heights in the Hotplate Drive are is the height above the road and ensuring that development is consistent with the surrounding buildings. The 3D montages demonstrate that the buildings have a comparable height and meets the requirements of an "indicative" height level. The use of the word "indicative" in the plan means that height levels can be varied from three storeys and it is not a strict three storey height limit. As such, we submit that the proposal is consistent with the height limit of the plan.
- The wall materials will be metal, local stone, cement sheet and acrylic sheet. The tones will be muted consisting of black, grey, charcoal and copper; this is consistent with the materials permissible in the plan. We note that the choice of materials is somewhat limited due to the BAL 40 construction standard.
- Roof materials will be metal cladding in Monument colour.
- Car parking exceeds the rate specified in Clause 22.06-1.

We also note that the design of the building meets the provisions of the plan in the following manner:

- Snow shedding will be to each site and this is appropriate in this area as pedestrian access around the buildings is not possible as it is limited to the internal stairways.

- The buildings are articulated with protrusions to the front façade and small elements of protrusions around each building. Again, the narrow width of the subject land makes it difficult to incorporate any further articulation to the side elevations.
- Pedestrian access to the Village Centre is directly via Hotplate Drive.
- View lines have been carefully considered and the 3D montages provided above demonstrate that the built form is similar to the surrounding context and there will be no impact on view lines and streetscape.
- The design has carefully considered views from the proposed adjoining buildings. The development on Lot 20 has the greatest potential for impact. However, we note the predominant views from this building are to the north east and the building on Lot 31 has been designed to be low in height to ensure the Lot 20 building maintains views over the proposed roof.
- Access will be via Hotplate Drive with garages having direct access to the road which is a major advantage and a positive outcome for the mountain.
- Car parking exceeds the requirements of the local policy.

Overall, it is submitted that the proposed development is consistent with the Hotham Village Comprehensive Development Plan 1 (2017).

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5.2 Overlays

The subject land is covered by the following overlays:

- Bushfire Management Overlay – Schedule 1
- Erosion Management Overlay – Schedule 1

The Bushfire Management Overlay and Erosion Management Overlay are discussed in the following sections.

5.2.1 Bushfire Management Overlay

The subject land is covered by Schedule 1 to the Bushfire Management Overlay (BMO). Pursuant to Clause 44.06-2 a planning permit is required to construct a dwelling as a dwelling falls within the Accommodation land use group. Furthermore, a restricted recreation facility falls within leisure and recreation which is also listed a planning permit is required for this building.

The BMO states the application requirements at Clause 44.06-03. The bushfire application requirements are provided in **Attachment D**.

We also note that Schedule 1 to the BMO specifies alternative measures to Clause 53.02 to be applied in developments within Mount Hotham. These requirements are reflected in the attached Bushfire Management Plan.

Overall, it is submitted that the proposed development is appropriate under the BMO as the dwelling will be constructed to a BAL 40 and vegetation will be managed to the lot boundary to minimise the risk of bushfire to the property and occupants of the dwelling. We further submit that the implementation of the Resort Management Board (RMB) Bushfire Emergency

Management Plan will also assist in creating community resilience and minimise the risk of bushfire to life and property.

5.3.2 Erosion Management Overlay

The subject land is covered by Schedule 1 to the Erosion Management Overlay (EMO). Clause 44.01-1 requires a planning permit for the buildings and works for the construction of the dwelling.

Clause 44.01-5 states that an application must be accompanied by information that details the existing conditions of the site, the extent of the proposed earthworks and the means to stabilise the disturbed areas. These application requirements are addressed in the attached Preliminary Geotechnical Assessment report prepared by Coffey – see **Attachment E**.

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5.3 Planning Policy Framework

The Planning Policy Framework (PPF) comprises general principles and objectives of planning in Victoria which planning authorities must take into account and give effect to.

The following PPF policies are considered relevant to the proposed development.

- Clause 11 – Settlement
 - *Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.*
- Clause 12.03 – Alpine Areas
 - *To facilitate sustainable use and development of Alpine areas for year round use and activity.*
 - *Provide for the development of consolidated alpine villages, including a diverse range of employment, social and economic opportunities.*
 - *Ensure that proposals for use and development are generally in accordance with any approved Comprehensive Development Plan and comply with any approved Alpine Resort Environmental Management Plan.*
 - *Encourage best practice in design that responds to the alpine character of the area.*
 - *Promote intensive residential and commercial development at Falls Creek, Mt Baw Baw, Mt Buller and Mt Hotham.*
- Clause 13.05 – Bushfire
 - *To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.*

- *Prioritising the protection of human life over all other policy considerations.*
- *Consider the risk of bushfire to people, property and community infrastructure.*
- *Require the implementation of appropriate bushfire protection measures to address the identified bushfire risk.*
- *Ensure new development can implement bushfire protection measures without unacceptable biodiversity impacts.*

- Clause 15 – Built Environment and Heritage
 - *Creating quality built environments supports the social, cultural, economic and environmental wellbeing of our communities, cities and towns.*
 - *Land use and development planning must support the development and maintenance of communities with adequate and safe physical and social environments for their residents, through the appropriate location of uses and development and quality of urban design.*

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The proposed development is consistent with the PPF for the following reasons:

- The development is located within an existing residential area with physical and social infrastructure.
- The proposal will provide further residential development within the Hotham Village.
- The proposal complies with the Comprehensive Development Plan.
- The design respects the character of the area.
- The dwelling will be constructed to a BAL 40 construction standard.
- The land has access to suitable services to facilitate the proposed development.

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5.3 Municipal Strategic Statement

The local strategic policies for Mount Hotham are contained within Clause 21.06 of the Alpine Resorts Planning Scheme. It is a vision for Mount Hotham that *“use and development within the Resort benefits both present and future users, while maintaining a high quality environment.”* It is submitted that the proposed development will help facilitate this vision with the development having a minimal impact on the environment. Further, the development will contribute positively to the built environment of the area.

Clause 21.06 also encourages the consolidation of development within the Hotham Village. This development is located within the heart of the Hotham Village in Hotplate Drive and as such the development of vacant land is encouraged within the planning scheme.

Furthermore, the strategies to achieve the objective encourage *“higher density development with significant site coverage and height”*. This development is consistent with this strategy as it is a three dwelling development with an associated recreational facility. The site coverage is still relatively low and less than the 75% permissible.

A key objective of Clause 21.06 is to minimise the visual impacts of development in the resort (Objective 2 under Built Environment and Heritage). The proposed development is setback sufficiently from the Great Alpine Road and will complement the landscape. The buildings will be visible from public viewing points; however, the very high architectural standard of developments being planned along Hotplate Drive will add visual interest and this is a strategy sought by Clause 21.06.

Development within the village should be of a high architectural standard. Objective 3 under Built Environment and Heritage is:

To ensure development and redevelopment achieves high quality design standards in both private development and the public domain that is respectful of the alpine character.

It is submitted that the proposed buildings are of a very high architectural standard that provides a modern interpretation of alpine architecture. The design respects the built form and architecture of adjoining buildings but has modern elements.

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Key strategies to achieve good design outcomes at Mount Hotham include:

- Snow shed within the boundaries and away from major ski routes
- Retention of native vegetation, if practical
- Energy efficiency
- Respect the geotechnical conditions of the site

With regards to these strategies we submit:

- Snow shed will be contained within the boundaries and away from the Playground Trail
- Snow gums will be retained around the building footprints where practical.
- Habitable rooms are located to the north of the dwelling to maximise energy efficiency.
- A geotechnical report has been undertaken and we shall comply with the recommendations of the Coffey report.

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5.4 Local Planning Policies

Clause 22.06-1 of the Local Planning Policy Framework sets out the car parking requirements for Mount Hotham. Within the Hotham Village car parking is encouraged at a rate of 1 space per 3 beds. The dwellings will comprise of four bedrooms and 2 car parking spaces will be provided within the garage and underneath the upper tier of Hotplate Drive which therefore exceeds the requirements of Clause 22.06-1.

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5.4 Particular Provisions

5.4.1 Clause 52.17

Pursuant to Clause 52.17 of the Alpine Resorts Planning Scheme a planning permit is required to remove native vegetation from the subject land to facilitate the proposed development. As such, a Flora and Fauna Assessment has been prepared by Steve Hamilton. This report has been discussed with DELWP when the alternative development was being proposed and addresses the relevant requirements of Clause 52.17 and also the *Victoria's Guidelines for the removal, destruction or lopping of native vegetation ('the Guidelines')*.

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5.4.2 Clause 53.02

The provisions of Clause 53.02 are addressed in the attached Bushfire Information (**Attachment E**). It is submitted that the proposal is fully compliant with Clause 53.02 and the substituted measures required by Schedule 1 to the BMO.

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5.5 Clause 65

The general decision guidelines for buildings are contained within Clause 65 of the Alpine Resorts Planning Scheme. Table 5.1 below lists the decision guidelines and provides a response of compliance.

Table 5.1: Clause 65 Decision Guidelines and responses.

Clause 65.01 relevant issues	Response
The matters set out in Section 60 of the Act.	The matters of Section 60 have been considered and it is submitted that the proposal is acceptable.
The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.	The PPF and LPPF are addressed in this report.
The purpose of the zone, overlay or other provision.	The zone and overlays have been addressed in this report.
Any matter required to be considered in the zone, overlay or other provision.	All other matters have been considered.
The orderly planning of the area	The development represents orderly planning in that it meets the requirements of the Alpine Resort Planning Scheme and is proposing dwellings in an appropriately zoned and located area.
The effect on the amenity of the area	The dwellings will not impact the amenity of the area as the development is contained within the lot boundaries and views, overlooking and overshadowing have been considered.
The proximity of the land to any public land	The proposed development will not impact the surrounding public land.
Factors likely to cause or contribute to land degradation, salinity or reduce water quality.	The geotechnical recommendations will be adopted and a Site Construction Management Plan has been prepared - see Attachment F.
Whether the proposed development is designed to maintain or improve the quality of storm water within and exiting the site.	The development will have to divert runoff to the quality of storm water within the site. Stormwater will simply permeate into the soil and then be collected in a drainage structure and discharged into the gutter of the road. The quality of the stormwater will not be affected. Deep penetration through porous infrastructure would create greater environmental impact and will concentrate stormwater flows.
The extent and character of native vegetation and the likelihood of its destruction. Whether native vegetation is to be or can be protected, planted or allowed to regenerate.	Native vegetation will be impacted however it will be minimised and offset.
The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.	The fire risk is addressed in the attached bushfire information.
The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.	Not relevant.

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5.0 Conclusion

It is proposed to construct a single dwelling on Lot 22, 24 and 26 and an associated recreational building, to be used by members of Lots 22, 24 and 26 only, on Lot 31. To facilitate the development the removal of native vegetation is required given the very small nature of the allotments.

The development fully complies with the Comprehensive Development Plan and is therefore exempt from public notice. The only component not exempt from notice is the removal of native vegetation.

The architectural design of the buildings is of a very high standard incorporating a modern interpretation of an alpine refuge for the dwellings. The design and siting of the buildings also respects the existing topography and the fall of the land with the elevated roadway has been used to facilitate a garage for each dwelling accessible directly off Hotplate Drive. The built form and modest heights ensures that view lines will not be impacted as demonstrated in the 3D montages.

Overall, the proposed development is well supported, and it is consistent with the zone, overlays and local strategic direction for Mount Hotham. It is therefore requested that the Minister support this application with the issue of a planning permit.

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