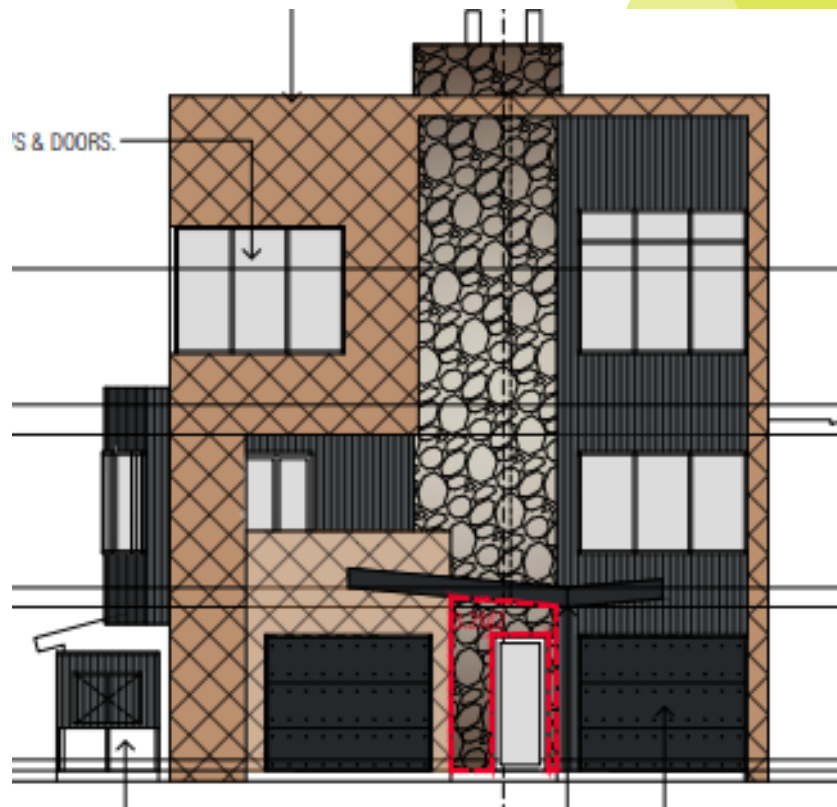


# 2 Memorial Drive, Hotham Heights

DP2302684 Development Plan Consent  
and  
PA2302685 Planning Permit



Officer Assessment Report  
Development Approvals & Design



Department  
of Transport  
and Planning

OFFICIAL



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Prepared by:	24
Reviewed / Approved by:	24

# Executive Summary



Key Information	Details		
<b>Application No:</b>	PA2302685 Planning Permit DP2302684 Development Plan Consent		
<b>Received:</b>	22 December 2023		
<b>Statutory Days:</b>	215 days for Development Plan application and 41 days for Planning Permit application		
<b>Applicant:</b>	Crowther & Sadler Pty Ltd		
<b>Planning Scheme:</b>	Alpine Resorts		
<b>Land Address:</b>	2 Memorial Drive, Hotham Heights		
<b>Proposal:</b>	Buildings and works to construct two dwellings		
<b>Development Value:</b>	\$ 2m		
<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>CHMP</b>	The subject land is contained within an area of cultural heritage sensitivity. However, in accordance with Regulation 9(1) the construction of one or two dwellings on a lot is an exempt activity and therefore a CHMP is not required for the proposed development.		
<b>Why is a permit required?</b>	<b>Clause</b>	<b>Control</b>	<b>Trigger</b>
<b>Clause 37.02</b>	Clause 37.02	Comprehensive Development Zone – Schedule 1	<ul style="list-style-type: none"> <li>Where a comprehensive development plan has been incorporated into this scheme, an application for a site development plan approval can be submitted to the responsible authority.</li> <li>A site development plan application must be to the satisfaction of the responsible authority and must be generally in accordance with the requirements of a comprehensive development plan.</li> </ul>
<b>Clause 44.01</b>	Clause 44.01	Erosion Management Overlay	<ul style="list-style-type: none"> <li>A permit is not required to construct a building or construct or carry out works (including the lopping, destruction, or removal of vegetation) if a site development plan showing the proposed buildings and works is prepared to the satisfaction of the responsible authority and the site development plan is generally in accordance with a comprehensive development plan incorporated into this scheme.</li> </ul>
<b>Clause 44.06</b>	Clause 44.06	Bushfire Management Overlay	<ul style="list-style-type: none"> <li>A permit is required to construct a building or carry out works associated with use of the land for accommodation.</li> <li>Important to note that this is the only permit trigger for the planning permit.</li> </ul>
<b>Total Site Area:</b>	228m <sup>2</sup>		



**Height:** 3 storeys excluding plant  
11.5 metres excluding plant

**Referral Authorities:** Planning Permit  
Clause 44.06-6 (BMO) – Relevant fire authority (CFA)  
Development Plan

- Clause 7.0 – Any use or development that requires connection to reticulated services (Clause 66.04)
- Clause 7.0 to the CDZ – The relevant utility service provider (AusNet, Southern Rural Water, Elgas)
- Secretary to the Department of Environment, Land, Water and Planning
- Clause 5.0 to EMO – The relevant Alpine Resort Management Board

**Public Notice:** Both the development plan and the planning permit application are exempt from some of the notice requirements under Section 52 of the Act, discussed in detail in the following section.  
Clause 8.0 of Schedule 1 to Comprehensive Development Zone at Clause 37.02 Alpine Village specifies that notice of an application of the kind listed below must be given in accordance with Section 52(1)(c) of the Act to the person or body specified as a person or body to be notified in Clause 66.06 or a schedule to that clause:

- a. Any use or development.

Accordingly, notice was given to the following on 9 July 2024

- a. Alpine Resorts Victoria who is the relevant Resort Management Board, and
- b. Alpine Shire Council who is the relevant adjoining Municipal Council.



## Application Process

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

Milestone	Date
Application lodgement	22 November 2023
Further information requested	18 January 2024
Further information received	10 May 2024
Further plans submitted on 13 June 2024 formally under s50 of the Act	13 June 2024 The formally substituted document was the Energy Rating Report. The applicant sought further advice from the consultant with respect to the requirements contained within the restrictive covenant AG296576P. The consultant has subsequently updated the energy report.
Decision Plans	Plans prepared by J R Design Australia Pty Ltd, titled 'Proposed Woods Lodge Rev C TP.01C-T.05C' and dated 10 April 2024.
Other Assessment Documents	Planning Report dated December 2023 prepared by Crowther & Sadler Pty Ltd. Design Review dated August 2023 prepared by Millar Merrigan. Energy Rating Assessment Report received on 13 June 2024 prepared by ECM Group. Preliminary Geotechnical Risk Assessment dated 17 July 2023 prepared by GHD. Site Environmental Management Plan (SEMP). Bushfire Management Plan version 1, dated 9/06/2024 prepared by Crowther and Sadler Pty Ltd.

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

## Proposal Summary

4. The proposal can be summarised as follows:

Key Information	Details
Proposal:	Construct two dwellings on the land.
Total Site Area:	228 m <sup>2</sup>
Gross Floor Area:	419 m <sup>2</sup>
Height:	3 storeys
Land Uses:	Dwellings
Car Parking:	Total of 2 car parking spaces located in single garages (1 per dwelling)

5. Specific details of the application include:



6. The development plan and permit will allow for the construction of two dwellings on the land. The proposed dwellings are to be attached and constructed over three levels. The proposed building is located to the east of the subject land, to avoid a drainage and sewage easement that runs along the western side of the land.
7. The building design is contemporary, and materials include corten diamond shingles, colourbond monument matte spandek cladding and roofing, and local stone base walls.
8. Dwelling one:
  - a. Dwelling one is to be constructed within the western part of the site.
  - b. The ground floor includes a single garage and small storage area, workshop, dry cupboard, bunk room connected to an ensuite. External private open space is proposed along the western boundary and within the northern area of the land.
  - c. The first floor includes bedroom 1 and associated ensuite and south facing deck, laundry, bedroom 2 and associated bathroom and separate WC.
  - d. The second floor includes lounge room, open style kitchen and dining room and a northern facing deck.
9. Dwelling two:
  - a. Dwelling two is to be constructed within the eastern part of the site.
  - b. The ground floor includes a single garage, workshop, dry cupboard, bunk room and associate ensuite. There is an external northern facing private open space.
  - c. The first floor includes bedroom 1 with associated bathroom, laundry, bathroom and bedroom 2.
  - d. The second floor includes a lounge room, open plan kitchen and dining room and a northern facing deck.
10. The applicant has provided the following concept images of the proposal:

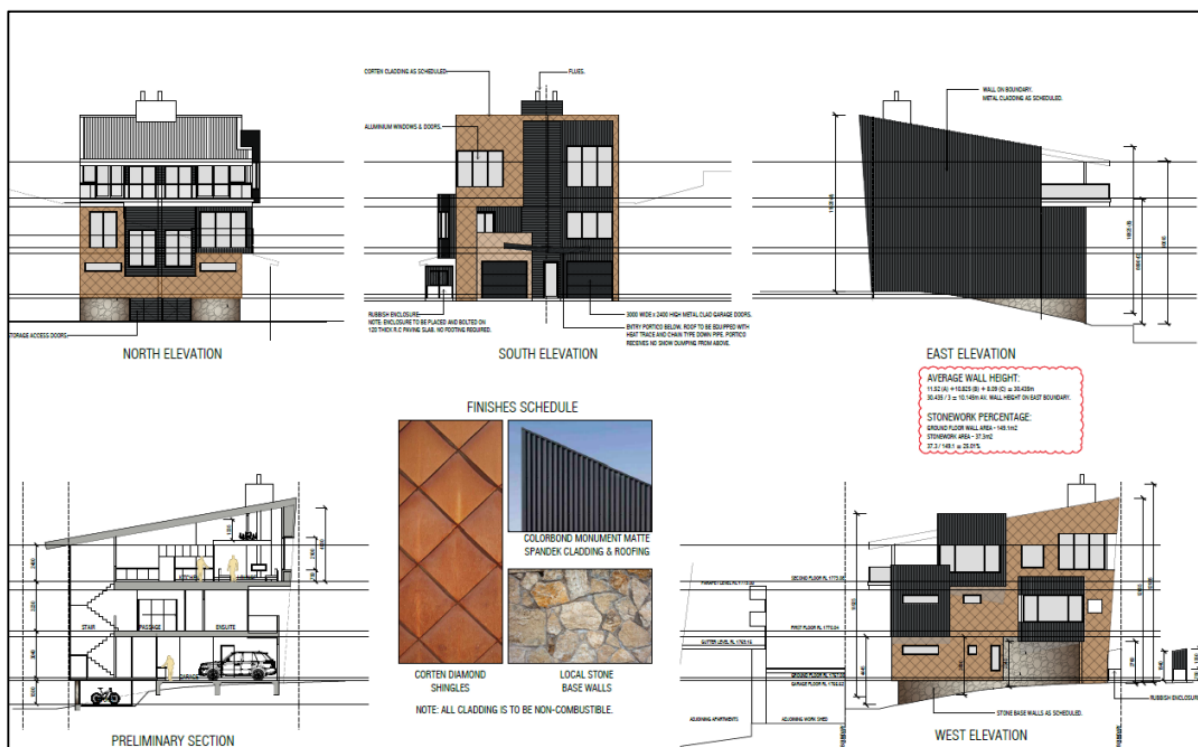


Figure 1: external elevations, sections and finished schedule source: applicant's planning report



## Site Description



**Figure 2:** Aerial view of site (blue outline) and surrounds (Source: VicPlan)

12. The land is rectangular in shape and has the following attributes:

- Within a freehold area of Mount Hotham.
- An area of 228 m<sup>2</sup>, comprising of a frontage to Memorial Drive of 12.64m and a depth along the western/eastern boundary of 18m.
- Does not contain any vegetation and is vacant and cleared.
- A rising slope of approximately 2.5m from the west (Lawlers Court frontage) to the east of the site.

13. The site is known as Lot 11 Plan of Subdivision 610016J.

14. There are several restrictions registered on the title as follows:

- Covenant AG296576P (created 15 January 2009) relating to the creation of an Owners Corporation and the construction of a road.
- Section 173 Agreement AG243714H (created 11 December 2008) and amended AG370605X (25 February 2009) between the Minister for Planning and MHSC Hotels Pty Ltd requiring the site to be developed in accordance with a number of design guidelines and approved by the appointed Mount Hotham Design Review Committee (MHDRC).
- There is a 3m wide easement along the northern boundary and a 2m wide easement on the western boundary.

15. The covenant and Section 173 agreement will be discussed in more detail, later in this report.



## Site Surrounds

16. The surrounding area comprises 20 freehold allotments of similar size (210 – 268 m<sup>2</sup>) oriented around a common property accessway with a flora and fauna reserve (2,433 m<sup>2</sup>) located to the south. A number of the individual allotments have been developed with one or two dwellings.



Figure 3: Subject land looking north (Source: Applicant)

17. Development surrounding the site can be described as follows:

- To the **north** of the site: Challet Hotham is developed with a three-storey building with a shed located on the common boundary with the site.
- To the **south** of the site: 8 Skyline Terrace (Lot 9), which is currently vacant. However, it is noted a live planning permit application (PA2302623) is currently with the Minister for Planning which seeks approval for a two lot subdivision and construction of two double storey dwellings on the lot.
- To the **east** of the site: 1 Memorial Drive, is currently vacant.
- To the **west** of the site: 6 Lawlers Court, containing apartments (Lawlers Apartments), which does not form part of the freehold subdivision. and further west across the Court is the St George Alpine Club, which contains communal facilities and accommodation.





## Municipal Planning Strategy

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

Clause	Description
12.04	Alpine Areas
12.05	Significant Environments and Landscapes
13.04-2S	Erosions and Landslips
13.04	Soil Degradation
15.03-2S	Aboriginal Cultural Heritage
17.04-1R	Tourism

## Planning Policy Framework

Clause	Description
22.01	Alpine Resorts Strategic Statement
21.06	Mount Hotham Resorts Strategic Statement
22.01	Alpine Resorts Local Planning Policies
22.06-1	Mt Hotham Resort Local Planning Policies

20. The assessment section of this report provides a detailed assessment of the relevant planning policies.

## Zoning and Overlays

### Comprehensive Development Zone – Schedule 1

21. Pursuant to Clause 37.02, accommodation is a Section 1 use provided it meets the requirements of Clause 2.1 of this schedule.
22. Clause 2.1 states that a lot may be used for accommodation provided the following are met:
- Each accommodation unit must be connected to reticulated sewerage.
  - Each accommodation unit must be connected to reticulated potable water supply or have an alternative portable water supply, with appropriate storage capacity to the satisfaction of the responsible authority.
  - Each accommodation unit must be connected to reticulated electricity supply or an alternative energy supply to the satisfaction of the responsible authority.
  - All services must be underground.
23. Pursuant to subclause 4.0 of Schedule 1 to Clause 37.02, a permit is required to construct a building or construct or carry out works unless the building and works are exempt under Clause 4.1-1, or the buildings and works are in accordance with an approved site development plan under Clause 4.1.2.
24. Clause 4.1-2 states that where a comprehensive development plan has been incorporated into this scheme, an application for a site development plan approval can be submitted to the responsible authority.
25. Clause 72.04 includes the Hotham Village Comprehensive Development Plan.



- 26. A site development plan application must be to the satisfaction of the responsible authority and must be generally in accordance with the requirements of a comprehensive development plan.
- 27. When a site development plan application is not generally in accordance with the requirements of a comprehensive development plan, a planning permit is required under Clause 4.1.
- 28. This application seeks approval for a site development plan which is generally in accordance with the requirements of a comprehensive development plan for Hotham Village (as discussed in detail below), therefore a permit is not required for buildings and works under the zone.
- 29. In accordance with Clause 4.3 of Schedule 1 to Clause 37.02, a site environmental management plan is required for all applications for buildings and works.

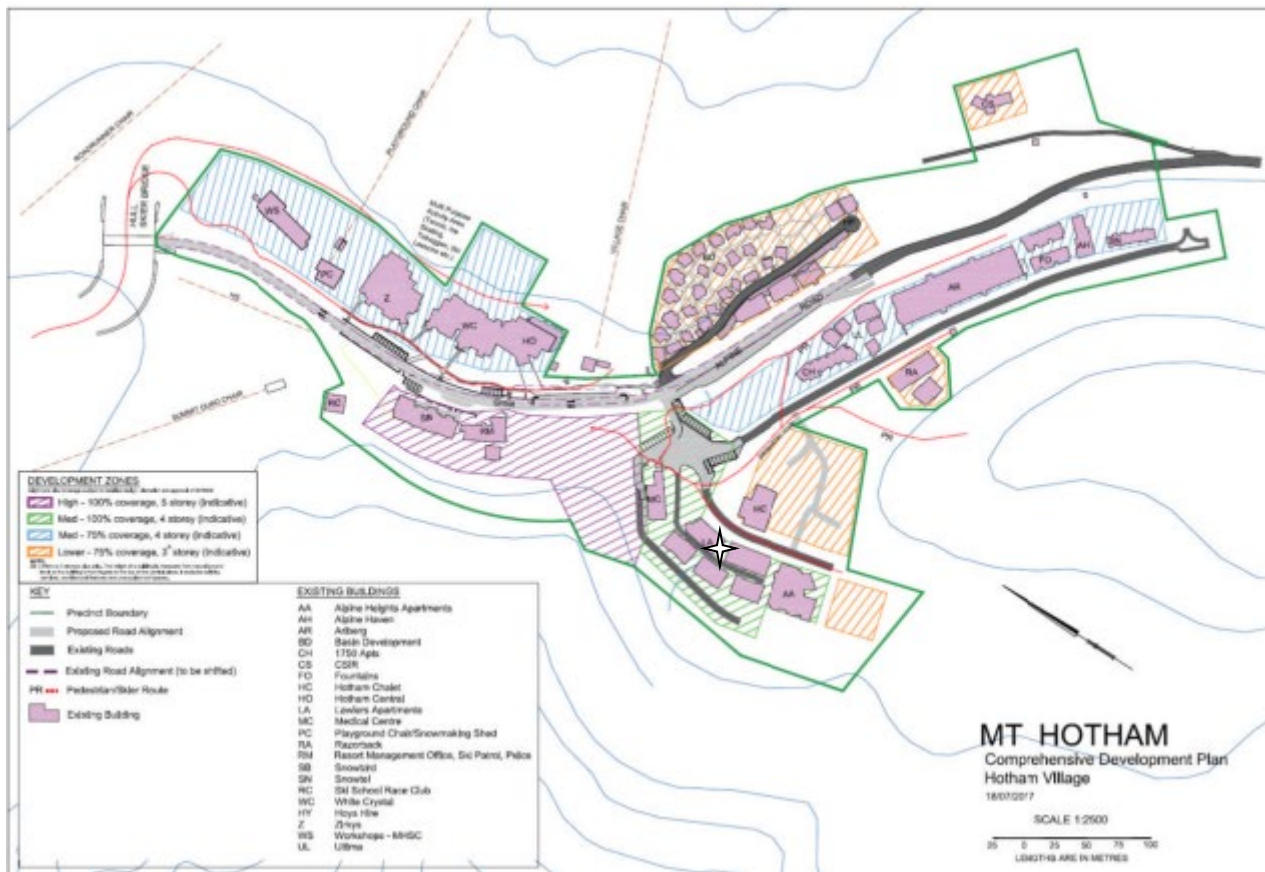


Figure 1: Star showing the location of the subject site - HOTHAM VILLAGE – MT HOTHAM – COMPREHENSIVE DEVELOPMENT PLAN 1 (July 2017)



### **Bushfire Management Overlay – Schedule 1**

30. Pursuant to Clause 44.06-2, a planning permit is required to construct a building or construct or carry out works associated with the use of the land for accommodation.

### **Erosion Management Overlay – Schedule 1**

31. Pursuant to Clause 3.0 to the EMO1, a permit is not required to construct a building or construct or carry out works (including the lopping, destruction, or removal of vegetation) if a site development plan showing the proposed buildings and works is prepared to the satisfaction of the responsible authority and the site development plan is generally in accordance with a comprehensive development plan incorporated into this scheme.
32. A site development plan must be accompanied by a Preliminary Geotechnical Assessment as described at Clause 4.1.



## Planning Permit Referrals

33. The application was referred to the following groups:

Provision / Clause	Organisation	Response and date received
<b>Section 55 Referral – Recommending</b>	Country Fire Victoria	<p><b>22 January 2024</b></p> <p>CFA has considered and does not object to the grant of a permit for the proposal subject to the following condition being included on the permit:</p> <ol style="list-style-type: none"> <li> <p><b>1. Endorsement of Bushfire Management Plan</b></p> <p>Before the development starts, the Bushfire Management Plan prepared by Crowther and Sadler Pty Ltd (version 1, dated 19/06/2024) must be submitted to the Responsible Authority for endorsement. Once endorsed, the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority.</p> </li> </ol>

## Development Plan Referrals

34. The following agencies were asked to provide their advice on the development plan:

Provision / Clause	Organisation	Response and date received
<b>Informal referral</b>	Alpine Resorts Victoria	<p><b>14 February 2024</b></p> <p>Alpine Resorts Victoria (ARV) Trading As (T/As) Mount Hotham Alpine Resort (MHAR) does not object to the granting of a planning permit subject to the following conditions relating to:</p> <ul style="list-style-type: none"> <li>• Shutdown</li> <li>• Site condition</li> <li>• SEMP</li> <li>• Site Induction</li> <li>• Car Parking</li> <li>• Road Closures</li> <li>• Waste Management</li> <li>• Snow Confinement</li> <li>• Snow Management</li> <li>• Geotechnical</li> <li>• Services</li> <li>• Damage to Mount Hotham Alpine Resort Infrastructure</li> </ul>
<b>Informal Referral</b>	Southern Rural Water	No response to date
<b>Informal referral</b>	AusNet	<p><b>17 January 2024</b></p> <p>AusNet did not object to the granting of a permit, however, the applicant should be made aware of the following important information:</p> <p>As there are AusNet Services Underground Power Lines in the vicinity of the proposed construction, please note the following in regard to working near our assets:</p> <p>AusNet Services refers to Energy Safe Victoria (ESV) for safety information and advice.</p> <p>ESV notes the following:</p> <ul style="list-style-type: none"> <li>• As part of this process your builder will need to undertake a Dial Before You Dig before construction takes place.</li> <li>• Go to the following for more info from the ESV on working near underground assets:</li> </ul> <p><a href="https://esv.vic.gov.au/technical-information/electrical-installations-and-">https://esv.vic.gov.au/technical-information/electrical-installations-and-</a></p>

<b>Informal referral</b>	DEECA	<b>22 February 2024</b> DEECA recommend that a site plan should be accompanied with the SEMP showing: <ul style="list-style-type: none"><li>• no-go zones</li><li>• entry-exit points</li><li>• stockpiling areas</li><li>• how native vegetation will be protected, and</li><li>• parking/storage areas would be appropriate for this type of development.</li></ul>
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## Notice

35. An application to construct a building or construct or carry out works, under the Comprehensive Development Zone Schedule 1, which is consistent with a Comprehensive Development Plan (CDP) incorporated into the scheme, is exempt from the notice requirements of Section 52(1) (a), (b), and (d), the decision requirements of Sections 64(1), (2) and (3) and the appeal rights of Section 82(1) of the Act.
36. The application has been assessed and is generally consistent with the Hotham Village CDP1 (July 2017) and accordingly the proposal is exempt from notice.
37. An application for planning permit is exempt under Clause 44.01-6, Erosion Management Overlay (Clause 4.0 of Schedule 1 to Erosion Management Overlay) and Clause 44.06-5, Bushfire Management Overlay from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Planning and Environment Act 1987.
38. Clause 8.0 of Schedule 1 to Comprehensive Development Zone at Clause 37.02 Alpine Village specifies that notice of an application of the kind listed below must be given in accordance with Section 52(1)(c) of the Act to the person or body specified as a person or body to be notified in Clause 66.06 or a schedule to that clause:
  - a. Any use or development.
39. Accordingly, notice was given to the following on 9 July 2024:
  - a. Alpine Resorts Victoria who is the relevant Resort Management Board, and
  - b. Alpine Shire Council who is the relevant adjoining Municipal Council.



## Planning Policies

41. Broadly, the planning policies relevant to the applications 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.
42. The proposal will be developed in accordance with a Preliminary Geotechnical Assessment and Site Environmental Management Plan (SEMP). Furthermore, the development supports the Alpine Resorts as a major tourist destination by providing contemporary accommodation that utilises materials and finishes which are responsive to the Alpine character.
  - The proposal is considered to respond appropriately to the relevant planning policies as follows: The application seeks to manage both geotechnical hazards and bushfire through the preparation of a *Preliminary Geotechnical Report* and *Bushfire Management Plan* (Clause 02.03-3, Clause 13.02-1S).
  - 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 (Clauses 11.01-1S; 11.01-1L; 16.01-1S).
  - The proposed three-storey built form provides a scale and appearance that is compatible with the height, scale and form surrounding the site, while also incorporating measures to appropriately manage snow shed within the site (Clause 15.01-2L). 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 Crowther and Sandler Pty Ltd, dated 19 June 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, dated 17 July 2023 which affirms the geological setting of the site. The Preliminary Geotechnical assessment is discussed in greater detail below.
  - The proposal would support the use of the resort as a year-round destination by increasing the provision and diversity of accommodation (Clause 17.04-1L)

## Development Plan

43. The subject site is located within the Comprehensive Development Zone – Schedule 1, which seeks to:
  - 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.





44. Within Schedule 1 of the CDZ of the Alpine Resorts Planning Scheme there are requirements for what a development plan should include at Section 4.3 *Site development plan and planning permit application requirements*. Specifically, a site development plan application or a planning permit application to construct a building or construct or carry out works (including the removal, destruction or lopping of native vegetation) must be accompanied by the information requirements in sections 4.3-1 to 4.3-3 as appropriate.

45. The requirements assessed against the proposal are as follows:

<p><b>Section 4.3-1 Building and works</b></p> <ul style="list-style-type: none"> <li>• A plan drawn to scale which shows:             <ul style="list-style-type: none"> <li>○ The boundaries and dimensions of the site.</li> <li>○ Existing conditions.</li> <li>○ Adjoining roads.</li> <li>○ The location, height and purpose of buildings and works on adjoining land.</li> <li>○ Relevant ground levels.</li> <li>○ The layout of existing and proposed buildings and works including existing vegetation, landscape features and any environmentally sensitive areas.</li> <li>○ All driveway, car parking and loading areas.</li> <li>○ Proposed landscape areas.</li> <li>○ All external storage and waste treatment areas.</li> <li>○ Areas not required for immediate use.</li> <li>○ Location of services.</li> </ul> </li> <li>• Elevation drawings to scale showing the colour and materials of all buildings and works.</li> <li>• Details of site setbacks, heights of buildings and any other information to indicate the relationship of the proposed development to adjacent areas and buildings.</li> <li>• Details of exterior finish, materials, and treatment of walls and roofs.</li> <li>• Roof plans to show all roof slopes, projections, snow dump areas and surrounding pedestrian areas and any other snow management proposals.</li> <li>• Details of pedestrian access and integration with the local pedestrian network.</li> <li>• Details of soil, geo-technical and drainage conditions of the site.</li> <li>• If the use is a "sensitive use" and the land is "potentially contaminated land" in accordance with Ministers Direction No.1 an assessment of the lands suitability for the proposed use and development must be undertaken.</li> <li>• An assessment of the impact of the proposed development on the site and on adjoining areas in terms of:             <ul style="list-style-type: none"> <li>○ Snow management.</li> <li>○ Geo-technical conditions.</li> </ul> </li> </ul>	<p><b>Complies –</b></p> <p>The package presented by the applicant for this development plan application is a comprehensive suite of documents describing the development. Including:</p> <ul style="list-style-type: none"> <li>• Plans drawn to scale</li> <li>• Elevations</li> <li>• Site plan showing setbacks and height of neighboring buildings.</li> <li>• Elevations showing proposed materials and external finishes</li> <li>• A roof plan showing the roof slope and projected snow dump area</li> <li>• Pedestrian access to the dwellings is shown on the ground floor plan</li> </ul> <p>A Preliminary Geotechnical Assessment prepared by GHD, dated 17 July 2023 and a SEMP was submitted. The slope risk to the property has been identified as low. The documentation was referred to the ARV who provided no objection to the proposal, subject to conditions which will be included as a condition of consent for the Development Plan.</p> <p>46.</p>
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<ul style="list-style-type: none"> <li>○ Public safety.</li> </ul>	
<p><b>Section 4.3-2 Native vegetation</b></p> <ul style="list-style-type: none"> <li>● A plan drawn to scale which shows:             <ul style="list-style-type: none"> <li>○ The location of all native vegetation on the site.</li> <li>○ The location and description of all native vegetation to be lopped, removed or destroyed, including the extent and type of native vegetation, the number and size of any trees to be removed and the Ecological Vegetation Class of the native vegetation.</li> <li>○ The location of all native vegetation to be retained on the site.</li> </ul> </li> <li>● A written explanation of the steps that have been taken to:             <ul style="list-style-type: none"> <li>○ Avoid the removal of native vegetation.</li> <li>○ Minimise the removal of native vegetation.</li> <li>○ Appropriately offset the loss of native vegetation.</li> </ul> </li> <li>● An assessment of the effect of the development against Victoria’s Native Vegetation Management – A Framework for Action.</li> <li>● An assessment of the effect of the development on any flora or fauna listed under the <i>Flora and Fauna Guarantee Act 1988</i></li> </ul>	<p><b>Not applicable</b></p> <p>The site is currently void of any vegetation and landscaping</p>
<p><b>Section 4.3-3 Site environmental management plan</b> A site environmental management plan is required for all applications for buildings and works including native vegetation removal.</p> <p>A site environmental management plan should include:</p> <ul style="list-style-type: none"> <li>● Project management details (eg. project manager contact details, construction schedule, site induction and monitoring).</li> <li>● Construction details including a description of all earthworks, backfilling, drainage, and construction techniques.</li> <li>● Construction impacts such as:             <ul style="list-style-type: none"> <li>○ Soil and sediment control.</li> <li>○ Surface treatments.</li> <li>○ Stormwater management.</li> <li>○ Native vegetation management.</li> <li>○ Rehabilitation or revegetation.</li> <li>○ Construction materials, equipment and machinery.</li> <li>○ Site access.</li> <li>○ Materials and stockpile areas.</li> <li>○ Management of pest plants and animals.</li> <li>○ Waste management.</li> </ul> </li> </ul>	<p><b>Complies</b></p> <p>The application contains a construction management plan and a SEMP that will ensure there are adequate environmental protections during construction.</p> <p>The content of the SEMP has been reviewed by the ARV and determined to be satisfactory.</p> <p>A condition of consent letter for the Development Plan will ensure works are undertaken in accordance with the approved SEMP.</p> <p>A landscape plan is not required for this development plan as the majority of the site will be occupied by buildings.</p>



<ul style="list-style-type: none"> <li>○ Fire.</li> <li>○ Noise.</li> <li>○ Cultural heritage.</li> <li>○ Endangered species/communities.</li> <li>○ Services.</li> <li>● A landscape layout which includes the description of vegetation to be planted, its source, the surfaces to be constructed, site works specification and method of preparing, draining, watering, maintaining and monitoring the landscape area.</li> </ul> <p>The preparation of a site environmental management plan and all works carried out on the site must be to the satisfaction of the responsible authority in consultation with the relevant Alpine Resort Management Board.</p>	
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47. A site development plan must also be generally in accordance with the requirements of a comprehensive development plan. The following design objectives and guidelines of the Hotham Village CDP 1 (July 2017) are assessed below:

<b>Mandatory Controls</b>		
Minimum Setback	<p>A building must be setback:</p> <ul style="list-style-type: none"> <li>● 6 metres from the edge of the proposed Great Alpine Road (delineated on the CDP).</li> <li>● 1.5 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> </ul> <p>A permit may be granted to vary setbacks.</p>	<b>Complies</b> – The proposed development complies with all relevant setback requirements and is entirely within the site boundaries.
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 62%.
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 plus attic. The proposed development is 3 storeys (approximately. 12.93m) when measured from the front façade of Memorial Drive, despite the building being four storeys noting the sub-floor basement located to the rear of the site (northern elevation).
Wall Materials	<p>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.</p> <p>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.</p>	<p><b>Complies</b> – The façade utilises the corten (steel) diamond shingles, colorbond monument and local stone which is considered appropriate.</p> <p>The ground floor will be clad with stone to exceed the 25% requirement.</p>



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 in ‘Monument’ 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 each dwelling which is considered to meet the requirements for each 3 bedroom dwelling.
<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 skillion roof, designed to allow snow shed to the north of the site and contained within the site. All access points are clear of snowshed including the northern access to the subfloor which is protected by a roof overhang.
Built form should vary in scale and setback to increase articulation.		<b>Complies</b> – There are various elements of articulation through the setbacks of both dwellings.
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 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 building has been designed to maximise view lines. The dwelling has a skillion roof design which will allow for some view sharing with other dwellings given it follows the slope of the land. Noting that narrow side setbacks are typical of the development approvals for this freehold estate.
The management of snow and ability for snow clearing vehicles to manoeuvre along village streets.		<b>Complies</b> – All snow shed from the dwelling will be contained within the site 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 a dwelling 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> – Memorial Drive 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)

48. 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



Maximum site coverage specified is 148sqm (64.91%)	<b>Yes.</b> The ground floor is 143.4m <sup>2</sup> which equates to 62.89%

**Mandatory considerations**

Roofs should be designed to be of low visual impact to protect views from the village and adjoining ski fields.	<b>Yes.</b> The skillion roof design is similar to other roof pitches that have been approved in the freehold estate and the ARV have not raised an issue 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 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> The applicant provided an energy report that notes the following energy minimisation initiatives: <ul style="list-style-type: none"> <li>• ducted heating and heat pump, fireplaces proposed. Air-conditioning is not proposed to be used as the dwellings will utilise natural ventilation through openable windows for cooling when necessary. The building is designed for primarily winter use and therefore there will be a passive heating net-benefit for the large areas of exposed glass on upper levels. This is considered acceptable.</li> <li>• appliances to achieve WELS low-flow rating of 3 star or better, and dual flush toilets.</li> <li>• insulation levels to be greater than typical for sea-level dwellings and National Construction Code minimums.</li> <li>• lighting to be LED, sensor lights where appropriate and manual dimmer systems.</li> </ul>
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 two dwellings which share a common wall and will be viewed as one structure.
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 car parking space has been provided for each dwelling with car parking access minimised by being provided from each street frontage.
No fences or outbuildings are permitted.	<b>Yes.</b> A sediment fence has been provided.

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

The benefits of passive solar is maximised.	<b>Complies –</b> The site is oriented north, both dwellings have living areas facing north and together with a west and east aspect respectively. The large windows



	and decks facing north will achieve good access to natural light.
The privacy and amenity of neighbours is respected.	<b>Complies</b> – The site abuts roads to the south and west, with Hotham Chalet to the north and a vacant lot to the east. The eastern façade has no windows as the wall is located on the boundary and as such there is no scope for overlooking in this direction. Windows and decks face north and given that the work shed area of Chalet Hotham is located to the north and there is an 8.4m setback to Hotham Chalet's south elevation, amenity or privacy impacts are minimized. Also, it's noted that the accommodation building 'Burrabungee', to the east of the site, has a similar northern setback to Hotham Chalet.
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>Complies</b> – The site is not adjacent to open space.
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> – There is a single pedestrian entrance to service the two dwellings from Memorial Drive and as such the garages dominate the ground floor frontage. The entry portico does however define the pedestrian entrance appropriately. The abuttal to Lawlers Court is activated by numerous windows facing this street.
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 building has a minimum setback of 1m to Memorial Drive at ground floor which is marginally less than the building at number 6 to the east. The setback reduces slightly up to the second floor given the angled nature of the front façade. The setback to Lawlers Court ranges from 2m at ground floor to 0.875m at first and second floor. The articulation provides a suitable response. These setbacks are considered appropriate in the context of the design.
The space between dwellings is maintained at least along one boundary.	<b>Complies</b> – The building abuts the east boundary but is setback from all other boundaries. The setbacks are considered appropriate and comply with the requirement of maintaining reasonable space between dwellings.
Houses should be sited and designed to take advantage	<b>Complies</b> – The proposed dwellings will





<p>of the natural slope conditions. Where appropriate split level designs will be encouraged. Large bulk excavations or high retaining walls are not acceptable.</p>	<p>require some earthworks, predominantly towards the rear to accommodate the store room however, the extent is considered acceptable and typical of other developments in the estate.</p>
<p>Walls on boundaries (in summary) – not more than 12m in length and 5m average height (in summary).</p>	<p><b>Does not comply</b> – The only wall on a boundary is on the east side and this is for a maximum distance of 14.2m with an average height of 10.145m.</p> <p>There is no simultaneously constructed wall on the adjacent lot. While the length and height of the boundary wall exceeds the requirement, it allows for future development on the adjacent vacant lot to the east (lot 11) to be located on the boundary with a similar design, which allows for efficient use of this lot and ensures that setbacks to other boundaries will be achieved.</p>
<p>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.</p>	<p><b>Complies</b> – The proposal responds to its context by proposing a modern design incorporating local stone and steel. The balcony/deck on Level 1 and the master bedrooms on the first floor have large expansive windows that are the dominant feature of the façade facing Lawlers Court. Facing Memorial Drive the two bedrooms with large expansive windows on Level 1 are setback over the entry and garages below. The design of the dwelling is contextually appropriate to Memorial Drive and Lawlers Court and the alpine environment.</p>
<p>Materials and colours (in summary) – restrained colour and natural material palette to compliment the alpine environment.</p>	<p><b>Complies</b> – As discussed above.</p>
<p>Environmental management (in summary) – development should be accompanied by a construction management plan, revegetation plan and blend into the existing landscape.</p>	<p><b>Complies</b> – The application contains a construction management plan and a SEMP that will ensure there are adequate environmental protections during construction.</p>
<p>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.</p>	<p><b>Complies</b> – Skillion roofing allows snow to fall to the north where a snow dump area is provided. The small protruding roof areas to the west and south are flat and plans indicate that they will be designed to carry likely snow loads.</p>
<p>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.</p>	<p><b>Complies</b> – Solar access for the dwellings is good given the northern orientation of the dwellings. The living areas comprise a large open plan space with a large balcony/deck facing north which will achieve good passive solar access.</p>



	Furthermore, the applicant provided an energy report that demonstrates a satisfactory energy sustainability outcome. All windows will be double glazed.
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 plans indicate one wide driveway to access both garages. The plans specify concrete construction which is not prohibited. There are no retaining walls indicated on the plans.
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 are located within the site and a shared rubbish hut is located at the south-west corner of the site and the elevations indicate that it is of appropriate scale and form to accommodate the bins.

49. The application was referred to Millar Merrigan who are the Design Review Committee for Freehold Site in Mount Hotham. The Design Review Committee concluded that the proposed development is considered to meet the intent of the Design Guidelines and the Design Review provides consent to the development.
50. Pursuant to Clause 6.0 of the CDZ1, before deciding on an application, the responsible authority for a planning permit/site development plan must consider the relevant decision guidelines as appropriate. The following assessment is provided:
51. The CDZ1 contains several design and siting provisions that are to be considered, however, they align with the matters already addressed above, focussing on architectural design/appearance and responding to the alpine environment including through the use of appropriate materials, finishes and colours. Other matters such as car parking and access, maintaining skier and pedestrian movement and consideration of a building's relationship to the street have been addressed earlier in this report. Matters such as infrastructure provision are addressed later in this report.
52. The content of the SEMP is satisfactory, and a condition of consent for the Development Plan will ensure works are undertaken in accordance with the approved SEMP.
53. Overall, the proposed development is an appropriate design for the site, subject to conditions.

#### Internal amenity

54. 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:
55. All habitable rooms will have access to natural daylight and direct sunlight as well as outward, long range views.
56. Each dwelling has access to a balcony/deck directly off the living and dining room, facing north. These balconies are 70m<sup>2</sup> and 61m<sup>2</sup>. Dwelling 1 has an additional balcony accessed off the main bedroom.

#### Off-site amenity

57. 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**

58. The subject site is within an Erosion Management Overlay (EMO1). Accordingly, a Preliminary Geotechnical Assessment prepared by GHD, dated 174 July 2023 and a SEMP was submitted. The slope risk to the property has been identified as low. The documentation was referred to the ARV who provided no objection to the proposal, subject to conditions which will be included as a condition of consent for the Development Plan.
59. Provided that the recommendations of the report are adhered to, along with the conditions required by the ARV as a section 55 referral authority pursuant to the EMO1, geotechnical and landslip hazards associated with the proposal will be appropriately managed.

## **Bushfire Management Overlay**

60. The zoning and overlay provisions have been considered in the application. The application requires consideration under Clause 44.06 (Bushfire Management Overlay). The proposal meets the relevant bushfire objectives and decision guidelines as it does not increase risk to life, property and infrastructure if the bushfire mitigation measures as recommended in the submitted Bushfire Management Statement are implemented.
61. The application was referred to the Country Fire Authority, who raised no objection with the application subject to a condition to endorse the Bushfire Management Plan to form part of the permit. Clause 44.06-5 also requires a standard condition be placed on the permit in relation to ongoing bushfire protection measures. This mandatory condition, along with the CFA condition, will be included in the permit.



62. The proposal is generally consistent with the relevant planning policies of the **Alpine Resorts** Planning Scheme and will contribute to the provision of **accommodation** within the **alpine** area.
63. The proposal is generally supported by the various referral agencies.
64. It is **recommended** that a letter of consent for Development Plan No. **DP2302684** for the construction of two dwellings at 2 Memorial Drive, Hotham Heights be issued subject to conditions.
65. It is **recommended** that Planning Permit No. **PA2302685** for the construction of two dwellings within the Bushfire Management Overlay at **2 Memorial Drive, Hotham Heights** be issued subject to conditions.
66. It is **recommended** that the applicant and the ARV 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.

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Name: [REDACTED] Signed: [REDACTED]  
Title: Senior Planner, Development Approvals and Design  
Phone: [REDACTED] Dated: 4 July 2024

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**Reviewed / Approved 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.

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Name: [REDACTED] Signed: [REDACTED]  
Title: Manager, Development Approvals and Design  
Phone: [REDACTED] Dated: 24 July 2024

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