



Southern Grampians
SHIRE COUNCIL

Planning Committee

Minutes

25 March 2021

Held at 2.30pm in the
Martin J Hynes Auditorium
5 Market Place, Hamilton

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1. MEMBERSHIP

Councillors

Cr Helen Henry (Chair)
Cr Greg McAdam

Officers

Mr Andrew Goodsell, Director Planning and Development
Ms Belinda Johnson, Acting Director, Shire Infrastructure

Minutes

Mrs Sharon Clutterbuck, Executive Assistant – Director, Planning and Development

Present for Item 6.1

Roslyn Snaauw, Planning Coordinator, Southern Grampians Shire Council
Fiona Castley, Coast to Country Building Approvals
Oskar Kazmanli-Liffen, Edition Office
Kim Bridgland, Edition Office
Brad, Dunkeld Property Holdings Pty Ltd
Greg Lindqvist
Joanne Lindqvist
David Baker

2. WELCOME – CHAIR

3. APOLOGIES

4. CONFIRMATION OF MINUTES

Minutes of the Meeting held on 25 February, 2021 have been circulated

RECOMMENDATION

That the Minutes of the Planning Committee meeting held on 25 February 2021 be confirmed as a correct record.

Moved: Cr Greg McAdam

Seconded: Belinda Johnson

Carried

5. DECLARATION OF INTEREST

Nil

6. MATTERS FOR DECISION

6.1 TP/127/2020. Use and Development of the site for Group Accommodation at 135 Fairburn Street, DUNKELD; Lot: 2 PS: 716420

Author: Roslyn Snaauw, Coordinator Planning

Attachments:

1. **Application documents**
2. **Copy of objections received**
3. **Copy of applicant response to objections**

Executive Summary

Council has received a planning permit application for Group Accommodation at 135 Fairburn Street in Dunkeld.

As a result of public notification undertaken pursuant to Clause 52 of the *Planning & Environment Act 1987*, three (3) objections were received.

Council's Instrument of Delegation requires that an application be referred to the Planning Committee for a decision if three (3) objections have been received and if the estimated cost of the proposed works is between \$1M - \$5M.

Proposal

An application has been received for the use and development of the site for Group Accommodation as highlighted in Figures 1, 2 with proposed Landscape Plans at Figure 3.

It is proposed to construct four (4) single storey cabins with a maximum site occupancy of ten (10) persons away from their normal place of residency on the subject site, within a defined building envelope which includes the provision of a sauna, plunge pool and laundry.

Each cabin will contain a bathroom, toilet, kitchenette, sleeping area, lounge and outdoor deck area with each Cabin also providing a secluded internal courtyard.

Cabins will be clad in vertical hardwood timber, with flat roof lines concealed behind timber parapets.

Entrance to the site will be located centrally to the east from Fairburn Street in Dunkeld with the provision of four (4) car spaces located on the subject site with one car space for disabled car parking.

Cabin A

This cabin is located toward the north of the site and can be accessed by persons with reduced mobility. It will provide double bed and bunk room with the ability to occupy four (4) people. Cabin total length is 20.98 metres with a width of 4.7 metre and maximum height of 4.3 metres.

Cabin A will have a total area of 75 square metres with an external deck to the west being 16.55 square metres.

Cabin A will be setback from the northern boundary 7.83 metres and the eastern boundary 22.84 metres.

Cabin B

Cabin B is located south of cabin A. This cabin will provide a double bed with the ability to occupy two (2) people. It has a total length of 24.7 metres and width of approximately 4.5 metres and maximum height of 4.4 metres

Cabin B will have a total area of 61.05 square metres with an external deck to the west of 15.0 square metres.

Cabin B will be setback from the eastern boundary 16.22 metres and from cabin A approximately 5.23 metres.

Included toward the east, within the footprint of this cabin will be a communal laundry with a 10,000 litre water tank.

Cabin C

Cabin C is located to the south of cabin B. It will provide a double bed with the ability to occupy two (2) people. This cabin will have a total length of 21.48 metres and width of 4.88 metre and maximum height of 5.06 metres.

Cabin C will have a total area of 61.05 square metres with an external deck to the west being 15.0 square metres.

Cabin C will be setback from the eastern boundary 17.93 metres and from cabin B approximately 5.89 metres.

Cabin D

This cabin is located to the south. It will provide a double bed with the ability to occupy two (2) people. This cabin will have a total length of approximately 21.48 metres and width of 4.88 metre and maximum height of 4.94 metres

Cabin D will have a total area of 61.05 square metres with an external deck to the west being 15.0 square metres.

Cabin D will be setback from the eastern boundary 15.54 metres and from cabin C approximately 5.39 metres.

Sauna & Plunge Pool

The sauna is setback from the southern boundary 5.93 metres with the proposed plunge pool located to the north of the sauna but all within the building envelope and excavated into the hillside.

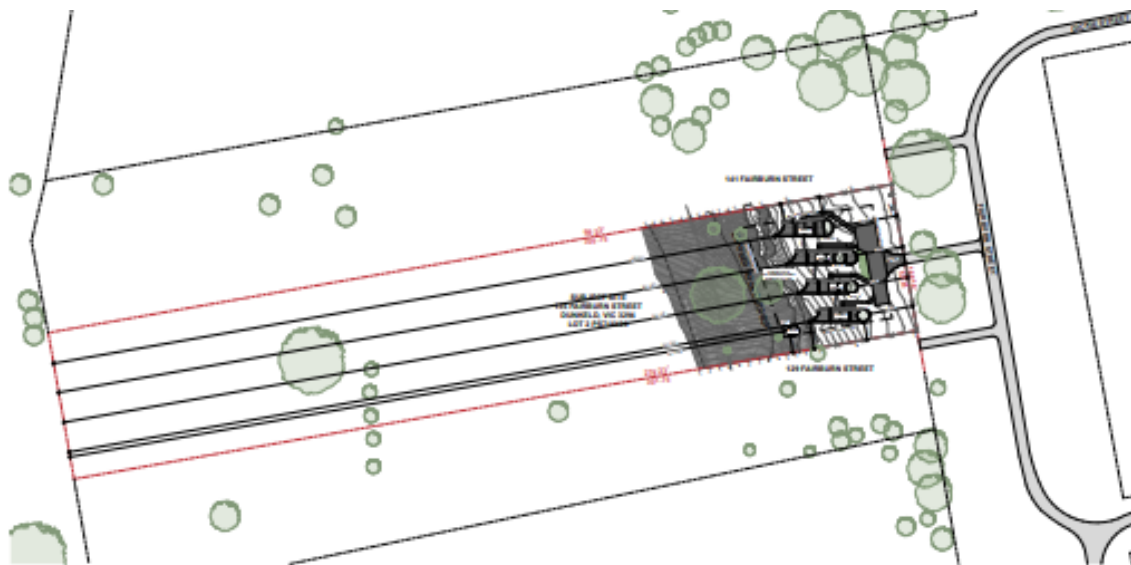


Figure 1: Site Plan

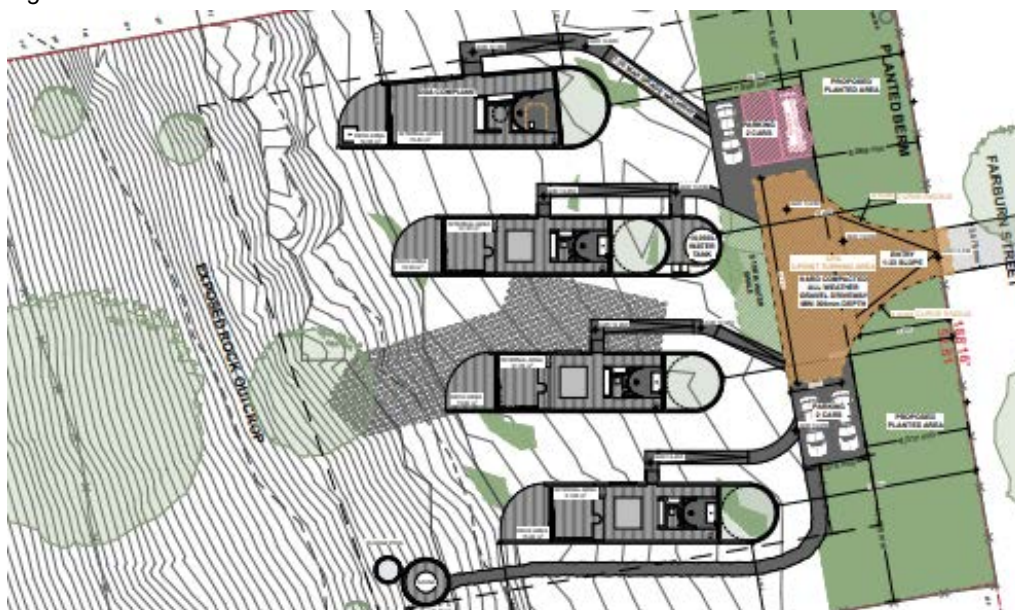


Figure 2: Site Plan development area

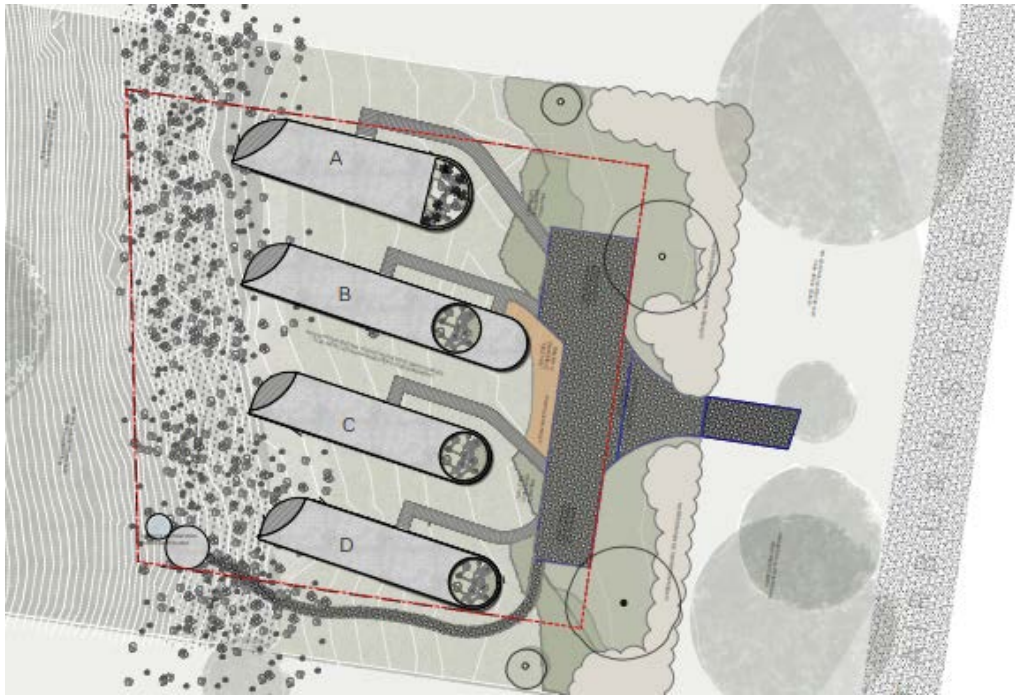


Figure 3: Proposed Landscape Plan

Site/Location

The subject site is located on the western side of Fairburn Street in Dunkeld, with a total lot area of 15940 square metres (1.59 hectare).

The site is generally rectangular in configuration with a flat topped elevated landform toward the east which then slopes to the west with a fall of approximately 12 metres, down to the western boundary and Wannon River.

The land is generally undeveloped other than a small shed located toward the north boundary.

The subject site is located within the Rural Living Zone (RLZ2) and is affected by Bushfire Management Overlay (BMO), Design and Development Overlay (DDO6) and the Environmental Significance Overlay (ESO3) with a small portion of title to the west close to Wannon River located within the Environmental Significance Overlay (ESO2) of the Planning Scheme.

Land to the immediate north and south is also located within the Rural Living Zone (RLZ2) and affected by the same Overlays. Land to the east is located within the Township Zone affected by the Design and Development Overlay (DDO5) and the Vegetation Protection Overlay in the Planning Scheme.

The subject site has reticulated services provided to the property boundary.

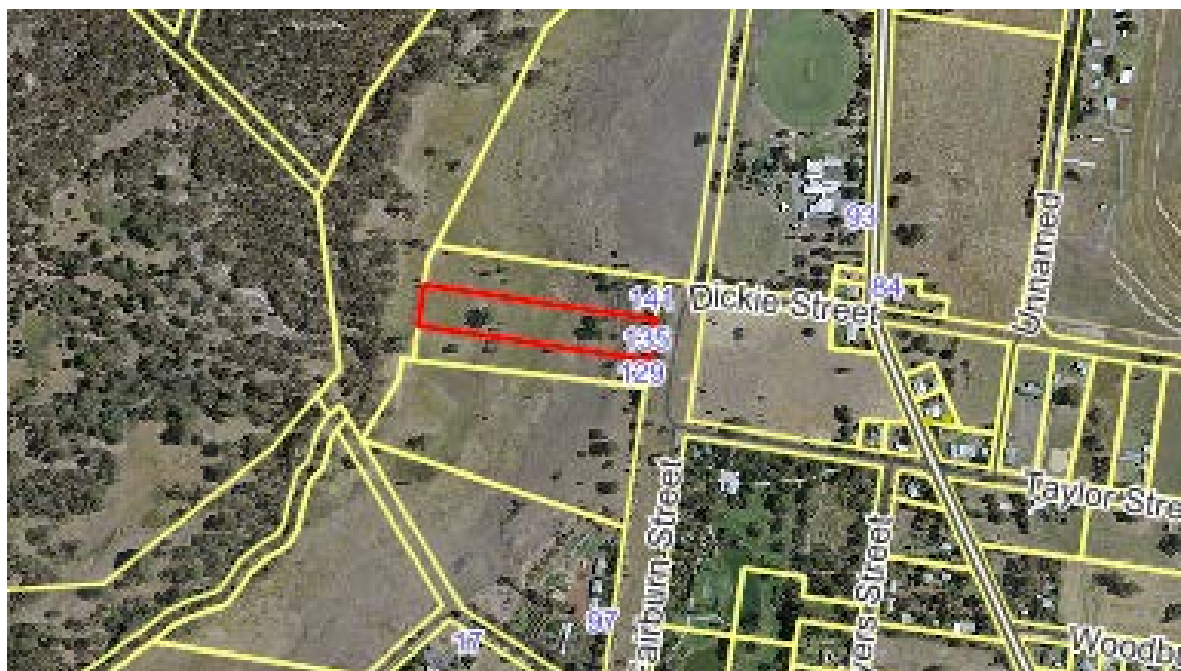


Figure 4: Subject site highlighted in red

Southern Grampians Planning Scheme – Planning Controls

Clause 00 Purpose and Vision

Clause 01 Purpose of this Planning Scheme

The purpose of the Southern Grampians Planning Scheme is to provide a clear and consistent framework within which decisions about the use and development of land can be made, to express state, regional, local and community expectations for areas and land uses and to provide for the implementation of State, regional and local policies affecting land use and development.

Clause 02 Municipal Planning Strategy

- Clause 02.01 Context
- Clause 02.02 Vision

The Shire's vision is to be a well-connected, dynamic regional centre, supporting a vibrant, healthy and inclusive community.

Clause 2.03 Strategic Directions

- Clause 02.03-1 Settlement
- Clause 02.03-2 Environmental and landscape values
- Clause 02.03-3 Environmental risks and amenity
- Clause 02.03-6 Economic development – Tourism
- Clause 02.03-8 Infrastructure – Infrastructure Design Manual (IDM)

Clause 02.04 Southern Grampians Shire Council Strategic Framework Plan – notes Dunkeld as a Neighbourhood Centre, located on a primary road (Glenelg Highway) that links to Melbourne and Geelong and with access to a railway line.

Planning Policy Framework (PPF)

The Planning Policy Framework (PPF) and Local Planning Policy Framework, gives direction supporting the objectives of planning in Victoria (as set out in Section 4 of the Planning and Environment Act 1987) and are fostered through appropriate land use and development policies and practices. The Southern Grampians Planning Scheme provides the following relevant Policies and Clauses that relate to this proposal.

Clause 10 Planning Policy Framework (PPF)

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 recognising the need for health, wellbeing and safety, economic viability, a high standard of urban design and amenity and protection of environmentally sensitive areas and natural resources.

Planning is to prevent environmental and amenity problems created by siting incompatible land uses close together and to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services.

- Clause 11.01-1S Settlement
- Clause 11.01-1R Settlement – Great South Coast
- Clause 11.03-6L Dunkeld

Clause 12.01 Environmental and Landscape Values

- Clause 12.01-1 Protection of biodiversity
- Clause 12.01-2S Native vegetation management

Clause 13 Environmental Risk and Amenity

Planning should strengthen the resilience and safety of communities by adopting a best practice environmental management and risk management approach.

- Clause 13.02-1S Bushfire planning
- Clause 13.05-1S Noise abatement
- Clause 13.07-1S Land use compatibility

Clause 15 Built Environment and Heritage

Planning should ensure all use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.

- Clause 15.01-1S Urban Design
- Clause 15.01-2S Building Design
- Clause 15.01-5S Neighbourhood character

Clause 17 Economic Development

Planning is to provide for a strong and innovative economy where all sectors are critical to economic prosperity and to contribute to the economic wellbeing of the state and foster

economic growth by providing land, facilitating decisions and resolving land use conflicts, so that each region may build on its strengths and achieve its economic potential.

- Clause 17.01-1S Diversified economy
- Clause 17.01-1R Diversified economy – Great South Coast
- Clause 17.04-1R Tourism – Great South Coast
- Clause 17.04-1L Facilitating Tourism

Clause 18 Transport

Planning should ensure an integrated and sustainable transport system that provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability, coordinates reliable movements of people and goods, and is safe.

- Clause 18.02-4S Car Parking

Clause 19 Infrastructure

Planning for development of social and physical infrastructure should enable it to be provided in a way that is efficient, equitable, accessible and timely.

- Clause 19.03-2L Infrastructure design and provision

Clause 20 Local Planning Policy Framework

Clause 23 Operation of the Local Planning Policy Framework

Clause 23.02 Operation of the Municipal Strategic Statement (MSS)

The MSS is a concise statement of the key strategic planning, land use and development objectives for the municipality and the strategies and actions for achieving the objectives. It further the objectives of planning in Victoria to the extent that the State Planning Policy Framework is applicable to the municipality and local issues. It provides the strategic basis for the application of the zones, overlays and particular provisions in the planning scheme and decision making by the responsible authority.

Clause 23.03 Operation of the Local Planning Policies

Local Planning Policies are tools used to implement the objectives and strategies of the Municipal Strategic Statement.

A Local Planning Policy is a policy statement of intent or expectations. It states what the responsible authority will do in specified circumstances or the responsible authority's expectation of what should happen.

Clause 30 Zone

The subject site is located within the Rural Living Zone (RLZ2) in the Planning Scheme.

Pursuant to Clause 35.03-1 of this zone, the use of the site for purpose of Group Accommodation requires a permit under Section 2 of this clause.

Pursuant to Clause 35.03-4 of this zone, a permit is required to construct or carry out works associated with the use of the site for Group Accommodation.

Clause 40 Overlays

The subject site is affected by the Environmental Significance Overlay (ESO2 – Protection of Waterways & ESO3 – Wannon River Escarpment Protection) in the Planning Scheme.

Pursuant to Clause 42.01-2 of this overlay, a permit is required to construct a building or construct or carry out works.

It should be noted that the proposed buildings and works are located within the ESO3 only.

The subject site is also located within the Design and Development Overlay (DDO6) in the Planning Scheme.

Pursuant to Clause 43.02-2 of this Overlay, a permit is required to construct a building or construct or carry out works. Buildings and works must be constructed in accordance with the requirements in schedule 6 to this overlay.

The subject site is also located within the Vegetation Protection Overlay (VPO1) in the Planning Scheme. The VPO1 relates to Dunkeld River Red Gums which are not being proposed to be removed.

The subject site is also located within the Bushfire Management Overlay (BMO) in the Planning Scheme. The BMO is not located in the area of the proposed development.

Clause 50 Particular Provisions as relevant**Clause 52.06 Car Parking**

Pursuant to Clause 52.06-3 the use of the site for group accommodation is not a specified use in Table 1 of Clause 52.06-5 and as such car parking is to be provided to the satisfaction of the responsible authority.

Clause 60 General Provisions**Clause 65 Decision guidelines.**

Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

- Clause 65.01 Approval of An Application or Plan Before deciding on an application or approval of a plan, the responsible authority must consider relevant points of this clause.

Relevant incorporated/referenced/background documents

- Dunkeld Structure Plan (Hansen Partnership, January 2014)
- Dunkeld Structure Plan, Urban Design Guidelines - 'Town Residential', 2012

Other relevant State Policy documents

- *Guidelines for removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017).
- *Protecting Victoria's Environment – Biodiversity 2037* (Department of Environment, Land, Water and Planning, 2017).

- *Assessor’s handbook – applications to remove, destroy or lop native vegetation* (Department of Environment, Land, Water and Planning, 2017).
- *AS 3959-2009 Construction of Buildings in Bushfire-prone Areas* (Standards Australia, 2009)
- *Building in bushfire-prone areas – CSIRO & Standards Australia* (SAA HB36-193, 1993).
- Any bushfire prone area map prepared under the *Building Act 1993* or regulations made under that Act.
- *Infrastructure Design Manual* (Local Government Infrastructure Design Association, 2019).

Relevant Planning Scheme amendments

- Planning Scheme Amendment C59sgra was gazetted on 16 July 2020 and replaces the Local Planning Policy Framework of the Southern Grampians Planning Scheme with a new Municipal Planning Strategy, a modified Planning Policy Framework and local schedules to overlays and operational provisions as part of the Smart Planning Rules and Policy Program.
- Planning Scheme Amendment C029 was gazetted on 5 June 2014 which implemented the recommendations of the Dunkeld Structure Plan, January 2014, and Dunkeld Urban Design Guidelines, 2012, through various policy, zone and overlay changes.

Public Notification

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

- Sending notices to the owners and occupiers of adjoining land.
- Placing a sign on the site.
- Notice on Council website.

As a result of the public notification process, three (3) objections were received and are summarised below:

Submission no.	Key issues raised
1. Objector 1	<ul style="list-style-type: none"> ○ Application conflicts with the Dunkeld Structure Plan – views & vistas, neighbourhood character ○ Development of a commercial enterprise ○ Does not meet the Design and Development Overlay ○ Royal Mail Hotel does not have accommodation facility. ○ Amenity impacts – car parking ○ Potential environmental and biodiversity impacts regarding the Environmental Significance Overlay, grassland and possibly the Striped Legless Lizard. ○ No commitment to sustainability other than collection of water
2. Objector 2	<ul style="list-style-type: none"> ○ Amenity – views, neighbourhood character
3. Objector 3	<ul style="list-style-type: none"> ○ Contravenes the purpose of the Rural Living Zone

	<ul style="list-style-type: none"> ○ Amenity impacts – noise, dust, increased traffic & pedestrian safety ○ Bushfire prone area
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Referrals

External Referrals	Comments
Section 55 Referral	
Glenelg Hopkins Catchment Management Authority (GHCMA)	No objection to the proposal
External and Internal Referrals	Comments
Section 52 Referrals	
Country Fire Authority (CFA)	No objection to the proposal subject to conditions.
SGSC Engineering	No objection to the proposal subject to conditions.
SGSC Building	No objection to the proposal.
SGSC Environmental Health	No objection to the proposal subject to conditions.
SGSC Biodiversity	No objection to the proposal subject to further investigation with regards to native grasses and possibly the stripped legless lizards on the subject site and the road reserve of Fairburn Road.

Summary of Key Issues

The key issues for consideration are:

- How does the proposed development respond to the relevant provisions of the Southern Grampians Planning Scheme including the Planning Policy Framework, Local Planning Policy Framework and Particular Provisions?
- Will the use of the Land for Group Accommodation be compatible with residential use?
- Can the use and development of the land be carried out in such a manner that will minimise any amenity impacts to the surrounding properties?
- Have objections to the proposal been received?

Discussion

An assessment of the proposal against the relevant provisions of the Southern Grampians Planning Scheme has been undertaken.

The proposal is confined within a building envelope as registered on title through Section 173 Agreement AS139417M which relates to building, defensible space, vegetation management, access and water supply requirements. This Agreement also requires that building envelopes have a height restriction of single storey buildings only. This application is compliant with the requirements of the section 173 agreement any future landscaping to be undertaken with the requirements, as detailed within the section 173 agreement, to be provided.

Rural Living Zone

Planning approval is required for both the use and development of the subject site for the purpose of Group Accommodation with the proposal to be connected to reticulated services including sewerage. No new roads are required to be constructed with new access being provided to the subject site.

Currently land to the north, east and south is vacant land. The proposed development comprises four (4) elongated, single storey accommodation buildings. The impact of the siting, design, height, bulk, colours and materials to be used will assist in minimal visual and amenity impact on the natural environment and vistas due to the location of the proposal within a defined building envelope. As required by the section 173 Agreement the proposed new structures are utilising colours and finishes that best immerse the building within the landscape and minimises contrast with the surrounds with materials proposed being non reflective.

Setbacks for these buildings from all property boundaries is generous with separation also being provided between each accommodation building. The proposed sauna and small circular plunge pool are located downward to the south west of the development not readily viewed from the street even with the adjoining properties being undeveloped presently. Access is shown to be provided via an all-weather driveway, central within the front boundary with dimensions adequate to accommodate emergency vehicles.

Landscaping is being proposed to further soften and enhance the appearance of the subject site further ensuring that it blends in with the views to the west and north, minimising any visual impact of the proposal.

The proposal is for Group Accommodation which will provide a total of ten (10) persons away from their normal place of residence. Any emission of noise from residents will need to meet the Environment Protection Authority requirements regarding noise emissions.

Council's Biodiversity Coordinator and an Objector has raised concerns with regards to the use and development impacting on native grasses within this area and a condition will be placed within the permit to require, prior to buildings and works being undertaken, that a Native Vegetation (including grasses) assessment be undertaken. If the assessment shows that the proposed development will impact on any native vegetation then the applicant will need to apply for approval a separate planning permit pursuant to Clause 52.17 Native Vegetation in the Planning Scheme to meet any removal etc of this vegetation.

Design and Development Overlay (DDO6)

The site layout and design of the proposed Cabins will have a low profile from Fairburn Street with spacing between each cabin proposed providing a staggered frontage ensuring views and vistas are satisfactorily retained.

The development is being contained within the building envelope which restricts the proposal to a specified area and is single storey in design with generous front setbacks from Fairburn Street from each Cabin of between 15.5 metres and 22 metres and a side boundary setback in excess of the minimum requirement of 5 metres allowing for separation from adjoining sites and the sharing of views to the outlying landscape.

It should be noted that adjacent land is vacant and undeveloped however the proposal will be proportionate with any future development of adjacent properties (taking into consideration any building envelopes). Currently the subject site does not contain many trees etc and the proposal will enhance the beauty of this area by providing landscaping which will adequately minimise any visual amenity impacts created by any buildings and the car parking area. Proposed landscaping will be required to address the section 173 Agreement requirements through such things and the provision of no plants and mulches to be located within 10 metres to vulnerable parts of the dwelling eg windows, decks and eaves and the requirement that all leaves and vegetation debris having to be removed at regular intervals.

Front setback areas should not be utilised for the purpose of car parking however due to the topography of the land being comparatively flat toward the east (Fairburn Road) and then dropping substantially toward the west within 30 metres from the front boundary, access requirements for emergency vehicles and the provision of landscaping within the front setback, the siting of the proposed open car parking area (not carports being proposed) with a north south orientation, is considered to be satisfactory with minimal visual impacts.

Vegetation Protection Overlay

No Dunkeld River Redgums are being proposed to be removed from the subject site for the purpose of this development.

A Landscape Plan to be submitted which will further support the natural outlook and provide minimal visual impacts of the development.

Bushfire Management Overlay (BMO)

It should be noted that prior to 3 October 2017, the BMO applied to the whole of the property. Planning Scheme Amendment GC13 inserted updated BMO maps (in this instance Map 35 which relates to the subject site with the BMO now located within the western portion closer to the Wannon River escarpment), schedules and deleted the BMO (maps and ordinance) in some areas where the vegetation no longer met the criteria as set out in Advisory Note 46.

Whilst no planning permit is required pursuant to the Bushfire Management Overlay as the proposal is no longer located within this overlay, the registered agreement on title does contain Country Fire Authority requirements such as the provision of access and water tanks for fire-fighting purposes etc which this proposal is compliant with this agreement.

The application was referred for comment only pursuant to section 52 of the *Planning and Environment Act 1987* to the Country Fire Authority (CFA) who have not objected to the proposal and have suggested the inclusion of conditions in a planning permit.

Environmental Significance Overlay (ESO3)

The subject site is located within the Environmental Significance Overlay (ESO) Schedule 3 which relates to the Wannon River Escarpment Protection.

Section 1 of Schedule 3 contains a Statement of environmental significance which states:

“The Wannon River and the notable escarpment that defines its floodplain to the north and west of Dunkeld is an important environmental and landscape asset...”

It is a requirement of the planning scheme pursuant to Clause 66.04, that any application for buildings and works within this overlay be referred to the Glenelg Hopkins Catchment Management Authority (GHCMA are recommending referral authority). The proposed development is not located within the area of defined Wannon River escarpment and GHCMA have responded with no objection to the proposal. According to the CMA's ground level information, the property slopes steeply towards the Wannon River, and the banks of the Wannon River are located at the estimated height of 214m AHD. While the proposed location of the development located on the highest portion of the property (approximately 240 metres to the east) at a level of 254m AHD some 40 meters higher.

The proposed development is located on the higher ground to the east of the escarpment within the defined building envelope and is a single storey development with the colors of the external building materials required to be non-reflective and of colours which are complementary to those of the natural landscape. A condition is contained within the planning permit which supports this requirement ensuring that the proposal will be responsive to the environmental and landscape values of the escarpment.

Council's Biodiversity Coordinator and an Objector have raised concerns with regards to native grasses and the striped legless lizard within this area. A condition will be place within the permit that will require, before buildings and works are started, that a native vegetation assessment be undertaken to ascertain if any native vegetation, including grasses, are located within the building envelope and possibly on the road reserve.

It is noted that the striped legless lizard may be located within the escarpment of the Wannon River but not necessarily within the proposed building envelope. The Native Vegetation Assessment required to be undertaken may detail that this is so.

It should be noted that no development is being proposed within the escarpment of Wannon River and as such Council do not consider that there will be any potential negative impacts on Wannon River which ensure the ongoing panorama of Mount Sturgeon and Southern Grampians profile maintaining that vegetation as an important element of the proposal and the escarpment landscape ensure minimal visual amenity to the landscape setting of Dunkeld.

Dunkeld Structure Plan

C029 implemented the recommendations of the Dunkeld Structure Plan, January 2014, and Dunkeld Urban Design Guidelines, 2012, through the introduction of the Schedule 6 to the Design and Development Overlay and the Schedule 3 to the Environmental Significant Overlay on 5 June 2014. The proposal is compliant with both of these Overlays as can be read above.

Tourism

The Planning Policy Framework discusses how tourism is a significant and growing economic generator for the Shire including the Grampians National Park.

The Planning Scheme details that Dunkeld has the capacity to support high-quality tourism development to capitalise on its location as the south-east gateway to the Grampians National Park.

In maximising the economic potential of tourism, Council will:

- Protect natural and heritage tourism resources, such as the Grampians and Volcanic Peaks.
- Support tourism and recreational development that preserves the values and integrity of natural assets and tourism features.
- Encourage tourism and recreational development that builds on regional strengths and key tourism features.

It is considered that the proposed use and development for Group Accommodation addresses these requirements by protecting the landscape value and providing tourism accommodation to stay in that uses a design that blends with the landscape and backdrop of Mount Sturgeon enhancing the attractiveness with minimal detrimental impacts on neighbouring properties and the natural environment.

Car Parking

Cabin A is the only Cabin that will provide for two (2) sleeping areas and the ability to accommodate four (4) persons, all other Cabins have only sleeping area with a double bed provided for the provision of two (2) persons to a Cabin.

Pursuant to Clause 52.06-3 the use of the site for group accommodation is not a specified use in Table 1 of Clause 52.06-5 and as such car parking is to be provided to the satisfaction of the responsible authority. The provision of four (4) car spaces for the purpose of parking for the four (4) cabins is considered satisfactory for this purpose.

Objections

A total of three (3) objections were received as part of this application process through the public notice process as detailed above in this Report.

Submission no.	Key issues raised	Council Response
4. Objector 1	<ul style="list-style-type: none"> ○ Application conflicts with the Dunkeld Structure Plan – views & vistas, neighbourhood character ○ Development of a commercial enterprise ○ Does not meet the Design and Development Overlay ○ Royal Mail Hotel does not have accommodation facility. ○ Amenity impacts – car parking ○ Potential environmental and biodiversity impacts regarding the Environmental Significance Overlay, grassland and possibly the Striped Legless Lizard. ○ No commitment to sustainability other than collection of water 	<p>This application has taken into consideration the Dunkeld Structure Plan and the zone and overlays that affect the subject site as has been discussed above in this Report.</p> <p>A permit is required for the purpose of Group Accommodation which is not prohibited under the requirements of the planning scheme.</p> <p>The development is being confined within the building envelope with views and vistas being maintained including generous and staggered setbacks and landscaping being provided.</p> <p>It is a requirement that the site be connected to reticulated services which is being proposed along with the provision of a 10,000 litre water tank for fire-fighting purposes as required in the registered section 173 Agreement on title.</p>
5. Objector 2	<ul style="list-style-type: none"> ○ Amenity – views, neighbourhood character 	<p>Further investigation is required with regards to any impacts on native vegetation and no development can be started until this has been addressed.</p>
6. Objector 3	<ul style="list-style-type: none"> ○ Contravenes the purpose of the Rural Living Zone ○ Amenity impacts – noise, dust, increased traffic & pedestrian safety ○ Bushfire prone area 	<p>A separate planning permit may be required if it is found that native vegetation will be impacted and required to be removed for the purpose of this future development.</p>

		<p>The proposed development is not being located within the Wannon River escarpment which will not detract from the untouched beauty of the Wannon River valley to the west of the development.</p> <p>Any residential noise generating from the site will need to be in compliance with the Environment Protection Authority requirements.</p> <p>The location of the carparking area for four (4) car spaces which will be setback a minimum of 8.069 metres plus a further 25 metres (road reserve) from Fairburn Street. Council considered this setback satisfactory with further landscaping being proposed on the site within the front setback.</p>
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Conclusion

The assessment undertaken in this report has demonstrated that the proposal complies with the Southern Grampians Planning Scheme including the zone, overlays and Dunkeld Structure Plan. The proposed use and development will therefore enable the orderly planning of the area and satisfy the relevant decision guidelines in Clause 65 and as such it is recommended that a Notice of Decision to Grant a Permit be issued.

Financial and Resource Implications

If an application for review is lodged at the Victorian Civil and Administrative Tribunal, Council will be required to enlist the services of a Lawyer to represent Council.

Council Planning Officers will also have to provide further time away from their normal duties to assist the Lawyer with Council information.

Legislation, Council Plan and Policy Impacts

The *Planning and Environment Act 1987* provides that certain local government, responsibilities and functions can be delegated to Committees of Council or Council officers. This recommendation is consistent with those provisions.

Environmental and Sustainability Considerations

A Native Vegetation Assessment is required to be undertaken prior to any proposed buildings and works to ensure no impacts on native vegetation.

Community Consultation and Communication

Council undertook public notification (as stated above) and received three (3) objections to the proposal which has been detailed earlier in this Report.

Disclosure of Interests

All Council Officers involved in preparing this Report affirm that no direct or indirect interests are held in relation to this application

6. MEETING PROCESS

MEETING PROCESS

The meeting was held in accordance with standard meeting procedures.

Attendees were advised that there would be an opportunity for the applicant to speak, followed by the objectors and then the Planning Officer would present the report. Following this a decision would be made in camera and notification made following that decision.

Applicant

Fiona Castley, Coast to Country Building Approvals

Proposal is to use the site for group accommodation comprising 4 individual cabins, Architect designed, with a brief of luxury and environmental design being forefront. Three cabins are designed for double occupancy with ensuite and living area and one larger cabin which includes a bunk bed. The site also includes a building that acts as a shared laundry, onsite water tanks and sauna and plunge pool.

There is a building envelope requirement to meet CFA provisions as well as a single storey design requirement. Applicant believes all requirements have been met.

Future ongoing use is for up to 10 people to use the site at any one time for a minimum of 2 nights for upwards of \$500 per night for guests. Site managed locally

Kim Bridgland and Oskar Kazmanli-Liffen, Edition Office (Architects)

Key concept is to have 4 cabins that allow site lines from the street through the site between each of the cabins. Natural timber proposed for each of the building to mimic the natural flora of the site.

Each building provides privacy through seating and screening.

Intent is to have minimal stature when looking from the street of each cabin and not overdeveloping site.

Brad, Dunkeld Property Holdings Pty Ltd

Conscious of the site and delicate aspects of the area and region.

Excited about the prospect of this type of development in the area.

Question – Does the design of the buildings meet the intent of the DD06 regarding height standards?

Proposed height of buildings is proposed to be around 4 metres which meets the intent of DDO6. Flat roofs mean that buildings are well under the heights allowed.

Plunge pool and sauna outdoor bathtub outside largest cabin are to be built within the development envelope and there is around 11 metres from the proposed bathtub to the boundary. Passive privacy is provided with distance and landscaping.

Social noise would not change if occupants were on the deck or the bath.

Objector 1 – Greg and Joanne Lindqvist

Owners of 141 Fairburn Street which is the block to the north of proposed development. Did not expect group accommodation to be developed when block was originally purchased.

Only expected to have one neighbour not up to 5 couples on a rotating basis.

Noise and increased traffic expected.

Dunkeld Structure Plan states there should be limited development to the north of Dunkeld with low level of accommodation.

Question – When do the objectors plan to build on their block at 141 Fairburn St Dunkeld? A decision will be made after seeing if proposed development goes ahead. Preliminary discussions have been held with an architect.

Objector 2 David Baker

Site is unique and objector believes not suitable to have a number of buildings on the site. Noise is a concern.

Planning Officer – Roslyn Snaauw, SGSC

Council has received a planning permit application for Group Accommodation at 135 Fairburn Street in Dunkeld. As a result of public notification undertaken pursuant to Clause 52 of the *Planning & Environment Act 1987*, three (3) objections were received.

Council's Instrument of Delegation requires that an application be referred to the Planning Committee for a decision if three (3) objections have been received and if the estimated cost of the proposed works is between \$1M - \$5M.

Proposal is for group accommodation with provision for 4 car spaces on site.

The proposal shows that construction will take place within the building envelopes

Three objections received. Permit is required and accommodation is not restricted under the planning scheme.

Council has taken into consideration noise concerns.

In any residential area any noise coming from residential land is under EPA requirements and is the authority that monitors those requirements.

Significant setback of building closest to 141 Fairburn Street Dunkeld is proposed.

Proposal complies with the Southern Grampians Planning Scheme including zone overlays in the Dunkeld Structure Plan and the recommendation is that the application be supported and notice of decision be granted for a permit to be issued.

RECOMMENDATION

That Council having caused notice of Planning Application No. TP/127/2020 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision to Grant a Permit in respect of the land known as 135 Fairburn Street, Dunkeld Lot: 2 PS: 716420, Parish of Dunkeld for the *Use and Development of the site for Group Accommodation* subject to the following conditions

Conditions**Endorsed Plan**

1. The use/development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
2. The external finishes of the development (including walls and roof materials) must be constructed in muted, non-reflective materials and tones which blend in with the landscape of the area to the satisfaction of the Responsible Authority.

Native Vegetation assessment

3. Prior to the development of the site, a Vegetation Assessment Report is to be provided for the area within the building envelope and also any area that may be impacted by the proposed construction works (eg road reserve). This Report is to be undertaken by a suitably qualified to the satisfaction of the responsible authority.

No Native Vegetation Removal

4. This permit does not allow the removal of any native vegetation (including grasses) without the prior written consent of the responsible authority.

Protection of existing native vegetation

5. Unless otherwise approved in writing by the Responsible Authority, no trenching, soil excavation, storage or dumping of equipment or waste is to occur within areas of existing native vegetation on the site.

Amenity

6. The *use and development* must be managed so that the amenity of the area is not detrimentally affected, through the:
 - (a) transport of materials, goods or commodities to or from the land;
 - (b) appearance of any building, works or materials;
 - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise.
 - (d) presence of vermin;
7. Waste recycling storage areas must be provided on the site. A sufficient number of watertight receptacles with close fitting lids for the reception of garage, green waste and reuse arising from the premises must be provided. The contents of such waste and reuse receptacles are to be disposed of at least once in every seven consecutive days. The proprietor must not allow the waste or refuse to become a nuisance at any time.
8. Before any use commences of the aquatic facility (pool), a water quality risk management plan must be submitted and be made available for use to the satisfaction of the responsible authority.
9. Before any use commences or any building is occupied, scaled floor plans with dimensions and use for each room must be submitted to the satisfaction of the

responsible authority. In this regard, indicate toilets, basins, showers and maximum number of guests accommodated in each room and these amenities must be provided to the satisfaction of the responsible authority.

Landscape plan

10. Before the development starts, a landscape plan must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions provided and must show:

- a. a survey (including botanical names) of all existing vegetation to be retained and/or removed
- b. details of surface finishes of pathways and driveways
- c. a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant. It is required that the species are native and indigenous to the Southern Grampians Shire. The Plan must not include the use of any environmental or declared noxious weeds
- d. details of all Tree Protection Zones (including fencing) to be provided around any native vegetation on site. Full details of all native vegetation is to be provided.

All species selected must be to the satisfaction of the responsible authority and in accordance with Section 173 Agreement AS139417M as registered on title.

11. Unless otherwise approved in writing by the Responsible Authority, no trenching, soil excavation, storage or dumping of equipment or waste is to occur within areas of existing native vegetation on the site.

Drainage

12. All stormwater discharge from the development is either to be connected to the Legal Point of Discharge to the satisfaction of the Responsible Authority (Stormwater Management Plan is to be provided) or retained within the site without causing nuisance to the neighbouring properties.

Stormwater Management Plan

13. Before the development starts, a properly prepared Stormwater Management Plan (SWMP) with computations to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The SWMP must be in accordance with the Infrastructure Design Manual. The plan must include:

- a. how the land will be drained
- b. underground pipe drains conveying stormwater to the Legal Point of Discharge
- c. measures to enhance stormwater discharge quality from the site and protect downstream waterways
- d. a maximum discharge rate from the site

- e. documentation demonstrating approval from the relevant authority for the Legal Point of Discharge
 - f. any existing or proposed easement
 - g. evidence showing rainfall occurring form 1% AEP will not effect downstream properties
14. Before the use begins and/or the buildings are occupied all works constructed or carried out must be in accordance with those plans to the satisfaction of the responsible authority.

Construction and Site Management

15. Before commencement and during construction for each stage of the development including any preliminary site preparation and establishment, the construction management works must be to the satisfaction of the responsible authority.
- a. Measure to control noise, dust, mud and water
 - b. Prevention of silt or other pollutants from entering into the Council's drainage system or road network
 - c. The location of where building materials are to be kept during construction
 - d. On-site parking of vehicles associated with construction of the development
 - e. Details of public safety, amenity considerations and site security
 - f. The permit holder must use appropriate site management practices to prevent the transfer of mud, dust, sand or slurry from the site into drains or onto nearby roads and properties. In the event that a road, drain or adjoining property is affected, the owner must upon direction of the responsible authority take the necessary steps to clean the affected portion of road or drain to the satisfaction of the responsible authority.

Access

16. Before the use and/or development starts, the proposed crossover must be designed and constructed according to Infrastructure Design Manual (IDM) Standard Drawing to the satisfaction of responsible authority.
- a. Before the commencement of the development, the redundant vehicular crossing must be reinstated to the satisfaction of the responsible authority.
 - b. Satisfactory clearance should be provided to any stormwater pit, power or telecommunications pole, manhole cover or marker, or street tree.
 - c. It is a requirement of the Southern Grampians Shire Council that a Works within Road Reserve Permit must be taken prior to works commencing for any works being conducted within the road reserve.

Car Parking

17. Before the commencement of the use or occupation of the development, a car parking plan with all dimensions is to be submitted and satisfied by the responsible authority.
- a. Ensure servicing of the drainage and maintenance of car parking

- b. Line-marked to indicate each car space and all access lanes (for seal finish) OR appropriate marked to indicate each car space (for other surface finish).

Country Fire Authority

Bushfire Emergency Plan

18. Before the development is occupied or the use commences, a bushfire emergency plan (BEP) must be prepared. The BEP must clearly describe the emergency management arrangements that will be implemented to reduce the risk of bushfire and should address the following matters:
 - a. Describe property and business details.
 - b. Identify the purpose of the BEP stating that the plan outlines procedures for:
 - i. **Closure of premises** on any day with Fire Danger Rating of Code Red.
 - ii. **Evacuation** (evacuation from the site to a designated safer off-site location).
 - iii. **Shelter-in-place** (remaining on-site in a designated building).
 - c. Review of the BEP
 - Outline that the plan must be reviewed and updated annually prior to the commencement of the declared Fire Danger Period.
 - Include a *Version Control Table*.
 - d. Roles & Responsibilities

Detail the staff responsibilities for implementing the emergency procedures in the event of a bushfire and the triggers for acting. For example, when the facility will be closed and the circumstances under which guests and patrons will shelter in place or evacuate.
 - e. Emergency contact details
 - f. Emergency access and firefighting water supply
 - g. Defendable space-managing vegetation on site to reduce the fire risk
 - h. Bushfire monitoring procedures
 - Details the use of radio, internet and social networks that will assist in monitoring potential threats during the bushfire danger period.
 - Describe and show (include a map) the area to be monitored for potential bushfire activity.

Expiry

19. This permit will expire if one of the following circumstances applies:
 - a. The development and/or use has not commenced within two years of the date of this permit.
 - b. The development is not completed within four years of the date of this permit. In accordance with section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months of the permit expiry date, where the development allowed by the permit has not yet started; or within 12 months of the permit expiry date, where the development has lawfully started before the permit expires.

Note:

- a. This permit does not authorise the commencement of any building works. Building approval must be obtained prior to the commencement of any approved works.
- b. The permitted use/development must be located wholly within the boundaries of the subject site.

Moved: Cr Greg McAdam

Seconded: Cr Helen Henry

Carried

7. OTHER BUSINESS

7.1 TP/82/2020. Use and development of a Medical Centre and business signage at 20 French Street, Hamilton, Crown Allotment 4, Section 17A, Township of Hamilton, Parish of Hamilton North.

This application was considered at the Planning Committee meeting held on 5 February 2021. At this meeting the Applicant advised the Committee that they did not want a determination of the application at the meeting and will advise the Planning department that they would like to resubmit updated drawings and modified application.

The Committee strongly urged that the applicant seeks civil engineering advice before resubmitting modified plans.

Following a number of messages and correspondence asking for updated drawings and a modified application no further contact has been to the planning department by the applicant.

RECOMMENDATION

Subject to no amended plans being received by close of business on 25 March 2021 that Council having caused notice of Planning Application No. TP/82/2020 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision to Refuse to Grant a Permit in respect of the land known as 20 French Street HAMILTON; CA: 4 Sec: 17A Par: HAMILTON NORTH, for the use and development of a medical centre and business signage subject to the following conditions:

Refusal Condition:

1. The proposed use and development does not comply with the provisions and purposes of Clause 32.09 (Neighbourhood Residential Zone) of the Southern Grampians Planning Scheme.

2. The use and development is not in accordance with Clause 13.07-1S (Land use compatibility) of the Southern Grampians Planning Scheme due to:
 - o The proposed commercial use not being compatible with the character of the area and compromising the areas amenity.
 - o The lack of strategic justification for the location of a medical centre with associated eight (8) carparks on site within the Church Hill Area.
 - o The proposed use unable to avoid off-site impacts from the commercial use through separation, siting and design.

3. The use and development is not in accordance with Clause 15.01-5S (Neighbourhood Character) of the Southern Grampians Planning Scheme due to:
 - o The proposal not respecting the existing neighbourhood character or contribute to the existing neighbourhood character of the Church Hill Area.

4. The use and development is not in accordance with Clause 18.02-4S (Car parking) of the Southern Grampians Planning Scheme due to:
 - o The proposal not demonstrating that it has been designed and located to achieve a high standard of urban design and that it will protect the amenity of the locality.

Moved Cr Henry

Seconded Cr McAdam

Carried

8. CLOSE OF BUSINESS

Meeting closed at 3.40pm