

# Lot 19, Valley View Court, HOTHAM HEIGHTS

Planning Permit Assessment

Planning Permit No. PA2402709



Officer Assessment Report  
Development Approvals & Design

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Department  
of Transport  
and Planning

# Executive Summary

Key information	Details	
<b>Application No.:</b>	PA2402709	
<b>Received:</b>	22 January 2024	
<b>Statutory Days:</b>	42	
<b>Applicant:</b>	Sprint Capital Partners	
<b>Planning Scheme:</b>	Alpine Resorts	
<b>Land Address:</b>	Lot 19 of PS610016J Valley View Court, Mount Hotham (Freehold Subdivision)	
<b>Proposal:</b>	Construction of a single dwelling	
<b>Development value:</b>	\$700,000	
<b>Why is the Minister responsible?</b>	<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"> <li>The Minister for Planning is the responsible authority for administering and enforcing the Alpine Resorts Planning Scheme.</li> </ul>	
<b>Why is a permit required?</b>	<b>Clause/Control</b>	<b>Trigger</b>
	Clause 37.02	<ul style="list-style-type: none"> <li>A permit is required to construct a building or construct or carry out works</li> </ul>
	Clause 44.01	<ul style="list-style-type: none"> <li>A permit is required to construct a building or carry out works</li> </ul>
	Clause 44.06	<ul style="list-style-type: none"> <li>A permit is required to construct a building or construct or carry out works associated with the following uses:               <ul style="list-style-type: none"> <li>Accommodation (including a moveable unit as defined under the Housing Act 1983)</li> </ul> </li> </ul>
<b>Zone:</b>	Clause 37.02	Comprehensive Development Zone – Schedule 1 (CDZ1)
<b>Overlays:</b>	Clause 44.01	Erosion Management Overlay – Schedule 1 (EMO1)
	Clause 44.06	Bushfire Management Overlay – Schedule 1 (BMO1)
<b>Particular Provisions:</b>	Clause 52.06	Car Parking
	Clause 53.02	Bushfire Planning
	Clause 53.03	Residential Reticulated Gas Service Connection
<b>Other Policies:</b>	Public open space contribution and subdivision	<i>Hotham Village – Mt Hotham Comprehensive Development Plan (CDP) 1 (July 2017)</i>
<b>Total site area:</b>	210.38m <sup>2</sup>	
<b>Height:</b>	10.3m (maximum) 7.8m (minimum)	
<b>Land Use:</b>	Accommodation (Dwelling)	
<b>Parking:</b>	One (1) covered car parking space is provided via upper ground and primary entry	
<b>Referral authorities</b>	DELWP Hume Region (section 55 – determining) Ausnet Services (section 55 – determining) Goulburn Murray Water (section 55 – determining) East Gippsland Water (section 55 – determining) Alpine Resorts Victoria (section 52 – notice) (section 55 – determining) Alpine Shire Council (section 52 – notice) County Fire Authority (CFA) (section 55 – determining) ELGAS (section 55 – determining)	



Key information	Details
<b>Public Notice</b>	Notice of the application under section 52 of the Act was not required because: <ul style="list-style-type: none"><li>- An application for a permit is exempt from the notice requirements of section 52(1)(a), (b) and (d) under the EMO and BMO</li><li>- An application to construct a building or construct or carry out works, under the Comprehensive Development Zone Schedule 1 which is consistent with a CDP incorporated in the planning scheme, is exempt from the notice requirements of Section 52(1) (a), (b), and (d). The application has been assessed and is considered to be consistent with the Hotham Village CDP 1 (July 2017) and therefore no notice was required.</li></ul>
<b>Cultural Heritage:</b>	The proposal is a high impact activity (construction in an area of Aboriginal Cultural Heritage Sensitivity under the <i>Aboriginal Heritage Regulations 2007</i> (the Regulations). However, a cultural heritage management plan (CHMP) is not required under the Regulations for an activity specified as being exempt. In this case, the construction of one (1) dwelling is an exempt activity under Section 8.
<b>Planning Permit History:</b>	A ministerial permit was granted in 2016 for the same dwelling and design, however the permit has since lapsed. The applicant is therefore applying for a fresh permit for the same/similar proposal.
<b>Recommendation</b>	The application is recommended for approval subject to the conditions as discussed within this assessment.



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

Milestone	Date
Application lodgement	22 January 2024
Further information requested	9 February 2024
Further information received	3 May 2024
Further plans submitted (in response to Request for Further Information)	<ul style="list-style-type: none"><li>Title Search for Lot 19 of PS610016J</li><li>Preliminary Geotechnical Assessment prepared by Tera Tech Coffey and dated 14 March 2024</li><li>Bushfire Management Statement prepared by Mountain Planning and dated April 2024</li><li>Site Environmental Management Plan (SEMP) prepared by Mountain Planning and dated May 2024</li><li>RFI Cover Letter response prepared by Sprint Capital and dated 3 May 2024</li></ul>
Further informally substituted sketch plans submitted (date)	N/A
Decision Plans	<ul style="list-style-type: none"><li>Title Search for Lot 19 of PS610016J</li><li>Architectural Plans prepared by Workroom and dated 3 June 2016</li><li>Preliminary Geotechnical Assessment prepared by Tera Tech Coffey and dated 14 March 2024</li><li>Bushfire Management Statement prepared by Mountain Planning and dated April 2024</li><li>Site Environmental Management Plan (SEMP) prepared by Mountain Planning and dated May 2024</li><li>RFI Cover Letter response prepared by Sprint Capital and dated 3 May 2024</li></ul>
Planning Permit History	<ul style="list-style-type: none"><li>A ministerial permit was granted in 2016 for the same dwelling and design, however the permit has since lapsed. The applicant is therefore applying for a fresh permit for the same/similar proposal.</li></ul>

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



3. The proposal can be summarised as follows:

Key Information	Details
<b>Proposal:</b>	The application proposes to construct of one (1) three (3) storey dwelling. The site is vacant and does not require the removal of vegetation to facilitate works.
<b>Total site area:</b>	210.38m <sup>2</sup>
<b>Height:</b>	10.3m
<b>Land uses</b>	<b>Accommodation (Dwelling)</b>

4. Specific details of the application include:

- The dwelling consists of four (3) bedrooms and one (1) car parking space with access via Valley View Court.
- The dwelling is designed with two active frontages providing for visual interest from both Valley View Court and Higgi Drive. It is setback from all external boundaries and occupies approximately 51% of the subject site.
- Materials for the building include various forms of cladding, ranging from stone, timber and textured metal.
- Roofing is pitched for snow dumping to occur either side within subject boundary
- The proposed dwelling contains three levels. The lower level is access from the north end of the site adjacent to Higgi Drive and contains three bedrooms, a board/drying room, laundry, bathroom and storage areas.
- The second level of the dwelling is access from the south end of the property adjacent to Valley View Court and offers a single garage, formal entry, rumpus area, master bedroom, mud room and storage areas.
- The third level of the dwelling contains no external access and offers open plan living, kitchen and dining area and small powder room.
- Given the fall of the land, some minor earthworks are required to facilitate the proposed development, with the first floor to be cut into the land where required. The dwelling design incorporates retaining walls where necessary.

5. The applicant has provided the following concept image/s of the proposal:



Figure 1: Proposed southern view from Valley View Court

# Subject Site and Surrounds

## Site Description

6. The site is located in one of 20 Freehold Allotments created in the 2009 subdivision of Hotham Heights, Lot 19 Valley View Court or otherwise known as 4 Valley View Court (Building). Hotham heights is located in the centre of Mount Hotham Ski Resort, approximately 2km from the summit.
7. The existing site comprises of 210sqm of vacant land, situated between Higgi Drive and Valley View Court. It falls moderately from south-east to north-west and contains no canopy vegetation. Vehicle access into the site is available via a concrete crossing to the south side of the lot, off Valley View Court. No vehicular access is available from Higgi Drive.
8. The site has access to reticulated services and a drainage and sewerage easement runs along the rear boundary adjacent to Higgi Drive. The easement varies in with from 1.8m to 2.5m within the site.
9. The site is formally described as Lot 19 of PS61006 and features a number of restrictions as follows:
  - Restrictive Covenant AG296576P which requires development of the affected allotments to occur in accordance with a number of Design Guidelines. The original permit issued design (which remains unchanged) was assessed by the Development Review Committee and is considered to comply with the Design Guidelines and therefore accord with the requirements of the covenant.
  - Section 173 Agreement AG243712H relates to the creation of the Owners Corporation at the subdivision stage, for which this allotment is now partly responsible for. The Agreement was amended via AG370605X to require owners to keep private roads clear of obstructions, including but not limited to parked vehicles.
10. The applicable Covenant and Section 173 Agreement do not materially impact the assessment of this proposal.



Figure 2: Aerial view of subject site

## Site Surrounds

11. The surrounding development consists mainly of residential development, ski resorts and snowy fields breaching the peak of Mount Hotham.
12. Development surrounding the site can be described as follows:
  - To the **north** of the site: Great Alpine Road, a 339km arterial road and primary access road through Mt Hotham
  - To the **south** of the site: A large flora and fauna reserve that wraps the freehold allotments
  - To the **east** of the site: Building 5 is a three-level dwelling with feature stone cladding to the Lower Ground level and a feature shroud-built form with large expanses of glazing to the Ground and 1st levels. The roof form comprises a raked roof with eaves to the 1st level.
  - To the **west** of the site: Building 3A is a three-level dwelling with feature stone cladding to the lower ground level and black interlocking linear cladding, with a parapet roof form.



Figure 3: Subject site view from north



## Municipal Planning Strategy

13. The following objectives and strategies of the Municipal Strategic Statement of the scheme are relevant to the proposal:

Clause no.	Description
<b>02.01</b>	Context – Mt Hotham
<b>02.02</b>	Vision
<b>02.03</b>	Strategic Directions
<b>02.03-1</b>	Settlement and Housing – Mt Hotham
<b>02.03-5</b>	Built Environment and Heritage

## Planning Policy Framework

14. The following objectives and strategies of the Planning Policy Framework of the scheme are relevant to the proposal:

Clause no.	Description
<b>11</b>	<b>Settlement</b>
<b>11.01-1L</b>	Mt Hotham Village
e.g. 11.03-6L-03	e.g. Docklands
<b>12</b>	<b>Environmental and Landscape Values</b>
<b>12.01</b>	Biodiversity
<b>12.04</b>	Alpine Areas
<b>12.04-1S</b>	Sustainable Development in Alpine Areas
<b>12.04-1L</b>	Sustainable Development – Mt Hotham Alpine Resort
<b>13</b>	<b>Environmental Risks</b>
<b>13.03-2</b>	Erosion and Landslip
<b>13.02-1L</b>	Bushfire Planning – Alpine Resorts
<b>15</b>	<b>Built Environmental and Heritage</b>
<b>15.01-1S</b>	Urban Design
<b>15.01-5S</b>	Neighbourhood Character
<b>16</b>	<b>Housing</b>
<b>16.01-1S</b>	Housing Supply

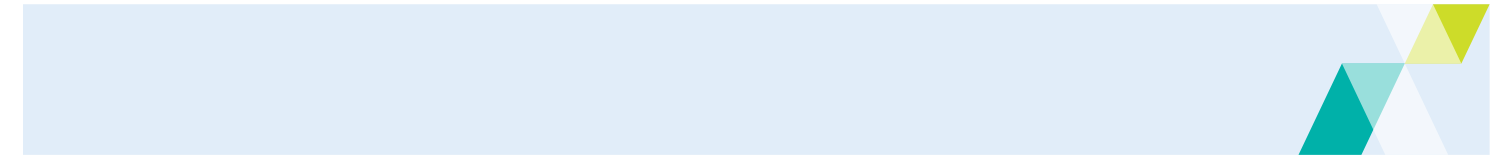
15. The Assessment section of this report provides a detailed assessment of the relevant planning policies (as relevant to the proposal and key considerations)

## Statutory Planning Controls

### Comprehensive Development Zone – Schedule 1 (CDZ1)

16. A planning permit is required to construct a building or construct or carry out works in accordance with Clause 37.02 of the Alpine Resorts Planning Scheme. The purpose of the CDZ is:
- To provide for a range of uses and the development of land in accordance with a comprehensive development plan incorporated in this scheme.*



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17. The Sections 4.3-1 to 4.3-3 of the CDZ includes application requirements under a buildings and works permit. The following requirements apply to this assessment:
- *Development plans (including elevations) drawn to scale detailing all requirements under section 4.3-1*
  - *A site environmental management plan is required for all applications for buildings and works including native vegetation removal.*
18. It is noted that a permit is not required to use the land for Accommodation (dwelling) provided the following are met:
- Each accommodation unit must be connected to reticulated sewerage;
  - Each accommodation unit must be connected to a reticulated potable water supply or have an alternative potable water supply, with appropriate storage capacity, to the satisfaction of the responsible authority.
  - Each accommodation unit must be connected to a reticulated electricity supply or an alternative energy supply to the satisfaction of the responsible authority.
  - All services must be underground.
19. The dwelling will be connected to all reticulated services that are available underground and as such the requirements of 2.1 have been met and the use is therefore exempt from requiring a permit.

#### **Bushfire Management Overlay – Schedule 1 (BMO1)**

20. A planning permit is required to construct a building or construct or carry out works in accordance with Clause 44.06 of the Alpine Resorts Planning Scheme. The purposes of the BMO are:
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
  - *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*
  - *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*
21. A planning permit for buildings and works must meet the requirements of Clause 52.47 (Planning for Bushfire). Pursuant to Clause 52.47 an application such as this must be accompanied by a Bushfire Management Statement.

#### **Environmental Management Overlay – Schedule 1 (EMO1)**

22. A planning permit is required to construct a building or construct or carry out works in accordance with Clause 44.01 of the Alpine Resorts Planning Scheme. The purpose of the EMO is:
- *To protect areas prone to erosion, landslip, other land degradation or coastal processes by minimising land disturbance and inappropriate development.*
23. Pursuant to Schedule 1 of the EMO, a planning permit must be accompanied with a Preliminary Geotechnical Assessment prepared or technically verified by a suitably qualified and experienced geotechnical practitioner. As part of the RFI process, the applicant provided a Preliminary Geotechnical Assessment prepared by Tetra Tech Coffey and dated 14 March 2024.

#### **Particular provisions**

24. Clause 52.47 sets out the requirements of ensuring development appropriately responds to bushfire hazards and risks. Pursuant to this clause an application must be accompanied by a bushfire management statement describing how the proposed development responds to the requirements in this clause and Clause 44.06 (BMO).
- A Bushfire Management Statement has been prepared for the application as part of the RFI process. See the attached report by Mountain Planning and dated April 2024 that addresses the requirements of this clause and the Bushfire Management Overlay.
25. Pursuant to Clause 9.0 of the Comprehensive Development Plan (CDP-CDZ), an application which is consistent with car parking provisions of a comprehensive development plan is exempt from the requirements of Clause 52.06. The proposal is consistent with the car parking requirements of the CDP, as outlined below.

26. The site is located within an area of identified Aboriginal Cultural Heritage Sensitivity (refer to Figure 4). Aboriginal Victoria confirmed in 2018 that a Cultural Heritage Permit under the Aboriginal Heritage Act 2006 is not required given:

- The proposal is a high impact activity (construction in an area of Aboriginal Cultural Heritage Sensitivity under the Aboriginal Heritage Regulations 2007 (the Regulations). However, a cultural heritage management plan (CHMP) is not required under the Regulations for an activity specified as being exempt. In this case, the construction of one (1) dwelling is an exempt activity under Section 8.



Figure 4. Map area known for Aboriginal Cultural Sensitivity



## Referrals

27. The application was referred to the following groups:

Provision/ Clause	Organisation	Response Received (date)
<i>Section 55 Referral- Determining</i>	Ausnet Services	8 February 2024 – No Objection subject to conditions
<i>Section 55 Referral- Determining</i>	Goulburn Murray Water	7 March 2024 – No response (outside of GMW region)
<i>Section 55 Referral - Determining</i>	East Gippsland Water	27 February 2024 – No objection
<i>Section 55 Referral- Determining</i>	DELWP Hume Region	5 March 2024 – No objection subject to conditions
<i>Section 55 Referral- Determining</i>	Alpine Resorts Victoria	5 April 2024 – No objection subject to conditions
<i>Section 55 Referral- Determining</i>	County Fire Authority (CFA)	11 June 2024 – No objection subject to condition to endorse BMP
<i>Section 55 Referral- Determining</i>	ELGAS	No response has been provided as of 14 June 2024
<i>Section 52 Notice</i>	Alpine Resorts Victoria	5 April 2024 – No objection subject to conditions
<i>Section 52 Notice</i>	Alpine Shire Council	No response has been provided as of 14 June 2024

## Alpine Resorts Victoria (ARV)

28. The ARV provided a no objection subject to conditions response that primarily relates to standard construction management and construction waste management regulation. DTP finds the determining conditions reasonable to place onto the planning permit.

## Notice

29. Notice of the application under section 52 of the Act was not required because:

- An application for a permit is exempt from the notice requirements of section 52(1)(a), (b) and (d) under the EMO and BMO
- An application to construct a building or construct or carry out works, under the Comprehensive Development Zone Schedule 1 which is consistent with a CDP incorporated in the planning scheme, is exempt from the notice requirements of Section 52(1) (a), (b), and (d). The application has been assessed and is considered to be consistent with the Hotham Village CDP 1 (July 2017) and therefore no notice was required.



## Planning Policies

30. Broadly, the planning policies relevant to the application encourage the sustainable use and development of the Alpine areas for year-round use and activity; encourage tourism development, seek to protect areas prone to erosion and landslip, protect environmentally sensitive areas and ensure development respects the Alpine character. The proposal is generally consistent with the relevant policies as follows:
- The proposed development is a modern interpretation of the alpine chalet proving a design, scale, height and materiality outcome that is sympathetic to the existing natural and built form character of the Mt Hotham resort (Clause 02.03-5).
  - The proposed development is situated within the Hotham Central and Hotham Village – Mt Hotham Comprehensive Development Plan (CDP1). The proposal’s consistency with the CDP1 is discussed in greater detail below.
  - The application provides additional housing supply that increases resort accommodation catering to permanent and visitor populations and further contributes to the diversity of housing supply within the resort year-round (Clauses 11.01-1S; 11.01-1L; 16.01-1S, 17.04-1L).
  - The proposed three-storey built form provides a scale and appearance that is compatible with the height, scale and form of housing surrounding the site, while also incorporating measures to appropriately manage snow shed within the site (Clause 15.01-2L). Further, the subdivision of the land would facilitate an attractive, safe, and diverse neighbourhood (Clause 15.01-3S). A detailed assessment of the proposed dwellings and subdivision of the site is provided below.
  - The proposal would support the year-round use and activity in the Mt Hotham Alpine Resort through the provision of additional accommodation that appropriately considers and minimises the impact on environmental features (Clause 12.04-1S and Clause 12.04-1L).
  - The applicant has considered bushfire risk through the preparation of a Bushfire Management Plan prepared by Mountain Planning, dated 5 December 2023. The CFA has reviewed the plan and advised that it does not object to the granting of a permit subject to conditions on any permit issued. A detailed assessment against the requirements of the Bushfire Management Overlay is provided below (Clause 13.02-1S).
  - The applicant has appropriately considered erosion and landslip through a Preliminary Geotechnical Assessment prepared by GHD Pty Ltd, dated 18 August 2023 (Clause 13.04-2L). The Preliminary Geotechnical assessment is discussed in greater detail below.

## Zoning

31. The proposal is considered to provide an acceptable response to the purpose of the CDZ1 through the provision of a residential development which has consideration for the relevant environmental management and land capability practice (as discussed below). The following design objectives and guidelines of the Hotham Village CDP 1 (July 2017) are assessed below:

Mandatory Controls		
Minimum Setback	<p>A building must be setback:</p> <p>6 metres from the edge of the proposed Great Alpine Road (delineated on the CDP).</p> <ul style="list-style-type: none"> <li>• metres from the closest kerbside or constructed edge of a road abutting the site.</li> <li>• Within the site development boundaries designated by the MHARMB.</li> <li>• A permit may be granted to vary setbacks.</li> </ul>	<p><b>Complies</b> – The proposed development complies with all setback requirements and is entirely within the site boundaries.</p>



Maximum site coverage	Refer to designated Development Zones illustrated on the CDP as shown on Figure 1.	<b>Complies</b> – The site is located within the ‘Lower’ Development Zone category where the maximum site coverage permitted is 75%. The proposed site coverage is 51.22% (137 m <sup>2</sup> building footprint / 210.38 m <sup>2</sup> total site area).
Maximum Height	Refer to designated Development Zones illustrated on the CDP as shown on Figure 1 (Building height is to be measured from the natural ground level of the building’s front façade to the top of the vertical plane).	<b>Complies</b> – The permitted building height is 3 storeys. The proposed development is 3 storeys. The maximum building height is approximately 10.3m.
Wall Materials	Corrugated iron, profiled metal (zinc/copper/colour coated steel), timber, stone, plastered masonry (plastered masonry should be painted in neutral or “earthy” tones) or other approved alternatives.  All buildings except for roads, ramps and deck car park structures, should incorporate a significant area of Mt Hotham stone or similar stone approved by MHARMB at the base of the building, representing not less than 25% of the ground floor wall area.	<b>Complies</b> – The façade utilises metal and stone cladding and timber. The ground floor will be clad with stone to exceed the 25% requirement.
Roof materials	Profiled metal zinc/copper/colour coated steel), corrugated iron (non-reflective and muted tones) or other approved alternatives.	<b>Complies</b> – The roof material is a metal roof sheeting with seam profile in a charcoal colour.
Car parking	The proposed development must provide car parking at least at the rates required by Clause 18.02-4L being one space per three additional beds.	<b>Complies</b> – Clause 22.06 requires one car space per 3 beds. One car parking space is provided for the dwelling which is considered to meet the requirements for a 4 and 5-bedroom dwelling respectively.
<b>Relevant Non-Mandatory Considerations</b>		
New development must retain snow on roofs as an alternative to snow shedding. This requirement may be varied to the satisfaction of the RMB in consideration of the siting of buildings demonstrating safe handling of snow shed to enable safe access and movement within the site and containment within site boundaries.		<b>Complies</b> – The proposed roof plan incorporates a pitched roof, designed to allow the snow to fall to the sides and within the site boundaries. All access points are clear of snowshed. Furthermore, the ARV has reviewed the plans and did not raise any concerns regarding the snow shed design.
Built form should vary in scale and setback to increase articulation.		<b>Complies</b> – There are various elements of articulation through the setbacks the dwelling and sloped elevation.
The layout should ensure that pedestrian and skier access to the Village Centre and ski ways is not impeded and, where possible, enhanced.		<b>Complies</b> – The development is entirely located within its site boundaries and therefore will not impede safe pedestrian and skier access to the Village Centre and ski ways.
Development sited to allow long range views of the surrounding alpine environment.		<b>Complies</b> – Large front north facing windows and rear windows allow for extensive views to surrounding mountains and landscape.
Development should provide a reasonable level of view sharing between existing and proposed buildings.		<b>Complies</b> – The dwelling has a pitched roof design which together with limited side setbacks, will allow for some view sharing with other dwellings, noting that narrow side setbacks are typical of the development approvals for this freehold estate. In particular, it is noted that the slope of the land does not adversely impede on the sight lines for properties to the south.
The management of snow and ability for snow clearing vehicles to manoeuvre along village streets.		<b>Complies</b> – All snow shed from the dwellings will be contained within each respective lots thus not



	restricting vehicles manoeuvrability along the village streets.
The need for wind and micro-climate management within village streets and public spaces.	<b>Not applicable</b> – The need for wind and micro-climate management is not applicable for the development of two dwellings within a small freehold site, away from the village streets and public spaces.
Appropriate plan and design for freight movement and waste management arrangements.	<b>Complies</b> – Skyline Terrace is located away from the village freight activities. In terms of waste, bins will be located within the garage for the dwelling, as required by Covenant AG296576P.

### Covenant AG296576P (2009)

32. The subject site, as well as the entire freehold subdivision estate, is subject to Covenant AG296576P (2009). The covenant sets out mandatory and non-mandatory parameters, considerations, and conditions regarding design guidelines for the freehold subdivision estate. The requirements of the covenant are generally the same as those identified in the CDP for which the proposal has been assessed as generally compliant (see above). The following three tables consider only those elements of the covenant that are different from the CDP.

#### Mandatory Parameters and Conditions

Consideration	Meets consideration?
Maximum site coverage specified for Lot 19 is 143sqm.	<b>Yes.</b> The proposed site coverage is 137m <sup>2</sup> which is below the maximum permitted of 143 m <sup>2</sup> .

#### Mandatory Considerations

Consideration	Meets consideration?
Roofs should be designed to be of low visual impact to protect views from the village and adjoining ski fields.	<b>Yes.</b> The pitched roof design is similar to other roof pitches that have been approved in the freehold estate and the ARV have not raised any issues with the roof form.
The siting of buildings should avoid where possible and minimise the removal of native vegetation.	<b>Yes</b> – The site is clear of native vegetation.
All new building developments should include: <ul style="list-style-type: none"> <li>• Dual energy sources for heating and cooling</li> <li>• Water saving appliances</li> <li>• High levels of thermal insulation</li> <li>• Energy efficient lighting</li> <li>• Energy efficient heating/cooling</li> <li>• Installation of a 3rd pipe system that will allow connection to the Class A water main for toilet flushing.</li> </ul>	<b>Yes</b> – A condition has been included within the recommendation to ensure that an energy report is provided which meets the requirements outlined.
No lot shall contain more than 2 dwellings unless they share a common wall and be viewed as a single structure.	<b>Yes.</b> The proposal includes one (1) dwelling.
1 car parking space should be provided per dwelling. Minimise impact of parking facilities and driveways on street outlook and emphasise entrance structures and overhanging balconies that provide an active frontage.	<b>Yes.</b> One (1) car parking space has been provided for the dwelling with car parking access minimised by being provided from southern street frontage (rear).
No fences or outbuildings are permitted.	<b>Yes.</b> No fences or outbuildings are proposed.



**Non-mandatory requirements (only matters not addressed earlier are discussed below)**

Design criteria	
The benefits of passive solar is maximised.	<b>Complies</b> – The subject site is oriented north, with living areas facing north. Most bedrooms are prioritised to face north, bedroom 4 faces north-east, however features a wide window to maximise on solar access.
The privacy and amenity of neighbours is respected.	<b>Complies</b> – There is currently existing building on the adjacent lots (3 and 5 Valley View Court).  The proposed dwelling is sympathetic to the already built adjacent dwellings in built form and in the use of similar materials. Windows on abutting boundaries are limited to only bedroom 4 to the north east.
Snow dump impact is minimised.	<b>Complies</b> – As discussed above.
Views from the site are capitalised upon.	<b>Complies</b> – As discussed above.
Dwellings adjacent to open space are oriented to compliment the open space.	<b>Not applicable</b> – The subject site is not directly adjacent the nearby flora and fauna reserve (which is to the south and south-east).
The design and layout of buildings is such that it provides an active frontage to the public domain with a clear point of entry that provides a sense of address and identity.	<b>Complies</b> – The dwellings are designed to address the street frontage with a clear point of entry.
Native vegetation & trees are retained where possible.	<b>Complies</b> – As discussed above.
A variety of setbacks are achieved to enhance the informal character of the Alpine environment.	<b>Complies</b> – As discussed above.
Development is set back a suitable distance from roads.	<b>Complies</b> – The proposal is setback over 3m from Higgi Drive (north) and 4m from Valley View Court (south). The setbacks to both frontages are considered acceptable given that space for snow shed and infiltration is maintained.
The space between dwellings is maintained at least along one boundary.	<b>Complies</b> – As outlined above, the proposal is setback a minimum of 0.7m from the eastern and western boundaries. The proposal is considered to appropriately maintain space between dwellings along three of the boundaries and reflects a consistent character between existing dwellings.
Houses should be sited and designed to take advantage of the natural slope conditions. Where appropriate split-level designs will be encouraged. Large bulk excavations or high retaining walls are not acceptable.	<b>Complies</b> – The proposed dwelling will require some earthworks, predominantly towards the rear (Higgi Drive frontage). However, the extent is considered acceptable and typical of other developments in the estate.
Walls on boundaries (in summary) – not more than 12m in length and 5m average height (in summary).	<b>Complies</b> – There are no walls on boundaries.
Architectural style (in summary) – sympathetic to the alpine environment, varying roof pitches, non-aligned side walls, irregular placement of windows, emphasis of nooks and crannies, detail to gable roof ends, intimate entry porches, stone walls, timber columns and intricate timber fretwork detail, climate responsive, single storey elements with human scale, balconies, and recessed garages.	<b>Complies</b> – The proposal responds to its context by proposing a modern style design incorporating include local stone, hardwood, weatherboards, timber look cladding and FC cladding. Facing Higgi Drive, the dwelling features bedroom 1 and living spaces that overhang the ground floor to provide appropriate articulation, with suitably large windows located on the north frontage.  The design of the dwelling is contextually appropriate to the Valley View Court subdivision and the alpine environment.



Materials and colours (in summary) – restrained colour and natural material palette to compliment the alpine environment.	<b>Complies</b> – As discussed above.
Environmental management (in summary) – development should be accompanied by a construction management plan, revegetation plan and blend into the existing landscape.	<b>Complies</b> – The application contains a construction management plan and a SEMP that will ensure there are adequate environmental protections during construction.
Roofs and snowshed (in summary) – Roof profiles should be varied to achieve visual diversity and an informal clustered building image. Plunging rooflines almost to ground level are encouraged. The roof design must consider the dangers of snowshed.	<b>Complies</b> – A pitched roof design allows snow to fall to both sides of the dwelling and all access points are clear of snowshed.
Solar access and energy conservation (in summary) – Buildings should be sited and designed to minimise energy consumption and capture the benefits of passive solar energy. Double glazing should be provided on all windows and glazed doors.	<b>Complies</b> – The proposal has been appropriately oriented to ensure that habitable windows including living/dining and, bedrooms prioritise a north aspect to maximise passive solar energy.
Access and driveways (in summary) – One driveway per lot unless a specific need for multiple driveways is demonstrated. Hard surfaces to be minimised.	<b>Complies</b> – The proposal includes one driveway, with a crossover fronting onto Valley View Court.
Signage (in summary) – Signage must be approved by the Design Review Committee (DRC).	<b>Complies</b> – No signage is proposed.
Garbage bin storage and collection (in summary) – Bins must be contained within the site and bin enclosures located adjacent to driveways with capacity to store two 120 litre wheelie bins.	<b>Complies</b> – Bins will be located within their own externally accessible cupboard adjacent to the garage roller door.

33. As discussed previously, a ministerial permit was granted in 2016 for the same dwelling and design, however the permit has since lapsed. The applicant is therefore applying for a fresh permit for the same/similar proposal. Ordinarily the application would need to be referred to Millar Merrigan who are the Design Review Committee for freehold sites in Mount Hotham. Noting that the design has not changed substantially, and the planning report prepared by Millar Merrigan, a new referral to confirm the design remained consistent was not considered necessary.

### Internal Amenity

34. While clause 54 does not specifically apply to development in the CDZ, it nevertheless provides guidance on considering the internal amenity of the proposed dwellings. The internal amenity is considered adequate for the following reasons:
- All habitable rooms will have access to natural daylight and direct sunlight as well as outward, long-range views which are unlikely to be obscured into the future given the sites interface with Higgi Drive and natural elevation.


### Off-Site Amenity

35. The off-site amenity considerations of clause 54 do not apply and privacy has already been considered above in the 'design criteria' section of the covenant. However, in respect of visual bulk/impact on the surrounding lots, the proposed development is satisfactory given that it generally complies with the Hotham Village CDP 1 (July 2017) design criteria. The proposed development will have limited off-site amenity impacts.

### Environmental Management Overlay

36. The subject site is within an Erosion Management Overlay (EMO1) which seeks to ensure that:
- applications for development are supported by adequate investigation and documentation of geotechnical and related structural matters.
  - development is appropriate to be carried out either conditionally or unconditionally, having regard to the results of those geotechnical and related structural investigations.
  - development is only carried out if identified geotechnical and related structural engineering risks are effectively addressed



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37. As a result, the application was supported by a Preliminary Geotechnical Assessment prepared by Tetra Tech Coffey and dated 14 March 2024. The report concludes a low residual risk for all identified site hazards unless poor construction practices are used during excavation and construction of the proposed development. In addition, the report recommends several control measures for implementation.
  38. The application was referred to ARV, who offered no objection to the application with respect to the EMO1. The ARV recommended that conditions be included to ensure that the proposal is carried out in accordance with the recommendations of the submitted geotechnical report and that the permit holder arrange an onsite meeting with Mount Hotham Alpine Resort representatives prior to any building commencement.
  39. Subject to the abovementioned conditions being included within the recommendations, the proposal is considered to meet the purpose of the EMO1 by ensuring that development is carried out having regard to the results of the geotechnical investigations.

### **Bushfire Management Overlay**

40. The application is located within a Bushfire Management Overlay – Schedule 1 (BMO1) which along with Clause 13.02-2L, aims to achieve bushfire protection measures and protection of human life through emergency management arrangements unique to Victoria’s alpine resorts.
41. Pursuant to Clause 52.47 an application must be accompanied by a bushfire management statement describing how the proposed development responds to the requirements in this clause and Clause 44.06. A Bushfire Management Statement has been prepared for the application as part of the RFI process. See the attached report by Mountain Planning and dated April 2024 that addresses the requirements of this clause and the Bushfire Management Overlay.
42. The application was referred to the CFA, who raised no objection with the application subject to a condition to endorse the Bushfire Management Plan.
43. Subject to the abovementioned conditions being included within the recommendations, the proposal is considered to meet the purpose of the BMO by ensuring that development will be required to adhere to the bushfire management plan.

# Conclusion



- 44. The proposal is generally consistent with the relevant planning policies of the Alpine Resorts Planning Scheme and will contribute to the provision of year-round accommodation within Mt Hotham.
- 45. The proposal is generally supported by the various referral agencies.
- 46. It is **recommended** that Planning Permit **PA2402709** at Lot 19 Valley View Court, Hotham Heights be issued subject to conditions.
- 47. It is **recommended** that the applicant and ARV be notified of the above in writing.

**Prepared by:**

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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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