

Mountain
Planning

TOWN PLANNING REPORT

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Proposal: Buildings and works for the construction of a dwelling, associated walkways and associated vegetation removal

Address: Lot 27 Hot Plate Drive, Hotham Heights

Applicant: Mountain Planning

Date: June 2023

REVISED NOVEMBER 2023

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Subject Land	Lot 27 Hot Plate Drive, Hotham Heights (Crown Allotment 8A, Section B, Parish of Hotham)
Area of Land	Approximately 233m ²
Proposal	Construction of a single dwelling, associated walkways and associated removal of native vegetation
Zone	Comprehensive Resort Development Zone – Schedule 1
Overlays	Bushfire Management Overlay – Schedule 1 Erosion Management Overlay – Schedule 1
Planning Permit Triggers	Clause 4.1 of Schedule 1 to the Comprehensive Resort Development Zone Clause 44.01-2 of the Erosion Management Overlay Clause 44.06-1 of the Bushfire Management Overlay Clause 52.17 to remove native vegetation
Summary of Merits	<ul style="list-style-type: none"> - The land is in an appropriate area for further residential development. - The architectural design of the building is consistent with the character of the area. - The building will be constructed to a BAL 40 to minimise the risk of bushfire to life and property. - The proposal is consistent with the Alpine Resorts Planning Scheme.

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2. Introduction

This report has been prepared by Mountain Planning on behalf of the landowner to support a planning permit application to the Minister for Planning for the construction of a single dwelling, associated walkways and associated vegetation removal at Lot 27 Hot Plate Drive, Hotham Heights.

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

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

This report is accompanied by:

- Development plans prepared by Watson Young Architects
- Bushfire Management Plan
- A Site Environmental Management Plan
- Flora and Fauna Assessment
- Current titles
- Geotechnical Report

This report addresses the relevant provisions of the Alpine Resorts Planning Scheme, including the Planning Policy Framework, Alpine Resorts Planning Strategy and local planning policies.

2.1 Permit requirements under the Alpine Resorts Planning Scheme

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

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

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2.2 Cultural Heritage Management Plan

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

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

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

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

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

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

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

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3. Subject Land and Surrounds

3.1 Subject Land

The subject land is located at Hot Plate Drive, Hotham Heights. The land is formally known as Crown Allotment 8A, Section B, Parish of Hotham.

The leasehold allotment forming the subject land of this application is Lot 27. A copy of the underlying allotment is provided as **Attachment A**.

A copy of the title is provided as **Attachment B**.

Hotplate Drive is an elevated roadway that provides access to allotments to the north east and carparking to the south west which are underneath the upper road which runs parallel to the road accessing the subject allotments.

Lot 27 is located to the north of Lot 26 and will be accessed by a proposed common staircase off Hotplate Drive which is located to be located between Lot 26 and Lot 28.

The allotment is irregular in shape and comprises approximately 233 sqm.

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

The ground level of the subject land sits a lot lower than Hotplate Drive.

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

The location of the subject land is shown in Figure 3.1.

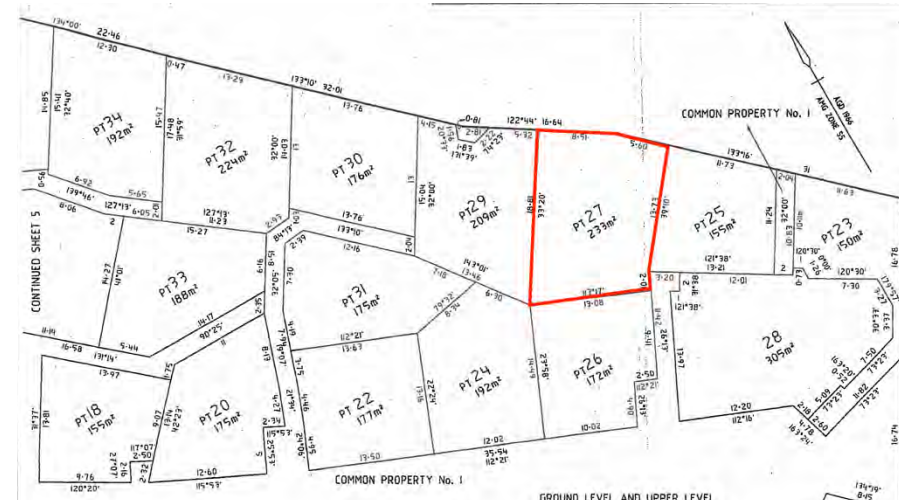


Figure 3.1: Location of the subject land

Photos of the subject land in the context of the existing use are provided in the following figures.

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Figure 3.2: Recent aerial of subject land and surrounds



Figure 3.3: Aerial of development site

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Figure 3.4: Subject land looking north east



Figure 3.5: Subject land looking north west along Hotplate Drive

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Figure 3.6: Subject land looking south west



Figure 3.7: Subject looking south east

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Figure 3.8: Proposed house site showing south abutting dwellings at under construction



Figure 3.9: Hot Plate Drive looking north west

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Figure 3.10: Hot Plate Drive looking south east



Figure 3.11: Overlooking from south abutting dwellings

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4. The Development

It is proposed to construct a single dwelling, associated walkways and to carry out associated vegetation removal on the subject land. The proposed dwelling will comprise of the following elements:

Lower Ground Level

- Ski entry
- Drying room
- Sauna
- Bathroom
- Powder room
- Laundry
- Spa
- Workshop/
gym

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Ground Floor

- Two bedrooms, each with build-in-robos and ensuite
- Bunk room
- Study
- Store

First floor

- Main entry
- Two bedrooms both with ensuite and with master bedroom having a walk-in-robe
- Powder room

Second Floor

- Living room with north-facing deck
- Open plan kitchen/dining with walk-in pantry

The architectural design of the building is modern in style. Due to the small size of the allotment and issues with snow shedding the design rationale firstly considered that snow shedding was to be limited through the use of snow retention barriers and snow attenuation. The impact of these design elements and proposed snow shedding areas are shown on the attached plans.

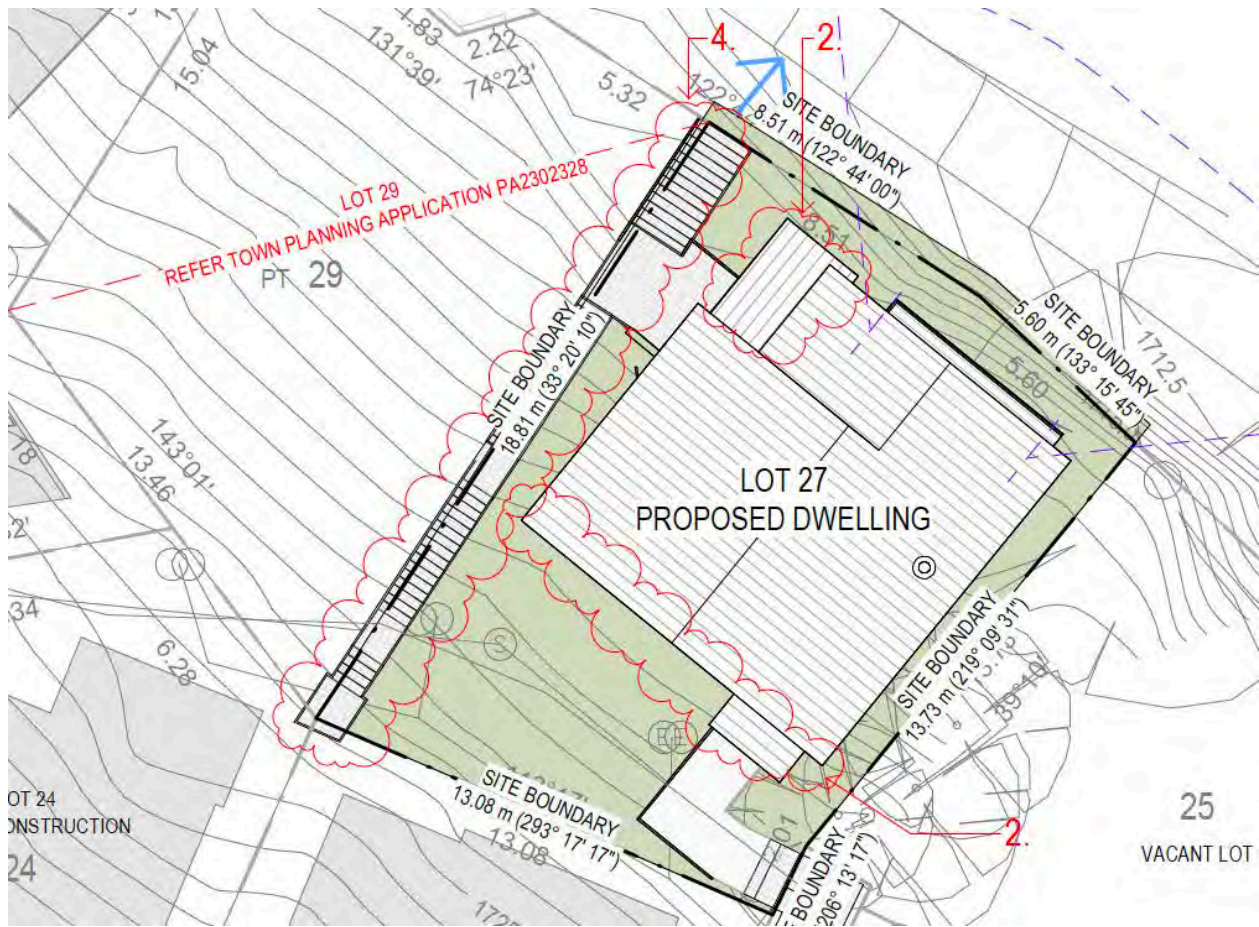
The design incorporates important elements that define the alpine built form including:

- The use of a variety of building materials and colours to integrate with both the natural and built environment and break up the form of the building.
- Recessed elements with overhangs to provide relief in the built form and create a shadowline for visual interest.
- Recessed entry with first floor overhanging to provide shelter to the residents.
- Large amounts of natural stone.
- A northern balcony to maximise views.
- A site responsive footprint that responds to the slope.
- An articulated northern elevation to create a building of visual interest from the ski trail to the north.

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The site plan, floor and elevation plans are provided in the following figures and also in **Attachment C**.

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Figure 4.1: Proposed site plan

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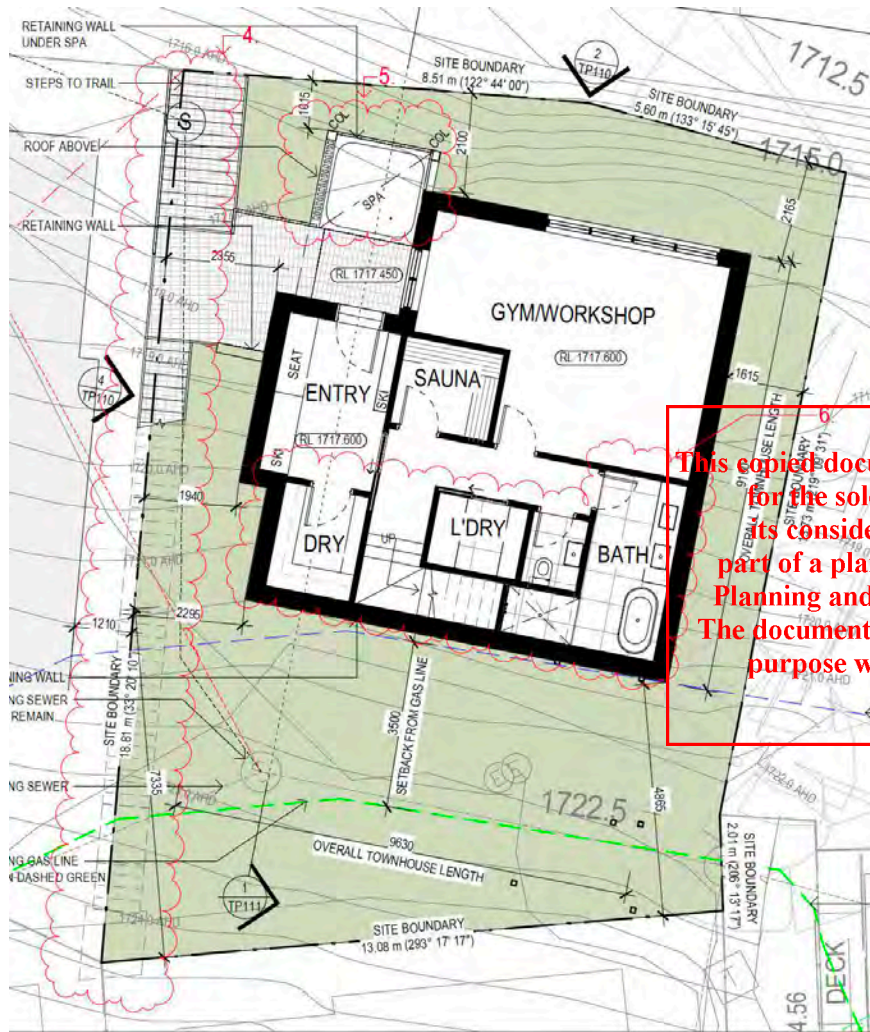


Figure 4.2: Proposed lower ground floor plan

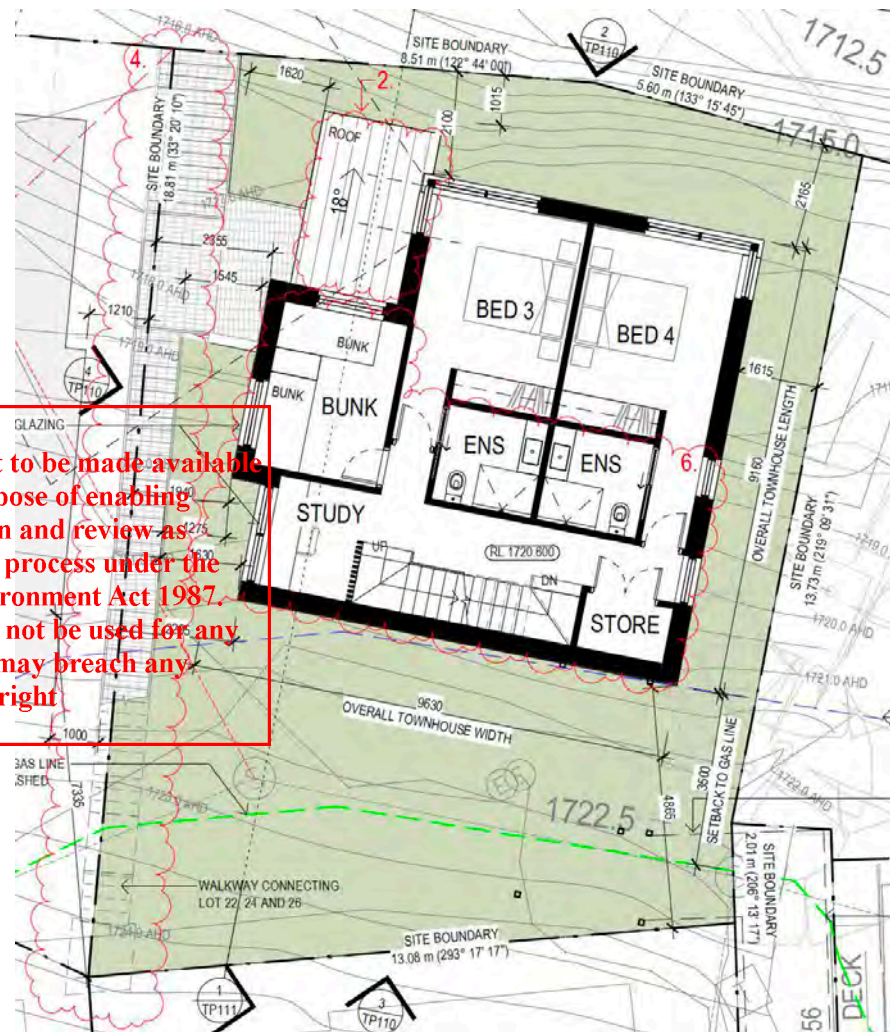
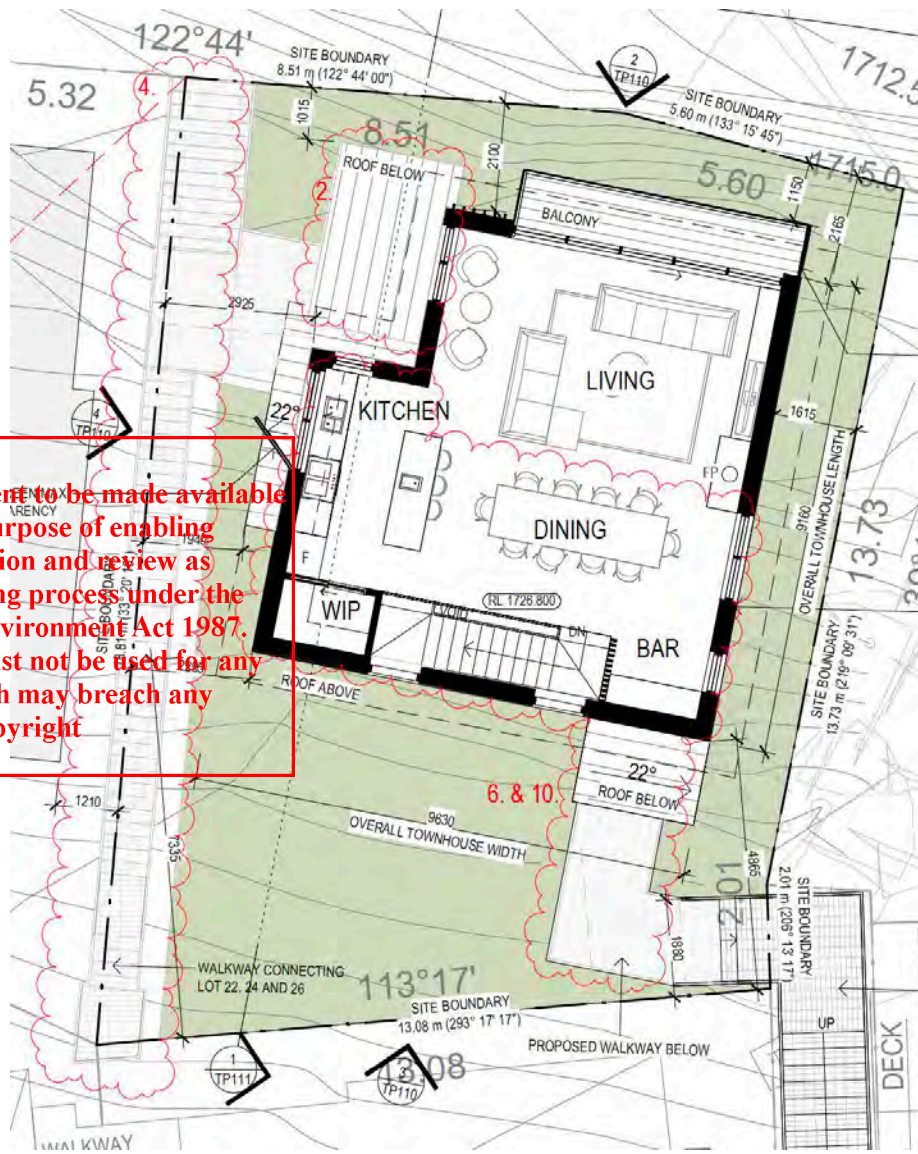
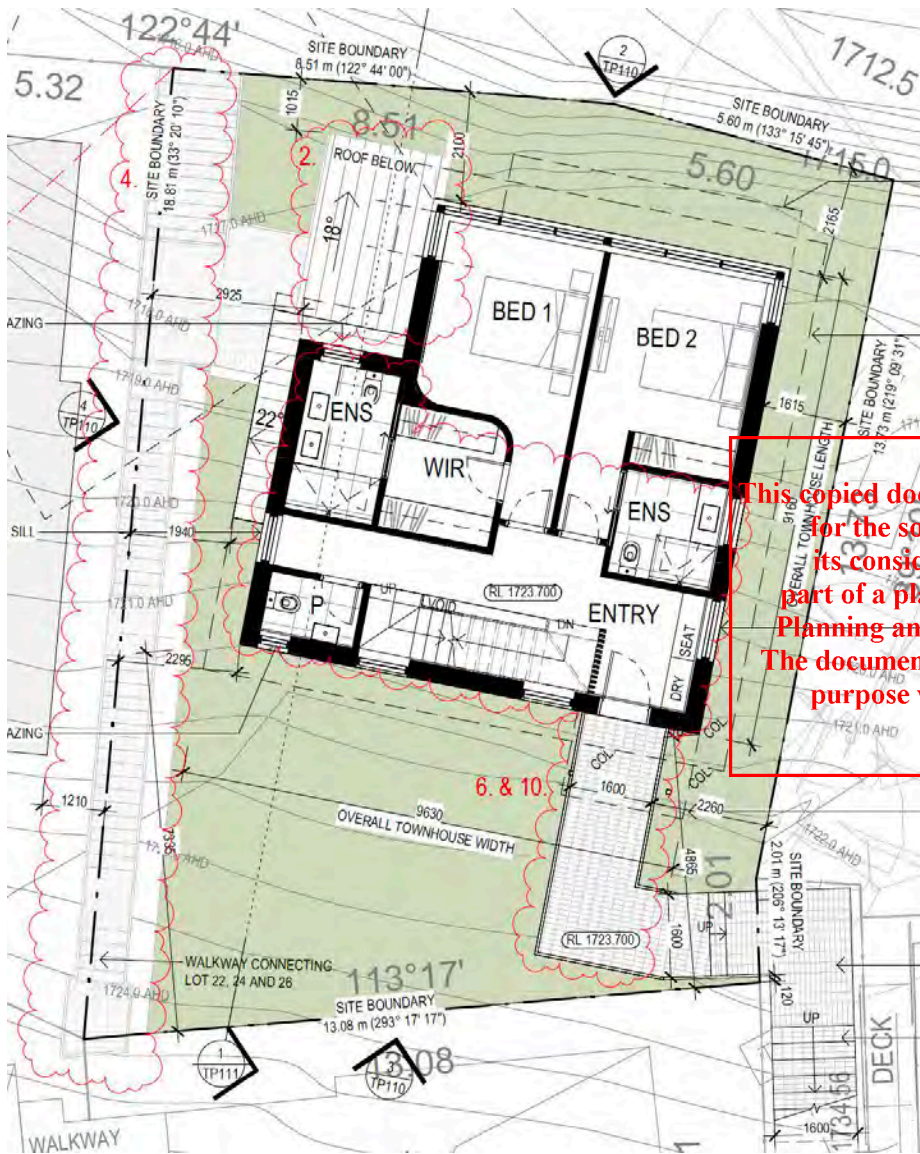


Figure 4.3: Proposed ground floor plan

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Figure 4.4: Proposed first floor plan

Figure 4.5: Proposed second floor plan



Figure 4.6: Proposed east elevation



Figure 4.7: Proposed west elevation



Figure 4.8: Proposed north elevation

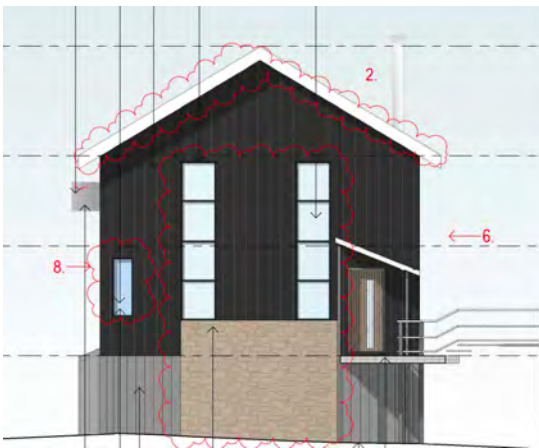


Figure 4.9: Proposed south elevation

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Figure 4.10: 3D views

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5. Planning Scheme Controls

5.1 Zone

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



Figure 5.1: Zoning of the subject land and surrounds

The relevant purposes of the CDZ1 are:

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

- To provide for the integrated development of land in accordance with a comprehensive development plan incorporated in this scheme.

Pursuant to Clause 4.1 of Schedule 1, a planning permit is required to construct a building or construct or carry out works. There are several exemptions provided however none apply in the circumstances of this proposed development.

Pursuant to Clause 4.2 the proposed development is exempt from the notice requirements of the *Planning and Environment Act 1987* as the proposal is consistent with the comprehensive development plan applying to the area. It is submitted that the proposal is consistent with the comprehensive development plan as detailed later in this submission.

Clause 6.0 sets out the relevant decision guidelines the responsible authority must consider, these include:

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- The Municipal Planning Strategy, the Planning Policy Framework and local planning policies
- Alpine Resorts Strategic Plan 2020-2025 (State Government of Victoria, Alpine Resorts Coordinating Council, 2019).

- Any Alpine Resort Strategic Management Plan approved under the *Alpine Resorts (Management) Act 1997*.
- The capability of the land to accommodate the proposed use or development, addressing site quality attributes including soil type, soil fertility, soil structure, soil permeability, aspect, contour and drainage patterns.
- The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.
- An assessment of the likely environmental impact on the natural physical features and resources of the area and in particular any impact caused by the proposal on soil

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and water quality, by the emission of noise, dust and odours and any geo-technical implications.

- The impact of the use or development on the flora, fauna and landscape features of the locality.
- The protection and enhancement of the natural environment and the character of the area, including the retention of vegetation and fauna habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridge lines, property boundaries, discharge and recharge areas.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The design, colours and materials to be used and the siting, including the provision of development and effluent envelopes for any building or works.
- The location of any building or works with respect to the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- The interface with adjoining areas, especially the relationship with residential areas.
- The location and design of existing and proposed roads and their impact on the landscape and whether the use or development will cause significant traffic generation which will require additional traffic management programs to be initiated.
- The location and design of existing and proposed infrastructure services including gas, water, drainage, telecommunications and sewerage facilities.
- Provision of car parking and loading bay facilities and landscaping.
- Consideration of public safety in relation to the management of snowshed, snow accumulation, and extreme climatic conditions.
- Arrangements for skier entry and exit.

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

- An assessment of the proposal against the Planning Policy Framework is provided in the following sections.
- The proposal will not impact the environment as a Site Construction Management Plan has been prepared and it will be implemented during the construction period. This will minimise soil movement and impacts on waterways.
- The architectural design of the proposed dwelling, along with the materials, colours and finishes, respects the character of the area. The design respects the existing built form of the surrounding buildings and will integrate with both the broader landscape and the Hotham Heights area.
- There are design guidelines within the Owners Corporation and we submit that the proposal is consistent with these provisions. We also submit that these guidelines have a statutory role in the planning process, and they are not required to be considered in the assessment of the planning permit application by the Minister.
- The location of the proposed building will not impact the natural environment, waterways, roads or vistas. The building is setback from Hot Plate Drive and the very high architectural style of the building will complement the landscape.
- The building has been designed to ensure that snowshed occurs on the subject land.
- The proposed walkway between Lots 27 and 29 will provide additional access for Lots 22, 24, 26, 27 AND 29 to the existing Northern Access Track.

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

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5.2 Comprehensive Development Plan

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

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

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

- The site is appropriately located for further accommodation development. The land was created as part of a subdivision with the intention that dwellings would be constructed on each allotment.
- The proposal utilises the existing car park on Hot Plate Drive for vehicle access with pedestrian access directly to the road and then to village area of the resort. Pedestrian and ski access will also be obtained to the north near Playground Trail.
- The plan requires that the "majority of sites" have "all-weather road access and on-site car parking". As such, the proposal facilitates this outcome by providing car parking spaces for each dwelling on Hot Plate Drive. We submit that this meets the requirements of Clause 52.06.

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

- The building is setback 1.44m from the northern boundary, however the subject land does not have road frontage. It should be noted the development plan requires a setback from the constructed edge of a road and not a title or lease boundary. Additionally, the location of underground services (a gas line) provides additional site constraints leading to the location of the proposed dwelling closer to the northern boundary.
- The site coverage permissible is 75% of the total site. The proposed development will have a site coverage of 97.6m² and therefore the overall site coverage (including walkways) will be 41.9% which is significantly lower than the allowable coverage and is therefore consistent with the requirements of the plan.
- The building height measured at the front façade (the southern elevation; this was confirmed by Michael Dafnomilis) is two storeys. We also confirm that the maximum height measured from natural ground level at the northern elevation is less than 15m.
- The wall materials will be local stone, steel, timber-look aluminium battens and aluminium cladding and powder-coated steel cladding. The tones will be muted consisting of black, grey, brown and stone; this is consistent with the materials permissible in the plan. We note that the choice of materials is somewhat limited due to the BAL 40 construction standard.
- Car parking meets the rate specified in Clause 52.06-5.

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

- Snow will be shed within the allotment and it will be held onto the roof with snow retention barriers to slow down the rate of shedding.

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- The building is articulated with protrusions to the front façade and small elements of protrusions to the north and west elevations. Again, the narrow width of the subject land makes it difficult to incorporate any further articulation to the side elevations.
- Pedestrian access to the Village Centre is via pedestrian walkways and Hot Plate Drive.
- The design has carefully considered views from the proposed adjoining buildings. Furthermore, the design ensures views are obtained to the north and west.
- Access will be via a proposed walkway between Lots 26 and 28.
- The building has been designed to be energy efficient. If required an Energy Efficiency report can be provided as requested through a condition on a planning permit; we do not consider it necessary to provide such a report for approval.

Overall, it is submitted that the proposed development is consistent with the Hotham Village Comprehensive Development Plan 1 (2017) and is therefore exempt from the notice provisions under the *Planning and Environment Act 1987*.

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5.3 Overlays

The subject land is covered by the following overlays:

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

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

5.3.1 Bushfire Management Overlay

The subject land is covered by Schedule 1 to the Bushfire Management Overlay (BMO). Pursuant to Clause 44.06-2 a planning permit is required to construct a dwelling as a dwelling falls within the Accommodation land use group.

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

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

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

5.3.2 Erosion Management Overlay

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

Clause 44.01-6 states that an application must be accompanied by information that details the existing conditions of the site, the extent of the proposed earthworks and the means to stabilise the disturbed areas. These application requirements are addressed in the attached Preliminary Geotechnical Assessment report prepared by TetraTech/Coffey – see **Attachment E**.

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5.4 Planning Policy Framework

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

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

Clause 11 – Settlement

- *Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.*

Clause 12.03 – Alpine Areas

- *To facilitate sustainable use and development of Alpine areas for year-round use and activity.*
- *Provide for the development of consolidated alpine villages, including a diverse range of employment, social and economic opportunities.*
- *Ensure that proposals for use and development are generally in accordance with any approved Comprehensive Development Plan and comply with any approved Alpine Resort Environmental Management Plan.*
- *Encourage best practice in design that responds to the alpine character of the area.*
- *Promote intensive residential and commercial development at Falls Creek, Mt Baw Baw, Mt Buller and Mt Hotham.*

Clause 13.05 – Bushfire

- *To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.*
- *Prioritising the protection of human life over all other policy considerations.*
- *Consider the risk of bushfire to people, property and community infrastructure.*
- *Require the implementation of appropriate bushfire protection measures to address the identified bushfire risk.*
- *Ensure new development can implement bushfire protection measures without unacceptable biodiversity impacts.*

Clause 15 – Built Environment and Heritage

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

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

- The development is located within an existing residential area with physical and social infrastructure.
- The proposal will provide further residential development within the Hotham Village.
- The proposal complies with the Comprehensive Development Plan.
- The design respects the character of the area.

- The dwelling will be constructed to a BAL 40 construction standard.
- The land has access to suitable services to facilitate the proposed development.

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5.5 Alpine Resorts Planning Strategy

The vision for the Alpine Resorts rated at Clause 02.02 is that *“the Victorian alpine resorts achieve their potential as thriving and sustainable destinations for mountain activities and nature-based tourism.”*

Clause 02.03-1 recognises the unique aspects of Mount Hotham, and notes that the Davenport area *“primarily serves local needs and is less intensive (2 to 3 storeys) with private or club-based accommodation.”*

Relevant strategic actions include:

- *Managing bushfire risk and ensuring safe access to and from any property through vegetation management and built form techniques.*
- *Managing geotechnical hazards to ensure that appropriate development takes place in the resorts.*
- *Ensuring that the design, scale, height and materials of development are compatible to the existing natural and built form character of the resorts.*
- *Maintaining the unique ‘village’ atmosphere by siting buildings within the alpine landscape, retention of trees and maintaining the compactness of the developed area.*
- *Facilitating the right mix of commercial, retail, accommodation, entertainment, community and service facilities for the ongoing viability of resorts as year-round destinations.*
- *Facilitating car parking for visitors, residents and commercial operators during the winter and summer seasons.*

It is submitted that the proposed development will help facilitate this vision with the development having a minimal impact on the environment. Further, the development will contribute positively to the built environment of the area.

Furthermore, the design of the proposed dwelling has taken into consideration both bushfire risk and geotechnical hazards to mitigate any potential impact.

The proposed development is setback sufficiently from any road and the adjoining properties and will complement the landscape. The building will be visible from public viewing points; however, the very high architectural standard of the development is sympathetic to the existing character of the street and will add visual interest.

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

Additionally, the proposed dwelling will provide year-round accommodation.

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Particular Provisions

5.7.1 Clause 53.02

The provisions of Clause 53.02 are addressed in the attached Bushfire Management Plan. It is submitted that the proposal is fully compliant with Clause 53.02 and the substituted measures required by Schedule 1 to the BMO.

5.7.2 Stormwater Management in Urban Development

The stormwater provisions at Clause 53.18 are not relevant in consideration as the construction of a single dwelling on a lot is exempt at Clause 53.18-1.

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5.8 Clause 65

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

Table 5.1: Clause 65 Decision Guidelines and responses.

Clause 65.01 relevant issues	Response
The matters set out in Section 60 of the Act.	<i>The matters of Section 60 have been considered and it is submitted that the proposal is acceptable.</i>
The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.	<i>The PPF and LPPF are addressed in this report.</i>
The purpose of the zone, overlay or other provision.	<i>The zone and overlays have been addressed in this report.</i>
Any matter required to be considered in the zone, overlay or other provision.	<i>All other matters have been considered.</i>
The orderly planning of the area	<i>The development represents orderly planning in that it meets the requirements of the Alpine Resort Planning Scheme and is proposing a dwelling in an appropriately zoned and located area.</i>
The effect on the amenity of the area	<i>The dwelling will not impact the amenity of the area as there are no existing dwellings located within close proximity to the subject land. The proposed walkway will enhance access to Lots 22, 24, 26, 27 AND 29 from the northern access track.</i>
The proximity of the land to any public land	<i>The proposed development will not impact the surrounding public land.</i>

Factors likely to cause or contribute to land degradation, salinity or reduce water quality.	<i>The geotechnical recommendations will be adopted and a Site Construction Management Plan has been prepared.</i>
Whether the proposed development is designed to maintain or improve the quality of storm water within and exiting the site.	<i>The development will have no adverse effects on the quality of stormwater within or exiting the site.</i>
The extent and character of native vegetation and the likelihood of its destruction. Whether native vegetation is to be or can be protected, planted or allowed to regenerate.	<i>Native vegetation cannot be protected.</i>
The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.	<i>The fire risk is addressed in the attached Bushfire Management Plan.</i>
The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.	<i>Not relevant.</i>

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6. Conclusion

It is proposed to construct a single dwelling and associated walkways on the subject land. The subject land is located within The Basin residential area and as such further, infill, development is encouraged by the Alpine Resorts Planning Scheme.

The architectural design of the building is modern and respects the character of the area. The building will be constructed to a BAL 40 to minimise the risk of bushfire to life and the property.

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

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