

Officer report for (Lot 105), 9 Chaplain Street Daylesford

Planning Permit Application
PA2604179



Officer Assessment Report
Development Assessment

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Department
of Transport
and Planning

OFFICIAL

Executive Summary

Key information	Details	
Application No.:	PA2604179	
Received:	15 January 2026	
Statutory Days:	20	
Applicant:	JV Dodd Building Pty Ltd	
Planning Scheme:	Hepburn	
Land Address:	(Lot 105 on PS 908862G) 9 Chaplain Street, Daylesford	
Proposal:	Buildings and works to construct a dwelling	
Development value:	\$500,000.00	
Why is the Minister responsible?	<p>In accordance with the schedule to Clause 72.01 of the Planning Scheme, the Minister for Planning is the responsible authority for this application because:</p> <ul style="list-style-type: none"> The site forms part of the land at 9 Raglan Street, Daylesford (Crown Allotment 35 Section 2 Parish of Wombat). 	
Why is a permit required?	Clause	Trigger
Zone:	Clause 32.09 – Neighbourhood Residential Zone, Schedule 1 (NRZ1)	<i>No permit trigger</i>
Overlays:	Clause 42.01-2 – Environmental Significance Overlay, Schedule 2 (ESO1)	<i>No permit trigger</i>
	Clause 42.01-2 – Environmental Significance Overlay, Schedule 2 (ESO2)	<i>Construct a building or construct or carry out works</i>
	Clause 43.01-1 – Heritage Overlay 698 (HO698)	<i>Construct a building or construct or carry out works</i>
Cultural Heritage	Not within an area of Aboriginal Cultural Heritage Sensitivity.	
Referral authorities	None	
Public Notice	<p>Notice of the application under section 52(1)(a) of the Act was not required as the proposal is of a low impact nature, being a single dwelling on residentially zoned land within a new residential subdivision. Refer to 'No Advertising Memo' signed by Manager on 2 February 2026.</p> <p>Hepburn Shire Council (the Council) were notified of the application under section 52(1)(b) of the Act.</p>	
Delegates List	Not required	
Recommendation	The application is recommended for approval subject to conditions, as discussed in this report.	

Background

1. The key milestones in the process of the application were as follows:

Milestone	Date
Pre-application meeting (Between Applicant and DTP)	N/A
Application lodgement	15/01/2026
Further information requested	22 February 2026
Further information received	11 February 2026
Further plans submitted (formally under section 50 of the Act)	N/A
Further informally substituted sketch plans submitted (date)	N/A
Decision plans	Plans prepared by JV Dodd Building, titled 'Lot 105 Chaplain Street, Daylesford' and dated 1 February 2026 (13 pages).
Other assessment documents	Middleton Field Design Review letter, prepared by Middleton Field Design Review Panel and dated 11 February 2026 (in relation to the 173 Agreement on the title). Section 173 Agreement, Dealing No. AY994002T (13 pages). Email from Hepburn Shire Council re street tree and dated 5 February 2026. Certificate of Title (2 pages). Title Plan (3 pages). Application Form (7 pages).

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2. The subject of this report is the decision plans (as described above).

Proposal

3. The proposal can be summarised as follows:

- Construction of a single storey dwelling with associated attached double garage and alfresco.
- Minimum setbacks include 5.45 m to Chaplain Street frontage, 2.1 m to the southern title boundary, 4.21 m to the northern title boundary and 17.94 m to the rear (western title boundary).
- Maximum height of 6.27 m and comprises a maximum cut of 0.7 m and fill of 1 m.
- The design is contemporary with cladding materials which include face brickwork and Colorbond roof sheeting cladding.
- The colour palette is darker featuring black and grey tones. (Refer to Figure 1 for concept).
- The relocation of a street tree from the southern side of the road reserve to the northern side. (Refer to Figure 2).
- Vehicle access will be from the southern side of the frontage.



Figure 1 – Render of proposal (Source: Application)

Subject Site and Surrounds

Site Description & Surrounds

4. The site, known as 9 Chaplain Street, Daylesford, is located on the west side of Chaplain Street, which services a new residential subdivision north of Raglan Street, towards the eastern edge of the town of Daylesford. The site is formally described as comprising Lot 105 on Plan of Subdivision 908862G. (Refer to Figure 2).
5. The existing site is vacant, being newly subdivided residential land.
6. The surrounding land is a mix of residential with some commercial and industrial uses to the southeast. It is also noted that land within the Farming Zone is located to the northeast; however, this does not appear to be in intensive agricultural use.
7. The site measures 741 sqm and has frontage to Chaplain Street.
8. The site contains easement E-1 for 'pipelines or ancillary purposes', in favour of Central Highlands Region Water Corporation.
9. There is a section 173 Agreement registered on the title, (Dealing No. AY994002T) requiring the lot be developed generally in accordance with the *Middleton Field Design Guidelines*. The applicant has provided a letter from the Middleton Field Design Review Panel dated 11 November 2025, confirming that the proposed development for a single dwelling on the lot complies with the design guidelines. The development is therefore considered to be in accordance with the section 173 Agreement.

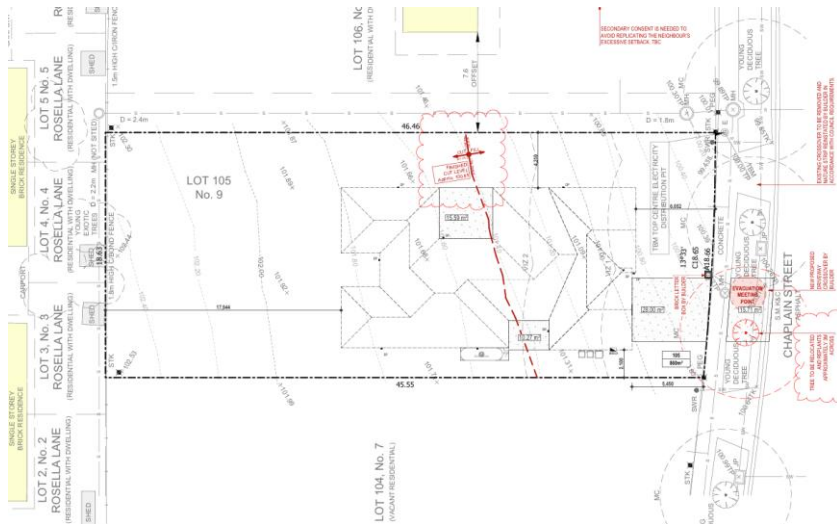


Figure 2 – Proposed site plan (Source: Applicant)

Planning Provisions

Municipal Planning Strategy

10. The following provisions of the Municipal Planning Strategy (MPS) are relevant to the proposal:

Clause no.	Description
02.01	Context
02.02	Vision

11. The relevant provisions of the MPS have been taken into account as part of this assessment, with the development being consistent with the provisions.

Planning Policy Framework

12. The following provisions of the Planning Policy Framework (PPF) are relevant to the proposal:

Clause no.	Description
12	Environmental and Landscape Values
15	Built Environmental and Heritage
16	Housing

13. The above provisions have been taken into account in the assessment of this application, and the proposal is considered to be consistent with the relevant policies.

Statutory Planning Controls

Neighbourhood Residential Zone

14. The site is within the Neighbourhood Residential Zone, Schedule 1. No planning permit is required under the zone for construction of a single dwelling on a lot above 300 square metres of above. The site has an area of 860 sqm.

Environmental Significance Overlay

15. The site is affected by the Environmental Significance Overlay, Schedules 1 and 2 (ESO1 and ESO2). A planning permit is required under the ESO2 to construct a building or construct or carry out works.
16. The relevant decision guidelines have been considered in the assessment of the application, noting that ESO Schedule 2 relates to mineral springs and groundwater protection, and that the council has informed DTP the proposal is deemed to satisfy the requirements of their agreement with Goulburn-Murray Water (GMW). This has also meant that a statutory referral to GMW was not required. Further detail is provided in the notice and assessment sections of this report.

Heritage Overlay

17. The site is within the Heritage Overlay (HO698 Daylesford Railway Heritage Precinct.) and a permit is required for buildings and works. External paint controls and tree controls apply.
18. The impacts on the heritage place and relevant decision guidelines have been considered. See the assessment section of this report for further detail.

Car Parking

19. It is noted that clause 52.06 does not apply to the construction and use of a one dwelling on a lot in the Neighbourhood Residential Zone.

Referrals and Notice

Referrals

20. No referrals were required. However, it is noted that while GMW would ordinarily be a referral party under Section 55 of the Act, pursuant to Clause 66.02-5 (Special Water Supply Catchment Area), Hepburn Shire Council have advised that the proposal meets the provisions of the referral exemption agreement and need not be referred.

Notice

21. The application was not advertised other than to the municipal authority under section 52(1)(b) as it was considered not to cause material detriment to any person because:
- The proposal is low impact and entirely expected for of residential development in a new residential subdivision, being a single storey dwelling on a generously sized lot. It is also noted that clause 54 (and the associated amenity impact provisions) is not an applicable consideration under this application, as a permit is not required under the Neighbourhood Residential Zone.
 - The proposed single storey dwelling complies with the Middleton Field Design Guidelines (strict design criteria contained within the section 173 agreement that applies to the land) and a letter from the Middleton Field Design Review Committee has reviewed and confirms full compliance.
22. The council were notified of the application pursuant to section 52(1)(b). The Council did not object to the application, referring DTP to the *Hepburn Shire Council and Goulburn Murray Water Rural Water Corporation – Clause 66 Referral Exemption Agreement*. This document contains standard conditions for dwellings constructed in seweraged areas with reticulated water, which the Council have advised can be included on a permit for the proposal.

Assessment

What are the key considerations

23. The key considerations in assessing the acceptability of the proposal are as follows:
- Impact on the heritage significance of the place
 - Water quality impacts
 - Tree relocation.
24. These matters are addressed below.

Heritage

25. The main consideration under the Heritage Overlay is whether the proposed buildings and works will have an unacceptable impact on the heritage significance of the place.
26. The heritage place is the Daylesford Railway Heritage Precinct (HO698). The Hepburn Planning Scheme (the Scheme) does not contain a statement of significance for this place. Prominent features within the precinct include the former railway station, a range of period dwellings and an avenue planting of street trees. Within the broader subdivision area associated with the lot is an 1850s timber dwelling around 70 metres to the northwest and large mature exotic trees to the east.
27. Notably, there are no heritage features or structures on the lot.
28. The council have not objected to the application.
29. The scale, materials, colours and placement of the proposed dwelling has no adverse impact on the nearby historic features and are in keeping with the typical scale of a residential building within Daylesford. As such, the proposal is consistent with the purpose of the Heritage Overlay and associated decision guidelines.

Water quality impacts

30. The site is affected by the ESO1 and ESO2, with only the ESO2 triggering a permit. The ESO2 relates to Mineral Springs and Groundwater Protection.
31. As discussed under the referrals section of this report, referral would normally be required pursuant to ESO1 however a permit is not triggered in this instance. Referral of the application would ordinarily be required to Goulburn Murray Water as a determining Referral Authority pursuant to Clause 66.02-5. However, under the *Hepburn Shire Council and Goulburn Murray Water Rural Water Corporation – Clause 66 Referral Exemption Agreement*, a referral was not required, with the logical conclusion being that such developments are deemed acceptable with respect to impacts on Special Water Supply Catchments.
32. Importantly, the civil works stage of this residential subdivision included construction of drainage and sewer infrastructure to service the future development of lots. This ensures that the stormwater drainage and sewer requirements of the proposed single dwelling can be accommodated without adverse impacts on the quality of water in nearby waterbodies and mineral springs.
33. Based on the above, the development considered acceptable with respect to water quality impacts and is consistent with the provisions of ESO2.

Tree relocation

34. The plans show a street tree, located in the road reserve adjacent the proposed driveway and garage. The endorsed plan of subdivision issued as part of the subdivision permit (PA2302418), shows the proposed driveway location for Lot 105 as being to the southern side. (Refer to Figure 3).

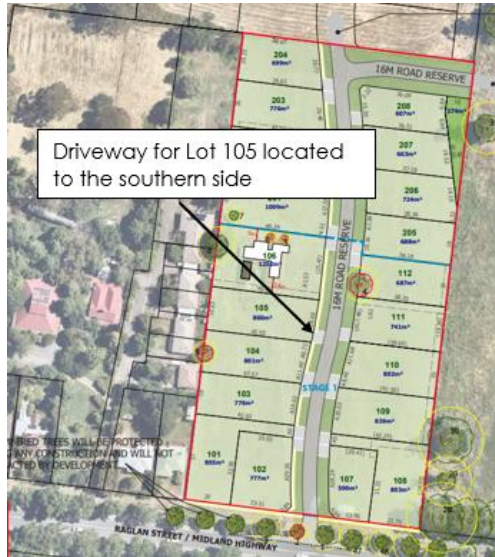


Figure 3 – Endorsed subdivision plan showing location of driveways (Source: Endorsed plans for PA2302418)

35. A young street tree (council asset) has been planted to the southern side of the lot frontage which will be impacted on should the crossover be located to the southern side, as proposed. As such, the plans show the young street tree to be relocated 3 m north, to allow for the crossover to be located to the southern side of the lot frontage, consistent with the endorsed subdivision plan. Therefore, a condition of permit will require that the street tree must be relocated to the northern side of the road reserve within 6 months of the issue date of the permit, ensuring the location of the crossover remains consistent with the endorsed plans of the original permit for the subdivision of the parent lot.
36. Furthermore, the council advised in writing on 5 February 2026 that they are satisfied with the approach to re-plant / replace the street tree further north, in accordance with the notation on the submitted architectural plans.

Conclusion and Recommendation

Conclusion

- 37. The proposal is generally consistent with the relevant planning policies of the Hepburn Planning Scheme.
- 38. The proposal is supported by the local municipal authority.

Recommendation

- 39. It is recommended that a **Delegate of the Minister for Planning** issue Planning Permit No. PA2604179 for buildings and works to construct a dwelling at 9 Chaplain Street, Daylesford, subject to conditions.
- 40. It is recommended that the applicant be notified of the above in writing.

Prepared by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

- No Conflict**
- Conflict and have therefore undertaken the following actions:
 - Completed the **Statutory Planning Services declaration of Conflict/Interest form**.
 - Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.
 - Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

Name:

Title:

Phone:

Reviewed / Approved by:

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