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Clear Form

**Office Use Only**

VicSmart?  YES  NO

Specify class of VicSmart application:

Application No.: \_\_\_\_\_ Date Lodged: / /

# Application for a Planning Permit

If you need help to complete this form, read MORE INFORMATION at the back of this form.

**⚠** Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*. If you have any concerns, please contact Council's planning department.

**⚠** Questions marked with an asterisk (\*) must be completed.

**⚠** If the space provided on the form is insufficient, attach a separate sheet.

**i** Click for further information.

## Application Type

Is this a VicSmart application?\*

No  Yes

If yes, please specify which

VicSmart class or classes:.....

**⚠** If the application falls into one of the classes listed under Clause 92 or the schedule to Clause 94, it is a VicSmart application.

## Pre-application Meeting

Has there been a pre-application meeting with a Council planning officer?

No  Yes

If 'Yes', with whom? \_\_\_\_\_

Date: 28/01/2021

day / month / year

## The Land **i**

Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

**Street Address \***

Unit No.:	St. No.: 3	St. Name: Back Eildon Road
Suburb/Locality: Thornton		Postcode: 3712

**Formal Land Description \***

Complete either A or B.

**⚠** This information can be found on the certificate of title.

If this application relates to more than one address, attach a separate sheet setting out any additional property details.

A  Lot No.: \_\_\_\_\_  Lodged Plan  Title Plan  Plan of Subdivision  No.: PC380245

**OR**

B  Crown Allotment No.: \_\_\_\_\_  Section No.: \_\_\_\_\_

Parish/Township Name: \_\_\_\_\_

# The Proposal

You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application.

For what use, development or other matter do you require a permit? \*

Group accommodation

Provide additional information about the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

Estimated cost of any development for which the permit is required \*

Cost \$ 960,900

You may be required to verify this estimate. Insert '0' if no development is proposed.

If the application is for land within **metropolitan Melbourne** (as defined in section 3 of the *Planning and Environment Act 1987*) and the estimated cost of the development exceeds \$1 million (adjusted annually by CPI) the Metropolitan Planning Levy **must** be paid to the State Revenue Office and a current levy certificate **must** be submitted with the application. Visit [www.sro.vic.gov.au](http://www.sro.vic.gov.au) for information.

# Existing Conditions

Describe how the land is used and developed now \*

For example, vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

Thornton Schoolhouse cafe

Provide a plan of the existing conditions. Photos are also helpful.

# Title Information

Encumbrances on title \*

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

- Yes (If 'yes' contact Council for advice on how to proceed before continuing with this application.)
- No
- Not applicable (no such encumbrance applies).

Provide a full, current copy of the title for each individual parcel of land forming the subject site. The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments', for example, restrictive covenants.

## Applicant and Owner Details

Provide details of the applicant and the owner of the land.

### Applicant \*

The person who wants the permit.

Name:		
Title:	First Name:	Surname:
Organisation (if applicable): Utupua Pty Ltd		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.:	St. Name:
Suburb/Locality:	State:	Postcode:

Please provide at least one contact phone number \*

<b>Contact information for applicant OR contact person below</b>	
Business phone: 0448 793 795	Email: admin@belllegalplanning.com.au
Mobile phone:	Fax:

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

<b>Contact person's details*</b>		Same as applicant <input type="checkbox"/>
Name:		
Title:	First Name: Angelina	Surname: Bell
Organisation (if applicable):		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.:	St. Name: PO Box 129
Suburb/Locality: Kilmore	State: VIC	Postcode: 3764

### Owner \*

The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.

Name:		Same as applicant <input type="checkbox"/>
Title:	First Name:	Surname:
Organisation (if applicable):		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.:	St. Name:
Suburb/Locality:	State:	Postcode:
Owner's Signature (Optional):		Date: day / month / year

## Information requirements


Contact Council's planning department to discuss the specific requirements for this application and obtain a planning permit checklist.

Is the required information provided?

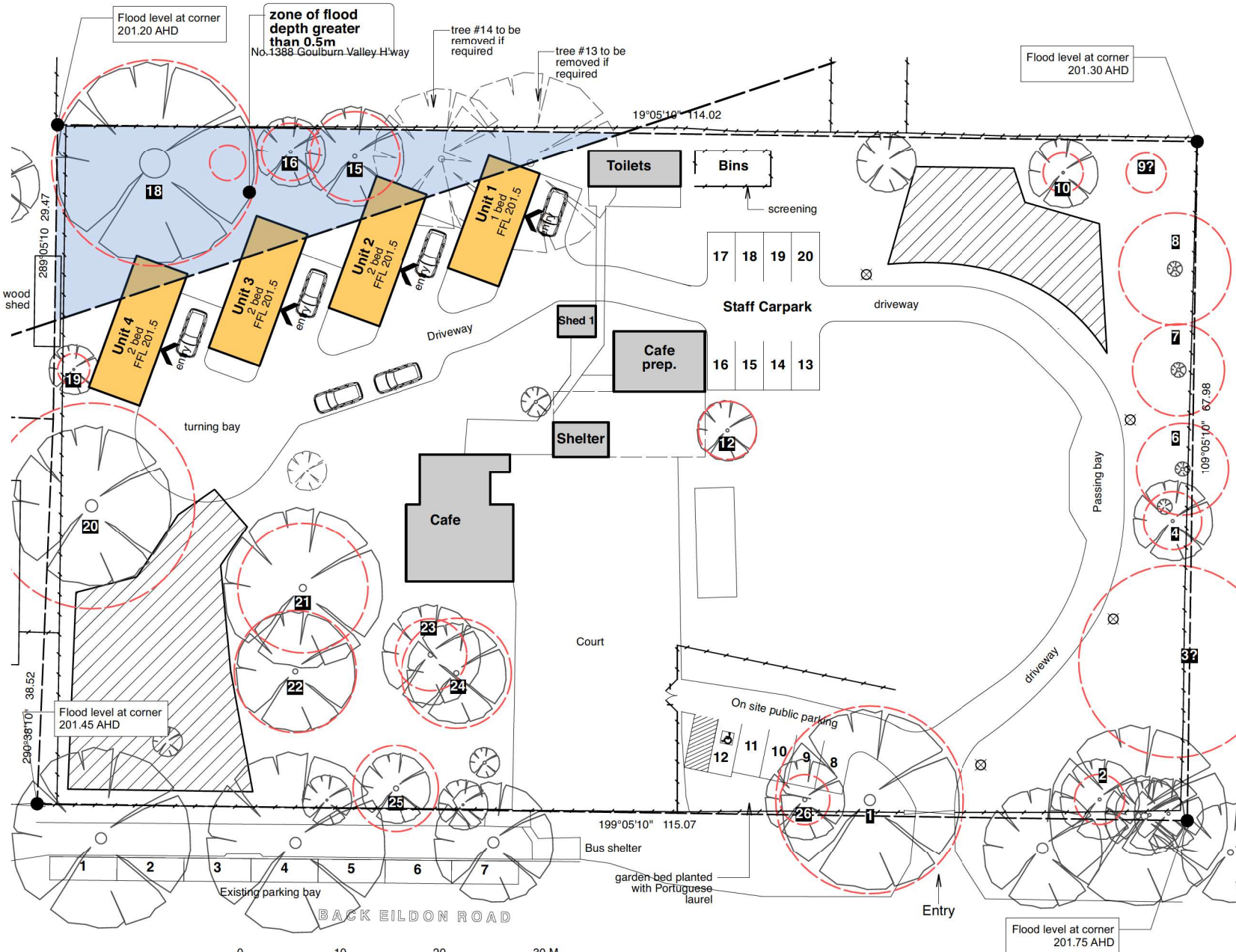
Yes  No

## Declaration

This form must be signed by the applicant \*

 Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

I declare that I am the applicant; and that all the information in this application is true and correct; and the owner (if not myself) has been notified of the permit application.	
Signature:	Date: 23/05/2021 day / month / year

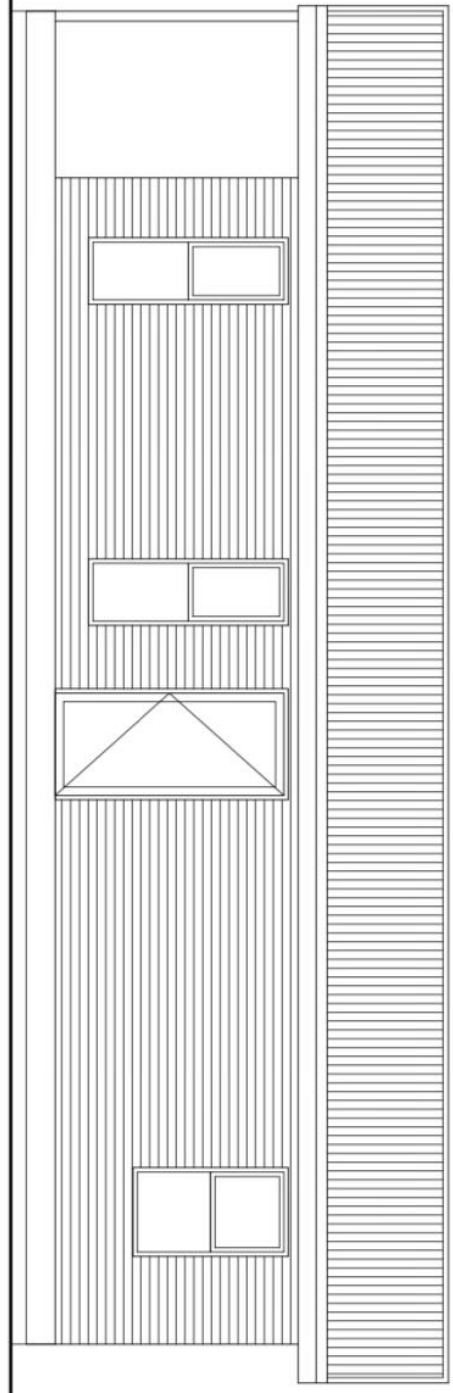
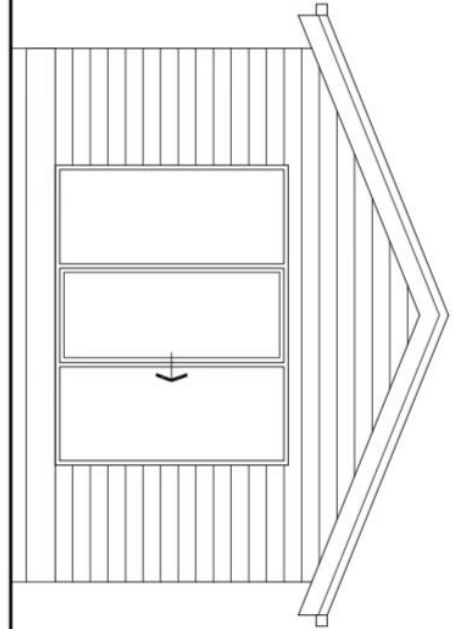
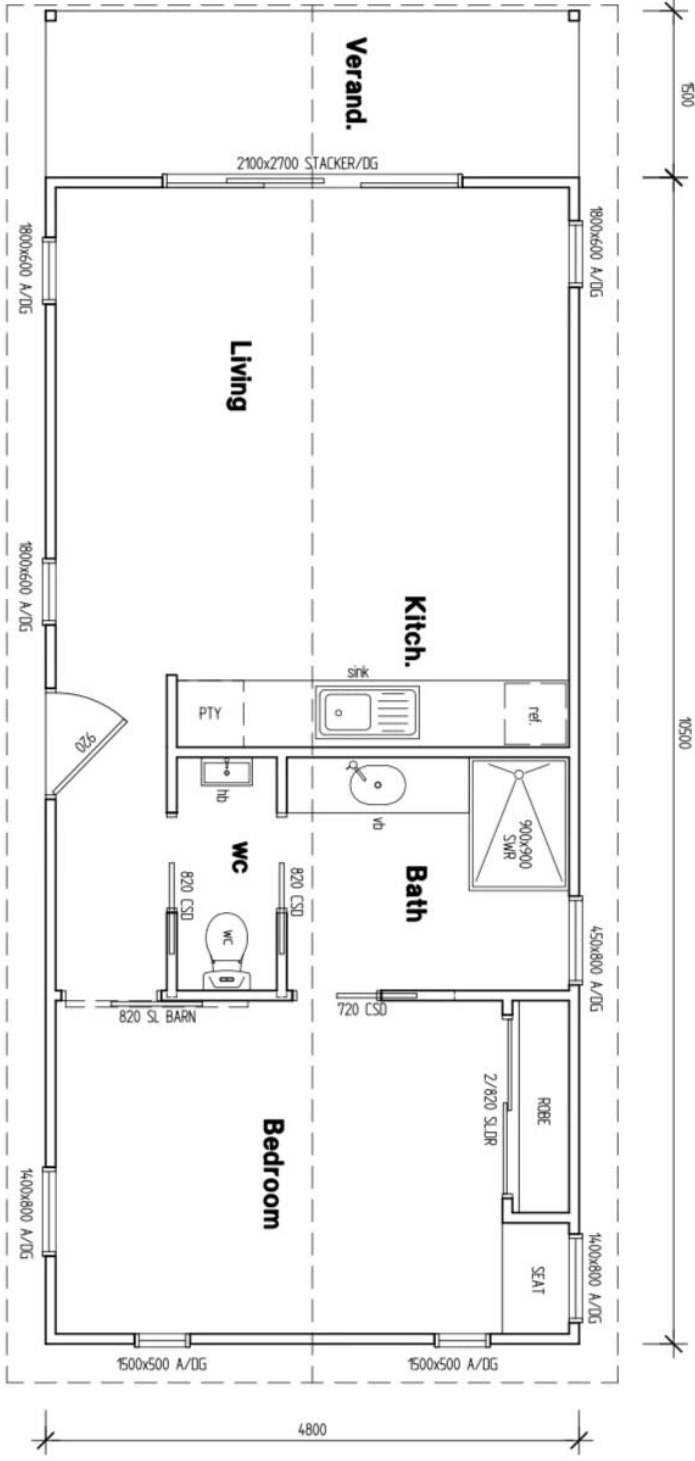


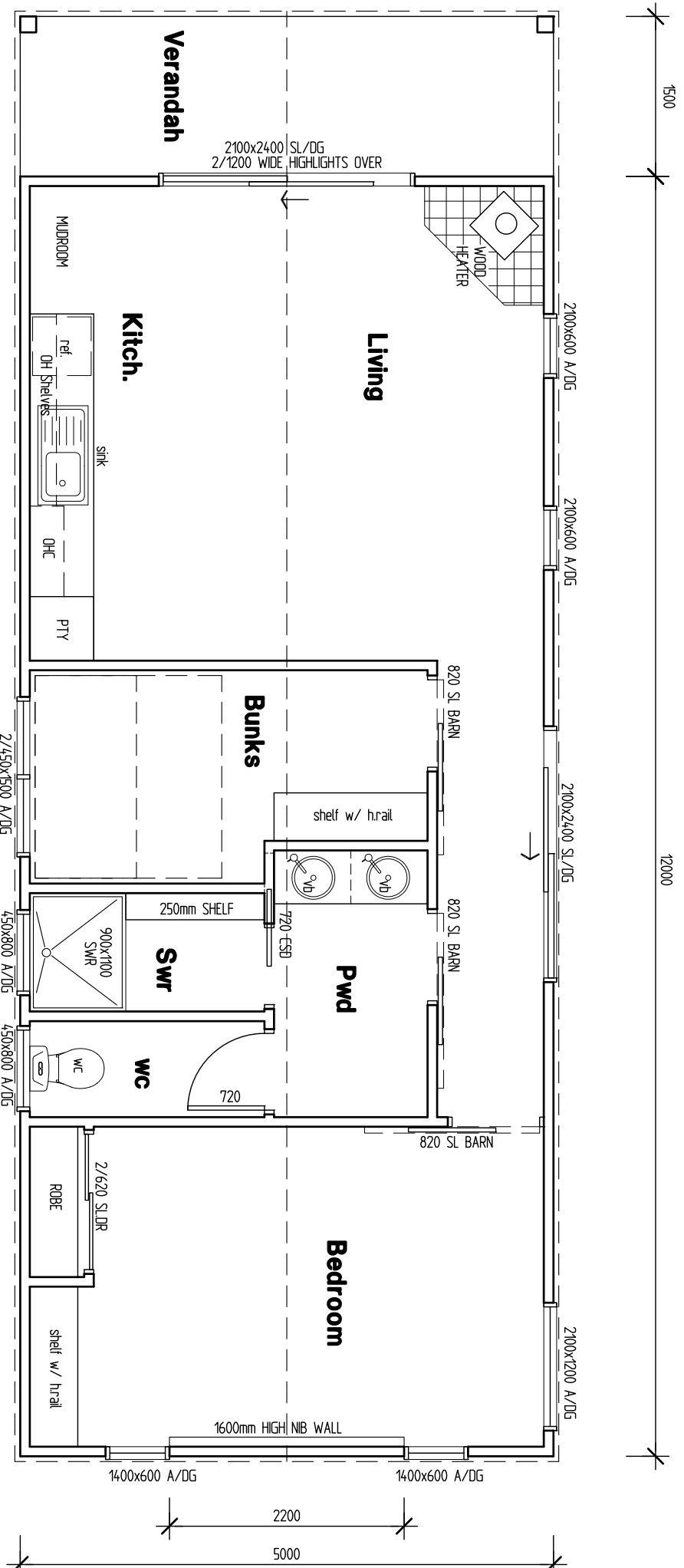
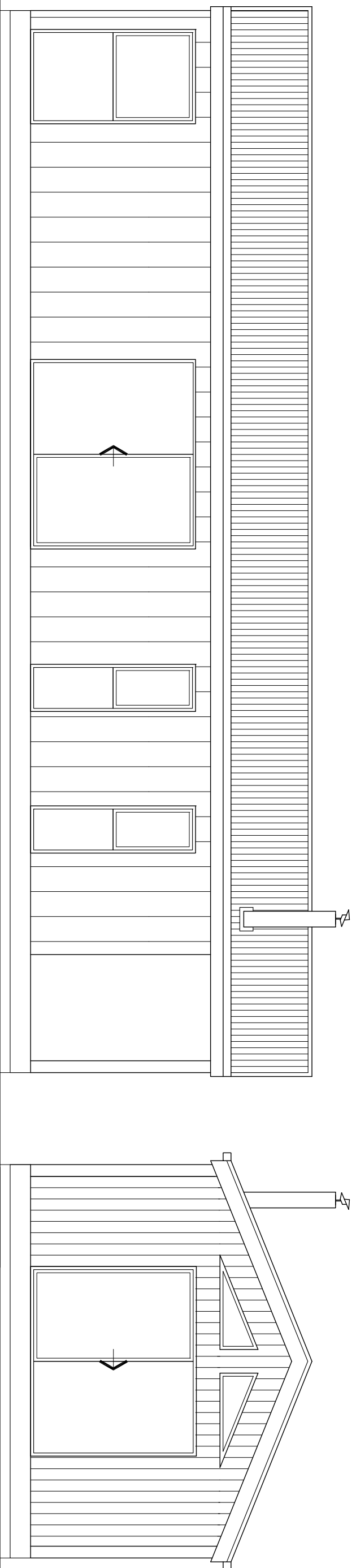
- Legend**
- TPZ 10%
  - 8 Tree number (refer Arborist report)
  - 8 Car park number
  - Treatment field
  - Existing building
  - Proposed building
  - Zone of flood depth greater than 0.5m
  - X Driveway bollard light

- Notes**
- New driveway constructed to the satisfaction of the relevant authority & in accordance with AS 2890.1 2004 Parking facilities
  - Passing bays are to be provided every 30m in accordance with AS 2890.1 2004 Parking facilities
  - Drainage in accordance with AS 3500 Part 3 Stormwater Drainage and to the satisfaction of the relevant authority
  - Unit floor levels shall be 300mm above flood level

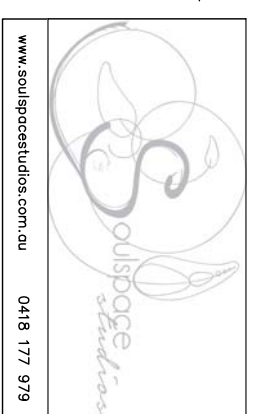
Accom unit plan  
Scale: 1:400







Sketch design for: Cathedral Golf Club



DO NOT SCALE OFF  
DRAWINGS.  
NOT FOR CONSTRUCTION

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## APPLICATION FOR PLANNING PERMIT

### Use and construction of group accommodation 3 Back Eildon Road, Thornton



Figure 1 – Aerial photograph of the Subject Land.

### Introduction

A planning permit is sought for the use and construction of group accommodation at 3 Back Eildon Road, Thornton (**Subject Land**). The Subject Land is located in the Murrindindi Shire and is governed by the Murrindindi Planning Scheme (**Scheme**).

### Site description

The Subject Land, located in the township of Thornton, consists of a consolidated parcel of land, described as PC380245, of 7768 square metres. It is located to the north-west of the Goulburn Valley Highway and Back Eildon Road intersection.

Please refer to the attached certificate of title volume 12270 folio 376.

The Subject Land is the site of the former Thornton State School No 1371. The existing buildings, located centrally on the Subject Land, are now used for a café, called the Thornton Schoolhouse café, and includes indoor and outdoor dining, food preparation area and toilet facilities. Car parking is provided for the café both at the frontage of the Subject Land and on site. A driveway around an oval grassed area on the northern side of the Subject Land leads to the rear of the lot. The Subject

Land contains mostly exotic species of trees and a few native trees predominantly around the perimeter of the Subject Land and in the south-eastern corner, with a significant large native tree located in the south-western corner of the land and a significant mature oak located centrally on the southern boundary. See Figure 2 below showing the Subject Land within the broader Thornton township.

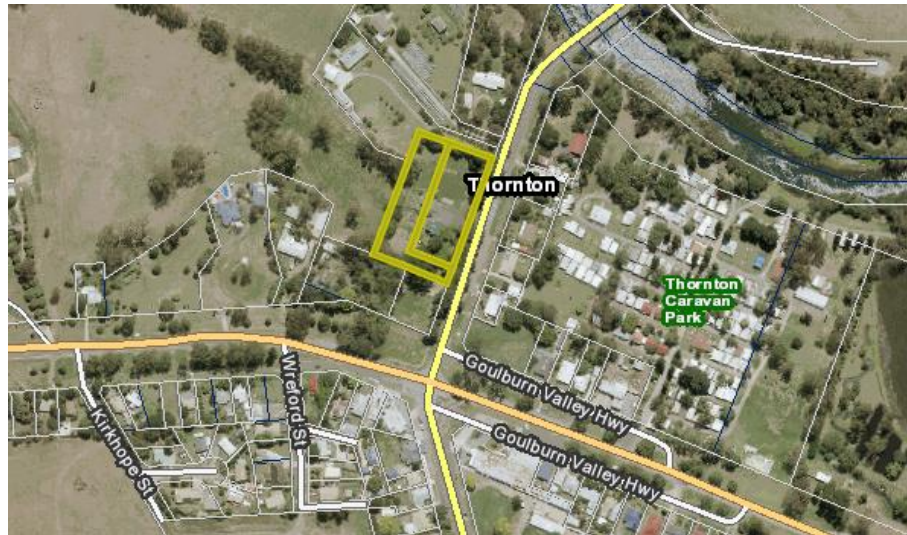


Figure 2 – Location of Subject Land to the north-west of the main crossroads in Thornton.

The immediate surrounding parcels of land are used for residential purposes and generally contain dwellings with ancillary outbuildings. To the south of the main intersection lies the small commercial area of Thornton, which includes a butcher shop, take-away food store (currently closed), general store and Rubicon Hotel. The Thornton Caravan Park is to the north-east of the intersection.

The Subject Land is in the Township Zone and is subject to the Floodway Overlay (**FO**) and Heritage Overlay (**HO**). An Area of Aboriginal Cultural Heritage Sensitivity exists over the northern section of the Subject Land. The land immediately surrounding the Subject Land is a mixture of Township Zone and Farming Zone with the exception of the Goulburn River which is in the Public Conservation and Resource Zone and the Goulburn Valley Highway which is in Road Zone Category 1. The FO also applies to the surrounding land. Refer to the zoning map in Figure 3, the overlay maps in Figures 4 and 5 and the map showing the area of aboriginal cultural heritage sensitivity in Figure 6.



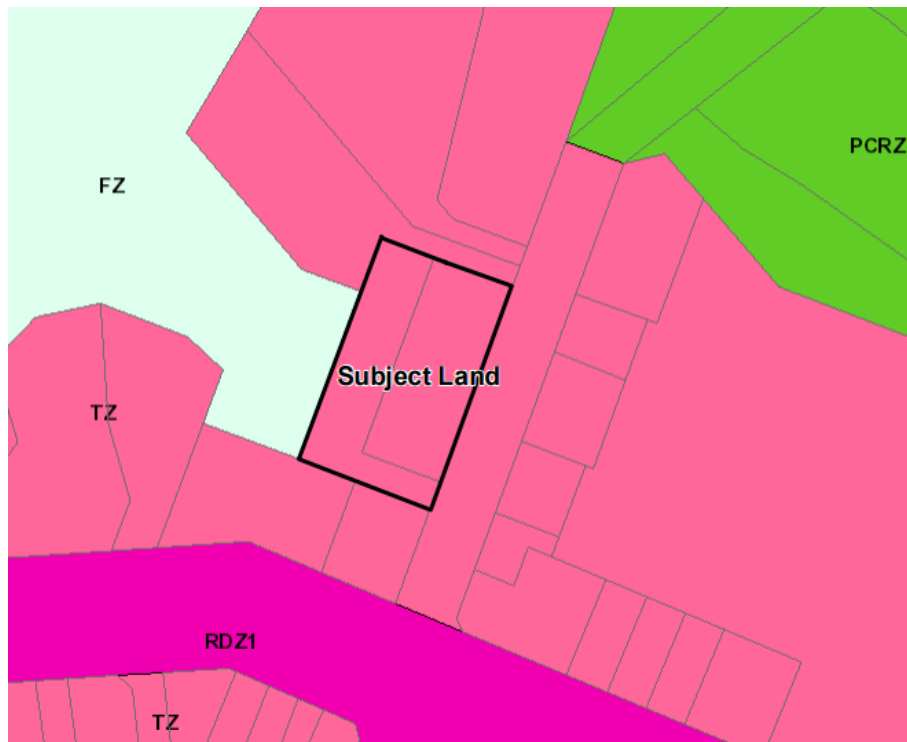


Figure 3 – Map showing the zoning of the Subject Land and surrounds.

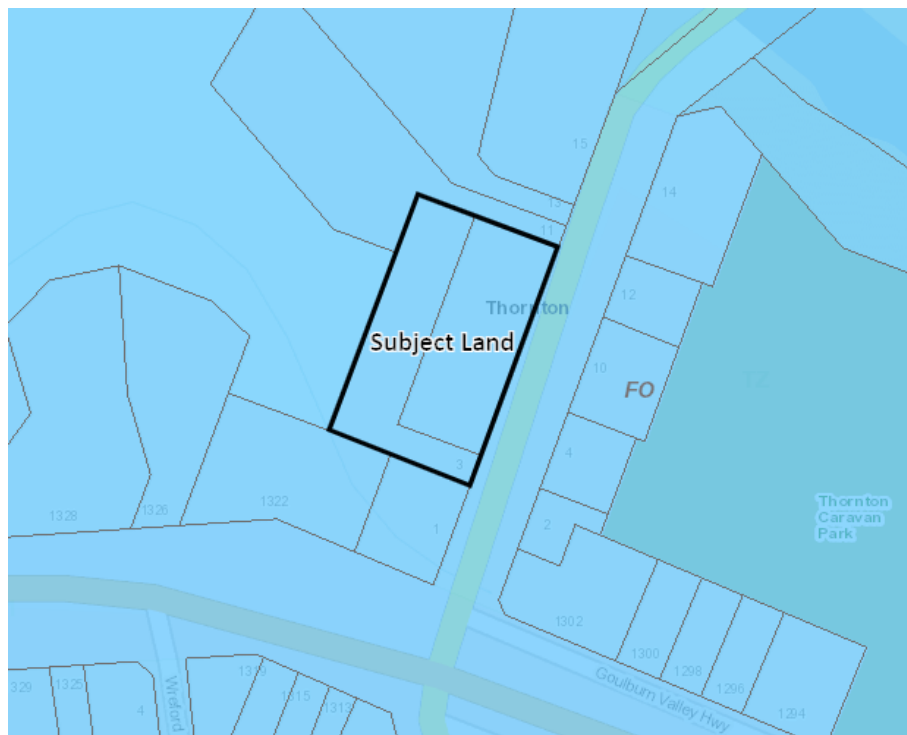


Figure 4 – Floodway Overlay.

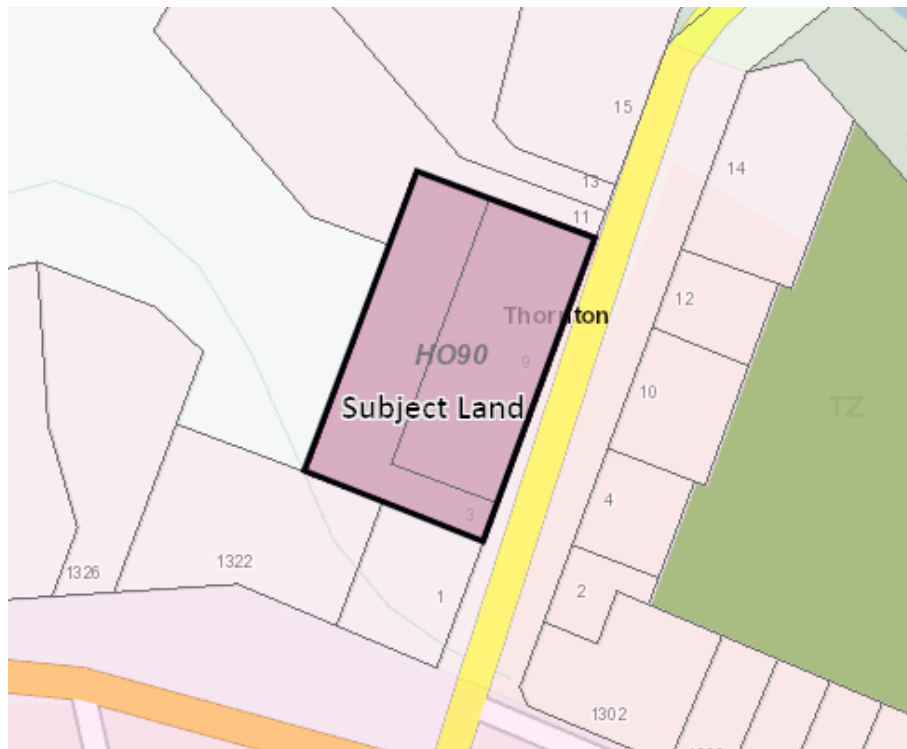


Figure 5– Heritage Overlay.



Figure 6 – Area of aboriginal cultural heritage sensitivity.

## Proposal

The proposal is for the use and development of the Subject Land for group accommodation. Six accommodation buildings are proposed; three of which will contain one bedroom, the other three buildings containing two bedrooms. Each accommodation building will have a dedicated car space.

The accommodation buildings will be located along the western boundary of the Subject Land, behind the café buildings, and accessed via the existing crossover and driveway around the grassed area.

The accommodation buildings will be for short-term accommodation only. Bookings will be taken remotely and as such, no reception building is required or proposed. Check-in and check-out times will be standard booking times, ie check-in after 2pm and check-out by 10am, unless by prior arrangement. These times will have the least impact on the breakfast and lunch trade at the café.

The accommodation buildings will be connected to the existing wastewater disposal system, which has been designed to accommodate the café use as well as the accommodation buildings.

Each accommodation building is rectangular in shape with a verandah along the entire length of one side. The buildings are simple in design, with a colourbond pitched roof, and horizontal scyon linea cladding for the walls. Each building will contain a kitchen, bathroom and living area, in addition to the bedroom/s.

Please refer to the attached:

- Site plan;
- Floor and elevation plans for the accommodation buildings;
- Land Capability Assessment prepared by Paul Williams & Associates Pty Ltd, Report No. A200505, June 2020; and
- Plan of revised irrigation areas dated 22/10/2020, prepared by Paul Williams & Associates Pty Ltd.

## Permit Triggers

The following planning permit triggers apply to this application:

- Clause 32.05 Township Zone – a permit is required to use and develop the land for group accommodation.
- Clause 43.01 Heritage Overlay – a permit is required to construct a building or construct or carry out works.
- Clause 44.03 Floodway Overlay – a permit is required to construct a building or to construct or carry out works.

## Aboriginal Cultural Heritage

In accordance with the *Aboriginal Heritage Regulations 2018*, the Subject Land is in an area of cultural heritage sensitivity, as it is located within 200 metres of the Goulburn River that flows to the north-east. The proposed use of the land, for group accommodation, is not a high impact activity under the *Aboriginal Heritage Regulations 2018*. As such, a Cultural Heritage Management Plan (**CHMP**) is not required for the proposed use.

Please refer to the attached Letter of Advice from Jem Archaeology confirming that a CHMP is not required for the proposal.

## Zoning

### Clause 32.05 Township Zone

The purpose of the Township Zone (TZ) is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for residential development and a range of commercial, industrial and other uses in small towns.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

The proposed group accommodation is consistent with the purpose of the TZ. The accommodation buildings will be located behind the café building, thereby not detracting from the character of the existing heritage buildings as they present to the street. There will be no off-site amenity impacts from the accommodation buildings or their use, and any impact on traffic movements along Back Eildon Road will be negligible. The accommodation buildings will provide a boost to the tourism industry in Thornton and the broader area, adding to the range of accommodation available in the area.

### Decision guidelines

Clause 32.05-13 Decision guidelines - a response to the relevant guidelines is provided as follows:

Guideline	Response
The protection and enhancement of the character of the town and surrounding area including the retention of vegetation.	The accommodation buildings will not detract from the character of the town, nor the character of the area surrounding the Subject Land. The majority of the vegetation on the land has been retained, particularly the mature trees towards the frontage of the land.
The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.	A recently installed effluent disposal system is of adequate size to accommodate the new accommodation buildings as well as the existing café use. The Subject Land has access to reticulated water and electricity.
In the absence of reticulated sewerage, the capability of the lot to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the <i>Environment Protection Act 1970</i> .	The Subject Land is suitable for sustainable onsite effluent disposal and an appropriate system has been installed. Please refer to the attached Land Capability Assessment prepared by Paul Williams and Associates Pty Ltd, and the plan showing the revised irrigation areas.
The design, height, setback and appearance of the proposed buildings and works including	The accommodation buildings are all single-storey buildings, with a maximum height of 3.648 metres. The six accommodation

provision for solar access.	buildings are of similar design and will not detract from the character of the area.
Provision of car and bicycle parking and loading bay facilities and landscaping.	Each accommodation building has provision for one car space adjacent to each building. The Subject Land contains existing substantial landscaping and no further landscaping is proposed.
The effect that existing uses on adjoining or nearby land may have on the proposed use.	The uses of the land that adjoins the Subject Land is predominantly residential and these uses are unlikely to have a detrimental impact on the proposed accommodation buildings.
The scale and intensity of the use and development.	The proposed group accommodation is not considered an intensive use of the Subject Land and the buildings are well back from any adjoining residential buildings.
The safety, efficiency and amenity effects of traffic to be generated by the proposal.	The scale of the proposed use is unlikely to have any significant impact on traffic. The Back Eildon Road carries a significant volume of traffic through to Eildon. All traffic associated with the group accommodation will enter and exit the Subject Land in a forward direction.

## Overlays

### Clause 43.01 Heritage Overlay

The purpose of the Heritage Overlay is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To conserve and enhance heritage places of natural or cultural significance.*
- *To conserve and enhance those elements which contribute to the significance of heritage places.*
- *To ensure that development does not adversely affect the significance of heritage places.*
- *To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.*

The HO applies to the whole of the Subject Land and is listed in the schedule to the HO as HO90 as follows:



PS map ref	Heritage place	External Paint Controls apply?	Internal Alteration Controls apply?	Tree Controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO90	Thornton State School No. 1371 9 Back Eildon Road, THORNTON Incorporated Plan: Murrindindi Shire HO Permit Exemptions 2011	No	No	Yes Mature oak	Yes Shelter Shed	No	Yes	No

The *Murrindindi Shire Stage 2 Heritage Study 2006* identified the Subject Land as having significant heritage value and as a result was included in the Heritage Overlay through Amendment C43 (Part 1) gazetted on 4 December 2014. The Thornton Primary School is of local historic, social and aesthetic significance to the Shire. The school was originally opened in 1870 as a one-roomed schoolhouse. This building was replaced in 1902 and it is this building that is still on the Subject Land. A larger school room was added to the school in 1923. An oak tree was planted in the school grounds on the 1923 Arbour Day. A shelter shed facing the schoolyard appears to have been built shortly after. The historical significance of the school is that it is one of the earliest schools that was still in use as a school up until its closure in 2013.

The significant buildings and the mature oak tree on the Subject Land are not impacted by the proposed group accommodation. The location of the accommodation buildings is such that they will not detract from the aesthetic value of the former school buildings, nor the mature trees around the site, including the mature oak. The accommodation buildings will be located to the rear of the existing heritage buildings and the height of the proposed buildings, being lower than the existing buildings, will further mitigate any potential impact on the heritage character of the existing buildings.

It is submitted that the accommodation buildings will not affect the significance of the heritage place. The siting and design of the new accommodation buildings will not overwhelm the heritage buildings, or the site as a whole, and the dominant element on the lot will continue to be the former schoolhouse, now café. The accommodation buildings will complement the heritage buildings, by replicating the iron roof and weatherboard look, with modern design and materials. Views of the heritage buildings from the street will not be interrupted by the proposed group accommodation.

The proposed group accommodation does not require any works to the existing heritage buildings.

## Decision guidelines

Clause 43.01-8 Decision guidelines - a response to the relevant guidelines is provided as follows:

Guideline	Response
The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.	The proposed group accommodation will not adversely affect the significance of the heritage place. The focal point of the site will continue to be the Schoolhouse building with the new accommodation buildings located along the rear of the Subject Land.
Any applicable statement of significance	The conservation policy for the heritage place

(whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.	focuses on the retention of the heritage buildings and significant mature oak tree. These significant features are not impacted by the proposed use.
Any applicable heritage design guideline specified in the schedule to this overlay.	There are no heritage design guidelines specified.
Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.	The siting and design of the new accommodation buildings will not overwhelm the heritage buildings, by being setback behind the heritage buildings and with the height of the accommodation buildings lower than that of the Schoolhouse. The appearance of the accommodation buildings will not adversely affect the significance of the heritage place.
Whether the location, bulk, form or appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.	The proposed group accommodation is in keeping with the character and appearance of the general area and the broader Thornton township.

#### Clause 44.03 Floodway Overlay

The purpose of the FO includes:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify waterways, major floodpaths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding.*
- *To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.*
- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*

Advice was sought from the Goulburn Broken Catchment Management Authority in relation to floodplain management. Based on this advice, all new buildings will be at least 300mm above the nominated flood height.

Please refer to the attached letter from the GBCMA and a feature survey with flood levels.

## Municipal Planning Strategy

The relevant sections of the Municipal Planning Strategy are addressed as follows:

### Clause 02.03 Strategic directions

#### **Settlement**

The established townships and settlements offer a significant opportunity to expand in locations with infrastructure and leisure facilities, where natural environment is protected and where a high level of community safety is facilitated.

Smaller townships in the municipality offer alternative lifestyle choices for residents. Council seeks to develop its established townships and settlements by supporting each township as the focus for residential and commercial needs and as the community and service hub for its surrounding area.

#### **Built environment and heritage**

The municipality has a diverse and colourful history and includes many sites and structures of heritage significance. Heritage forms an essential part of the municipality's town and rural character. Recognition and protection of significant heritage is important for the cultural integrity and character of the community.

The heritage value of the former Thornton State School has been protected through the application of the Heritage Overlay. Specifically, the main school building and a small shelter shed have been considered as significant features of the site, as well as a mature oak tree which was planted on Arbour Day in 1923.

These significant features are not impacted by the proposed group accommodation and the proposal will not detract from the character of the heritage place.

## Planning Policy Framework

The relevant sections of the Planning Policy Framework are addressed as follows:

### Clause 11 Settlement

This clause identifies that Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and services land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

The zoning of the Thornton township provides for residential development as well as commercial and other uses in this smaller town. The proposed group accommodation is close to the centre of town and will add to the range of accommodation facilities available to visitors to Thornton and the broader area.

### Clause 13.03-1S Floodplain management

This clause identifies the necessity to protect the natural flood carrying capacity of rivers, streams and floodways, to protect the flood storage function of floodplains and waterways, and to protect

floodplain areas of environmental significance or of importance to river health. This clause includes the following strategies:

- Identify land affected by flooding in planning schemes.
- Avoid intensifying the impact of flooding through inappropriately located use and development.

The proposed group accommodation will be built above the flood level and the orientation of the buildings should not hinder the movement of floodwater across the Subject Land.

### Clause 15.03-1L Heritage Conservation

This clause identifies the importance of retaining significant heritage plans where appropriate and encouraging new development that maintains and enhances the setting of heritage places and the visual relationship between heritage places and the view from the public realm.

The proposed new development is visually recessive and will not detract from the significant heritage place. The proposed development is compatible in terms of scale, siting, design and materials with the heritage place.

## General Provisions

### Clause 65 Decision Guidelines

#### Clause 65.01 Approval of an application or plan

Guideline	Assessment
The matters set out in s60 of the <i>Planning and Environment Act 1987</i> .	The proposed group accommodation is consistent with the objectives of the Scheme and satisfies the Scheme's requirements.
The Municipal Planning Strategy and the Planning Policy Framework.	The MPS and PPF have been addressed above.
The purpose of the zone, overlay or other provision.	The proposed group accommodation is consistent with the purposes of the TZ, HO and FO.
Any matter required to be considered in the zone, overlay or other provisions.	All matters have been considered and the proposed group accommodation satisfies the requirements of the zone and overlays and other provisions.
The orderly planning of the area.	The proposed group accommodation is sited to the rear of the Subject Land, behind the significant heritage buildings. The surrounding properties are residential properties and the group accommodation is in keeping with this surrounding land use.
The effect on the amenity of the area.	The proposal will not have a detrimental effect on the amenity of the area.
The proximity of the land to any public land.	The Goulburn River is located to the north of the Subject Land and will not be impacted by the proposed group accommodation.

Factors likely to cause or contribute to land degradation, salinity or reduce water quality.	An appropriate effluent disposal system has been installed on the land to accommodate the proposed development as well as the existing café.
Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.	Not applicable
The extent and character of native vegetation and the likelihood of its destruction.	No native vegetation is required to be removed for the proposed group accommodation.
Whether native vegetation is to be or can be protected, planted or allowed to regenerate.	The existing native vegetation on the Subject Land is being retained.
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.	The new accommodation buildings will be built above the flood levels for the Subject Land and the general orientation of the buildings will not impede the flow of flood water across the site.
The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.	The Subject Land has adequate room for the movement of traffic through the site. The proposed group accommodation will have a negligible impact on traffic flow through the area.

## Conclusion

The proposed group accommodation on the Subject Land is consistent with the purpose and objectives of the Scheme, namely the Municipal Planning Strategy and Planning Policy Framework, and the purpose and requirements of the Township Zone. The proposal has addressed the requirements of the Heritage Overlay and Floodway Overlay and will not have a detrimental impact on the land or the general area. We therefore respectfully request that a planning permit for the use of the Subject Land for group accommodation is issued at your earliest convenience.

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**Angelina Bell**  
**Principal Solicitor**  
**Bell Legal & Planning**

23 May 2021