



Southern Grampians
SHIRE COUNCIL

Planning Committee

Agenda

24 July 2024

To be held at 9.30 am in the
Martin J Hynes Auditorium
5 Market Place, Hamilton

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1. MEMBERSHIP

Councillors

Cr Mary-Ann Brown
Cr Fran Malone

Officers

Mr Rory Neeson, Director Wellbeing Planning and Regulation
Ms Marg Scanlon, Director Infrastructure and Sustainability

Minutes

Sharon Clutterbuck, Executive Assistant - Director Wellbeing Planning and Regulation

2. WELCOME

3. APOLOGIES

4. CONFIRMATION OF MINUTES

Minutes of the Meeting held on 20 May 2024 have been circulated.

RECOMMENDATION

That the Minutes of the Planning Committee meeting held on 20 May 2024 be confirmed as a correct record

5. DECLARATION OF INTEREST

6. MATTERS FOR DECISION

6.1 TP-01-2024 394 Hartwicks Road, Hamilton

ATTACHMENT 1 – Application Documents

ATTACHMENT 2 – Statement of Significance

ATTACHMENT 3 – Submission from Wannon Water

ATTACHMENT 4 – Guidance Notes

ATTACHMENT 5 – Aerial Plan

Summary

Planning application TP-01-2024 seeks a permit for the subdivision of land at 394 Hartwicks Road, Hamilton into two lots, excising the existing dwelling on an 8.549ha lot and leaving the remainder as a farming lot of 48.26 hectares.

A permit is required under Clause 35.07-3 (Farming Zone) to subdivide land. Lots which have an area of less than 40 hectares may be created, provided the subdivision is to create a lot for an existing dwelling and the subdivision is a two-lot proposal. The proposal meets this nominal requirement but does not advance the purpose of the Farming Zone and is therefore recommended for refusal.

A permit is also required to subdivide land in the Heritage Overlay pursuant to Clause 43.01-1. The proposed boundary traverses this heritage place (HO467) and therefore does not support the ongoing conservation, maintenance and protection of the heritage place.

The Planning Committee is the delegate for planning applications recommended for refusal.

Proposal

The application proposes a two-lot dwelling excision with Lot 1 comprising an area of 8.549ha and containing the heritage place HO467 Wattle Park (German Cottage). Lot 1 has a frontage of 724.20 to Hartwicks Road and no change is proposed to the current road access. Lot 2 is proposed with an area of 48.26ha and a frontage to Hartwicks Road of 194.2m.

The cottage and associated heritage buildings are clustered in a garden setting with mature trees and hedgerows in the northwest corner of the site. Proposed Lot 1 includes these features, as well as the wastewater treatment system of the dwelling. The dam to the east of the dwelling is also proposed to be included in Lot 1, thereby separating it from the remaining Lot 2 farmland. Water from the dam is proposed to be continually used for the irrigation of the European garden around the cottage and is supplied with a pump and underground electricity supply on the western side of the dam.

According to the Applicant's written submission (Pierrepont Planning, 2024, page 7), the area of land between the cottage (dwelling) and dam is low lying and has heavy soils which are not agriculturally productive. The land area is irrigated during summer to provide a green fire break on the eastern side of the dwelling. The land is within the Bushfire Prone Area and therefore subject to a bushfire hazard.

Lot 2 is vacant of any development save an old horse shelter setback approximately 32m from Hensley Park Road. The land has been used for sheep grazing, with the ground being sown with pasture grass and benefitting from wind buffers.

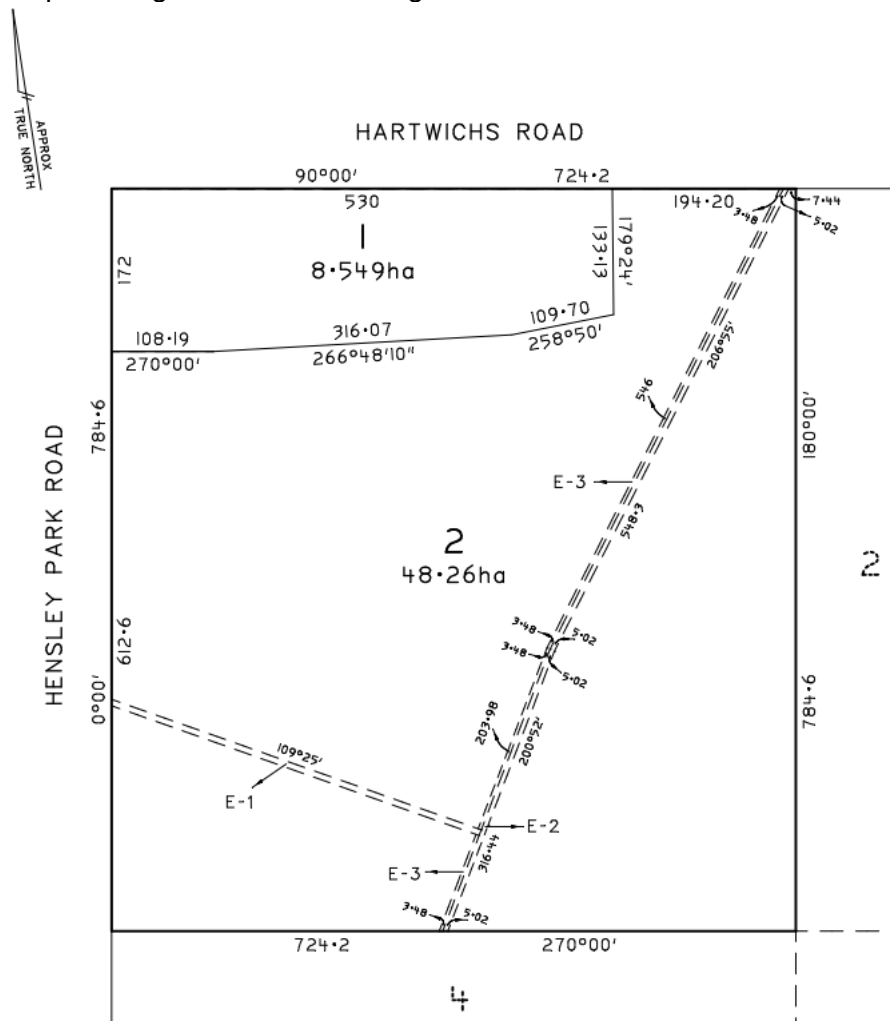


Figure 1 Proposed subdivision layout

Subject site and surrounding locality

The subject site is situated north of the Hamilton township at the corner of Hartwicks Road and Hensley Park Road. The site is known on title as Crown Allotment 1 Section 11 Parish of Hamilton North. The lot has no encumbrances other than two easements in favour of the Hamilton Waterworks Trust, as shown on the title plan.

The land has access via Hartwicks Road to the north. A dwelling (German cottage) and associated outbuildings, gardens and wastewater treatment system are located in the north-western corner of the site. The site has one dam and associated drainage lines. As per the further information provided by the applicant on 22 March 2024 (on page 48 of the Attachment 1), a disused pony stable and water tank are to be removed from the site.

The northwest corner of the site is mapped within the Heritage Overlay, as shown in pink on the map at Figure 4 below. The Heritage Place is defined as all the house, the lehmwickle bar, the timber stables, the timber barn and all of the land within 25 metres of the significant buildings. The proposed new boundary will traverse this heritage place as mapped in the Planning Scheme.

The surrounded area is used primarily for sheep grazing, with some scattered dwellings and contiguous land to the south and east being in the same ownership as the subject site.



Figure 2 Site map including contiguous land in common ownership, Pozi

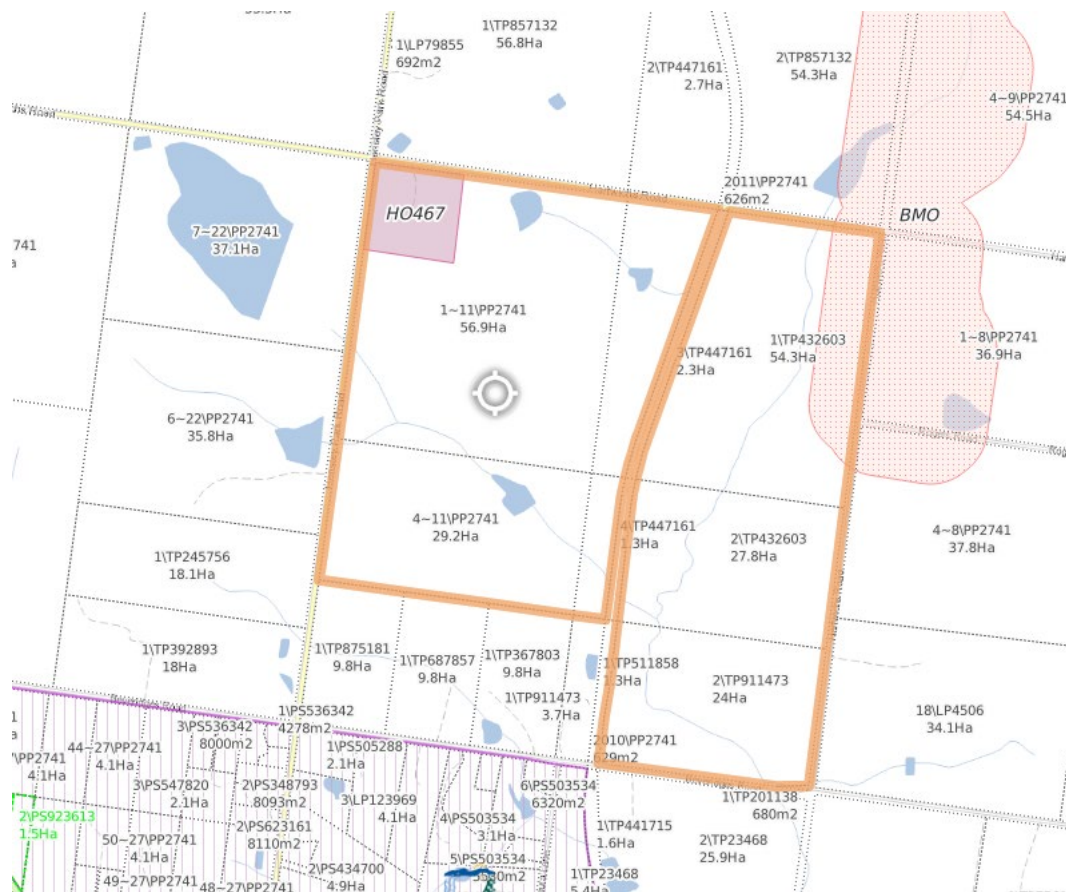


Figure 3 Site map showing planning overlays

Site history

Planning advice was given in 2020 relating to the construction of a shed which required a permit due to the shed being within a nominated setback of the Farming Zone.

The heritage place is of historical and architectural significance to the Southern Grampians Shire and is known for its ownership by the Hartwich family, with the fifth generation currently owning the land. Johann Carl Hartwich and his wife Anna Rosina, nee Raschke were German Lutheran immigrants who purchased the land in 1855 and constructed the early buildings. Johann and Anna's son Johann ('John') became known as one of the best farmers and graziers in the Hamilton District and continued to develop Wattle Park.

The current dwelling appears to be a late 19th-century structure and may not have been the original dwelling. The dwelling has been modified at various times, with the replacement of the original verandah being an evident change. The dwelling remains in good condition. A section of the original barn survives and features a traditional lehmwickle construction method. The barn was in poor condition at the time of the statement of significance (Attachment 2) being written in March 2004. The timber stables and barn are weatherboard framed and appear to date from the 1860s. These structures were, at the time of assessment, in fair condition and had only minor alterations to their original form. The established European style garden contributes to the significance and appeal of the heritage place.

Referrals

External: No referrals are required by the Planning Scheme.

Internal: The application was referred to Council's Environmental Health department. A response has not been received to date.

Public notice

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

- Sending notices to the owners and occupiers of adjoining land.
- Placing signs (two) on site facing each road abuttal, and
- SGSC Website

The notification has been carried out correctly.

Council has received no objections to date, though one submission has been received.

Land to the west of the subject site (415 Hensley Park Road) is owned and managed by Wannon Water and is used for the Hartwichs Reservoir. Notice of the application was given to Wannon Water who has written to Council (17 June 2024, Attachment 3) to say the authority has no objection to the granting of a permit. Wannon Water requests the inclusion of a condition on any permit granted, though the authority is not a referral authority. The condition requires the plan of subdivision submitted for certification to be referred to Wannon Water in accordance with Section 8 of the *Subdivision Act 1988*. This is a requirement of the Act in any case and a permit would require such a condition to be included in accordance with Clause 66.01-1 of the Planning Scheme (*Mandatory conditions for subdivision permits*).

Planning framework

- Clause 10 Planning Policy Framework
- Clause 11 Settlement
 - Clause 11.01 Victoria
 - Clause 11.03 Planning for Places
- Clause 13 Environmental Risks and Amenity
 - Clause 13.02 Bushfire
- Clause 14 Natural Resource Management
 - Clause 14.01 Agriculture
- Clause 15 Built Environment and Heritage
 - Clause 15.01 Built Environment
 - Clause 15.03 Heritage

Clause 30 Zones

- Clause 35.07 Farming Zone

A permit is required to subdivide land pursuant to Clause 35.07-3.

Each lot must be at least 40 hectares. A permit may be granted to create smaller lots if any of the following apply:

- The subdivision is to create a lot for an existing dwelling. The subdivision must be a two lot subdivision.
- The subdivision is the re-subdivision of existing lots and the number of lots is not increased.
- The subdivision is by a public authority or utility service provider to create a lot for a utility installation.

A permit cannot be granted which would allow a separate lot to be created for land containing a small second dwelling (N/A).

Clause 40 Overlays

- Clause 43.01 Heritage Overlay

A permit is required to subdivide land pursuant to Clause 43.01-1.

Clause 50 Particular Provisions:

- None apply to this provision.

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 66.01 Subdivision Referrals

The proposed subdivision does not require referral to any external agency, as per the provisions of this clause. Mandatory conditions do apply, should a permit be granted for the application.

Other Considerations

Title Restrictions: None

Aboriginal Cultural Heritage: None mapped

Bushfire Prone Area: Yes, entire site is mapped.

Summary of key issues

1. Creation of a lot less than 40 hectares in area within the Farming Zone and on land that could readily be used for farming purposes.
2. Excision of a dwelling within close proximity of farming activities and with the potential to have no connection to farm activities once the land is sold on.
3. Creation of a lot boundary within close proximity of a dam.
4. Creation of a lot boundary within close proximity of heritage buildings and which traverses HO467 as mapped in the Planning Scheme.

Assessment

The application has been assessed against the relevant planning policy and provisions of the Southern Grampians Planning Scheme.

Clause 13.02-1S requires consideration of bushfire risk to people and property due to the site being within a bushfire prone area and the land being used for Accommodation. The proposed subdivision is unlikely to have a significant impact on the bushfire safety of the dwelling, although the reduced setback to the south would mean any future landowner or resident would have less defensible space which they can manage themselves and would rely on the owner of Lot 2 maintaining the grass on the southern side of the new boundary. The landscaped garden, absence of large native trees (which can lead to ember attack) and the availability of water from the dam for fire fighting and fire preparedness offer some protection for the dwelling and therefore the proposal is considered to maintain a suitable level of mitigation for bushfire risks.

Clause 14.01-1L seeks to ensure that subdivision and the use of land for accommodation do not compromise the existing and ongoing agricultural use of land. Strategies employed to achieve this objective include –

- Discourage subdivision and accommodation that do not relate to or directly support the use of land for agriculture.
- Retain agricultural land in parcels of sufficient size that can allow viable agriculture.
- Discourage subdivision unless it is to excise an existing dwelling that is excess to the requirements of a rural use.
- Site and design dwellings to minimise impacts on agriculture.
- Provide adequate separation distances from dwellings to agriculture.
- Restructure lots to create a smaller lot for a dwelling instead of creating additional lots.

Further policy guidelines of this clause which are of relevance are the requirement for a newly created lot for an existing dwelling to have a maximum size of 2ha unless this is not practical, a greater area is required for a dam for domestic purposes and/or the land is demonstrably to be used for agricultural purposes. Any lot created for an existing dwelling must also be habitable, compliant with the Building Code of Australia. In response to this guidance, it is noted that the proposed lot for the existing dwelling exceeds 2ha, having an area of 8.549ha, and is designed to include the cluster of buildings, on-site wastewater treatment infrastructure and the large dam which is used for irrigating the garden surrounding the dwelling. The dwelling, too, is in a habitable condition as determined by Council's assessing planner upon inspection on 12 February 2024 and therefore these preliminary expectations are met.

With regard to the purpose and strategies of Clause 14.01-1L and the purposes and decision guidelines of the Farming Zone (Clause 35.07) and Heritage Overlay (Clause 43.01), the application does not demonstrate the proposed dwelling excision is appropriate for the site. As discussed in the assessment below, the application does not meet the key objectives and is not considered to be orderly planning as required by Clause 65 Decision Guidelines.

The subject site has been used by a grazier family for several generations and the dwelling on-site is still owned and inhabited by members of that family. The application does not demonstrate that the dwelling is surplus to the needs of the farm, and the proposed Lot 1 will result in a small, eight-hectare lot being created that has no association with farmland or farming activities.

Aerial photographs of the locality indicate adjoining land owned by the family have dwellings and other buildings, however should the land be excised and sold-on, Lot 1 could be purchased and inhabited by residents with no association to the surrounding farmland. Such an arrangement has the potential to lead to land use conflicts and environmental impacts, such as spray drift, mechanical noise and animal noise and odour from farming operations so close. The proposed southern boundary for Lot 1 encircles the southern-most hedgerow but provides no meaningful buffer for the dwelling from current or future farm activities to the south.

A further consequence of house lot excisions is the unintended impact to land values. In considering subdivision proposals, Clause 14.01-1S requires the responsible authority to consider the impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production. The creation of small residential lots in non-residential areas alters the value of surrounding land and gradually transforms the rural character and viability of the farming zone. Small residential lots attract investment, such as the installation of telecommunications connections, rubbish collection and other utilities and services, thereby increasing the value of the land, enticing non-farmer

settlement and manipulating neighbouring land prices. Farmland prices increase, making the market increasingly difficult for new farmers to find affordable land. Additionally, the presence of scattered dwellings, particularly on small lots, sets a precedent and example for neighbouring landowners to construct dwellings, further fragmenting farmland and taking it permanently away from primary production. Gradually the landscape is transformed and the ability for Council to uphold and ability for farmers to benefit from the purpose of the Farming Zone becomes increasingly difficult.

Another land use concern is the proposed separation of the dam in the northeastern part of the site from the remaining land on Lot 2. The dam is of a substantial size and can be used, if not already, for irrigation of the land to support grazing and alternative farm activities (such as horticulture or the production of hay, pasture grass or other supplementary food). Currently, the dam is used to support the European style garden around the dwelling. It is acknowledged that the garden forms an important component of the heritage place and should be maintained, however the capacity of the dam should be sufficient to support the garden, bushfire prevention and farm needs of the land forming the subject site.

Another concern with the proposed subdivision layout is the proposed boundary skims the southern edge of the dam and appropriate setbacks have not been provided to ensure the dam can be easily repaired, maintained and drained by the landowner. The State of Victoria Department of Environment, Land, Water and Planning *Guidance Note on Setbacks near Dams* 2022 document (Attachment 4) provides hydrological and geotechnical advice on dams and sets out setbacks for dams based on the size and design of dams, applying to dams with an embankment height of between 0.5m and 15m and sloping land downstream of dams of up to 10 degrees. Under this guidance note, a setback of up to 30 metres could be required. The applicant's marked up aerial photo (Attachment 5) indicates the boundary proposed will touch the southern embankment of the dam and therefore no setback is provided at all. No guarantee can be given that Lots 1 and 2 would be owned by the same person/s in perpetuity and therefore ongoing maintenance and repair of the dam may not be easily conducted without neighbourly issues. The proposal presents various safety and practical risks and therefore is not satisfactory.

A further concern with the proposed subdivision layout is the alignment of the proposed boundary which traverses the Heritage Place mapped in the Planning Scheme. Lot 1 would, as shown on the plans and marked up aerial photograph, include the buildings and garden but provides no buffer to ensure the land can be easily protected and maintained. Splitting the area of the overlay across two lots which can be sold to different owners will likely cause confusion for maintenance and future planning applications and is not orderly planning. Should a permit be granted for the dwelling excision, the southern boundary should be realigned to ensure the whole HO467 overlay area is located in a single lot to provide a better buffer and clear ownership obligations.

The proposed boundary does ensure the current wastewater system for the dwelling is included within the lot boundaries of the dwelling lot and is provided with a 20m setback for ease of maintenance. The marked up aerial photo shows the approximate location of the septic tank and pipeline, east of the dwelling. Whilst advice has not been given by Council's Environmental Health officer, the 8.549ha would be capable of accommodating an upgraded wastewater treatment system which will be required to bring the site up to compliance.

Conclusion

The proposed subdivision presents two new lots, one which would contain the existing historical residence and its associated buildings, garden, Hartwich Road access and dam, the other containing grazing land with two road frontages for new access. The northwest corner of the site is subject to the Heritage Overlay which covers the German cottage, stables and barns, as well as a well-kept European garden. Key concerns resulting from the creation of a small 8.5ha lot in an established farming zone include land use conflicts which may lead to

environmental and human harm, alteration of land values and permanent loss of viable agricultural land, including that on proposed Lot 2 due to necessary setbacks for the heritage place, on-site wastewater treatment infrastructure and dam. The proposed lot boundary traverses the Heritage Overlay, as mapped in the Planning Scheme, and provides little buffer for the ongoing protection and maintenance of the heritage place. Likewise, the subdivision provides no setback to the southern end of the dam and will result in future difficulties for the management and repair of the dam. The proposed subdivision is not supported by Council's assessing planning officer and therefore recommended for Refusal by the Planning Committee, delegate of the Responsible Authority.

Recommendation

That Council, having given notice of planning application TP-01-2024 under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Act*, resolves to Refuse to Grant a Permit under the provisions of Clauses 35.07 and 43.01 of the Southern Grampians Planning Scheme in respect of the land known and described as 394 Hartwicks Road, Hamilton, Crown Allotment 1 Section 11 Parish of Hamilton North for the subdivision of land into two lots for a dwelling excision with the application dated 21 December 2023, subject to the following grounds of refusal:

1. The application is inconsistent with the purpose and outcomes sought by Clause 14.01-1S, Clause 14.01-1L and Clause 35.07 as it proposes a house lot excision that is not demonstrably necessary and which is likely to negatively impact primary production, land values and orderly use of the land within a Farming Zone.
2. The application is inconsistent with the purpose and outcomes sought by Clause 15.03-1S, Clause 15.03-1L and Clause 43.01 as it does not promote the ongoing protection and maintenance of a Heritage Place.

6.2 TP-101-2023 24 Griffin Street, Hamilton

ATTACHMENT 1 – Application Documents

ATTACHMENT 2 – Referral Response – Heritage

ATTACHMENT 3 – Statement of Significance

ATTACHMENT 4 – The Burra Charter

ATTACHMENT 5 – Applicant Heritage Submission

Executive summary

Planning Application TP-101-2023 seeks a permit for the demolition of the heritage dwelling and associated sheds and garage on the land at 24 Griffin Street, Hamilton and construction of a replacement dwelling, together with garage and carport.

The land is located within the Neighbourhood Residential Zone and subject to the Heritage Overlay (HO), heritage place HO347 Church Hill Precinct Hamilton. A permit is required under Clause 43.01-1 (HO) for demolition of buildings, construction of buildings and the carrying out of works.

The application is recommended for Refusal on grounds of the demolition of the existing dwelling being inconsistent with the purpose of the Heritage Overlay and a poor planning outcome within a heritage precinct. The Planning Committee is delegated to determine an application where refusal to grant a permit is recommended by the planning officer.

Proposal

The application proposes the demolition of the existing early-20th-century dwelling and construction of a new dwelling in its position. Associated buildings and works, including a carport, garage, driveway, retaining wall and fences and tree removal are also proposed.

The existing single storey dwelling and its associated outbuildings, comprising two sheds and a large garage, are proposed to be demolished.

A total of fourteen tree and shrubs are proposed to be removed from the site, according to the submitted plans. Tree controls apply to the property under the Heritage Overlay Schedule 347. The proposed dwelling occupies a larger area than the existing dwelling and has a single storey form. A front setback of 5.67m is provided and a rear setback of 21.5m. The dwelling is setback 4.0m from the south-western boundary to accommodate a driveway and the proposed carport and a 3.02m setback to the north-western side boundary. The carport and garage are both setback 200mm from the side boundary and the garage setback 1.0m from the rear boundary. The dwelling has an alfresco to the rear and a landscaped garden with retaining walls and aggi drains for drainage. A new timber picket fence is proposed at the front boundary, with a gate and path providing pedestrian access. The existing vehicle crossing is to be retained.

Subject Site

The subject site is known as Crown Allotment 6 Section 16B Township of Hamilton Parish of Hamilton North. The lot has a rectangular shape oriented to the northwest and fronting Griffin Street. The lot has an area of 910.63 square metres.

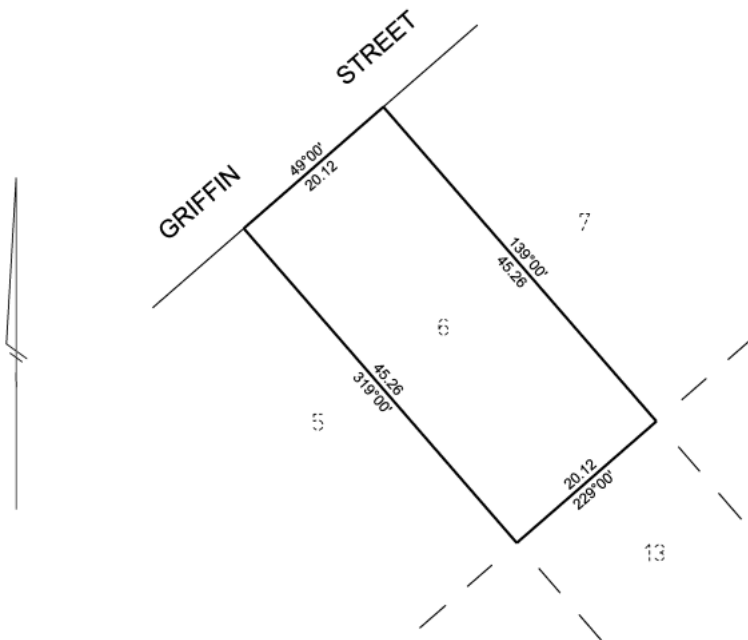


Figure 4 Title Plan

The site is developed with an early 20th-century dwelling with weatherboard cladding, tiled roof and a complex roof room. An open metal fence is erected along the street boundary and is a cream-white colour which coordinates with the white colour of the dwelling cladding. The site also has two sheds to the rear and an established garden.

The site is located southwest of the St Andrews Presbyterian church complex at the corner of McIntyre and Griffin Streets and is one of six residential lots on the south-western side of Griffin Street which feature heritage dwellings.

Council's planner viewed the site from Griffin Street on 12 February 2024. The photo below was taken on that occasion.



Figure 5 Site photograph taken from Griffin Street 12 February 2024

Site history

Church Hill is known for its two towering church buildings, being the Christ Church Co Cathedral and St Andrew's Presbyterian Church, and prestigious residences. This precinct, as the name suggests, is elevated on a hill and is prominent from the surrounding area. Avenue tree planting, cottage gardens hedges and ornate fences also characterise the area and provide on-site and street amenity.

The subject site has remained relatively unaltered as far as Council's planning records show, with no recent planning applications or permits being found on file and no obvious additions being made to the site in recent years.

Public notice

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

- Sending notices to the owners and occupiers of adjoining land,
- Placing one sign on site facing Griffin Street,
- SGSC Website.

The notification has been carried out correctly.

No objections have been received.

Referrals

External: No referrals are required by the Planning Scheme.

Internal: The application was referred to Council's Heritage Advisor who responded on 13 June 2024. The response has been included as Attachment 2 and is summarised as follows:

- The proposed dwelling is slightly larger than the existing dwelling and a modest dwelling designed in accordance with six points of advice provided previously.
- The demolition of the existing dwelling is not supported.

- The existing dwelling is reasonably intact and could be reasonably adapted to increase its liveability and improve energy ratings.
- The Heritage Overlay has been applied to ensure that the temptation to expediently replace dwellings which require maintenance and upgrades does not decimate the heritage character of our historic built environment.

Planning framework

Clause 10 Planning Policy Framework

- Clause 10 Planning Policy Framework
- Clause 11 Settlement
 - Clause 11.01 Victoria
 - Clause 11.01-1S Settlement
 - Clause 11.01-1R Settlement – Great South Coast
 - Clause 11.03 Planning for Places
 - Clause 11.03-1S Activity centres
 - Clause 11.03-6S Regional and local places
 - Clause 11.03-6L Hamilton
- Clause 15 Built Environment and Heritage
 - Clause 15.01 Built Environment
 - Clause 15.03 Heritage
- Clause 16 Housing
 - Clause 16.01 Residential Development

Clause 20 Local Planning Policy Framework

Planning Scheme Amendment C59sgra was gazetted on 16 July 2020. PSAC59 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.

Clause 30 Zone

Clause 32.09 Neighbourhood Residential Zone

Pursuant to Clause 32.09-5, a permit is required to construct or extend one dwelling on a lot less than 300 square metres. As the lot is greater than 300sqm and there is only one dwelling on the lot, a permit is not required for the proposed dwelling extension.

Clause 40 Overlays

Clause 43.01 Heritage Overlay

Pursuant to Clause 43.01-1, a permit is required to:

- Demolish or remove a building,
- Construct a building or construct or carry out works,
- Remove trees where tree controls apply.

Clause 43.01-8 sets out decision guidelines to be considered.

Clause 50 Particular Provisions

No Particular Provisions apply.

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.

Other Considerations

Title Restrictions: None

Aboriginal Cultural Heritage: None

Bushfire Prone Area: Not applicable

Summary of key issues

1. Demolition of an intact heritage building for the purpose of redevelopment of the land.
2. Construction of a new building in a heritage precinct.

Assessment

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.

Clause 15.03-1S seeks to ensure the conservation of places of heritage significance. Significant sites are included in the planning scheme for the purpose of protection, maintenance and enhancement. As articulated in the opening page of 'The Burra Charter', The Australia ICOMOS Charter for Places of Cultural Significance, 2023, "places of cultural significance enrich people's lives, often providing deep and inspirational sense of connection to community and landscape, to the past and to lived experiences". Buildings and other places of historical significance, such as the churches and residences within the Church Hill Precinct, are historical records and provide us a standing monument of Hamilton's past and continue to provide beauty and a sense of belonging for the township. These buildings are irreplaceable and therefore any proposed demolition of buildings and other contributory features must be weighed up carefully.

The Church Hill precinct has regional significance, as detailed in the Statement of Significance (Attachment 3 provided), and the residences in the precinct were constructed primarily for leading business and professional men and required squatters. The dwellings have been continuously surrounded and enhanced by planted trees and gardens, including strategic street tree planting. Griffin Street is in an older part of the precinct and Hamilton township and features bluestone cobble gutters and grass nature strips. The precinct reminds us of days past, of prominent townsmen and pastoralists and graziers of the Western District in Victoria.

The residence at 24 Griffin Street is one of six dwellings on the south-eastern side of Griffin Street from the corner of McIntyre Street that are mapped within the Heritage Overlay and is located in the middle of that row of properties. As such, the dwelling cannot easily be discarded without leaving a noticeable gap in the streetscape. Furthermore, the dwelling, which is an intact early 20th-century free-standing house significant to the precinct and, according to Council's heritage advisor, "makes a strong contribution to the heritage character of the place". The Heritage Overlay has been applied to prevent replacement of this and other significant dwellings in the precinct.

The dwelling has been modified previously to have a metal tiled roof and enclosed front verandah but is otherwise reasonably intact and maintains its historical integrity. The building could be carefully adapted to improve internal amenity and energy ratings rather than replaced altogether and thereby maintain its place in the precinct whilst being liveable for residents. Council's heritage advisor and assessing planning officer are of the opinion such a

modification would be a much better outcome for the heritage place. This opinion is reflective of the Burra Charter which, as articulated on page one, “advocates a cautious approach to change: do as much as necessary to care for the place and to make it useable, but otherwise change it as little as possible so that its cultural significance is retained”.

The overall development cost estimated by the applicant is \$500,000, for both the demolition and redevelopment and it is anticipated that the retention and adaptation of the dwelling, as an alternative approach to replacing the dwelling entirely, should not be cost-prohibitive for the landowner/s.

The proposed demolition will diminish the heritage place rather than maintain and enhance it and therefore is not supported by heritage principles and planning policy.

Tree removal:

Limited detail has been provided around the age, species and health of trees to be removed, however from the street view of the site it appears the trees are of good condition and contribute to the garden setting of the subject site and its surrounding landscape. The applicant has provided photos of trees and other vegetation on the Demolition Site Plan (Shape Building Design, no date). Though the trees to be removed appear well established, some are small species which do not significantly add to the garden character of the street. At a minimum, the two trees shown on the plan which are immediately in front of the dwelling should be retained as they provide mature greenery and appear healthy.

Development:

The proposed development, which comprises a new single storey dwelling, garage and carport, would be a sensitive addition to the site and heritage precinct were the existing dwelling not worthy of retention. The proposed dwelling is of a modern design but evidently inspired by the surrounding characteristics of the heritage place with the inclusion of a steeply pitched hip roof and horizontal cladding to match the existing dwelling’s cladding. A front verandah with timber posts and gable roof also reflects the early-20th-century dwelling entryway of the existing and surrounding dwellings.

The proposed carport, to the south-western side of the dwelling, has a roof extension from the dwelling to tie in with the dwelling and provides a practical parking space for residents. The garage to the rear would provide further covered parking and storage space for residents and is setback from the street sufficiently to reduce its impact to the streetscape.

The erection of a timber fence to the north-eastern side of the dwelling facing the street is not supported the fence will obstruct the side view of the dwelling and reduce the ability of the site to contribute to the garden character of the street by having a visible side garden.

Indigenous flora is included in landscape plan and is supported.

Overall, the proposed development is considered to be appropriate for the Church Hill Precinct, being of a sympathetic design and a similar scale to neighbouring dwellings. Should a permit be granted for the demolition of the existing dwelling and construction of a replacement dwelling, a condition of the permit should require the establishment of a side garden and omission of the side front fence, or a minimum setback for the fence to ensure a side garden is established which can be viewed from the street.

Conclusion

The proposal includes two components, the demolition of the existing buildings on the subject site, including a heritage-protected early-20th-century dwelling which contributes to the Church Hill precinct, and the construction of a replacement dwelling and outbuildings to provide a new residence. The proposed development in itself is acceptable in a heritage place, however the loss of the existing heritage dwelling would diminish the heritage place rather than maintain and enhance it.

Church Hill is regionally significant for its architectural and social history, such as the two churches, and its prestigious and largely-intact early-20th century and inter-war residences with their gardens and established street tree planting. The demolition of the dwelling from the site would create a noticeable impact on the street character, particularly as the dwelling is situated centre of a row of heritage houses and so close to St Andrew's Presbyterian Church. The proposed dwelling and associated buildings and works, though well-designed and appropriate for the site in of themselves, cannot be supported as it relies on the destruction of the existing heritage-protected dwelling. Heritage places are irreplaceable and are a living record of times and people past. For the Southern Grampians Shire, Church Hill Precinct is a reminder of prominent businessmen, graziers and squatters in Hamilton's early history. It is recommended that the application be refused as it is inconsistent with planning and heritage principles, guided by the Burra Charter and explicitly managed by the Southern Grampians Planning Scheme, which seek to protect places of historical importance.

RECOMMENDATION

Refusal

That Council, having given notice of planning application TP-101-2023 under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Act*, resolves to Refuse to Grant a Planning Permit under the provisions of Clause 43.01 of the Southern Grampians Planning Scheme in respect of the land known and described as 24 Griffin Street, Hamilton, for Demolition and Buildings and Works subject to the following grounds:

Grounds of Refusal

1. The proposed demolition of the dwelling is inconsistent with the purpose of Clause 15.03 and Clause 43.01 of the Southern Grampians Planning Scheme which seek to conserve, maintain and enhance places of heritage significance.

7. NEXT MEETING

28 August 2024

8. CLOSE OF MEETING



Planning Enquiries
Phone: (03) 5573 0444
Web:
www.sthgrampians.vic.gov.au

Office Use Only

VicSmart:

No

Specify class of VicSmart application:

Application No:

Date Lodged: 27/11/2023

Application for Planning Permit

If you need help to complete this form, read [How to complete the Application for Planning Permit 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 (*) are mandatory and must be completed.



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

Application type

Is this a VicSmart Application?*

No

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?

If 'yes', with whom?:

Date:

day / month / year

The Land

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

Street Address*

Unit No:

St. No: 394

St. Name: Hartwicks Road

Suburb/Locality: Hamilton

Postcode: 3300

Formal Land Description*

Complete either A or B



This information can be found on the certificate of title.

A

Lot No:



Lodged Plan



Title Plan



Plan of Subdivision

No:

OR

B

Crown Allotment No: 1

Section No: 11

Parish/Township Name: Hamilton North

If this application relates to more than one address, please attach details.

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.

- ① For what use, development or other matter do you require a permit?*

Dwelling Excision (Two Lot Subdivision)



Provide additional information on 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.

- ① Estimated cost of development for which the permit is required*

Cost \$0.00



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

Insert '0' if no development is proposed (eg. change of use, subdivision, removal of covenant, liquor licence)

Existing Conditions ①

Describe how the land is used and developed now*

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

The land is used and developed with a dwelling in association with the use of land for agricultural purposes.



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

Title Information ①

Encumbrances on title*

If you need help about the title, read: [How to complete the Application for Planning Permit form](#)

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' eg restrictive covenants.)

Applicant and Owner Details ①

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

Applicant *

The person who wants the permit

Name:		
Title:	First Name: Andrew	Surname: Lacey
Organisation (if applicable): Pierrepoint Planning		
Postal Address		If it is a PO Box, enter the details here:
Unit No:	St. No:	St. Name: PO Box 5003
Suburb/Locality: Tarrington		State: VIC
		Postcode: 3301

Owner *

The person or organisation who owns the land

Name:		
Title: Mr	First Name: Timothy	Surname: Hartwick
Organisation (if applicable):		

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

Postal Address		If it is a PO Box, enter the details here:	
Unit No.:	St. No.: 394	St. Name: Hartwicks Road	
Suburb/Locality: Hamilton		State: Vic	Postcode: 3300
Owner's Signature (optional):		Date:	
		day / month / year	

Information Requirements

Is the required information provided?

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

- ☐ 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:
Electronically Signed.



Date: 27 November 2023

day / month / year

This application has been lodged online. The declaration has been electronically signed.

Checklist ⓘ

Have you:

<input type="checkbox"/>	Filled in the form completely?	 Most applications require a fee to be paid. Contact Council to determine the appropriate fee.
<input type="checkbox"/>	Paid or included the application fee?	
	Provided all necessary supporting information and document?	
<input type="checkbox"/>	A full and current copy of the information for each individual parcel of land forming the subject site.	
<input type="checkbox"/>	A plan of existing conditions.	
<input type="checkbox"/>	Plans showing the layout and details of the proposal.	
<input type="checkbox"/>	Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.	
<input type="checkbox"/>	If required, a description of the likely effect of the proposal (eg traffic, noise, environmental impacts).	

Lodgement ⓘ

Lodge the completed and signed form and all documents with:

Southern Grampians Shire Council
111 Brown St, Hamilton VIC 3300
Telephone: (03) 5573 0444

Contact information:

Telephone: (03) 5573 0444
Email: council@sthgrampians.vic.gov.au

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

Page 1 of 1

VOLUME 09239 FOLIO 509

Security no : 124110748285H
Produced 23/11/2023 06:49 PM

LAND DESCRIPTION

Crown Allotment 1 Section 11 Parish of Hamilton North.
PARENT TITLE Volume 06101 Folio 103
Created by instrument G772131 02/09/1977

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
TIMOTHY DAVID HARTWICH of HAMILTON
G772131 02/09/1977

ENCUMBRANCES, CAVEATS AND NOTICES

For details of any other encumbrances see the plan or imaged folio set out
under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP265261C FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

DOCUMENT END

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

Page 1 of 1

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DIAGRAM LOCATION

SEE TP265261C FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

DOCUMENT END

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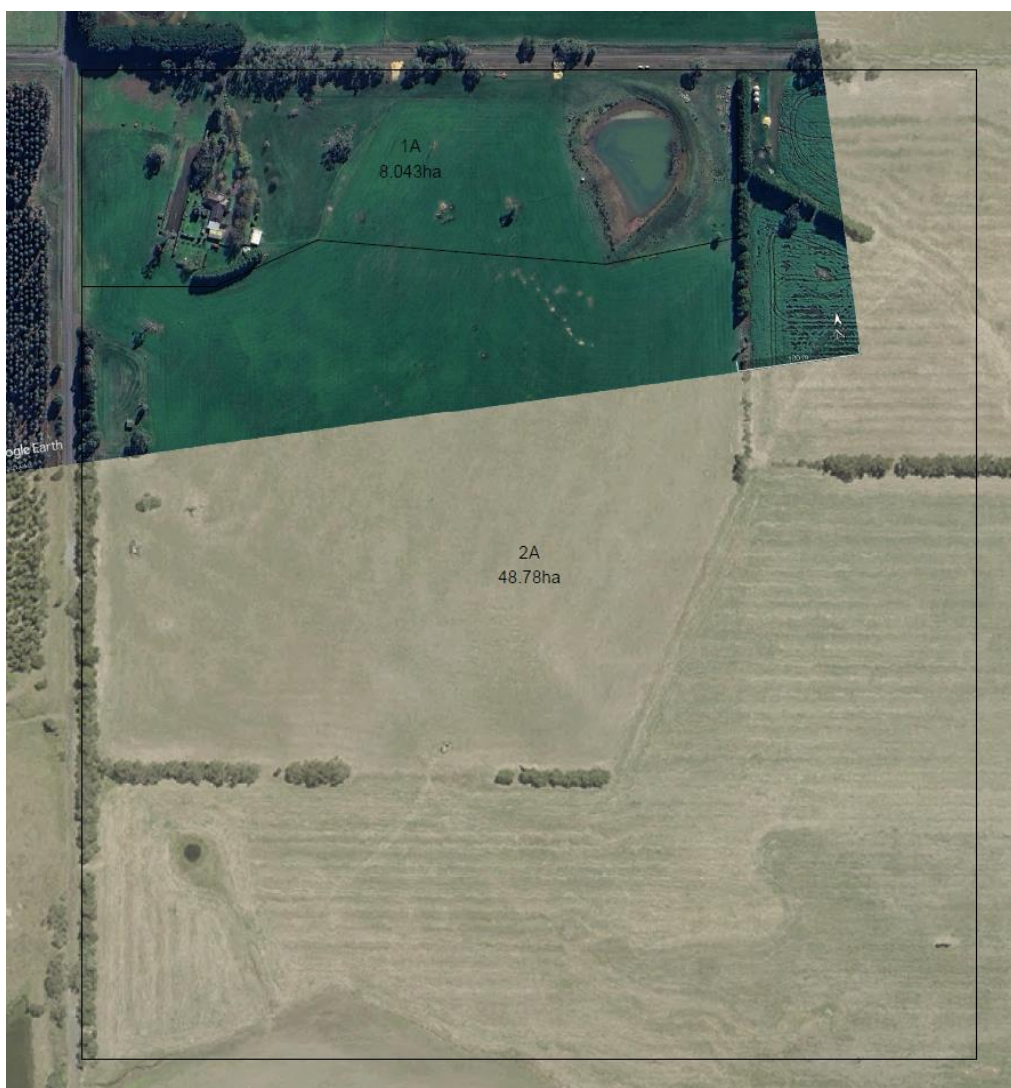
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TITLE PLAN		EDITION 1	TP 265261C
Location of Land Parish: HAMILTON NORTH Township: Section: 11 Crown Allotment: 1 Crown Portion: Last Plan Reference: Derived From: VOL 9239 FOL 509 Depth Limitation: NIL		Notations ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN	
Description of Land / Easement Information <div> ENCUMBRANCES REFERRED TO As to the land coloured blue - - - - - THE EASEMENT created in favour of the -- Hamilton Waterworks Trust by Grant dated the 7th May 1901 from Johann Diengott -- Hartwich to the said Trust registered -- Book 413 No.7 - - - - - As to the land coloured green - - - - - THE EASEMENT to Hamilton Waterworks -- Trust created by Instrument B325998 - - - </div> <div> E-1 = EASEMENT TO HAMILTON WATER BOARD CREATED BY C/E P592945K SEE SHEET 2 FOR FURTHER EASEMENT DETAILS COLOUR CODE BL = BLUE G = GREEN </div>			THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 10/01/2000 VERIFIED: BH
LENGTHS ARE IN METRES		Metres = 0.3048 x Feet Metres = 0.201168 x Links	Sheet 1 of 2 sheets

**PLANNING REPORT
2 LOT SUBDIVISION (DWELLING EXCISION)
394 HARTWICHS ROAD HAMILTON**



December 2023

Prepared by:

ANDREW LACEY
B.App. Sci (Planning) Grad. Dip. U & R Planning
MPIA
A.B.N. 89 811 694 075
PPP Ref 2023/037

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Appendices

APPENDIX A – CERTIFICATE OF TITLE

APPENDIX B – PROPOSED PLAN OF SUBDIVISION

APPENDIX C – SITE AND CONTEXT PHOTOGRAPHS

1 Introduction

This planning report has been prepared to accompany a planning application for the two (2) Lot subdivision (dwelling excision) of land known as 394 Hartwicks Road Hamilton.

It is proposed to excise a small lot for an existing dwelling having an area of 8.043 hectares and to create a balance allotment having an area of 48.78 hectares.

The application site is part of a broader landholding, having an overall area of 192 hectares, which is used for agricultural purposes.

The dwelling proposed to be excised is one of two dwellings located on the overall family property.

The application is made pursuant to Clause 35.07-3 of the Southern Grampians Planning Scheme, which provides the ability to create a smaller lot than specified by the Farming Zone if the subdivision is to create a lot for an existing dwelling. The subdivision must be a two (2) lot subdivision.

The application has regard to planning policy, and particularly Clause 14.01-1L small lot subdivisions.

2 Description of the Land

The land is contained within Certificate of Title Volume 09467 Folio 873.

The application site is described as Crown Allotment 1 Section 11 Parish of Hamilton North

The application site has an area of overall area of 56.82 hectares.

The application site is a rectangular configuration.

The northern boundary of the application site has a frontage to Hartwicks Road of 724.2 metres. The western boundary of the application site has an abuttal to Hensley Park Road of 784.56 metres.

The application site accommodates two (2) easements in favour of the Hamilton Water Board (i.e. Wannon Water).

A copy of the title plan follows:

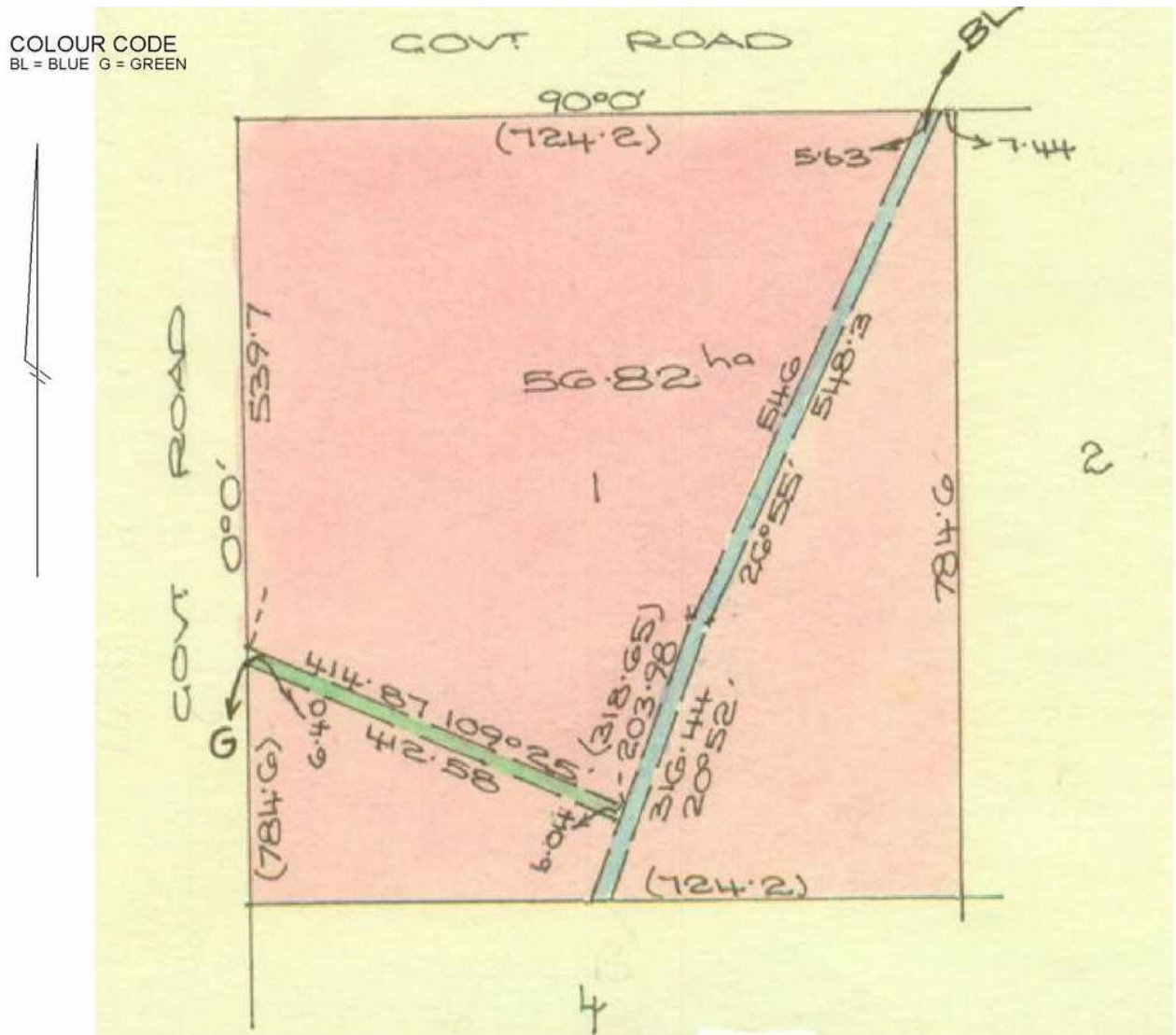


Figure 1 – LP140005

A copy of the Certificate of Title is attached. Refer to **Appendix A**.

3 The Proposal

The application seeks to subdivide the application site into two (2) lots.

It is proposed to create a small allotment to accommodate an existing dwelling and associated outbuildings, and to create a large balance allotment which will continue to be used for sustainable agricultural purposes in association with the Hartwich family agricultural enterprise.

An extract of the proposed plan of subdivision follows:

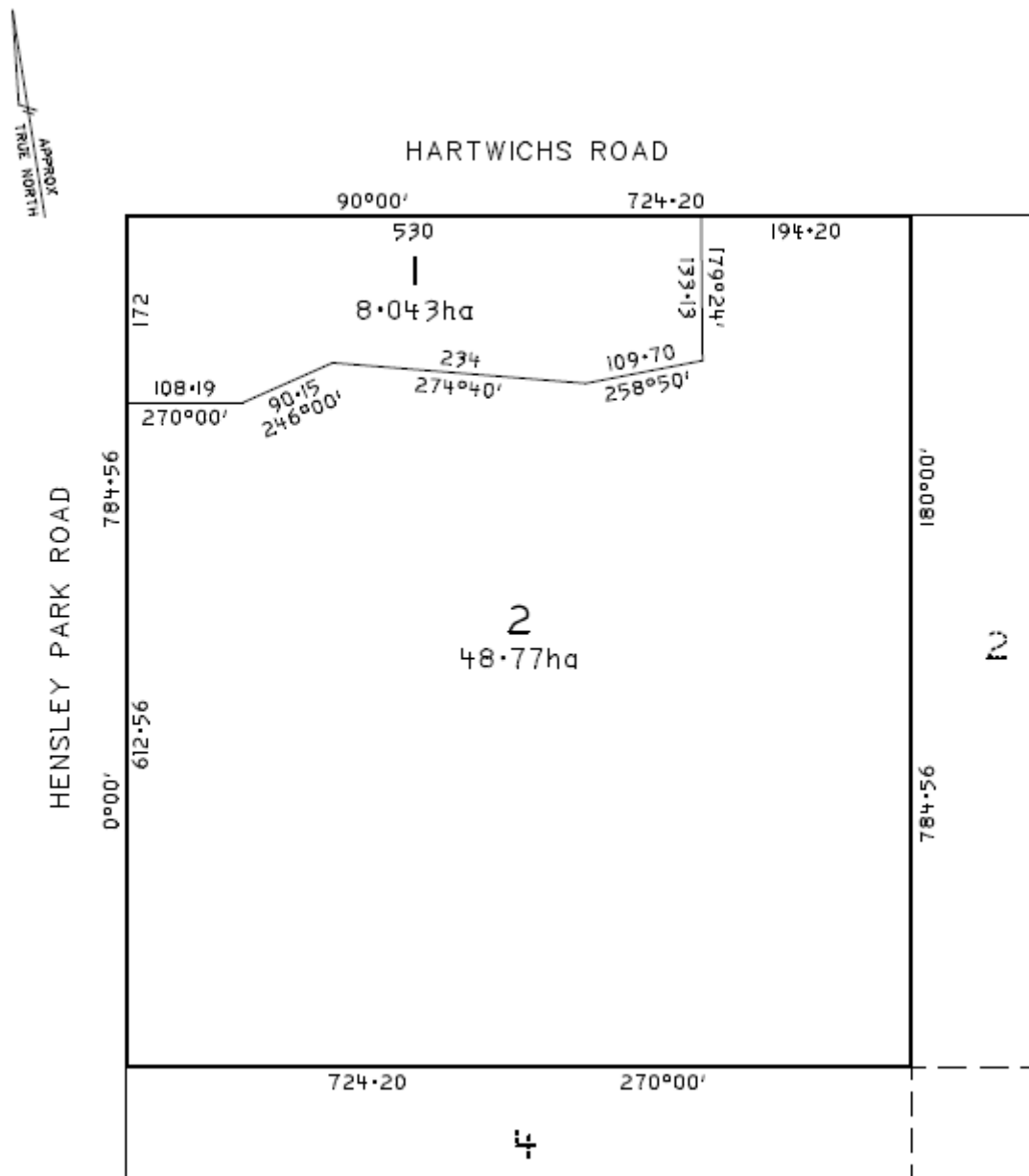


Figure 2: Proposed Plan of Subdivision

The Proposed Plan of Subdivision is attached. Refer to **Appendix B**.

The proposed Plan of Subdivision overlaid on an aerial of the application site follows:



Figure 3: Proposed Plan of Subdivision overlaid on an Aerial photograph of the Application Site

Proposed Lot 1

Proposed Lot 1 has an area of 8.043 hectares.

Proposed Lot 1 accommodates an existing dwelling and domestic outbuildings.

Vehicle access to the existing dwelling is gained from Hartwicks Road

Proposed Lot 1 also incorporates an existing dam, which is located approximately 265 metres east of the garden associated existing dwelling. Water sourced from the dam is used to irrigate the extensive European garden associated with the existing dwelling.

Reticulated overhead electricity supply, to service the existing dwelling, connects to a power pole and transformer located centrally within proposed Lot 1.

The power pole is setback approximately 57 metres from Hartwich Road and is located midway between the existing dwelling and the existing dam.

The dwelling is serviced with electricity via an underground power supply from the power pole and transformer described above. A water pump (for irrigating the garden associated with the existing dwelling) is located on the western side of the dam is also supplied with underground electricity.

That part of proposed Lot 1 between the western side of the dam and the existing dwelling is low lying and has heavy soils which are not considered to be agriculturally productive. This part of proposed Lot 1 is also irrigated during summer months to provide a green fire break on eastern side of the dwelling.

A series of site and context photographs are attached. Refer to **Appendix C**.

Proposed Lot 2

Proposed Lot 2 has an area of 48.78 hectares.

Proposed Lot 2 does not accommodate any buildings, except for a small horse stable located on the western side of the Lot, setback approximately 32 metres from Hensley Park Road.

Access to proposed Lot 2 is gained from Hartwicks Road or Hensley Park Road.

Proposed Lot 2 is characterised by a gently undulating land form used for productive agricultural purposes, being extensive animal husbandry (grazing of sheep)

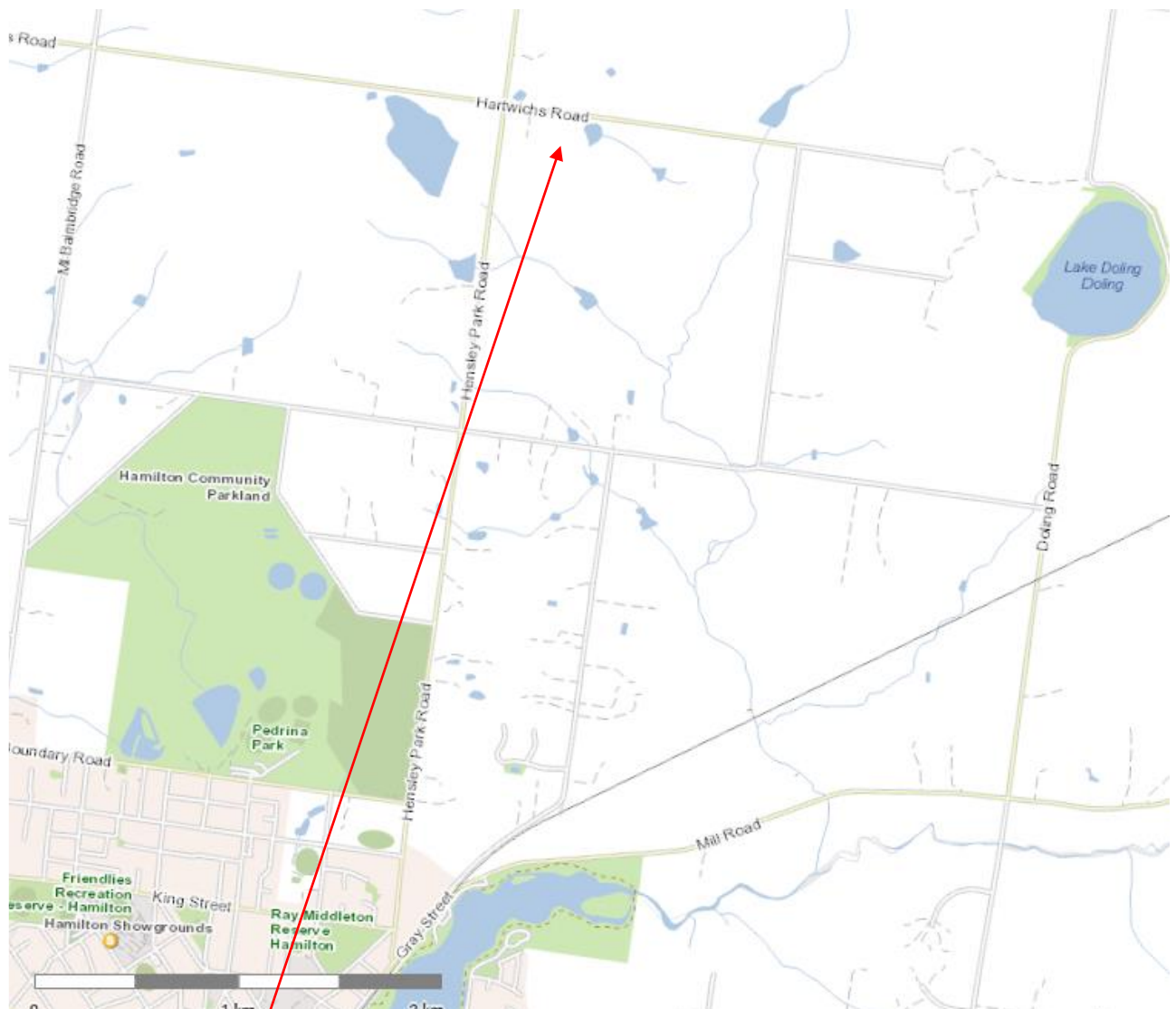
Lot 2 is predominately characterised by sown pastures, interspersed with two or three shelter belts (tree plantations).

4 Site Location

The application site is located on the south east corner of Hartwicks Road and Hensley Park Road.

The application site is located 4km north of the intersection of Hensley Park Road and Grey Street Hamilton, and is located 5.5km south of the Hamilton Airport.

A locality plan follows which shows the context of the application site in relation to Hamilton.



Application Site

Figure 4: Context Locality Plan

5 Surrounding Land Use

The surrounding land use is broad acre agricultural, predominantly being extensive animal husbandry, the grazing of sheep and cattle.

Hartwicks reservoir (Wannon Water asset) is located opposite the application site on the west side of Hensley Park Road.

The broader landscape land to the north, east and west falls within the Farming Zone.

Land to the south between Hartwicks Road and Beveridge's Road also falls within the Farming Zone; however, land to the south of Beveridge's Road, (approximately 784 metres south of the application site) falls within the Low Density Residential Zone (Schedule 1).

The following aerial photograph indicates the extent of the broad acre agricultural activities surrounding the application site.



Application Site: —

Figure 5: Aerial of surrounding agricultural land use

Hartwicks Overall Landholdings

The Hartwicks Family agricultural enterprise incorporates an extensive area of land which is defined by Hensley Park Road to the west, Hartwicks Road to the north and the east; and in part Beveridge's Road to the south.

The overall land holdings has an area of 191 hectares.

The allotments which make up the overall property are detailed in the following table:

Lot Description	Land Use
Lot 1 TP432603	Original Homestead
Lot 2 TP432603	Agriculture
Lot 2 TP911473	Agriculture
Allotment 1 Section 11	Dwelling – Application Site
Allotment 4 Sec 11	Agriculture

A map of the Overall Landholdings Plan follows:

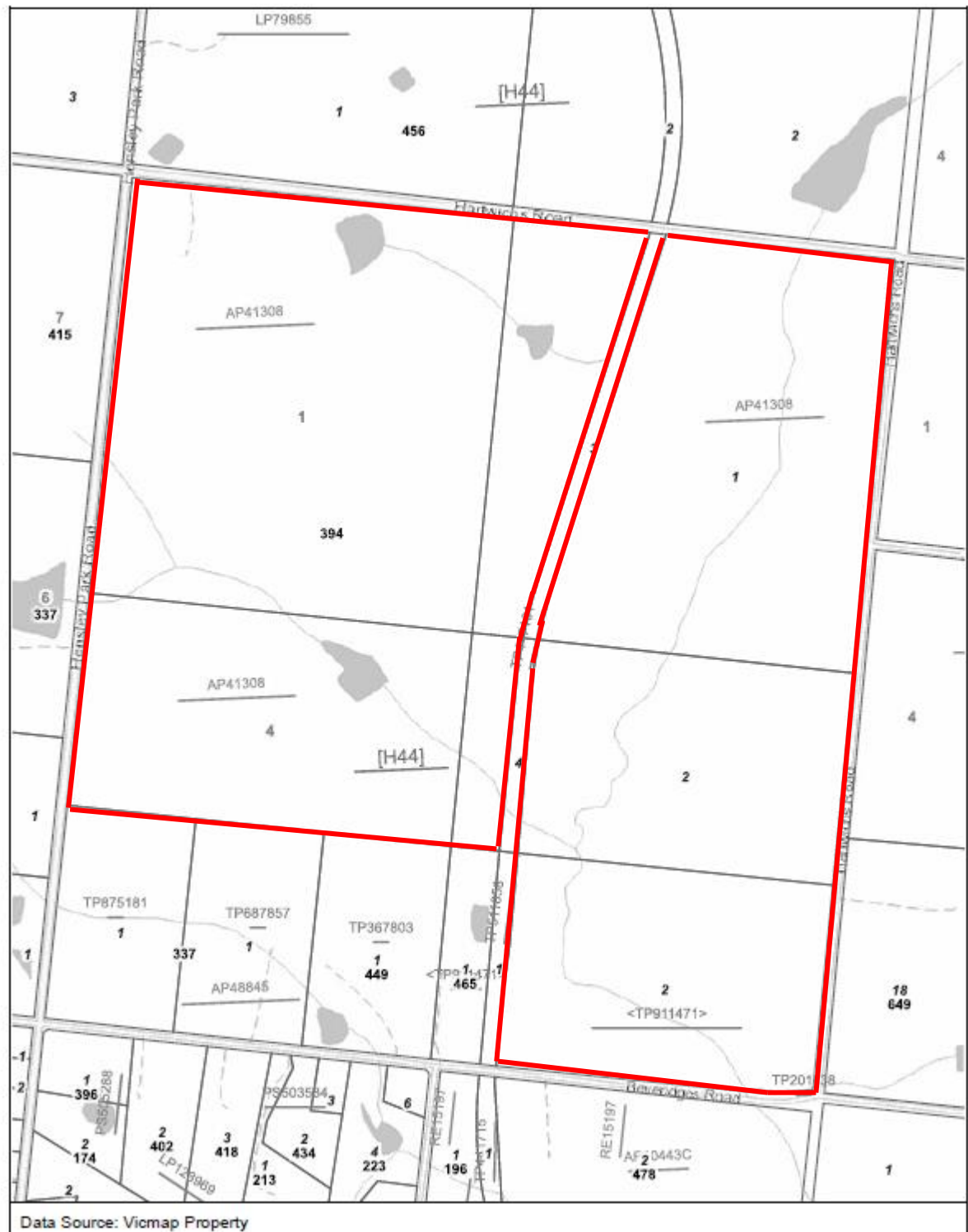


Figure 6- Overall Landholdings Plan

6 Planning Policy Framework

The Planning Policy Framework includes the following relevant clauses:

Clause 14.01-1S Protection of Agricultural Land seeks to protect the state's agricultural base by preserving productive farmland.

Strategies to preserve productive farmland include:

- Identify areas of productive agricultural land, including land for primary production and intensive agriculture.
- Consider state, regional and local, issues and characteristics when assessing agricultural quality and productivity.
- Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.
- Protect productive farmland that is of strategic significance in the local or regional context.
- Protect productive agricultural land from unplanned loss due to permanent changes in land use.
- Prevent inappropriately dispersed urban activities in rural areas.
- Protect strategically important agricultural and primary production land from incompatible uses.
- Limit new housing development in rural areas by:
 - Directing housing growth into existing settlements.
 - Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.
 - Encouraging consolidation of existing isolated small lots in rural zones.
- Identify areas of productive agricultural land by consulting with the Department of Economic Development, Jobs, Transport and Resources and using available information.

In considering a proposal to use, subdivide or develop agricultural land, consider the:

- Desirability and impacts of removing the land from primary production, given its agricultural productivity.
 - Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.
 - Compatibility between the proposed or likely development and the existing use of the surrounding land.
 - The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.
 - Land capability.
- Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.
- Give priority to the re-structure of inappropriate subdivisions where they exist on productive agricultural land.
- Balance the potential off-site effects of a use or development proposal (such as degradation of soil or water quality and land salinization) against the benefits of the proposal.

Assessment of Clause 14.01-1S Protection of Agricultural Land

The proposed dwelling excision creates an allotment having an area of 8.043ha in the north west corner of the application site having a frontage to Hartwicks Road and also having an abuttal to Hensley Park Road.

The land use is not proposed to change. Primary production will continue on the balance allotment (having an area of 48 hectares) in association with the owners' landholdings immediately to the south and east of the application site.

The proposed subdivision facilitates the retention of an existing dwelling, which contributes to housing affordability and housing choice within a farming community.

Clause 14.01-1L Small lot Subdivisions, house lot excisions and dwellings

This policy applies to an application for subdivision or accommodation in the Farming Zone.

The objective of the policy is to ensure that subdivision and accommodation do not compromise the existing and ongoing agricultural use of land.

The strategies associated with small lot subdivisions, house lot excisions and dwellings within the farming zone include:

- Discourage subdivision and accommodation that do not relate to or directly support the use of land for agriculture.

Response: *The proposed dwelling excision is a sustainable outcome in so far as the subdivision ensures the dwelling will be occupied and maintained. The subdivision supports the ongoing use of the balance of the land for agriculture in association with the owners adjoining land holdings.*

- Retain agricultural land in parcels of sufficient size that can allow viable agriculture.

Response: *The balance allotment is of sufficient size (i.e., 48 hectares) to allow the continuation of viable agricultural practises.*

- Discourage subdivision unless it is to excise an existing dwelling that is excess to the requirements of a rural use.

Response: *The proposed two (2) lot subdivision is to excise a dwelling which is in excess to the requirements of a rural use. The dwelling proposed to be excised is one (1) of two (2) dwellings located on the overall family landholdings.*

- Site and design dwellings to minimise impacts on agriculture.

Response: *The proposal is not for development of a dwelling. The existing dwelling is located in the north west part of the application site having direct access from Hartwicks Road and has no impact on the agriculture that occurs on the balance of the land.*

- Provide adequate separation distances from dwellings to agriculture.

Response: *The proposed configuration of Lot 1, which incorporates the existing dam sited 265 metres east of the dwelling to be excised, provides a significant separation between the dwelling and the western boundary of proposed Lot 2. The dwelling is encompassed by a well established and significant European garden which also effectively acts as a buffer from agricultural activities conducted south of the dwelling.*

- Restructure lots to create a smaller lot for a dwelling instead of creating additional lots.

Response: *The restructure of allotments which make up the overall farming property is not considered to be a reasonable outcome having regard to the significant size of the proposed balance allotment and also having regard to the significant size of the other parcels of land which form part of the overall agricultural enterprise.*

Policy guidelines

Consider as relevant:

- Encouraging the consolidation of titles prior to any dwelling excision.

Response: Consolidation of titles is not considered a reasonable outcome having regard to the significant size of the proposed balance allotment and also having regard to the significant size of the other parcels of land which form part of the overall agricultural enterprise.

- Requiring any lots created for an existing dwelling to have a maximum size of 2 hectares unless any of the following apply:
 - It can be demonstrated that this is not practical.
 - A larger lot is needed to provide for the on-site collection of water for a dam for domestic purposes.
 - It can be demonstrated that the lot is to be used for agricultural purposes.

Response: It is not practical for the excised dwelling to be constrained to an allotment having an area of 2 hectares. A larger allotment is needed in this case as the dam sited 265 metres to the east of the dwelling supplies water to the dwelling for domestic purposes including irrigation for the significant European garden which surrounds the dwelling, and irrigation of the small paddock between the dam and the dwelling for fire protection purposes. Further, the electricity supply servicing the dwelling is an underground supply from a transformer on a power pole located between the dwelling and the dam; sited centrally within proposed Lot 1.

- Requiring any lots created for an existing dwelling to contain a dwelling that is in a habitable condition that complies with the Building Code of Australia.

Response: The existing dwelling is in a habitable condition and is currently occupied

- The need to provide for the upgrading of roads and drainage to ensure that traffic and run-off generated by the development is effectively managed.

Response: There is no need for upgrading of any road or drainage associated with the proposed subdivision.

- The need to require any roads created in association with a subdivision or dwelling to allow all weather access to the following standards:
 - Formation width of 6 metres or passing bays every 200 metres.
 - Pavement width of 4 metres.
 - Pavement depth of 150 millimetres of compacted road making gravel.
 - Minimum grade of 1 in 8, unless sealed.

Response: No roads are being created by the proposed subdivision.

Clause 14.01-2s Sustainable Agricultural land uses

Objective

To encourage sustainable agricultural land use

Assessment of Clause 14.01-2s Sustainable Agricultural land uses

Strategies to achieve the above objective relate to the agricultural land use activities, including intensive animal husbandry, and are not relevant to a resubdivision application.

Clause 14.01-2L Sustainable agricultural land use

Strategies

- Support intensive and productive use of rural land for higher value products, including timber plantations, horticulture, intensive animal industries and agro-forestry.
- Encourage use and development that value adds to local produce and creates local employment opportunities.

Assessment of Clause 14.01-2L Sustainable Agricultural land uses

The agricultural use of the land is not proposed to change. No development is being proposed.

Clause 16.01-3S Rural Residential Development seeks to identify land suitable for rural residential development.

Strategies include managing development in rural areas to protect agriculture and avoid inappropriate rural residential development.

Assessment of Clause 16.01-3S Rural Residential Development

Clause 16.01-5S Rural Residential Development is not relevant in that the application does not seek to develop a dwelling, but rather seeks to create a small lot for an existing dwelling.

7 Zoning

The subject land falls within the Farming Zone.



Application Site - Farming Zone (FZ) —

Figure 7: Zoning Map

7.1 Purpose of the Zone

The purposes of the Farming zone (Clause 35.07) are as follows:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

- To provide for the use and development of land for the specific purposes identified in a schedule to this zone

Clause 35.07-3 Subdivision

Within the farming zone a permit is required to subdivide land. The minimum lot size is 40 hectares however a permit can be granted to create smaller lots if the subdivision is to create a lot for an existing dwelling. The subdivision must be a two (2) lot subdivision.

The application is made under dot point one (1) of Clause 35.07-3 as the subdivision is to create a lot for an existing dwelling.

7.2 How the proposed subdivision responds to the decision guidelines in the zone (Clause 35.07-6)

The following guidelines must be considered, as appropriate:

General issues

- The Municipal Planning Strategy and the Planning Policy Framework
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- How the use and development makes use of existing infrastructure and services

Assessment

Planning Policy Framework has been addressed in Section 7 of this report. The existing infrastructure for the disposal of effluent associated with the existing dwelling on proposed Lot 1 is contained within the boundaries of proposed Lot 1.

Agricultural issues

- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use.

- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.
- Any integrated land management plan prepared for the site.

Assessment

The proposed subdivision will allow for productive agriculture to occur on the balance allotment (i.e., proposed Lot 2) in association with appurtenant parcels of land owned by the Hartwich family. Proposed Lot 1 has sufficient area to be used for modest agricultural purposes, which may involve extensive animal husbandry or a more intensive form of agriculture. The proposed dwelling excision will not affect soil quality and is not changing the agricultural productivity of the land.

The proposed dwelling excision should not impact on the operation or expansion of adjoining agricultural properties.

Dwelling issues

- Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.
- The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.

Assessment

No new dwelling is being proposed. The proposed two (2) lot subdivision seeks to excise an existing dwelling from a large family farming enterprise.

The dwelling proposed to be excised is one of two dwellings located on the overall family property.

Environmental issues

- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.
- The impact of the use or development on the flora and fauna on the site and its surrounds.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.

- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

Assessment

The proposed re-subdivision will have no impact on environmental issues. The proposed re-subdivision does not involve the development of any new buildings or works.

Design and siting issues

- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.
- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- 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 location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.
- Whether the use and development will require traffic management measures.

Assessment

The proposed re-subdivision does not involve the development of any new buildings on the application site and the design and siting issues are therefore not applicable.

8 Overlays

No Planning Overlays affect the application site.

9 Conclusion

The nature of the subdivision being proposed is contemplated and supported by the provisions of the Southern Grampians Planning Scheme as detailed in this report.

The application is made under the provisions of dot point one (1) of Clause 35.07-3 to create a lot for an existing dwelling.

The dwelling to be excised is one of two dwellings located on the landholdings of the overall farming enterprise.

This report addresses the Planning Policy Framework, the provisions of the Farming Zone and finds that the proposed dwelling excision and the creation of a large balance allotment to be used for sustainable agricultural purposes is justified having regard to the relevant planning controls.

The subdivision satisfies the objective of Clause 14.01-1L Small lot subdivisions, house lot excisions and dwellings, in that the subdivision will not compromise the existing and ongoing agricultural use of land.

The balance lot will continue to be farmed as part of the Hartwich family agricultural enterprise.

APPENDIX A – CERTIFICATE OF TITLE



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The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

**REGISTER SEARCH STATEMENT (Title Search) Transfer of
Land Act 1958**

Page 1 of 1

VOLUME 09239 FOLIO 509

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LAND DESCRIPTION

Crown Allotment 1 Section 11 Parish of Hamilton North.
PARENT TITLE Volume 06101 Folio 103
Created by instrument G772131 02/09/1977

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
TIMOTHY DAVID HARTWICH of HAMILTON
G772131 02/09/1977

ENCUMBRANCES, CAVEATS AND NOTICES

For details of any other encumbrances see the plan or imaged folio set out
under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP265261C FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

DOCUMENT END



Imaged Document Cover Sheet

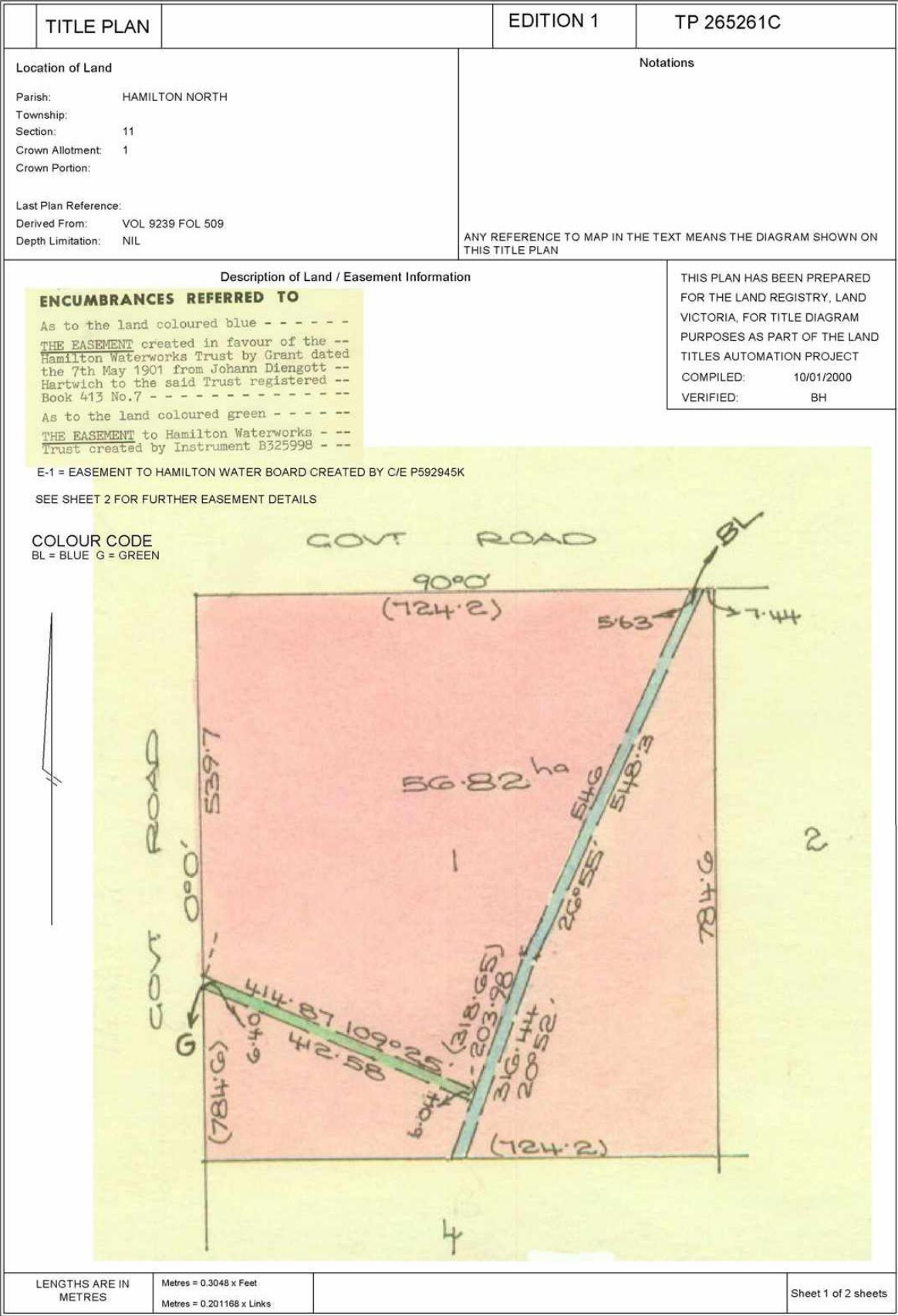
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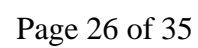
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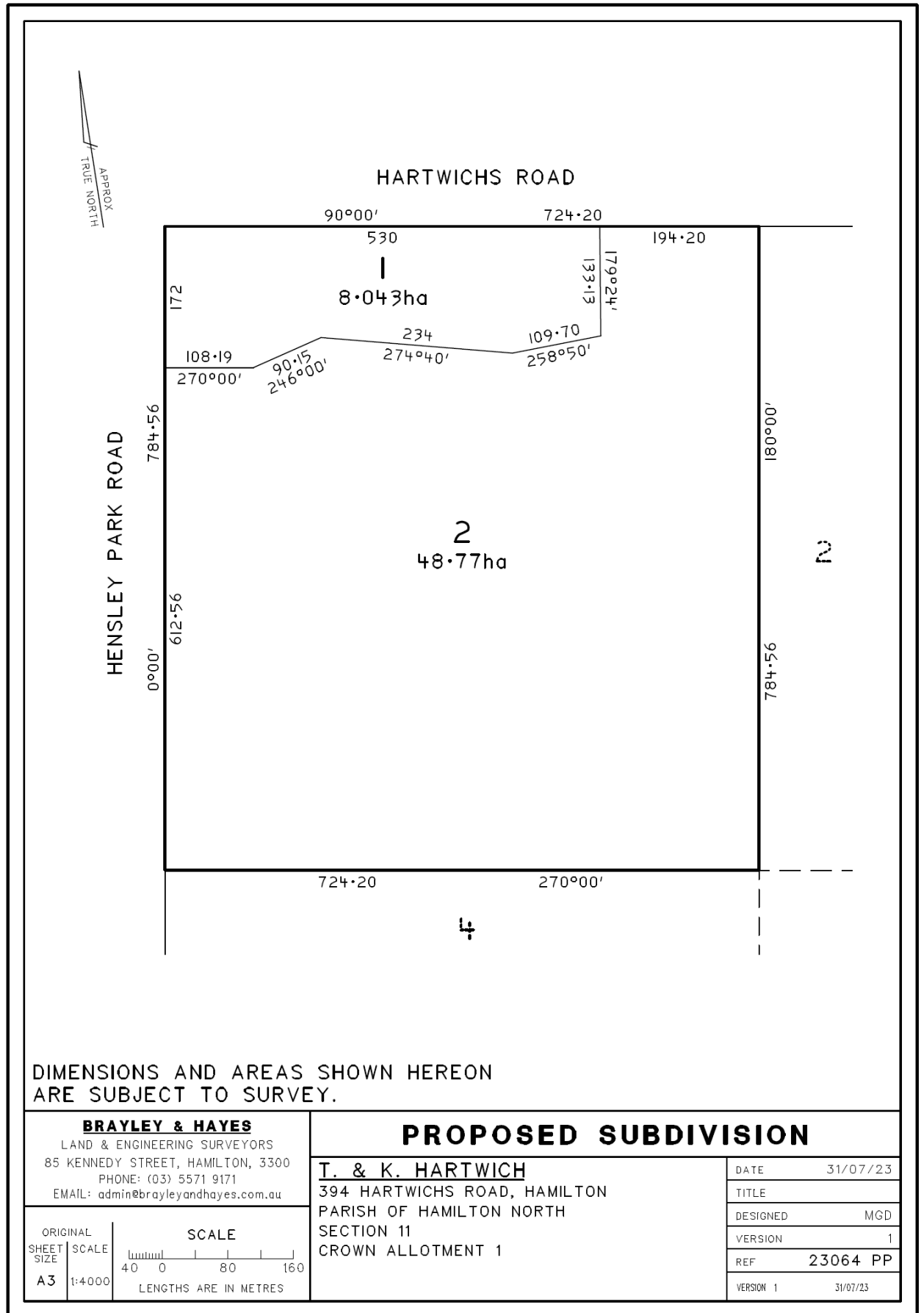
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APPENDIX B – PROPOSED PLAN OF SUBDIVISION





PROPOSED SUBDIVISION OVERLAID ON AERAIL OF APPLICATION SITE

APPENDIX C – SITE AND CONTEXT PHOTOGRAPHS

**Site and Context Photographs
Proposed Two Lot Subdivision
394 Hartwicks Road Hamilton**

9



Photograph 1: Front elevation of existing dwelling within European garden setting



Photograph 2: Driveway to existing dwelling

Pierrepoint Planning PO Box 5003 Tarrington Vic. 3301. M: 0429 439083

Site and Context Photographs
Proposed Two Lot Subdivision
394 Hartwicks Road Hamilton



Photograph 3: Vehicle Entrance to the existing dwelling from Hartwicks Road



Photograph 4: Paddock between Dwelling to the west and power supply and dam to the east all within Proposed Lot 1

Pierrepoint Planning PO Box 5003 Tarrington Vic. 3301. M: 0429 439083

Site and Context Photographs
Proposed Two Lot Subdivision
394 Hartwicks Road Hamilton



Photograph 5: North West Corner of application site viewed from the intersection of Hartwick Road and Hensley Park Road within Proposed Lot 1



Photograph 6: Hartwicks Road, view to the east from Hensley Park Road

Pierrepoint Planning PO Box 5003 Tarrington Vic. 3301. M: 0429 439083

Site and Context Photographs
Proposed Two Lot Subdivision
394 Hartwicks Road Hamilton



Photograph 7: Electricity Pole and Transformer servicing the existing dwelling and the pump shed associated with the dam on Proposed Lot 1



Photograph 8: Existing Dam within proposed Lot 1.

Pierrepoint Planning PO Box 5003 Tarrington Vic. 3301. M: 0429 439083

Site and Context Photographs
Proposed Two Lot Subdivision
394 Hartwicks Road Hamilton



Photograph 9: Original Dwelling on adjoining parcel of land to the east of the application site known as 474 Hartwich Road (i.e., Lot 1 TP 432603) which forms part of the overall Hartwich family landholdings.



1A
8.043ha

2A
48.78ha

PPP Ref: 2023-037

22 March 2024

Ms. Anita Collingwood
Planning Coordinator
Southern Grampians Shire
Locked Bag 685
HAMILTON VIC 3300

Dear Anita,

**PLANNING APPLICATION TP-01-2024
PROPOSED TWO (2) LOT SUBDIVISION (DWELLING EXCISION)
394 HARTWICHS ROAD HAMILTON**

I refer to your request for further information, dated 2 January 2024, in relation to the above planning application and provide you with the following response.

1. Habitable Condition of the Existing Dwelling

In lieu of a report by a Licensed Building Surveyor in relation to the habitable condition of the dwelling, you undertook an inspection of the dwelling with the owners of the application site on the 12th of February 2024, and it is my understanding that you were satisfied that the dwelling was in a habitable condition.

2. Location of existing waste water treatment system.

Please see attached waste water site plan. **Refer to Appendix A.**

As discussed, and viewed on site, the drainage lines associated with the existing septic tank system are located wholly within the boundaries of Proposed Lot 1; however, the drainage lines are located approximately 3 metres south of the originally proposed east west boundary dividing boundary between proposed Lots 2 and 3.

Having regard to the close proximity of the drainage lines to the proposed boundary, the plan of subdivision has been amended to reconfigure the dividing boundary to increase the setback of the proposed dividing boundary from the drainage lines.

It should be noted that the natural fall of the land is from north to south and therefore the drainage lines fall away from the dividing boundary.

The drainage lines are setback approximately 20 metres from the amended boundary.

Providing Planning Services throughout South West Victoria Since 2006

An extract of Lot 1 from the Proposed Plan of Subdivision submitted with the planning application follows together with an extract of the amended Plan of Proposed Subdivision.

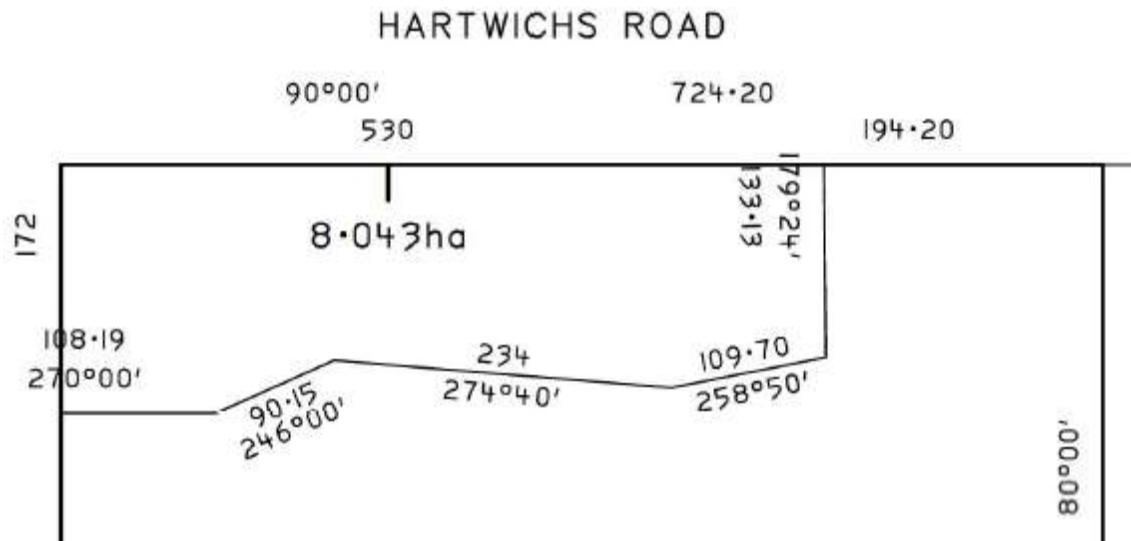


Figure 1: Proposed Lot 1 Proposed Plan of Subdivision submitted with Planning Application

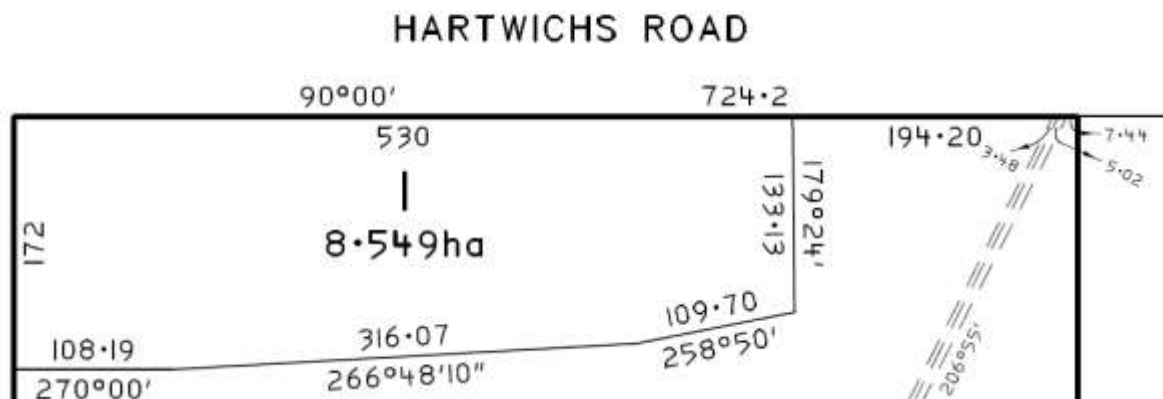


Figure 2: Proposed Lot 1 Amended Proposed Plan of Subdivision

The area of Proposed Lot 1 has increased in area from 8.043 ha to 8.549 ha and the area of Proposed Lot 2 has reduced in area from 48.77 ha to 48.26 ha.

A copy of the amended Plan of Proposed Subdivision is attached. **Refer to Appendix B.**

3. Farm infrastructure Located on Balance Allotment (Proposed Lot 2)

The farm infrastructure on proposed Lot 2 comprises of a very modest sized pony stable and a disused water tank.

The pony stable is setback 36 metres from Hensley Park Road (i.e., the western boundary of the application site), and 280 metres south of the northern boundary of the application site (i.e., Hartwicks Road). The stable is proposed to be removed.

The disused water tank is setback 285 metres from the western boundary of the application site, and approximately 535 metres from the northern boundary of the application site. The water tank is proposed to be removed.

Please see attached aerial photograph of the application site indicating the location of the pony stable and the disused water tank. **Refer to Appendix C.**

4. Future Farming Use of the Land

The proposed balance lot has an area of 48.26 hectares and will continue to be used for productive agricultural purposes.

The balance lot can continue to be farmed in association with the broader family land holdings, which is detailed in Section 5 (including Figure 6) of the Planning Report prepared by Pierrepoint Planning which accompanied the Planning Application. The overall land holding (excluding Proposed Lot 1 having an area of 8.549ha) has an area of 182 ha, including the original homestead on Lot 1 TP432603.

The balance lot could also be productively farmed for cropping purpose, hay production, or extensive animal husbandry without being reliant on a dwelling.

The owners of the application site have received informal expressions of interest from neighbouring farmers in relation to acquiring the balance allotment.

Whilst potentially there may be a conflict of land use between agricultural land uses conducted on the balance lot and the rural living use conducted on the smaller Lot, Council has previously included the following condition on planning permits issued for a dwelling excision:

“The owner of Lot 1 acknowledges and accepts the possibility of nuisance from agricultural activities on adjacent and nearby land due to dust, noise, odour use of chemicals and farm machinery, traffic and hours of operation”.

Providing Planning Services throughout South West Victoria Since 2006

Please contact me if you have any questions in relation to the above or if you require any further information.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'A. Lacey', with a long horizontal flourish extending to the right.

ANDREW LACEY
PRINCIPAL
Encl.



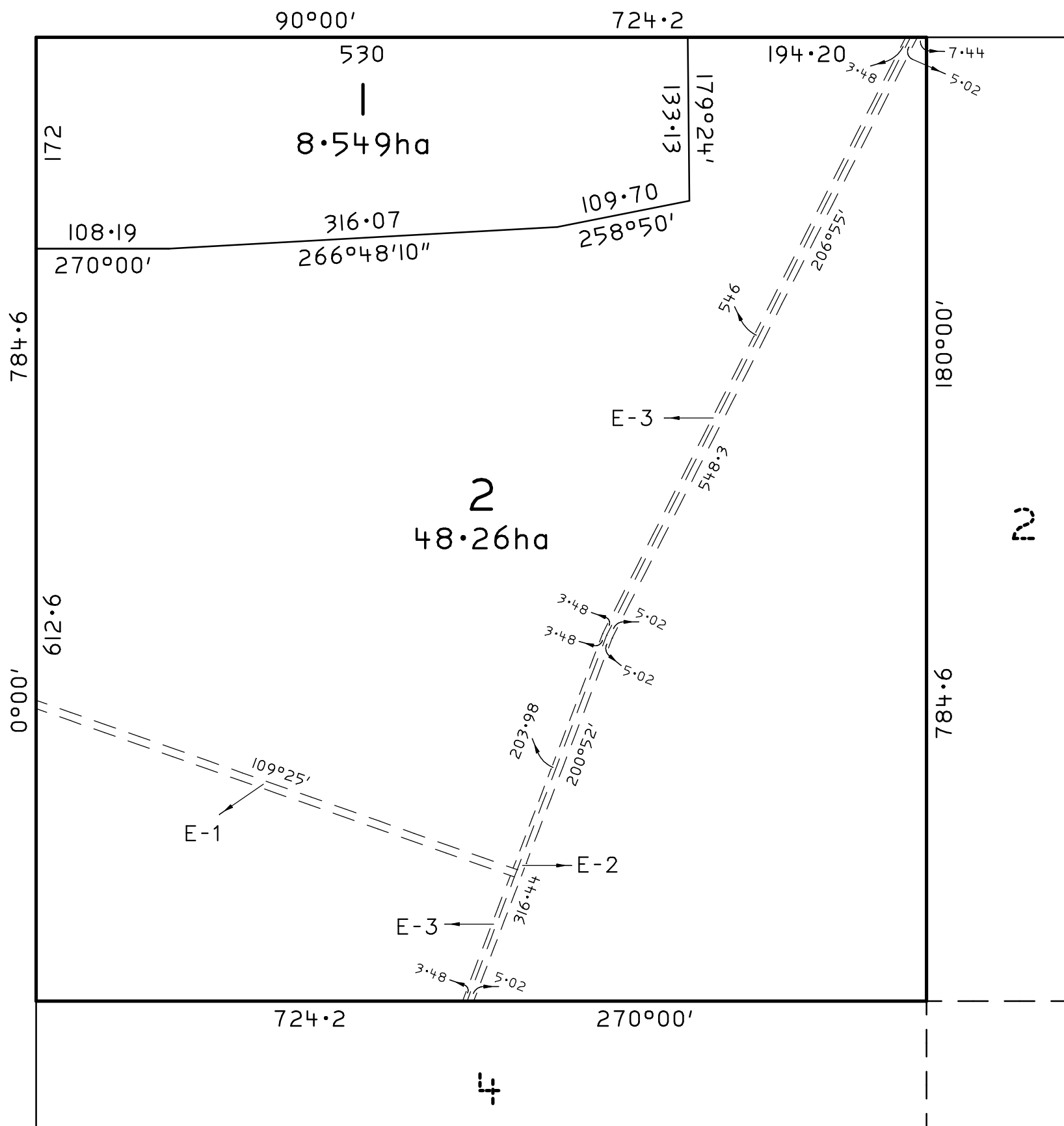
Appendix C – Existing Infrastructure within Proposed Lot 2

394 Hartwicks Road Hamilton



HENSLEY PARK ROAD

HARTWICHS ROAD



E-1 WATER SUPPLY IN FAVOUR OF HAMILTON WATERWORKS TRUST (6.40m wide)
E-2 WATER SUPPLY IN FAVOUR OF HAMILTON WATERWORKS TRUST (5.02m wide)
E-3 WATER SUPPLY IN FAVOUR OF HAMILTON WATER BOARD (3.48m wide)

DIMENSIONS AND AREAS SHOWN HEREON
ARE SUBJECT TO SURVEY.

BRAYLEY & HAYES

LAND & ENGINEERING SURVEYORS
85 KENNEDY STREET, HAMILTON, 3300
PHONE: (03) 5571 9171
EMAIL: admin@brayleyandhayes.com.au

PROPOSED SUBDIVISION

T. & K. HARTWICH

394 HARTWICHS ROAD, HAMILTON
PARISH OF HAMILTON NORTH
SECTION 11
CROWN ALLOTMENT 1

DATE	21/02/24
TITLE	9239/509
DESIGNED	MGD
VERSION	3
REF	23064 PP
VERSION 2	19/12/23
VERSION 3	21/02/24

ORIGINAL SHEET SIZE	SCALE	SCALE
A3	1:4000	LENGTHS ARE IN METRES



itled Map
a description for your map.

1
8.549ha

2
48.27ha

100 m

Google Earth



394 Hartwicks Road Hamilton: Location of Existing Septic Tanks and Effluent Lines

WATTLE PARK (GERMAN COTTAGE)

Location

Hartwich's Road, STRATHKELLAR VIC 3301 - Property No 0120

Municipality

SOUTHERN GRAMPIANS SHIRE

Level of significance

Stage 2 study complete

Heritage Listing

Southern Grampians Shire

Statement of Significance

Last updated on - March 25, 2004

What is significant?

Wattle Park, situated at the intersection of Hartwich's Road and Hensley Park Road, Strathkellar and about 5.0kms from the centre of Hamilton, dates from 1855 when the land was purchased by J. C. Hartwich. Johann Carl Hartwich (1812-1898), known as Carl and his wife Anna Rosina, nee Raschke (1818-1874) were German Lutheran immigrants who settled first in South Australia before moving to the Hamilton area via Portland. They probably built a traditional lehmwickle dwelling immediately, similar to those which survive in the community at Gnadenthal near Penshurst, as well as other working structures. A section of the original barn survives using the traditional construction, although in poor condition and somewhat altered overall. The timber stables and another timber barn are more conventional weatherboard framed buildings. They appear to date from the 1860s and survive in fair condition with only minor alterations. The present house appears to date from late in the nineteenth century. It was modernised during the Interwar years, principally by the replacement of the original verandah by a verandah using short cement columns on brick piers. It remains in good condition. The exact date of the house is not certain but it may date from about 1898 when Carl Hartwich died, some 24 years after his wife. One son had died at the age of 17 in 1873 and their daughter married, who was born at Wattle Park in 1857, migrated to the Wimmera, a common event in the German Lutheran community in the mid-1870s. Their son Johann Diengott Hartwich, known as John, inherited and developed Wattle Park. By the mid-1930s he was considered one of the best farmers and graziers in the Hamilton District. Wattle Park has remained in the Hartwich family and is now held by the fifth generation.

How is it significant?

Wattle Park is of historical and architectural significance to the southern Grampians Shire.

Why is it significant?

Wattle Park is of historical significance for its direct connections with five generations of the Hartwich family and

its branches, and particularly with Johann Carl Hartwich, Johann Diegoht Hartwich, Leslie Hartwich, Ronald Hartwich and Timothy Hartwich and their wives and children. Specifically, it demonstrates the steady success of five generations of German Lutheran migrants in the area to the south and east of Hamilton in the face of great personal difficulties. The complex is of architectural significance as a group of traditional buildings and, in particular, for the vernacular Lehmwickle technique demonstrated in the barn. The mature garden setting of the homestead enhances the overall significance.

Heritage Study/Consultant	Southern Grampians - Southern Grampians Shire Heritage Study, Timothy Hubbard P/L, Annabel Neylon, 2002;
Construction dates	1855,
Heritage Act Categories	Registered place,
Hermes Number	23777
Property Number	

Physical Conditions

The house is in good condition. The Lehmwickle barn is in poor condition. The timber stables and barn are in fair condition.

Physical Description 1

Wattle Park comprises five main structures: the house built in two stages; the lehmwickel barn; the timber stables; the timber barn; and the timber laundry. There may have been other structures, such as the original dwelling, which have been demolished. The present house was originally a single-storey, brick building symmetrical about the front door with projecting wings at the side. The plan appears to have been conventional. It is not known what the original verandah was like. It was replaced, probably in the later 1930s, with a new verandah using a concrete floor, brick piers and short pressed cement columns. This is on three sides of the house. The original front door which was conventional with side and fan lights, has been replaced with double doors with an Art Deco motif in the glazing bars. At the rear, the original form survives with attic casement windows in the paired gables. Late twentieth century alterations have occurred at the rear. The roofs of the house have been re-clad in red 'Decramastic' pressed sheeting imitating roof tiles.

The barn is approximately 6m by 12m although the lehmwickle construction is only located at the northern end. It forms a room and is made up from three bays in the end or northern elevation and one bay on the front or eastern elevation which includes a ledge and brace door. The two outer sections of the end elevation have diagonal bracing. The framing is made up of dressed timber members, probably adzed rather than sawn. The panels are made up of roughly shaped, vertical split sticks with their ends pointed to fit into holes in the framing. These may have had a mixture of straw and mud rolled around them before insertion or, less likely, afterwards. The rough daubing has been finished with smooth coats of render. Importantly, the original half-round guttering survives on the lehmwickle section of the barn and is still supported by the original metal brackets. The rest of the barn is unremarkable with timber framed walls clad either with weatherboard or corrugated iron. The hipped roof is corrugated iron and has a very low pitch. A skillion has been added on the western side, apparently to create a motor garage, perhaps in the Interwar years. Other changes have occurred, such as raising the roof to accommodate larger machinery at the southern end. The building is in very poor condition and in need of urgent stabilisation.

The one and a half-storey weatherboard stables are conventional. The main entrance, with the traditional split door, is at the eastern end with ventilation provided by trellising along the side or northern elevation. A door to the loft opens above the main entrance and is half into the gable. There is a small glazed window in the western gable. There were two ledge and brace doors in the side elevation, one of which has been closed up with

weatherboards. A single storey skillion has been added at the far end of the stables. The weatherboards are painted a dark brown. The gabled roof is corrugated iron. The building is in fair condition with some failure in the bottom plate on the side elevations causing subsidence in the middle of the wall but not the ridge line. Most of the western wall of the skillion is collapsed or missing.

Nearby there is a similar but smaller structure which appears to have been a grain store. It is single-storey but elevated on stumps. Its weather boards are also painted. The western wall has been replaced with corrugated sheeting, probably 'Zincalume'. There is a window in the western gable. The building is in fair condition.

There are several mature trees surround the complex. The Monterey Cypress close to the house may have been planted as a hedge. There are several Canary Island Palms on the north-west side of the house where there is a side entrance. The garden immediately around the house is enclosed in a crinkle wire fence.

Historical Australian Themes

Theme 2 Peopling Australia

2.4 Migrating

2.4.1 Migrating to save or preserve a way of life

2.4.2 Migrating to seek opportunity

2.4.3 Migrating to escape oppression

2.4.4 Migrating through organised colonisation

2.4.5 Changing the face of rural and urban Australia through migration

2.5 Promoting settlement

Theme 3: Developing local, regional and national economies

3.5 Developing primary production

3.5.3 Developing agricultural industries

Theme 5: Working

5.8 Working on the land

Theme 8 Developing Australia's cultural life

8.12 Living in and around Australian homes

8.14 Living in the country and rural settlements

Usage/Former Usage

residential

Integrity

Fair degree of integrity for all buildings

Physical Description 2

Johann Carl Hartwich and family, first owners

Johann Diegoht Hartwich and family, second owners

Leslie Hartwich and family, third owners

Ronald Hartwich and family, fourth owners

Timothy Hartwich and family, fifth owners

This place/object may be included in the Victorian Heritage Register pursuant to the Heritage Act 2017. Check the Victorian Heritage Database, selecting 'Heritage Victoria' as the place source.

For further details about Heritage Overlay places, contact the relevant local council or go to Planning Schemes Online <http://planningschemes.dpcd.vic.gov.au/>

DF Folder: DF2024/00101

In reply please quote: D2024/030529

17 June 2024

Anita Collingwood
Southern Grampians Shire Council
Locked Bag 685
HAMILTON VIC 3300

Dear Anita,

RE: PLANNING CONDITIONS

Application: 2 Lot Subdivision (Dwelling Excision)
Address: 394 Hartwicks Road Hamilton
Council Reference: TP-01-2024

I refer to your letter received 11 June 2024 regarding the above planning application.

The proposal has been examined and Wannon Water does not object to the granting of the permit providing the permit is subject to the following condition:

1. The plan of Subdivision submitted for certification must be referred to Wannon Water in accordance with Section 8 of the Subdivision Act.

Yours faithfully



James Phillips
Development Services Manager





Guidance Note on Setbacks near Dams



Photo credit

Southern Rural Water

Acknowledgment

We acknowledge and respect Victorian Traditional Owners as the original custodians of Victoria's land and waters, their unique ability to care for Country and deep spiritual connection to it. We honour Elders past and present whose knowledge and wisdom has ensured the continuation of culture and traditional practices.

We are committed to genuinely partner, and meaningfully engage, with Victoria's Traditional Owners and Aboriginal communities to support the protection of Country, the maintenance of spiritual and cultural practices and their broader aspirations in the 21st century and beyond.



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Guidance Note on Setbacks near Dams

Document history

Version	Date	Author	Summary of changes
1.0	July 2022	DELWP	Original created

Acknowledgements

This guideline was prepared based on work done by Hydrology and Risk Consulting (HARC) and Hunter Geotechnical for the Department of Environment, Water, Land and Planning.

The assistance of the following organisations in providing thoughtful comment and review during the preparation of the guideline is acknowledged:

- Dam Safety Advisory Committee
- Goulburn Murray Water
- Grampians Wimmera Mallee Water
- Lower Murray Water
- Melbourne Water
- Southern Rural Water
- Municipal Association of Victoria

Department of Environment, Land, Water and Planning
8 Nicholson Street,
East Melbourne, Victoria 3002

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Any dam that falls within the limitations and exclusions criteria of this guidance note must be treated as a special case and have an appropriate setback distance determined through an alternate pathway. For enquiries related to the regulatory process and alternate pathways in these rare situations, please contact the Water and Catchments Group (Dam Safety and Regulation Team) in the Department of Environment, Land, Water and Planning on 136 186.

Introduction

This document provides guidance for setbacks of all dams, except for those that exclusions apply to, from property boundaries and proposed developments. The purpose of the setback is to provide an accessible zone from the dam in the event of a dam safety incident or emergency, ongoing maintenance and safety management and space to implement dam safety upgrade works.

A dam safety incident in 2020, where residential development was built up to the toe of the dam embankment, highlighted the potential difficulties for emergency operations and remediation works where no setback was allowed for.

In the development of this guideline, a key consideration has been to provide a simple approach that can be applied by dam owners/proponents, regulators, planning practitioners and developers.

The setback distance, measured from the toe of the embankment to any development is to allow for:

- Access so that dam safety management operations can be effectively undertaken (e.g., inspections and surveillance).
- Access so that emergency management can be effectively deployed.
- Space for dam safety upgrade works to be undertaken to the dam to meet regulatory requirements.

The setback does not provide protection to or significantly reduce the consequences for persons and properties immediately or further downstream from the dam should a dam failure occur. Dam safety is regulated through the *Water Act 1989*. The owner of the dam has an obligation to comply with the relevant legislative and regulatory requirements in managing dams. These requirements may require the completion of dam safety upgrade works.

This guideline does not override regulatory requirements for dams or any setback distances or other constraints that are required by water authorities, public utilities and other relevant entities that may be required through other mechanisms, such as referrals under the *Planning and Environment Act 1987*. This setback is not a replacement for any setbacks or corridors required to appropriately manage dambreak flooding.

The setback distance is consistent with the So Far As Is Reasonably Practical (SFAIRP) approach to dam safety and management.

1. When does a setback distance apply for a dam?

This guidance is intended to apply to dams with the following characteristics:

- Earthfill dams with an embankment height of between 0.5 and 15 metres.
- This guidance applies to private dams, council owned dams, dams on commercial properties and some drainage retarding basins.
- Sloping land downstream of the dam of up to 10 degrees.
- A dam as defined in the [Water Act 1989](#).

Dams with an embankment height of less than 5 metres and an embankment slope shallower than 5H:1V can adopt a minimum setback distance of 10m, subject to an assessment by a suitably qualified dams engineer.

The setback distances do not provide mitigation against dambreak flooding and do not replace or absolve a Dam Owner of their obligations under the *Water Act 1989* and common law to maintain a safe dam structure and to plan for and mitigate the risk of failure. The owner of the dam has an obligation to comply with regulatory requirements (refer Section 5) in managing dams and this may require dam safety upgrade works be undertaken to manage dam safety risks, which are to be undertaken in a timely manner. The owner also has obligations of dam surveillance and having a Dam Safety Emergency Plan (DSEP) in place. A sample DSEP template can be found [here](#).

The application of this guideline is intended to be through a range of pathways including dam licencing, strategic planning, and statutory planning.

2. What are the exclusions and limitations from application of the setback guidance?

The guideline is not intended to apply to all dam types and constructions. The limitations and exclusions from the application of the setback guidance include:

- Earthfill dams with an embankment height of greater than 15 metres.
- Concrete dams.
- Dams where slopes downstream of the toe is steeper than 10 degrees.
- Dams that have a consequence category of High A or Extreme in accordance with the Australian National Committee on Large Dams (ANCOLD) guidelines (ANCOLD 2012) given the high population at risk and high potential life loss in the inundation zone for dam breach in consideration of the proposed development.
- Specific Drainage Retarding Basins that have been designed in compliance with Melbourne Water guidelines (Melbourne Water, 2016) and have embankment slopes at or flatter than 5H to 1V.

Any dam that falls within these limitations and exclusions criteria must be treated as a special case and have an appropriate setback distance determined through an alternate pathway. In these rare cases, larger setback distances for these dams should be considered, based on the dam risk as determined by a suitably qualified dams engineer and the dam Licencing Authority. The process and decision criteria for setting setbacks for these dams is not considered by this guideline.

Drainage retarding basins that have been specifically designed, approved and constructed in accordance with the *Guidelines for the Development and Assessment of Retarding Basins* (Melbourne Water, 2016) with an embankment at a grade of 5H:1V or less are also excluded from this guidance. They have been designed through an appropriate risk management pathway to meet the objectives of this guideline.

2.1 How to calculate minimum setback distance?

To calculate the minimum setback distance, only two measurements are required, as shown in **Figure 1**. These are:

- H_D = Height of the dam embankment in metres, measured from the lowest elevation at the toe of the embankment to the highest elevation of the dam crest.
- Downstream Slope (S) = natural slope of the land downstream of the embankment. This can be measured in degrees, fall (-m/m) or percentage. This is the average slope measured at the lowest elevation at the embankment toe over a distance equivalent to the dam height plus 10 m ($H_D + 10$ m), or minimum of 10 m (whichever is the greater).

The minimum setback distance takes into consideration the height of the dam embankment and the slope of the ground downstream from the dam. The guidance applies to dams where dam height (H_D) is between 0.5 and 15 metres.

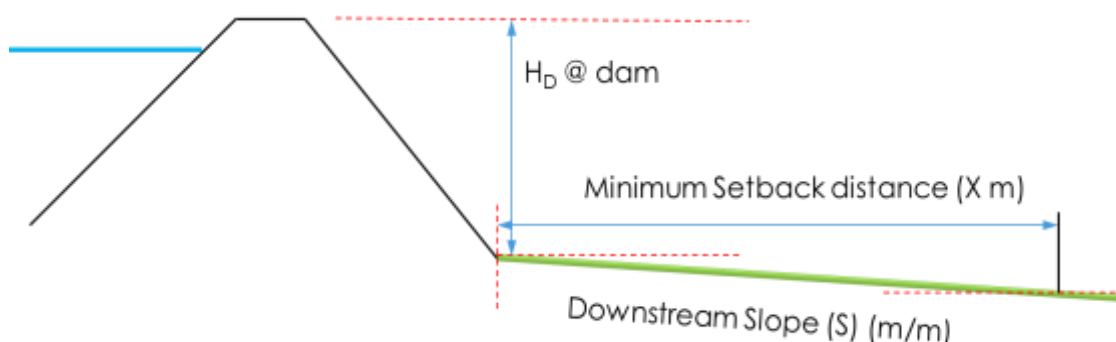


Figure 1: Required Dam Measurements

The maximum downstream slope is categorised into four ranges of downstream slope from flat to up to gradients of -0.16 m/m (1 in 6 or 10°). Where slopes are uphill away from the dam, the setback distance for flat ground conditions should be adopted. These slope categories are shown in **Table 1**. The downstream slope is to be measured from the lowest elevation along the downstream dam embankment toe.

Table 1: Toe Method Calculation Slope Categories

Description	Range (m/m)	Range (degree)	Range (1 in X)
Uphill/Flat/Minor Downhill	Any uphill slope, downhill slope <-0.02 m/m (-2%)	<1°	<1 in 50
Downhill slope	-0.02 m/m to -0.05 m/m (-2% to -5%)	1° to 3°	1 in 50 to 1 in 20
Downhill slope	-0.05 m/m to -0.1 m/m (-5% to -10%)	3° to ~6°	1 in 20 to 1 in 10
Downhill slope	-0.1 m/m to -0.16 m/m (-10% to -16%)	~6° to ~10°	1 in 10 to 1 in 6

The minimum setback distance is from the downstream toe of the existing embankment and is applied along the full length of the embankment. In the case of a turkey's nest type dam, this would be applied around the full perimeter of the dam (refer Section 4).

Table 2: Recommended Minimum Setback Distance (metres) from the Downstream Toe of the Existing Embankment

Maximum Dam Height (H _D)	Minimum Setback Distance (metres) (Measured from the Downstream Toe of the Existing Embankment)			
	Any uphill slope, downhill slope <-0.02 m/m (<-2%, <1°)	Downhill Slope -0.02 to -0.05 m/m (-2% to -5%, 1° to 3°)	Downhill Slope -0.05 to -0.1 m/m (-5% to -10%, 3° to 6°)	Downhill Slope -0.1 to -0.16 m/m (-10% to -16%, 6° to 10°)
0.5 to 2	10	11	12	13
> 2 to 3	12	13	14	15
> 3 to 4	14	15	16	17
> 4 to 5	15	16	17	18
> 5 to 6	16	17	18	20
> 6 to 7	17	18	19	21
> 7 to 8	18	19	20	22
> 8 to 9	19	20	22	23
> 9 to 11	21	23	24	26
> 11 to 13	23	25	26	28
> 13 to 15	25	27	28	30

3. Consideration of Dams and Property Boundaries

This section provides guidance on application of the setback distance under a range of circumstances.

The focus of this guideline is for existing dams. However, refer section 3.3 for new dams. New dams should comply with ANCOLD and regulatory requirements in consideration of future planning in proximity to and downstream of the dam.

3.1 Where to find location of your dams?

Information about location of dams can be found by contacting your local water corporation. The following link provides an interactive map which can be used to find water information, including the location of water storages and contact details of local water corporations.

[Water in your region](#)

3.2 Existing Dams

For existing dams, there are three general cases for how the setback distance can be applied, dependent on the location of the dam with regard to existing property boundaries. The intention of the setback distance is to ensure at the planning stages of a development that the appropriate property and land-use boundaries are set. The time at which this occurs will depend on the planning or subdivisional process that is being undertaken.

As an example, in the development of a precinct structure plan or overall development plan, the location of existing dams can be noted with appropriate setback distances included in the future planning arrangements, especially during the transitional development period.

All cases assume that the dam is required to operate during/or and post the development period. If the dam is decommissioned as part of the development process, then the setbacks would no longer be required.

There are effectively three ways an existing dam could interact with a proposed development, based on property boundaries that exist at the time and the ownership of the land:

1. Where the land at which the dam is located is being subdivided and there is no property boundary within the minimum setback distance. In this case any new cadastral boundary must be at or further from the dam than the minimum setback distance specified in this guideline.

This is shown in Figure 2. The blue circle represents the setback distance (indicative only), which is within the overall property boundary. Any new cadastral boundaries created as part of the subdivision must be outside this area.



Figure 2: Setback application, single parcel contains entire setback

2. Where the dam is located near a cadastral boundary and the neighbouring lots are in the same ownership. If subdivision of one of the lots is to occur, the subdivision must amend the lot boundaries to meet the minimum setback requirements of this guideline. This is shown in **Figure 3**.

The blue area is the indicative setback distance. There should be no new cadastral boundaries within the blue area and the existing boundaries must be adjusted to provide the setback. This is intended to ensure that the owner of the dam is in control of all land within the setback distance.

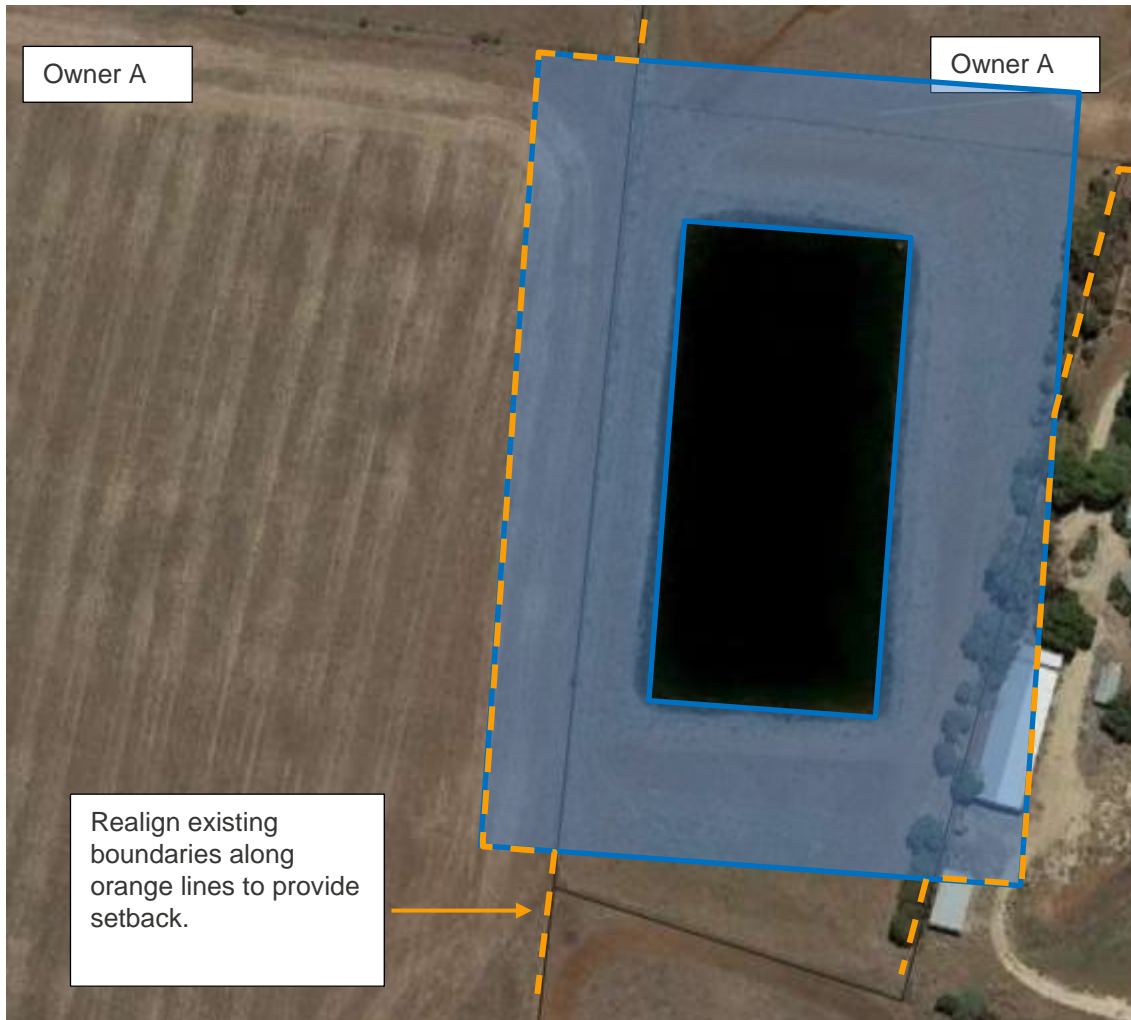


Figure 3: Setback application, multiple parcels in single ownership

3. Where the dam is on a neighbouring property and the ownership of the lots are different. In this case, the setback distance will need to be accommodated across both land holdings. This is shown in **Figure 4**.

In **Figure 4**, the development is to occur on Owner A's land, with the existing dam on Owner B's land that is not subject to development. The setback distance is indicated by the blue perimeter line (including both the orange and blue shaded areas). The orange area indicates the area on the developing property where the setback applies. There must be no development associated with residential, industrial, or commercial uses within this area.

A desirable outcome would be for the orange area to be acquired by the Dam Owner (Owner B). If this is not possible, maintenance access to the embankment must be provided, either through an easement or other negotiated agreement.



Figure 4: Setback application, multiple parcels in different ownership

In the third case, the setback distance would apply to land in rural, urban, and identified growth areas.

For existing dams that have been built to cadastral boundaries, roads abutting the dam can be included within the 5 metres of setback distance required for access for inspections and maintenance activities. This is subject to the required permissions being obtained where disruption to the normal operation of roads for these purposes is anticipated. This is provided that the roadway is the furthest part of the setback away from the dam embankment. For new roads, the setback distance should be applied such that the roadway is not within the minimum setback distance.

Strategic planning investigations should consider the location of dams together with the setback distances recommended in these guidelines.

In all three scenarios discussed in 3.2 above, no new buildings or other critical infrastructure should be constructed within the proposed setbacks, regardless of land use and zoning.

3.3 New Dams

Where new dams or retarding basins are part of a proposed development they must be designed and constructed to comply with ANCOLD and regulatory requirements. This includes consideration of the population at risk associated with the development (and potential further development in the future) and meeting the requirements of So Far As Is Reasonably Practicable (SFAIRP) for managing dam safety. The dam must be designed by a qualified dam engineer and should include (but not be limited to) defensive design measures against piping (e.g., installation of filters) where appropriate, meet fallback requirements for flood retention, have a spillway designed to safely pass the design flood, consider dambreak flooding and meet the requirements for stability.

A setback distance from property boundaries for maintenance activities and dam safety inspections must be maintained for all new dams, whether licenced or not. This distance must be developed by a suitably qualified dams engineer and/or the dam licencing authority and may be larger than the minimum specified below. As an indication, the minimum setback distance for new dams should be:

- For dams up to 5 m in height (H_D), the minimum setback should be 5 m.
- For dams greater than 5 m and up to 10 m in height (H_D), the minimum setback should be 10 m.

New dams greater than 10 m in height and that fall within the limitations and exclusions criteria must be treated as special cases and have appropriate setback distances determined through an alternate pathway. In these rare cases, the Dam Safety and Regulation Team at Department of Environment, Land, Water and Planning should be contacted on 136 186 for guidance on an alternate pathway. However, it is unlikely that a new dam of greater than 10m in height will be constructed in close proximity to existing development.

For new dams in rural areas, the dam owner must adopt a setback from property boundaries. The setback distances in the guideline may be used as a starting point for that determination.

4. Application of setback distance

The setback distances are intended to apply to both on-stream and off-stream storages, as defined in DELWP's publication [Your Dam Your Responsibility](#). The setback is intended to apply for its full width where there is any formed embankment. The application is shown in **Figure 5** and **Figure 6**.

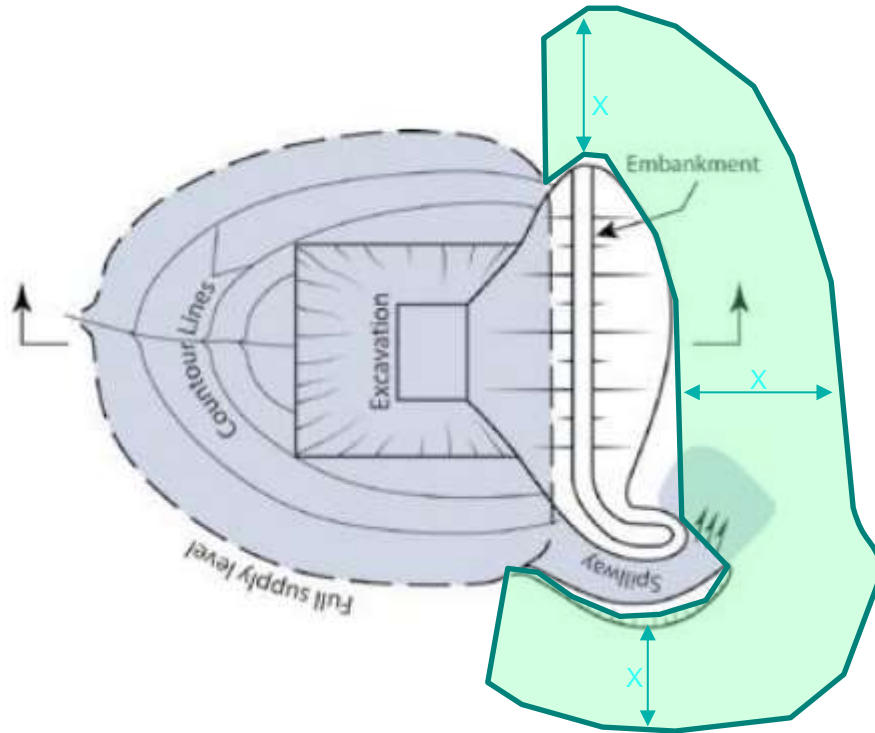


Figure 5: Setback application (Shown in green), On-stream Storage.

For on-stream dams, as per **Figure 5**, the setback applies to the downstream face of the full embankment. The setback distance is a constant value from the downstream toe of the embankment (shown on **Figure 5** as X).

For off-stream dams that are ring dams or turkey nest dams, the setback would be applicable for the entire perimeter of the dam embankment as shown in **Figure 6**.

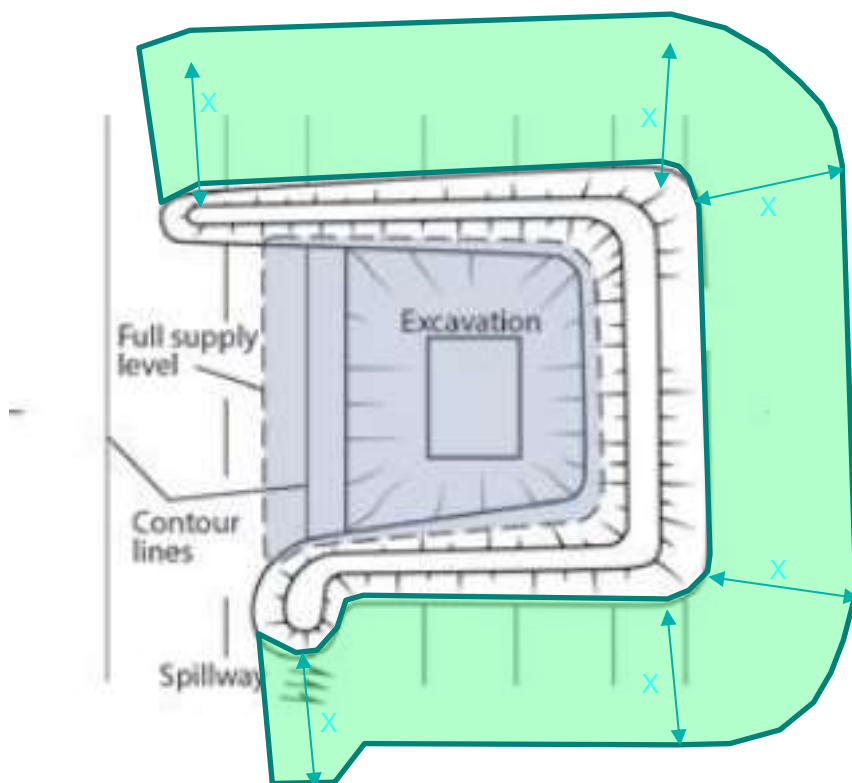


Figure 6: Setback application (Shown in green), Off-stream Storage

4.1 Example Application

This section provides a step-by-step example application for the calculation of the minimum setback distance. The steps involved in determining the setback are:

1. Identify the dam embankment crest and toe.
2. Calculate the maximum height of the dam, H_D , measured from the lowest elevation at the toe of the embankment to the highest elevation of the dam crest.
3. Determine the slope of the land away from the embankment (typically in m/m or degrees). This is the average slope measured at the lowest elevation at the embankment toe over a distance equivalent to the dam height plus 10 m ($H_D + 10$ m), or minimum of 10 m (whichever is the greater).
4. Look at the minimum setback distance from **Table 2**.

The embankment data and pictures used in the example below have been modified for the purposes of the example calculation and are not intended to represent any particular dam.

4.1.1 How to Identify Dam Embankment, Crest and Toe?

The crest and toe of the embankment must be defined spatially. This can be done through site survey, assessment of LIDAR topographic data or contour data, if the resolution is sufficient. If using contour data, it is recommended to allow for some conservativeness in the assessment of the embankment height. **Figure 7** and **Figure 8** show an example dam, with the toe and crest of the embankment defined. The proposed new General Residential Zone and property boundaries are indicated in orange on **Figure 7**.



Figure 7: Example Dam, Identification of Crest and Toe of Embankment

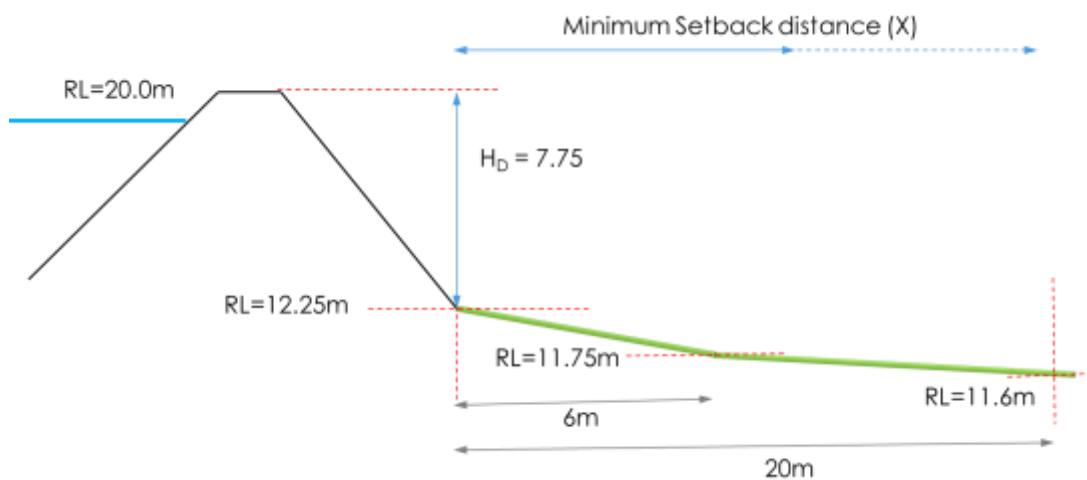


Figure 8: Example Dam, Measurements and Levels

4.1.2 How to Determine Dam Height?

From **Figure 8**, the dam height is 7.75 metres.

4.1.3 How to calculate the Downstream Slope?

The maximum land slope downstream of the dam can be either uphill, downhill, or flat. This slope should be measured as the steepest downhill grade from the toe of the dam embankment. **Figure 9** indicates these slopes.

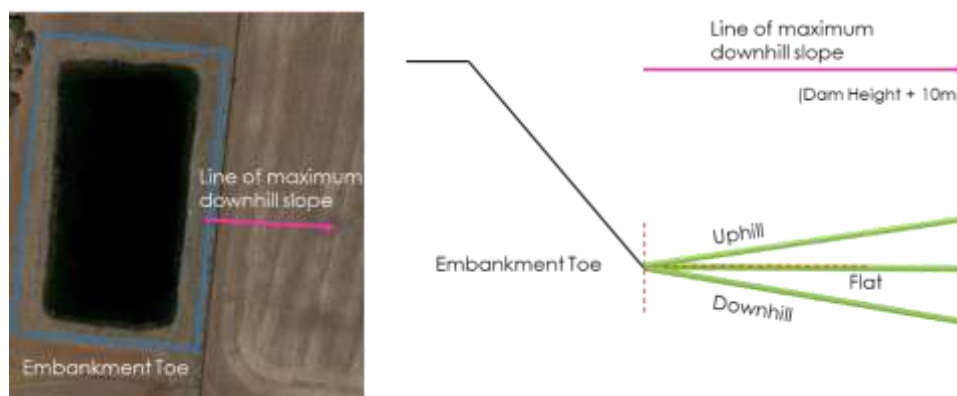


Figure 9: Downstream Slope

In the example, as shown in **Figure 8**, the land slopes away from the dam at a steeper grade to 6 m from the embankment and then at shallower grade from there to 20 metres from the toe of the embankment.

To calculate the average slope, the change in elevation from the toe of the dam to a point 18 metres (dam height plus 10 metres) from the embankment toe is measured. This difference is 0.63 metres. The slope is therefore -0.032 m/m (calculated by $-0.63/18$).

4.1.4 How to Lookup the Minimum Setback Distance?

Once the dam height and downstream slope are determined, **Table 2** can be used to look up the minimum setback distance as shown.

Maximum Dam Height (H_D)	Minimum Setback Distance (metres) (Measured from the Downstream Toe of the Existing Embankment)			
	Any uphill slope, downhill slope <-0.02 m/m (<-2%, <1°)	Downhill Slope -0.02 to -0.05 m/m (-2% to -5%, 1° to 3°)	Downhill Slope -0.05 to -0.1 m/m (-5% to -10%, 3° to 6°)	Downhill Slope -0.1 to -0.16 m/m (-10% to -16%, 6° to 10°)
0.5 to 2	10	11	12	13
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> 8 to 9	19	20	22	23
> 9 to 11	21	23	24	26
> 11 to 13	23	25	26	28
> 13 to 15	25	27	28	30

From **Table 2**, the minimum setback distance for this dam is 19 metres. This is plotted in **Figure 10**.



Figure 10: Example Calculated Minimum Setback Distance

From **Figure 10**, the proposed residential property boundary is within the minimum setback distance as shown by the orange area. The layout for the residential subdivision would require a change to comply with the setback distance, such that the proposed residential area was not within the magenta line. Where the setback is within the Farming Zone, south-east of the dam, changing the boundary is encouraged but not mandatory, provided access is maintained.

5. References

1. For more information and guidance on good practice in design, construction and management of dams, as well as the responsibilities for both new and existing dam owners, see DELWP's guide to managing safety of small dams [Your Dam Your Responsibility](#).
2. Regulatory requirements, information, and guidance on making an application to construct and operate a dam can be found from your local Licensing Authority (water corporation):

[Melbourne Water](#)

[Southern Rural Water](#)

[Goulburn Murray Water](#)

[Grampians Wimmera Mallee Water](#)

[Lower Murray Water](#)

3. For general information and guidance on planning processes, including subdivision, development applications, and planning scheme amendments, see DELWP's guide on [Using Victoria's Planning System](#).
4. For specific advice about planning approvals required for subdividing property or building close to dams please contact your local council. You can look up who your local council is by visiting [Know Your Council](#).



394 Hartwicks Road Hamilton: Location of Existing Septic Tanks and Effluent Lines



Planning Enquiries
Phone: (03) 5573 0444
Web:
www.sthgrampians.vic.gov.au

Office Use Only

VicSmart:

No

Specify class of VicSmart application:

Application No:

Date Lodged: 6/10/2023

Application for Planning Permit

If you need help to complete this form, read [How to complete the Application for Planning Permit 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 (*) are mandatory and must be completed.



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

Application type

Is this a VicSmart Application?*

No

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?

If 'yes', with whom?:

Date:

day / month / year

The Land

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

Street Address*

Unit No:

St. No: 24

St. Name: Griffin Street

Suburb/Locality: Hamilton

Postcode: 3300

Formal Land Description*

Complete either A or B



This information can be found on the certificate of title.

A

Lot No:



Lodged Plan



Title Plan



Plan of Subdivision

No:

OR

B

Crown Allotment No: 6

Section No: 16B

Parish/Township Name: HAMILTON NORTH

If this application relates to more than one address, please attach details.

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.

- ① For what use, development or other matter do you require a permit?*

Demolition and rebuild of new dwelling, carport and detached garage. , Demolition of the existing dwelling and construction of a double storey dwelling



Provide additional information on 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.

- ① Estimated cost of development for which the permit is required*

Cost **\$500,000.00**



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

Insert '0' if no development is proposed (eg. change of use, subdivision, removal of covenant, liquor licence)

Existing Conditions ①

Describe how the land is used and developed now*

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

single dwelling



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

Title Information ①

Encumbrances on title*

If you need help about the title, read: [How to complete the Application for Planning Permit form](#)

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' eg restrictive covenants.)

Applicant and Owner Details ①

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

Applicant *

The person who wants the permit

Name:		
Title:	First Name: Ryan	Surname: Adamson
Organisation (if applicable): Shape Building Design		
Postal Address		If it is a PO Box, enter the details here:
Unit No:	St. No: 412	St. Name: Raglan Street, South
Suburb/Locality: Ballarat Central		State: Victoria
		Postcode: 3350

Owner *

The person or organisation who owns the land

Name:		
Title: Mr	First Name: John	Surname: Alexander
Organisation (if applicable):		

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

Postal Address		If it is a PO Box, enter the details here:	
Unit No.:	St. No.: 24	St. Name: griffin street	
Suburb/Locality:		State: hamilton	Postcode: 3300
Owner's Signature (optional):		Date:	
		day / month / year	

Information Requirements

Is the required information provided?

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

- ☐ 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:
Electronically Signed.



Date: 6 October 2023

day / month / year

This application has been lodged online. The declaration has been electronically signed.

Checklist ⓘ

Have you:

<input type="checkbox"/>	Filled in the form completely?	 Most applications require a fee to be paid. Contact Council to determine the appropriate fee.
<input type="checkbox"/>	Paid or included the application fee?	
	Provided all necessary supporting information and document?	
<input type="checkbox"/>	A full and current copy of the information for each individual parcel of land forming the subject site.	
<input type="checkbox"/>	A plan of existing conditions.	
<input type="checkbox"/>	Plans showing the layout and details of the proposal.	
<input type="checkbox"/>	Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.	
<input type="checkbox"/>	If required, a description of the likely effect of the proposal (eg traffic, noise, environmental impacts).	

Lodgement ⓘ

Lodge the completed and signed form and all documents with:

Southern Grampians Shire Council
111 Brown St, Hamilton VIC 3300
Telephone: (03) 5573 0444

Contact information:

Telephone: (03) 5573 0444
Email: council@sthgrampians.vic.gov.au

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TITLE PLAN				EDITION 1	TP953468S	
LOCATION OF LAND PARISH: HAMILTON NORTH TOWNSHIP: HAMILTON SECTION: 16B CROWN ALLOTMENT: 6 CROWN PORTION: LAST PLAN REFERENCE: DERIVED FROM: DEPTH LIMITATION: NIL				NOTATIONS		
EASEMENT INFORMATION E - ENCUMBERING EASEMENT. R - ENCUMBERING EASEMENT (ROAD). A - APPURTENANT EASEMENT.					THIS PLAN HAS BEEN PREPARED BY LAND VICTORIA FOR TITLE DIAGRAM PURPOSES Checked by: MS Date: 15/11/2013 Assistant Registrar of Titles	
Easement Reference	Purpose / Authority	Width (Metres)	Origin	Land benefited / In favour of		
LENGTHS ARE IN METRES	SCALE —	DEALING / FILE No: AP98972G GOVERNMENT GAZETTE No:		DEALING CODE: 23 SHEET 1 OF 1		

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

Page 1 of 1

VOLUME 12489 FOLIO 619

Security no : 124108791884F
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LAND DESCRIPTION

Crown Allotment 6 Section 16B Township of Hamilton Parish of Hamilton North.
PARENT TITLE Volume 11457 Folio 798
Created by Application No. 146434X 11/07/2023

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors
JOHN ARTHUR ALEXANDER
FAY MAREE ALEXANDER both of 24 GRIFFIN STREET HAMILTON VIC 3300
AX191057C 25/08/2023

ENCUMBRANCES, CAVEATS AND NOTICES

For details of any other encumbrances see the plan or imaged folio set out
under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP953468S FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NUMBER		STATUS	DATE
AP146434X (E)	NON-SURVEY CONVERSION	Registered	14/07/2023
AX191057C (E)	TRANSFER	Registered	25/08/2023

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 24 GRIFFIN STREET HAMILTON VIC 3300

DOCUMENT END



**TOWN PLANNING DRAWINGS FOR
DEMOLITION OF EXISTING DWELLING
AND SHEDS & PROPOSED DWELLING
AND DETACHED GARAGE
FOR JOHN & FAY ALEXANDER
AT 24 GRIFFIN STREET, HAMILTON**

DRAWING INDEX

- 1 COVER SHEET
- 2 NEIGHBOURHOOD CHARACTER
- 3 EXISTING SITE PLAN
- 4 DEMOLITION SITE PLAN
- 5 PROPOSED SITE PLAN
- 6 LANDSCAPE PLAN
- 7 SITE USE PLANS
- 8 PROPOSED FLOOR PLAN
- 9 EXTERNAL ELEVATIONS
- 10 EXTERNAL ELEVATIONS
- 11 PROPOSED STREETScape ELEVATIONS
- 12 SCHEMATIC SECTION
- 13 ROOF PLUMBING PLAN
- 14 SHED ELEVATIONS
- 15 MATERIALS

Design By.



412 RAGLAN STREET S, BALLARAT CENTRAL
VICTORIA 3350
W. SHAPEBUILDINGDESIGN.COM.AU
T. (03) 4310 7204
DP-AD 36588



AERIAL PLAN

SUBJECT SITE



24 GRIFFIN STREET - SUBJECT SITE - IMAGE 1



21 GRIFFIN STREET - IMAGE 2



22 GRIFFIN STREET - IMAGE 3



20 GRIFFIN STREET - IMAGE 4



18 GRIFFIN STREET - IMAGE 5



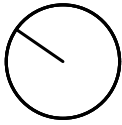
17 GRIFFIN STREET - IMAGE 6



19 GRIFFIN STREET - IMAGE 7



21 GRIFFIN STREET - IMAGE 8



DRAWING TITLE:
NEIGHBOURHOOD CHARACTER

PROJECT NAME:
PROPOSED RESIDENCE

PROJECT NUMBER:
SBD327052

PROJECT ADDRESS:
24 GRIFFIN STREET, HAMILTON

SCALE

STATUS PLANNING

B.A.L BAL LOW

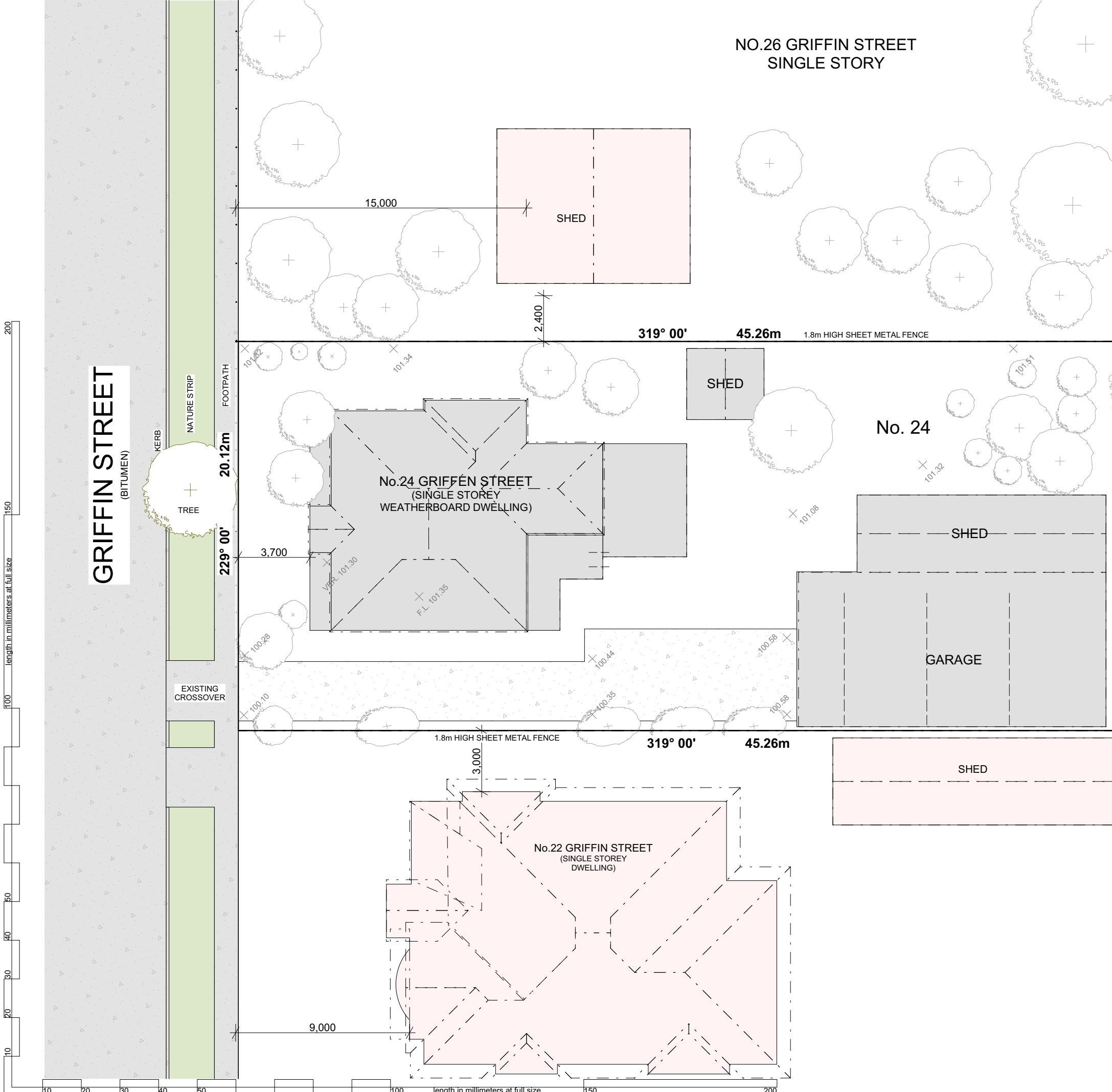
DRAWING No.

2

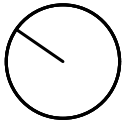
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200
150
100
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length in millimeters at full size

10 20 30 40 50 100 150 200
length in millimeters at full size



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DRAWING TITLE:
EXISTING SITE PLAN

PROJECT NAME:
PROPOSED RESIDENCE

PROJECT NUMBER:
SBD327052

PROJECT ADDRESS:
24 GRIFFIN STREET, HAMILTON

SCALE 1:200

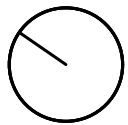
STATUS PLANNING

B.A.L BAL LOW

DRAWING No.

3

THE BUILDER SHALL CHECK AND VERIFY ALL
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DRAWING TITLE:
DEMOLITION SITE PLAN

PROJECT NAME:
PROPOSED RESIDENCE

PROJECT NUMBER:
SBD327052

PROJECT ADDRESS:
24 GRIFFIN STREET, HAMILTON

SCALE 1:200

STATUS PLANNING

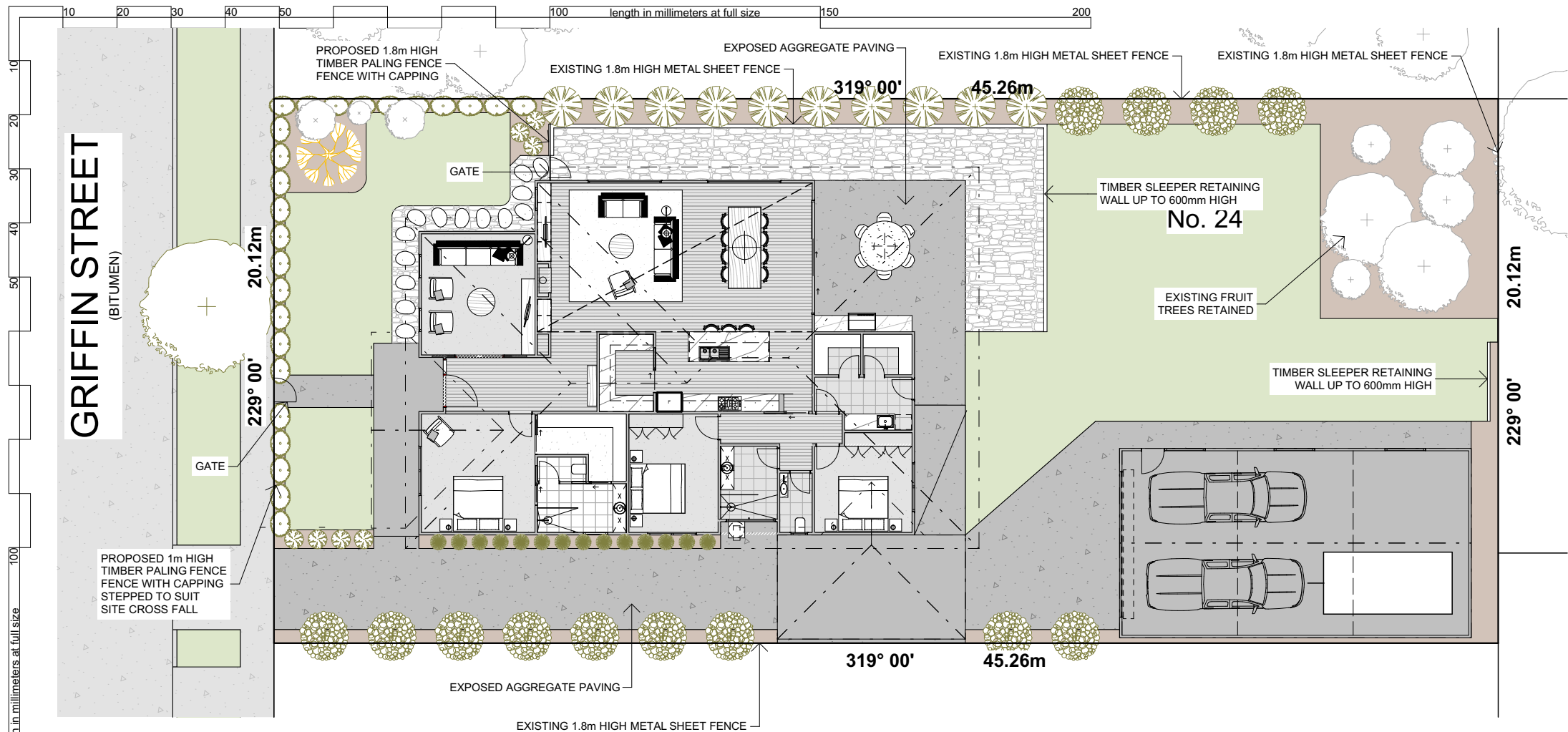
B.A.L BAL LOW

DRAWING No.

4

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LANDSCAPE LEGEND

SYMBOL	PLANT NAME	POT	PLANT SIZE	MATURITY SIZE	QTY
	PORTUGUESE LAUREL HEDGE	8 INCH	30CM	0.7m x 1.20m	25
	LOMANDRA LIME TUFF	4 INCH	20CM	0.8m x 0.8m	13
	MAGNOLIA LITTLE GEM	8 INCH	60CM	2.0m x 4.0m	10
	DIANELLA TASMANICA BLAZE SPLICE	4 INCH	20CM	0.4m x 0.5m	14
	CAPITAL PEAR - PYRUS CALLERYANA	30CM	1500CM	3.0m x 6.0m	19
	ACER RUBRUM 'JEFFERSRED'	40CM	2100CM	10m x 13m	1
	CONCRETE (EXPOSED AGGREGATE)				
	GRASS (SELECTED BY CLIENT)				
	NATURAL BLUESTONE PAVERS ON FEATURE STONES (SELECTED BY CLIENT)				
	BUSH MULCH				
	20mm PURPLE GRANITE TOPPINGS				



BLUESTONE STEPPERS RECESSED INTO CRUSHED GRANITE SANDS



CORTEN EDGING TO ALL GARDEN BED'S WITH BUSH MULCH TO COVER



EXPOSED CONCRETE PAVING TO DRIVEWAY AND ALFRESCO



MAGNOLIA LITTLE GEM



PORTUGUESE LAUREL



CAPITAL PEAR



DIANELLA TASMANICA



LOMANDRA LIME TUFF



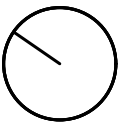
ACER RUBRUM 'JEFFERSRED'



TALL FESCUE GRASS

EXISTING PLANT NOTE:
NO NATIVE TREES REMAIN ON SITE.
EXISTING LEMON TREE IN REAR
YARD TO BE RETAINED

- **PREPARATION FOR AN INCREDIBLE LANDSCAPE:****
- EMBARK ON YOUR PROJECT WITH UTMOST CARE BY ENSURING THE SAFETY OF UNDERGROUND SERVICES BEFORE ANY DIGGING BEGINS.
 - TRANSFORM THE CANVAS OF YOUR LANDSCAPE BY METICULOUSLY CLEARING AWAY ALL BUILDING RUBBLE AND DEBRIS, AND NURTURING THE FOUNDATION OF YOUR PLANTING BEDS AND LAWN AREAS TO A LUXURIANT DEPTH OF AT LEAST 150MM.
 - BID FAREWELL TO UNWANTED INTRUDERS BY ERADICATING ALL TRACES OF WEED GROWTH FROM BOTH EXISTING AND PROPOSED PLANTING AREAS, CRAFTING A PRISTINE HAVEN, EVEN IN YOUR LAWN SPACES.
 - UNLEASH YOUR VISION AS YOU EXCAVATE EVERY GARDEN BED AND STRETCH OF LAWN, DELVING TO AN IMPRESSIVE DEPTH OF APPROXIMATELY 200MM, SETTING THE STAGE FOR GREATNESS.
- **PLANTING BEDS THAT RADIATE LIFE:****
- ELEVATE YOUR LANDSCAPE DESIGN WITH A TOUCH OF OPULENCE BY ADDING A GENEROUS LAYER OF AROUND 250MM OF NUTRIENT-RICH PLANTING SOIL WHEREVER IT'S NEEDED.
 - THE SYMPHONY OF YOUR SOIL COMPOSITION SHALL CONSIST OF THESE HARMONIOUS NOTES (OR OTHER APPROVED SELECTIONS):
 - o 50% SANDY LOAM FOR OPTIMAL TEXTURE AND WATER RETENTION.
 - o 20% AGED TIMBER SAWDUST TO NOURISH GROWTH WITH ORGANIC RICHNESS.
 - o 20% COMPOSTED PINE BARK FOR A TOUCH OF NATURAL ELEGANCE.
 - o 10% ¼ MINUS SCORIA AGGREGATE FOR STRUCTURE AND DRAINAGE PROWESS.
 - o PH LEVEL DANCING BETWEEN 5.5 AND 6.6, THE SWEET SPOT FOR FLOURISHING LIFE.
- **WEEDMAGIC AND MULCHING MAJESTY:****
- ENVELOP YOUR GARDEN BEDS IN AN ECO-FRIENDLY EMBRACE AS YOU INTRODUCE THE ORGANIC BIODEGRADABLE HESSIAN WEED MAT, A TAPESTRY OF SUSTAINABILITY.
 - SECURE THIS MASTERPIECE WITH THE GRACE OF NON-GALVANIZED STEEL 'U' PINS, A MINIMUM OF 3 PER SQUARE METER, EACH MEASURING 40X25X100MM WITH A 3.5MM WIRE GAUGE, ALIGNING WITH THE MAESTRO'S INSTALLATION AND LAYOUT INSTRUCTIONS.
 - WITH FINESSE, CARVE CROSS-SLITS INTO THE WEED MAT, CREATING PORTALS FOR YOUR CHOSEN PLANTS TO RISE, MINIMIZING EACH SLIT'S LENGTH TO THE EXACT REQUIREMENT, A TESTAMENT TO PRECISION.
 - CROWN YOUR MASTERPIECE WITH THE ELEGANCE OF 7MM SEYMOUR RIVER GRAVEL MULCH, CASCADE AT AN EVEN DEPTH OF 75MM, AN ADORNMENT BEFITTING YOUR BOTANICAL WONDERLAND.
- **PLANTING WITH A HEART FULL OF FERTILE PROMISES:****
- EMBRACE A TAPESTRY OF HEALTH AS EVERY PLANT TAKES ROOT, THEIR VITALITY UNDISPUTED, FREE FROM THE SHADOWS OF PESTS, DISEASE, AND STRESS, READY TO THRIVE IN THEIR NEW HOME.
 - FOR THOSE PLANTS GRACING 100-200MM DIAMETER POTS, BESTOW UPON THEM 20GMS OF 'OSMOCOTE,' A NURTURING GIFT.
 - STRENGTHEN THE GIANTS AMONG YOUR GARDEN'S OCCUPANTS WITH A SUBSTANTIAL 100GMS OF 'OSMOCOTE' SLOW-RELEASE FERTILIZER, A PLEDGE TO ENDURING GRANDEUR.
- **WATERING****
- FOR THE CULTIVATION OF ADVANCED TREES, AN APPLICATION OF 30 LITRES OF WATER IS MANDATED IMMEDIATELY FOLLOWING THE PLANTING PROCESS. IN THE CASE OF POTS WITH A DIAMETER RANGING FROM 100 TO 200MM, A PRECISE BESTOWAL OF 10 LITRES OF WATER IS TO BE ADMINISTERED PROMPTLY POST-PLANTING.
 - THE ESTABLISHMENT OF AN IN-GROUND MICRO-SPRAY IRRIGATION SYSTEM STANDS AS A REQUISITE DIRECTIVE ACROSS ALL EXPANSES DESIGNATED AS LANDSCAPE AREAS.
- **LAWN PREPARATION****
- THE METICULOUS PREPARATION OF LAWN AREAS NECESSITATES A CULTIVATION PROCESS, ENTAILING THE INCORPORATION OF 75MM MINIMUM OF TOPSOIL. THIS MEDIUM IS TO BE EVENLY DISSEMINATED, OVERLAYING AN APPROVED STARTER FERTILISER FOUNDATION.
 - THE CHOSEN SPECIES OF GRASS SEED, CONFORMING TO MANUFACTURER SPECIFICATIONS, IS TO BE METICULOUSLY SOWN ACROSS THE EXPANSE OF LAWN AREAS.
 - FOLLOWING THE SOWING PROCEDURE, A REGIMEN OF IMMEDIATE WATERING SHALL BE ADMINISTERED UNTIL THE TOPSOIL REACHES A STATE OF THOROUGH MOISTENING, PENETRATING TO ITS COMPLETE DEPTH.
 - SUSTAINING THE ROBUST HEALTH AND VITALITY OF THE GRASS DEMANDS PRECISE ADMINISTRATION OF WATER, FERTILISER, AND RELATED APPLICATIONS, FOSTERING AN ENVIRONMENT CONDUCTIVE TO VIGOROUS GROWTH.
 - AN IMPERATIVE FOCUS ON PRECISION EMERGES AT THE JUNCTION CONNECTING FOOTPATHS AND THE VERDANT LAWNS. THIS UNION IS TO CULMINATE IN A HARMONIOUS, FLUSH, EVEN, AND UNIFORMLY ALIGNED JOINT.
 - NEWLY SEEDED GRASS AREAS, DEEMED A NASCENT MANIFESTATION OF GROWTH, ARE TO REMAIN UNDISTURBED FOR A STIPULATED PERIOD OF NO LESS THAN FOUR WEEKS.
 - IN INSTANCES WHERE THE GERMINATION OF GRASS SEED PROVES UNSUCCESSFUL, PROACTIVE MEASURES ARE MANDATED, A PROMPT RE-SOWING REGIMEN SHALL BE EXECUTED AT THE EARLIEST JUNCTURE PERMITTED BY SEASONAL CONDITIONS.
- **CONCRETE PAVING****
- PRIOR TO THE INITIATION OF CONSTRUCTION ACTIVITIES, AN INDISPENSABLE STEP MANDATES THE ON-SITE VERIFICATION OF ALL DIMENSIONS.
 - THE DOMAIN OF VEHICULAR MOVEMENT MANDATES THE ESTABLISHMENT OF 100MM DEPTH OF 25MPA REINFORCED CONCRETE PAVEMENT, ENSURING STRUCTURAL RESILIENCE.
 - A REFINED STRATAGEM CALLS FOR THE CRAFTING OF A 75MM DEPTH OF 20MPA CONCRETE PAVEMENT, ENRICHED WITH A WOOD FLOAT FINISH AND ADORNED WITH EITHER SAW-CUTS OR PRECISELY TOOLED JOINTS.
 - THE FOUNDATIONAL UNDERPINNING OF PAVEMENT DYNAMICS RESIDES IN THE INSTALLATION UPON A 75MM CONSOLIDATED BASE, MANIFESTING AT A DEPTH OF 20MM IN CONFORMITY TO CLASS 2 FCR STANDARDS.
 - AN ORCHESTRATED ALIGNMENT WITH THE PRINCIPLES OF HYDROLOGY MANDATES THAT LANDSCAPING FINISHED LEVELS WITHIN THE SITE CONTOUR HARMONIOUSLY. WATER DRAINAGE PATTERNS ARE METICULOUSLY DESIGNED TO FACILITATE DIRECTED FLOW AWAY FROM THE BUILDING'S PRECINCTS TOWARDS DESIGNATED PATHS, PITS, KERBS, AND ALLIED DRAINAGE INFRASTRUCTURES. THESE PRINCIPLES STAND AS A TESTAMENT TO ADHERENCE TO ALL RELEVANT REGULATIONS AND NORMS.



DRAWING TITLE:
LANDSCAPE PLAN

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PROJECT NAME:
PROPOSED RESIDENCE

PROJECT NUMBER:
SBD327052

PROJECT ADDRESS:
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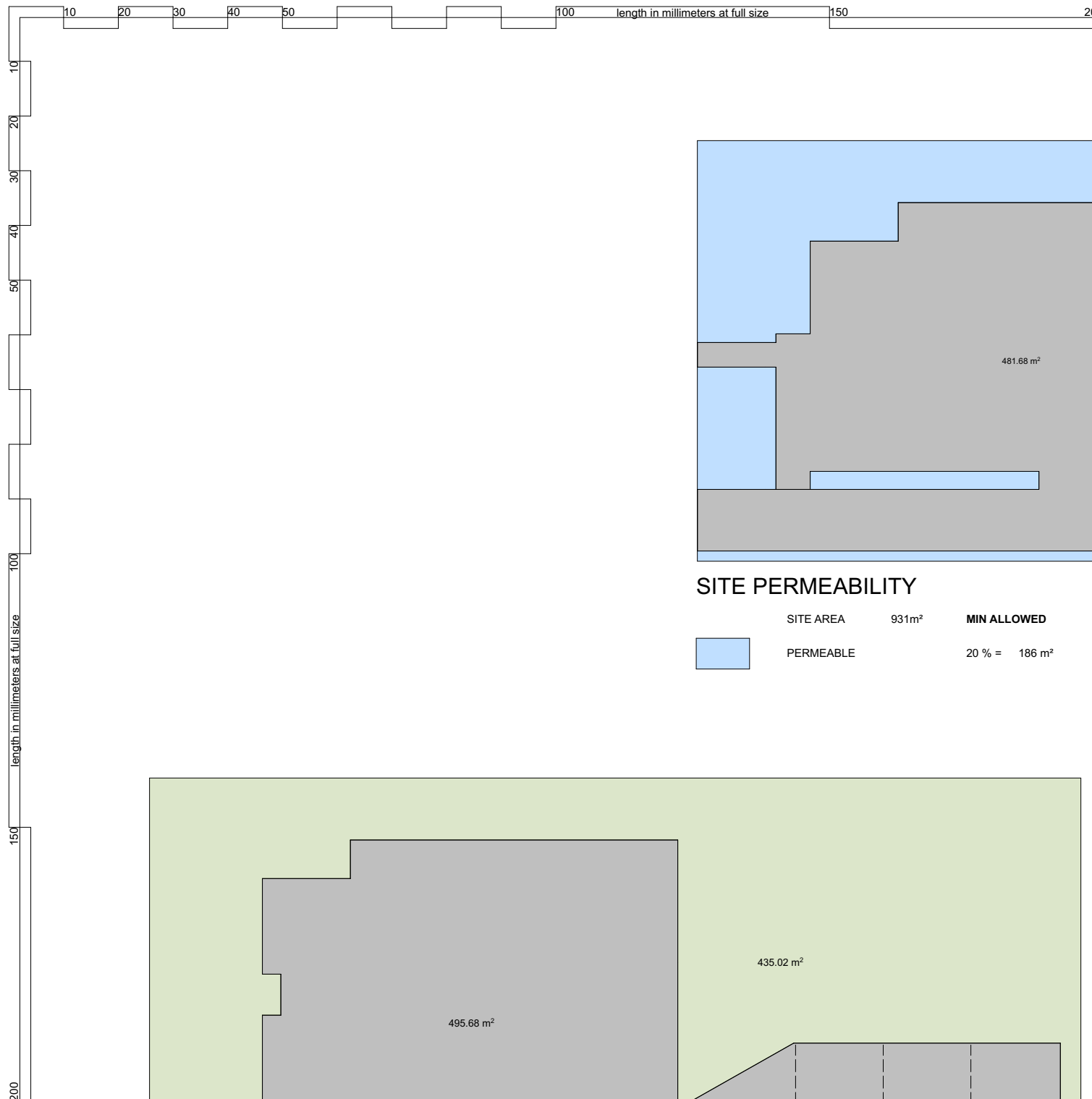
BUSHFIRE ATTACK LEVEL:
BAL LOW

SCALE
1:200

STATUS
PLANNING

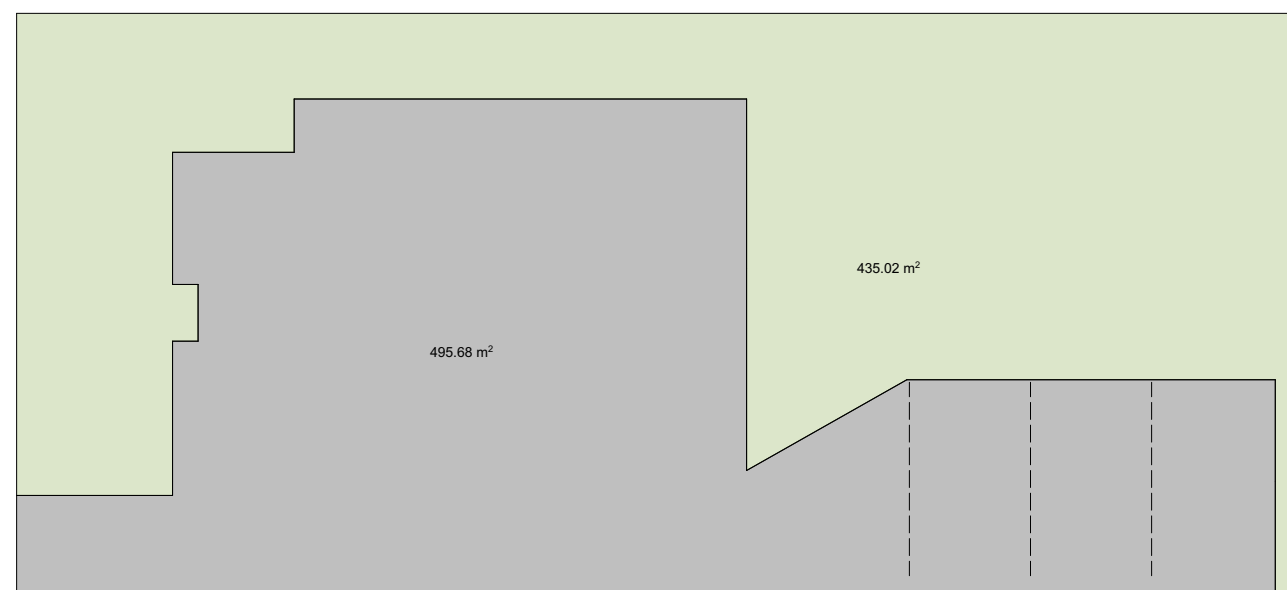
DRAWING No.

6




SITE PERMEABILITY

	SITE AREA	931m ²	MIN ALLOWED	PERMEABILITY ACHIEVED	
	PERMEABLE		20 % = 186 m ²	449.02 m ²	48.22 %




GARDEN AREA

	SITE AREA	931m ²	MIN. REQUIRED	GARDEN AREA ACHIEVED	
	GARDEN AREA	35 % =	325.85 m ²	435.02 m ²	46.72 %



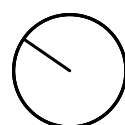
SITE COVERAGE

	SITE AREA	931m²	MAX ALLOWED	COVERAGE ACHIEVED
	SITE COVERAGE		60 % = 558.6 m²	389.24 m² 41.81 %



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SITE USE PLANS

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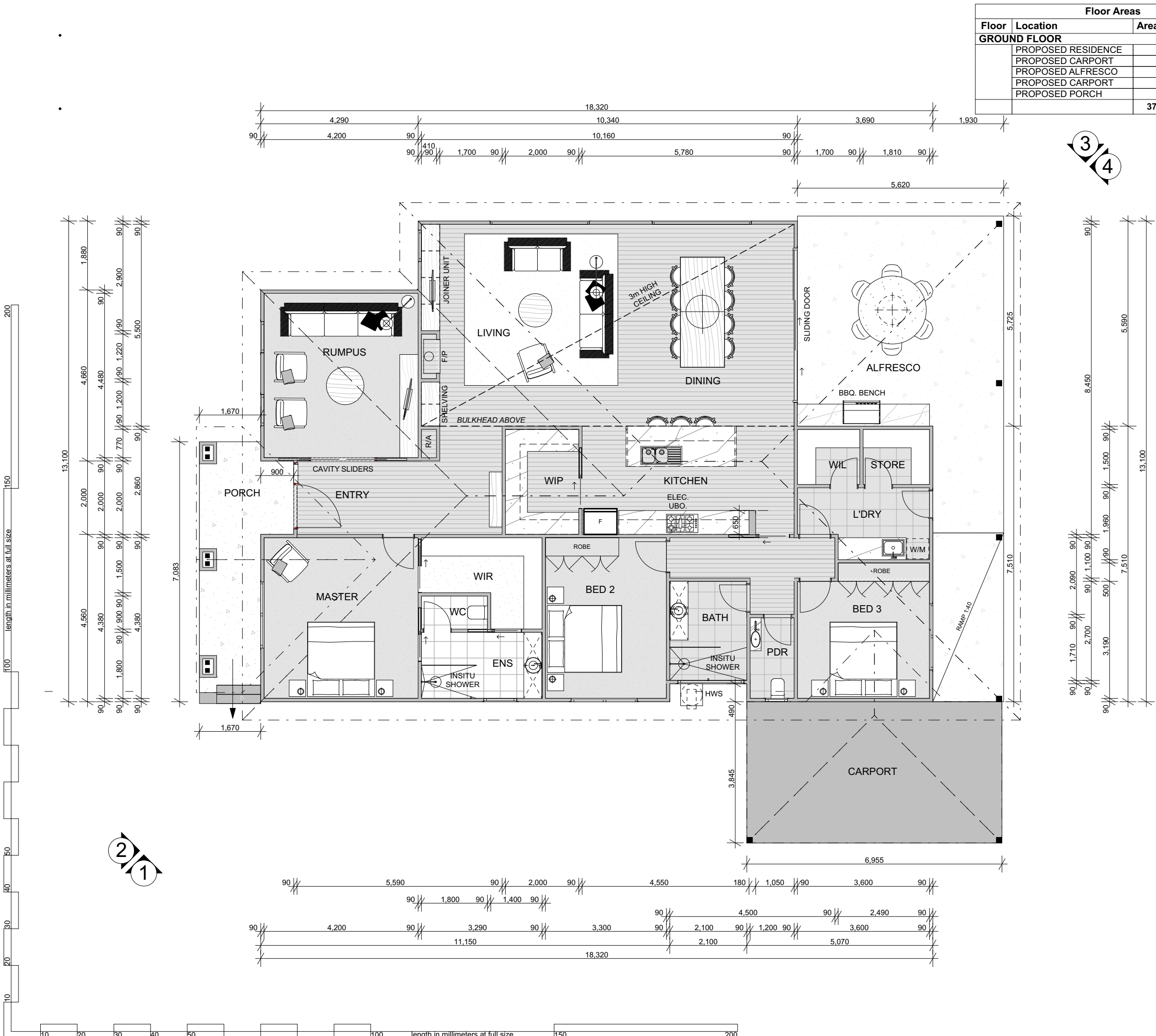
BUSHFIRE ATTACK LEVEL:
BAL LOW

SCALE
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STATUS PLANNING

DRAWING No.

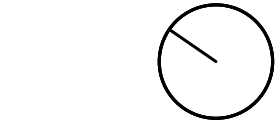
7



Floor Areas			
Floor	Location	Area	Perimeter
GROUND FLOOR	PROPOSED RESIDENCE	208.47	65.62
	PROPOSED CARPORT	91.00	40.00
	PROPOSED ALFRESCO	31.14	22.32
	PROPOSED CARPORT	26.78	21.61
	PROPOSED PORCH	13.71	19.41
		371.10 m²	168.96 m



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DRAWING TITLE:
PROPOSED FLOOR PLAN

PROJECT NAME:
PROPOSED RESIDENCE

PROJECT NUMBER:
SBD327052

PROJECT ADDRESS:
24 GRIFFIN STREET, HAMILTON

SCALE 1:100

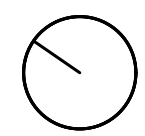
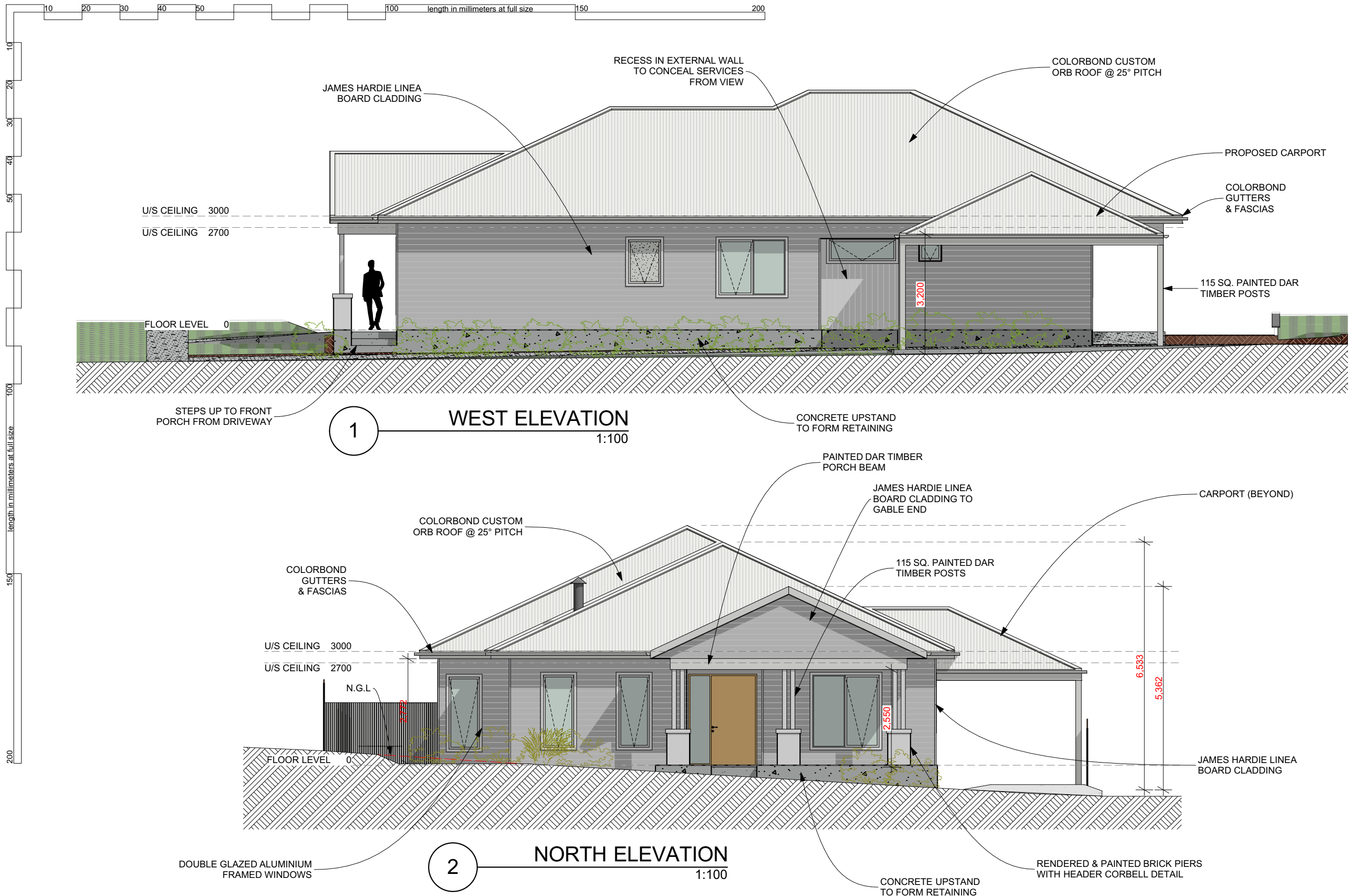
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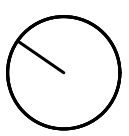
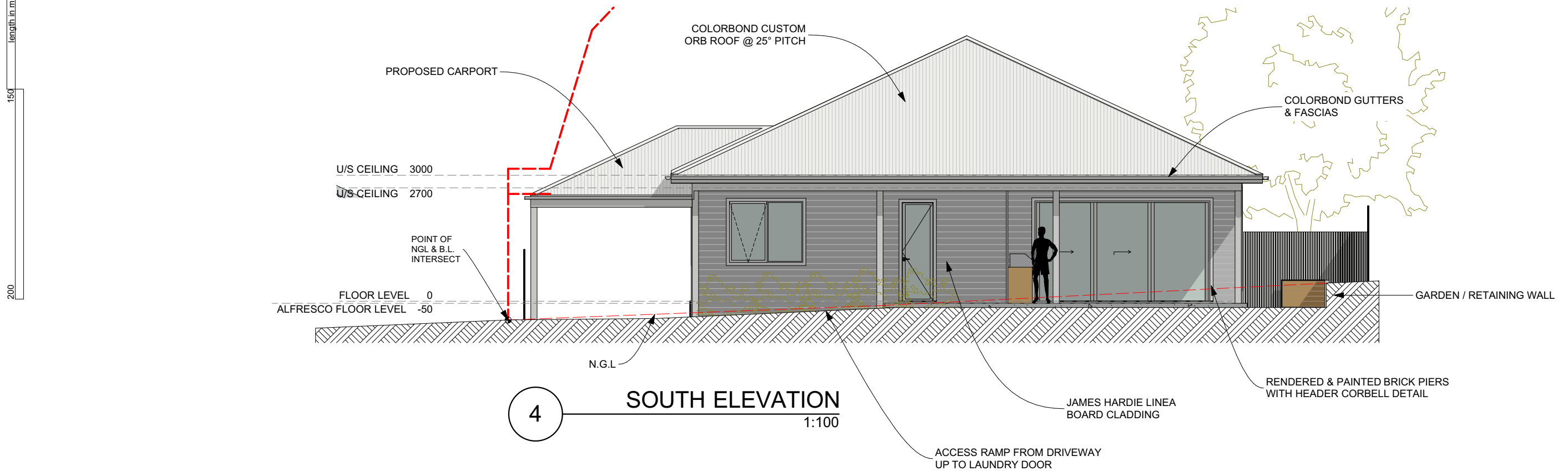
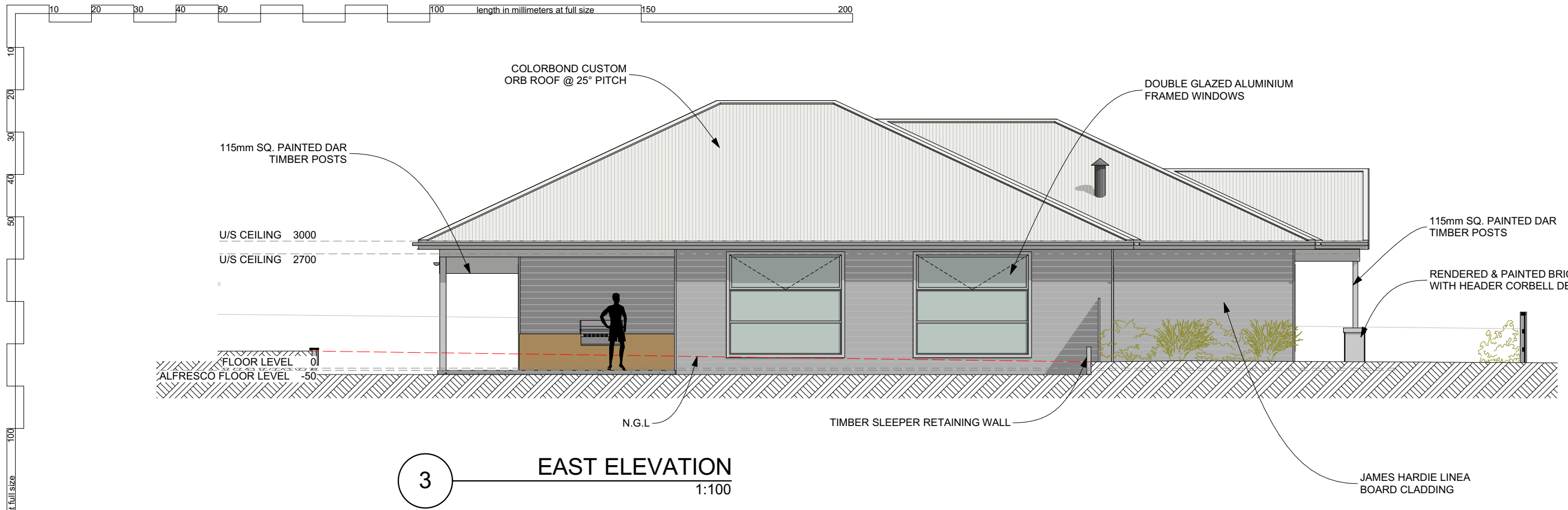
B.A.L BAL LOW

DRAWING No.

8

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10 20 30 40 50 100 150 200 length in millimeters at full size



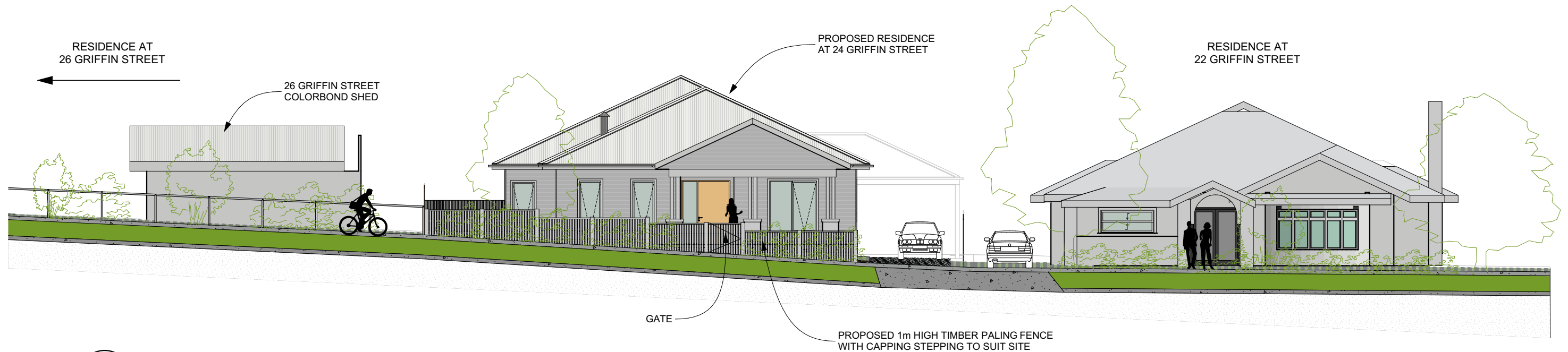
IMAGE OF 26 GRIFFIN STREET



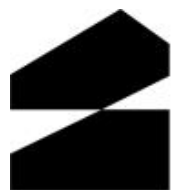
RENDER OF 24 GRIFFIN STREET



IMAGE OF 22 GRIFFIN STREET

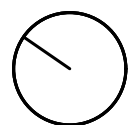


1 STREETScape ELEVATION 1:150



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DRAWING TITLE:
PROPOSED STREETScape
ELEVATIONS
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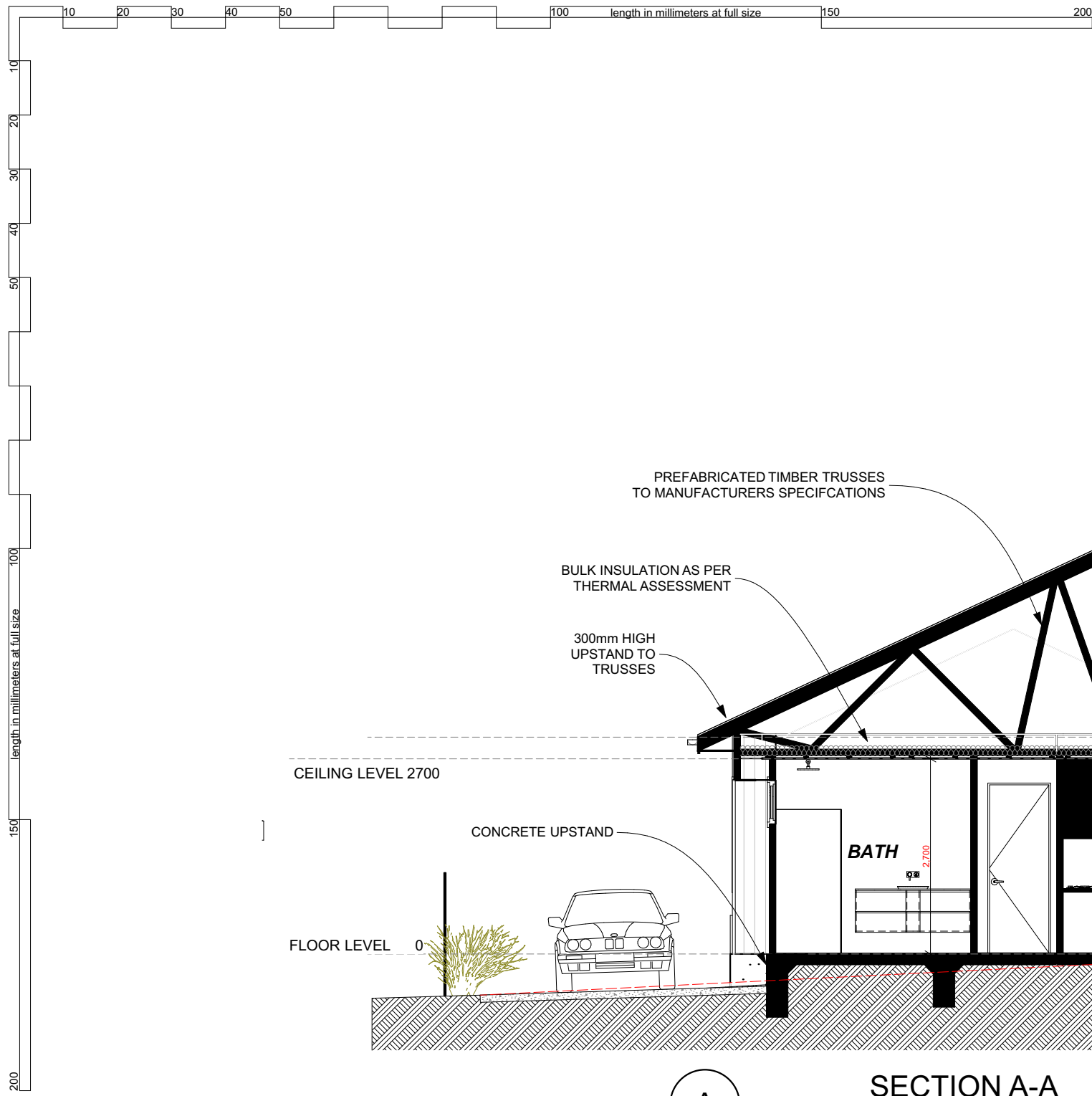
BUSHFIRE ATTACK LEVEL:
BAL LOW

SCALE
1:150

STATUS
PLANNING

DRAWING No.

11

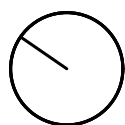


A SECTION A-A
1:75



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DRAWING TITLE:
SCHEMATIC SECTION

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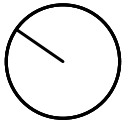
BUSHFIRE ATTACK LEVEL:
BAL LOW

SCALE
1:75

STATUS
PLANNING

DRAWING No.

12



DRAWING TITLE:
ROOF PLUMBING PLAN

PROJECT NAME:
PROPOSED RESIDENCE

PROJECT NUMBER:
SBD327052

PROJECT ADDRESS:
24 GRIFFIN STREET, HAMILTON

SCALE 1:100

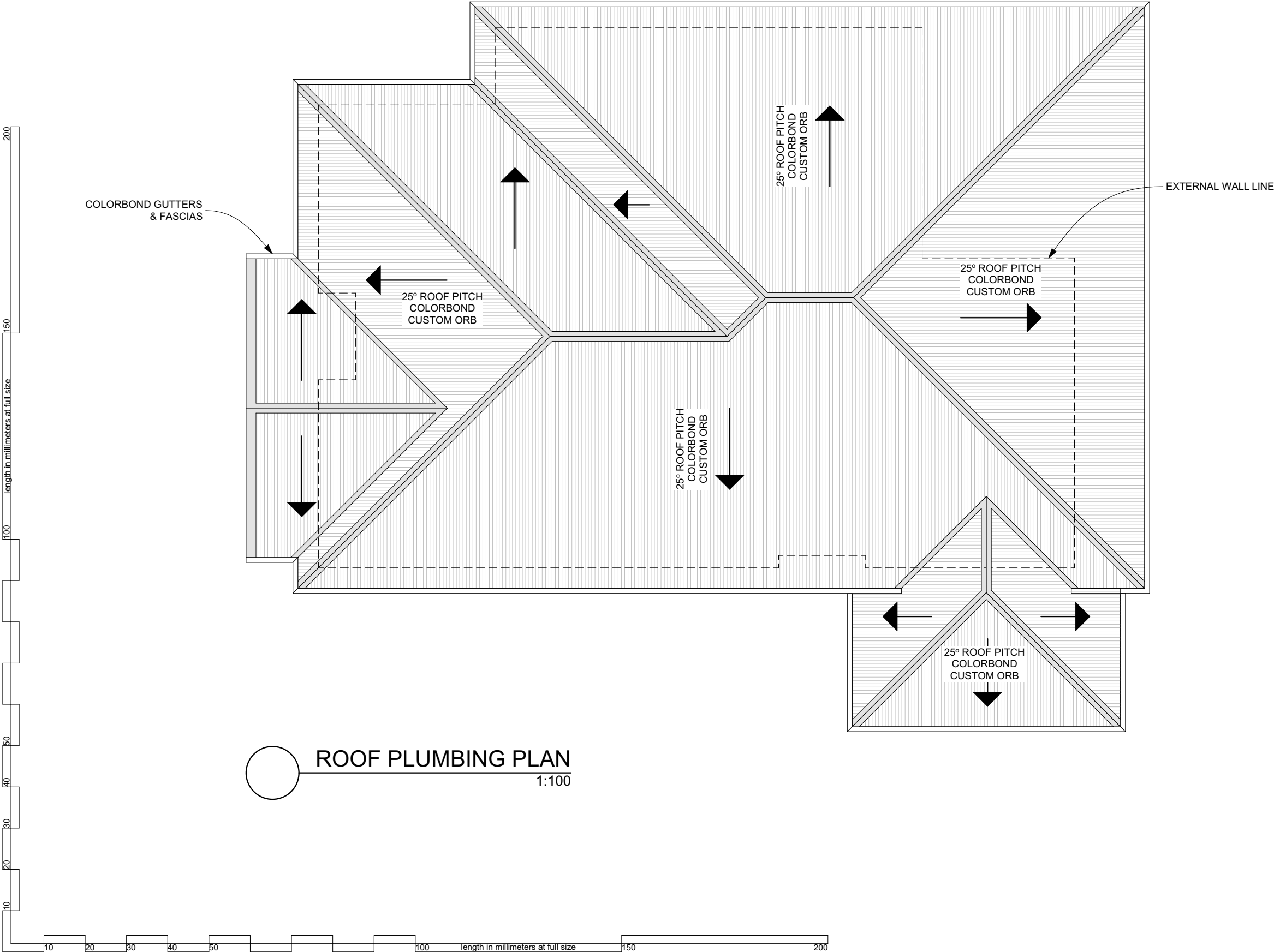
STATUS PLANNING

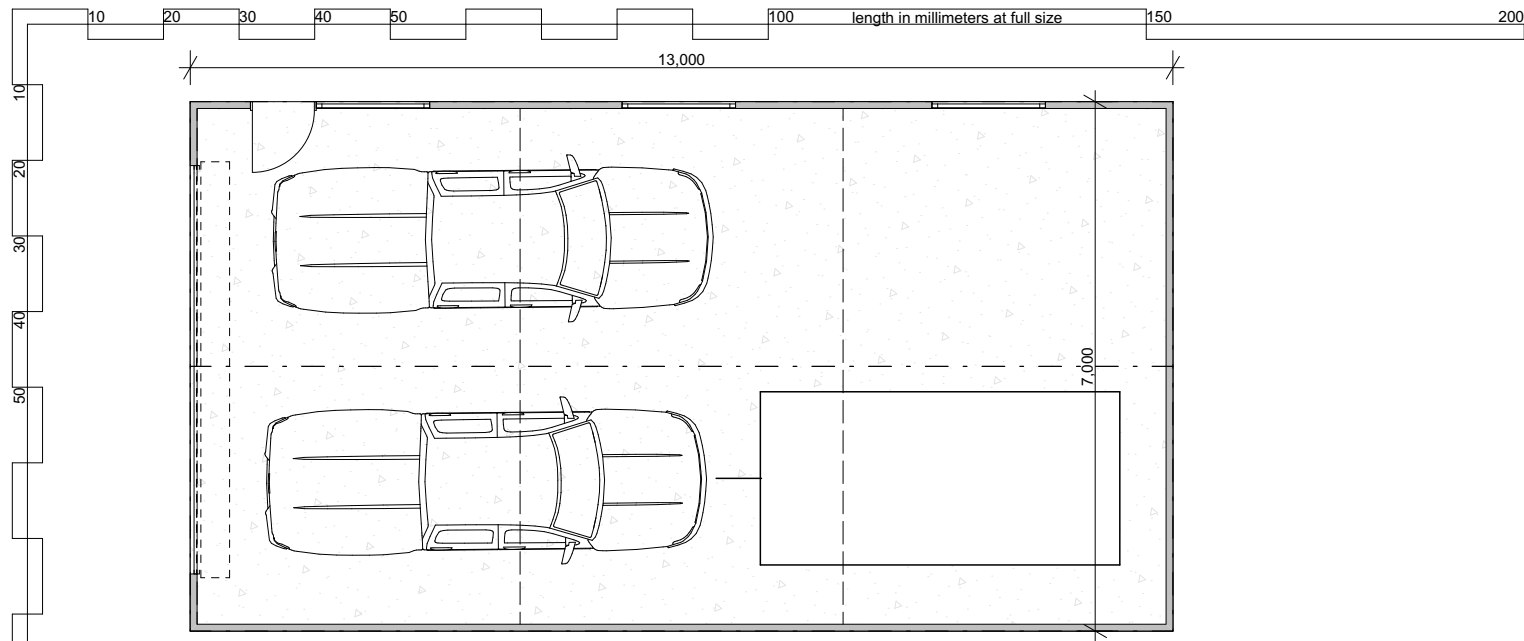
B.A.L BAL LOW

DRAWING No.

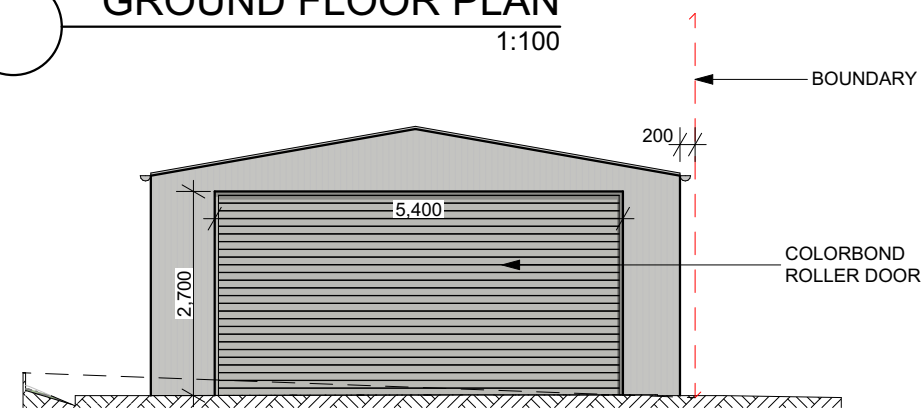
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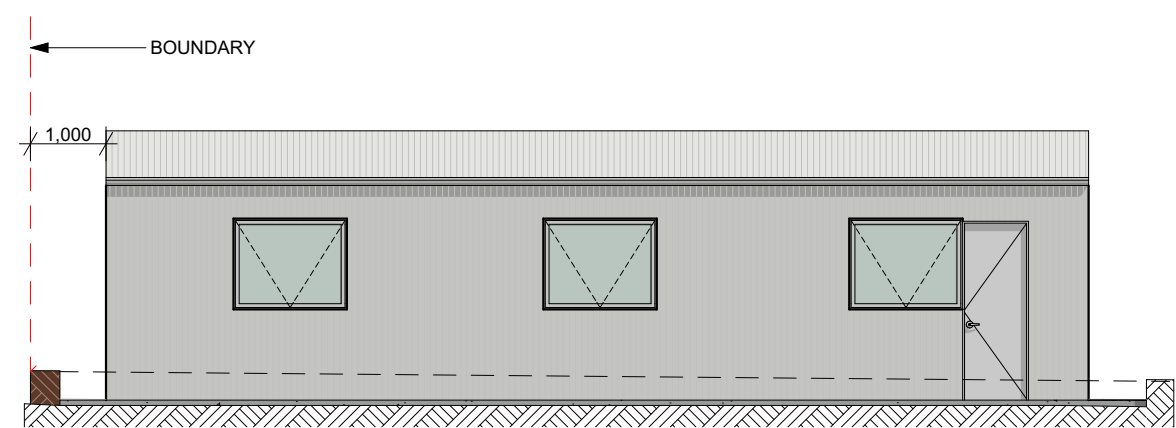




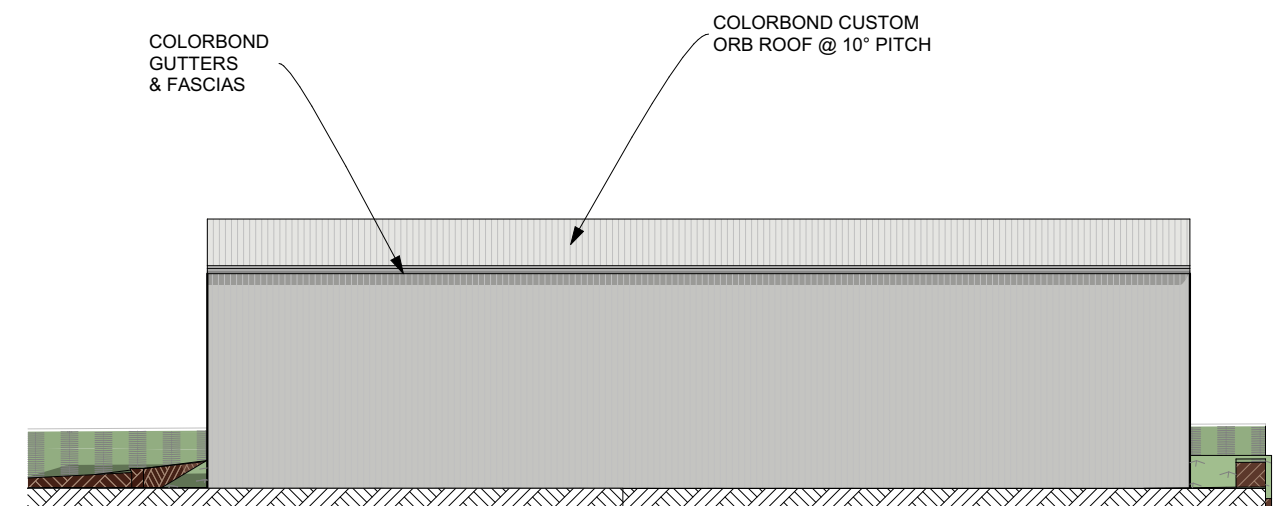
GROUND FLOOR PLAN
1:100



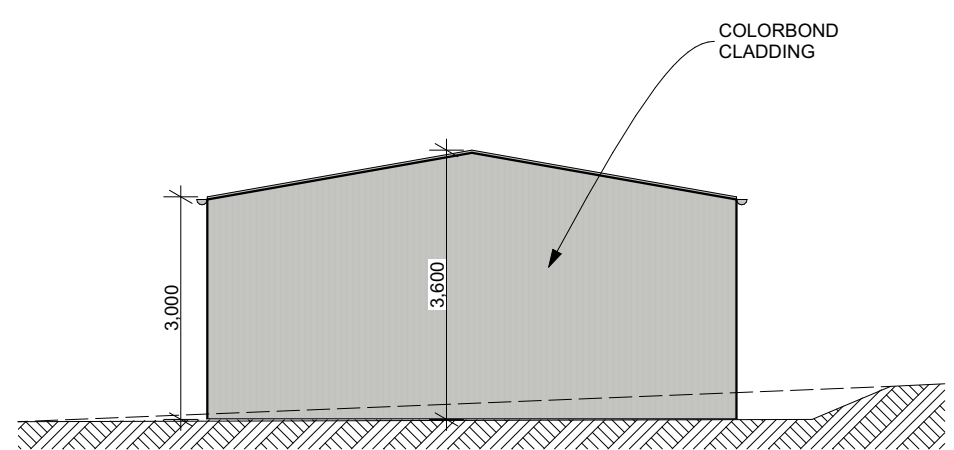
N GARAGE NORTH ELEVATION
1:100



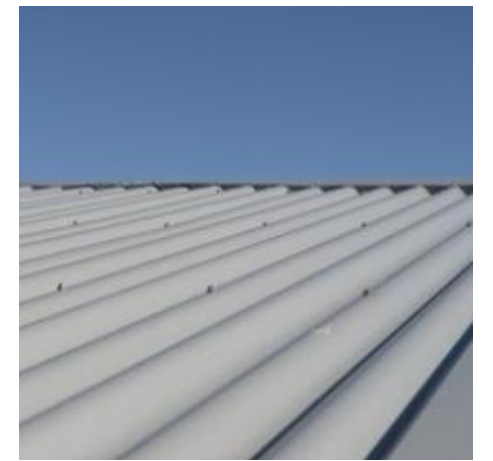
E GARAGE EAST ELEVATION
1:100



1 GARAGE WEST ELEVATION
1:100



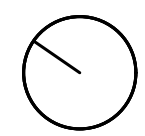
S GARAGE SOUTH ELEVATION
1:100



ROOF & WALL CLADDING -
COLORBOND CUSTOM ORB IN SHALE GREY



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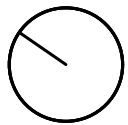
BUSHFIRE ATTACK LEVEL:
BAL LOW

SCALE
1:100

STATUS
PLANNING

DRAWING No.

14



DRAWING TITLE:
MATERIALS

PROJECT NAME:
PROPOSED RESIDENCE

PROJECT NUMBER:
SBD327052

PROJECT ADDRESS:
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SCALE

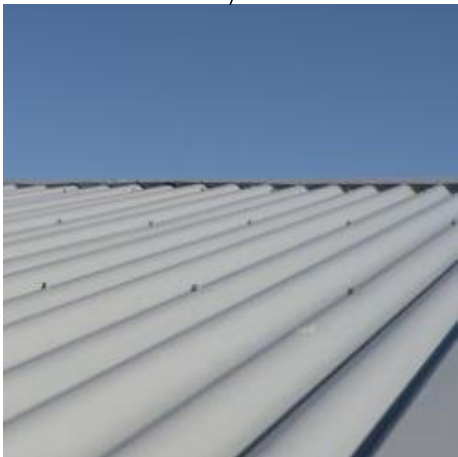
STATUS PLANNING

B.A.L BAL LOW

DRAWING No.

15

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ROOF CLADDING -
COLORBOND CUSTOM ORB IN SHALE GREY



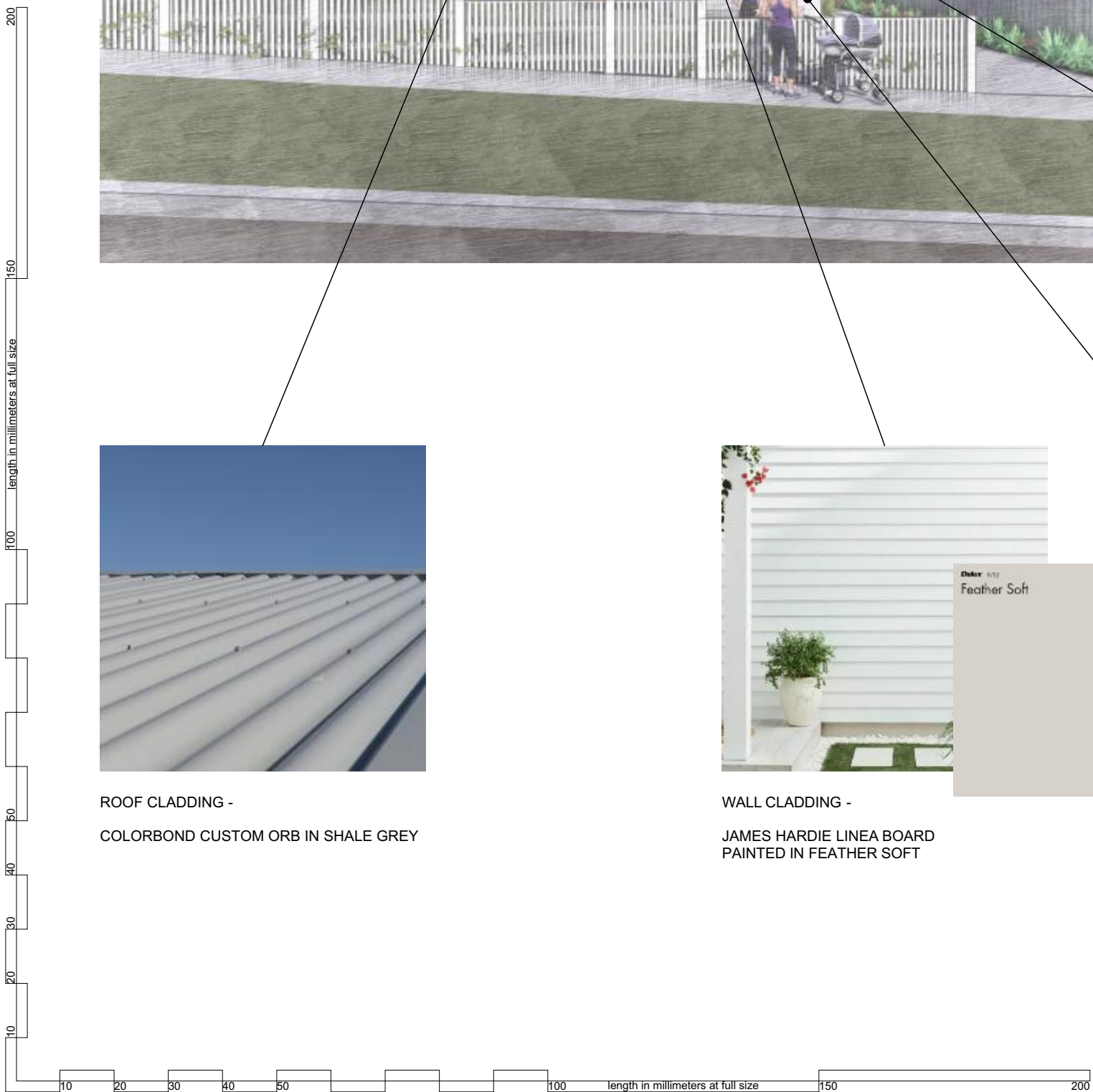
WALL CLADDING -
JAMES HARDIE LINEA BOARD
PAINTED IN FEATHER SOFT



PAINT
POSTS / TRIMS IN VIVID WHITE



BRICK PIERS -
RENDERED AND PAINTED
IN VIVID WHITE





WEATHERBOARD
CLADDING

ACCENUATED GABLE
PORTICO

RENDERED BRICK PILLARS
WITH TIMBER POSTS OVER

NEW 1m HIGH PAINTED TIMBER PALING
FENCE WITH CAPPED TOP

PERSPECTIVE

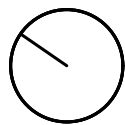


PERSPECTIVE



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DRAWING TITLE:
PERSPECTIVES

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BUSHFIRE ATTACK LEVEL:
BAL LOW

SCALE

STATUS
PLANNING

DRAWING No.

16

10 20 30 40 50 100 length in millimeters at full size 150 200

10 20 30 40 50 100 150 200 length in millimeters at full size



CARPORT SET WELL BACK FROM STREET FRONTAGE

PERSPECTIVE



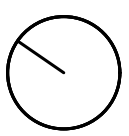
NORTH FACING WINDOW WITH PASSIVE STREET SURVEILLANCE

PERSPECTIVE



Shape Building Design

412 RAGLAN STREET S, BALLARAT CENTRAL
VICTORIA 3350
W. SHAPEBUILDINGDESIGN.COM.AU
T. (03) 4310 7204



DRAWING TITLE:
PERSPECTIVES

THE BUILDER SHALL CHECK AND VERIFY ALL
DIMENSIONS AND VERIFY ALL ERRORS AND
OMISSIONS TO THE DESIGNER. DRAWINGS SHALL
NOT BE USED FOR CONSTRUCTION PURPOSES UNTIL
ISSUED BY DESIGNER FOR CONSTRUCTION.

PROJECT NAME:
PROPOSED RESIDENCE

PROJECT NUMBER:
SBD327052

PROJECT ADDRESS:
24 GRIFFIN STREET, HAMILTON

BUSHFIRE ATTACK LEVEL:
BAL LOW

SCALE

STATUS
PLANNING

DRAWING No.

17

24 Griffin Street, Hamilton Planning Report

Heritage Overlay Clause 43.01-1

Permit requirements

Below is an extract from the planning scheme with the highlighted sections appropriate to this application.

A permit is required to:

- Subdivide land.
- *Demolish or remove a building.*
- *Construct a building or construct or carry out works, including:*
 - Domestic services normal to a dwelling if the services are visible from a street (other than a lane) or public park.
 - A solar energy system attached to a building that primarily services the land on which it is situated if the system is visible from a street (other than a lane) or public park and if the schedule to this overlay specifies the heritage place as one where solar energy system controls apply.
 - A rainwater tank if the rainwater tank is visible from a street (other than a lane) or public park.
 - *A fence, if the fence is visible from a street (other than a lane) or public park.*
 - Roadworks which change the appearance of a heritage place or which are not generally undertaken to the same details, specifications and materials.
 - Buildings or works associated with a railway, railway station or tramway constructed or carried out by or on behalf of the Head, Transport for Victoria.
 - Street furniture other than:
 - Traffic signals, traffic signs, bus shelters, fire hydrants, parking meters, post boxes and seating.
 - Speed humps, pedestrian refuges and splitter islands.
 - A domestic swimming pool or spa and associated mechanical and safety equipment, if the swimming pool or spa and associated equipment are visible from a street (other than a lane) or public park.
 - *A pergola or verandah, including an open-sided pergola or verandah to a dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above ground level.*
 - *A deck, including a deck to a dwelling with a finished floor level not more than 800mm above ground level, if the deck is visible from a street (other than a lane) or public park*
 - Non-domestic disabled access, excluding a non-domestic disabled access ramp if the ramp is not visible from a street (other than a lane) or public park.
 - An electric vehicle charging station if the charging station is visible from a street (other than a lane) or public park.
 - Services normal to a building other than a dwelling or small second dwelling, including chimneys, flues, skylights, heating and cooling systems, hot water systems,

security systems and cameras, downpipes, window shading devices, or similar, if the works are visible from a street (other than a lane) or public park.

- Externally alter a building by structural work, rendering, sandblasting or in any other way.
- Construct or display a sign.
- Externally paint a building if the schedule to this overlay specifies the heritage place as one where external paint controls apply.
- Externally paint an unpainted surface.
- Externally paint a building if the painting constitutes an advertisement.
- Internally alter a building if the schedule to this overlay specifies the heritage place as one where internal alteration controls apply.
- Carry out works, repairs and routine maintenance which change the appearance of a heritage place or which are not undertaken to the same details, specifications and materials.
- Remove, destroy or lop a tree if the schedule to this overlay specifies the heritage place as one where tree controls apply. This does not apply:
 - To any action which is necessary to keep the whole or any part of a tree clear of an electric line provided the action is carried out in accordance with a code of practice prepared under Section 86 of the *Electricity Safety Act 1998*.
 - If the tree presents an immediate risk of personal injury or damage to property.

Design Response

We are excited to present our proposal for a replacement house in the heritage area, which aims to blend modern comfort with architectural sensitivity to the surrounding environment. Our plan involves removing the existing dwelling to create a modern and energy-efficient home, prioritizing high thermal performance. The proposed design features weatherboard cladding, high pitched gable roofs, and proportional window forms that harmonize with neighbouring buildings, ensuring a sympathetic addition to the area's heritage charm. Given the significant costs associated with fully renovating the existing structure—including rebuilding the floor system, straightening walls, and insulating the roof—the decision to build anew aligns better with our client's budget and ensures a superior outcome in terms of sustainability and livability. Furthermore, our design extends to a front fence that complements the area's aesthetics, incorporating timber feature posts and vertical palings that echo the muted colour palette and proportions of the proposed dwelling. We believe that this thoughtful approach not only respects the heritage character of the area but also contributes positively to its architectural landscape for years to come.

Precinct Information Church Hill - Summary

Description Summary.

Area A Church Hill in Hamilton is characterized by its two prominent churches, St Andrew's and Christ Church, and their spires which are significant landmarks in the area. The high elevation of this district, chosen for residential purposes, overlooks the Grange Burn and the commercial centre of Hamilton. The layout features a regular street grid intersected by Gray Street and McIntyre Street at the highest point. Street tree planting, mainly elms and native species like Kurrajongs and Red Flowering Gum, contributes to the area's aesthetic. Footpaths are concrete-paved, often on one side, with varying grass nature strip widths. Residential properties consist mostly of free-standing houses from different periods, with larger houses clustered around churches and main streets. Notable buildings like Lyndhurst at 4 McIntyre Street add to the area's historical and architectural significance. The Church Hill area transitions into the Gray Street Commercial Area and offers views of surrounding landscapes, though some views are impacted by industrial or poor-quality developments. Encouraging good planting and screening on specific sites can enhance these views and preserve the area's character, especially with indigenous flora.

Church Hill in Hamilton holds significant historical importance due to its early establishment of church organizations, notably Anglicans, Presbyterians, and Wesleyan Methodists. The architectural impact of their fine buildings, such as Christ Church Co-Cathedral, St Andrew's Presbyterian Church, and the early Wesleyan Methodist church, contributed to the area's designation as Church Hill. This area became prestigious, attracting Hamilton's prominent business and professional individuals who built elegant homes there, including notable examples like the residences of F F L Gummow and Saxon H Palmer. Additionally, Church Hill housed institutions like the prestigious Hamilton Club, reflecting its importance in the community's social and professional life.

Statement of Significance Summary

The Church Hill Area holds regional significance as a precinct that houses major religious buildings in Hamilton, notably Christ Church Co-Cathedral and its manse, along with St Andrew's Presbyterian Church. It is renowned as the most prestigious residential part of the town, featuring elegant residences built for leading businesspersons, professionals, and retired squatters. The residential ambiance is further enhanced by well-maintained gardens, significant trees, and thoughtful street tree planting. Church Hill serves as a social hub for prominent townsmen, as well as pastoralists and graziers from the Western District, solidifying its importance in the community's social and cultural fabric.

Recommendations for the Conservation and Enhancement of Church Hill Area:

1. Retain and extend the existing street plantings, which have historical significance predating World War II, in a consistent manner.
2. Maintain traditional paving and guttering styles, including the absence of footpaths in certain streets, to preserve the area's traditional character.
3. Implement a strict policy regarding signage to minimize visual clutter.

4. Prohibit non-residential uses that may compromise the predominantly residential nature of the area.
5. Minimise the impact of powerlines on visual aesthetics, with removal as the ideal solution where feasible.
6. Enhance views from the area through strategic planting practices.

Description:

The Botanic Gardens serves as the central feature of this area, complemented by a well-organized street grid. Surrounding the gardens are primarily residential buildings and their accompanying gardens, which not only provide support but also act as a buffer from the urban environment. Notable exceptions include public buildings such as the Court House and the Evangelical Lutheran Church complex. Among the residential buildings, standout structures include the former Police Magistrate's house at 24 Thompson Street (known as Kilora), as well as The Napier Club and The Gables, both imposing two-story buildings that remain subordinate to the mature trees within the Gardens.

Design Response to Church Hill Precinct Information.

Recommendations:

1. Ensure the new home design adheres to the established architectural features of the Church Hill area:
The proposed new home design aims to seamlessly integrate into the historic Church Hill area of Hamilton, respecting the unique characteristics and architectural heritage of the locality. The design incorporates key elements such as weatherboard cladding, high pitched roof forms, metal roofing, heritage window proportions, and spacious gardens to both the front and rear of the allotment.
2. Incorporate indigenous flora in the landscaping to enhance views and screen undesirable sights.
The landscape design proposed incorporates indigenous flora in the street setback to enhance views within the public realm.
3. Encourage good planting practices in neighbouring sites, especially those impacting views from key locations. *We believe this is not applicable to proposal.*
4. Collaborate with the City of Hamilton for potential screening measures, particularly where it owns land. *We believe this is not applicable to proposal.*

Conclusion:

The proposed new home design is carefully crafted to harmonise with the rich heritage and distinct characteristics of the Church Hill area in Hamilton. By incorporating elements reflective of the local architectural and landscape traditions, the design aims to contribute positively to the visual and historical tapestry of this important precinct.

PLANNING PROPERTY REPORT

From www.planning.vic.gov.au at 05 January 2024 01:34 PM

PROPERTY DETAILS

Address: **24 GRIFFIN STREET HAMILTON 3300**
Crown Description: **Allot. 6 Sec. 16B TOWNSHIP OF HAMILTON**
Standard Parcel Identifier (SPI): **6-16B\PP5364**
Local Government Area (Council): **SOUTHERN GRAMPIANS**
Council Property Number: **4334**
Planning Scheme: **Southern Grampians**
Directory Reference: **Vicroads 506 E9**

www.sthgrampians.vic.gov.au

[Planning Scheme - Southern Grampians](#)

UTILITIES

Rural Water Corporation: **Southern Rural Water**
Urban Water Corporation: **Wannon Water**
Melbourne Water: **Outside drainage boundary**
Power Distributor: **POWERCOR**

STATE ELECTORATES

Legislative Council: **WESTERN VICTORIA**
Legislative Assembly: **LOWAN**

OTHER

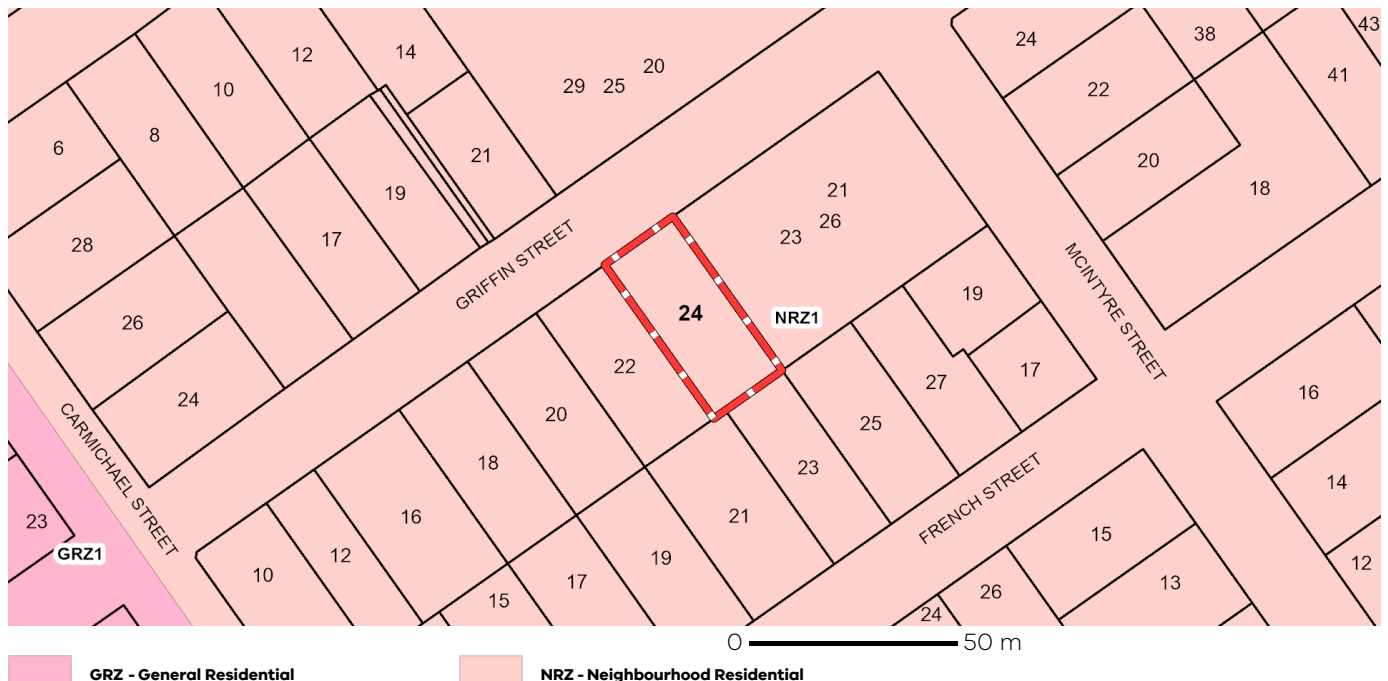
Registered Aboriginal Party: **Gunditj Mirring Traditional Owners Aboriginal Corporation**

[View location in VicPlan](#)

Planning Zones

[NEIGHBOURHOOD RESIDENTIAL ZONE \(NRZ\)](#)

[NEIGHBOURHOOD RESIDENTIAL ZONE - SCHEDULE 1 \(NRZ1\)](#)



Note: labels for zones may appear outside the actual zone - please compare the labels with the legend.

Planning Overlay

[HERITAGE OVERLAY \(HO\)](#)

[HERITAGE OVERLAY - SCHEDULE \(HO347\)](#)



HO - Heritage Overlay

Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

Further Planning Information

Planning scheme data last updated on 7 December 2023.

A **planning scheme** sets out policies and requirements for the use, development and protection of land.

This report provides information about the zone and overlay provisions that apply to the selected land.

Information about the State and local policy, particular, general and operational provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council

or by visiting <https://www.planning.vic.gov.au>

This report is NOT a **Planning Certificate** issued pursuant to Section 199 of the **Planning and Environment Act 1987**.

It does not include information about exhibited planning scheme amendments, or zonings that may affect the land.

To obtain a Planning Certificate go to Titles and Property Certificates at Landata - <https://www.landata.vic.gov.au>

For details of surrounding properties, use this service to get the Reports for properties of interest.

To view planning zones, overlay and heritage information in an interactive format visit

<https://mapshare.maps.vic.gov.au/vicplan>

For other information about planning in Victoria visit <https://www.planning.vic.gov.au>

Designated Bushfire Prone Areas

This property is not in a designated bushfire prone area.
No special bushfire construction requirements apply. Planning provisions may apply.

Where part of the property is mapped as BPA, if no part of the building envelope or footprint falls within the BPA area, the BPA construction requirements do not apply.

Note: the relevant building surveyor determines the need for compliance with the bushfire construction requirements.



Designated BPA are determined by the Minister for Planning following a detailed review process. The Building Regulations 2018, through adoption of the Building Code of Australia, apply bushfire protection standards for building works in designated BPA.

Designated BPA maps can be viewed on VicPlan at <https://mapshare.vic.gov.au/vicplan/> or at the relevant local council.

Create a BPA definition plan in [VicPlan](#) to measure the BPA.

Information for lot owners building in the BPA is available at <https://www.planning.vic.gov.au>.

Further information about the building control system and building in bushfire prone areas can be found on the Victorian Building Authority website <https://www.vba.vic.gov.au>. Copies of the Building Act and Building Regulations are available from <http://www.legislation.vic.gov.au>. For Planning Scheme Provisions in bushfire areas visit <https://www.planning.vic.gov.au>.

Native Vegetation

Native plants that are indigenous to the region and important for biodiversity might be present on this property. This could include trees, shrubs, herbs, grasses or aquatic plants. There are a range of regulations that may apply including need to obtain a planning permit under Clause 52.17 of the local planning scheme. For more information see [Native Vegetation \(Clause 52.17\)](#) with local variations in [Native Vegetation \(Clause 52.17\) Schedule](#)

To help identify native vegetation on this property and the application of Clause 52.17 please visit the Native Vegetation Information Management system <https://nvim.delwp.vic.gov.au/> and [Native vegetation \(environment.vic.gov.au\)](#) or please contact your relevant council.

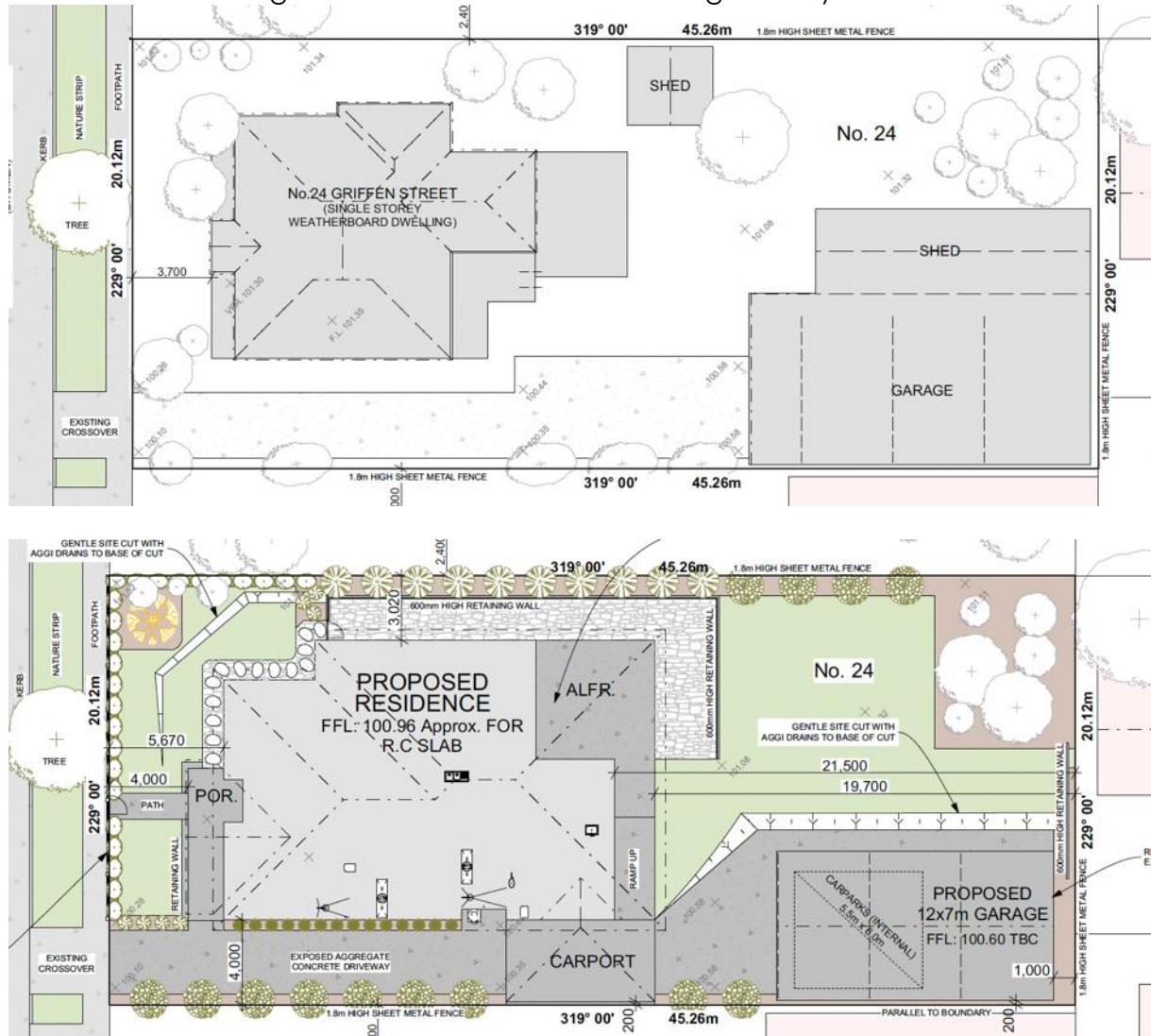
You can find out more about the natural values on your property through NatureKit [NatureKit \(environment.vic.gov.au\)](#)

Southern Grampians Shire Council Heritage Advisor Report

Enquiry: TP101 2023
Location: 24 Griffin, St Hamilton
Heritage Status: HO347 Church Hill Precinct
Proposal: demolish existing house and construct a new house
Date: 13/6/24

Proposal

Demolish the existing house and construct a new single storey house of similar size



Comments:

The proposal is for a modest house which is only slightly larger than the existing house. I acknowledge that the owners and designer have followed the 6 points of advice for a new house provided in the previous heritage advise.

The scale, massing, size, choice of materials and design of the proposed house are all fairly standard and acceptable within a heritage precinct.

However, the demolition of the existing house is not supported. Although it has been slightly modified with a metal tiled roof and enclosed front verandah, the house appears to be otherwise reasonably intact with early front windows, verandah posts and its forms all legible.

The short section of Griffin St between Carmichael and McIntyre Streets is principally made up of houses which belong to the building periods identified as significant in

Southern Grampians Shire Council Heritage Advisor Report

the precinct description. There are only 3 houses built within the last 50 years on the street. Although it is not as architecturally interesting as its interwar neighbours, no. 24 is typical to other houses on the street and makes a strong contribution to the heritage character of the place.

I believe that it could be reasonably adapted to increase its livability and improve energy ratings. - The re-use of an existing house is almost always a more environmentally sustainable solution. Almost all heritage houses need to be altered and adapted to introduce light, improve the connection to the garden, upgrade levels of insulation and increase accessibility. Most builders prefer to start anew rather than making alterations and additions to old houses which can have an impact on owners decisions to adapt or demolish. The heritage overlay has been applied to ensure that the temptation to expediently replace houses which require maintenance and upgrades does not decimate the heritage character of our historic built environment.

Fences.

the proposed front fence is acceptable

the timber wing fence is acceptable

the side metal fence is not acceptable without further information. – Standard Colorbond fences are not acceptable within a heritage precinct.

The Heritage overlay 43.01 states that the purpose of the overlay is:

To conserve and enhance heritage places of natural or cultural significance.

Demolition of a contributory house diminishes the heritage place rather than enhance it.

Relevant Decision guidelines	Response
The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.	<p>Relevant excerpt from Precinct Description:</p> <p><i>The most common building type is the free standing house, either early twentieth century villas or interwar bungalows. Some older houses and cottages survive either relatively intact or else substantially altered, so much so that their early date is hard to distinguish. There is a wide variety of styles from all periods. There is a wide variety of size with the largest and most impressive houses clustered around the churches and in the two main streets. That is not to say that there are no houses of interest in the other streets. In fact the uniformly distributed significant buildings focused on the church complexes make this an area of real importance to the City of Hamilton. Lyndhurst at 4 McIntyre Street plays a similar role for the southern end of the area.</i></p> <p>No. 30 is an early 20thC free standing house, the typology is significant to the period as noted above.</p>
Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.	<p>The demolition of the house will diminish the heritage character of the streetscape. The heritage overlay has been applied to an area not to a series of individual places. Each contributory places helps to retain and reinforce the character of the streetscape and the area.</p>

Southern Grampians Shire Council Heritage Advisor Report

Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.	See above
Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.	The proposed house is single storey, articulated with a steeply pitched hip roof that is very traditional and appropriate to the streetscape.
Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.	The demolition of the existing house will affect the character and appearance of the heritage place

Recommendation:

The proposal is not supported

Heritage Advisor:

Trudy Rickard

Previous advice

24 Griffin St is listed as an E grade contributory building. The study describes E level buildings as follows:

" E grade buildings date from the historic period of an area but have been seriously compromised by the loss of original fabric and inappropriate alterations. In a limited way they still contribute to the significance of an area and their proper conservation should be encouraged. Alternatively, they may be replaced with good infill buildings."

I went to look at the house and the streetscape today. The house clearly dates from before the first world war with a few modifications to the front verandah and the roofing material.. It undoubtedly contributes to the streetscape which is made up of reasonably intact Edwardian and interwar houses and only a few infill houses of the late twentieth century. It would undoubtedly benefit the streetscape to retain the bulk of the existing house under the main roof.

There are no internal controls (you can change the interiors without a permit) and additions at the rear can be designed in any style you like as long as the massing and scale are appropriate to the house and the precinct and the existing house remains the most prominent aspect of the streetscape.

If you choose to apply for a permit to demolish the existing house and build a completely new house it will be important to consider the following points.

1. The location / set back of the house should closely follow the pattern of development along the street with generous front gardens, a drive way on one side and a lesser set back on the other side boundary.
2. garages located behind the house
3. single storey with a well defined entry area / verandah / porch
4. well articulated in plan and elevation
5. low front fence

Southern Grampians Shire Council Heritage Advisor Report

6. choice of materials to match the streetscape (historic context is timber)

If you take this path, I would encourage you to find a good local architect who has experience adapting heritage houses. From a heritage point of view, support of demolition will be contingent upon an appropriate replacement design.



Wrap around verandah built- in on both sides of the gablet



Next door neighbour to the right

Southern Grampians Shire Council Heritage Advisor Report



Looking down the road – the streetscape is intact with a high degree of integrity



Interwar house – 2 houses down



Southern Grampians Shire Council Heritage Advisor Report

Opposite side of the road



More recent houses on the opposite side of the road



Slightly earlier house

THE BURRA CHARTER

The Australia ICOMOS Charter for
Places of Cultural Significance

2013



Australia ICOMOS Incorporated
International Council on Monuments and Sites

ICOMOS

ICOMOS (International Council on Monuments and Sites) is a non-governmental professional organisation formed in 1965, with headquarters in Paris. ICOMOS is primarily concerned with the philosophy, terminology, methodology and techniques of cultural heritage conservation. It is closely linked to UNESCO, particularly in its role under the World Heritage Convention 1972 as UNESCO's principal adviser on cultural matters related to World Heritage. The 11,000 members of ICOMOS include architects, town planners, demographers, archaeologists, geographers, historians, conservators, anthropologists, scientists, engineers and heritage administrators. Members in the 103 countries belonging to ICOMOS are formed into National Committees and participate in a range of conservation projects, research work, intercultural exchanges and cooperative activities. ICOMOS also has 27 International Scientific Committees that focus on particular aspects of the conservation field. ICOMOS members meet triennially in a General Assembly.

Australia ICOMOS

The Australian National Committee of ICOMOS (Australia ICOMOS) was formed in 1976. It elects an Executive Committee of 15 members, which is responsible for carrying out national programs and participating in decisions of ICOMOS as an international organisation. It provides expert advice as required by ICOMOS, especially in its relationship with the World Heritage Committee. Australia ICOMOS acts as a national and international link between public authorities, institutions and individuals involved in the study and conservation of all places of cultural significance. Australia ICOMOS members participate in a range of conservation activities including site visits, training, conferences and meetings.

Revision of the Burra Charter

The Burra Charter was first adopted in 1979 at the historic South Australian mining town of Burra. Minor revisions were made in 1981 and 1988, with more substantial changes in 1999.

Following a review this version was adopted by Australia ICOMOS in October 2013.

The review process included replacement of the 1988 Guidelines to the Burra Charter with Practice Notes which are available at: australia.icomos.org

Australia ICOMOS documents are periodically reviewed and we welcome any comments.

Citing the Burra Charter

The full reference is *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013*. Initial textual references should be in the form of the *Australia ICOMOS Burra Charter, 2013* and later references in the short form (*Burra Charter*).

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The Burra Charter consists of the Preamble, Articles, Explanatory Notes and the flow chart.

This publication may be reproduced, but only in its entirety including the front cover and this page. Formatting must remain unaltered. Parts of the Burra Charter may be quoted with appropriate citing and acknowledgement.

Cover photograph by Ian Stapleton.

Australia ICOMOS Incorporated [ARBN 155 731 025]
Secretariat: c/o Faculty of Arts
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Burwood, VIC 3125
Australia

<http://australia.icomos.org/>

ISBN 0 9578528 4 3

The Burra Charter

(The Australia ICOMOS Charter for Places of Cultural Significance, 2013)

Preamble

Considering the International Charter for the Conservation and Restoration of Monuments and Sites (Venice 1964), and the Resolutions of the 5th General Assembly of the International Council on Monuments and Sites (ICOMOS) (Moscow 1978), the Burra Charter was adopted by Australia ICOMOS (the Australian National Committee of ICOMOS) on 19 August 1979 at Burra, South Australia. Revisions were adopted on 23 February 1981, 23 April 1988, 26 November 1999 and 31 October 2013.

The Burra Charter provides guidance for the conservation and management of places of cultural significance (cultural heritage places), and is based on the knowledge and experience of Australia ICOMOS members.

Conservation is an integral part of the management of places of cultural significance and is an ongoing responsibility.

Who is the Charter for?

The Charter sets a standard of practice for those who provide advice, make decisions about, or undertake works to places of cultural significance, including owners, managers and custodians.

Using the Charter

The Charter should be read as a whole. Many articles are interdependent.

The Charter consists of:

- Definitions Article 1
- Conservation Principles Articles 2–13
- Conservation Processes Articles 14–25
- Conservation Practices Articles 26–34
- The Burra Charter Process flow chart.

The key concepts are included in the Conservation Principles section and these are further developed in the Conservation Processes and Conservation Practice sections. The flow chart explains the Burra Charter Process (Article 6) and is an integral part of

the Charter. Explanatory Notes also form part of the Charter.

The Charter is self-contained, but aspects of its use and application are further explained, in a series of Australia ICOMOS Practice Notes, in *The Illustrated Burra Charter*, and in other guiding documents available from the Australia ICOMOS web site: australia.icomos.org.

What places does the Charter apply to?

The Charter can be applied to all types of places of cultural significance including natural, Indigenous and historic places with cultural values.

The standards of other organisations may also be relevant. These include the *Australian Natural Heritage Charter*, *Ask First: a guide to respecting Indigenous heritage places and values* and *Significance 2.0: a guide to assessing the significance of collections*.

National and international charters and other doctrine may be relevant. See australia.icomos.org.

Why conserve?

Places of cultural significance enrich people's lives, often providing a deep and inspirational sense of connection to community and landscape, to the past and to lived experiences. They are historical records, that are important expressions of Australian identity and experience. Places of cultural significance reflect the diversity of our communities, telling us about who we are and the past that has formed us and the Australian landscape. They are irreplaceable and precious.

These places of cultural significance must be conserved for present and future generations in accordance with the principle of inter-generational equity.

The Burra Charter advocates a cautious approach to change: do as much as necessary to care for the place and to make it useable, but otherwise change it as little as possible so that its cultural significance is retained.

Articles

Article 1. Definitions

For the purposes of this Charter:

- 1.1 *Place* means a geographically defined area. It may include elements, objects, spaces and views. Place may have tangible and intangible dimensions.
- 1.2 *Cultural significance* means aesthetic, historic, scientific, social or spiritual value for past, present or future generations.

Cultural significance is embodied in the *place* itself, its *fabric*, *setting*, *use*, *associations*, *meanings*, *records*, *related places* and *related objects*.

Places may have a range of values for different individuals or groups.
- 1.3 *Fabric* means all the physical material of the *place* including elements, fixtures, contents and objects.
- 1.4 *Conservation* means all the processes of looking after a *place* so as to retain its *cultural significance*.
- 1.5 *Maintenance* means the continuous protective care of a *place*, and its *setting*.

Maintenance is to be distinguished from repair which involves *restoration* or *reconstruction*.
- 1.6 *Preservation* means maintaining a *place* in its existing state and retarding deterioration.
- 1.7 *Restoration* means returning a *place* to a known earlier state by removing accretions or by reassembling existing elements without the introduction of new material.
- 1.8 *Reconstruction* means returning a *place* to a known earlier state and is distinguished from *restoration* by the introduction of new material.
- 1.9 *Adaptation* means changing a *place* to suit the existing *use* or a proposed use.
- 1.10 *Use* means the functions of a *place*, including the activities and traditional and customary practices that may occur at the place or are dependent on the place.

Explanatory Notes

Place has a broad scope and includes natural and cultural features. Place can be large or small: for example, a memorial, a tree, an individual building or group of buildings, the location of an historical event, an urban area or town, a cultural landscape, a garden, an industrial plant, a shipwreck, a site with in situ remains, a stone arrangement, a road or travel route, a community meeting place, a site with spiritual or religious connections.

The term cultural significance is synonymous with cultural heritage significance and cultural heritage value.

Cultural significance may change over time and with use.

Understanding of cultural significance may change as a result of new information.

Fabric includes building interiors and sub-surface remains, as well as excavated material.

Natural elements of a place may also constitute fabric. For example the rocks that signify a Dreaming place.

Fabric may define spaces and views and these may be part of the significance of the place.

See also Article 14.

Examples of protective care include:

- maintenance — regular inspection and cleaning of a place, e.g. mowing and pruning in a garden;
- repair involving restoration — returning dislodged or relocated fabric to its original location e.g. loose roof gutters on a building or displaced rocks in a stone bora ring;
- repair involving reconstruction — replacing decayed fabric with new fabric

It is recognised that all places and their elements change over time at varying rates.

New material may include recycled material salvaged from other places. This should not be to the detriment of any place of cultural significance.

Use includes for example cultural practices commonly associated with Indigenous peoples such as ceremonies, hunting and fishing, and fulfillment of traditional obligations. Exercising a right of access may be a use.

Articles

- 1.11 *Compatible use* means a *use* which respects the *cultural significance* of a *place*. Such a use involves no, or minimal, impact on cultural significance.
- 1.12 *Setting* means the immediate and extended environment of a *place* that is part of or contributes to its *cultural significance* and distinctive character.
- 1.13 *Related place* means a *place* that contributes to the *cultural significance* of another place.
- 1.14 *Related object* means an object that contributes to the *cultural significance* of a *place* but is not at the place.
- 1.15 *Associations* mean the connections that exist between people and a *place*.
- 1.16 *Meanings* denote what a *place* signifies, indicates, evokes or expresses to people.
- 1.17 *Interpretation* means all the ways of presenting the *cultural significance* of a *place*.

Conservation Principles

Article 2. Conservation and management

- 2.1 *Places of cultural significance* should be conserved.
- 2.2 The aim of *conservation* is to retain the *cultural significance* of a *place*.
- 2.3 *Conservation* is an integral part of good management of *places of cultural significance*.
- 2.4 *Places of cultural significance* should be safeguarded and not put at risk or left in a vulnerable state.

Article 3. Cautious approach

- 3.1 *Conservation* is based on a respect for the existing *fabric, use, associations* and *meanings*. It requires a cautious approach of changing as much as necessary but as little as possible.
- 3.2 Changes to a *place* should not distort the physical or other evidence it provides, nor be based on conjecture.

Article 4. Knowledge, skills and techniques

- 4.1 *Conservation* should make use of all the knowledge, skills and disciplines which can contribute to the study and care of the *place*.

Explanatory Notes

Setting may include: structures, spaces, land, water and sky; the visual setting including views to and from the place, and along a cultural route; and other sensory aspects of the setting such as smells and sounds. Setting may also include historical and contemporary relationships, such as use and activities, social and spiritual practices, and relationships with other places, both tangible and intangible.

Objects at a place are encompassed by the definition of place, and may or may not contribute to its cultural significance.

Associations may include social or spiritual values and cultural responsibilities for a place.

Meanings generally relate to intangible dimensions such as symbolic qualities and memories.

Interpretation may be a combination of the treatment of the fabric (e.g. maintenance, restoration, reconstruction); the use of and activities at the place; and the use of introduced explanatory material.

The traces of additions, alterations and earlier treatments to the fabric of a place are evidence of its history and uses which may be part of its significance. Conservation action should assist and not impede their understanding.

Articles

- 4.2 Traditional techniques and materials are preferred for the *conservation* of significant *fabric*. In some circumstances modern techniques and materials which offer substantial conservation benefits may be appropriate.

Article 5. Values

- 5.1 *Conservation* of a *place* should identify and take into consideration all aspects of cultural and natural significance without unwarranted emphasis on any one value at the expense of others.
- 5.2 Relative degrees of *cultural significance* may lead to different *conservation* actions at a place.

Article 6. Burra Charter Process

- 6.1 The *cultural significance* of a *place* and other issues affecting its future are best understood by a sequence of collecting and analysing information before making decisions. Understanding cultural significance comes first, then development of policy and finally management of the place in accordance with the policy. This is the Burra Charter Process.
- 6.2 Policy for managing a *place* must be based on an understanding of its *cultural significance*.
- 6.3 Policy development should also include consideration of other factors affecting the future of a *place* such as the owner's needs, resources, external constraints and its physical condition.
- 6.4 In developing an effective policy, different ways to retain *cultural significance* and address other factors may need to be explored.
- 6.5 Changes in circumstances, or new information or perspectives, may require reiteration of part or all of the Burra Charter Process.

Article 7. Use

- 7.1 Where the *use* of a *place* is of *cultural significance* it should be retained.
- 7.2 A *place* should have a *compatible use*.

Explanatory Notes

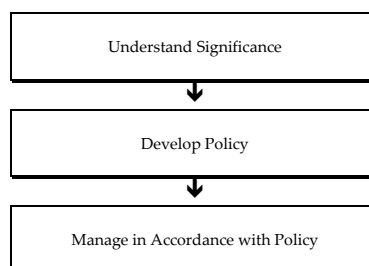
The use of modern materials and techniques must be supported by firm scientific evidence or by a body of experience.

Conservation of places with natural significance is explained in the Australian Natural Heritage Charter. This Charter defines natural significance to mean the importance of ecosystems, biodiversity and geodiversity for their existence value or for present or future generations, in terms of their scientific, social, aesthetic and life-support value.

In some cultures, natural and cultural values are indivisible.

A cautious approach is needed, as understanding of cultural significance may change. This article should not be used to justify actions which do not retain cultural significance.

The Burra Charter Process, or sequence of investigations, decisions and actions, is illustrated below and in more detail in the accompanying flow chart which forms part of the Charter.



Options considered may include a range of uses and changes (e.g. adaptation) to a place.

The policy should identify a use or combination of uses or constraints on uses that retain the cultural significance of the place. New use of a place should involve minimal change to significant fabric and use; should respect associations and meanings; and where appropriate should provide for continuation of activities and practices which contribute to the cultural significance of the place.

Articles

Article 8. Setting

Conservation requires the retention of an appropriate *setting*. This includes retention of the visual and sensory setting, as well as the retention of spiritual and other cultural relationships that contribute to the *cultural significance* of the *place*.

New construction, demolition, intrusions or other changes which would adversely affect the setting or relationships are not appropriate.

Article 9. Location

- 9.1 The physical location of a *place* is part of its *cultural significance*. A building, work or other element of a place should remain in its historical location. Relocation is generally unacceptable unless this is the sole practical means of ensuring its survival.
- 9.2 Some buildings, works or other elements of *places* were designed to be readily removable or already have a history of relocation. Provided such buildings, works or other elements do not have significant links with their present location, removal may be appropriate.
- 9.3 If any building, work or other element is moved, it should be moved to an appropriate location and given an appropriate *use*. Such action should not be to the detriment of any *place* of *cultural significance*.

Article 10. Contents

Contents, fixtures and objects which contribute to the *cultural significance* of a *place* should be retained at that place. Their removal is unacceptable unless it is: the sole means of ensuring their security and *preservation*; on a temporary basis for treatment or exhibition; for cultural reasons; for health and safety; or to protect the place. Such contents, fixtures and objects should be returned where circumstances permit and it is culturally appropriate.

Article 11. Related places and objects

The contribution which *related places* and *related objects* make to the *cultural significance* of the *place* should be retained.

Article 12. Participation

Conservation, *interpretation* and management of a *place* should provide for the participation of people for whom the place has significant *associations* and *meanings*, or who have social, spiritual or other cultural responsibilities for the place.

Article 13. Co-existence of cultural values

Co-existence of cultural values should always be recognised, respected and encouraged. This is especially important in cases where they conflict.

Explanatory Notes

Setting is explained in Article 1.12.

For example, the repatriation (returning) of an object or element to a place may be important to Indigenous cultures, and may be essential to the retention of its cultural significance.

Article 28 covers the circumstances where significant fabric might be disturbed, for example, during archaeological excavation.

Article 33 deals with significant fabric that has been removed from a place.

For some places, conflicting cultural values may affect policy development and management decisions. In Article 13, the term cultural values refers to those beliefs which are important to a cultural group, including but not limited to political, religious, spiritual and moral beliefs. This is broader than values associated with cultural significance.

Conservation Processes

Article 14. Conservation processes

Conservation may, according to circumstance, include the processes of: retention or reintroduction of a *use*; retention of *associations* and *meanings*; *maintenance*, *preservation*, *restoration*, *reconstruction*, *adaptation* and *interpretation*; and will commonly include a combination of more than one of these. Conservation may also include retention of the contribution that *related places* and *related objects* make to the *cultural significance* of a *place*.

Article 15. Change

15.1 Change may be necessary to retain *cultural significance*, but is undesirable where it reduces cultural significance. The amount of change to a *place* and its *use* should be guided by the *cultural significance* of the place and its appropriate *interpretation*.

15.2 Changes which reduce *cultural significance* should be reversible, and be reversed when circumstances permit.

15.3 Demolition of significant *fabric* of a *place* is generally not acceptable. However, in some cases minor demolition may be appropriate as part of *conservation*. Removed significant fabric should be reinstated when circumstances permit.

15.4 The contributions of all aspects of *cultural significance* of a *place* should be respected. If a place includes *fabric*, *uses*, *associations* or *meanings* of different periods, or different aspects of cultural significance, emphasising or interpreting one period or aspect at the expense of another can only be justified when what is left out, removed or diminished is of slight cultural significance and that which is emphasised or interpreted is of much greater cultural significance.

Article 16. Maintenance

Maintenance is fundamental to *conservation*. Maintenance should be undertaken where *fabric* is of *cultural significance* and its maintenance is necessary to retain that *cultural significance*.

Article 17. Preservation

Preservation is appropriate where the existing *fabric* or its condition constitutes evidence of *cultural significance*, or where insufficient evidence is available to allow other *conservation* processes to be carried out.

Conservation normally seeks to slow deterioration unless the significance of the place dictates otherwise. There may be circumstances where no action is required to achieve conservation.

When change is being considered, including for a temporary use, a range of options should be explored to seek the option which minimises any reduction to its cultural significance.

It may be appropriate to change a place where this reflects a change in cultural meanings or practices at the place, but the significance of the place should always be respected.

Reversible changes should be considered temporary. Non-reversible change should only be used as a last resort and should not prevent future conservation action.

Maintaining a place may be important to the fulfilment of traditional laws and customs in some Indigenous communities and other cultural groups.

Preservation protects fabric without obscuring evidence of its construction and use. The process should always be applied:

- where the evidence of the fabric is of such significance that it should not be altered; or
- where insufficient investigation has been carried out to permit policy decisions to be taken in accord with Articles 26 to 28.

New work (e.g. stabilisation) may be carried out in association with preservation when its purpose is the physical protection of the fabric and when it is consistent with Article 22.

Articles

Article 18. Restoration and reconstruction

Restoration and reconstruction should reveal culturally significant aspects of the *place*.

Article 19. Restoration

Restoration is appropriate only if there is sufficient evidence of an earlier state of the *fabric*.

Article 20. Reconstruction

20.1 *Reconstruction* is appropriate only where a *place* is incomplete through damage or alteration, and only where there is sufficient evidence to reproduce an earlier state of the *fabric*. In some cases, reconstruction may also be appropriate as part of a *use* or practice that retains the *cultural significance* of the place.

20.2 *Reconstruction* should be identifiable on close inspection or through additional *interpretation*.

Article 21. Adaptation

21.1 *Adaptation* is acceptable only where the adaptation has minimal impact on the *cultural significance* of the *place*.

21.2 *Adaptation* should involve minimal change to significant *fabric*, achieved only after considering alternatives.

Article 22. New work

22.1 New work such as additions or other changes to the *place* may be acceptable where it respects and does not distort or obscure the *cultural significance* of the place, or detract from its *interpretation* and appreciation.

22.2 New work should be readily identifiable as such, but must respect and have minimal impact on the *cultural significance* of the *place*.

Article 23. Retaining or reintroducing use

Retaining, modifying or reintroducing a significant *use* may be appropriate and preferred forms of *conservation*.

Article 24. Retaining associations and meanings

24.1 Significant *associations* between people and a *place* should be respected, retained and not obscured. Opportunities for the *interpretation*, commemoration and celebration of these associations should be investigated and implemented.

24.2 Significant *meanings*, including spiritual values, of a *place* should be respected. Opportunities for the continuation or revival of these meanings should be investigated and implemented.

Explanatory Notes

Places with social or spiritual value may warrant reconstruction, even though very little may remain (e.g. only building footings or tree stumps following fire, flood or storm). The requirement for sufficient evidence to reproduce an earlier state still applies.

Adaptation may involve additions to the place, the introduction of new services, or a new use, or changes to safeguard the place. Adaptation of a place for a new use is often referred to as 'adaptive re-use' and should be consistent with Article 7.2.

New work should respect the significance of a place through consideration of its siting, bulk, form, scale, character, colour, texture and material. Imitation should generally be avoided.

New work should be consistent with Articles 3, 5, 8, 15, 21 and 22.1.

These may require changes to significant fabric but they should be minimised. In some cases, continuing a significant use, activity or practice may involve substantial new work.

For many places associations will be linked to aspects of use, including activities and practices.

Some associations and meanings may not be apparent and will require research.

Articles

Article 25. Interpretation

The *cultural significance* of many *places* is not readily apparent, and should be explained by *interpretation*. Interpretation should enhance understanding and engagement, and be culturally appropriate.

Conservation Practice

Article 26. Applying the Burra Charter Process

26.1 Work on a *place* should be preceded by studies to understand the place which should include analysis of physical, documentary, oral and other evidence, drawing on appropriate knowledge, skills and disciplines.

26.2 Written statements of *cultural significance* and policy for the *place* should be prepared, justified and accompanied by supporting evidence. The statements of significance and policy should be incorporated into a management plan for the place.

26.3 Groups and individuals with *associations* with the *place* as well as those involved in its management should be provided with opportunities to contribute to and participate in identifying and understanding the *cultural significance* of the place. Where appropriate they should also have opportunities to participate in its *conservation* and management.

26.4 Statements of *cultural significance* and policy for the *place* should be periodically reviewed, and actions and their consequences monitored to ensure continuing appropriateness and effectiveness.

Article 27. Managing change

27.1 The impact of proposed changes, including incremental changes, on the *cultural significance* of a *place* should be assessed with reference to the statement of significance and the policy for managing the place. It may be necessary to modify proposed changes to better retain cultural significance.

27.2 Existing *fabric*, *use*, *associations* and *meanings* should be adequately recorded before and after any changes are made to the *place*.

Article 28. Disturbance of fabric

28.1 Disturbance of significant *fabric* for study, or to obtain evidence, should be minimised. Study of a *place* by any disturbance of the fabric, including archaeological excavation, should only be undertaken to provide data essential for decisions on the *conservation* of the place, or to obtain important evidence about to be lost or made inaccessible.

Explanatory Notes

In some circumstances any form of interpretation may be culturally inappropriate.

The results of studies should be kept up to date, regularly reviewed and revised as necessary.

Policy should address all relevant issues, e.g. use, interpretation, management and change.

A management plan is a useful document for recording the Burra Charter Process, i.e. the steps in planning for and managing a place of cultural significance (Article 6.1 and flow chart). Such plans are often called conservation management plans and sometimes have other names.

The management plan may deal with other matters related to the management of the place.

Monitor actions taken in case there are also unintended consequences.

Articles

28.2 Investigation of a *place* which requires disturbance of the *fabric*, apart from that necessary to make decisions, may be appropriate provided that it is consistent with the policy for the place. Such investigation should be based on important research questions which have potential to substantially add to knowledge, which cannot be answered in other ways and which minimises disturbance of significant fabric.

Article 29. Responsibility

The organisations and individuals responsible for management and decisions should be named and specific responsibility taken for each decision.

Article 30. Direction, supervision and implementation

Competent direction and supervision should be maintained at all stages, and any changes should be implemented by people with appropriate knowledge and skills.

Article 31. Keeping a log

New evidence may come to light while implementing policy or a plan for a *place*. Other factors may arise and require new decisions. A log of new evidence and additional decisions should be kept.

Article 32. Records

32.1 The records associated with the *conservation* of a *place* should be placed in a permanent archive and made publicly available, subject to requirements of security and privacy, and where this is culturally appropriate.

32.2 Records about the history of a *place* should be protected and made publicly available, subject to requirements of security and privacy, and where this is culturally appropriate.

Article 33. Removed fabric

Significant *fabric* which has been removed from a *place* including contents, fixtures and objects, should be catalogued, and protected in accordance with its *cultural significance*.

Where possible and culturally appropriate, removed significant fabric including contents, fixtures and objects, should be kept at the place.

Article 34. Resources

Adequate resources should be provided for *conservation*.

Words in italics are defined in Article 1.

Explanatory Notes

New decisions should respect and have minimal impact on the cultural significance of the place.

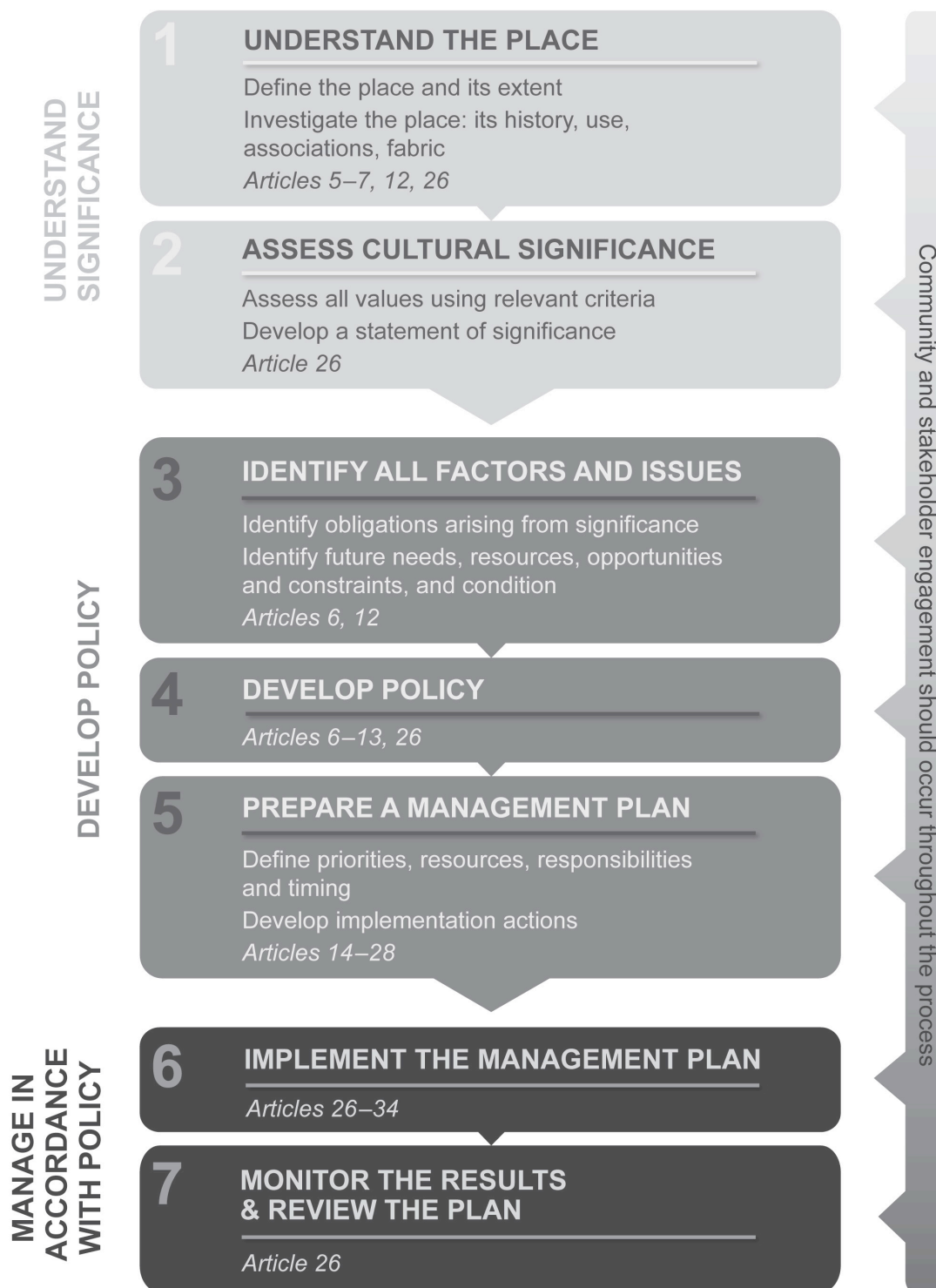
The best conservation often involves the least work and can be inexpensive.

The Burra Charter Process

Steps in planning for and managing a place of cultural significance

The Burra Charter should be read as a whole.

Key articles relevant to each step are shown in the boxes. Article 6 summarises the Burra Charter Process.



Church Hill Precinct Hamilton

Location

HAMILTON, Southern Grampians Shire

Municipality

SOUTHERN GRAMPIANS SHIRE

Level of significance

Stage 2 study complete

Heritage Listing

Southern Grampians Shire

Statement of Significance

Last updated on -

The Church Hill Area is of regional significance as a precinct where major Hamilton religious buildings were located, most notably Christ Church Co Cathedral and its manse, and St Andrew's Presbyterian Church. It has also been regarded as the most prestigious residential part of the town and contains a number of examples of elegant residences built for leading business and professional men, as well as retired squatters. The residential character is reinforced by gardens, several notable trees and important street tree planting. It is the social focus for prominent townsmen and Western District pastoralists and graziers.

Heritage Study/Consultant	Southern Grampians - City of Hamilton Conservation Study, Timothy Hubbard with Carlotta Kellaway & Michael Looker (plus Francis Punch), 1991;
Hermes Number	24250
Property Number	

Physical Description 1

The two churches, St Andrew's and Christ Church, which give this area its name and particularly their spires are Hamilton's most important landmarks. They stand at the top of the highest land in the district which was chosen for that reason by design or, more likely, by market forces as the premier residential area in Hamilton. The land falls away to the Grange Burn on two sides and the saddle which forms the commercial centre of Hamilton. On the north west side the land was flat and swampy. This preference for the high ground was characteristic of all nineteenth century development and was based for a long time on the belief in the Miasmatic theory for the spread of disease.

The regular street grid dominates the Church Hill area. It is bisected by Gray Street and McIntyre Street which keep to the highest ground and intersect at the highest point. The grid is unified by established street tree planting some of which has been removed over the years. The trees are varied but consist mostly of *Ulmus X hollandica*, elms, and the best avenue of these is in McIntyre Street. They are possibly oldest street trees in Hamilton but drastic pruning over the years prevents a conclusive dating. Other candidates would be the *Crataegus laevigata*, the English Hawthorn (now declared to be a noxious weed!), in French Street between McIntyre and Carmichael Streets. Also important are the *Brachychiton populneus*, Kurrajongs, and *Eucalyptus ficifolia*, Red Flowering Gum, as examples of native species used as late nineteenth century street trees. In Gray Street there are *Platanus X acerifolius*, Planes, which from their size, condition and documentary evidence date from the early twentieth century. Post World War 2 there were plantings of much smaller trees of quite different species. For a detailed list of trees see Appendix 8.6.

The foot paths are all paved with concrete and usually only on one side of the street. The further reaches of the cross streets, when they dip down to the Grange Burn, are not paved. The grass nature strips vary in width from one to five metres. Typically for residential areas of mostly twentieth century construction the footpaths are crossed by driveways most of which are concrete. The gutters are also mostly concrete but some of bluestone cobbles survive. The best examples of the latter are, of course, in the older parts such as McIntyre Street between Gray and Griffin Streets. The streets are happily empty of much of the paraphernalia found in metropolitan suburbs. For a detailed list of materials see Appendix 8.7.

The most common building type is the free standing house, either early twentieth century villas or interwar bungalows. Some older houses and cottages survive either relatively intact or else substantially altered, so much so that their early date is hard to distinguish. There is a wide variety of styles from all periods. There is a wide variety of size with the largest and most impressive houses clustered around the churches and in the two main streets. That is not to say that there are no houses of interest in the other streets. In fact the uniformly distributed significant buildings focused on the church complexes make this an area of real importance to the City of Hamilton. Lyndhurst at 4 McIntyre Street plays a similar role for the southern end of the area.

The Church Hill area leads on to the Gray Street Commercial Area. Certain buildings line its phalanx and play a critical role in defining the edge. The most important of these is the group around the former Temperance Hall in Kennedy Street. Further south it melds with the Botanic Gardens area. The views out of the Church Hill area which are generated by the grid, are critical to its character. From McIntyre Street, at about the intersection of French Street, there is a view to the south-east of machinery sheds, dumped cars and poor quality development across the Grange Burn on the hill opposite. Power lines also intrude on the view. From Skene Street and from Clarke Street there are views to the south-west of the Council Depot and the Abattoirs. The City of Hamilton should encourage good planting on these sites and, if it owns the land, should do screen planting itself. The best species for this would be indigenous flora collected from the area. One good view is to the south-west from Gray Street which has open fields and rows of trees on the horizon.

This place/object may be included in the Victorian Heritage Register pursuant to the Heritage Act 2017. Check the Victorian Heritage Database, selecting 'Heritage Victoria' as the place source.

For further details about Heritage Overlay places, contact the relevant local council or go to Planning Schemes Online <http://planningschemes.dpcd.vic.gov.au/>

24 Griffin Street, Hamilton Planning Report

Heritage Overlay Clause 43.01-1

Permit requirements

Below is an extract from the planning scheme with the highlighted sections appropriate to this application.

A permit is required to:

- Subdivide land.
- *Demolish or remove a building.*
- *Construct a building or construct or carry out works, including:*
 - Domestic services normal to a dwelling if the services are visible from a street (other than a lane) or public park.
 - A solar energy system attached to a building that primarily services the land on which it is situated if the system is visible from a street (other than a lane) or public park and if the schedule to this overlay specifies the heritage place as one where solar energy system controls apply.
 - A rainwater tank if the rainwater tank is visible from a street (other than a lane) or public park.
 - *A fence, if the fence is visible from a street (other than a lane) or public park.*
 - Roadworks which change the appearance of a heritage place or which are not generally undertaken to the same details, specifications and materials.
 - Buildings or works associated with a railway, railway station or tramway constructed or carried out by or on behalf of the Head, Transport for Victoria.
 - Street furniture other than:
 - Traffic signals, traffic signs, bus shelters, fire hydrants, parking meters, post boxes and seating.
 - Speed humps, pedestrian refuges and splitter islands.
 - A domestic swimming pool or spa and associated mechanical and safety equipment, if the swimming pool or spa and associated equipment are visible from a street (other than a lane) or public park.
 - *A pergola or verandah, including an open-sided pergola or verandah to a dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above ground level.*
 - *A deck, including a deck to a dwelling with a finished floor level not more than 800mm above ground level, if the deck is visible from a street (other than a lane) or public park*
 - Non-domestic disabled access, excluding a non-domestic disabled access ramp if the ramp is not visible from a street (other than a lane) or public park.
 - An electric vehicle charging station if the charging station is visible from a street (other than a lane) or public park.
 - Services normal to a building other than a dwelling or small second dwelling, including chimneys, flues, skylights, heating and cooling systems, hot water systems,

security systems and cameras, downpipes, window shading devices, or similar, if the works are visible from a street (other than a lane) or public park.

- Externally alter a building by structural work, rendering, sandblasting or in any other way.
- Construct or display a sign.
- Externally paint a building if the schedule to this overlay specifies the heritage place as one where external paint controls apply.
- Externally paint an unpainted surface.
- Externally paint a building if the painting constitutes an advertisement.
- Internally alter a building if the schedule to this overlay specifies the heritage place as one where internal alteration controls apply.
- Carry out works, repairs and routine maintenance which change the appearance of a heritage place or which are not undertaken to the same details, specifications and materials.
- Remove, destroy or lop a tree if the schedule to this overlay specifies the heritage place as one where tree controls apply. This does not apply:
 - To any action which is necessary to keep the whole or any part of a tree clear of an electric line provided the action is carried out in accordance with a code of practice prepared under Section 86 of the *Electricity Safety Act 1998*.
 - If the tree presents an immediate risk of personal injury or damage to property.

Design Response

We are excited to present our proposal for a replacement house in the heritage area, which aims to blend modern comfort with architectural sensitivity to the surrounding environment. Our plan involves removing the existing dwelling to create a modern and energy-efficient home, prioritizing high thermal performance. The proposed design features weatherboard cladding, high pitched gable roofs, and proportional window forms that harmonize with neighbouring buildings, ensuring a sympathetic addition to the area's heritage charm. Given the significant costs associated with fully renovating the existing structure—including rebuilding the floor system, straightening walls, and insulating the roof—the decision to build anew aligns better with our client's budget and ensures a superior outcome in terms of sustainability and livability. Furthermore, our design extends to a front fence that complements the area's aesthetics, incorporating timber feature posts and vertical palings that echo the muted colour palette and proportions of the proposed dwelling. We believe that this thoughtful approach not only respects the heritage character of the area but also contributes positively to its architectural landscape for years to come.

Precinct Information Church Hill - Summary

Description Summary.

Area A Church Hill in Hamilton is characterized by its two prominent churches, St Andrew's and Christ Church, and their spires which are significant landmarks in the area. The high elevation of this district, chosen for residential purposes, overlooks the Grange Burn and the commercial centre of Hamilton. The layout features a regular street grid intersected by Gray Street and McIntyre Street at the highest point. Street tree planting, mainly elms and native species like Kurrajongs and Red Flowering Gum, contributes to the area's aesthetic. Footpaths are concrete-paved, often on one side, with varying grass nature strip widths. Residential properties consist mostly of free-standing houses from different periods, with larger houses clustered around churches and main streets. Notable buildings like Lyndhurst at 4 McIntyre Street add to the area's historical and architectural significance. The Church Hill area transitions into the Gray Street Commercial Area and offers views of surrounding landscapes, though some views are impacted by industrial or poor-quality developments. Encouraging good planting and screening on specific sites can enhance these views and preserve the area's character, especially with indigenous flora.

Church Hill in Hamilton holds significant historical importance due to its early establishment of church organizations, notably Anglicans, Presbyterians, and Wesleyan Methodists. The architectural impact of their fine buildings, such as Christ Church Co-Cathedral, St Andrew's Presbyterian Church, and the early Wesleyan Methodist church, contributed to the area's designation as Church Hill. This area became prestigious, attracting Hamilton's prominent business and professional individuals who built elegant homes there, including notable examples like the residences of F F L Gummow and Saxon H Palmer. Additionally, Church Hill housed institutions like the prestigious Hamilton Club, reflecting its importance in the community's social and professional life.

Statement of Significance Summary

The Church Hill Area holds regional significance as a precinct that houses major religious buildings in Hamilton, notably Christ Church Co-Cathedral and its manse, along with St Andrew's Presbyterian Church. It is renowned as the most prestigious residential part of the town, featuring elegant residences built for leading businesspersons, professionals, and retired squatters. The residential ambiance is further enhanced by well-maintained gardens, significant trees, and thoughtful street tree planting. Church Hill serves as a social hub for prominent townsmen, as well as pastoralists and graziers from the Western District, solidifying its importance in the community's social and cultural fabric.

Recommendations for the Conservation and Enhancement of Church Hill Area:

1. Retain and extend the existing street plantings, which have historical significance predating World War II, in a consistent manner.
2. Maintain traditional paving and guttering styles, including the absence of footpaths in certain streets, to preserve the area's traditional character.
3. Implement a strict policy regarding signage to minimize visual clutter.

4. Prohibit non-residential uses that may compromise the predominantly residential nature of the area.
5. Minimise the impact of powerlines on visual aesthetics, with removal as the ideal solution where feasible.
6. Enhance views from the area through strategic planting practices.

Description:

The Botanic Gardens serves as the central feature of this area, complemented by a well-organized street grid. Surrounding the gardens are primarily residential buildings and their accompanying gardens, which not only provide support but also act as a buffer from the urban environment. Notable exceptions include public buildings such as the Court House and the Evangelical Lutheran Church complex. Among the residential buildings, standout structures include the former Police Magistrate's house at 24 Thompson Street (known as Kilora), as well as The Napier Club and The Gables, both imposing two-story buildings that remain subordinate to the mature trees within the Gardens.

Design Response to Church Hill Precinct Information.

Recommendations:

1. Ensure the new home design adheres to the established architectural features of the Church Hill area:
The proposed new home design aims to seamlessly integrate into the historic Church Hill area of Hamilton, respecting the unique characteristics and architectural heritage of the locality. The design incorporates key elements such as weatherboard cladding, high pitched roof forms, metal roofing, heritage window proportions, and spacious gardens to both the front and rear of the allotment.
2. Incorporate indigenous flora in the landscaping to enhance views and screen undesirable sights.
The landscape design proposed incorporates indigenous flora in the street setback to enhance views within the public realm.
3. Encourage good planting practices in neighbouring sites, especially those impacting views from key locations. *We believe this is not applicable to proposal.*
4. Collaborate with the City of Hamilton for potential screening measures, particularly where it owns land. *We believe this is not applicable to proposal.*

Conclusion:

The proposed new home design is carefully crafted to harmonise with the rich heritage and distinct characteristics of the Church Hill area in Hamilton. By incorporating elements reflective of the local architectural and landscape traditions, the design aims to contribute positively to the visual and historical tapestry of this important precinct.