

Alpine Planning Scheme Review

Version 3.3

5 May 2023

Issued to Minister for Planning



Planning and Environment Act 1987

Planning scheme review pursuant to Section 12B of the Act

Alpine Planning Scheme

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After Council noted version 3.1 at the Ordinary Council Meeting held on 26 May 2023, minor adjustments were made to this document as follows:

- Reducing the extent of the proposed rezoning of King Street, Myrtleford to accommodate a property owner request after consultation.
- Including the response from the Country Fire Authority.
- Correcting the spelling of Glenbourn Drive, Mount Beauty.
- Minor wording and grammatical corrections.

Abbreviations

Abbreviation	Meaning
ASC	Alpine Shire Council
BAO	Buffer Area Overlay
DDO	Design and Development Overlay
DPO	Development Plan Overlay
DTP	Department of Transport and Planning
GBCMA	Goulburn Broken Catchment Management Authority
MDFC	Ministerial Direction on the form and content of planning schemes
MPS	Municipal Planning Strategy
NECMA	North East Catchment Management Authority
PG	Practitioner's Guide to Victoria's Planning Schemes
PPF	Planning Policy Framework
SLO	Significant Landscape Overlay

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1. Executive summary

1.1. Why is the planning scheme being reviewed?

Council as the planning authority for the Alpine planning scheme is required to review its planning scheme every four years under Section 12(B) of the Planning and Environment Act 1987.

Council last undertook a comprehensive review of the planning scheme between 2010 and 2014. The findings of this review were translated into the planning scheme via amendment C39 which was gazetted on 9 June 2016.

Recently the planning scheme was restructured to insert a new Municipal Planning Strategy and local Planning Policies to replace the former Local Policy Planning Framework. This was done via amendment C62alpi and was a policy neutral amendment undertaken by the Victorian government.

This review will be forwarded to the Minister for Planning as required under section 12(B) of the act once complete. A planning scheme amendment to implement the findings of the review has been prepared and is attached in the form of marked up ordinance as Appendix Two to this report.

1.2. Health check and findings

The Alpine Planning Scheme contains policy gaps, and the scheme is out of date. This is leading to inconsistent decision making and lost opportunities for the most efficient use of land, adaptation to climate change and protection of values such as landscapes for the benefit of the community.

The statutory planning function of Council has been struggling with resources and a planning scheme lacking local content which has led to increasingly poor performance against both legislative requirements and community expectations.

This situation has occurred because of:

- Inadequate investment in the strategic planning function over the last 15 – 20 years meaning that basic work such as settlement planning, housing strategy and protection of environmental values and landscapes has not taken place.
- Lack of resources in the statutory planning unit over a long period of time.
- There is a shortage of planning professionals across the country meaning it is difficult to attract and retain staff.
- Ongoing staff shortages which is affecting productivity with difficulties recruiting and retaining staff, particularly at the middle and senior levels.
- An under investment in training and resourcing for staff to efficiently use the permit administration software which has added to delays. This has been addressed with the recent installation of the Greenlight system for processing planning permit applications. Investment in maintaining and improving the system (through development of templates and reporting functions) is important to make the most of this resource.

During this planning scheme review, it has become clear that the executive team at Council both realise the extent of the problem and are committed to addressing the underlying issues and directing adequate resources to improve the performance of the planning function at Council. This process will take time and it is critical that Council remain focused on the strategic planning projects that will make the most difference to the wider community and building the capacity and confidence of the statutory planning team.

1.3. Top priorities for Council

The highest priorities for Council are clear:

- Rebuild the statutory planning team and function to enable Council to meet statutory requirements and community expectations.
- Establish a clear vision for the four main townships (Porepunkah, Bright, Mount Beauty-Tawonga and Myrtleford) and prepare Structure Plans to guide future development.
- Prepare Stage Two of the Rural Land Strategy to review zonings, including small lots in the Farming Zone, and other matters identified in Appendix Three (further strategic work).
- Undertake a comprehensive review of the zones and controls that apply to Wandiligong to update them to reflect current land use patterns and provide more guidance to applicants and decision makers.
- Identify and protect significant landscapes and vegetation.
- Review and update the application of the Heritage Overlay.
- Undertake several minor projects that will reduce the number of planning permit applications (and therefore the workload of the Statutory Planning Unit) and provide guidance around specific issues such as heritage decision making.

1.4. Consolidated recommendations

This section of the report outlines the recommendations and next steps for this planning scheme review. Recommendations are grouped as follows:

- Planning scheme recommendations
- Further strategic work recommendations
- Process improvement recommendations
- Advocacy recommendations
- Minister for Planning recommendation

1.4.1. Planning scheme amendment

These recommendations relate to the planning scheme amendment that should be progressed to implement the findings of this review relating to administrative matters or to incorporate Council or State adopted strategic planning work into the scheme.

The planning scheme review has identified many policy-neutral changes that should be made to the planning scheme to bring it into alignment with the Ministerial Direction on the Form and Content of Planning Schemes. These are purely administrative matters and do not change the policy intent of the scheme.

There are several factual changes that should be made to the Municipal Planning Strategy to bring it up to date with the most recent ABS and economic data, and the Council Plan.

The Rural Land Strategy policy that was deleted in the PPF translation is recommended for reintroduction into the ordinance.

Opportunity has been taken to make several other changes to the planning scheme to reflect Council practice including:

- Introducing a 5% public open space contribution for residential subdivisions.
- Introducing consideration of the Infrastructure Design Manual and the Sustainable Infrastructure Guidelines.

- Strengthening bushfire policy to ensure dual access to properties and consider landscape scale bushfire risk.

An audit of local and regional strategies and policies that have been completed since the last planning scheme review has been done and planning policy from these strategies incorporated into the planning scheme as relevant. The working documents that were used to do the analysis have been provided to Council officers for reference. The record of engagement with officers, referral authorities and Council is included at Appendix One.

These changes are marked up on the supporting marked up Ordinance at Appendix Two.

Within the Ordinance, the reason for each change is included in orange text in brackets like this: [source code]. This reason will take the reader back to the correct page of the parent document or the correct provision in the planning scheme as appropriate and enable changes to be understood in their original context. If the words **NEW** is at the start of the source code, it means that this is new, strategically justified policy to be included in the scheme and will require a full amendment.

Recommendation:

It is recommended that Council:

- 1. Prepare a planning scheme amendment or amendments using the marked-up ordinance at Appendix Two to:**
 - a) Incorporate the policy neutral changes identified in Chapter 5 to align the ordinance with the Ministerial Direction on the Form and Content of Planning Schemes.**
 - b) Include new policy to implement the:**
 - **Affordable Housing Research and Analysis Paper 2022.**
 - **Affordable Housing Action Plan 2022.**
 - **Rural Land Use Strategy 2015.**
 - **Community Vision and Council Plan including the Municipal Health and Wellbeing Plan 2022 – 2026.**
 - **Myrtleford Resilience Plan.**
 - **Economic Development Strategy.**
 - **Alpine Shire Events Strategy.**
 - **Sport and Active Recreation Plan 2022 – 2023.**
 - c) Amend Clause 12.05-1L Public and private interfaces, and Clause 14.01-3L Forestry and timber products to introduce changes requested by HVP.**
 - d) Include a new notice requirement at Clause 66.06s to ensure Vic Forest is notified of applications for subdivision of land or use of land for accommodation within 300 metres of a timber plantation boundary.**
 - e) Introduce new strategies at Clause 13.02-1L (Bushfire Planning) to support dual access to properties and consider bushfire risk at a landscape scale.**
 - f) Amend Clause 19.03-2L Infrastructure design and provision to include consideration of the Infrastructure Design Manual and the Sustainable Infrastructure Guidelines when approving development.**
 - g) Rezone the north east portions of 27, 33 and 35 King Street, Myrtleford that are currently zoned General Residential Zone to Farming Zone to remove the zoning anomaly.**

- h) Delete DPO1 (Tempo Court area) as the subdivision is complete and the schedule does not contain any content.
- i) Delete DPO2 (Glenbourn Drive) as it does not contain any content.
- j) Introduce the schedule to Clause 53.01 Public open space contributions and subdivision to collect a 5% contribution for residential subdivisions.
- k) Include an updated Clause 74.02 Further strategic work that prioritises the strategic work program based on the findings of this review.

1.4.2. Further strategic work

Appendix Three of this report outlines the strategic planning work that has been identified through this planning scheme review.

Through the review process, the highest priority tasks for Council to undertake over the next four years to improve the planning scheme has been identified and is included in the recommendations below. Numerous other recommendations for further strategic work have been identified through this review and are included in Appendix Three. The list below represents the further strategic work that the consultants believe will have the most positive impact for the Alpine community and the efficient functioning of the planning service.

Only work that can be completed in the next four years should be included in Clause 74.02 of the planning scheme. A recommended Clause 74.02 is included in the marked-up ordinance at Appendix Two. This should be considered by Council to ensure that the work is reasonable to complete over the next four years and, if not, the priority projects that should be included in Clause 74.02.

Recommendations:

It is recommended that Council prioritise the following further strategic work over the next four years:

- 2. Finalise the Land Development Strategy and implement into the planning scheme.**
- 3. Prepare the Rural Land Strategy Stage 2 to:**
 - a) Clarify the policy directions for each precinct in the Shire focused on supporting agricultural uses and minimising land use conflicts through separation of activities.
 - b) Review the appropriate zoning for small lots in the Farming Zone (for example, Freeburgh, Ovens, Wandiligong).
 - c) Mitigate the impacts of climate change on rural land.
- 4. Prepare Structure Plans for Porepunkah, Bright, Mount Beauty – Tawonga South and Myrtleford to:**
 - a) Direct land uses to appropriate locations.
 - b) Develop a residential development framework that identifies the appropriate housing mix to provide a diversity of housing and achieve preferred neighbourhood character.
 - c) Identify active transport linkages and routes.
 - d) Support the intensification of residential development in appropriate locations.
 - e) Identify the preferred character for commercial and industrial areas.
 - f) Identify infrastructure requirements.
 - g) Prepare landscaping guidelines for public and private property, including planting, retention, and replacement of canopy trees.

- h) Draft planning controls to implement the Structure Plans including schedules to the residential zones.
5. Undertake a comprehensive review of the suite of controls applying to Wandiligong to ensure they provide clearer guidance about what is to be achieved and more detailed direction to applicants and decision makers. This includes a review of zones, HO83 and SLO4
 6. Amend the schedules to the Farming Zone to increase the maximum floor area for which no permit is required for an outbuilding associated with a dwelling to decrease the number of permits that are triggered for this use.
 7. Commence a comprehensive assessment of the significant landscapes and vegetation in the municipality, including those at a regional scale (e.g. views to Mount Buffalo and Mount Bogong) and local scale (e.g. boulevards in Bright) and put in place planning controls to protect such as the Significant Landscape Overlay, Environmental Significance Overlay, Vegetation Protection Overlay and Heritage Overlay.
 8. Review the existing Significant Landscape Overlay Schedules (SLO1, SLO2, SLO3, SLO4 and SLO5) to strengthen the statement of significance and objectives, and populate the schedules with policy to more effectively guide decision making.
 9. Undertake a heritage gap analysis (identify existing citations, update and address gaps).
 10. Prepare a local Heritage Policy to assist with decision making for applications in the Heritage Overlay.
 11. Apply flood controls to land identified by NECMA and GBCMA as being subject to inundation.
 12. Prepare an anomalies amendment to fix mapping anomalies that have been identified (land in two zones, publicly zoned private owned land, etc.).

1.4.3. Process improvements

These recommendations are drawn from both the analysis of the planning scheme and consultation with Council staff and referral authorities.

The recommendations relate to improvements that could be made to the processes associated with collection and analysis of data (such as planning permits), processing and referral of applications, and communication. Process improvements may apply to Council, the Victorian government or referral agencies.

Recommendations:

It is recommended that Council:

13. Adequately resource the proposed strategic work program to enable the delivery of the highest priority strategic planning projects identified in Chapter 11 of the report.
14. Review the resourcing of the statutory planning function to ensure that adequate resources and systems are available to address the steadily declining performance in meeting statutory processing timeframes for planning permit applications (target reduction is from 114 days to the statutory 60 days).
15. Invest in developing the statutory and strategic planning functions to develop a culture of teamwork and shared decision making (considering the two functions are in different directorates), develop clear internal policies to guide the approach to decision making, and utilise Greenlight to develop templates and reports that assist with consistent decision making that can be measured.
16. Engage a Dinner Plain advisor (like the role the Heritage Advisor plays for planning permit applications in the Heritage Overlay) to provide recommendations to Council on applications for development in Dinner Plain.

1.4.4. Advocacy

These recommendations are generally beyond the scope of what Council can achieve in its planning scheme under the current Victoria Planning Provisions or scope of the Planning and Environment Act 1987. They are matters that Council may wish to discuss with the Victorian government to highlight the issue and advocate for change.

Recommendations:

It is recommended that Council:

- 17. Clarify with the Victorian government which entity is responsible for preparing the floodplain management strategies for Alpine: Council, or the Catchment Management Authorities.**
- 18. Seek DTP funds and support to implement available local flood studies into the planning scheme.**
- 19. Seek DTP support to fund or lead the review of significant landscapes and vegetation identified under further strategic work.**
- 20. Request the Victorian government undertake an assessment of erosion risk from public land to private land and apply appropriate planning controls.**
- 21. Seek DTP support for developing the Residential Development Framework for Alpine Shire through the preparation of structure plans for the four townships instead of a preparing a Housing Strategy and Neighbourhood Character Strategy for the whole municipality.**
- 22. Liaise with North East Water and the Victorian government ensure planning for subdivisions in townships reflects the anticipated growth of each township, recognising the water and sewerage infrastructure is not keeping up with current growth.**

1.4.5. Minister for Planning

Alpine Shire Council, with funding from DTP and assistance from Redink Planning has prepared a planning scheme review as required by section 12B(1) of the *Planning and Environment Act 1987* (the Act).

In accordance with section 12B(3) of the Act, this review identifies opportunities, set out in this report, enhances the effectiveness and efficiency of the planning scheme in achieving the objectives of planning in Victoria and the objectives of the planning framework established in the Act.

In accordance with section 12B(4) of the Act, the review evaluates the planning scheme to ensure that it:

- Is consistent with Ministerial Direction on the Form and Content of Planning Schemes.
- Sets out the policy objectives for the use and development of land.
- Makes effective use of state and local provisions to achieve state and local planning policy objectives.

Recommendation:

- 23. That Alpine Shire Council accept this Planning Scheme Review and forward it to the Minister for Planning as evidence Alpine Shire Council, as the planning authority for Alpine Planning Scheme, has met its obligations in accordance with Section 12B of the Planning and Environment Act 1987 to review the planning scheme every four years.**

2. Introduction

2.1. Purpose

Council as the planning authority for the Alpine Planning Scheme is required to review its planning scheme every four years under Section 12(B) of the *Planning and Environment Act 1987* (The Act).

The scope of a planning scheme review is established under Section 12(B) and planning scheme reviews should focus on:

- The effectiveness and efficiency of the planning scheme in achieving the objectives of planning and the planning framework in Victoria.
- Aligning the planning scheme with the Ministerial Direction on the Form and Content of Planning Schemes.
- Ensuring the planning scheme contains a clear narrative about the way use and development of land will be managed to achieve the planning vision or objectives of the area.

Planning scheme reviews also provide the opportunity to:

- Align Council's policy position with the planning scheme.
- Update out of date or redundant information.
- Educate and inform stakeholders about how the planning scheme works and the process by which to improve it.

Council last undertook a comprehensive review of the planning scheme over several years from 2010 - 2014. The findings of this review were translated into the planning scheme via amendment C39 which was gazetted on 9 June 2016. This amendment included the introduction of the Rural Land Strategy as well as a comprehensive restructure of the Local Planning Policy Framework.

Recently the planning scheme was restructured to insert a new Municipal Planning Strategy and local Planning Policies to replace the former Local Policy Planning Framework. This was done via amendment C62alpi and was a policy neutral amendment undertaken by the Victorian government.

This review will be forwarded to the Minister for Planning as required under section 12(B) of the Act once complete. A planning scheme amendment to implement the findings of the review has been prepared and is attached in the form of marked up ordinance as Appendix Two to this report.

2.2. Methodology

A six-stage methodology has been developed with DTP to undertake planning scheme reviews as shown in Figure 1.

The methodology is supported by the 'Good Practice Guide to Planning Scheme Reviews' and templates that have been developed to assist with each stage of the process.

Redink Planning has been engaged by DTP to conduct Stages One to Four for the Alpine Shire Council.

Stage five will involve a planning scheme amendment to implement the recommendations of the review, that the community will be consulted on. The amendment will be advertised and submissions invited from community members in accordance with the requirements of the Planning and Environment Act 1987. If submissions cannot be resolved, Council is obliged to ask the Minister for Planning to appoint an independent Planning Panel to consider submissions and make recommendations to the Minister.

Figure 1: Planning scheme review methodology



The timing for the project is:

Stage	Timing
Initiate	September 2022
Analyse	September / October 2022
Engage	October / November 2022
Report	December 2022
Consult and implement	April 2023 onwards

This planning scheme review has been prepared in consideration to the following directions and guidance provided by DTP.

Ministerial directions:

- Ministerial Direction on the Form and Content of Planning Schemes.
- Ministerial Direction No. 11 Strategic Assessment of Amendments.

Planning practice notes and advice:

- A Practitioner’s Guide to Victoria’s Planning Schemes.
- PPN – 46 Strategic Assessment Guidelines.
- PPN32 – Review of planning schemes.

3. What’s driving change

3.1. Population, growth, and economy

The growth rate of Alpine Shire has steadily increased in the last decade, after a decade of decline in the 1990s.

The population of Alpine Shire grew from 12,337 persons in 2016 (ABS, 2016) to 13,235 in 2021 (ABS, 2021).

The population is forecast to reach 13,510 persons in 2036 (VIF, 2019), however this projection does not take into account the high rate of growth that has occurred in the last census period and is probably conservative. In 2021 the Shire had an estimated 7,211 private dwellings (ABS, 2021) and this is forecast to increase to 8,300 dwellings in 2036 (VIF, 2019).

This represents an additional 810 dwellings to be accommodated, but as noted, this number is likely to be conservative.

Most residents live in the large townships of Bright, Mount Beauty-Tawonga South and Myrtleford, and the small township of Porepunkah. There is continued demand for new housing in townships, much of which is purchased for holiday houses and short-term rental accommodation placing pressure on the permanent housing market. This is evident from the occupancy rate of 74.5% (ABS 2021) and this rate is expected to be maintained over time. It indicates a high number of holiday houses and short term accommodation in dwellings (e.g. Airbnb, Stayz).

Alpine Shire supports 4,755 jobs and has an annual economic output of \$1.5 billion (Remplan 2022). The Shire's largest industry is its vibrant tourism industry based on snow sports, cycling, wine and fine food and nature-based recreation. Agriculture (beef, dairy and horticulture) and forestry (hardwood and softwood plantations) are also important contributors to the local economy. There is a mining legacy in the Shire, and land is still used for resource extraction.

3.2. Climate change and other environmental risks

Alpine Shire lies within the Alpine National Park and its foothills and has significant environmental values. Most of the municipality (92%) is declared national or state park. The area is well known for its mountains, landscapes and vegetation, and these are a major attractor to the region.

Alpine Shire Council formally declared a Climate Emergency in November 2021.

Alpine Shire is regularly affected by significant natural events, particularly bushfire, and significant storm events that cause flooding and landslip in steeper areas.

Large areas of the municipality are affected by the Bushfire Management Overlay including the whole of the upper Ovens (from the edge of Porepunkah to Dinner Plain). Bushfire risks in both urban and rural areas are largely due to dense vegetation cover, difficulty of access for emergency vehicles, and exposure of development at the rural-urban interface.

Flooding within parts of the Alpine Shire is a severe constraint on development particularly in the Ovens River and tributaries. The flood mapping for the Shire is not up to date.

Large areas of the Shire are potentially contaminated due to past land use practices, particularly related to mining.

3.3. Victorian government amendments and advice

The Victoria Planning Provisions are constantly being reviewed and updated at a state level with numerous VC and GC amendments occurring each year. The State also provides advice to planners in the form of updates to the Practitioner's Guide and new planning practice notes. The full list of Victorian and Regional amendments that have been gazetted, and practice notes that have been released since the last review forms Appendix 4.

The way in which the Alpine Planning Scheme should respond at a local level to these changes to the Victoria Planning Provision and how they should be applied has been considered in this review and includes:

Planning for housing

The introduction of more sophisticated schedules to the residential zones (through Amendment VC169), including the ability to include place-based objectives (essentially a preferred neighbourhood character statement), provides an opportunity for Council to introduce controls to manage built form in residential areas more effectively. Planning Practice Notes 90 – Planning for Housing and 91 – Using the Residential Zones provide the advice about how this should be done.

This will assist with achieving sustainability and neighbourhood character objectives. Council has already identified that undertaking structure planning for the key townships, once the Land Development Strategy is complete is a high priority, and this would be a good opportunity to take advantage of the flexibility afforded by planning for housing reforms. This opportunity is discussed further in Chapter 10 – Key issues.

Applying the buffer area overlay

Amendment VC175 introduced the Buffer Area Overlay (BAO). The BAO is a new amenity buffer that is designed to make sure sensitive land uses, like schools and residences, are not affected by odour or dust from industries operating nearby. This control may be suitable for application around a range of infrastructure assets in the Shire, including wastewater treatment plants. This work is best led by the owners of the assets.

There may be other uses in the municipality where the BAO may be appropriate, such as mining operations, however no obvious ones were identified in this planning scheme review.

4. Previous planning scheme review

4.1. Previous planning scheme review

The Alpine Planning Scheme was last reviewed by EDM Group in 2010. This review was completed in 2014, and then implemented into the planning scheme via Amendment C39 in June 2016.

The review found:

- The (at the time of the review) 10-year-old Alpine Planning Scheme was tired and dated and in need of a comprehensive overhaul.
- The MSS needed to be restructured to facilitate a closer relationship to the (then) Council Plan and 2030 Community Vision, and to provide a more modern and improved structure to accommodate new and emerging policies.
- A comprehensive program of policy development was necessary to improve decision making.
- A comprehensive review of zones and overlays was necessary to ensure the Alpine Planning Scheme reflected current best practice and helped to create stronger correlations between State, regional and local issues.

The previous review recommended a daunting ninety-eight actions, many of them very significant pieces of work. The full list is in Appendix Three.

4.2. Progress since last review

4.2.1. Completed projects

Council has implemented several of the recommendations from the last review through:

- Restructuring the Local Planning Policy Framework.
- Strengthening tourism and recreation policy.
- Introducing several policies from the Rural Land Strategy.
- Introducing the Special Use Zone over the Mount Beauty Aerodrome, AGL assets and Porepunkah Airfield.
- Preparing the Economic Development Strategy.
- Partially implementing the Heritage Review.

4.2.2. Projects underway

Council is currently undertaking two projects that will implement several of the projects already identified in the previous review:

- The Land Development Strategy that will address numerous settlement issues identified.
- Review of the Dinner Plain Special Use Zone.
- Neighbourhood Character and Design Guidelines for Bright
- Bright Urban Design Framework

4.3. Outstanding work since last review

Several issues that were identified in the 2010 review have been picked up in the current strategic work program, however many remain outstanding, as follows:

- Detailed planning for townships, including zoning and urban design.
- Identification and protection of significant landscapes.
- Various rural planning issues, including the application of the Rural Activity Zone.
- Small lots in the Farming Zone.
- A comprehensive review of controls in Wandiligong.
- The application of the Erosion Management Overlay (particularly relevant considering the 2016 flood event in Ovens/Eurobin, and the current Bogong High Plains landslide).
- Flood mapping.
- Signage strategy.

Many other issues that were identified in the last review have not emerged as issues through this review process. Many of these relate to rezoning of land. Given the passage of time since the last review, it is recommended that Council officers undertake a more thorough assessment to determine if they need to progress.

4.4. Obsolete recommendations

Some recommendations from the last review are obsolete because of changes that have been implemented by the Victorian government. These include recommendations relating to:

- The Wildfire Management Overlay (superseded) and Bushfire Management Overlay which are now the responsibility of the Victorian government.
- The application of the Business suite of zones which have been replaced by a more limited Commercial suite of zones.

- The application of the Residential Zones. These have been completely overhauled since the last review and the recommendations are redundant.
- Catchment Management Planning, Flood Management and Stormwater Management which are now adequately dealt with at the State level policy.
- Zoning anomalies associated with power assets (AGL).
- Permission for non-conforming uses in the Heritage Overlay: this is already dealt with in State policy and a local policy is not required.

4.5. Findings

Council has introduced some important changes since the last planning scheme review, most notably the restructure of the planning scheme, the application of the Heritage Overlay to more than 100 properties and the implementation of the Rural land strategy.

However, most recommendations made in the previous review have not been progressed. As is evident from the current work program of the strategic planning unit, most of the issues identified in 2010 have not gone away and remain on the list of things to do.

In addition, new issues have emerged related to climate change adaptation and risk management, accommodating growth, housing affordability and design of development.

Developing a prioritised list of projects to progress through a risk management and community benefit lens will be beneficial to Council and will assist Council in allocating sufficient resources to deliver these projects in a timely way so that the planning scheme does not become further outdated.

Several unactioned items from the last planning scheme review are probably no longer a priority for Council and these should be removed from the list of further strategic work if they no longer serve a purpose.

Recommendation:

- A. **Review the Further Strategic Work outlined in Appendix Three and delete any actions from the 2010 review (line numbers 12 – 110) that are no longer necessary because they have been superseded, or they are no longer a priority.**

5. Audit and assessment of current scheme

5.1. Methodology

An audit of each local provision (policies and schedules) in the planning scheme has been undertaken. This audit has compared the drafting and application of each local provision against the Ministerial Direction on the Form and Content of Planning Schemes, *a Practitioner's Guide to Victoria's Planning Schemes* (Version 1.5, April 2022) and relevant planning practice notes.

Each provision has also been assessed with consideration to the work it is doing in achieving the strategic objectives that are set out in the State, regional and local planning provisions.

The detailed outcomes of the audit have been provided to Council officers, and changes that can be made without further strategic work have been made to the ordinance at Appendix Two.

Findings on improvements that could be made are listed below. Some of these can occur as part of a planning scheme review based on the findings in this report and are included in the marked-up

ordinance at Appendix Two. Others require further strategic work to justify the change and are listed as findings.

5.2. Municipal Planning Strategy

As well as the assessment outlined above, the MPS was cross referenced against all the other local provisions in the scheme to ensure that there is a link to all local policies in the MPS.

Clause no. and name	Change	Action
02.01 Context	Make minor amendments to include important factual contextual information, appropriate First Nations recognition, and updated economic and population data.	Policy neutral amendment
02.03-1 Settlement	Move fifth 'settlement' strategic direction to become a 'housing' strategic direction at Clause 02.03-6.	Policy neutral amendment
02.03-2 Environmental and landscape values	Amend the wording of the second strategic direction for 'sustainable development in alpine areas' to make clearer use of plain English. Amend the wording of the first strategic direction for 'landscapes' to make it clearer.	Policy neutral amendment
02.03-3 Environmental risks and amenity	Amend and merge 'environmental risks and amenity' strategic directions to make it clearer.	Policy neutral amendment
02.03-4 Natural resource management	Introduce new 'agriculture' and 'forestry and timber production' strategic directions to implement and give effect to <i>Economic Development Strategy</i> (Urban Enterprise and Alpine Shire Council, 2021)	Full amendment
02.03-5 Built environment and heritage	Amend the wording of the first 'built environment and heritage' strategic direction to improve readability / clarity of intent.	Policy neutral amendment
02.03-6 Housing	Relocate the fifth 'settlement' strategic direction from Clause 02.03-1 as a 'housing' strategic direction.	Policy neutral amendment
02.03-7 Economic development	Introduce new 'industry' and 'tourism' strategic directions to implement and give effect to <i>Economic Development Strategy</i> (Urban Enterprise and Alpine Shire Council, 2021)	Full amendment
02.03-9 Infrastructure	Introduce new 'open space' context and strategic directions to implement and give effect to <i>Sport and Active Recreation Plan 2022-2033</i> (Alpine Shire Council, 2022)	Full amendment
02.04 Strategic Framework Plan	Replace map with higher quality version.	Policy neutral amendment

5.3. Planning Policy Framework

All the Local PPF policies that are included in the planning scheme are included in the table below, and a notation about whether they comply or require changing because of this review. Changes may be required to align with the Ministerial Direction on the Form and Content of Planning Schemes, or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause no. and name	Changes required (if relevant)	Action
11.01-1L-01 Settlement	Introduce new strategies to implement and give effect to <i>Economic Development Strategy</i> (Urban Enterprise and Alpine Shire Council, 2021)	Full amendment

Clause no. and name	Changes required (if relevant)	Action
11.01-1L-02 Bright	Delete unnecessary strategies that duplicates other strategies and the relevant policy document.	Policy neutral amendment
11.01-1L-03 Myrtleford		Complies
11.01-1L-04 Mount Beauty – Tawonga South		Complies
11.01-1L-05 Harrietville		Complies
11.01-1L-06 Porepunkah		Complies
11.01-1L-07 Tawonga		Complies
11.01-1L-08 Wandiligong	Change “large settlement” to “township” to comply with established naming conventions in the MPS.	Policy neutral amendment
11.01-1L-09 Dederang	Amend the policy map to identify the specified ‘green belt’	Further strategic work
11.01-1L-10 Dinner Plain		Complies
11.03-6L Bogong		Complies
12.01-1L Protection of biodiversity and native vegetation	Split first strategy into two to ensure each strategy expressed only one idea, in accordance with PG. Delete third strategy, duplication of 12.01-S and other local strategies within this Clause	Policy neutral amendment
12.03-1L River corridors and waterways	Revise single strategy to clarify what land use and development outcomes are sought to be achieved and how decision making can support the desired outcome.	Further strategic work
12.04-1L Sustainable development in Alpine areas	Amend policy application to reference 1,110m Australian Height Datum on the Strategic Framework Plan, to comply with PG policy application requirements. Delete first design strategy, duplication of 12.03-3S.	Policy neutral amendment
12.05-1L Public and private land interfaces	Amend wording of objective to make clearer use of plain English. Redraft last strategy as a policy guideline, in accordance with PG guidance.	Policy neutral amendment
12.05-2L Landscapes		Complies
13.02-1L Bushfire planning	Include policy application to clearly indicate where policy applies in accordance with PG. Amend wording of strategy to clarify and simplify.	Policy neutral amendment
13.03-1L Floodplain management		Complies
13.04-2L Erosion and landslip		Complies
13.07-1L Land use compatibility		Complies
14.01-1L Protection of agricultural land	Include policy application to clearly indicate where policy applies in accordance with PG.	Policy neutral amendment
14.01-2L Sustainable agricultural land use	Include policy application to clearly indicate where policy applies in accordance with PG. Include ‘strategies’ heading in accordance with MD.	Policy neutral amendment
14.01-3L Forestry and timber production		Complies

Clause no. and name	Changes required (if relevant)	Action
14.02-1L Catchment planning and management		Complies
14.02-2L Water quality		Complies
14.03-1L Resource exploration and extraction	Revise single strategy to clarify what land use and development outcomes are sought to be achieved and how decision making can support the desired outcome.	Further strategic work
15.01-1L-01 Urban design	Introduce new strategy to implement and give effect to <i>Alpine Shire Council Access and Inclusion Plan 2021-2024 (Alpine Shire Council, 2021)</i>	Full amendment
15.01-1L-02 Signs		Complies
15.01-1L-03 Design of industrial development		Complies
15.01-3L Battle-axe development		Complies
16.01-3L Rural residential development		Complies
17.01-1L Diversified economy		Complies
17.03-2L Sustainable industry		Complies
17.04-1L Tourism	Introduce new strategy to implement and give effect to <i>Alpine Shire Events Strategy (Urban Enterprise, 2021)</i> . Introduce new Myrtleford-specific tourism strategies to implement and give effect to <i>Myrtleford Resilience Plan (Projectura, 2019)</i>	Full amendment
18.01-1L Land use and transport integration		Complies
18.02-2L Cycling		Complies
18.02-4L Roads		Complies
18.02-5L Freight		Complies
18.02-7L Airports	Delete first strategy, duplication of 18.02-7S	Policy neutral amendment
19.01-1L Energy supply		Complies
19.02-4S Social and cultural infrastructure		Complies
19.02-4L Community and social infrastructure	Delete entire Clause, duplicates 19.02-4S	Policy neutral amendment
19.02-4L Recreation – Alpine	Introduce new Clause to implement and give effect to <i>Sport and Active Recreation Plan 2022-2033 (Alpine Shire Council, 2022)</i>	Full amendment
19.03-2L Infrastructure design and provision	Introduce Infrastructure Design Manual policy	Full amendment
19.03-3L Integrated water management		Complies
19.03-4L Telecommunications		Complies

5.4. Zones

All the zone schedules that are included in the planning scheme are included in the table below, and a notation about whether they comply or require changing because of this review. Changes may be required to align with the Ministerial Direction on the Form and Content of Planning Schemes, or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause no. and name	Changes required (if relevant)	Action
32.03s1 Low Density Residential Zone		Complies
32.04s – Mixed Use Zone		Complies
32.05s Township Zone		Complies
32.08s1 General Residential Zone		Complies
33.01s Industrial 1 Zone		Complies
33.02s Industrial 3 Zone		Complies
34.01s Commercial 1 Zone		Complies
35.03s Rural Living Zone		Complies
35.06s Rural Conservation Zone		Complies
35.07s Farming Zone	Create 2 separate schedules for 2 separate subdivision areas to comply with MD	Further strategic work
36.01s Public Use Zone		Complies
36.02s Public Park and Recreation Zone		Complies
36.03 Public Conservation and Resource Zone		Complies
37.01s1 Special Use Zone – Dinner Plain Village Area	Include mandatory MD text in ‘use of land section’	Policy neutral amendment
	Clause 8.0 does not comply with MD – consider need to revise or utilise alternative VPP tools. Duplications of Rescode should be removed	Further strategic work
37.01s2 Special Use Zone – Dinner Plain Service and Recreation	Include mandatory MD text in ‘subdivision’	Policy neutral amendment
	Table of uses incorrectly constructed	Further strategic work
37.01s3 Special Use Zone – GPU Powernet Pty Ltd Terminal Stations	Table of uses incorrectly constructed	Further strategic work
37.01s4 Special Use Zone – Bogong Power Development Project	Relocate ‘decision guidelines’ and conditions to be met’ to comply with MD drafting requirements	Policy neutral amendment
	Table of uses incorrectly constructed	Further strategic work
37.01s5 Special Use Zone – Mount Beauty Aerodrome and Air Park	Include mandatory MD text in use of land ‘application requirements	Policy neutral amendment
37.01s6 Special Use Zone – Golf Courses	Table of uses incorrectly constructed	Further strategic work

5.5. Overlays

All the overlay schedules that are included in the planning scheme are included in the table below, and a notation about whether they comply or require changing because of this review. Changes may be required to align with the Ministerial Direction on the Form and Content of Planning Schemes, or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause no. and name	Changes required (if relevant)	Action
42.03s1 Significant Landscape Overlay – Upper Kiewa Valley Significant Landscape Area	Rationalise 6 objectives into 5 to comply with MD	Policy neutral amendment
42.03s2 Significant Landscape Overlay – Happy Valley Significant Landscape Area	The overlay does not provide much direction. Recommend further landscape protection work be undertaken to better identify all significant landscapes, to inform a more detailed statement of significance and more nuanced policy to help decide.	Further strategic work
42.03s3 Significant Landscape Overlay – Wandiligong Valley Significant Landscape Area	The overlay does not provide much direction. Recommend further landscape protection work be undertaken to better identify all significant landscapes, to inform a more detailed statement of significance and more nuanced policy to help make a decision.	Further strategic work
42.03s4 Significant Landscape Overlay – Buckland Valley Significant Landscape Area	Rationalise 6 objectives into 5 to comply with MD	Policy neutral amendment
	The overlay does not provide much direction. Recommend further landscape protection work be undertaken to better identify all significant landscapes, to inform a more detailed statement of significance and more nuanced policy to help decide.	Further strategic work
42.03s5 Significant Landscape Overlay – Upper Ovens And Harrietville Valley Significant Landscape Area	Rationalise 6 objectives into 5 to comply with MD	Policy neutral amendment
	The overlay does not provide much direction. Recommend further landscape protection work be undertaken to better identify all significant landscapes, to inform a more detailed statement of significance and more nuanced policy to help make a decision.	Further strategic work
43.01s Heritage Overlay		Complies
43.02s1 Design and Development Overlay - Lot 1 PS 317374, 396 Back Porepunkah Road, Bright	Introduce mandatory MD text in application requirements	Policy neutral amendment
43.04s1 Development Plan Overlay – No name	Delete this Development Plan as development is largely completed, does not include any requirements, and does not appear to serve a role informing decision making. All the overlay is achieving is preventing advertising from occurring when new development occurs.	Policy neutral amendment
43.04s2 Development Plan Overlay – No name	Delete the control as it has no content.	Full amendment
43.04s3 Development Plan Overlay - LOTS 1 & 2 ON PS613866 AND LOTS 1, 2, 4, 5, 7	Change name to “Bright Gateway” to provide the common name of the land and reflect the approved development plan.	Policy neutral amendment

Clause no. and name	Changes required (if relevant)	Action
- 9 ON TP859376 – GREAT ALPINE ROAD	Include referrals (servicing authorities and CFA) to Clause 66.04s	Policy neutral amendment
44.05s Land Subject to Inundation Overlay	Specify a Schedule name to comply with MD	Policy neutral amendment
	Review LSIO Schedule to determine relevance: does not include any requirements and does not appear to serve a role informing decision making.	Further strategic work
44.06s1 Bushfire Management Overlay - Dinner Plain, Bright, Mt Beauty, Myrtleford, Porepunkah, Tawonga South BAL-12.5 Areas		Complies
44.06s2 Bushfire Management Overlay - Dinner Plain, Bright, Myrtleford, Tawonga, Tawonga South BAL-29 Areas		Complies

5.6. Particular provisions

All the particular provision schedules that are available to be applied in the planning scheme are included in the table below, and a notation about whether they comply or require changing because of this review. Changes may be required to align with the Ministerial Direction on the Form and Content of Planning Schemes, or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause no. and name	Is it applied? Changes required (if relevant)	Action
51.01s Specific sites and inclusions	Applied, no changes required	Complies
52.02s Easements, restrictions, and reserves	Applied, no changes required	Complies
52.05s Signs	Applied, no changes required	Complies
52.16s Native vegetation precinct plan	Applied, no changes required	Complies
52.17s Native vegetation	Applied, no changes required	Complies
52.27s Licenced premises	Applied, no changes required	Complies
52.28s Gaming	Applied, no changes required	Complies
52.32s Wind energy facility	Applied, no changes required	Complies
52.33 Post boxes and drystone walls	Applied, no changes required	Complies
53.01s Public open space contributions and subdivision	Applied, should be utilised to collect 5% levy.	PSR Full amendment
53.06s Live music entertainment venues	Applied, no changes required	Complies
53.15s Statement of underlying provisions	Applied, no changes required	Complies
59.15s Local VicSmart applications	Applied, no changes required	Complies
59.16 Information requirements and decision guidelines for local VicSmart applications	Applied, no changes required	Complies

5.7. General provisions

There are two general provisions that have a schedule available. They are included in the table below with a notation about whether they comply or require changing because of this review. Changes may be required to align with the Ministerial Direction on the Form and Content of Planning Schemes, or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause no. and name	Is it applied? Changes required (if relevant)	Action
66.04s Referral of permit applications under local provisions.	Applied. Include referrals for the SUZ5, DPO2 and DPO3	Policy neutral amendment
66.06s Notice of permit applications under local provisions	Applied, no changes required	Complies

5.8. Operational provisions

All the operational provision schedules that are available to be applied in the planning scheme are included in the table below, and a notation about whether they comply or require changing because of this review. Changes may be required to align with the Ministerial Direction on the Form and Content of Planning Schemes, or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause no. and name	Changes required (if relevant)	Action
72.01s Responsible authority for this planning scheme	Applied, no changes required	Complies
72.01s What area is covered by this planning scheme?	Applied, no changes required	Complies
72.03s What does this planning scheme consist of?	Applied, no changes required	Complies
72.04s Documents incorporate into this planning scheme.	Applied, no changes required	Complies
72.05s When did this planning scheme begin?	Applied, no changes required	Complies
72.08s Background documents	Applied. Include new background documents outlined in chapter 9.	Full amendment
74.01s Application of zones, overlays, and provisions	Applied, no changes required	Complies
74.02s Further strategic work	Applied, no changes required	Complies

5.9. Recommendations

- B. Amend the MPS, local PPF policies and schedules to include changes identified in the audit of the planning scheme review and shown on the marked up ordinance at Appendix Two.**
- C. Undertake further strategic work to address issues identified in the planning scheme audit for the following controls:**
 - **Amend the Dederang plan at Clause 11.01-1L-9 to show the identified green belt.**
 - **Strengthen Clause 12.03-1L River corridors and waterways to provide more direction to applicants and decision makers about what is to be achieved.**

- **Strengthen Clause 14.03-1L Resource exploration and extraction to provide more direction to applicants and decision makers about what is to be achieved.**
- **Amend all the 37.01 Special Use Zone schedules to correct the table of uses, and remove the Rescode requirements from the SUZ1 Dinner Plain as they duplicate Clauses 54 and 55.**
- **Review all the 42.03 Significant Landscape Overlay schedules to clarify the objectives to be achieved and provide more direction to applicants and decision makers.**
- **Review the 44.05 Land Subject to Inundation Overlay schedule to clarify the objectives to be achieved and provide more direction to applicants and decision makers**

6. Planning scheme performance

This section contains an analysis of planning permit activity that has taken place during the last four years. It draws on both publicly available Planning Permit Activity and Reporting System (PPARs) data and data provided by Council.

6.1. Planning permit activity

6.1.1. Number of permits assessed

Evidence

Table 1 shows the number of permit applications received between the 2017/18 financial year and the 2020/21 financial year. The numbers varied, with a low of 232 in 2020/2021 and a high of 285 in 2017/2018, with the average permits being processed per year at 254.25. Permit activity in Alpine Shire has been generally steady, if somewhat declining over the last four years.

Table 1: PPARs report for permits issued between the 2017/2018 financial year and the 2020/2021 financial year

Permits (including refusals)	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022
Received	285	260	240	232	248
NOD	0	1	1	1	8
New / Amended Permit	278	233	226	218	195
Refusal	3	7	3	3	9

Source: PPARS

Discussion

There has been a general trend across the state in increased permit activity in regional areas which has been attributed to the COVID-19 pandemic, however this trend is not apparent from Council's permit data.

This may be because several fairly large subdivisions were developed between 2015 and 2019 in Bright and development of these estates is now complete.

The number of Notice of Decisions (NODs) Council has issued has risen considerably from an average of 1 to 8 in 2021/2022. This indicates a much higher level of community engagement in planning

decisions, as Notice of Decisions are only issued if objections are received, and Council determines to issue the permit.

6.1.2. Service performance

Evidence

The average timeframe taken to decide applications at Alpine has increased significantly over the past 4 years. Between 2021 and 2022 this time increased by 67% to 114 days which is well above the average for other small rural councils (69 days) and the statutory requirement set out in the Planning and Environment Act 1987 (60 days).

The percentage of applications decided within the requisite timeframes has correspondingly decreased significantly over the past 4 years. Council's performance improved slightly in 2020/21 however remains below the State average. Council aims to improve performance in 2021/22 with increased resourcing.

The per-application cost of statutory planning services at Alpine is significantly lower than the selected comparable councils. At \$1,683.26 per application, it is also significantly lower for than similar councils (\$2,697.85) and all councils (\$2,483.12).

Discussion

The performance of the statutory planning service at Alpine Shire has declined significantly over the last four years.

Even though application numbers have dropped, the processing time for applications has increased significantly by 67% to 114 days per application, and only 41% of decisions are being made within 60 days as required by the Act.

While the cost to Council to process each application has increased over the last four years, it is still below the average cost for other small rural councils by \$900 per application indicating an under investment in the statutory planning function.

It is concerning that even though the cost to service each application has risen, the performance of the unit in processing applications within timeframes has dropped significantly despite this.

Table 2 compares the recent service performance of the Alpine Shire against comparable small councils.

Table 2: Comparison of service performance against comparable small rural councils

Measure description	Council	2017-2018	2018-2019	2019-2020	2020-2021	2021-22
Time taken to decide planning applications	Alpine	43 days	36 days	68 days	68 days	114 days
	Central Goldfields	57 days	93 days	84 days	78 days	61 days
	Indigo	33 days	39 days	34 days	61 days	77 days
	Mansfield	83 days	63 days	70 days	59 days	61 days
	Towong	63 days	64 days	25 days	45 days	No data
	Small Council average	51 days	54 days	52 days	54 days	69 days
Planning applications decided within required time frames	Alpine	81%	72%	56%	62%	41%
	Central Goldfields	52%	32%	32%	36%	50%
	Indigo	75%	82%	92%	21%	19%
	Mansfield	47%	67%	48%	67%	91%
	Towong	51%	57%	82%	76%	No data
	Small Council average	74%	69%	76%	74%	69%
Cost of statutory planning service per planning application	Alpine	\$1,388	\$1,346	\$1,534	\$1,683	\$1,936
	Central Goldfields	\$1,981	\$2,876	\$2,464	\$2,919	\$3,316
	Indigo	\$1,931	\$2,435	\$2,036	\$1,926	\$2,351
	Mansfield	\$2,142	\$2,192	\$2,410	\$2,970	\$1,965
	Towong	\$2,903	\$2,403	\$1,795	\$2,601	No data
	Small Council average	\$2,467	\$2,599	\$2,604	\$2,698	\$2,836
Decisions upheld at VCAT	Alpine	N/A	100%	N/A	100%	67%
	Central Goldfields	N/A	100%	100%	100%	100%
	Indigo	100%	33%	75%	N/A	67%
	Mansfield	100%	50%	N/A	100%	100%
	Towong	100%	N/A	100%	100%	No data
	Small Council average	66%	49%	26%	29%	43%

Source: www.knowyourdata.vic.gov.au

6.1.3. Most common permit triggers

As shown in Table 4, applications for ‘Single Dwelling’ and ‘2 lot subdivision’ are the two most common in Bright and Porepunkah, while applications for ‘Single Dwelling’ and ‘Sheds’ make up the two most common application types in Myrtleford. In Mount Beauty – Tawonga South, the most common applications are single dwellings and dwelling extensions.

Table 4: Most Common Application Types in the townships

	Bright	Myrtleford	Mount Beauty – Tawonga South	Porepunkah
Application type				
Single Dwelling	48	28	37	35
2 Lot subdivision	20	7	6	9
2 or more dwellings	10		1	
Multi-lot subdivision	8	6	5	6
Sheds		15	7	5
Dwelling extension			8	6
Hangar			4	5

Source: PPARS

This pattern of permit applications is like other similar councils and not of concern.

6.1.4. VCAT matters

Only one planning application was decided at VCAT in 2020/21, with Council's original decision being varied. Alpine Shire does not appear regularly at VCAT, only 5 grounds of appeal in the last 4 years:

- 3 Appeals against issue of permit
- 1 Appeal against refusal of permit
- 1 Appeal against conditions

The level of activity is low given the number of applications Council processes.

6.1.5. Geographic spread of applications

Table 3: Distribution of planning permit applications between 2018 and 2021

Locality	Number of Applications	%
Bright	163	23%
Myrtleford	97	14%
Mount Beauty - Tawonga South	88	13%
Porepunkah	86	12%
Wandiligong	57	8%
Dinner Plain	36	5%
Harrietville	31	4%

Source: PPARS

Unsurprisingly most of the permit activity is happening in the main townships of Bright, Myrtleford, Mount Beauty – Tawonga South and Porepunkah.

Considering its size, with a total of 238 dwellings, Wandiligong sees a very high number of applications. There are multiple issues that apply to Wandiligong including small lots in the Farming Zone, heritage and bushfire and these matters trigger a lot of permits.

The high level of applications in Dinner Plain can be explained by the ongoing development of the estate, and the constraints on the land particularly relating to bushfire and design.

6.2. Planning Panels Victoria

Council has undertaken 18 'C' planning scheme amendments since the last planning scheme review. A detailed analysis of these has been provided to Council officers. The ones that went to Panel are summarised below. No policy issues were raised through Panels.

- **C15** - Updated the Municipal Strategic Statement at Clause 21 of the Alpine Planning Scheme because of council adopting the Alpine Shire 2030 Community Vision and the Alpine Shire 2005 Residential Land Review.

- **C34** - Rezoned Lots 1 and 2 PS613866 and Lots 1 2 4 5 7 8 and 9 TP859376 Great Alpine Road Bright from the Farming Zone (FZ) to the General Residential Zone (GRZ). Applied the Development Plan Overlay (Schedule 3) to the subject land and correct anomalies.
- **C38** - Implemented the Mount Beauty Aerodrome Master Plan, November 2016 and the Master Plan for the Airpark by rezoning the Mount Beauty Aerodrome to Special Use Zone Schedule 5 to allow for aircraft related development and expand the capacity of the Aerodrome to provide for safer conditions for aircraft.
- **C60alpi** - Corrected errors and omissions in Schedule 5 to the Special Use Zone Mount Beauty Aerodrome and Air Park.

6.3. VCAT

6.3.1. VCAT cases reviewed

Council officers provided the following list of VCAT cases to review.

- Mioni v Alpine SC [2017] VCAT 1100
- Alpine Valley Developments Pty Ltd v Alpine SC [2019] VCAT 835
- Botterill v Alpine SC [2019] VCAT 903
- Niazi v Alpine SC [2019] VCAT 1759
- Gibson v Alpine SC [2019] VCAT 1979
- McNally v Alpine SC [2022] VCAT 109
- T & A Fell Pty Ltd v Alpine SC [2022] VCAT 880

6.3.2. Policy issues raised at VCAT

The issues raised with policy implications at VCAT over the past four years related to:

- Bushfire risk.
- The effectiveness of Significant Landscape Overlay Schedule 3 (Wandiligong).
- The effectiveness of Special Use Zone Schedule 1 (Dinner Plain).
- Absence of locally specific policy to inform decision making, particularly relating to preferred character.

6.3.3. Bushfire Risk

In **Alpine Valley Developments Pty Ltd v Alpine SC [2019] VCAT 835** the Tribunal refused an application for a 6 lot subdivision and native vegetation removal on a Low Density Residential Zone site within an existing and partially developed estate in close proximity to Bright. The Tribunal found that the site was in an area of high bushfire risk and that Clause 13 specifically directs population growth away from such locations.

Further, the Tribunal found that there would be no ability to mitigate broader landscape risks (which were identified as significant) and in the event of a landscape-scale bushfire, future occupants would need to evacuate. While the subject site is not remote from Bright, the Tribunal found that Bakers Gully Road would be the sole means of accessing the nearest place of relative safety and this road would not be safe to utilise in a bushfire event.

Discussion

Alpine Shire has particular risks associated with landscape-scale bushfires that add a nuance to the Bushfire Management Overlay that should be considered in decision making and a strategy is proposed to address this.

Access and egress from sites is a constant requirement of the CFA and a number of other planning schemes have introduced an access and egress strategy to address this. Given the extremely high risks associated with this issue in Alpine, a new strategy is proposed to address this.

D. Introduce new strategies at Clause 13.02-1L (Bushfire Planning):

- **Avoid development in areas where the impacts of a landscape-scale bushfire cannot be mitigated through on-site measures.**
- **Avoid development in areas where only one safe access route to the nearest place of relative safety is provided.**

6.3.4. Absence of locally specific policy to inform decision making

In **McNally v Alpine SC [2022] VCAT 109**, the Tribunal noted that there is currently no policy in the planning scheme that articulates any preferred future neighbourhood character aspirations for Porepunkah.

Similarly, in **Gibson v Alpine SC [2019] VCAT 1979**, the Tribunal noted that local policy does not significantly assist to guide decision-making with respect to stone extraction.

Discussion

These VCAT decisions highlight the need for Council to prepare more detailed strategy to identify preferred neighbourhood character in townships and introduce clearer guidance to assist applicants and decision makers in relation to stone extraction.

- E. Prepare preferred neighbourhood character statements for townships.**
- F. Prepare a local policy that provides guidance about managing land use conflicts such as stone extraction.**

6.3.5. Wandiligong controls

In **Botterill v Alpine SC [2019] VCAT 903**, the Tribunal overturned Council's decision to refuse to grant a permit for the use of an existing rail carriage on a small FZ lot as a store. Council's reasons for refusal included inconsistency with the SLO3 as well as general negative impact upon the amenity of the area.

The Tribunal found the rail carriage was of a modest built form and did not detract from the typical built form in the Wandiligong Valley. While recommending that additional planting could assist further in screening the rail carriage from Morses Creek Road, the Tribunal did not impose a condition requiring such planting, meaning the carriage would remain partly visible from the road.

In **Niazi v Alpine SC [2019] VCAT 1759**, the Tribunal identified the need to explore "rezoning of land to the west of Morses Creek (Centenary Avenue) from Farming Zone to a more appropriate zone outcome".

Wandiligong's controls are dated and require review. This is discussed in more detail in Chapter 10.

6.3.6. Dinner Plain Special Use Zone 1

In **T & A Fell Pty Ltd v Alpine SC [2022] VCAT 880**, the Tribunal noted that the existing character of the area was not consistent regarding either the presence or absence of single storey entry porticos (the key feature upon which the hearing was based). In response to direct questioning the existing mixed character of the area was conceded by Council, which brought into question the relevance and currency of the applicable "Architectural characteristics of Dinner Plain" as set out at Clause 8.1 of

Special Use Zone Schedule 1 (SUZ1) with the Tribunal being of the view that Council had applied the controls too literally given the maturity of the estate.

Council currently has a review of the Dinner Plain controls on its work program.

7. Stakeholder engagement

This section contains an overview and analysis of stakeholder engagement that has informed the Planning Scheme Review. It includes data collected as part of a Council planner survey, responses from key referral agencies and external stakeholders as well as feedback provided by planning staff, key internal staff and Councillors through a series of workshops.

The intention of this part of the review is to provide context from those who most use the planning scheme and Councillors, as the community representatives. The findings of this engagement help refine the key issues that Council needs to address and prioritise the scope of further strategic work that should be undertaken during the next four years.

Refer to Appendix One for detailed meeting notes and narrative, and tabulated survey results.

7.1. Council officer survey

Council officers were asked to respond to a survey about the Alpine Planning Scheme, prior to any analysis documents or findings being shared. The Survey included to questions to determine, from an officer perspective, how well the Scheme is performing, controls that need refining or could be removed, applications that are taking more time than they should, and policy gaps.

Council officers raised numerous matters influencing the operation of the Planning Scheme, that may be grouped under the following headings:

- Dwellings in the Bushfire Management Overlay.
- Dwellings, Outbuildings and Subdivision in the Farming Zone.
- Ineffective and cumbersome Significant Landscape Overlays.
- Lack of a Heritage policy to provide guidance and consistency.

7.2. Planners' workshop

Feedback from the initial planner survey provided the basis for a workshop with Council planners held on 3 November 2022. The workshop expanded on the issues raised in the Planners' survey and analysed planning scheme performance more broadly.

Matters raised in this workshop that echo the survey results include:

- Sheds in the Farming Zone.
- Insufficient guidance to support consistent decision-making in the Farming Zone.
- Bushfire Management Overlays and the siting of dwellings.

Other items raised include:

- Strengthening developer contribution requirements.
- Stormwater treatment.
- Dinner Plain planning permit triggers.
- Design of new dwellings - encouraging more sustainable design and maintaining neighbourhood character.
- Open space contributions.

7.3. Internal staff

Council staff identified as having an interaction with the Alpine Planning Scheme, either in an internal referral capacity or as an administrator of its policies, were asked to participate in a workshop on the 27 October 2022. Matters raised by internal staff include:

- Small lots in the Farming Zone.
- Lack of affordable housing.
- Recognition of Community Plans in the planning scheme.
- Environmentally Sustainable Development.
- Incomplete Heritage work.

7.4. Councillors and executive team

The Executive team and Councillors participated in a workshop on 15 November 2022. The workshop introduced the planning scheme review, discussed the objectives of planning in Victoria, and included a summary of analysis findings to date.

The Councillors were active and engaged participants in the workshop, raising several matters, including:

- The treatment and prioritisation of Further Strategic Work.
- Small lots in the Farming Zone.
- The protection of Heritage and culturally significant landscapes

7.5. Referral agencies

All relevant Referral agencies and Registered Aboriginal Parties were invited to provide their written comments and feedback regarding the current performance of the Alpine Planning Scheme, in relation to their specific area(s) of responsibility.

NECMA and North East Water both agreed moving planning scheme references to them from specific trigger clauses to Clause 66.04 (according to the Ministerial Direction on the Form and Content of Planning Schemes).

The Country Fire Authority submitted a response after the review was considered by Council. The comments raised by the CFA related to new technical work that is required to ensure bushfire risk is assessed, considered and addressed properly. It was requested that the Review be postponed until this work was done. The Review is a 'point in time' health check of the planning scheme, and not a vehicle to prepare new technical work of the nature the CFA has requested. Council is preparing the Land Development Strategy in consultation with the CFA, and this is the appropriate place for this technical work to be progressed. The letter from the CFA has been referred to the Land Development Strategy team and further meetings arranged.

- G. Move references to NECMA and NEW from policy, zone and overlay local provisions to Clause 66.04s.**

7.6. Other stakeholders

HVP Plantations

As HVP Plantations share many kilometres of boundaries with Alpine settlements they were asked to provide input into the planning scheme review.

HVP manage the estates of plantations in Alpine Shire, most of which is on State land that is licenced to HVP for the purposes of forestry, and some of which is on freehold land.

Council and HVP have held discussions over the last twenty-four months in regard to clarifying and refining the planning scheme controls to reduce the conflict between sensitive uses such as residential development and HVP operations, recognising that forestry is one of the most significant contributors to the local economy and creates many local jobs.

Key issues raised through discussions and in HVP's written response to Council were:

- Managing the interface between townships settlement boundaries and plantations.
- Ensuring HVP are notified and have an opportunity to provide feedback on planning permit applications for sensitive uses proximate to its boundaries, to ensure that interface, amenity and risk issues are managed proactively rather than reactively.
- Managing haulage and freight routes for timber (and other industrial uses including agricultural and resource extraction).
- The future of timber plantations in the Shire and the best locations for new plantations.

As a result of the consultation with HVP, several changes are recommended to the planning scheme. These strengthen the existing policy in the scheme and reiterate the important role that timber plantations play in the local community. The changes focus on minimising conflicts with township settlement boundaries, and managing the movement of haulage trucks and freight within the local transport network. The changes proposed are marked up in Appendix Two.

In addition, it is proposed to introduce a notice requirement in Clause 66.06s that HVP, as the licensee to the Victorian government for timber plantations in Alpine Shire, be notified of all applications for sensitive development, including accommodation, within 300 metres of a timber plantation.

This will have the effect of ensuring that HVP can advise Council of concerns it may have, and mitigation that might be required, to minimise amenity impacts between timber plantations near settlements and new sensitive development going forward. This does not provide HVP with decision making powers, but it will ensure that potential impacts can be properly considered before Council makes decisions on planning applications near timber plantations. The proposed provision is marked up in Appendix Two.

It should be noted that not all the changes that HVP requested were supported by the consultants and Council officers preparing this planning scheme review. At this point, the focus is on strengthening and clarifying the way the interface between plantations and settlements will be managed, ensuring that the local transport network responds to the impact of haulage and freight, including timber, agriculture, and resource extraction and reinforcing the important contribution that timber plantations make to the local economy.

HVPs submission is included in Appendix Five.

7.7. Summary of issues raised through engagement

The following table prioritises the various matters raised during the Stakeholder Engagement phase of the review and recommends appropriate actions:

Issue	Officer survey	Planners	Internal staff	Crs and Executive	Referral Agencies	Other stakeholders
Development in the Farming Zone	☑		☑	☑		
Bushfire Management Overlay	☑		☑			
Heritage	☑	☑		☑		☑
Significant Landscape Overlay	☑					
Developer contribution requirements		☑	☑			
Stormwater treatment			☑			
Dinner Plain planning permit triggers			☑			
Design of new dwellings			☑			
Affordable housing				☑		
Environmentally Sustainable Development				☑		
Risk management between plantations and residential land.						☑

8. New strategic work

New strategic work that has been adopted by Council and prepared for the North East Victoria and the Hume Region was reviewed to identify whether any policy should be incorporated into the planning scheme.

The intention of this part of the review process is to incorporate policy that may have been developed by another part of Council (for example, Economic Development, Sustainability, Community Planning etc.) and that is unlikely to be incorporated into the planning scheme through a stand-alone amendment.

The scope of this does not include significant strategic land use planning projects such as Structure Plans for Activity Centres, or Housing Strategies, which should go through a separate, dedicated planning scheme review process.

Regional documents, such as Catchment Management Plans, are also reviewed, to identify if there are any Council specific proposals that should be reflected in the planning scheme. (For example, the construction of a new wetland).

8.1. Council projects and documents

8.1.1. Documents reviewed

- Community Vision 2040 and Council Plan 2021-25 including the Municipal Public Health & Wellbeing Plan (Alpine Shire, 2021)
- Myrtleford Resilience Plan (Projectura, 2019)
- Economic Development Strategy (Urban Enterprise and Alpine Shire Council, 2021)
- Alpine Shire Events Strategy (Urban Enterprise, 2021)
- Municipal Emergency Management Plan 2021-2024 (Alpine Shire, 2021)
- Alpine Shire Rural Land Use Strategy (Alpine Shire, 2015)
- Climate Action Plan 2021-2024 (Alpine Shire Council, 2021)
- Alpine Shire Council Access and Inclusion Plan 2021-2024 (Alpine Shire Council, 2021)
- Sport and Active Recreation Plan 2022-2033 (Alpine Shire Council, 2022)

8.1.2. Documents with policy implications

Community Vision 2040 and Council Plan 2021-25 including the Municipal Public Health & Wellbeing Plan (Alpine Shire, 2021)

This document sets out the strategic directions and priorities of Alpine Shire Council and its community for the next four years and incorporates the Municipal Public Health and Wellbeing Plan. To implement the plan in the planning scheme:

- H. Include policy in the planning scheme to implement the Council Plan 2021 – 2025 as shown on Appendix Two.**
- I. Insert an acknowledgement in Clause 2.01 (Context) of the Dhudhuroa, Gunai-Kurnai, Taungurung, Waywurru and Jaitmathang as the First Peoples and Traditional Custodians of the land and their continued connection to the mountains, valleys and waters of the Alpine Shire.**
- J. Amend the strategy at Clause 18.01-1L (Land use and transport integration) to include community transport.**
- K. Add a new strategy to Clause 14.01-2L (Sustainable agricultural land use): Promote diversification to improve resilience in the agricultural sector.**
- L. Support a diverse range of industries that are climate sensitive.**
- M. Strengthen the strategy at Clause 19.03-4L (Telecommunications): Improve digital connectivity, coverage and speed across the Shire.**

Myrtleford Resilience Plan (Projectura, 2019)

The Myrtleford Resilience Plan sets out a series of recommended actions designed to diversify the reliance on current industry and build the economic and social sustainability of Myrtleford. To implement the plan into the planning scheme:

- N. Introduce new strategies to Clause 17.04-1L (Tourism) to implement the Myrtleford Resilience Plan as shown in Appendix Two:**
 - **Support tourism that showcases Myrtleford’s food culture, local produce, and Italian heritage.**
 - **Strengthen active tourism opportunities that are already present in the region.**
 - **Develop the tourism facilities and activities at Lake Buffalo.**

Economic Development Strategy (Urban Enterprise and Alpine Shire Council, 2021)

The Economic Development Strategy (Urban Enterprise and Alpine Shire Council, 2021) focuses on ways to support, grow, and stabilise existing businesses in key sectors such as tourism, agriculture, manufacturing, education, and health as well as attract new businesses that are suited to the values and attributes of the Alpine Shire. To implement the strategy into the planning scheme:

- O. Introduce new strategic directions to the MPS to implement the Economic Development Strategy as shown in Appendix Two:**
- **02.03-4 (Natural resource management): Increase the value of agricultural production.**
 - **02.03-7 (Economic development – tourism): Support the creation of a sustainable tourism industry in the Alpine Shire and to increase geographic and seasonal visitor dispersal.**
 - **02.03-7 (Economic development - Industry): Support food and beverage manufacturing and increased industrial diversification.**
- P. Introduce new strategies to Clause 11.01-1L-01 (Settlement) to implement the Economic Development Strategy as shown in Appendix Two:**
- **Support development that builds the permanent population.**
 - **Develop liveable communities that generate economic and social wellbeing.**

Alpine Shire Events Strategy (Urban Enterprise, 2021)

The Alpine Shire Events Strategy acts as a blueprint for Council to guide decision making, forward planning and strategic direction for events within the Alpine Shire. To implement the strategy in the planning scheme:

- Q. Amend the first strategy at Clause 17.04-1L (Tourism) to implement the Alpine Shire Events Strategy by adding to three additional dot points.**
- **Foster community development and engagement.**
 - **Contribute to positive public health and wellbeing outcomes.**
 - **Minimise environmental impacts.**

Climate Action Plan 2021-2024 (Alpine Shire Council, 2021)

The Climate Action Plan 2021-2024 commits Council to achieve net zero greenhouse gas emissions from Council operations by July 2023 and sets out the pathway to achieve this target. To give effect to the plan in the planning scheme:

- R. Undertake further strategic work to investigate and put in place planning controls that support the use and development of micro-grids (Climate Change Action Plan 2021 – 2024).**

Alpine Shire Council Access and Inclusion Plan 2021-2024 (Alpine Shire Council, 2021)

The Alpine Shire Council Access and Inclusion Plan 2021-2024 outlines actions Council will take to support Council and the community to become more inclusive and accessible for people with a disability. The strategies outlined in the plan are already covered in Clause 15.01-1S (Urban design) and do not need to be repeated at the local level.

Sport and Active Recreation Plan 2022-2033 (Alpine Shire Council, 2022)

The Sport and Active Recreation Plan 2022-2033 provides a strategic framework to guide Council's investment in sport and active recreation over the new 12 years. To implement and give effect to the plan in the planning scheme:

- S. Introduce new open space context and strategic direction at 02.03-9 (Infrastructure) and policy at Clause 19.02-4L (Recreational facilities) of the MPS to implement the Sport and Active Recreation Plan 2022 – 2023 as shown in Appendix Two.**

Alpine Affordable Housing Research and Analysis Paper (Alpine Shire Council, 2022)

The Affordable Housing Research and Analysis Paper details the challenges that Alpine Shire has in providing affordable housing, the high number of dwellings used for short term accommodation and holiday houses and the challenges associated with inadequate housing for key workers. To implement and give effect to the plan in the planning scheme:

- T. Introduce contextual information and high-level strategic directions to reflect the housing needs of the community in Clause 2.03-6 (Housing) of the MPS as shown in Appendix Two.**
- U. Undertake further strategic work to develop planning scheme policies that support key worker and affordable housing, identify areas for medium density development and preferred lot sizes close to town centres in townships, and Council owned land (e.g. caravan parks) that would be better used for housing in the medium to long term.**

8.2. Regional projects and documents

8.2.1. Documents reviewed

- Hume Bushfire Management Strategy 2020 (State Government of Victoria, 2020)
- Hume Regional Growth Plan (State Government of Victoria, 2014)
- North East Waterway Strategy 2014 (North East Catchment Management Authority, 2014)
- Goulburn Broken Regional Catchment Management Strategy 2021-2027 (Goulburn Broken Catchment Management Authority, 2021)
- Taungurung Country Plan (Taungurung Land and Waters AC, 2016)
- Gunaikurnai Country Plan (Gunaikurnai Land and Waters AC, 2015)

8.2.2. Documents with policy implications

Taungurung Country Plan (Taungurung Land and Waters AC, 2016)

The Taungurung Country Plan sets out the rights of the Taungurung people and identifies their aspirations and action plans to address key concerns about Country.

To show respect for Traditional Owners and their continuing connection to Country, it is recommended that appropriate First Nations recognition be introduced at Clause 02.01 (Context).

Gunaikurnai Whole of Country Plan (Gunaikurnai Land and Waters AC, 2015)

The Whole of Country Plan brings together and adds to the discussions that the Gunaikurnai people have had over the past two decades during their fight for Native Title and paints a picture of how the Gunaikurnai people are going to move forward. This has been covered above in 9.1.2.

To show respect for Traditional Owners and their continuing connection to Country, it is recommended that appropriate First Nations recognition be introduced at Clause 02.01 (Context) This has been covered above in 9.1.2.

9. Work underway

There are no concurrent planning scheme amendments occurring now.

Council is currently preparing the following strategic planning projects.

- Land Development Strategy. This work identifies how projected growth will be accommodated in the Shire, including residential, commercial, and industrial growth.
- Neighbourhood character and design guidelines for Bright
- Bright Urban Design Framework

Council is currently scoping the following projects

- Stage Two of the Rural Land Strategy
- Structure Planning for Bright, Porepunkah, Myrtleford, and Mount Beauty – Tawonga South

All these projects align with the priorities that have been identified in the Planning Scheme Review.

10. Key issues

This section expands on the key issues that have emerged from the Planning Scheme Review, as well as other less significant matters that have emerged and require discussion.

10.1. Administrative and resourcing issues

10.1.1. Issue

There has been an underinvestment in resourcing of the planning service at Alpine Shire which has resulted in a planning scheme that has gaps, inconsistent decision making and planning permit processing delays.

10.1.2. Gaps in the planning scheme

Evidence that there are significant gaps in the planning scheme was evident at all stages of this review: the audit, the engagement, review of VCAT decisions and review of planning permit decisions.

Little work has been done to advance the planning scheme in the past decade. The policy of substance that has been introduced into the planning scheme in the last decade is:

- The rezoning of the Bright Gateway land and application of a Development Plan Overlay in 2015.
- Mount Beauty Aerodrome rezoning to the Special Use Zone in 2017.
- Introduction of 140 additional heritage places to the schedule to the Heritage Overlay in 2016.

There are gaps in the planning scheme relating to:

- Settlement Planning.

- Housing diversity and affordability including management of short-term vs long term accommodation.
- Appropriate zoning and controls for Wandiligong and Freeburgh.
- Identification of significant landscapes.
- Township planning including urban design and character controls.
- Managing land use conflicts (stone extraction, plantation interfaces).

The current Council has recognised these gaps and identified them in Clause 74.02 of the planning scheme. Resources are now being directed at filling these gaps, but it will take a considerable amount of time to 'catch up'. It is important that Council keep focused on the pieces of work that will bring the most benefit to the community (e.g., settlement strategy, housing strategy, township planning) and will reduce the workload of planners (e.g. resolving areas of inappropriate zoning on small lots in the Farming Zone, increasing the size of outbuildings not requiring a permit in the Farming Zone).

These matters are addressed in the following sections.

Recommendation

- V. Adequately resource the proposed strategic work program to enable the delivery of the highest priority strategic planning projects identified in Chapter 11 of the report.**

10.1.3. Inadequate resourcing of statutory planning

The review of planning permit at data at 6.1 indicates that Council is underspending on the statutory planning service it delivers and as a result there are negative impacts on the processing of applications within statutory timeframes.

This data was backed up in discussions with the planners and Executive Team. The statutory planning service is extremely under resourced with only one junior staff member in place, one temporary administration officer and new administration officer. A senior officer has been temporarily seconded to manage the unit, and one of Council's project managers is providing support one day per week. Council has come up with a solution to get them through the next six months through the use of consultants, however this is not a long term solution. There is a shortage of planners across the country, which, along with the chronic shortage of housing in Bright, is making it even more difficult to attract planners to Alpine Shire.

The reasons Council has got into this situation appear to be:

- Lack of resources in the statutory planning unit over a long period of time. The impact of this has accumulated over time leaving Council at a crisis point.
- Staff attraction and retention is creating ongoing staff shortages which is affecting productivity with difficulties recruiting and retaining staff, particularly at the middle and senior levels.
- An underinvestment in training and resourcing for staff to efficiently use the permit administration software which has added to delays.

These are the core issues that should be addressed. They may be addressed by recruiting more staff (difficult in the current environment), investing in the IT system to automate and streamline the processing of applications, investing in staff training both in planning permit decision making and using the IT system, and removing unnecessary permit triggers.

Council should consider partnering with another municipality to service the statutory planning function. This would alleviate the issues recruiting middle and senior statutory planning staff, reduce the need for a planning professional at the Manager or Director level and provide Council with a framework to rebuild the statutory planning function.

Other innovative solutions should be explored.

Recommendation

- W. Review the resourcing of the statutory planning function to ensure that adequate resources and systems are available to address the steadily declining performance in meeting statutory processing timeframes for planning permit applications (target reduction is from 114 days to the statutory 60 days).**

10.1.4. Lack of consistent decision making and processes

There is evidence of lack of consistent decision making. Examples include differing approaches to permitting subdivision of and dwellings on small lots in the Farming Zone (Wandiligong and Freeburgh for example), inconsistent application of design guidelines at Dinner Plain leading to a fragmented character that does not accord with SUZ1 policy, lack of direction on the preferred future character of neighbourhoods which has led to suboptimal, unsympathetic development outcomes in Bright (for example, dwellings that cover most of the lot, dwellings that stand out in the landscape because of bulk, colours and lighting), overly literal application of the Farming Zone (Five Acres application).

The lack of consistent decision making is a direct result of the above two issues: lack of policy guidance and inadequate resourcing of the planning function.

It also indicates a lack of team decision making about applications and building a better team culture underpinned by clear internal policies, processes and procedures that encourage consistent decision making will improve this over time.

Recommendation

- X. Invest in developing the statutory and strategic planning functions to develop a culture of team work and shared decision making (considering the two functions are in different directorates), develop clear internal policies to guide the approach to decision making, and utilise Greenlight to develop templates and reports that assist with consistent decision making that can be measured.**

10.2. Settlement planning and development of townships

10.2.1. Background

Council is currently preparing the Land Development Strategy which will identify land required to accommodate the anticipated residential, industrial, and commercial development needs of the municipality over the medium term. It considers heritage, environmental, landscape and land capability constraints and will identify land that is suitable to accommodate growth. Once this work is complete will be able to demonstrate how it will accommodate growth over the next fifteen years as required by Clause 11.01-1 LS of the planning scheme.

Once these areas are identified, Council then intends to prepare structure plans for each of the main settlements: Bright, Mount Beauty-Tawonga South, Porepunkah and Myrtleford to guide the development of each town looking at land use, preferred character, preferred built form, housing mix and density, open space and community facilities (including key worker and affordable housing), and transport and circulation needs.

This work aligns with the Council Plan strategies of:

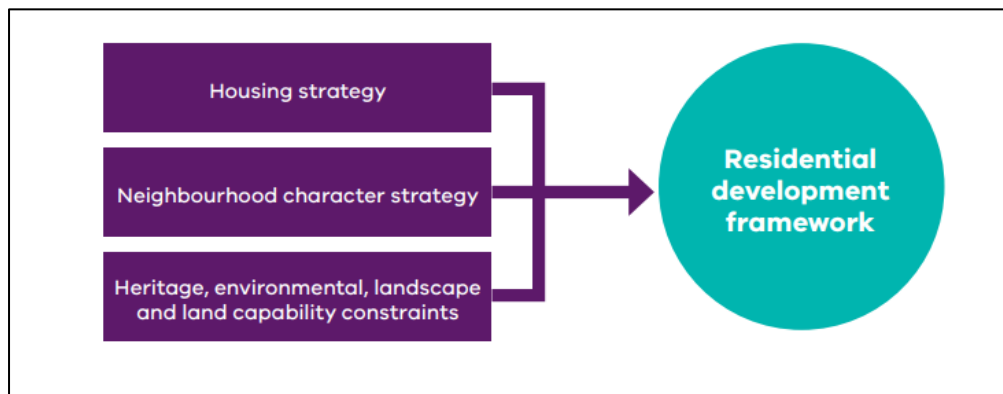
- Strategy 4.2.1: The development of our townships, settlements and landscapes is managed sensitively and sustainably.
- Strategy 4.2.2: Adequate, inclusive, and sustainable housing.

10.2.2. DTP expectations for planning for housing

DTP issued PPN90: Planning for housing in December 2019, and this provides a preferred approach to preparing a residential development framework for municipalities.

It recommends that it be prepared at a municipal level and include a Housing Strategy, a Neighbourhood Character Strategy and an assessment of constraints as shown in Figure 2.

Figure 2: DTP recommendation for preparing a residential development framework



Source: PPN 90: Planning for housing

10.2.3. Council's proposed approach and rationale

The Land Development Strategy will achieve part of the work outlined above as it will:

- Identify constraints (relating to heritage, environmental risks such as flood, bushfire, and erosion).
- Identify opportunities for growth through rezoning of additional land to accommodate growth in townships, or infill development in townships at a high level.
- Identify the growth in population (and dwellings) and floorspace requirements (for industrial and commercial) that should be accommodated in each township.

The Land Development Strategy will not:

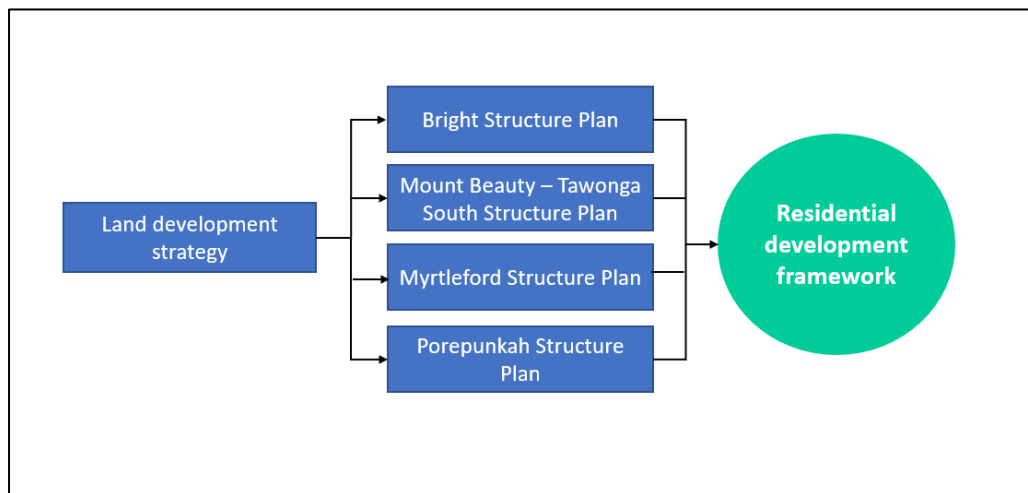
- Identify the mix of housing that is required in each township to accommodate group. It just identifies locations that are considered appropriate for urban growth.
- Develop preferred neighbourhood character statements.
- Identify variations to the residential schedules that are required to achieve the preferred neighbourhood character in each location.

Once the Land Development Strategy is complete, Council will have done all the work required to understand the constraints, and some of the work to prepare the Housing Strategy.

To complete the work required to develop a residential development framework, Council intends to prepare structure plans for each of the main townships rather than a municipal wide Housing Strategy and Neighbourhood Character Strategy.

Each Structure Plan will include a residential framework plan that will be applied via the residential zone schedules and neighbourhood character overlay (if appropriate) for each township. The way that Council intends to deliver its residential framework plan is shown in Figure 3.

Figure 3: Council's proposed approach to responding to PPN90 Planning for housing



Source: Redink Planning

The rationale for undertaking township based structure planning rather than a whole of municipality process is because the communities within Alpine Shire operate as quite separate settlements. Each town has a distinct community and no town has an up to date structure plan in place to guide future development proposals.

Alpine Shire has very limited resources and must channel these resources in the most efficient way. It has assessed that preparing township based structure plans to develop the residential development framework rather than a municipal wide Housing Strategy and Neighbourhood Character Guidelines is the most efficient use of resources, and also provides an better opportunity to genuinely engage with each township's community.

Structure Plans will be completed in sequence over several years. The sequence will be determined once the Land Development Strategy has been completed, based on need.

Council requires DTP support for this approach prior to commencing the work to ensure that time and resources are not wasted doing strategic planning that DTP will not accept.

10.2.4. Work to date

As well as the Land Development Strategy which is nearing completion, Council has prepared the Affordable Housing Research and Analysis Paper (2022) and the Affordable Housing Action Plan (2022) which outlines numerous matters to be addressed in the Structure Planning for each township to develop more affordable housing options through the planning system.

Council has also commenced work on other inputs that will inform the Bright Structure Plan including the Bright Urban Design Guidelines (currently under preparation) and the Bright Urban Design Framework (in draft).

10.2.5. Planning for reticulated water and sewerage

A critical problem for planning for growth, that has emerged through the preparation of the Land Development Strategy, is that North East Water has limited capacity to service growth. This is a

particular problem with sewerage. In recent referrals for planning permit applications for dual and three lot subdivisions in Bright, North East Water have not been able to provide wastewater disposal to the site and have recommended alternative solutions.

This is not an acceptable solution to support the growth that the Victorian government expects Alpine Shire will absorb over the coming years.

Under the Water Act, North East Water is required to prepare a fifty year plan for infrastructure which is updated every four years. There has been a failure to plan for the projected growth in Alpine's townships and this is compromising the ability of the market to deliver housing in a cost effective and sustainable manner.

10.2.6. Recommendation

- Y. Consult with North East Water and the Victorian government ensure planning for subdivisions in townships reflects the anticipated growth of each township, recognising the water and sewerage infrastructure is not keeping up with current growth.**
- Z. Seek DTP support for developing the Residential Development Framework for Alpine Shire through the preparation of structure plans for the four townships instead of a preparing a Housing Strategy and Neighbourhood Character Strategy for the whole municipality.**
- AA. Prepare Structure Plans for Porepunkah, Bright, Mount Beauty – Tawonga South and Myrtleford to:**
 - **Direct land uses to appropriate locations.**
 - **Develop a residential development framework that identifies the appropriate housing mix to provide a diversity of housing and achieve preferred neighbourhood character.**
 - **Identify active transport linkages and routes.**
 - **Support the intensification of residential development in appropriate locations.**
 - **Identify the preferred character for commercial and industrial areas.**
 - **Identify infrastructure requirements.**
 - **Prepare landscaping guidelines for public and private property, including planting, retention, and replacement of canopy trees.**
 - **Draft planning controls to implement the Structure Plans including schedules to the residential zones.**

10.3. Rural land use strategy

10.3.1. Alpine Shire Rural Land Use Strategy (Alpine Shire, 2015)

The Alpine Shire Rural Land Use Strategy (ASRLUS) provides guidance for the future use and development of agricultural and rural land in the Shire. This was stage one of a planned two stage process and looked at the high-level issues related to rural land use, designated seven rural precincts and provided high level strategic direction for each precinct, and identified parcels of land that should be investigated for rezoning. The Strategy also included guidance for how Council would exercise its discretion for a range of rural matters including rural residential development, tourism and sustainable agricultural land use.

It was adopted in 2015 and incorporated into the planning scheme through Amendment C39. The policy that was incorporated through that amendment included reference to the Rural Land Use Strategy in strategies, essentially relying on a document outside the planning scheme to guide decision making.

With the introduction of the new format for planning policy via Amendment VC148 in 2018, this way of referencing documents was no longer allowed, and DTP advised councils to ‘pull out’ the relevant information in the reference document and include it in the planning scheme rather than relying on the external document. This work was done as part of the PPF translation for Alpine Shire but unfortunately was not included in the documentation that Council approved in the December 2021 meeting. As a result, much of the policy guidance and strategy in relation to the Rural Land Strategy is no longer in the scheme.

The PPF translation went through the amendment process as a 20(4) amendment, on the basis it was policy neutral. A 20(4) amendment is prepared by the Minister for Planning and no consultation with the community was undertaken. No consultation with Councillors was undertaken either as the decision to remove the policy was made at an officer level before it could be considered by Council. At the time DTP advised that the policy could be reinstated through the planning scheme review process. The policy is important to guide applicants and decision makers.

Recommendation

- BB. Re-introduce key directions of the Alpine Shire Rural Land Use Strategy that were introduced by Amendment C62alpi and then inadvertently removed through the PPF translation as shown in Appendix Two**

10.3.2. Stage Two of the Rural Land Use Strategy

A further stage of the Rural Land Use Strategy has always been planned to look at the more detailed land use zoning and policy that should be applied to the rural precincts. Stage two should address whether the currently applied zones and schedules are achieving what is envisioned for each rural precinct. At the moment the Alpine Shire Planning Scheme uses the generic schedule to the Farming Zone (that has a 40 hectare subdivision control) however there are parts of the municipality where some nuancing is appropriate. For example in areas where the existing subdivision pattern is four or ten hectares in the Farming Zone, a schedule that allows for a dwelling to be built on a ‘typical’ lot rather than the default 40 hectare threshold may be appropriate.

There are also areas zone Farming Zone in Wandiligong, Freeburgh and Ovens that are functioning as rural residential areas, with small lots sizes and not agricultural use taking place. Stage Two should examine these areas and determine whether Farming Zone remains the appropriate zone for them taking into consideration constraints like flooding and landslip.

Recommendation

- CC. Prepare the Rural Land Strategy Stage 2 to:**
- **Review the appropriate zoning for small lots in the Farming Zone (for example, Freeburgh, Ovens, and Wandiligong).**
 - **Clarify the policy directions for each precinct in the Shire focused on supporting agricultural uses and minimising land use conflicts through separation of activities.**
 - **Mitigate the impacts of climate change on rural land.**

10.4. Planning review for Wandiligong

In 2021, it was estimated that there was a total of 7,188 dwellings in Alpine Shire, of which 283 are in Wandiligong. Wandiligong homes under 0.5% of the dwellings in Alpine Shire.

Between 2018 and 2021, 57 permit applications were received for Wandiligong representing 5% of all applications processed.

Wandiligong has a complex layering of planning controls which includes a the Low Density Residential Zone, the Farming Zone, the Significant Landscape Overlay, the Heritage Overlay and the Bushfire Management Overlay.

As has been identified in other sections of this report, the Significant Landscape Overlay is poorly drafted and does not provide clear direction on what is significant about the landscape and how it should be preserved. The Heritage Overlay applies but the citation including the significance of the valley and what should be preserved is not included in the planning scheme. The Wandiligong Design Guidelines also sit outside the scheme.

Finally, the Farming Zone is applied to a large part of the northern part of the valley to land that is clearly not used for agricultural purposes at present but is functioning as a rural residential area.

Council spends an inordinate amount of time dealing with queries in Wandiligong and it is very difficult for applicants to understand what is expected when they apply for a permit. There is a history of inconsistent decision making in the valley because, though it is clear the valley is special and should be preserved, there is a lack of articulation of how to achieve this objective.

Reviewing and updating the policy, zone and overlay controls applying to Wandiligong will ensure that the valley's values are better protected, make the applicants job easier, and ensuring more efficient and consistent decision making by Council.

Recommendation

DD. Undertake a comprehensive review of the suite of controls applying to Wandiligong to ensure they provide clearer guidance about what is to be achieved and more detailed direction to applicants and decision makers. This includes a review of zones, HO83 and SLO4

10.5. Flood mapping

Issue

Where flood mapping is included in the Alpine Planning Scheme it is out of date. Many parts of the municipality that are known to flood have no flood controls applied.

Evidence

This issue has been acknowledged by NECMA. It was raised at an officer level and by the Councillors. It is a well-known problem, with potential applicants being advised they need to contact NECMA directly to understand the flood issues and development implications on their land prior to being granted a permit.

Discussion

There is some confusion about who is responsible for undertaking local flood studies with NECMA saying it is a Council responsibility and officers understanding it is a NECMA responsibility. Under the Victorian Floodplain Management Strategy (Victorian Government, 2021) it is unclear who is responsible for completing local flood studies (the Management Strategy indicates it is the Catchment Management Authority OR Council. Until recently it has always been understood to be a Catchment Management Authority responsibility. Once local flood studies have been completed, Council as

planning authority for the Alpine Planning Scheme is responsible for implementing them into the planning scheme.

Introducing flood controls into planning schemes is a very challenging process, as there is always a high level of debate about the methodology used and the implications on individual property rights, often with good cause. Once local flood studies are completed, resourcing their implementation into the planning scheme will be problematic for Alpine Shire given the pipeline of strategic work that has been identified as a priority.

Recommendation

- EE. Apply flood controls to land identified by NECMA and GBCMA as being subject to inundation.**
- FF. Clarify with the State government which entity is responsible for preparing the floodplain management strategies for Alpine: The Council, or the Catchment Management Authorities.**
- GG. Seek DTP support to implement available local flood studies into the planning scheme**

10.6. Heritage

10.6.1. Citations

The Heritage Overlay and citations need to be updated to reflect the DTP requirements outlined in Planning Practice Note PPN01 Applying the Heritage Overlay.

The Heritage Overlay was comprehensively updated in 2016 via Amendment C51 to the Heritage Overlay. This amendment added 105 places to the Heritage Overlay and made various corrections and was based on the *Thematic Environmental History of the Alpine Shire*, (LRGM Services, 2004) and *The Wandiligong Heritage Guidelines*, (Alpine Shire, 2016) which contain the citations for each area. Neither of these documents are incorporated into the planning scheme, and they should be to give weight to the citations. The citations, particularly the statements of significance, should be checked to ensure they are in the correct format required by DTP and statements of significance incorporated into the planning scheme. If incorporated documents apply to places of heritage significance this must be included in the schedule to the Heritage Overlay.

10.6.2. Heritage gap analysis

A heritage study was prepared for Wandiligong (2008) and an earlier document of building citations. That and the heritage guidelines that have been prepared form a lot of the basis of heritage advice for Wandiligong. Both studies are old and do not meet today's standards for this type of document.

For the rest of Alpine, Council's heritage advisor is currently relying on statement of significance on the central heritage database called Hermes. While there must have been studies done to underpin these citations, Council and Council's heritage advisor can not currently find these documents. These documents are expected to include: Alpine Shire Thematic Environmental History (Stage 1) and. Copies of these documents will requested from the Victorian Government Land Service.

During the consultation on the Heritage Overlay in 2008, properties were removed from the proposed Heritage Overlay at the request of the landowners (e.g. the former hospital in Park Street Bright) and have no heritage protection. This is an unusual approach as heritage places are assessed on whether they meet the threshold of local significance and the view of the landowner is just one consideration on whether the overlay should be applied.

It is likely that the most recent heritage investigation (undertaken in 2004) does not contain all the places of heritage significance in Alpine Shire as new places of significance may have emerged, and some places may have been missed. Places that are of local heritage significance may not be included in the Heritage Overlay as new places of significance may have emerged, and some places may have been missed. Places that are of local heritage significance may not be included in the Heritage Overlay and a review gap analysis should be undertaken to identify any places that should now be included.

10.6.3. Application requirements in the schedule to the Heritage Overlay

The schedule to the Heritage Overlay has provisions for application requirements. At present, there are no application requirements for heritage applications in the planning scheme. This leads to additional work load for planners explaining to applicants what is required to make an assessment. And confusion for applicants in understanding what they need to provide.

Many Councils in the state have included applications requirements in the schedule to the Heritage Overlay and these are fairly generic.

The application requirements that have recently been approved for the Greater Bendigo Planning Scheme have been added to the Alpine schedule. Inclusion of these is administrative, will save resources and make expectations clearer to applicants. It is considered no further strategic justification is required to include these application requirements.

10.6.4. Local policy

At present, there is no guidance in the planning scheme about who Council will apply its discretion when considering applications in the Heritage Overlay. Most Councils in the State have a local policy at Clause 15.03-1L that provides this guidance. This assists in decision making relating to all places – such as industrial, commercial, residential, vegetation, public infrastructure etc, and all types of applications such as demolition, extensions, new buildings, signage, landscaping etc.

10.6.5. Recommendations

- HH. Update the citations for the existing places in the Heritage Overlay and incorporate them in the planning scheme (in local policy or an incorporated document).**
- II. Undertake a gap analysis of heritage places in Alpine Shire to ensure that appropriate protection is provided in the planning scheme for all places that meet the threshold of local heritage significance.**
- JJ. Prepare a local Heritage Policy to assist with decision making for applications in the Heritage Overlay.**

10.7. Significant landscapes

10.7.1. Issue

Significant landscapes in Alpine are not adequately documented or protected by the planning scheme. This creates a risk where inappropriate development may occur that detracts from these landscapes that are of local, state and national significance.

10.7.2. Evidence

The Council Plan outlines a strategy (4.1.2) that iconic alpine and rural landscapes are protected.

Only five small areas in the Shire are currently covered by the Significant Landscape Overlay. These overlay schedules were all introduced at the request of the National Trust many years ago and cover the Upper Kiewa, Happy Valley, Wandiligong Valley, Buckland Valley and the Upper Ovens. Planners report that these SLOs would benefit from more detail about what is significant and the objectives to be achieved. None of the SLOs contain clear policy guidance to assist planners in determining how the objectives should be achieved.

Alpine Shire is renowned for its stunning landscapes and significant vegetation, particularly the deciduous trees that line roadways and slopes and form a major tourist attraction during autumn in particular. There are significant landscapes at both a regional scale, such as long distance views to Mount Buffalo and Mount Bogong from various locations in the municipality, as well as at a local scale such as the boulevards of deciduous trees that line roadways in Bright, Mount Beauty, Myrtleford and other roadsides and places.

Most of these significant landscapes are not identified or protected in the planning scheme.

Beginning in 2006 with the Coastal Spaces Landscape Assessment Study, the Victorian government has prepared landscape assessments for many high quality landscapes across the state including the Macedon Ranges, the Great Ocean Road including the Otways, Bass Coast, Bellarine Peninsula, Surf Coast, South West Victoria (both the coastal areas, and around the Grampians) and the Gippsland region. The protection for landscapes of the Upper Yarra Valley and Dandenong Ranges is incorporated into the *Planning and Environment Act 1987* and a special provision in the Victoria Planning Provisions (Clause 51.03).

It is recommended that a similar piece of work be undertaken for Alpine Shire (and potentially the wider region) and the significant landscapes identified and protected in the planning scheme.

10.7.3. Discussion

Within Alpine Shire, the Alpine resorts and the North East Region in general, there are stunning, spectacular and iconic landscapes that have not been studied or documented, and do not enjoy the same protection in the planning system that other landscapes in the State enjoy.

10.7.4. Recommendations

- KK. Commence a comprehensive assessment of the significant landscapes and vegetation in the municipality, including those at a regional scale (e.g. views to Mount Buffalo and Mount Bogong) and local scale (e.g. boulevards in Bright) and put in place planning controls to protect such as the Significant Landscape Overlay, Environment Significance Overlay, Vegetation Protection Overlay and Heritage Overlay.**
- LL. Review SLO1, SLO2, SLO3, SLO4 and SLO5 to strengthen the statement of significance and objectives, and populate the schedules with policy to more effectively guide decision making.**
- MM. Seek DTP support to fund or lead the review of significant landscapes and vegetation identified under further strategic work.**

10.8. Open space contribution

10.8.1. Issue

Council does not currently utilise the schedule to Clause 53.01 Public open space contributions and subdivision, that permits the collection of public open space contributions at the time of subdivision of land.

10.8.2. Discussion

Council officers currently negotiate on a case by case basis for open space contributions when residential subdivisions occur, and this generally results in a 5% open space contribution. This is what is permissible under the *Subdivision Act 1987*.

Clause 53.01 provides for Councils to tailor a contribution rate for the municipality. Generally, the introduction of a tailored subdivision contribution is underpinned by a strategic planning study that justifies the collection of the tailored amount. In some the contribution applies to categories of land development (for example, industrial, commercial and residential), in others there may be a variable rate depending on the intensification of development expected (for example, 5% for incremental growth areas and 8% for high growth areas).

Most planning schemes now utilise Clause 53.01 to the planning scheme and this provides up front clarity and certainty to applicants, and eliminates the need for officers to negotiate for open space contributions on a case by case basis. Alpine Shire is behind on its strategic planning work for reasons already outlined and it is not a priority to prepare a strategy to justify the application of Clause 53.01. Negotiating the open space contributions on a case by case basis is time consuming for officers, and generally results in a 5% contribution. Rather than spending resources negotiating for a fairly certain and consistent outcome, it is proposed that, through this planning scheme review, the schedule to Clause 53.01 is introduced to align the Alpine planning scheme with other planning schemes across the state, and reflect current practice to provide certainty to the community, applicants and decision makers.

10.8.3. Recommendation

NN. Introduce the schedule to Clause 53.01 Public open space contributions and subdivision to collect a 5% contribution for residential subdivisions in line with the Subdivision Act 1987 and current Council practice.

10.9. Infrastructure Design Manual and Sustainable Infrastructure Guidelines

10.9.1. Issue and discussion

Like many rural and regional councils the Infrastructure Design Manual produced and maintained by the Local Government Infrastructure Design Association is used by Council planners and engineers to specify standards to be met for infrastructure upgrade and provision in new development.

Planning schemes where the Infrastructure Design Manual is used generally have a local policy that supports a consistent approach to the provision of infrastructure and references the Infrastructure Design Manual. This local policy is proposed to be duplicated at Clause 19.03-2L Infrastructure design and provision, through the planning scheme amendment to implement this review.

Recently, the Sustainable Infrastructure Guidelines have been developed. These include a higher standard of infrastructure than what is included in the Infrastructure Design Manual focused on achieving more sustainable design outcomes. If Council adopt the Sustainable Infrastructure

Guidelines, it will be listed as such as in the Infrastructure Design Manual. If Council decides to do this, it will mean that Council's engineers will apply the higher standard Sustainable Infrastructure Guidelines instead of the Infrastructure Design Manual guidelines to new developments.

This aligns with Council's Climate Emergency Declaration of 2021, and the intent of Council's Climate Action Plan 2021-2024 (Alpine Shire Council, 2021).

10.9.2. Recommendation

OO. Amend Clause 19.03-2L Infrastructure design and provision to include a strategy, policy guideline and policy document that directs applications and decision makers to consider the Infrastructure Design Manual when approving development.

PP. Adopt the Sustainable Infrastructure Guidelines.

10.10. Development Plan Overlays

10.10.1. Issue

There are three Development Plan Overlay (DPO) schedules applied in Alpine Shire. Two of them have 'no content' and this is an inappropriate application of the schedule. These are the Tempo Crescent/Louie Court area in Bright (DPO1) in Figure 4 and Glenbourn Drive in Mount Beauty (DPO2) in are recommended for removal.

10.10.2. Discussion

The purposes of the DPO are:

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

To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.

To exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority.

Within the schedule to the DPO the following matters can be included:

- Objectives to be achieved for the are affected by the overlay.
- Any conditions or requirements.

The schedules in question contain no content which means no direction is provided in the control for the preferred form of development and the community's ability to make an objection and take the matter to VCAT are removed.

These controls are nonsensical and should not have been applied when the new format planning scheme was approved in the late 1990s.

10.10.3. Implications

The removal of the DPO1 Tempo Crescent / Louie Court development (Figure 4) is has minimal implications as the subdivision is complete and there are few lots left to be developed. If DPO1 is removed, it will have the effect of introducing third party notice and appeal rights for any future development on the land.

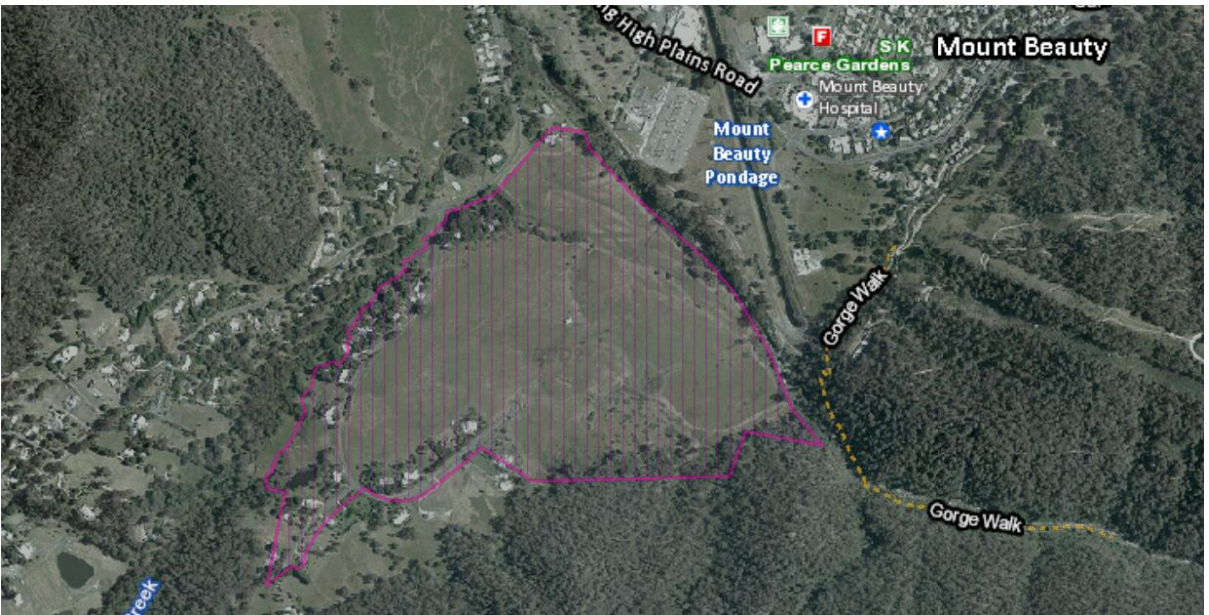
Figure 4: Plan showing application of DPO1 (hatched in purple)



Source: Planning Schemes online

The impact on the land at Glenbourn Drive (Figure 5) is more significant as it has not yet been subdivided. Council is currently in discussions with the owners of the land to develop a subdivision plan which under the DPO2 would eventually become an approved Development Plan for the subdivision and guide future development.

Figure 5: Plan showing application of DPO2 (hatched in purple)



Source: Planning Schemes online

The requirement for the Development Plan is to be generally in accordance with the Development Plan Overlay, and as there is no content in the relevant schedule this means there is no guidance about what is expected in the development in relation to lot layout and size, transport linkages, development contributions, vegetation retention and so on.

Removing the Development Plan from this site does not change any of these things, but it does open up third party notice and appeal rights to any subdivision plan for the development which enables the community to have a say on the future development of the land. A right they do not have under present conditions.

The alternative to this approach is to draft a Development Plan Overlay schedule for the site and replace the existing schedule with the new one. This course of action is not recommended at this stage due to resourcing issues as it would essentially introduce a double planning process for the site when the developer is already in the process of progressing the approvals process for the land.

10.10.4. Recommendations

- QQ. Delete DPO1 (Tempo Court area) as the subdivision is largely complete and the schedule contains no content.**
- RR. Delete DPO2 (Glenbourn Drive) as there is no content in the schedule to guide the development of the land.**

10.11. Dinner Plain design guidelines and planning controls

10.11.1. Issue

The Special Use Zone schedule 1 for Dinner Plain is very long, duplicates many parts of Clause 54 and 55 (Rescode) and the design guidelines which were updated in 2015 have not been incorporated into the scheme.

10.11.2. Discussion

Thirty-six planning permit applications were issued for Dinner Plain between 2018 and 2021 representing 5% of the applications that were processed by Council.

There is no question that the Special Use Zone for Dinner Plain is overly long and clunky, and duplicates controls in other parts of the scheme.

Design guidelines were prepared for Dinner Plain in 2015 and in 2018 a revised schedule was drafted to both delete the duplications with other parts of the scheme, and incorporate the 2015 design guidelines. Unfortunately this work was not taken through to the amendment stage, and now, five years later, the design guidelines are not current due to the development that has occurred in the intervening period and the precedents that have been set by Council and VCAT for developments.

While it would be ideal to update the zone schedule for Dinner Plain, the amount of work required to do this cannot be considered a priority in the context of the current work that the Strategic Planning Unit has on its program.

The work is recommended as further strategic work, however this is considered something that should only occur once the higher priority work associated with settlement planning, rural land, significant landscapes and heritage is addressed.

10.11.3. Interim arrangements

In the meantime, Council should consider engaging an expert who can provide comment on Dinner Plain applications, in the same way that Council has engaged a Heritage Advisor to provide advice on applications received in the Heritage Overlay.

Whilst there will be a cost incurred with this, the benefit will be that there will be more consistent decision making in Dinner Plain against the complex Special Use Zone provisions that are in place.

10.11.4. Recommendation

- SS. Review the Special Use Zones for Dinner Plain (SUZ1 and SUZ2) to ensure they are fit for purpose in managing use and the design of development.**
- TT. Engage a Dinner Plain advisor (similar to the role the Heritage Advisor Plans for planning permit applications in the Heritage Overlay) to provide recommendations to Council on applications for development in Dinner Plain.**

10.12. Sheds and outbuildings in the Farming Zone

There are a high number of applications in the Farming Zone that are triggered the requirement that rural stores, outbuildings, sheds etc over 100 square metres require a planning permit. Between 2018 and 2021, 77 applications fell into this category which represents about 9% of the applications received over that time. In most cases, there is not a great deal of benefit gained from planning team assessing them and they are often granted a permit with no conditions.

The Farming Zone schedule allows for this figure of 100 square metres to be changed and many Councils across the State have done this and increased the trigger area to a greater number (for example, 200 square metres).

Amending the floor area could have the effect of reducing the number of low value permit applications that need to be processed by Council and would save resources that could be directed to assessing more significant applications.

To progress this, an analysis of the permits for sheds that have been issued over the past four years should be undertaken to determine whether there is value in changing the floor area for outbuildings in the Farming Zone to reduce the permit workload while still maintaining appropriate oversight on developments on farms.

Recommendation

- UU. Amend the schedules to the Farming Zone to increase the maximum floor area for which no permit is required for an outbuilding associated with a dwelling to decrease the number of permits that are triggered for this use.**

10.13. Rezoning of 27, 33 and 35 King Street, Myrtleford

During the course of preparing the planning scheme review, a zoning anomaly was identified that should be fixed as soon as possible as the land owner wishes to develop the land and under the anomalous zone cannot be granted a permit to build an accessway to the rear of the land where the new development is proposed.

Four properties – 25, 27, 33 and 35 King Street, Myrtleford – are in two zones, the General Residential Zone and the Farming Zone.

It is unclear why two zones apply to the land but it appears to be an error that has been in place since the introduction of the new format planning schemes in the late 1990s.

Three of these parcels of land - 27, 33 and 35 King Street Myrtleford - are currently used for industrial purposes, and should not be zoned for residential development. 25 King Street is used for residential purposes.

The application of the General Residential Zone means that a permit cannot be granted to build a road from King Street to the proposed development of a storage facility at the rear of one of the properties

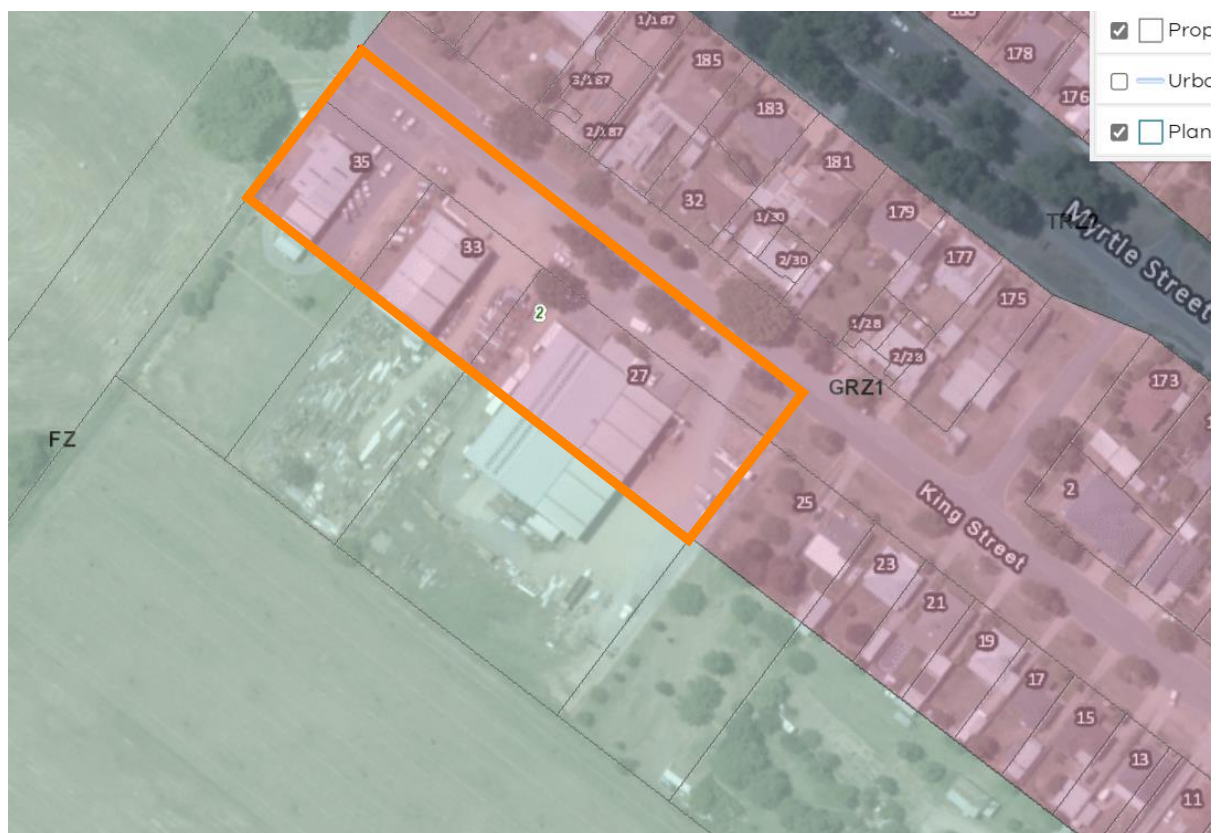
as access to a use that is prohibited in the General Residential Zone cannot be provided to the development which is proposed to be located in the Farming Zone.

The General Residential Zone should be rezoned to Farming Zone to remove the anomaly and enable the land owner to exercise the existing use rights of the parcel as an industrial development and develop the land. All three of the parcels that have existing industrial uses should have this anomaly should be rezoned to clean up the anomaly comprehensively, and support the ongoing use and development of the land for industrial purposes.

The proposal to rezone the General Residential Zone to Farming Zone is not considered to be 'back zoning'. Rather it is correcting an error that was made when the new format planning schemes were introduced, which has continued as zones have been changed through the reforms to the residential zones.

A rezoning to an industrial zone should be considered through the Land Development Strategy.

Figure 6: Land proposed to be rezoned in King Street Myrtleford within orange line



Source: VicPlan and Redink Planning

Recommendation:

- VV. Rezone the north east portions of 27, 33 and 35 King Street that are currently General Residential Zone to Farming Zone to remove the zoning anomaly.**

11. Further strategic work

Appendix Three of this report outlines the strategic planning work that has been identified through this planning scheme review.

Through the review process, the highest priority tasks for Council to undertake over the next four years to improve the planning scheme has been identified and is included in the recommendations below. Numerous other recommendations for further strategic work have been identified through this review and are included in Appendix Three.

Council should review this list and remove any projects that are no longer required.

The list below represents the further strategic work that the consultants believe will have the most positive impact for the Alpine community and the efficient functioning of the planning service.

Only work that can be completed in the next four years should be included in Clause 72.04 of the planning scheme. A recommended Clause 72.04 is included in the marked-up ordinance at Appendix Two. This should be considered by Council to ensure that the work is reasonable to complete over the next four years and, if not, the priority projects that should be included in Clause 74.02.

Recommendations:

It is recommended that Council prioritise the following further strategic work over the next four years:

WW. Finalise the Land Development Strategy and implement into the planning scheme.

XX. Prepare the Rural Land Strategy Stage 2 to:

- Clarify the policy directions for each precinct in the Shire focused on supporting agricultural uses and minimising land use conflicts through separation of activities.
- Review the appropriate zoning for small lots in the Farming Zone (for example, Freeburgh, Ovens, Wandiligong).
- Mitigate the impacts of climate change on rural land.

YY. Prepare Structure Plans for Porepunkah, Bright, Mount Beauty – Tawonga South and Myrtleford to:

- Direct land uses to appropriate locations.
- Develop a residential development framework that identifies the appropriate housing mix to provide a diversity of housing and achieve preferred neighbourhood character.
- Identify active transport linkages and routes.
- Support the intensification of residential development in appropriate locations.
- Identify the preferred character for commercial and industrial areas.
- Identify infrastructure requirements.
- Prepare landscaping guidelines for public and private property, including planting, retention, and replacement of canopy trees.
- Draft planning controls to implement the Structure Plans including schedules to the residential zones.

ZZ. Undertake a comprehensive review of the suite of controls applying to Wandiligong to ensure they provide clearer guidance about what is to be achieved and more detailed direction to applicants and decision makers. This includes a review of zones, HO83 and SLO4

AAA. Amend the schedules to the Farming Zone to increase the maximum floor area for which no permit is required for an outbuilding associated with a dwelling to decrease the number of permits that are triggered for this use.

BBB. Commence a comprehensive assessment of the significant landscapes and vegetation in the municipality, including those at a regional scale (e.g. views to Mount Buffalo and Mount Bogong) and local scale (e.g. boulevards in Bright) and put in place planning controls to

protect such as the Significant Landscape Overlay, Environment Significance Overlay, Vegetation Protection Overlay and Heritage Overlay.

- CCC.** Review the existing Significant Landscape Schedules (SLO1, SLO2, SLO3, SLO4 and SLO5) to strengthen the statement of significance and objectives, and populate the schedules with policy to more effectively guide decision making.
- DDD.** Review and update the application of the Heritage Overlay.
- EEE.** Prepare a local Heritage Policy to assist with decision making for applications in the Heritage Overlay.
- FFF.** Apply flood controls to land identified by NECMA and GBCMA as being subject to inundation.
- GGG.** Prepare an anomalies amendment to fix mapping anomalies that have been identified (land in two zones, publicly zoned private owned land, etc.).

Appendix One

Summary of engagement outcomes

Council and Executive - meetings

Date of meeting: 15 November 2022		
Topic discussed	Main issues raised	Preliminary comments/discussion
Strategic work	<p>Concern that old strategies and plans still need to be progressed</p> <p>Concern that priorities might have changed</p>	<p>FSW identified in the 2004 PS review is still current</p> <p>Update and prioritise FSW schedule – refer prioritised list to community for comment</p>
Small lots in the FZ	<p>Significant issue in small settlements such as Wandiligong and Freeburgh where the lots have limited agricultural value</p> <p>Decision making in Wandi is not consistent</p> <p>Numerous outbuilding applications that unnecessarily require a permit</p> <p>Reduce permit triggers to lessen resourcing requirements</p> <p>Lack of direction in Farm Plans</p>	<p>Identified as a 'Gap'</p> <p>Review and re-instate the Rural Land Use Strategy</p> <p>Review and update relevant PS schedules (reduce the requirement for dwellings without a permit from 40 to 2.5 ha)</p> <p>Add FZ rezoning to the FSW schedule</p> <p>Advocacy work at the State level</p>
Heritage	<p>Guidance regarding Heritage and Neighbourhood Character are absent</p> <p>Decision making in Wandiligong is inconsistent</p> <p>Lack of Heritage Policy</p>	<p>Develop Heritage Policy</p>

Statutory and Strategic Planners – survey, meetings, and workshops

Issue	Planner survey feedback
BMO	<ul style="list-style-type: none"> Dwellings in the BMO were identified as one of the most common types of applications received. Triggers under BMO were identified as one of the most common classes of permit triggers. Applications for single dwellings under the BMO were identified as a class of application that has no or very limited planning consequence. Single dwellings under the BMO (in particular under BMO1 and GRZ lots above 300sqm) were identified as being one of the easiest categories of applications to process. BMO dwellings in FZ were identified as being a class of application taking the longest time to determine. Policy pertaining to bushfire protection was identified as being relied upon frequently in decision-making. Triggers under the BMO were identified as potentially better being drafted as VicSmart provisions.

Issue	Planner survey feedback
FZ	<ul style="list-style-type: none"> Sheds & outbuildings in the FZ were identified as one of the most common types of applications received, and were also identified as a class of applications that have no or very limited planning consequence. Triggers under the FZ were identified as one of the most common classes of permit triggers. Applications that require the provision of a farm plan were identified as one of the classes of applications causing unnecessary delays and also taking the longest time to determine. FZ dwellings were identified as a class of application taking the longest time to determine and also being one of the most common public enquiries. A lack of direction for use and development in the FZ, in particular regarding development on lots with limited agricultural value, was identified as a policy gap. Redrafting of the FZ schedule to reduce setback distances (and therefore triggers) and allow for utilisation of lots with limited agricultural value, were identified as preferred drafting changes. More / additional policy regarding use and development within the FZ was identified as a change which would make decision-making easier.
SLO's	<ul style="list-style-type: none"> Triggers under SLO3 were identified as one of the most common groups of permit triggers. SLO 1, 2, 4, & 5 triggers were identified as being poorly drafted and not serving a useful purpose. The SLO schedules generally we identified as being poorly drafted, not useful for decision making or redundant. Applications for buildings and works under the SLO's were identified as a class of application with no or very limited planning consequence. SLO 1, 2, 4, & 5 triggers were identified as causing unnecessary delays (referral requirement to GMW).
Heritage	<ul style="list-style-type: none"> An absence of heritage policy and controls was identified as a policy gap in the planning scheme. The addition of HO local policy was identified as a change that would make decision-making easier. The HO Schedule was identified as being often relied upon in decision-making. The HO generally, and HO83 for Wandiligong specifically, were identified as one of the most common permit triggers.

Date of meeting: 3 November 2022

Overview of what was discussed	Main issues raised	Preliminary comments/discussion
Sheds in the FZ	<p>Need to reduce permit triggers for sheds in the FZ</p> <p>Solutions include amending schedules and/or rezoning</p> <p>Amend schedules now and plan for future rezoning amendments</p>	<p>Amend schedules to lower the bar for permit triggers, including increasing allowable shed areas (say up to 200m²), and/or reducing required lot sizes (say <4ha), etc</p> <p>Identify FZ rezoning on the FSW list</p>
Insufficient FZ guidance	<p>Controls lost in PPF translation</p>	<p>Identify what was lost because of PPF and broader advocacy work in FZ at State level.</p>
Infrastructure Design Manual	<p>The IDM is used for decision making, but is not referenced in the PS</p>	<p>Reference the IDM in the PS</p> <p>Identify as 'low hanging fruit'</p>

Date of meeting: 3 November 2022

Overview of what was discussed	Main issues raised	Preliminary comments/discussion
Stormwater treatment and quality controls	Can a requirement for more 'shire-wide' advice be included?	Include as a Policy guideline, (probably in the form of a sliding scale of action/requirement)
Development Contribution Plan	Use the PS (cl 53.01) to define (including maps) and quantify the DCP, providing for developer contributions to items such as stormwater management, public spaces, etc	Amend Clause 53.01 and the Schedule to Clause 53.01 to define and quantify the application of contributions (including maps)
BMOs/siting of dwellings	S173 agreements identify protected areas around development sites. But there's a missed opportunity to specify sites in the Bushfire Management Plan.	Recommend adding siting into BMO assessments. Identified as 'Planner's issue'
Building orientation		Add 'Building Health – better orientation, etc' to 'Gaps'
DP triggers	There's an administrative backlog relating to DP	Remove triggers that add no value Add further DP design work to the FSW schedule
Establish a 'Planning Design Panel'	Porepunkah airfield problems regarding hanger design Gateway to Bright development - concerns regarding lack of design/aesthetic diversity Similar design issues at Wandiligong A Design Panel could provide expert advice and guidance, while waiting for a PS amendment to 'catch-up'	Recommend establishing a 'Planning Design Panel' to review proposals in the first instance, before reference to Council Consider s63 Committee (under the LGA), with the purpose of assessing relevant proposals before referring to Council

Internal Referral Officers - meetings, workshops, and written feedback

Date of meeting: Executive - 27 October 2022

Topic discussed	Main issues raised	Preliminary comments/discussion
Small lots in the FZ	Protection of agricultural land vs development of very small lots Development on lots with limited agricultural value e.g., in Wandi and Freeburgh	Further discussion with Planners Review schedules to the Farming Zones in the short term Review the zoning of Wandi as part of a comprehensive review of controls in the valley in the longer term
Lack of affordable housing	Shortage of appropriate, affordable housing for key permanent and seasonal workers (of all professions)	Identified as a 'big rock' Add Affordable Housing to FSW schedule
Community Plans	Reference Community Plans in the PS e.g.: principles, locations, micro-grids, etc could be extracted in the case of Climate and Energy plans	Add relevant Community Plans to FSW schedule Amend/write new policy to reference Community Plan priorities

Date of meeting: Executive - 27 October 2022

Topic discussed	Main issues raised	Preliminary comments/discussion
Environmentally Sustainable Development	Discuss with CASBE, but Council hasn't allocated resources to administer (refer to the State for assistance)	Advocate for State support
Infrastructure Design Manual	Reference the IDM in the PS (identify as 'low hanging fruit') Use the IDM for smaller projects, and the VBA Precinct Planning Guidelines for bigger projects. Reference larger infrastructure projects (e.g., significant road upgrades, new bridges, rail trail extensions, etc) in the PS	Add significant infrastructure projects to FSW schedule Amend policy to reference IDM

Internal referral Officers were invited to provide written feedback, but none was received.

External Stakeholder feedback

Referral Agent	Permit trigger	Changes requested	Strategic justification (or administrative change)	Draft of recommended changes to the ordinance (including cl66.04s and 66.06s inclusions)
Clause 66.04 External Referral Authorities (no clause 66.06 Referral Authorities were identified in I3):				
NECMA	37.01s1 – SUZ5 - Mount Beauty Aerodrome 43.04s3 – DPO3 – Bright Gateway	Move PS reference to NECMA from trigger clause(s) to Clause 66.04	Referring to referral or notice authorities within a trigger clause is not in accordance with	Add NECMA as a referral authority for the listed clauses to the Clause 66.04 schedule.
North East Water	19.03-3L – Integrated water management 37.01s1 – SUZ5 - Mount Beauty Aerodrome 43.04s3 – DPO3 –	Move PS reference to North East Water from trigger clause(s) to Clause 66.04	Referring to referral or notice authorities within a trigger clause is not in accordance with the Ministerial Direction on the Form and Content of Planning Schemes	Add North East Water as a referral authority for the listed clauses to the Clause 66.04 schedule.

Referral Agent	Permit trigger	Changes requested	Strategic justification (or administrative change)	Draft of recommended changes to the ordinance (including cl66.04s and 66.06s inclusions)
	Bright Gateway			
Other stakeholders:				
HVP	None specified	Refinements to Private Public interface policy and Timber Production policy. Inclusion of a notice referral at Clause 66.06s.	See appendix 5	Amend Private Public Interface policy. Amend Timber Production policy. Introduce new Clause 66.06s notice referral.

Table 2: Referral Agents that provided feedback, but didn't request a change:

Referral Agent	Permit trigger	Comments made	Response
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Referral Agents either provided feedback requesting changes (Table 1), or did not respond (Table 3)

Table 3: Referral Agents that were invited to provide comment, but did not respond:

Referral Agent	Permit trigger	Comment
Registered Aboriginal Parties		
Taungurung Clans Aboriginal Corporation	02.03 Strategic Directions 15.03-2S Land developments within culturally sensitive areas.	
Gunaikurnai Land & Water Aboriginal Corp	02.03 Strategic Directions 15.03-2S Land developments within culturally sensitive areas.	

Appendix Two

Marked up ordinance with policy neutral and strategically justified changes to the planning scheme.

(Separate document).

Appendix Three

Comprehensive list of further strategic work

Project Name	Project source:
Prepare a Land Development Strategy to identify land available for residential, commercial, and industrial growth, establish settlement boundaries and identify constrained land.	Clause 74.02
Prepare a Housing and Settlement Strategy to:	Clause 74.02
▪ Identify the housing needs of the community.	Clause 74.02
▪ Identify the planning controls that should apply to land that has been identified in the Land Development Strategy as suitable for residential growth.	Clause 74.02
▪ Identify consolidation and intensification opportunities in townships and the planning controls that should be applied.	Clause 74.02
▪ Review the zoning around the settlements of Wandiligong, Freeburg, and Ovens.	Clause 74.02
▪ Identify strategies to ensure a good balance between permanent accommodation and short term accommodation.	Clause 74.02
▪ Identify the valued neighbourhood character and landscape characteristics of the Shire that can be protected through the application of the residential zone schedules.	Clause 74.02
▪ Identify opportunities for delivering a greater range of affordable housing options for the community.	Clause 74.02
Undertake a Significant Landscape Assessment to:	Clause 74.02
▪ Recognise Alpine landscapes as of State significance.	Clause 74.02
▪ Articulate landscape values.	Clause 74.02
▪ Protect landscapes from encroachment by development.	Clause 74.02
Prepare Stage Two of the Rural Land Use Strategy to:	Clause 74.02
▪ Articulate agricultural values by precinct.	Clause 74.02
▪ Identify where Farming Zone and Rural Conservation Zone schedules should be modified to better reflect the preferred use of the land.	Clause 74.02
▪ Respond to climate change predictions.	Clause 74.02
▪ Identify rural living opportunities.	Clause 74.02
▪ Determine where non-agricultural uses like earth and resource extraction and renewable energy generation should be supported or avoided.	Clause 74.02
Revise the Special Use Zone schedule applied to Dinner Plain to reduce the complexity of the control.	Clause 74.02
Prepare a Structure Plan for the Bright Gateway to guide the future use and development of the land and develop an iconic entry point to the township.	Clause 74.02
Develop an urban design policy to guide development in Bright Town Centre, Myrtleford Town Centre and Mount Beauty and Tawonga South.	Clause 74.02
Investigate risks associated with climate change and put in place planning controls to manage these, specifically relating to:	Clause 74.02
▪ Management of flooding and avulsion risks.	Clause 74.02
▪ Management of land instability, land slip and erosion.	Clause 74.02
Prepare an Indigenous Heritage Strategy and work with First Nations peoples with a connection to the land to develop suitable planning controls to protect places of significance.	Clause 74.02
Prepare a Canopy Trees Strategy to increase the amount of canopy trees across the Shire.	Clause 74.02
Prepare a Signage Policy to guide decision making about signs on private land.	Clause 74.02
Introduce a Timber Production policy to deal with new Timber plantations proposed in National Trust classified landscapes and other significant landscape areas.	Last 12B Review (2010)
Introduce a Catchment Management and Water Quality Protection policy to provide appropriate guidelines referencing the NE Regional Strategy and other relevant documents including the NE Regional River Health Strategy.	Last 12B Review (2010)
Introduce an Environmental Management Guidelines policy to identify areas that have specific environmental / land management requirements, including issues related to erosion risk, mass movement, land slip, etc.	Last 12B Review (2010)

Project Name	Project source:
Introduce a Wildfire Risk policy as this is a critical planning issue for the Shire. A Policy, in addition to the Wildfire Management Overlay (WMO), will further assist in raising awareness of this issue particularly to new residents. The policy itself will not provide a permit trigger and it should be seen as complimentary to the WMO. Reference should be made to the self-assessment kit prepared by the CFA for assessing wildfire risk.	Last 12B Review (2010)
Introduce a Heritage policy and review and update once the Alpine Heritage Study is adopted for inclusion in the Scheme. This policy would provide useful application requirements that the structure of the schedule to the Heritage Overlay does not provide. Policy requirements should be complimentary to the proposed new heritage theme in the MSS.	Last 12B Review (2010)
Introduce a Floodplain and Rural Drainage policy to build on the floodplain management SPPF objective as well as the proposed environmental risk theme in the MSS. This policy should also assist in implementing the NECMA Regional Floodplain Management Strategy and Regional Rural Management Strategy.	Last 12B Review (2010)
Introduce a Rural Living policy once the Rural Land use Strategy has been finalised and adopted by Council. This policy will set out clear objectives, application requirements, performance measures and decision guidelines.	Last 12B Review (2010)
That in addition to existing zoning anomalies already identified within Alpine Planning Scheme Amendment C23 that: i) Bogong be rezoned to Special Use Zone and that an appropriate Schedule be drafted to make provision for reference to a Comprehensive Outline Development Plan and an Urban Design Framework Plan to guide future land use decisions. ii) A detailed investigation in respect of surplus AGL land situated to the south of Mount Beauty be undertaken to determine the best mix of alternative zones for the subject land. iii) Land situated between the Myrtleford Mill facility and the Mummery Road residential area be rezoned to either the Farming Zone or the Rural Conservation Zone.	Last 12B Review (2010)
That DPCD undertake a Review of the Alpine Resorts Planning Scheme to address various issues raised within this Review report including: <ul style="list-style-type: none"> • Lack of reference to municipal areas including Alpine Shire • Lack of reference to any relationship to Bogong and Mount Beauty in the Falls Creek section. • Interface issues relevant to municipal areas. 	Last 12B Review (2010)
DPCD liaise with G-MW and relevant CMAs to prepare a regional water catchment policy so as to adequately address issues raised by designation of land as Special Water Supply Catchment areas.	Last 12B Review (2010)
Mapping, study, policy, and scheme implementation of natural resource issues such as flooding, erosion hazard, fire hazard, etc.	Section 5.2 (recommendations from 2004 review)
Implementation of Heritage Study	Section 5.2 (recommendations from 2004 review)
Update flooding mapping to reflect the North East Floodplain and Rural Drainage Study.	Section 5.2 (recommendations from 2004 review)
Amend the Dederang plan at Clause 11.01-1L-9 to show the identified green belt.	Section 5.9 (Planning Scheme Audit Recommendations)
Strengthen Clause 12.03-1L River corridors and waterways to provide more direction to applicants and decision makers about what is to be achieved.	Section 5.9 (Planning Scheme Audit Recommendations)
Strengthen Clause 14.03-1L Resource exploration and extraction to provide more direction to applicants and decision makers about what is to be achieved.	Section 5.9 (Planning Scheme Audit Recommendations)

Project Name	Project source:
Amend all the 37.01 Special Use Zone schedules to correct the table of uses, and remove the Rescode requirements from the SUZ1 Dinner Plain as they duplicate Clauses 54 and 55.	Section 5.9 (Planning Scheme Audit Recommendations)
Review all the 42.03 Significant Landscape Overlay schedules to clarify the objectives to be achieved and provide more direction to applicants and decision makers.	Section 5.9 (Planning Scheme Audit Recommendations)
Review the 44.05 Land Subject to Inundation Overlay schedule to clarify the objectives to be achieved and provide more direction to applicants and decision makers	Section 5.9 (Planning Scheme Audit Recommendations)
Prepare preferred neighbourhood character statements for townships.	Section 6.3 (VCAT Analysis)
Prepare a local policy that provides guidance about managing land use conflicts such as stone extraction.	Section 6.3 (VCAT Analysis)
Undertake further strategic work to investigate and put in place planning controls that support the use and development of micro-grids (Climate Change Action Plan 2021 – 2024).	Section 8.1 (Council Projects and Documents)
Undertake further strategic work to develop planning scheme policies that support key worker and affordable housing, identify areas for medium density development and preferred lot sizes close to town centres in townships, and Council owned land (e.g. caravan parks) that would be better used for housing in the medium to long term.	Section 8.1 (Council Projects and Documents)
<p>Prepare Structure Plans for Porepunkah, Bright, Mount Beauty – Tawonga South and Myrtleford to:</p> <ul style="list-style-type: none"> – Direct land uses to appropriate locations. – Develop a residential development framework that identifies the appropriate housing mix to provide a diversity of housing and achieve preferred neighbourhood character. – Identify active transport linkages and routes. – Support the intensification of residential development in appropriate locations. – Identify the preferred character for commercial and industrial areas. – Identify infrastructure requirements. <p>Prepare landscaping guidelines for public and private property, including planting, retention, and replacement of canopy trees.</p> <p>Draft planning controls to implement the Structure Plans including schedules to the residential zones.</p>	Section 10.2 (Settlement Planning and Development of Townships)
<p>Prepare the Rural Land Strategy Stage 2 to:</p> <ul style="list-style-type: none"> – Review the appropriate zoning for small lots in the Farming Zone (for example, Freeburgh, Ovens, and Wandiligong). – Clarify the policy directions for each precinct in the Shire focused on supporting agricultural uses and minimising land use conflicts through separation of activities. – Mitigate the impacts of climate change on rural land. 	Section 10.3 (Rural Land Use Strategy)
Undertake a comprehensive review of the suite of controls applying to Wandiligong to ensure they provide clearer guidance about what is to be achieved and more detailed direction to applicants and decision makers. This includes a review of zones, HO83 and SLO4	Section 10.4 (Planning review for Wandiligong)
Apply flood controls to land identified by NECMA and GBCMA as being subject to inundation	Section 10.5 (Flood Mapping)
<p>Update the citations for the existing places in the Heritage Overlay and incorporate them in the planning scheme (in local policy or an incorporated document).</p> <p>Undertake a gap analysis of heritage places in Alpine Shire to ensure that appropriate protection is provided in the planning scheme for all places that meet the threshold of local heritage significance.</p>	Section 10.6 (Heritage)

Project Name	Project source:
Prepare a local Heritage Policy to assist with decision making for applications in the Heritage Overlay.	
<p>Commence a comprehensive assessment of the significant landscapes and vegetation in the municipality, including those at a regional scale (e.g. views to Mount Buffalo and Mount Bogong) and local scale (e.g. boulevards in Bright) and put in place planning controls to protect such as the Significant Landscape Overlay, Environment Significance Overlay, Vegetation Protection Overlay and Heritage Overlay.</p> <p>Review SLO1, SLO2, SLO3, SLO4 and SLO5 to strengthen the statement of significance and objectives, and populate the schedules with policy to more effectively guide decision making.</p>	Section 10.7 (Significant Landscapes)
Review the Special Use Zones for Dinner Plain (SUZ1 and SUZ2) to ensure they are fit for purpose in managing use and the design of development.	Section 10.11 (Dinner Plain Design Guidelines and Planning Controls)
Amend the schedules to the Farming Zone to increase the maximum floor area for which no permit is required for an outbuilding associated with a dwelling to decrease the number of permits that are triggered for this use.	Section 10.12 (Sheds and Outbuildings in the Farming Zone)

Appendix Four

State and regional planning scheme amendments and planning practice notes issued since last planning scheme review

VC (Victorian) and GC (group of council) amendments.

Since the last planning scheme review in 2010, several VC and GC amendments have introduced new policy into the Alpine Planning Scheme and are directly relevant to this review:

- VC083: Introduced a raft of changes to bushfire policy and provisions to implement the recommendations of the 2009 Victorian Bushfires Royal Commission.
- VC103: Introduced the reformed rural zones.
- VC105: Implemented reforms to Victoria's native vegetation and biodiversity provisions.
- VC134: Introduced the Municipal Planning Strategy (MPS).
- VC138: Updates to the Native Vegetation Framework
- VC140: Provisions for the Planning Policy Framework transition
- VC142: Update to the Ministerial Direction on Form and Content and clean-up of permit triggers.
- VC144: Introduced VicSmart provisions.
- VC147: Enabled the online publishing of planning schemes through the DTP Amendment Tracking System (ATS).
- VC148: Planning Policy Framework introduction
- VC150: Implemented actions outlined in the Victorian Government's Planning for Sustainable Animal Industries Report.
- VC154: Implemented of the integrated water management reforms.
- VC169: Updated State policy to direct balanced outcomes for housing growth and built form, while also clarifying and consolidating housing policy.
- VC175: Buffer Area Overlay introduction
- VC200, VC 204 and VC205: Transport planning reforms
- VC203: Introduced the new environment protection framework into the Victoria Planning Provisions
- VC216: Changed the Planning Policy Framework (PPF) to support Environmentally Sustainable Development (ESD).

11.1.1. New Planning Practice Notes

Since the last planning scheme review in 2010, Several Planning Practice Notes (PPNs) have been introduced which may impact on the future development of the Alpine Planning Scheme.

- PPN03 - Applying the Special Use Zone
- PPN23 - Applying the Incorporate Plan and Development Plan Overlays
- PPN24 - Shipping Container Storage
- PPN30 - Potentially Contaminated Land
- PPN58 - Structure Planning for Activity Centres
- PPN59 - The Role of Mandatory Provisions in Planning Schemes
- PPN60 - Height and Setback Controls for Activity Centres
- PPN61 - Licensed Premises – Assessing Cumulative Impact
- PPN63 - Applying for a Planning Permit to Farm Chickens
- PPN74 - Making Planning Documents Available to the Public
- PPN81 - Live Music and Entertainment Noise

- PPN84 - Applying the Minimum Garden Area Requirement
- PPN85 - Applying the Commercial 3 Zone
- PPN86 - Applying for a Planning Permit for a Pig Farm
- PPN87 - Preparing a Planning Permit Application for Animal Production
- PPN88 - Planning for Domestic Rooftop Solar Energy Systems
- PPN89 - Extractive Industry and Resources
- PPN90 - Planning for Housing
- PPN91 - Using the Residential Zones
- PPN92 - Managing Buffers and Land Use Compatibility
- PPN94 - Land Use and Transport Integration
- PPN95 - Local Heritage Provisions

Appendix Five

Responses from referral authorities and other stakeholders

North East Water

NEW response: 8 December 2022

A review of the proposed amendment has been undertaken and it is believed that this change will strengthen the local policy provisions for referral to North East Water.

North East Water does not object to the proposed amendment to the local policy as identified in emailed correspondence dated 1 December 2022.

North East Catchment Management Authority

NECMA response: 6 December 2022

As discussed with Cazz on Friday, we would have no objection to clarification of the referral arrangements under 37.01s1 – SUZ5 and 43.04s3 – DPO3.

Inclusion of the North East CMA as a Recommending Referral Authority (Consistent with our role under FO and LSIO) in 66.04 would seem to align with the way SUZ5 and DPO3 were intended to apply.

HVP Plantations

HVP response: 23 March 2023



24 March 2023

Emma Chadwick and Cazz Redding
Alpine Shire Council
PO Box 139
Bright VIC 3741
Lodged by email: Emmac@alpineshire.vic.gov.au and cazz@redinkplanning.com.au

Our reference: DBC 0057 Alpine Planning Scheme Review – HVP Consolidated Submission (Final)

Dear Emma and Cazz,

**ALPINE PLANNING SCHEME REVIEW
HVP Plantations Consolidated Submission**

1. INTRODUCTION

DB Consulting Pty Ltd is assisting HVP Plantations (HVP) in undertaking a review of the Alpine Shire Planning Scheme (the Planning Scheme) to provide stakeholder feedback into the broader review that is currently being undertaken by the Department of Transport and Planning (DTP) and Alpine Shire Council (Council) of the Municipal Planning Strategy (MPS) and the Planning Policy Framework (PPF).

As you may be aware, HVP is one of Australia's largest private timber plantation companies. HVP Plantations has estates situated across areas of southern Victoria, extending from Gippsland in the east to the border with South Australia in the west and also has large plantations in the north east of the state. The total area of land managed by HVP equates to over 240,000 hectares which is managed across three land tenures: freehold, leasehold or a Plantation License. About 170,000 hectares of this land is pine and eucalypt plantation.

In Alpine Shire, HVP manages 27 different plantations, focussed in the northern portion of the Shire particularly around Bright, Porepunkah and Myrtleford.

The plantations make a significant contribution to the economy of Alpine Shire and the North East region of Victoria. The plantation industry employs 800 people in the region: plantation growers and forest contractors (250); and processors (550). Of these, 200 processing jobs are located in Myrtleford, HVP employs a further 30 people at Myrtleford, and a number of the previously noted forest contractors engaged by HVP are based in Myrtleford and Bright.

In addition, HVP supports the Alpine Community Plantation Inc. which was established in 2013 as an independent community based organisation via a public, private and community partnership. This was the first of its kind for Australia, and it is responsible for the recreational, educational and community use of almost 20,000 hectares of HVP's plantation land within the Alpine Shire. At the centre of ACP's activities, Mystic Park attracts around 58,000 visitors to the Alpine Shire each year, contributing to approximately \$27.1 million into the local economy.

Keeping the above in mind, and the operational and logistical issues associated with the forestry industry (which must also operate in accordance with the Code of Practice for Timber Production, which is a policy document in the Planning Scheme), HVP appreciates the opportunity to be involved

and provide feedback on the Alpine Planning Scheme as part of the Planning Scheme Review process. The Planning Scheme plays a vital role in ensuring the appropriate location of land uses to minimise land use conflicts, a role which is welcomed by HVP given its extensive and long established presence in the Shire.

Please note that this letter has been prepared as a consolidated submission from HVP, which covers the various matters raised in our previous correspondence.

2. KEY LAND USE PLANNING ISSUES FOR HVP

In the context of land use planning and HVP's plantations, key matters of particular concern are discussed briefly below.

Land Use Compatibility and Operational Constraints

Key land use compatibility issues for HVP include operational constraints that can result from new sensitive uses locating in close proximity to existing plantations. Some of these constraints include:

- limitations to existing and long established operating hours;
- limitations to operations due to off-site amenity impacts such as noise and dust;
- limitations to operations as a result of environmental constraints associated with a new dwelling (or dwellings) - for example issues with existing run-off;
- limitations to haulage routes as a result of new residential development and associated traffic movements as well as infrastructure changes that affect traffic movements;
- bushfire ignition risk from the adjoining land uses.

These key land use compatibility issues are typically as a result of residential development that is permitted to be located in proximity to existing plantations, without appropriate buffers and setbacks being implemented.

As noted in Section 1, HVP manages approximately 20,000 hectares of plantations in Alpine Shire. To give some context to these land use compatibility issues, HVP considers it useful to understand the zoning of land that directly abuts each plantation in Alpine Shire and the extent or length of that zoning interface. This information is summarised in Table 1 below.

Table 1: Overview of Zoning of land abutting HVP Plantations

Zone	Direct Abuttal (Kilometres)
COMMERCIAL 1 ZONE	0.15
FARMING ZONE	156.79
GENERAL RESIDENTIAL ZONE - SCHEDULE 1	3.06
INDUSTRIAL 1 ZONE	0.22
INDUSTRIAL 2 ZONE	0.76
LOW DENSITY RESIDENTIAL ZONE	5.62
PUBLIC CONSERVATION AND RESOURCE ZONE	320.92
PUBLIC USE ZONE - SERVICE AND UTILITY	2.73
PUBLIC USE ZONE - LOCAL GOVERNMENT	1.03
RURAL LIVING ZONE	0.13
TRANSPORT ZONE 2 - PRINCIPAL ROAD NETWORK	13.04
TRANSPORT ZONE 3 - SIGNIFICANT MUNICIPAL ROAD	2.03

The greatest extent of abuttal is with land in the Public Conservation and Resource Zone. However, there are also significant abuttals to land in the Farming Zone, the Transport zones, the Low Density Residential Zone and the General Residential Zone.

It is the land where the plantations abut the Farming Zone or the residential zones, and where inadequate buffers are provided on the abutting land, which can result in some of the most significant challenges for HVP.

This is typically either where subdivisions are approved in residential zones, and subsequently dwellings are able to be developed without the need for planning permit (Section 1 Use), or in the Farming Zone where a permit is required (Section 2 Use) and a dwelling is subsequently located with direct abuttal to a plantation (acknowledging that in the Farming Zone it is also possible to develop dwellings in some circumstances without the need for a planning permit). In these circumstances, there is often no opportunity, typically, for any comment to be provided on proposals unless permit applications are advertised directly to HVP.

In addition, there are the additional off-site operational issues that can also result where haulage routes are affected due to new residential subdivisions.

Some examples of where this type of abuttal now occurs, and where impacts have either been experienced already or are anticipated to occur in the future, include at the Ovens plantation; the Porepunkah plantation (various locations) and the Two Mile Creek plantation (refer to the Tower Hill development). Specific recent examples include White Star Road, Bakers Gully Road and Mummy's Road.

Bushfire Risks and Climate Change

It is understood that bushfire and climate change risk is not something that is being addressed as part of this current Planning Scheme review but is expected to be addressed next year in separate review processes.

HVP has significant interest in any changes to the Planning Scheme that relate to either bushfire or climate change issues and so, accordingly, respectfully requests that it has an opportunity to be part of those future reviews.

Racecourse Plantation - Site Specific Concerns

As Council would be aware, HVPs Racecourse Plantation was identified in the Bright Structure Plan under 11.01-1L02, as being land for future urban development. As has been identified on a number of occasions, this land is not available for urban development by HVP due to the land tenure. This is a continuing concern to HVP.

3. KEY SUBMISSIONS IN RESPONSE TO LAND USE PLANNING ISSUES

It is considered that there are two primary ways to assist HVP in minimising future issues with land use compatibility as part of the Planning Scheme review. These are as follows.

- Provide for notice to be given to HVP of permit applications for subdivision or for dwellings in proximity to an HVP plantation pursuant to Clause 66.06 'Notice of Permit Applications' of the Planning Scheme;
- Update policies in the MPS and the PPF to better address land use compatibility issues and provide greater support and strength for forestry operations in the context of adjoining development proposals.

Each of these matters are discussed further in the following sections.

Clause 66.06 Notice

Clause 66.06 Notice of Permit Applications under Local Provisions provides the opportunity for notice of an application of the kind specified in the schedule to the clause to be given to the person or body specified in the schedule.

It is our submission that it would be appropriate for HVP to be given notice of planning permit applications within 300 metres of its plantation boundaries of applications for subdivision as well as for use and development of accommodation, in the following zones (which reflect where there are existing abutments):

- Rural Zones: Farming Zone, Rural Living Zone and Rural Conservation Zone;
- Residential Zones: General Residential Zone; Low Density Residential Zone, Mixed Use Zone and Township Zone;
- Commercial Zones: Commercial 1 Zone.

Notice of applications will allow HVP to be better informed of proposals that may result in land use conflicts and to proactively consider impacts prior to planning decisions being made. HVP's recommendation is to align references in the Schedule consistent with terminology in the Code of Practice for Timber Production 2014 (as amended 2022)) and include notice to 'VicForests or the relevant Plantation Manager. We appreciate Council's and DTP's further consideration of this.

In relation to the 300 metres distance we have requested, mapping has been undertaken looking at existing plantations where encroaching development has the potential to impact operations. Based on that mapping exercise, it is considered that a distance of 300 metres for notice is appropriate, to provide the opportunity for review of applications to minimise future land use compatibility issues.

Policy Updates

A preliminary review of the MPS and PPF has been undertaken and it is considered that there are a number of policies which could be amended to facilitate better management of land use interfaces and strengthened support for the forestry industry, consistent with State policy in relation to these issues. In particular, we respectfully request that Council consider the following changes:

- Clause 02.03-1 Settlement. Under the sub-heading Rural Precincts, first bullet point, add in after the word agricultural the words '*and forestry*'. This ensures it is clear that the clause does also relate to forestry and noting the extensive areas of the shire that are used for forestry purposes.
- Clause 02.03-2 Environmental and Landscape values. Under the sub-heading Public and Private Land Interfaces add in a new strategic direction that states '*avoid new accommodation land uses and other sensitive land uses from locating adjacent to timber plantations*'. We consider that this is appropriate, given both the extensive area of plantations and thus the extent of direct abutments to zones where accommodation is supported (refer Table 1). It is also consistent with other existing policies including 02.03-4 which refer to managing the interface between freehold land and plantations. We have referred to accommodation and sensitive land uses to pick up on the potential (albeit low) for uses such as a child care centre to locate in proximity to existing plantations that abut townships. Including policies that limit accommodation land uses and sensitive uses in proximity to plantations is also consistent with bush fire policy.
- Clause 02.03-4 Natural Resource Management. Under the sub-heading Forestry and Timber production, add in additional strategic directions, as follows:

'Support the continued operation of existing timber plantations and, where appropriate, their expansion'.

'Support new timber plantations in appropriate locations'.

'Protect existing timber plantations from new accommodation land uses and other sensitive land uses that could impact plantation operations'.

We have suggested these additional directions because we think it is important to highlight the support for timber plantations, noting the State level support provided by Clause 14.01-3S. However, we also appreciate the need for new operations to be appropriately located hence the reference to 'appropriate locations' that is then expanded upon in later clauses.

- Clause 02.03-8 Transport. Add in an additional strategic direction that states '*ensure new subdivisions and/ or development do not adversely impact haulage routes associated with agricultural land uses, extractive industries and timber plantations*'. We consider that this is a valid consideration, which is only addressed quite broadly in State policy, for all three types of industries.
- Clause 12.05-1L Public and Private Land Interfaces. Reword the third strategy to also reference timber plantations. This could be done as follows: '*ensure development is compatible with and does not detract from the values of and management plans for adjoining public land including the national parks, or nature reserves and timber plantations*'. We consider this appropriate given the extensive areas of the Shire used for timber plantations.
- Clause 13.07-1L Land use compatibility. Add in a strategy that relates to buffers around timber plantations that states: '*ensure adequate external buffers around timber plantations are maintained to ensure that sensitive uses such as residential do not impact on their continued use*'. Additionally, consider changing the strategy that relates to water treatment plants to match the wording in the new strategy and to make it clear that any buffer is external to the plantations and water treatment plants, not within those sites. We have made these suggestions as we consider that it is appropriate to also refer to timber plantations at this clause (not just water treatment plants) but that logically the wording/approach would be similar.
- Clause 14.01-1L Protection of Agricultural Land. At the end of the first strategy add in '*and for timber production*'. And at the end of the second strategy add in '*.....including the operation of timber plantations*' to make it clear the timber plantations form part of the agricultural land uses.
- 14.01-3L Forestry and Timber Production. We consider that this clause needs to be reworded in some parts to ensure that appropriate support is provided for the new timber plantations whilst also ensuring their locations appropriately consider the range of matters outlined at the clause. We have provided suggested revised wording below which we consider is more consistent with the 'bigger picture' State policy at Clause 14.01-3S which has as its objective '*to facilitate the establishment, management and harvesting of plantations and the harvesting of timber from native forests*' and which includes as a strategy '*identify areas that may be suitably used and developed for plantation timber production*'. Our suggested wording is as follows.

'Support the establishment of new timber production and value adding industries in appropriate locations taking into account:

- *Surrounding natural and built environments.*
- *Sensitive areas including significant landscapes and sub-alpine areas.*
- *National Trust classified landscapes particularly along valleys.*
- *Heritage values.*
- *Existing and likely future agricultural uses, particularly on high quality agricultural land.*
- *Existing tourist and recreation uses and development.*
- *The local road network.*
- *Townships.*
- *Rural infrastructure.*

Encourage the further value adding and processing of timber products to strengthen the local economy and provide employment opportunities.

Minimise the loss of agricultural land of strategic importance.

Encourage the establishment of small-scale plantations(less than 40 hectares), trees on farms and agri-forestry on previously cleared agricultural land within areas that can provide the necessary road infrastructure.

Minimise the impacts on water quality during planting and harvesting of timber including by:

- *Minimising the impacts of stormwater runoff and erosion.*
- *Ensuring sediment is controlled.*
- *Limiting changes to catchment water yield during planting and harvesting.*

Where possible, manage the proposed tonnage of timber to be harvested to minimise impacts on road, drainage and bridge infrastructure.

Discourage new timber production in National Trust classified landscapes, the Significant Landscape Overlay, adjacent to large and small townships, settlements and adjacent to tourist routes, except where it can be established that adverse impacts from the new timber production are able to be minimised.

- Clause 18.02-5L Freight. Add in an additional strategy that states: *'support the movement of freight associated with agricultural land uses, extractive industries and timber plantations by managing encroachment from incompatible land use and development that would limit the use of haulage routes'*. We have suggested this for both agriculture and extractive industries, as we consider it supports Clause 18.02-5S which seeks to facilitate an efficient, coordinated, safe and sustainable freight and logistics system that enhances Victoria's economic prosperity and liveability.

Racecourse Plantation – Site Specific Concerns

Noting the concerns outlined in Section 1 HVP is of the strong view and recommends that Racecourse Plantation land should be removed from the Structure Plan map that forms part of Clause 11.01-1L-02.

4. CONCLUSION

HVP appreciates the opportunity to be involved in the early stages of consultation for the Planning Scheme review and thanks Council for the collaborative manner in which the consultation has occurred.

We look forward to liaising with you further as the review progresses and can be contacted on either 0448 565 896 or via email dbutcher@dbconsulting.au.

Yours sincerely,



Debra Butcher
Director

Country Fire Authority

CFA response: 2 May 2023



cfa.vic.gov.au

Our patron, Her Excellency the Honourable Linda Dessau AC, Governor of Victoria

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2 May 2023

Emma Chadwick
Alpine Shire Council
emmac@alpine.vic.gov.au

Dear Emma

LETTER OF ADVICE

Planning Scheme: Alpine Shire
Proposal: Alpine Planning Scheme Review 2023

Thank you for providing CFA with the opportunity to provide feedback on the implementation of the Alpine Planning Scheme Review 2023 (the Review).

CFA understands Redink Planning has been engaged to assist Council in the Review and that extensive work has been undertaken in preparing a report and proposed updates to the planning scheme.

As you will be aware, Alpine Shire (the Shire) is located in an area where the risk from bushfire is very high and extreme bushfire conditions are likely in the wider landscape. The municipality has some of the highest risk areas in Victoria. The Review provides an opportunity to ensure relevant planning policy is updated to reflect this risk profile and importantly direct growth and development away from inappropriate locations. The Review can be used to build a safer and more bushfire resilient community for the Shire into the future.

CFA has recently provided comments on other important strategic documents for the Shire and raised concerns regarding the way that bushfire has been assessed, considered and addressed. CFA is raising similar issues for this project.

Council has consistently recognised bushfire as an issue that requires consideration across key strategic projects. However, CFA is concerned that the appropriate level of weight is not being given to the broader bushfire issue or importantly, life safety. CFA is seeing worrying trends between the various projects that generally oversimplify bushfire assessments, seek to consistently postpone the consideration of bushfire policy to later in the planning process, direct development and growth to areas at high risk and rely on/incorporate few bushfire protection measures.

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CFA recognises the difficulties associated with planning for bushfire in communities with such high levels of risk. Identifying growth and development potential as well as general decision making is harder in these locations and may have limitations not found in lower risk environments. Policy reviews come with additional challenges, particularly when dealing with competing policy objectives and priorities. However, they also include opportunities to create the building blocks of a safer and more resilient future.

Bushfire has the potential to significantly impact on the Review. At this stage, limited information is available to fully consider what the relevant issues are and how they can be best negotiated. However, it is still clear that a number of inconsistencies in the proposed updates with bushfire policy exist, such as considering development in high risk locations such as Porepunkah, Bright and Myrtleford.

Before Council seeks authorisation, CFA strongly recommends that a more comprehensive bushfire assessment be undertaken. It should better consider the bushfire hazard and risk, the policy response contained in the proposed update, any links between proposed policy changes and bushfire and how the Review relates to Council's other key strategic planning projects where bushfire is a relevant issue. The submitted documentation is yet to identify, analyse or address the full suite of policy links to bushfire across the amendment.

Other information that the assessment may want to consider, includes:

- The location of bushfire hazards, the level of risk in the surrounding landscape and likely fire behaviour;
- How will proposed policy updates affect or be affected by bushfire (physical hazards or relevant policy requirements)?
- What is the justification of any policy change and are there any links to bushfire i.e. does a policy enable growth or development and is the location acceptable from a bushfire perspective?
- Will any of the proposed policy updates encourage vulnerable groups of people / uses i.e. group accommodation, tourist facilities, aged care, large events etc. How will bushfire be addressed?
- How will the proposed changes address policy at Clause 13.02-1s, including alternative location policy? Council may need to address why it is setting development expectations in higher risk bushfire settings when lower risk areas exist, even in circumstances where the area is located outside the Shire boundary.
- Are there any unique bushfire attributes to the Shire that need to be captured in local bushfire policy and should the local bushfire policy be rewritten to better reflect local conditions and minimise duplication with state bushfire policy at Clause 13.02-1s?

We appreciate Council providing us with documentation to review before authorisation is sought. We also understand that Council is likely under pressure to move forward with the Review. However, it should be noted that substantial changes to the Amendment may be required to address the above bushfire issues. Should Council proceed with their authorisation request, CFA asks that references to engagement with us in documentation note that concerns were raised with the amendment that have not been resolved at this time.

We welcome the opportunity to continue discussions regarding this project now and into the future. If you wish to discuss this matter in more detail, please do not hesitate to contact either Darren Viney, Manager Community Safety on 0417 160 556 or Anne Coxon on 9262 8672.

Yours sincerely



Anne Coxon
Land Use Planning Team Manager
CFA Fire Risk, Research and Community Preparedness