

Bellicourt Road,  
Dunkeld 3294  
16/2/23

Planning Administration,  
Southern Grampians Shire,  
Locked Bag 685,  
Hamilton, Vic. 3300

I have concerns regarding the overall planning strategy for the township of Dunkeld, with particular respect to the Fairbairn Street application for 4 units on the Dunkeld escarpment, an area of particular significance for our area. This is at 135 Fairbairn Street Dunkeld; Lot 2 PS 716420, reference number TP/144/2022.

I would like to place an objection to this planned development, for several reasons.

1. It was approved, inappropriately, in my view, by only two members of Council. That such a major decision affecting the landscape of Dunkeld was not required to be approved by the whole Council is concerning.
2. I understand that it has been disputed at VCAT at great cost to Council, and therefore ratepayers. I also understand that this is ongoing, at further cost.
3. Council should be required to inform residents of this outcome and the costs involved, in the interests of transparency.
4. Many genuine initiatives for development have been denied/delayed by Council's seemingly interminable need to follow an outdated and poorly-constructed Overlay Plan. Thus the town has stagnated for several years, people have been discouraged from building, or denied planning permission in areas which do not disturb the town's ambience.
5. Dunkeld should be a vital, but carefully developed town because of heritage and tourist values. The Dunkeld escarpment is a prominent feature of the views to Mt. Sturgeon/Wurgarri. My objection relates to the preservation of these values, which the planned development TP/144/2022 does not adhere to. I do not object to careful and appropriate building that enhances and expands the potential of the township of Dunkeld.

Yours faithfully,

Parker Street,  
Dunkeld  
Bellicourt Road,  
Dunkeld 3294  
16/2/23

Planning Administration,  
Southern Grampians Shire,  
Locked Bag 685,  
Hamilton, Vic. 3300

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1. It was approved, inappropriately, in my view, by only two members of Council. That such a major decision affecting the landscape of Dunkeld was not required to be approved by the whole Council is concerning.
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3. Council should be required to inform residents of this outcome and the costs involved, in the interests of transparency.
4. Many genuine initiatives for development have been denied/delayed by Council's seemingly interminable need to follow an outdated and poorly-constructed Overlay Plan. Thus the town has stagnated for several years, people have been discouraged from building, or denied planning permission in areas which do not disturb the town's ambience.
5. Dunkeld should be a vital, but carefully developed town because of heritage and tourist values. The Dunkeld escarpment is a prominent feature of the views to Mt. Sturgeon/Wurgarri. My objection relates to the preservation of these values, which the planned development TP/144/2022 does not adhere to. I do not object to careful and appropriate building that enhances and expands the potential of the township of Dunkeld.

Yours faithfully,

Director of Planning,  
Southern Grampians Shire Council  
Hamilton Vic. 3300

17/3/2023

Dear Sir,

**I wish to object to the Planning Application: TP/144/2022**

**Objection to Group Accommodation development proposal, 135 Fairburn St, Dunkeld 3294**

Objections as follows:

**Group Accommodation:**

The area known as 135 Fairburn Street, Dunkeld falls under the Zoning of Rural Living Zone. The purpose of Rural Living zones is to "Provide for residential use in a rural environment, Protect and enhance the natural resources, biodiversity and landscape and heritage values of the area, Encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provisions.

Clause 35.03-1 Section 1, states that there must be only one Dwelling on the Lot.

The Planning Application states the construction of four separate dwellings on the lot, each with living, cooking and accommodation, plus a fifth building for use as a spa.

**Parking:** Accommodation providers in Dunkeld can attest to a need to accommodate multiple cars with each holiday booking. If all 4 cabins were booked to capacity, there could be as many as 10 cars on-site.

What steps are proposed to ensure no spill-over parking will occur on the high-conservation area verge on public land outside the proposed development? Dunkeld residents will have very little ability to stop this if it occurs and we need Council to act in our interests to put steps in place to ensure it does not.

**Location of the proposed development**

The Dunkeld Urban Design Framework (2002), Dunkeld Structure Plan (2012) and Amendment c29 (2013) respond to views expressed via extensive community engagement and all refer to the need to protect key views and vistas to the Grampians National Park and the rural surrounds. They specifically refer to the intrinsic value of the escarpment.

**The Dunkeld Urban Design Framework (2002)** dates back over 20 years to 2002, the framework was 'adopted as a long-term plan for change in Dunkeld' (p.59) and as there is no subsequent UDF, and within the definition of 'long-term' I assume it is still current. The plan states:

The improved protection of the town's relationship with the scenic backdrop is probably the most critical aspect of this Urban Design Framework (p.20)

The development proposal may well be able to argue that it is protecting the 'towns relationship with the scenic backdrop' by using environmentally sensitive design principles and materials. The individual units proposed do, when viewed in isolation use environmentally sensitive design principles and materials, but in the context of the broader environment, the entire development viewed as a whole; a sauna building, multiple car parking spaces, pathways and a total of 4 units, no matter how



environmentally sensitive, cannot with all honesty be said to be 'protecting the town's relationship with the scenic backdrop'.

Infill Residential (p.32) - the stated strategy is to:

Limit the expansion of the township beyond its recognised boundaries and encourage new infill residential development on vacant blocks within the core of the township zone (p.32)

This proposed Group Accommodation development does not tick this box either.

This proposed development is not for a house, it is for Group Accommodation, with all the associated infrastructure, car parking and further development. It is not appropriate to the site or its low-density location.

**Dunkeld Structure Plan (2012)** asks 'How will the plan be used?'. It states it will be used "In assessing planning permit applications" (p.4). I see little evidence of that assertion. The Dunkeld Structure Plan is based upon 10 key directions. Number 1 on the list is to protect key views and vista to the Grampians National Park & the rural surrounds.

One of the most striking and definitive aspects of Dunkeld relates directly to the feeling of proximity that the township has to the magnificent Grampians.... It is important that, as the town continues to change over time, these key views and vistas are not compromised (p.18)

Dunkeld is a special place where the relationship between settlement and the spectacular scenery of the Southern Grampians is central to the towns identity and 'sense of place'. The vision for Dunkeld is for it to sensitively grow without compromising this intrinsic value. The landscape setting and views and vistas that are available from the town are identified as key drivers of both economic development opportunities and residential amenity. As such they will be acknowledged and protected as the town grows (p.11)

Dunkeld has managed to be one of the few small country towns to show some growth over the last decade, and particularly during the period of Covid lockdowns across Victoria. It is disappointing to see the Planning Department and Council of the Southern Grampians Shire showing little respect for the things which visitors and locals want to see when they come to Dunkeld which are outstanding vistas around the village, and especially those which take in the Grampians, Mt Sturgeon, and Mt Abrupt.

I therefore wish to add my objection to this project, and call on council to refuse this Permit Application.

Armitage Street,  
Dunkeld



Dunkeld,

16/02/23

**TP/144/2022**

**Objection to Group Accommodation development proposal, 135 Fairburn St, Dunkeld 3294**

Objections as follows:

**Group Accommodation:** "The maximum site occupancy at any one time will be 8 adults, with a limit of 4 persons in Cabin A and 2 persons in Cabins B, C and D' (Planning Application, p. 10).

So, the total number of beds is 10, but the maximum number of people booked in at any one time will be 8? What is the rationale for having one cabin empty during 'maximum site occupancy?' Is there a requirement that there can only be a maximum of 8 people at any one time? If so, what is the mechanism by which this will be monitored and who will do it? Solution: Decrease the number of cabins to 3.

**Parking:** Accommodation providers in Dunkeld can attest to a need to accommodate multiple cars with each holiday booking. If all 4 cabins were booked to capacity, there could be as many as 10 cars on-site. Has appropriate parking space been allocated for this number of vehicles?

What steps are proposed to ensure no spill-over parking will occur on the high-conservation area verge on public land outside the proposed development? Dunkeld residents will have very little ability to stop this if it occurs and we need Council to act in our interests to put steps in place to ensure it does not.

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The Dunkeld Urban Design Framework (2002), Dunkeld Structure Plan (2012) and Amendment c29 (2013) respond to views expressed via extensive community engagement and all refer to the need to protect key views and vistas to the Grampians National Park and the rural surrounds. They specifically refer to the intrinsic value of the escarpment.

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Infill Residential (p.32) - the stated strategy is to:

Limit the expansion of the township beyond its recognised boundaries and encourage new infill residential development on vacant blocks within the core of the township zone (p.32)



This proposed Group Accommodation development does not tick this box either.

I am not anti-development and I would not, at this point in the proceedings, object to a residential dwelling on the site - but this proposed development is not for a house, it is for Group Accommodation, with all the associated infrastructure, car parking and further development. It is not appropriate to the site or its low-density location.

**Dunkeld Structure Plan (2012)** asks 'How will the plan be used?'. It states it will be used "In assessing planning permit applications" (p.4). I see little evidence of that assertion. The Dunkeld Structure Plan is based upon 10 key directions. Number 1 on the list is to protect key views and vista to the Grampians National Park & the rural surrounds.

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I would like to express a sense of sadness and frustration. A range of consultative planning and development documents have been produced over the past 20 years+. The community have been asked for their input and have engaged with Council in the process. They have made their feelings felt about how they would like their town to develop over time. We have entered a social contract with Council, the findings of multiple community engagement sessions have been documented and endorsed by Council. If Group Accommodation is permissible in this wonderful location, what hope is there for the future development of our town or for resident's ability to influence the direction that development will take?

The ability of any planning layman to trawl through a hundred+ pages of a detailed development proposal and be able to object to the development on planning grounds would have to be close to zero. We need the professionals within Southern Grampians Shire and the Councillors to act on our behalf, to use their expertise and to reflect community views. I feel profoundly let down by Southern Grampians Shire & its Councillors.

For the record, if this Group Accommodation is to proceed, these are the changes I would like to see implemented:

- The number of units reduced to 3 to reflect the stated maximum number of 8 people and space correspondingly increased between each unit to expand the visual amenity from Fairburn St. This would reduce the overall footprint of the development so it is more in-keeping with its low-density location
- For the spa building not to proceed
- For there to be meaningful and enforceable safeguards in place to ensure that parking will not occur on the native grassland on public land outside the development

17 February 2023

Southern Grampians Shire Council  
Planning Department  
Attn: Anita Collingwood  
**Locked Bag 685**  
**HAMILTON, VIC 3300**

Via email: [council@sthgrampians.vic.gov.au](mailto:council@sthgrampians.vic.gov.au);

Dear Anita,

**OBJECTION TO PLANNING PERMIT APPLICATION TP/144/2022**  
**135 FAIRBURN STREET, DUNKELD; LOT: 2 PS: 716420**

I write in relation to Planning Permit Application TP/144/2022.

I am a joint owner of the adjacent block of land on Fairburn Street, Dunkeld.

The proposed 'development of the land for group accommodation' will have a significant, detrimental and irrevocable effect on the landscape and town of Dunkeld.

The proposed construction has not accounted for the sensitive nature of the subject land. This proposal would harm the extraordinary landscape of Dunkeld.

I object on the following grounds:

- The proposed use of the site is inconsistent with the purpose of the zoning . The use is contrary to the Rural Living Zone.
- The proposed built form will have unacceptable impacts on the significant landscape. The proposal would have a detrimental impact on the Southern Grampians significant landscapes.
- The proposed landscaping response of the application is inadequate, and will do little to minimise the visual impact of this development.

The proposal will detrimentally impact the visual beauty of Dunkeld in a way that is likely to diminish the attractiveness of Dunkeld for tourism.

Such a use of the site is not supported by the Councils own planning guidelines, nor of the Rural Living Zone in which the proposal is located.

The application should be refused by Council.

Kind Regards,



Fairburn St.

Dunkeld,

16/02/23

**TP/144/2022**

### **Objection to Group Accommodation development proposal, 135 Fairburn St, Dunkeld 3294**

I object to the proposal as follows:

#### **Location of the proposed development**

135 Fairburn Street Dunkeld is an inappropriate location for a high density, multi-unit group accommodation development.

The Dunkeld community in collaboration with Southern Grampians Shire Council has developed several plans to manage development of the township of Dunkeld and surrounding land.

These include:

- The Dunkeld Urban Design Framework (2002),
- Dunkeld Structure Plan (2012) and
- Amendment c29 (2013).

These plans have identified the need to protect key views and vistas to the Grampians National Park and the rural surrounds. The location of this proposed group accommodation development directly contradicts the identified intrinsic values of the Wannon River / Victorian Volcanic Plane escarpment which is integral to the overall scenic and landscape values of the township and surrounds. The proposed group accommodation development, no matter how it is designed will denigrate the landscape, the amenity and vistas of both the Grampians National Park and of the township from the National Park.

I understand that VCAT has seen fit to allow the development to proceed, despite the work of the Dunkeld community and Southern Grampians Shire Council over many years (as above) to protect the environment for future generations.

There are however some other matters that should be considered:

#### **Traffic**

Fairburn St at this location is an unsealed, single lane, road without sufficient room for traffic to pass safely without cars pulling off into the road edges. In winter the road edge is wet and muddy. There are commonly deep wheel ruts in the grassland that borders the road. There are high value native plants in this grass land along the entire length of Fairburn St.



Fairburn, Dickie and Taylor streets are now the designated streets that traffic is directed to take when making school pick up and drop off at Dunkeld Primary School. Increased traffic flow due to the proposed group accommodation will inevitably see conflicting traffic flow. It will result in increased road wear and tear, damage to the land on the road reserve and drainage.

If this proposal is to proceed the developer should be required to provide a traffic and road management plan which will document measures to mitigate road damage, damage to the road reserve, traffic flow and maintenance costs.

The rate payers of Southern Grampians should not be required to assume any costs associated with the maintenance, repair or resurfacing of Fairburn, Dickie or Taylor streets that result from increased traffic from this commercial development.

### **Car Parking**

The proposed commercial accommodation venue intends to provide up to 8 persons at once. This will involve a significant number of cars.

The planning permit application diagram plan A1.101 revision D specifically refers to space for 3 cars. There is also an area marked DDA compliant parking and CFA turning circle. This is patently inadequate for the number of paying guests proposed, their visitors and vehicles providing services or maintenance. Spill over parking will inevitably occur into the driveway and onto Fairburn Street road reserve. This is most likely during summer when the shade of the large Eucalyptus Camaldulensis will be sought out to park in.

It is imperative that cars are NEVER allowed to park under the significant Eucalyptus Camaldulensis that is located at the property gate on Fairburn St. This includes any workers engaged in construction, maintenance and contractors' vehicles. Dunkeld town planning documents have identified these trees as being of great significance to the area. This specific tree has historical significance and is vulnerable to soil compaction and root disease if traffic is permitted to park under it.

The developer should be required to produce a parking management plan which will detail all mitigation that will be undertaken to prevent this from ever happening.

### **Group Accommodation**

The proposal states this development intends to provide accommodation for 8 adults.

It also states there will be physical space for 10 adults.

This appears to be an attempt to gain approval for an 8-person development with the critical requirements associated with this such as fire planning, sewerage and waste water treatment, and once this is approved to take booking from 10 paying guests.

What steps will Southern Grampians Shire Council take to ensure the provisions of a maximum of 8 people are adhered to?

If more than 8 people are in attendance and an incident occurs, what liability will Southern Grampians Shire Council be subject to if the ability to allow over 8 people was approved during the planning process?

**Ongoing Legal Action**

I understand that this development is still under challenge in the Supreme Court.

If Southern Grampians Shire Council grants this application at this point in time, while the findings of the Supreme Court are not yet finalised, Southern Grampians Shire Council needs to consider the ramifications and potential liability for Southern Grampians Shire Council, the planning department, councillors and ratepayers if an adverse finding is made by the Supreme Court after the issue of a planning permit.

I understand this application has been mired in controversy and delay since the original subdivision of the land several years ago. I hope Southern Grampians Shire Council has taken heed of this conflict and will make more sound planning decisions into the future.

Yours Sincerely,

18/02/2023



**There are several reasons that we OBJECT strongly to the proposed development of group accommodation on the next door property at 135 Fairburn St. Dunkeld.**

**1) OBJECTION to group accommodation**

It is our opinion that group accommodation on this site is totally inappropriate and breaches many of the specific guidelines that classify this area of Dunkeld as a Rural Living Zone ( RLZ) .

The Dunkeld Strategic Plan recommends that development within a RLZ should be both residential and low density.

**This proposed group accommodation is neither residential nor low density.**

Repetitive short term visits do not constitute "being in residence", and five (5) substantial buildings crowded onto the designated building envelope of 135 Fairburn St do not meet the guidelines of low density.

We purchased our land with the prospect of enjoying the calm and peaceful serenity of a rural location. The nature of the development at 135 Fairburn St. involves different groups of guests arriving on a nightly basis and certainly never "being in residence".

These visitors will never have the same respect or commitment to this peaceful rural community as those residents invested for the long term.

There are many alternative and available sites in Dunkeld within the township precinct that would better meet the higher density objectives of this type of development.

**2) OBJECTION to invasion of privacy**

In order to accommodate five (5) buildings on this site the amended plans indicate that the buildings have been moved to within six(6) metres of both north and south boundaries .

The cabins are positioned in a north-west orientation and therefore directed towards our land situated to the north of the development.

**Cabin A** therefore has a direct visual line of sight onto our future building envelope.

As a consequence we **OBJECT** strongly to several design features that will have an adverse effect on our right to privacy on our own land.

a) The balcony on **Cabin A** faces directly onto our building envelope with no screening provided on the northern border.



b) The balcony on **Cabin A** also features a bath which we consider to be an unnecessary feature that would increase noise pollution emanating from the cabin and also once again compromise our privacy.

c) The large circular window in the northern wall of **Cabin A** has a direct line of sight onto our property and represents an unacceptable intrusion to our privacy.

d) On the amended plans of **Cabin A** the awning over the external door on the northern wall clearly crosses the 6 metre no build zone and therefore contravenes the building regulation guidelines.

### **3) OBJECTION to the development of a Spa and Sauna carved into the escarpment.**

The Dunkeld Building Plan places significant importance on the protection of the escarpment due to the natural beauty of its shape and form.

It is hard to believe that the South Grampians Council could pass a self-serving development that proposes to gouge into this outstanding geographical formation with plumbing and sewerage for the benefit of a few entitled guests.

The escarpment is synonymous with the topography of Dunkeld and should be protected for all future generations. This development would inevitably compromise its integrity and is therefore unacceptable.

### **4) OBJECTION to increased traffic flow.**

A rotating group of four couples on a daily basis will certainly have an adverse effect on the traffic flow past the front of our property with noise and dust pollution generated from an unsealed road.

There would also be an additional number of vehicles travelling down Dickie St past the Dunkeld Primary School which would have a significant impact on road safety.

Many young school children and other pedestrians use the Fairburn Green Link walking track on a daily basis and would therefore be exposed to significantly increased traffic danger.

### **5) OBJECTION to noise pollution**

The rotation of four couples on a nightly basis will have an adverse effect on our amenity and our right to the peaceful enjoyment of our property. The unrelenting noise of car doors slamming and the prospect of loud music on the balconies are a genuine concern.

**In summary we purchased our land to enjoy the natural beauty of the landscape and the relaxed country lifestyle that a Rural Living Zone property would offer our family.**

**This poorly conceived proposal of group accommodation on a sensitive RLZ site is both opportunistic and inappropriate and should be rejected by Council.**



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CAUTION: This email originated from outside the organisation. Please take care with the content of this email and contact Business Systems if you doubt its authenticity.

18/2/23

Southern Grampians Shire Council  
Planning Department  
Attn: Anita Collingwood  
Locked Bag 685  
HAMILTON, VIC 3300

Via email: [council@sthgrampians.vic.gov.au](mailto:council@sthgrampians.vic.gov.au);

Dear Anita,

**OBJECTION TO PLANNING PERMIT APPLICATION TP/144/2022  
135 FAIRBURN STREET, DUNKELD; LOT: 2 PS: 716420**

I write in relation to Planning Permit Application TP/144/2022.

I am a joint owner of the adjacent block of land on Fairburn Street.

The proposed 'development of the land for group accommodation' will have a significant, detrimental and irrevocable effect on the landscape and town of Dunkeld.

The proposed construction has not accounted for the sensitive nature of the subject land.

I object on the following grounds:

- The proposed use of the site is inconsistent with the uses of the Rural Living Zone.
- The proposed built form will have unacceptable impacts on the significant landscape.
- The proposed landscaping response is inadequate, and will do little to minimise the visual impact of this development.

The proposed development would have a significant and irrevocable impact on the amenity of the land. This will affect all people living and visiting Dunkeld.

Thank you for your time.

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Victoria 3294 Australia  
Telephone:  
Facsimile:

17 February 2023

Southern Grampians Shire Council  
Planning Department  
Attn: Anita Collingwood  
Locked Bag 685  
HAMILTON, VIC 3300

Via email: [council@sthgrampians.vic.gov.au](mailto:council@sthgrampians.vic.gov.au)

Dear Anita,

**OBJECTION TO PLANNING PERMIT APPLICATION TP/144/2022  
135 FAIRBURN STREET, DUNKELD; LOT: 2 PS: 716420**

We write in relation to Planning Permit Application TP/144/2022 ('Application'), which is under the consideration by Southern Grampians Shire Council and relates to the land at 135 Fairburn Street, Dunkeld ('Site').

As Council is aware, we have various interests in the land at Macarthur Street and Myers Street, Dunkeld. Our land is located a mere metres south-east of the Site.

The application proposes the *'Use and Development of the land for Group Accommodation and associated works pursuant to Rural Living Zone and Environmental Significance Overlay (Schedule 3).'*

Upon our review of the application material, it is clear the proposal fails to respond to the relevant requirements of the Southern Grampians Planning Scheme ('the Planning Scheme').

Moreover, it will have significant detrimental impacts on the use and enjoyment of our land and will cause irrevocable damage to the significant landscape and town of Dunkeld.

The proposed built form has not appropriately accounted for the noted sensitivity of the subject land and if approved, this proposal would harm the extraordinary landscape setting of the beautiful town of Dunkeld, thereby resulting in significant detriment.

We **object** to the proposed use and development on the following grounds:

1. The proposed use is inconsistent with the purpose of the zone

Notwithstanding the fact the proposed use is a section 2 use, the use is entirely contrary to the purposes of the Rural Living Zone (Schedule 2). The purposes of the RLZ2 are:

*To implement the Municipal Planning Strategy and the Planning Policy Framework.*

*To provide for residential use in a rural environment.*

*To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.*

*To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.*

*To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

The use does not achieve any of these purposes. It is neither residential, nor agricultural. What is instead proposed is a commercial tourism operation designed with the sole intention of generating profit. This is to be contrasted with other rural zones where the pursuit of tourism related enterprises is encouraged by the zoning.

2. The proposed built form will have unacceptable impacts on the significant landscape

Future built form outcomes on the Site are largely guided by the Rural Living Zone (Schedule 2) in conjunction with policy within the Planning Policy Framework.

Policy recognises that the Site should accommodate low-density development, composed of only appropriate materials, sited discreetly off or by the ridgeline, and nestled amongst landscaping respectful of the existing vegetation on the Site and in the broader landscape.

Clause 12.05-2L singles out the 'Southern Grampians' significant landscapes' and includes the following strategy:

*Discourage development on ridge lines and peaks in the Significant Landscape Overlay and other significant landscapes, such as the Victorian Volcanic Plains, the Dundas Tablelands and the Grampians.*

*Encourage the use of existing and new vegetation to screen development, particularly locally indigenous vegetation.*

Development should adopt a subordinate role within its relationship with the landscape and should constitute a minimal and unobtrusive visual presence across the extraordinary view lines from Dunkeld towards the Grampians.

Noting the sloping nature of the Site, the proposed built form occupies too much of its developable area, and is situated too prominently on the ridgeline, as evidenced by the



excessive amount of cut and fill that is required in an attempt to veneer the dwellings and sauna.

Within the streetscape, the proposed development would present as four dwellings with car parking in front.

When considering the Site's narrow frontage and size of the lot, the impression of a town-like density would be the likely outcome. We submit that the proposal would not present as a rural living arrangement on the Dunkeld periphery but would however suggest that Dunkeld continues westward into the floodplain beyond Fairburn Street. Clause 17.04-1L, which seeks to facilitate tourism, includes the following strategy, which the proposal fails to respond positively to:

*Encourage tourist and recreation development that enhances the appeal, presentation and natural attributes of the volcanic peaks and landscape features.*

Further, the proposed development would present as one large dwelling when viewed from the oblique, amplifying the perception of building height and scale and thereby only further contributing to the proposal's disproportionate built form outcome in the context of a sensitive site in a low density zone.

The development as proposed would be an overly intrusive element in what is otherwise a spectacular natural landscape.

3. The landscape response is wholly inadequate

The landscaping proposed for the Site would do little to minimise this unjustified visual impact of the development, and would do little to influence views from oblique angles at Fairburn Street and across the Wannon River.

The landscaping as currently proposed is merely a bandaid solution designed to mask inappropriate development that takes little into consideration of the landscape it will impact upon.

4. A CHMP may be required, and no consultation has been undertaken with the RAP

The applicant appears to have proceeded on the basis that the activity area is not within an area of cultural sensitivity for the purposes of the Aboriginal Heritage Regulations 2018 ('AH Regulations'), and that accordingly a CHMP is not required.

They rely on the Planning Property Report, which relatively only shows land within 200m of the current alignment of the Wannon River.

Notwithstanding the areas of Aboriginal Cultural Sensitivity marked on the Planning Property Report, Regulation 27 of the AH Regulations provides:

***Prior waterways***

(1) *Subject to subregulation (2), a prior waterway or land within 200 metres of a prior waterway is an area of cultural heritage sensitivity.*

*(2) If part of a prior waterway or part of the land within 200 metres of a prior waterway has been subject to significant ground disturbance, that part is not an area of cultural heritage sensitivity.*

Regulation 27 operates independently of any declared areas of cultural sensitivity that are shown on a Planning Property Report.

The survey plan prepared by Brayley and Hayes (Ref 19055) shows an incredibly steep fall from east to west approximately 30 metres from the street frontage – with a fall of some 15 metres. It also includes the notations 'exposed rock outcrop', 'top of bank' and 'toe of bank'.

Based on the application material, it is more than likely that those areas shown on the survey plan were, at some point in time, the body of water now known as the Wannon River.

In our view, given the topography of the Site and clear evidence before Council, the Registered Aboriginal Party must be consulted to determine whether or not the Site is, or is partially affected by a 'prior waterway' for the purposes of Regulation 27, and accordingly whether a CHMP is required.

In summary, while the proposed use of the Site would increase the accommodation offer in Dunkeld, the visual impact of the proposed development on the recognised landscape setting would result in a net loss for the tourism potential of the town.

The proposal is simply asking too much from the Site and is not supported by policy.

It is for the above reasons that we oppose the application, which should be refused by Council.

We await further correspondence from Council in relation to the Application, and trust we will be kept up to date throughout Council's assessment of it.

Please contact the writer should Council have any queries in relation to the correspondence.

Yours faithfully



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**CAUTION:** This email originated from outside the organisation. Please take care with the content of this email and contact Business Systems if you doubt its authenticity.

Victoria Valley Rd,  
Dunkeld, Vic, 3294

18/2/2023  
Attention: Anita Collingwood  
Southern Grampians Shire Council  
Planning Department

Dear Anita,  
**OBJECTION TO PLANNING PERMIT APPLICATION TP/144/2022**  
**135 FAIRBURN STREET, DUNKELD; LOT: 2 PS: 716420**

I write in relation to Planning Permit Application TP/144/2022 - 135 Fairburn Street, Dunkeld.

I currently own and occupy 135 Victoria Valley Rd, Dunkeld, within very close proximity to 135 Fairburn Street.

I object to the proposal for fear the building proposal will have detrimental impacts on the beauty of the natural landscape - one that has existed forever for the township and local neighbours.

Many years ago the townfolk were asked to contribute ideas to a Dunkeld Structure Plan, one which we contributed to with careful thought for the town ahead. It was Zoned RLZ2 for a reason. This block has already, very sadly, been chopped up into a number of tiny portions, and to build this type of structure is completely inappropriate for the landscape. It is a place of serenity and beauty, not a place for an accommodation service. It is completely inappropriate.

Yours sincerely,