

M(2) – 28 FEBRUARY 2023

# Ordinary Council Meeting

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Minutes

The next **Ordinary Meeting** of the **Alpine Shire Council** was held in the Council Chambers, Great Alpine Road, Bright on **28 February 2023** and commenced at **5:00pm**.

## **PRESENT**

### **COUNCILLORS**

Cr John Forsyth - Mayor

Cr Tony Keeble - Deputy Mayor

Cr Ron Janas

Cr Simon Kelley

Cr Kelli Prime

Cr Sarah Nicholas

Cr Katarina Hughes

### **OFFICERS**

Will Jeremy - Chief Executive Officer

Alan Rees - Director Assets

Helen Havercroft - Director Corporate Performance

### **APOLOGIES**

Nil

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## 1. Recording and livestreaming of Council meetings

*The CEO read the following statement:*

All council meetings are filmed with both video and audio being recorded.

Video is focused on a specific area however audio from the entire room is captured.

In common with all narrative during Council meetings, verbal responses to congratulations, obituaries and question time will not be recorded in the written minutes. By submitting a question, you consent to your question being read aloud at the meeting.

The reasoning behind recording council meetings is to hold us more accountable and improve transparency of Council's decision-making to our community.

The full meeting is being streamed live on Council's YouTube channel which is "Alpine Shire Council" and will also be available on the YouTube channel shortly after this meeting.

## 2. Acknowledgement of traditional custodians, and recognition of all people

*All to stand, the Mayor the following statement:*

Alpine Shire Council acknowledges the Taungurung peoples as the Traditional Owners of the lands on which we are meeting today. Council also acknowledges all of the Traditional Owners of the wider lands of the area known as the Alpine Shire.

We also acknowledge those people who have contributed to the rich fabric of our community and strive to make wise decisions that will improve the quality of life for all.

## 3. Confirmation of minutes

### 3.1 ORDINARY COUNCIL MEETING – M(1) – 31 JANUARY 2023

***Cr Keeble***

***Cr Nicholas***

***That the minutes of Ordinary Council Meeting M(1) held on 31 January 2023 as circulated be confirmed.***

***Carried***

## 4. Apologies

Nil

## 5. Obituaries / congratulations

Refer to Alpine Shire Council's website [www.alpineshire.vic.gov.au](http://www.alpineshire.vic.gov.au); for its YouTube live-streaming recording for responses to obituaries / congratulations.

## **6. Declarations by Councillors of conflict of interest**

Cr Tony Keeble declared a conflict of interest with respect to item number 8.2.4 Planning Application P.2022.25 - 7 Nelse Street Mount Beauty.

Cr Sarah Nicholas declared a conflict of interest with respect to item number 8.2.5 Planning Application P.2021.246 - 148 Centenary Avenue, Wandiligong.

## **7. Public questions**

Questions on Notice will be limited to two questions per person.

Written Questions on Notice will be tabled ahead of questions from the floor.

Refer to Alpine Shire Council's website [www.alpineshire.vic.gov.au](http://www.alpineshire.vic.gov.au); for its YouTube live-streaming recording for responses to questions.

## 8. Presentation of reports by officers

### 8.1 DIRECTOR ASSETS – ALAN REES

#### 8.1.1 Collaborative Waste Tender

##### INTRODUCTION

This report relates to Council's participation in the 'Resource Recovery Collective - Hume', a regional collaborative tender for the collection, transportation, processing and disposal of kerbside and transfer station recycling, Food Organics and Garden Organics (FOGO) and residual waste across the municipality.

*Cr Nicholas*

*Cr Keeble*

*That Council:*

**1. Awards Contract CQ23006 to Cleanaway Pty Ltd for a 7.5 year term, plus one option to extend for a further 7.5 years, for the following services:**

*i. Kerbside collection and transport for recycling (including glass as an optional separate service), FOGO and residual waste.*

*ii. Kerbside commingled recyclables processing*

*iii. Kerbside FOGO processing.*

*iv. Transfer station commingled recyclables bulk haulage and processing.*

*The estimated cost for the first full year of these services is \$1,919,646 Ex GST.*

**2. Awards Contract CQ23007 to Veolia Environmental Services (Australia) Pty Ltd for a 7.5 year term, plus one option to extend for a further 7.5 years, for bulk haulage and disposal of kerbside residual waste and bulk bin residual waste at transfer stations. The estimated cost for the first year of this service is \$795,987 Ex GST.**

**3. Awards Contract CQ23008 to Cleanaway Pty Ltd for the supply and delivery to residences of approximately 6,574 green lidded 240L SULO mobile garbage bins (MGB's) and delivery of kitchen caddies. The estimated one off cost is \$416,792 Ex GST.**

**4. Delegates authority to Council's Chief Executive Officer to enter negotiations and execute a contract with the preferred tenderers.**

*Carried*

##### BACKGROUND

To enhance buying power and achieve best value for money for ratepayers, Council joined the Resource Recovery Collective Hume (RRCH) for the Collaborative Waste and Recycling Services Tender with eleven other councils and Alpine Resort Management Boards (now known as Alpine Resorts Victoria established on 1 October 2022) across the Hume region. The services tendered by Alpine Shire Council included:

- Kerbside collection and transport for recycling, FOGO and residual waste.
- Commingled recycling, glass and FOGO processing.
- Residual waste disposal.
- Residual waste and commingled recycling bulk bin haulage services from transfer stations.
- Supply and delivery of MGB's, delivery of caddies.
- Collection and disposal of public place waste.

A comprehensive project governance structure was put in place to guide, assess and oversee the RRCH which included a Collaborative Procurement Working Group (CPWG) with voting delegates from all participants and a Tender Evaluation Panel consisting of a minimum of two panel members from each participant. The Tender Evaluation Panel has been supported by a Chair, Secretary, observers, and advisors including technical, legal and probity.

The following objectives were set and agreed to by all participants for the project and the tender evaluation criteria and weighting were based on this:

- Encourage regional investment in people, sustainable infrastructure and innovative services.
- Achieve an increase in resource recovery while advancing a circular economy.
- Maintain a strategic focus in procurement and service delivery.
- Embrace innovative waste services models.
- Achieve best outcomes for people and the environment.

The Request for Tender was released on 6 June 2022 via eProcure and closed on 19 September 2022. This was well promoted across local, regional and state media and briefing opportunities were provided for prospective tenderers.

## **EVALUATION**

The extensive tender evaluation process was conducted in accordance with the Tender Evaluation Plan against the evaluation criteria set prior to the release of the tender. Panel members assessed tenders independently and then met on numerous occasions over several months to complete consensus scoring, seek clarifications from tenderers, conduct reference checks and agree on the shortlisting of preferred tenderers.

The evaluation weightings had been agreed prior to tender release and published to the market in the tender invitation and recorded in the Evaluation Plan.

## **ISSUES**

### ***Tender Evaluation Panel Outcome - Waste Services***

The separation of the tender into individual services allows for different contractors to be awarded different services. The determination of the recommended tenderer for each service was based on the qualitative and cost score for services as a whole, and for individual services offered separately.

The final outcome of the Hume Region Collaborative Waste Tender Evaluation highlighted Cleanaway as the highest scoring tenderer (combining price and qualitative score) and the most affordable for all services except for residual waste disposal, for which Veolia was the highest scoring tenderer.

The recommendations for award in this Council report are aligned with the outcomes of the Tender Evaluation Panel except for the award of bulk haulage of residual waste from kerbside and transfer stations. During the tender review and post evaluation, Council Officers determined a significant saving and additional safety and compliance benefits from removing small residual waste skips bins from the Mount Beauty Transfer Station and replacing them with bulk haulage skip bins. This translates into an annual saving of around \$50,000 and the opportunity to improve traffic management safety and improve compliance with combustible materials legislation.

The recommendations for award of each service type and associated costs and contract timeframes are detailed below, as such staggered start times will be required for different services within each contract. The contract start date for the kerbside collection of glass is listed as "to be confirmed" as Council has not yet committed to providing a separate kerbside glass collection service; Council is advocating for the option to instead provide drop off points for glass which is the more cost effective option at present. However, the costings shown in figure 3 include kerbside collection of glass should Recycling Victoria mandate provision of this service to ensure Council receives the rate offered by Cleanaway as part of the collaborative procurement process.

Service	Contract Start date	Preferred Tenderer
Kerbside collection and Transport - commingled recyclables and residual waste	1 July 2024	Cleanaway
Kerbside collection and Transport - FOGO	1 July 2023	
Kerbside comingled recyclables processing	1 July 2024	Cleanaway
Kerbside FOGO processing	1 July 2023	Cleanaway
Kerbside glass processing	TBD	Cleanaway
Bulk haulage and processing of commingled recyclables from transfer stations	2 May 2023	Cleanaway
Bulk haulage and disposal of residual waste from transfer stations	2 May 2023	Veolia
Bulk haulage and disposal of kerbside residual waste	29 April 2024	



Service	Contract Start date	Preferred Tenderer
Supply and delivery of SULO MGB's, delivery of kitchen caddies (FOGO mass rollout)	Delivery to residents required before 1 July 2023	Cleanaway

**Contract start dates, preferred tenderer and estimated annual costs**

All the prices are estimates and made with a number of assumptions including:

- Anticipated tonnages of waste and recycling, including a conservative residual waste tonnage reduction resulting from the introduction of FOGO.
- Anticipated numbers of bulk haulage lifts required from the transfer stations per year from an assumed density of contents.

***Tender Evaluation Panel Outcome - Infrastructure***

The new FOGO kerbside collection service will require a mass rollout of Mobile Garbage Bins (MGB), kitchen caddies and liner bags to 6,574 residences, businesses and other user groups that opt into the service. Supply and delivery of the MGBs and delivery of kitchen caddies were part of the tender request under kerbside collection submissions. Cleanaway was the only kerbside tenderer who indicated the capacity to complete a mass roll out. The costs associated with this bin infrastructure rollout is \$416,792.

For the procurement of kitchen caddies, SULO has been appointed as a supplier by LGP under a Preferred Supplier Deed through contract NPNN111-3. These will be ordered separately to this contract. The supply and delivery of compostable caddy liner bags will be negotiated with SULO and Cleanaway during contract negotiations to determine the viability of Council offering delivery of an annual supply of caddy liners to residents.

**RISKS**

There is a risk that the new contract for recycling bulk haulage with Cleanaway cannot be finalised before the 1 May 2023 end date of the existing contract with Veolia. This will require bin changeover. This could be managed by extending the contract with Veolia for 1-2 months if required.

An additional risk is that Cleanaway will charge more for an accelerated bin and kitchen caddy rollout for FOGO Introduction by 1 July 2023, as the contracted notice period for a mass rollout is six (6) months.

**POLICY IMPLICATIONS**

The design of the regional collaborative tender has considered that there has been significant policy, regulatory and industry change within the waste and resource recovery sector. The project has been informed through careful consideration of these changes to ensure progression towards administering kerbside reform and meeting the targets of the Victorian Government’s circular economy policy. It is critical that this can be achieved in a cost effective and compliant way and that the resilience of the sector is enhanced.

Key regulatory and current state changes that have been considered include:

- China National Sword
- Government Intervention
- *Environment Protection Act 2017* (Vic)
- *Circular Economy Act 2021* (Vic)
- *Local Government Act 2020* (Vic)

The recommendations are in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 3.3 Responsible management of waste

## **FINANCIAL AND RESOURCE IMPLICATIONS**

Two former Waste and Resource Recovery Groups and now Recycling Victoria have provided significant resourcing and financial support towards the management of the collaborative waste tender. This has included funding the costs of specialist probity, legal, technical and procurement resources. At this stage, a financial contribution from participants has not been sought.

Alpine Shire Council's Financial Plan includes projections and assumptions regarding the cost of waste and recycling services. This tender will allow Council to project the cost of these services more accurately over the long term. The ability to leverage significant tonnages from across the region will ensure value for money can be achieved.

### ***Waste Services***

Services under these two contracts for recycling, FOGO and residual waste services are estimated to cost \$2,715,633 p.a (excl GST) for the first full year of the contract, comprising of \$1,919,646 award to Cleanaway and \$795,987 award to Veolia. The total cost of Council's current waste service contracts is approximately \$1,889,393 per annum.

The overall costs have increased as a new FOGO kerbside collection service will be added (for a total cost of \$722,455 per annum) and there is potential for a new glass kerbside service to be added if required at an additional cost of \$239,896. However, Council aims to negotiate this service as an optional extra whilst awaiting the Recycling Victoria mandate provision of this service.

Overall based on current market rates, Council is in a better position than it would have been without participation in the collaborative procurement process.

Whilst adding two new kerbside collection services (FOGO and glass) adds an additional \$962,350 and the tonnage rates for the haulage and disposal of transfer station waste have increased, there have been savings to reduce these increases. These savings are as a result of the introduction of FOGO which reduces the amount of waste going to landfill, and processing food waste at an organics facility is significantly cheaper than the cost of landfill disposal.

The 7.5 year contract plus 7.5 will vary annually in cost due to actual waste volume and any increases in the EPA's landfill levy.

### ***Infrastructure***

The one off purchase for supply and delivery of FOGO MGB's and delivery of kitchen caddies is required for the implementation of Council's Kerbside FOGO service at a total cost of \$416,792. Additional costs will be incurred for the supply of kitchen caddies and supply and delivery of compostable bin liners as this did not form part of the tender.

### **CONSULTATION**

An early market announcement occurred in March 2022, well prior to the release of the Request for Tender, and there was significant promotion of the opportunity during the tender open period.

Australian Competition and Consumer Commission (ACCC) approval was sought early in the process. This process required consultation with industry and approval was provided late in September 2022 to allow the Participants to collaboratively procure waste and resource recovery services until October 2042.

Alpine Shire Council has committed to introducing a kerbside FOGO service from 1 July 2023. A separate glass service will be introduced via either kerbside collection or drop off points prior to 2030. This tender supports the implementation of these new services.

### **CONCLUSION**

Based on the evaluation criteria, Cleanaway offers the best value for the kerbside collection services, bulk haulage of recycling from transfer stations, and recyclables and FOGO processing. Veolia offers the best value for bulk haulage of residual waste from transfer stations and residual waste disposal. It is recommended that Council enters into contracts with Cleanaway and Veolia for their respective services for a period of 7.5 years with the option to extend for 7.5 years, noting that staggered start dates for each service will be negotiated to ensure a consistent end date across the services.

### **DECLARATION OF CONFLICT OF INTEREST**

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Assets
- Manager Engineering and Assets
- Sustainability Coordinator

Further, all participants in the Collaborative Procurement Working Group and the Tender Evaluation Panel have signed confidentiality agreements and Conflict of Interest declarations which are reviewed by the project's probity advisors and management plans are in place where required.

### **ATTACHMENT(S)**

- 8.1.1 Resource Recovery Collective – Hume - Tender Evaluation Panel Report – Summary (open meeting)

## 8.2 DIRECTOR CUSTOMER AND COMMUNITY – HELEN HAVERCROFT

### 8.2.1 Audit and Risk Committee Meeting Minutes

File Number: 0900.06

#### **INTRODUCTION**

The purpose of the report is to present the minutes of the Audit and Risk Committee meeting No.2022/23-3 held on 25 November 2022.

The key items presented to and considered by the Audit and Risk Committee (Committee) at this meeting related to:

- climate change risks and Council's climate action plan
- cyber risks and data protection

Council's regular quarterly reports were also presented to the Committee.

***Cr Kelley***

***Cr Prime***

***That Council receives and notes the confirmed minutes of the Audit and Risk Committee meeting No.2022/23-03 held on Friday 25 November 2022.***

***Carried***

#### **REPORT**

##### ***Climate change risks and Council's climate action plan***

The Committee received a report on Council's climate emergency declaration and action plan including Council's commitment to mitigating greenhouse gas (GHG) emissions from its operations. Mitigation measures include:

- signing onto the Victorian Energy Collaboration Renewable Power Purchase Agreement (VECO PPA) which ensures all of Council's electricity usage contributes zero GHG emissions
- asset improvements to reduce electricity use including streetlight upgrade to LED and Solar PV on Council buildings
- phase in of Electric Vehicles (EV's) to replace Council's car fleet over the next 10 years.

Further work will be undertaken in the climate adaptation and risk resilience space and a roadmap will be developed for a community climate action plan.

##### ***Cyber risks and data protection***

The Committee received three reports covering the topics of cyber risks and data protection.

- An API data incident saw contaminated data being pushed to Council's software systems managing rating data which was successfully remediated with no data compromised and no privacy data breach.
- Council is assessing its cyber risks and has researched cyber insurance as a mitigation measure. Council will continue to pursue cyber security and data protection improvements.
- An audit of Council's compliance with the Information Protection Agreement it has with the Department of Transport (VicRoads) for access to vehicle registration data by Council's Local Laws Team found that Council is compliant with the Agreement, and it has agreed to further security improvements that will be implemented in relation to removable devices.

### **POLICY IMPLICATIONS**

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 5.2 A responsible, transparent and responsive organisation

### **CONCLUSION**

The Audit and Risk Committee, being satisfied with the detail provided in its agenda and the officer reports, submits the confirmed minutes of its meeting No.2022/23-3 held on 25 November 2022 to Council for noting.

### **DECLARATION OF CONFLICT OF INTEREST**

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Corporate Performance
- Manager Corporate
- Health, Safety and Risk Officer

### **ATTACHMENT(S)**

- 8.2.1. Minutes (unconfirmed) of Audit and Risk Committee Meeting No.2022/23-03, 25 November 2022

## 8.2.2 Quarterly Performance Report – Council Plan

File Number: SU600.03

### INTRODUCTION

This report provides an update on our performance to 31 December 2022.

*Cr Nicholas*

*Cr Hughes*

***That the Quarterly Performance Report ending 31 December 2022 be received and noted.***

***Carried***

### BACKGROUND

The Council Plan was adopted in October 2021, with the plan having effect from 1 July 2021. The Council Plan lists strategic drivers, strategic objectives, strategies, strategic indicators, major initiatives, guiding legislation, and plans, that collectively provide direction to Council's endeavours during its term.

While there is no legislative requirement to report on progress against the Council Plan, a commitment to report quarterly to the community was included as part of the document. The Governance and Management Checklist that forms part of the Local Government Performance Reporting Framework (LGPRF) also suggests that it is best practice to report on Council Plan progress at least on a six-monthly basis.

Where quarterly or half-yearly reporting of indicators does not generate meaningful results, these are reported at end of financial year as part of the annual report.

### HIGHLIGHTS

The Council Plan 2021-2025 is split into five strategic directives, that mirror the Community Vision 2040. Within each of these directives, there are strategic objectives, strategies, and annual actions that provide the means to report on Council's progress against the Council Plan. Council Plan indicators are also included in the report.

High level highlights are summarised on the following pages – refer the attachment for detailed information.

#### ***Strategic Driver 1: For those who live and visit***

- Engagement with local community groups continued, with regular community pop-ups at key locations to inform the Land Development Strategy and community budget submissions.
- Council's Reflect Reconciliation Action Plan was endorsed by Reconciliation Australia and scheduled for noting at the January 2023 Council meeting.

### ***Strategic Driver 2: For a thriving economy***

- Facilitation of events delivery continued, with additional funds allocated to support events in Dederang, Myrtleford, and Mount Beauty in line with Council's Events Strategy.
- Events Strategy deliverables included a suite of sustainable tourism videos titled "Local Knowledge", a Christmas social media campaign, new "Walks and Trails" and "Cycle" guides, and new Murray to Mountains maps.

### ***Strategic Driver 3: For the bold protection of our future***

- The design for five new solar installations on Council buildings was completed, with installation planned for 2023.
- Council has engaged a consultant to commence the Community Climate Action roadmap, which will prioritise the focus areas for the action plan.

### ***Strategic Driver 4: For the enjoyment and opportunities of our lifestyle***

- An intensive community engagement program for the Land Development Strategy commenced, which included four community reference groups, one technical reference group, multiple landowner meetings, and a community survey which received 232 responses.
- An engagement process for input into the development of a Sports and Recreation Masterplan has commenced, focussing on key sporting and recreation precincts around Bright, Mount Beauty, and Myrtleford.
- Design work and engagement continued with community groups on the future use and design of the Myrtleford Memorial Hall.

### ***Strategic Driver 5: For strong and informed leadership***

- Following the launch of Council's MyAlpine online portal, customers are successfully logging requests with Council. By 31 December 2022, 221 tickets had been raised via the portal.
- A review of Council's organisational structure has been completed. A new organisational structure will be implemented on 9 January 2023. The focus of the restructure is to deliver improvements in the following areas:
  - a. provision of a consistent customer experience,
  - b. longer term strategic planning for the future of the Shire, and
  - c. improved organisational alignment to support 1 and 2 above through improved systems and processes.

## **POLICY IMPLICATIONS**

The development of a Council Plan is a requirement of the *Local Government Act 2020*, and is a guiding document for Council until 30 June 2025.

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 5.2 A responsible, transparent and responsive organisation

### **FINANCIAL AND RESOURCE IMPLICATIONS**

The Council Plan is a key document informing the financial and human resources required to achieve Council's objectives. Resources to support the Council Plan are detailed in the long-term Financial Plan, and annual Budget.

### **RISK MANAGEMENT**

Risk	Likelihood	Impact	Mitigation Action / Control
Failure to deliver annual Council Plan commitments	Possible	Moderate	<ul style="list-style-type: none"> <li>• Quarterly reporting ensures that the annual Council Plan commitments are regularly raised as priorities during the year, ensuring that their delivery is prioritised.</li> </ul>

### **CONSULTATION**

The Council Plan was established through deliberative engagement with the community and then subject to public exhibition prior to being adopted by Council. Annual actions are detailed in Council's Budget, which is also subject to public exhibition prior to adoption.

Many of the individual initiatives and activities included in the Council Plan are subject to their own community participation and consultation processes.

### **CONCLUSION**

This quarterly report shows that progress is being made on the delivery of key Council Plan actions.



## **DECLARATION OF CONFLICT OF INTEREST**

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report:

- Directors
- Managers
- Governance Officer

## **ATTACHMENT(S)**

8.2.2. Q2 Performance Report – ending 31 December 2022

## 8.2.3 Budget Report - Quarterly Review

### INTRODUCTION

The purpose of this report is to note the Budget Report - Quarterly Review for the period ending 31 December 2022.

***Cr Kelley***

***Cr Keeble***

***That Council receives and notes the Budget Report - Quarterly Review for the period ending 31 December 2022.***

***Carried***

### BACKGROUND

The purpose of the Budget Report - Quarterly Review (the "Report") is to provide Council with an overview of the quarter's results and an update on the forecast financial position against the full year budget. Explanations are provided for variances to budget greater than \$100,000.

### ISSUES

Council is forecasting a full year surplus of \$7.3m, which is \$1.8m higher than the budgeted surplus of \$5.5m.

A key driver of the increase in the budgeted surplus is the forecast additional grant income (\$3.1m). Employee costs are also forecast to be under budget (\$0.2m). In addition, a above budget forecast of Rate & Charges income (\$0.1m) relates to an increase of Income in Lieu of Rates and supplementary valuations that have offset the previously reported error in the budget for waste management service charges.

These positive variances are offset by the expensing (\$1.1m in Materials & Services expenditure) of the fully funded Bogong High Plains Road Blackspot project, which will occur when the road is handed over to DELWP later in the financial year.

Forecast increased grant income (\$3.1m) relates mainly to:

- Great Valley Trail (\$1.1m)
- unbudgeted Bushfire Recovery income (\$1.0m)
- Council flood support funding (\$0.5m)
- An unbudgeted grant for YACVic Future Proof program (\$0.3m)
- Funding for the Rural Councils Transformation Project (\$0.3m)
- extra funding for Supported Playgroups service delivery (\$0.1m)
- unbudgeted income for the Porepunkah Caravan Park (\$0.2m)
- unbudgeted income for the Tawonga Holiday Park (\$0.1m)

Capacity constraints have led to project officer resources being allocated away from the following projects to higher priority projects – leading to a reduction in expenditure (\$440k).

- Mount Beauty Landfill Rehabilitation
- Tawonga Fisherman's Walk Public Toilet
- Mount Beauty Airport Bowser Design
- Mount Beauty Depot Concept Design
- Bright Carparking Stage 3

Additionally, the Myrtleford Landfill Rehabilitation has also seen a forecast reduction in expenditure (\$920k) as the EPA approval process is expected to take up to four (4) months, after which a contractor for the works will be appointed.

These expense reductions have been offset by forecast expenditure increases against the following projects:

- Mount Beauty Airport Upgrade (\$630k)
- Tawonga Caravan Park Upgrade (\$100k)
- Alpine View Children's Centre Expansion (\$150k)
- Energy Efficient Street Lighting (\$427k)
- Bakers Gully Road Drainage Renewal (\$130k).
- Outdoor Dining Program (\$122k)

Commensurately due to the above, the workforce capitalisation expenditure is forecasted to drop (\$200k).

### ***Revised budget***

The *Local Government Act 2020* (LGA 2020) requires that an assessment be made as to whether a revised budget is required after the quarterly finance report is completed.

A revised budget is required under the LGA 2020 before any of the following can occur:

- a variation to the declared rates or charges.
- undertake any borrowings that have not been approved in the budget.
- a change to the budget that the Council considers should be the subject of community engagement.

As none of these three items is forecast to occur, Council is not required to complete a revised budget for 2022/23.

### **POLICY IMPLICATIONS**

The Report has been prepared in line with the requirements of the *Local Government Act 2020* (LGA 2020).

*Section 97(1) of the LGA 2020* (Quarterly budget report) commenced on 24 October 2020 and states that, "As soon as practicable after the end of each quarter of the financial year, the CEO must ensure that a quarterly budget report is presented to the Council at a Council meeting which is open to the public".

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 5.2 A responsible, transparent and responsive organisation

## **FINANCIAL AND RESOURCE IMPLICATIONS**

Financial performance to date indicates a full year surplus of \$7.3m, which is \$1.8m higher than the budgeted surplus of \$5.5m.

## **CONSULTATION**

The Report has been prepared through a rigorous process which includes each department reviewing their budget and providing explanations for variances at the master account level.

The Report has been presented to the Finance Committee and the Audit Committee for noting.

## **CONCLUSION**

The Finance Report - Quarterly Review for the period ending 31 December 2022 is presented for noting.

## **DECLARATION OF CONFLICT OF INTEREST**

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Customer and Community
- Manager Corporate
- Accountant

## **ATTACHMENT(S)**

8.2.3 Budget Report - Quarterly Review for the period ending 31 December 2022.

Cr Tony Keeble declared a conflict of interest with respect to item 8.2.4 Planning Application P. 2022.25 - 7 Nelse Street Mount Beauty and left Council Chambers at 5.47pm

## 8.2.4 Planning Application P.2022.25 - 7 Nelse Street Mount Beauty

<b>Application number:</b>	<b>P.2022.25</b>
<b>Proposal:</b>	<b>Use and development of a Restricted Recreation Facility (Gym)</b>
<b>Applicant's name:</b>	<b>Helen Mathew</b>
<b>Owner's name:</b>	<b>Carlile Bendigo Marketing Pty Ltd</b>
<b>Address:</b>	<b>7 Nelse Street, Mount Beauty (Lot 2 PS 416934A)</b>
<b>Land size:</b>	<b>Approx. 1,500sqm</b>
<b>Current use and development:</b>	<b>Vacant</b>
<b>Site features:</b>	<b>There are no notable site features.</b>
<b>Why is a permit required?</b>	<b>Clause 33.01-1 – Section 2 Use                  Clause 33.01-4 – Buildings and works                  Clause 44.06-2 – Building and works</b>
<b>Zoning:</b>	<b>Clause 33.01 – Industrial 1 Zone</b>
<b>Overlays:</b>	<b>Clause 44.06 - Bushfire Management Overlay</b>
<b>Restrictive covenants on the title?</b>	<b>Nil</b>
<b>Date received:</b>	<b>4 March 2022 (amended plans)</b>
<b>Statutory days:</b>	<b>361</b>
<b>Planner:</b>	<b>Planning Consultant</b>

**Cr Prime**  
**Cr Hughes**

**That a Notice of Decision to grant a planning permit be issued for the use and development of a Restricted Recreation Facility (Gym) in accordance with the conditions outlined in Appendix 8.2.4.a.**

**Carried**

## **PROPOSAL**

The proposal involves the use and development of the land for a restricted recreation facility, more commonly known as a gym. The gym will provide small group fitness related classes twice a day. The maximum number of staff on site at any given time will be two and the maximum number of patrons on site at any given time will be 25. The proposed hours of operation are as follows:

Monday to Friday: 6am – 12pm and 4pm – 8pm.  
Saturday: 8am – 12pm  
Sunday: Closed

The proposed building has a floor area of 621sqm and will contain an open floor space with an office, store rooms and amenities. The building has a wall height of 4.5m and a maximum height of 6.8m at the roof pitch. The external walls will be clad in colorbond “paperbark” metal sheet and the roof will be clad in the colorbond “shale grey” metal sheet. There will be feature timber screens to break up the external walls on the north and east elevations. Doorways (roller door and PA door) will be limited to the northern side only and windows of varying sizes will be located on the east, north and south elevations.

Eight car parking spaces are proposed to the north of the building, accessed from an existing crossover to Nelse Street. Five bicycle spaces are proposed as well as new landscaping throughout the site, a screened bin storage area and rainwater tanks.

A site plan, floor plan and elevations are contained within Figure 1 to 3 below.

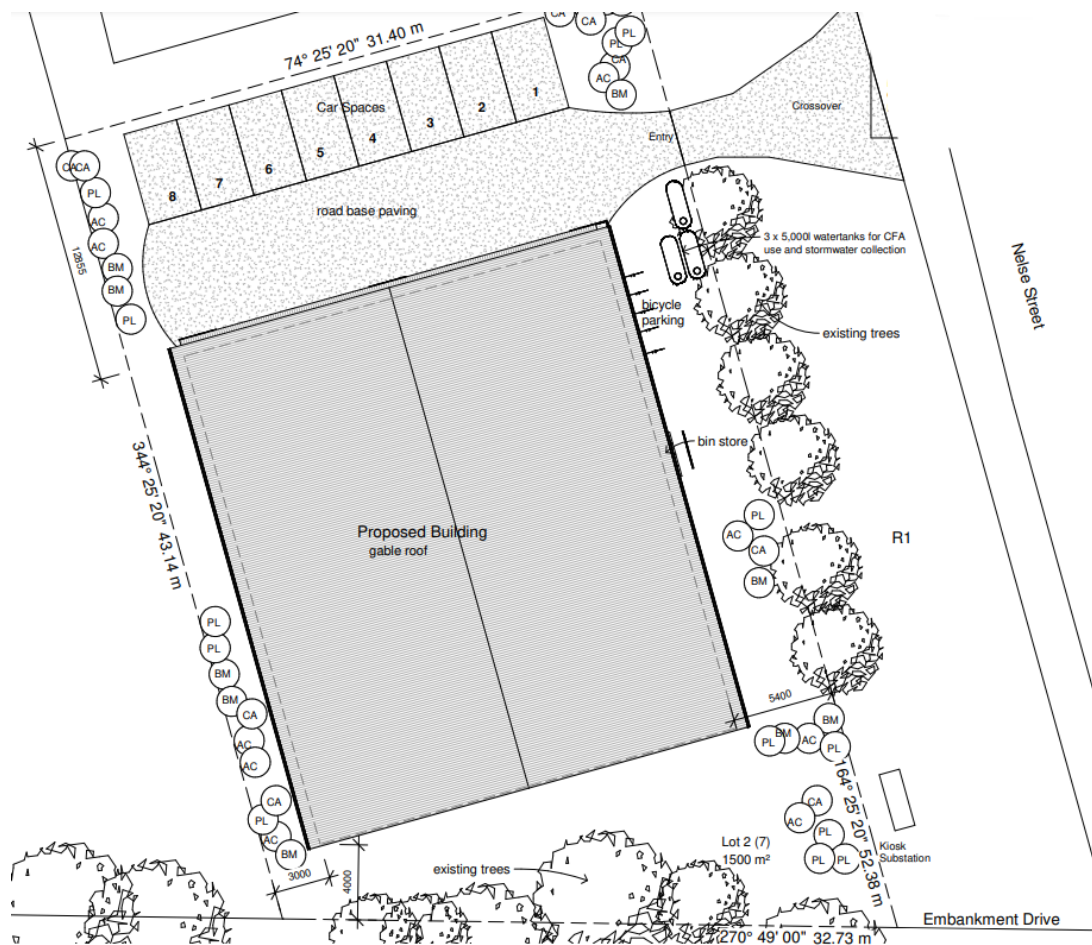
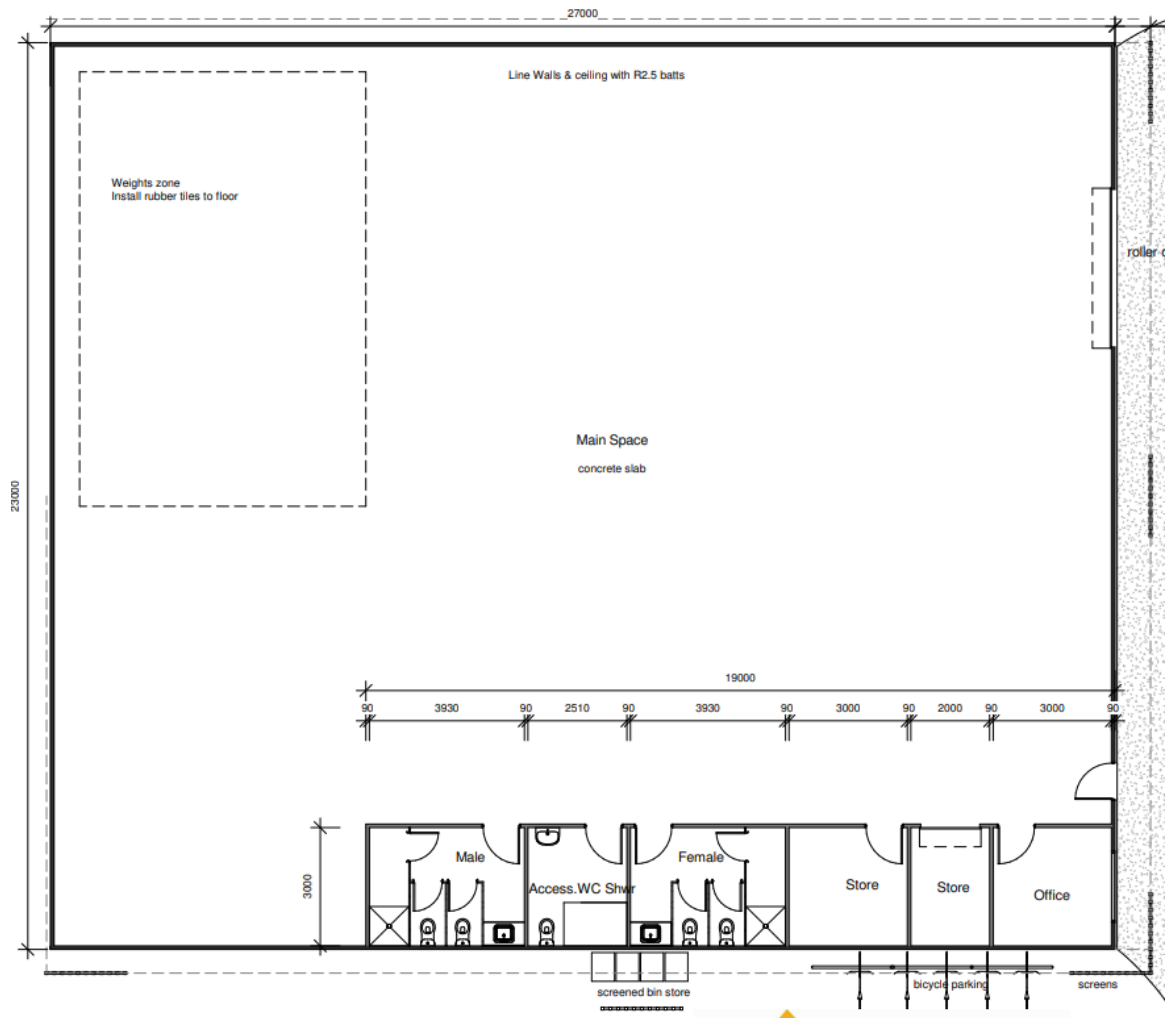
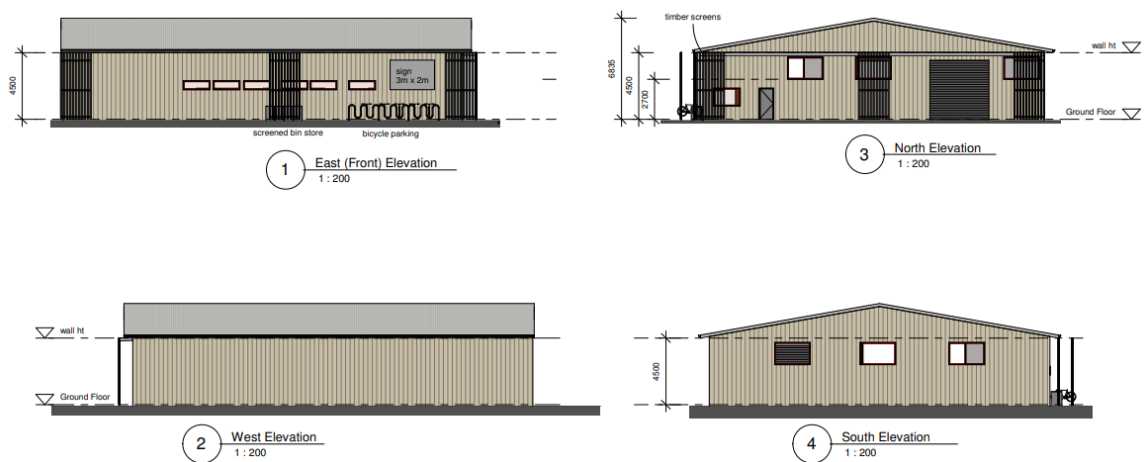


Figure 1: Site Plan



**Figure 2: Floor Plan**



**Figure 3: Elevations**



## SUBJECT LAND AND SURROUNDS

The subject site has an area of 1500 sqm and a frontage of 32.73m to Embankment Drive and 52.38m to Nelse Street. The site is rectangular in shape with a slightly skewed southern boundary. The site has a relatively flat topography and is currently vacant. There is an existing crossover to Nelse Street at the northern end of the frontage and the site has access to all necessary infrastructure and services given that it is within an urban area. There are existing trees and vegetation within the Nelse Street and Embankment Drive road reserves adjacent to the site.

The subject site is situated within an industrial area with a residential interface. The area to the east of the site predominantly contains dwellings within the General Residential Zone and the area to the north and west contains various small scale commercial/industrial uses, the Mount Beauty Airport, North East Water Facilities, Mount Beauty Pondage and recreation opportunities. Recreation areas extend to the south of the site and the Mount Beauty Ambulance Station is adjacent to the site to the south.

The site and surrounding area is highlighted within Figure 4 below.



**Figure 4: Aerial image of the subject site**

## PUBLIC NOTIFICATION

The application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987*, by sending notices to the owners and occupiers of adjoining land; and placing a sign on site.

Notification has been carried out correctly and Council has received four objections to date. The objections are summarised in the table below alongside Councils response to the issues raised.

Summary of concerns	Council response
Traffic Congestion and Safety	No issues were raised by the Engineering Department regarding road safety. Some upgrades to the pedestrian/cyclist network were recommended and Conditions will be added to this effect. Nelse Street is in need of upgrading to improve pedestrian and vehicle safety particularly at the junction of Embankment Drive but this falls outside the scope of this application and is a more broad issue.
Noise (music/traffic) and operating hours (too early)	An acoustic report has been provided in which a number of noise mitigating measures were recommended to ensure that the proposed use complies with the EPA 1826.4 Noise Protocol. Conditions will be included on any permit issued to ensure that the Acoustic Report is adhered to at all times. As such, the proposal is not considered to result in unreasonable noise impacts and there is no need to restrict opening hours. For an industrial zone, the proposed use is relatively low impact compared to other industrial uses that could occupy the site.
Location of roller doors	The applicant has amended the proposal so that no doors face residential properties. Conditions will be placed on any permit issued ensuring that the roller door remains shut during classes.
Visual Impact / height / restricted views	<p>It is a longstanding planning principle that there are no legal right to a view, although views do form part of the amenity of a property. In this instance, the site is not covered by a Significant Landscape Overlay or any other planning controls where views are specifically considered and protected.</p> <p>The subject site is a vacant parcel of land zoned for industrial development. The surrounding residents have been fortunate enough to enjoy unrestricted views whilst there have been no prospective developments for the land. The proposed building is not unreasonably tall and is of an appropriate scale for the site. There is existing vegetation along the road reserve that will assist in screening the building from view from adjoining residential properties as well as new landscaping proposed throughout the site. A 3.5m vegetation buffer will be required along the eastern boundary of the site to further assist with screening.</p>

Summary of concerns	Council response
Decreased Property Value	Whilst of a personal concern, property value is not a relevant planning consideration. There is no evidence (such as a property valuation) to suggest that a gym will devalue property.
Insufficient car parking	Class numbers will be restricted by way of condition to no greater than 15 people to assist with reducing the car parking demand.

## REFERRALS

Referrals / Notice	Advice / Response / Conditions
Section 55 referrals:	CFA – Conditional consent Note: A referral to GMW was not undertaken as the site is connected to sewer and as a result, the proposal would have little interference with the catchment area.
Internal referrals:	ASC ENG – Conditional consent ASC Arborist – Conditional consent

## PLANNING ASSESSMENT

All applicable policy can be found in Appendix 8.2.4.b.

### Municipal Planning Strategy and Planning Policy Framework

The relevant Clauses from the Municipal Planning Strategy and Planning Policy Framework are contained within Appendix 8.2.4.b.

The policies of the Municipal Planning Strategy and Planning Policy Framework provide support to the proposal for the following reasons:

- The subject site is situated within the Mount Beauty-Tawonga South settlement boundary and the site does not have any infrastructure or servicing constraints.
- The proposal is located on a site that does not have any significant environmental, heritage or landscape qualities.
- The proposal suitably responds to and reduces bushfire risk and there are no other environmental hazards or constraints.
- The proposal suitably provides for noise attenuation measures to reduce amenity impacts on the surrounding area.
- The design of the proposed building and site layout is typical for an industrial area and is functional. The size of the building is appropriate for the site and allows for access, car parking, waste storage, landscaping, stormwater management and services.

- The proposal is not considered to result in unreasonable traffic and some upgrades to the pedestrian and cyclist network will be required. Upgrading Nelse Street is a more broad Council wide issues that falls outside the scope of this application.
- The height of the building is not unreasonable for an industrial zone and existing and proposed vegetation along the eastern boundary will assist in screening the building from view from residential properties whilst improving the amenity of the public realm.
- Health and wellbeing are becoming one of the most important economic sectors and the proposed gym will assist in supporting the local economy and community wellbeing.
- Whilst a non-industrial land use is proposed, it is considered to be an appropriate use for this site given the residential interface and the proposed gym is likely to have less off-site impacts than an industrial land use. Furthermore, the proposed buildings and site layout can be utilised by a small-scale industrial land use in the future if the opportunity arises.

### **Industrial 1 Zone**

The subject land is situated within the Industrial 1 Zone. The proposal is consistent with the purpose and decision guidelines for the following reasons:

- The proposal supports the Municipal Planning Strategy and the Planning Policy Framework.
- The site has access to all necessary infrastructure and services.
- The land can be appropriately drained.
- No outdoor storage areas are proposed other than a bin storage area which will be suitably screened from view from the public realm and adjoining properties.
- Traffic generated by the proposal is unlikely to exceed the capacity of the public road network. Given the nature of the land use, only standard vehicle traffic is anticipated. It is unlikely that heavy vehicles would access the site on a regular basis. It is considered that the traffic generated by proposal has less off-site impacts than industrial related traffic.
- The proposal provides for the movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport via the existing road network and internal accessway. An existing crossover to Nelse Street will be utilised and some upgrades will be required to the pedestrian and cyclist network adjacent to the site.
- The proposal provides for adequate and appropriately designed car parking (subject to conditions) which will be discussed further below.
- Two floodlights directed to the carparking is proposed. Given the residential interface, a condition will be included on any permit issued to ensure that the light is suitably baffled so as not to cause amenity issues.
- The proposed land use is unlikely to cause detrimental off-site amenity impacts to surrounding residential uses. An acoustic report has been provided in which a number of noise mitigating measures were recommended. Conditions will be included on any permit issued to ensure that the Acoustic Report is always adhered

to. For an industrial zone, it is considered that the proposed use is relatively low impact compared to other industrial uses that could occupy the site. There are existing trees along the boundary with Nelse Street and a 3.5m wide vegetation buffer will be required to further assist in mitigating off-site impacts from the proposed use and development.

- There are no natural or cultural values on or near the land. The site and surrounding area does not have any distinct character due to the mixture of land uses within the surrounding area. As discussed earlier, the design of the proposed building is typical for an industrial area and is unlikely to impact streetscape character. External cladding will be of muted tones and not a highly reflective surface and timber screens have been used to break up elevations visible from the public realm.
- Landscaping is proposed throughout the site which will complement existing road side vegetation and improve the appearance of the site when viewed from the street and adjacent properties. Landscaping consists of various native species which will enhance the environment and assist with cooling, reducing the heat island effect and minimising off-site amenity impacts.

### **Bushfire Management Overlay**

The land is covered entirely by the Bushfire Management Overlay. There is a planning permit trigger for the proposal at Clause 44.06-2. The application was referred to the Country Fire Association (CFA) for comment and conditional consent was provided. The application is considered to meet the relevant requirements of the Bushfire Management Overlay.

### **Particular Provisions**

#### **Clause 52.06 - Car Parking**

Restricted Recreation Facility is not listed within the Table to Clause 52.06-5, as such car parking spaces must be provided to the satisfaction of the Responsible Authority. It was determined that insufficient car parking is provided on site for the proposed 25 patrons and two staff taking into account the limited availability and condition of on-street car parking to cater for any overflow. As a result, a Condition will be included on any permit issued to restrict patron numbers to no more than 15.

#### **Clause 52.34 – Bicycle Facilities**

In total, five bicycle spaces are proposed, thus meeting the requirements of Clause 52.34-5 for bicycle facilities. Conditions will be included on any permit issued to ensure that the design of bicycle spaces and bicycle signage meets the requirements of Clauses 52.34-6 and Clauses 52.34-7.

#### **Clause 53.02 - Bushfire Planning**

The application was referred to the Country Fire Association for comment. Conditional consent was provided. The application is considered to meet the relevant requirements of this clause.

### **Clause 53.18 – Stormwater Management in Urban Development**

The applicant provided basic stormwater details on the plans submitted with the application. Councils Engineering Department reviewed the application and did not raise any major issues in terms of stormwater management. Several conditions were recommended relating to the provision of detailed construction and drainage plans for further assessment. These conditions will be included on any permit issued.

### **General Provisions**

Clause 65.01 of the Alpine Planning Scheme provides the general decision guidelines that must be considered before deciding on an application. The proposal can be supported taking into account the relevant decision guidelines of Clause 65.01.

### **CONCLUSION**

The application is considered to be consistent with the Alpine Planning Scheme and should be approved for the following reasons:

- The application is consistent with the Alpine Planning Scheme.
- The application is consistent with the objectives of planning in Victoria.
- There are no Covenants or Section 173 Agreements applicable to the land.
- The objectors concerns have been reasonably addressed.

### **DECLARATION OF CONFLICT OF INTEREST**

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Customer and Community
- Planning Coordinator - Planning Consultant

### **APPENDICIES**

- 8.2.4.a. Conditions
- 8.2.4.b. Policy and decision guidelines

## **APPENDIX 8.2.4.A. CONDITIONS**

### **Plans required for endorsement**

1. Prior to the endorsement of any plans, amended and additional plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans prepared by Mountain Creek Architecture but modified to show:
  - a. 3.5m wide vegetation buffer along the east boundary of the lot. The vegetation buffer must consist of two rows of trees with at least one row of vegetation having a mature tree height not less than 3m.
  - b. Bushfire Management Plan as a result of Condition 30.

Any alterations as a result of Condition 11, 17, 19 and 23.

### **Endorsed Plans**

2. The use and development as shown on the endorsed plan must not be altered or modified (whether or not in order to comply with any statute, statutory rule or Local Law, or for any other reason) without the prior written consent of the Responsible Authority.

### **Implementation of acoustic measures**

3. Prior to the commencement of the use, all acoustic recommendations in the endorsed acoustic report by Waveform Acoustics (dated 30.05.2022) must be incorporated and adhered to at all times to the satisfaction of the Responsible Authority.
4. Roller doors and windows must not be opened between the hours of 6:00am and 7:00am.

### **Mandatory Bushfire Management Overlay Condition**

5. The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

### **Completion and maintenance of landscaping**

6. Within 3 months of the commencement of the use authorised by this permit or within the next planting season, whichever is the earlier; the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
7. The landscaping must thereafter be maintained to the satisfaction of The Responsible Authority, including that any dead, diseased or damaged plants are to be replaced within 3 months or within the next planting season.

### **Bicycle racks**

8. Prior to the commencement of the use, the bicycle spaces indicated on the endorsed plans must be installed in accordance with Clause 52.34-6 of the Bass Coast Planning Scheme, to the satisfaction of the responsible authority.

### **Hours of operation**

9. The use hereby approved must operate only between the hours of:
  - a. Monday to Friday: 6am – 12pm and 4pm – 8pm.
  - b. Saturday: 8am – 12pm
  - c. Sunday: Closed

unless with the prior written consent of the Responsible Authority.

### **Maximum number of staff**

10. Not more than two staff, are permitted on the premises at any one time without the prior written consent of the responsible authority.

### **Maximum number of patrons**

11. No more than 15 patrons are permitted in any class on the premises at any one time without the prior written consent of the responsible authority.
12. No more than 25 patrons are permitted on the premises at any one time without the prior written consent of the responsible authority.

### **General Amenity Provision**

13. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
  - a. transport of materials, goods or commodities to or from the land;
  - b. appearance of any building, works or materials;
  - c. emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and
  - d. presence of vermin.

### **Control of Light Spill**

14. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land, to the satisfaction of the Responsible Authority.



### **Storage**

15. No goods, equipment or materials may be stored outside of the building, unless allowed for on the endorsed plan.

### **Rubbish bins**

16. All bins and receptacles must be stored within the dedicated waste storage area as shown on the endorsed plans and screened from view to the satisfaction of the Responsible Authority.
17. All bins and receptacles must be maintained in a clean and tidy condition and free from offensive odour to the satisfaction of the Responsible Authority.

### **Tree Protection**

18. Prior to commencement of construction, a tree protection fence must be erected around any existing trees within 15m of any buildings and works trees at a radius of 12 times the radius of the tree from the base of the trunk(s) /dripline of the existing trees to define a 'Tree Protection zone'. The fence must be constructed of (specify star pickets and chain mesh or similar) to the satisfaction of the relevant authority. The tree protection fence must remain in place until construction is completed. The ground surface of the Tree Protection Zone must be covered by a 100mm deep layer of mulch before the development starts and be watered regularly to the satisfaction of the Alpine Shire Council.

## **Alpine Shire Council Engineering Team Conditions**

### **Drainage**

19. Prior to commencement of construction, detailed construction plans must be submitted to and approved by the Alpine Shire Council. Construction detail shall be generally in accordance with Council's Infrastructure Design Manual ([www.designmanual.com.au](http://www.designmanual.com.au)). When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions, and shall include proposed construction detail, further information or modifications to:
  - a. Underground drainage system, with supporting computations
  - b. Vehicular crossings
  - c. Shared pedestrian/bicycle paths, showing linkage of the development to the existing footpath network
  - d. Access showing access from Embankment Drive and egress from Nelse Street.
  - e. Parking
  - f. Stormwater retention and quality treatments
20. Prior to commencement of construction, the owner or developer must submit to the Alpine Shire Council a written report and photos of any prior damage to public infrastructure. Listed in the report must be the condition of kerb and channel, footpath, seal, streetlights, signs and other public infrastructure fronting the property and abutting at least two properties either side of the development. Unless identified with the written report, any damage to infrastructure post construction will be attributed to the development. The owner or developer of the subject land must pay

for any damage caused to Alpine Shire Council's assets/public infrastructure caused as a result of the development or use permitted by this permit.

21. Prior to commencement of construction, a properly prepared drainage discharge plan with computations must be submitted to, and approved by, Alpine Shire Council. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The information submitted must show the details listed in Council's Infrastructure Design Manual and be designed in accordance with the requirements of that manual.

The information and plan must include:

- a. details of how the works on the land are to be drained and retarded.
  - b. underground pipe drains conveying stormwater to the legal point of discharge
  - c. a maximum discharge rate from the site is to be determined by computation to the satisfaction of Council to pre-development flow
  - d. Incorporation of water sensitive urban design in accordance with Clause 20 of the Infrastructure Design Manual, to enhance stormwater discharge quality from the site and protect downstream waterways, including the expected discharge quality emanating from the development and design calculation summaries of the treatment elements; or as otherwise approved in writing by the Responsible Authority.
22. Prior to commencement of use, all works constructed or carried out must be in accordance with those plans - to the satisfaction of Alpine Shire Council.
23. Prior to commencement of use, all stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge by underground pipe to the satisfaction of the Alpine Shire Council. No effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system. The legal point of discharge for this site is drainage system in Nelse Street. All roof water from buildings and surface water from paved areas must be collected and discharged to the LPOD to avoid any nuisance discharge to adjacent land.

### **Vehicle Crossings**

24. Prior to commencement of use, vehicular crossings shall be constructed in accordance with the endorsed plan(s) to the satisfaction of the Alpine Shire Council, and shall comply with the following:

standard vehicular crossings shall be constructed at right angles to the road to suit the proposed driveways, and any existing redundant crossing shall be removed and replaced with concrete kerb and channel to match into the surrounding profile.

Any proposed vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense;

crossings may be concrete or have a bituminous seal applied over an appropriately constructed pavement. Dimensions and roadside drainage treatments are to be generally in accordance with IDM drawing SD260.

### **Car Parking**

25. Prior to commencement of construction, detailed layout plans demonstrating compliance with AustRoads Publication 'Guide to Traffic Engineering Practice : Part 11 Parking' and to the satisfaction of the relevant authority must be submitted to and approved by the Alpine Shire Council. The plans must be drawn to scale with dimensions.
26. Prior to commencement of use, no fewer than 8 parking spaces must be provided on the land for the use and development. All parking spaces must be provided inside the lot.
27. Prior to commencement of use, the area(s) set aside for parking of vehicles and access lanes as shown on the endorsed plans must be:
  - a. Surfaced with an appropriate bituminous surface (asphalt or spray seal) applied over an appropriate standard crushed rock pavement. Details of bituminous surface and pavement construction detail must be submitted and approved by the Alpine Shire Council prior to work commencing
  - b. drained in accordance with an approved drainage plan;
  - c. line-marked to indicate each car space and all access lanes;
  - d. properly illuminated with lighting designed, baffled and located to the satisfaction of the Alpine Shire Council to prevent any adverse effect on adjoining land;
  - e. measures taken to prevent damage to fences or landscaped areas of adjoining properties and to prevent direct vehicle access to an adjoining road other than by a vehicle crossing;
  - f. Provision of signage directing drivers to the area(s) set aside for car parking. Such signs are to be located and maintained to the satisfaction of the Alpine Shire Council. This sign must not exceed 0.3 square metres.
28. Prior to commencement of use, notice should be provided in a clear and legible format, directing employer & employee vehicles to be parked in the nominated car spaces at all times.
29. All car parking spaces must be designed to allow vehicles to drive forwards when entering and leaving the property. A turning template is to be shown on the approved drawing which clearly indicates a B85 vehicle is capable of achieving the required movements.

### **Construction Phase**

30. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the Alpine Shire Council. Issues such as mud on roads, dust generation and erosion and sediment control will be managed,

on site, during the construction phase. Details of a contact person/site manager must also be provided, so that this person can be easily contacted should any issues arise.

31. Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, to the satisfaction of the Alpine Shire Council.

### **Country Fire Authority Conditions**

32. Before the development starts, a Bushfire Management Plan must be submitted to and endorsed by the Responsible Authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority. The plan must show the following bushfire protection:

#### **a. Defendable space**

Defendable space to the property boundary must be provided where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:

- i. Grass must be short cropped and maintained during the declared fire danger period.
- ii. All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- iii. Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- iv. Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
- v. Shrubs must not be located under the canopy of trees.
- vi. Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
- vii. Trees must not overhang or touch any elements of the building.
- viii. The canopy of trees must be separated by at least 5 metres. There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

#### **b. Construction standards**

- i. The building must be constructed to a minimum Bushfire Attack Level of (BAL-12.5).

#### **c. Water supply**

- i. 10,000 litres of effective water supply for fire fighting purposes must be provided which meets the following requirements:
- ii. Is stored in an above ground water tank constructed of concrete or metal.
- iii. All fixed above-ground water pipes and fittings required for firefighting purposes must be made of corrosive resistant metal.
- iv. Include a separate outlet for occupant use.

- v. Incorporate a ball or gate valve (British Standard Pipe (BSP) 65mm) and coupling (64 mm CFA 3 thread per inch male fitting).
- vi. Be located within 60 metres of the outer edge of the approved building.
- vii. The outlet/s of the water tank must be within 4m of the accessway and be unobstructed.
- viii. Be readily identifiable from the building or appropriate identification signage to the satisfaction of CFA must be provided.
- ix. Any pipework and fittings must be a minimum of 65 mm (excluding the CFA coupling).

**d. Access**

Access for firefighting purposes must be provided which meets the following requirements:

- x. Curves must have a minimum inner radius of 10m.
- xi. The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50m.
- xii. Have a minimum trafficable width of 3.5m of all-weather construction.
- xiii. Be clear of encroachments for at least 0.5m on each side and 4m above the accessway.
- xiv. Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.

**Expiry**

33. This permit will expire if one of the following circumstances applies:

- a. The development is not started within two (2) years of the date of this permit;
- b. The development is not completed within four (4) years of the date of this permit;
- c. The use is not started within two (2) years after the completion of the development; or
- d. The use is discontinued for a period of two (2) or more years.

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the Planning and Environment Act 1987.

**- End of Conditions -**

**Planning Notes:**

1. This permit does not authorize the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.
2. A road opening/crossing permit must be obtained from the Alpine Shire Council prior to working in or occupying the road reserve with construction equipment or materials. Applications may be accessed via the following link [Work on Council land permit](#), or from the Alpine Shire Council website.

#### **8.2.4.b. POLICY AND DECISION GUIDELINES**

##### **Municipal Planning Strategy and Planning Policy Framework**

Clause 02.03-1 & Clause 11.01-1L-01 – Settlement  
Clause 11.01-1L-04 – Mount Beauty – Tawonga South

Clause 02.03-3 - Environmental Risks and Amenity  
Clause 13.02-1S & Clause 13.02-1L - Bushfire Planning  
Clause 13.05-1S – Noise Management  
Clause 13.07-1S – Land Use Compatibility

Clause 02.03-5 – Built Environment and Heritage  
Clause 15.01-1S & Clause 15.01-1L-01 – Urban Design  
Clause 15.01-1L-03 – Design for Industrial Development  
Clause 15.01-2S – Building Design  
Clause 15.01-5S - Neighbourhood Character

Clause 02.03-7 – Economic Development  
Clause 17.01-1S & Clause 17.01-1L – Diversified Economy  
Clause 17.03-1S – Industrial Land Supply  
Clause 17.03-2L – Sustainable Industry

Clause 02.03-9 – Infrastructure  
Clause 19.03-3S & Clause 19.03-3L – Integrated Water Management

##### **Zone**

Clause 33.01 – Industrial 1 Zone

##### **Overlays**

Clause 44.06 – Bushfire Management Overlay

##### **Particular Provisions**

Clause 52.06 Car Parking  
Clause 52.34 – Bicycle Facilities  
Clause 53.02 – Bushfire Planning  
Clause 53.18 – Stormwater Management in Urban Development

##### **General Provisions**

Clause 65.01 - Approval of an Application or Plan

Cr Tony Keeble re-entered Council Chambers at 5.56pm

Cr Sarah Nicholas declared a conflict of interest with respect to item 8.2.5 Planning Application P.2021.246 - 148 Centenary Avenue, Wandiligong and left Council Chambers at 5.55pm.

## 8.2.5 Planning Application P.2021.246 - 148 Centenary Avenue, Wandiligong

<b>Application number:</b>	<b><i>P.2021.246</i></b>
<b>Proposal:</b>	<b><i>Use and development of group accommodation</i></b>
<b>Applicant's name:</b>	<b><i>Nick Vlahandreas</i></b>
<b>Owner's name:</b>	<b><i>Peter Smith</i></b>
<b>Address:</b>	<b><i>148 Centenary Avenue, Wandiligong (Lot 21 PS 338520N)</i></b>
<b>Land size:</b>	<b><i>Approx. 2.177ha</i></b>
<b>Current use and development:</b>	<b><i>Dwelling and rural store</i></b>
<b>Site features:</b>	<b><i>The site is an irregular shaped allotment with frontage to both Centenary Avenue and Jagoes Gully Road. The site contains an existing dwelling and rural store with existing vehicular access to Centenary Road.</i></b>
<b>Why is a permit required?</b>	<b><i>Clause 35.07-1 – Section 2 Use                  Clause 35.07-4 – Buildings and works                  Clause 42.03-2 – Buildings and works                  Clause 43.01-1 – Buildings and works                  Clause 44.06-2 – Building and works</i></b>
<b>Zoning:</b>	<b><i>Clause 35.07 - Farming Zone</i></b>
<b>Overlays:</b>	<b><i>Clause 42.03 – Significant Landscape Overlay (Schedule 3)                  Clause 43.01 – Heritage Overlay (HO83)                  Clause 44.06 - Bushfire Management Overlay</i></b>
<b>Restrictive covenants on the title?</b>	<b><i>Nil</i></b>
<b>Date received:</b>	<b><i>18 March 2022 (Amended)</i></b>
<b>Statutory days:</b>	<b><i>346</i></b>
<b>Planner:</b>	<b><i>Planning Consultant</i></b>

***Cr Janas  
 Cr Prime***

***That a Notice of Decision to grant a planning permit be issued for the use and development of group accommodation in accordance with the conditions outlined in Appendix 8.2.5a. of this report.***

***Carried***

*Cr Kelley called for a division. A vote was taken.*

*In favour: Cr Hughes, Janas, Prime, Keeble, Forsyth  
Against: Cr Kelley*

*The motion was passed.*

## **PROPOSAL**

The proposal involves the use and development of the land for group accommodation to accommodate persons away from their usual place of residence. Two accommodation buildings are proposed 10m from the boundary with Centenary Avenue. The buildings have an identical floor plan and contain two bedrooms, an open plan kitchen, dining and lounge area, ensuite and bathroom. Laundry facilities will be located within a cupboard and a separate building is proposed to accommodate one car parking space for each building, storage rooms, a cleaners room and services.

The buildings are single storey with a wrap around verandah and pitched roofs. The buildings are of a traditional design with weatherboard wall cladding and corrugated colorbond roofing.

A site plan, floor plan and elevations are contained within Figure 1 to 3 below.



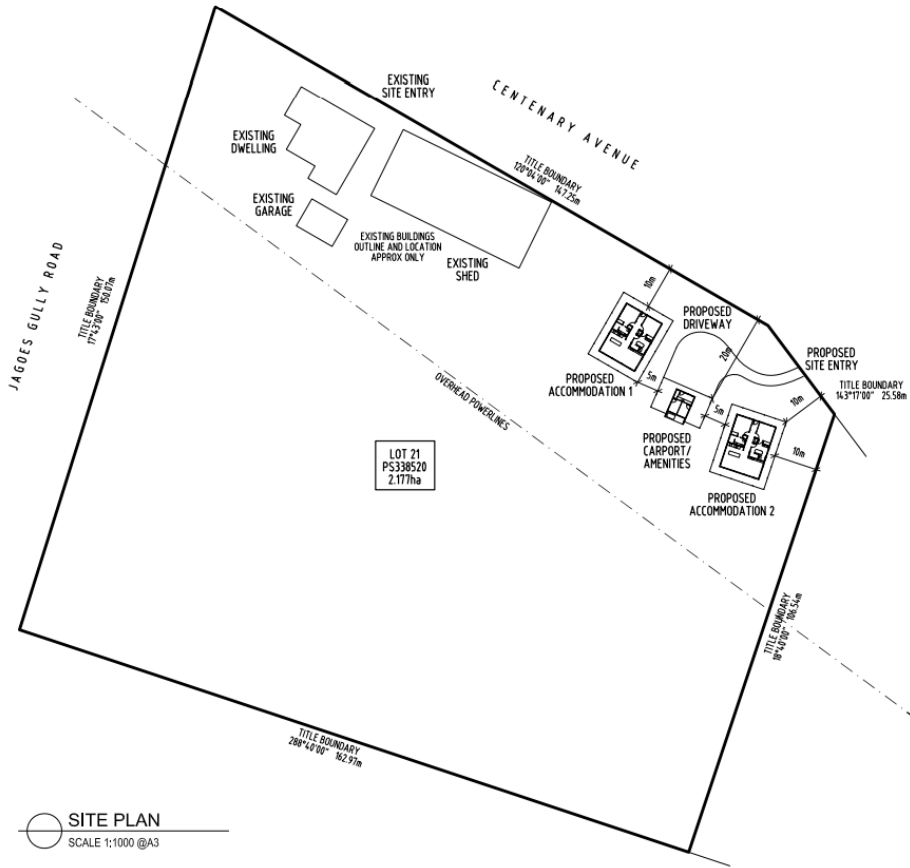


Figure 1: Site Plan

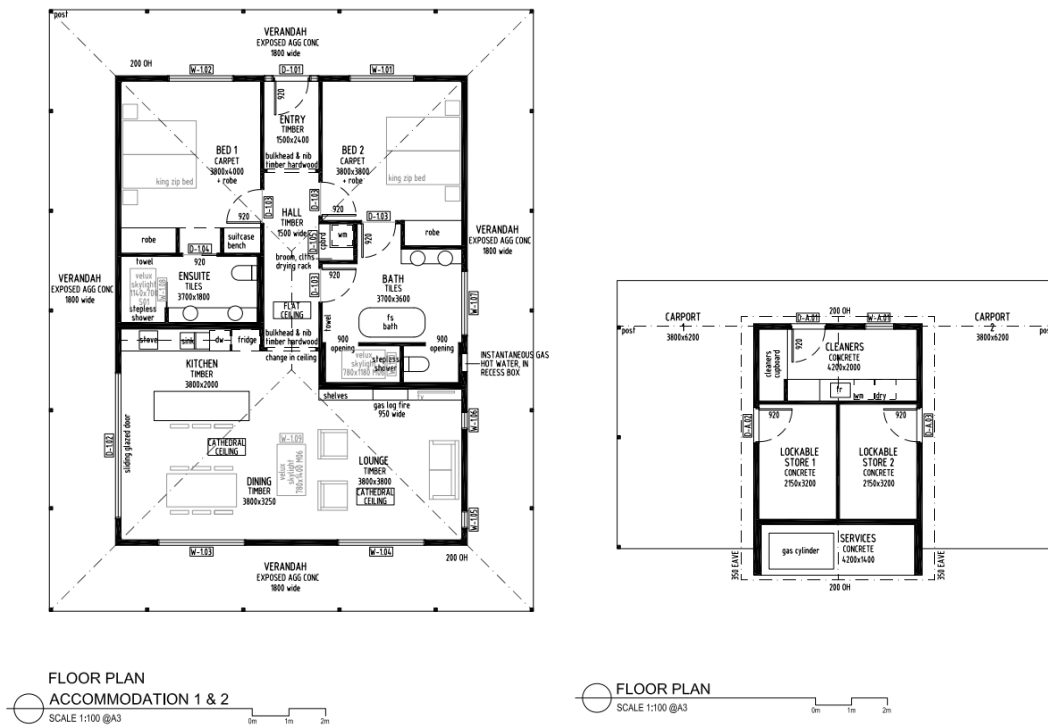
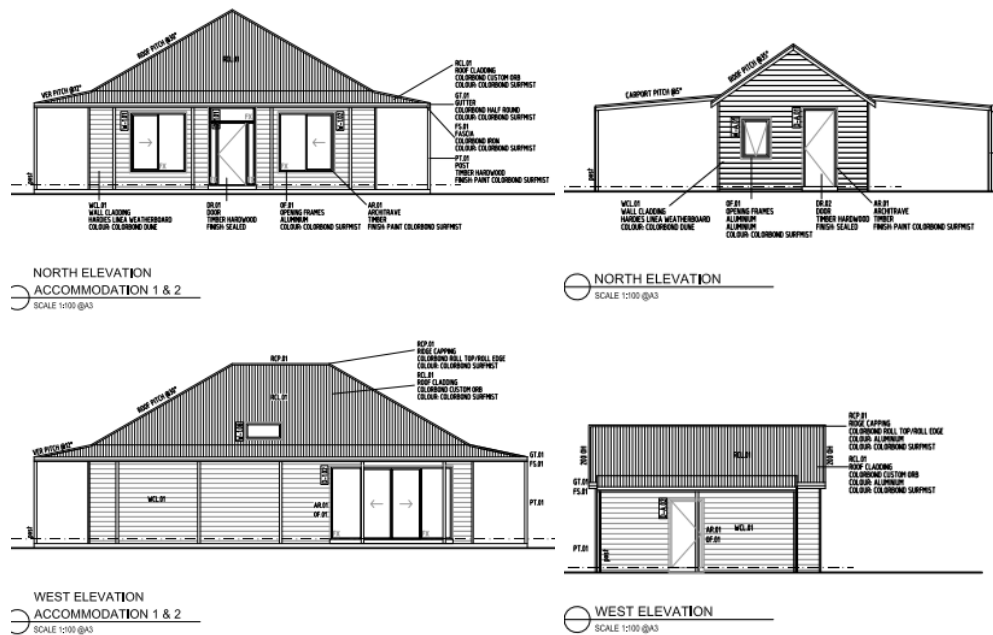


Figure 2: Floor Plan



**Figure 3: Elevations**

## SUBJECT LAND AND SURROUNDS

The subject site has an area of 2.177 hectares and a frontage of 172.83m to Centenary Avenue. The site also abuts Jagoes Gully Road to the west. The site is irregular in shape and has minimal fall towards the southern boundary. The site currently contains a single storey dwelling and rural store used to store other producers' goods. The existing dwelling and cool store are located in the northern corner of the site, with the rural store being located on the front boundary. The remainder of the site is predominantly vacant and cleared land, with a small horse agistment in the western portion of the site. Existing access to the site is from Centenary Avenue. Electricity infrastructure is available to the site, however, public stormwater and sewerage infrastructure is not. It is unclear whether potable water supply infrastructure is available.

The surrounding area predominantly contains rural dwellings on lots varying in size from 3,242sqm to 5.2 hectares. No meaningful agriculture is being undertaken on lots abutting the site and the surrounding area is considered to be more akin to a rural living or low density residential zone rather than a farming zone. The existing pattern of subdivision is relatively inconsistent and fragmented. The nearest productive agricultural holding is situated approximately 260m to the south of the site.

The site and surrounding area is highlighted within Figure 4 below.



**Figure 4: Aerial image of the subject site**

## **PUBLIC NOTIFICATION**

The application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987*, by sending notices to the owners and occupiers of adjoining land; and placing a sign on site.

Notification has been carried out correctly and Council has received nine objections. The objections are summarised in the table below alongside Councils response to the issues raised.

Summary of concerns	Council response
Inappropriate use in Farming Zone / does not support agriculture	The site is within an area more akin to a Rural Living Zone and it has been identified within the Alpine Rural Land Strategy that re-zoning should be investigated as land along Centenary Avenue is fragmented and not suitable for agriculture. This view was supported by VCAT in <i>Niazi v Alpine SC</i> [2019] VCAT 1759 (25 November 2019). Given the presence of walking/mountain biking trails, the proposed use is considered to be an appropriate alternative use within the Farming Zone.
Incorrect claims within applicant submission	Whilst the applicants submission will be taken into account in the assessment of the application, Councils decision is based on the Planning Scheme, any Incorporated Documents/Strategic Documents and any relevant VCAT decisions.
Proliferation of dwellings / urbanisation of the valley	The site is within an area where proliferation of dwellings has already occurred. Given the small lot sizes within the surrounding area, it is likely that most new dwellings/non-agricultural land uses within the Farming Zone will require a planning permit and will each be individually assessed on their merits.
No need for additional tourist accommodation	There are local policies within the Planning Scheme that identify a need for additional tourist accommodation within the Shire. The Rural Land Use Strategy identifies that there is an opportunity to expand nature based tourism, creating synergies with agri-tourism in Centenary Avenue, an area that is fragmented from agriculture.
Unacceptable precedent for future inappropriate development	Approval of a permit does not ultimately lead to setting a precedent. Each permit application has its own site-specific considerations, facts and merits.
Lack of cultural document	A Cultural Heritage Management Plan is not required under the Aboriginal Heritage Regulations 2008 as Group Accommodation is not a high impact activity.

Summary of concerns	Council response
Loss of rural setting and amenity/character enjoyed by residents	The two accommodation buildings have been designed sensitively taking into account the character of the surrounding area. They are detached buildings and of a small scale so as to complement the rural aesthetic of the surrounding area. Councils Heritage advisor reviewed the proposal and states that the buildings are designed in a manner that is responsive to the character of the HO83 Heritage Overlay.
Burden on infrastructure	No issues were raised by the Engineering Department in terms of the capability of the road network to accommodate the minor increase in traffic as a result of the proposal. Further, stormwater and wastewater can be managed effectively on-site. Rainwater tanks will be used for potable water supply which is a sustainable approach.
Impact on native animals	The subject site is not located within an Environmental Significance Overlay and given that a majority of the site is cleared land, it is considered to hold little importance in terms of habitat for native animals.
Increased traffic, waste, dust from roads etc	Two small accommodation buildings are unlikely to notably increase traffic, dust and waste. It is anticipated that only domestic vehicles will travel to the buildings which are unlikely to degrade roads and create unnecessary dust.

## REFERRALS

Referrals / Notice	Advice / Response / Conditions
Section 55 referrals:	CFA – Conditional consent GMW – Conditional consent
Internal referrals:	ASC ENG – Conditional consent ASC Heritage Advisor – Consent, no conditions ASC Environmental Health – Conditional consent

## PLANNING ASSESSMENT

All applicable policy can be found in Appendix 8.2.5.b.

### Municipal Planning Strategy and Planning Policy Framework

The following Clauses from the Municipal Planning Strategy and Planning Policy Framework are relevant to the assessment of the application.

Clause 02.03-1 Settlement

Clause 02.03-3 Environmental risks and amenity

Clause 02.03-4 – Natural Resource Management

Clause 02.03-5 – Built Environment and Heritage

Clause 11.01-1L-01 Settlement

Clause 11.01-1L-08 Wandiligong

Clause 12.05-2L Landscapes

Clause 13.02-1S & 13.02-1L Bushfire Planning

Clause 14.01-1S & 14.01-1L Protection of agricultural land

Clause 14.01-2S & Clause 14.01-2L - Sustainable agricultural land use

Clause 15.01-6S Design for rural areas

Clause 15.03-1S Heritage conservation

Clause 17.04-1L Tourism

Clause 19.03-3L Integrated water management

The above policies provide support to the proposal for the following reasons:

- The site is not considered to be suitable for farming use given the fragmented subdivision pattern, existence of rural living properties and the proximity to the town centre. As such, the proposal is not seen to be removing productive agricultural land nor impacting the local agricultural industry.
- The proposal has suitably responded to the risk of bushfire.
- The buildings are considered to blend well with the surrounding environment and will not be a visually dominant element in the landscape.
- The buildings will not impede any views of the natural scenery and landscape features including ridgelines, hill tops and waterways.
- The buildings have been designed in a manner that is responsive to the character of HO83 (Wandiligong).
- The site is capable of accommodating the proposed development taking into account access and infrastructure servicing. Wastewater and stormwater are able to be managed on-site.
- Tourism is a key economic driver of the region and the proposed development will support this industry by providing tourist accommodation which is in high demand, as identified within the Alpine Rural Land Strategy.
- A detail assessment against the provisions of the Municipal Planning Strategy and Planning Policy Framework can be found in Appendix 8.2.5.b.

## **Farming Zone**

The subject land is situated within the Farming Zone. The purpose and decision guidelines of the Farming Zone focus strongly on protecting productive agricultural land

and promoting agricultural production. Generally, land uses and development other than those associated with agricultural production are discouraged unless a site is not capable of accommodating any meaningful form of agricultural production.

After reviewing the Alpine Rural Land Strategy and the VCAT case *Niazi v Alpine SC* [2019] VCAT 1759 (25 November 2019), it has been determined that the subject site is not suitable for a farming land use. The site is surrounded by rural dwellings and at just over 2 hectares, it is relatively small to accommodate any meaningful form of agricultural land use. As a result, departure from the provisions of the Farming Zone encouraging agricultural land use is warranted in this instance.

The proposal is consistent with the purpose and decision guidelines for the following reasons:

- The development is not removing land for agricultural production as the site has been identified within the Rural Land Strategy and VCAT case *Niazi v Alpine SC* [2019] VCAT 1759 (25 November 2019) as not suitable for farming and re-zoning should be investigated.
- The development is compatible with surrounding land uses, being rural/residential in nature.
- The development will not impact the continued operation and expansion of existing agricultural uses given that the site is surrounded by rural residential land uses.
- The development will not result in proliferation of dwellings as the site is within an area where proliferation of dwellings has already occurred. Given the small lot sizes within the surrounding area, it is likely that most new dwellings within the Farming Zone will require a planning permit and will each be individually assessed on their merits.
- The development can be adequately serviced, with wastewater and stormwater able to be managed on-site. Adequate all weather access from Centenary Avenue can be achieved.

### **Significant Landscape Overlay**

The site is situated within the Significant Landscape Overlay (Schedule 3- Wandiligong Valley) which seeks to identify, conserve and enhance the character of significant landscapes. The proposal results in a relatively modest built form outcome that complements existing development within the surrounding area and doesn't not impact any significant views or vistas. As such, the proposal is considered to have minimal impact on the landscape of the Wandiligong Valley and is acceptable in light of the considerations of the Significant Landscape Overlay.

### **Heritage Overlay**

The site is situated within the Heritage Overlay (HO83 – Wandiligong). The Heritage Overlay seeks to conserve and enhance heritage places and ensure that development does not adversely affect the significance of a heritage place. Councils' heritage advisor has reviewed the application and stated that the buildings have been designed in a manner the is responsive to the character of HO83 (Wandiligong). The proposal is

considered to be acceptable taking into account the decision guidelines of the Heritage Overlay.

### **Bushfire Management Overlay**

The land is covered entirely by the Bushfire Management Overlay. There is a planning permit trigger for the proposal at Clause 44.06-2. The application was referred to the Country Fire Association (CFA) for comment and conditional consent was provided. The application is considered to meet the relevant requirements of the Bushfire Management Overlay.

### **Particular Provisions**

#### **Clause 52.06 - Car Parking**

Group accommodation is not listed within the Table to Clause 52.06-5, as such car parking spaces must be provided to the satisfaction of the Responsible Authority. Taking into account the measure within the Table to Clause 52.06-5 for a dwelling, one car parking space should be provided for a two bedroom dwelling. Two car parking spaces are proposed (one for each two bedroom accommodation building) which is considered to be adequate for the proposed use.

#### **Clause 53.02 - Bushfire Planning**

The application was referred to the Country Fire Association for comment. Conditional consent was provided. The application is considered to meet the relevant requirements of this clause.

### **General Provisions**

Clause 65.01 of the Alpine Planning Scheme provides the general decision guidelines that must be considered before deciding on an application. The proposal can be supported taking into account the relevant decision guidelines of Clause 65.01.

## **CONCLUSION**

The application is considered to be consistent with the Alpine Planning Scheme and should be approved for the following reasons:

The application is consistent with the relevant provisions of the Alpine Planning Scheme, including the Municipal Planning Strategy, the Planning Policy Framework, the Farming Zone, the Significant Landscape Overlay, the Heritage Overlay, the Bushfire Management Overlay, Clause 53.02 and Clause 65.01.



## **DECLARATION OF CONFLICT OF INTEREST**

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Customer and Community
- Planning Coordinator - Planning Consultant

## **APPENDICIES**

8.2.5.a. Conditions

8.2.5.b. Policy and decision guidelines

### **Appendix 8.2.5. a. – Conditions**

#### **Amended Plans required for endorsement**

1. Before the development commences, an amended Landscape Plan drawn to scale with dimensions to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this Permit. The plans must be generally in accordance with the Landscape Plan by Excelsa Landscapes submitted with the application but modified to be consistent with the Site Plan by Design Bright (Dwg No. A-02, Rev. A)

#### **Endorsed Plans**

2. The use and development as shown on the endorsed plan must not be altered or modified (whether or not in order to comply with any statute, statutory rule or Local Law, or for any other reason) without the prior written consent of the Responsible Authority.

#### **Farming Zone Dwelling Conditions**

3. Prior to the commencement of the use authorised by this permit, access to the dwellings must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles, to the satisfaction of the Responsible Authority.
4. Each dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available all wastewater from each dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017 for an on-site wastewater management system.
5. Prior to the commencement of the use authorised by this permit, the dwellings must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes, to the satisfaction of the Responsible Authority.
6. Prior to the commencement of the use authorised by this permit, the dwellings must be connected to a reticulated electricity supply or have an alternative energy source, to the satisfaction of the Responsible Authority.

#### **Mandatory Bushfire Management Overlay Condition**

7. The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

### **Completion and maintenance of landscaping**

8. Within 3 months of the commencement of the use authorised by this permit or within the next planting season, whichever is the earlier; the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
9. The landscaping must thereafter be maintained to the satisfaction of The Responsible Authority, including that any dead, diseased or damaged plants are to be replaced within 3 months or within the next planting season.

### **Car park and access surface**

10. Prior to the commencement of the use authorised by this permit, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - a. Constructed of an all-weather surface of adequate thickness as necessary to prevent the formation of potholes and depressions according to the nature of the sub-grade and the vehicles, which will use the areas.
  - b. Adequately drained.
  - c. Crossover constructed consistent with relevant Council requirements.

To the satisfaction of the Responsible Authority.

### **External Materials and Colours**

11. The external materials of the building(s) including the roof must be constructed in materials of muted colours, to the satisfaction of the responsible authority. No materials having a highly reflective surface shall be used. For the purposes of this condition 'highly reflective' includes but is not limited to unpainted zincalume.

### **Rubbish bins**

12. Adequate provision must be made for the storage and collection of garbage, bottles and solid waste in bins or receptacles to the satisfaction of the Responsible Authority.
13. All bins and receptacles must be maintained in a clean and tidy condition and free from offensive odour to the satisfaction of the Responsible Authority.

### **Alpine Shire Council Engineering Team Conditions**

#### **Drainage**

14. Prior to commencement of construction, a properly prepared drainage discharge plan with computations must be submitted to, and approved by, Alpine Shire Council. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The information submitted must show the details listed in Council's Infrastructure Design Manual and be designed in accordance with the requirements of that manual. The information and plan must include:
  - a. details of how the works on the land are to be drained and retarded.

- b. connection points for drainage for each building
  - c. underground pipe drains conveying stormwater to the legal point of discharge for each allotment
  - d. design of infiltration pit with computation
15. Prior to the commencement of the use authorised by this permit, all stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge by underground pipe to the satisfaction of the Alpine Shire Council. No effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system. The legal point of discharge for this site is on-site retention and to an infiltration pit.
16. All roof water from buildings and surface water from paved areas must be collected and discharged to the LPOD to avoid any nuisance discharge to adjacent land.

### **Vehicle Crossings**

17. Prior to the commencement of the use authorised by this permit, vehicular crossings shall be constructed in accordance with the endorsed plan(s) to the satisfaction of the Alpine Shire Council, and shall comply with the following:
- a. standard vehicular crossings shall be constructed at right angles to the road to suit the proposed driveways, and any existing redundant crossing shall be removed and reinstated to match into the surrounding profile;
  - b. Any proposed vehicular crossing shall have satisfactory clearance to any pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense; and
  - c. crossings are to be concrete or have a bituminous seal applied where they abut a sealed road. If the road is unsealed the crossing may remain an unsealed crushed rock pavement. Dimensions and roadside drainage treatments are to be generally in accordance with IDM drawing SD255.
18. Prior to commencement of use, the Applicant shall ensure that safe intersection sight distances (SISD) as described in AustRoads Publication 'Guide to Traffic Engineering Practice Part 5 - Intersections at Grade', is achieved at the point of access, to the satisfaction of the Alpine Shire Council.

### **Tree Protection**

19. No tree or other vegetation other than those specifically notated on the approved plan(s) as 'tree to be removed' shall be felled, lopped, topped, ring-barked, uprooted, or otherwise wilfully destroyed or removed, without the further written consent of the Alpine Shire Council.
20. Prior to commencement of construction, a tree protection fence must be erected around the trees(s) at a radius of 12 times the radius of the tree from the base of the trunk(s) /dripline of the existing trees to define a 'Tree Protection zone'. The fence

must be constructed of (specify star pickets and chain mesh or similar) to the satisfaction of the relevant authority. The tree protection fence must remain in place until construction is completed. The ground surface of the Tree Protection Zone must be covered by a 100mm deep layer of mulch before the development starts and be watered regularly to the satisfaction of the Alpine Shire Council.

#### **Construction Phase**

21. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the Alpine Shire Council. Issues such as mud on roads, dust generation and erosion and sediment control will be managed, on site, during the construction phase. Details of a contact person/site manager must also be provided, so that this person can be easily contacted should any issues arise.
22. Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, to the satisfaction of the Alpine Shire Council.

#### **End of Alpine Shire Council Engineering Team Conditions**

#### **Country Fire Authority Conditions**

#### **23. Endorsement of Bushfire Management Plan**

Before the development starts, the Bushfire Management Plan prepared by Mountain Planning (Revision C, dated 22 April 2022) must be submitted to the Responsible Authority for endorsement. Once endorsed, the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority.

#### **24. Bushfire Emergency Plan**

Before the development is occupied or the use commences, a bushfire emergency plan (BEP) must be prepared to the satisfaction of the Responsible Authority and CFA and submitted to the Responsible Authority for endorsement. Once endorsed, the BEP must not be altered unless agreed to in writing by CFA and the Responsible Authority apart from updates resulting from reviews. The BEP must clearly describe the proposed emergency management arrangements and should address the following matters:

- a. Premises details
  - Describe property and business details.
  - Identify the purpose of the BEP stating that the plan outlines procedures for:
    - i. Closure of premises on any day with a Fire Danger Rating of Code Red.
    - ii. Evacuation (evacuation from the site to a designated safer off-site location).
    - iii. Shelter-in-place (remaining on-site in a designated building).
- b. Review of the BEP

- Outline that the plan must be reviewed and updated annually prior to the commencement of the declared Fire Danger Period.
- Include a Version Control Table.
- c. Roles & Responsibilities
  - Detail the staff responsibilities for implementing the emergency procedures in the event of a bushfire.
- d. Emergency contact details
  - Outline organisation/position/contact details for emergency services personnel
- e. Bushfire monitoring procedures
  - Details the use of radio, internet and social networks that will assist in monitoring potential threats during the bushfire danger period.
  - Describe and show (include a map) the area to be monitored for potential bushfire activity.

### **Goulburn-Murray Water Conditions**

25. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
26. All wastewater from the group accommodation must be treated and disposed of using an approved system. The system must have a certificate of conformity issued by the Conformity Assessment Body (or equivalent approval) and be installed, operated and maintained in accordance with the relevant Australian Standard and EPA Code of Practice.
27. The wastewater disposal area must be located at least: 100m from any waterways, 40m from any drainage lines, 60m from any dams, and 20m from any bores.
28. The wastewater management system must be appropriately designed to manage the potential volume of wastewater generated under full occupancy, including an appropriately sized disposal area based on a full water balance specific to the proposal and subject land in accordance with the requirements of the current EPA Code of Practice – Onsite Wastewater Management.
29. The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.
30. No buildings are to be constructed within 30 metres of any waterways or on any drainage lines.

### **Expiry**

31. This permit will expire if one of the following circumstances applies:
  - a. The development is not started within two (2) years of the date of this permit;

- b. The development is not completed within four (4) years of the date of this permit;
- c. The use is not started within two (2) years after the completion of the development; or
- d. The use is discontinued for a period of two (2) or more years.

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the *Planning and Environment Act 1987*.

**- End of Conditions -**

**Planning Notes:**

1. This permit does not authorize the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.
2. A road opening/crossing permit must be obtained from the Alpine Shire Council prior to working in or occupying the road reserve with construction equipment or materials. Applications may be accessed via the following link [Work on Council land permit](#), or from the Alpine Shire Council website.

### **Appendix 8.2.5.b. – Applicable Planning Policy**

The relevant policies from the Alpine Planning Scheme mentioned below may be viewed at the following link: <https://planning-schemes.delwp.vic.gov.au/schemes/alpine>

#### **Municipal Planning Strategy**

The following provisions of the Municipal Planning Strategy are relevant to the assessment of this application:

- Clause 02.03-1 – Settlement
- Clause 02.03-3 – Environmental risks and amenity
- Clause 02.03-4 – Natural Resource Management
- Clause 02.03-5 – Built Environment and Heritage

#### **Planning Policy Framework**

The following provisions of the Planning Policy Framework are relevant to the assessment of this application:

- Clause 11.01-1L-01 Settlement
- Clause 11.01-1L-08 Wandiligong
- Clause 12.05-2L Landscapes
- Clause 13.02-1S Bushfire Planning
- Clause 13.02-1L - Bushfire planning
- Clause 14.01-1S: Protection of agricultural land
- Clause 14.01-1L Protection of agricultural land
- Clause 14.01-2S - Sustainable agricultural land use
- Clause 14.01-2L Sustainable agricultural land use
- Clause 15.01-6S Design for rural areas
- Clause 15.03-1S Heritage conservation
- Clause 17.04-1L Tourism
- Clause 19.03-3L Integrated water management

#### **Zone**

The land is zoned Clause 35.07 Farming Zone

#### **Overlays:**

The land is affected by the following Overlays:

- Clause 44.03 – Significant Landscape Overlay
- Clause 43.01 – Heritage Overlay
- Clause 44.06 – Bushfire Management Overlay



### **Particular Provisions**

The following Particular Provisions must be considered in the assessment of the application:

Clause 53.02-4 – Bushfire protection objective

Clause 52.06 Car Parking

### **General Provisions**

Clauses 65.01 within the Alpine Planning Scheme provides the general decision guidelines.

Cr Sarah Nicholas re-entered Council Chambers at 6.10pm

## 8.2.6 Planning Application P.2022.72 - 5105 Great Alpine Road, Ovens PC378077

<b>Application number:</b>	<b><i>P.2022.72</i></b>
<b>Proposal:</b>	<b><i>Subdivision (4 Lots) and Creation of Access to a Transport 2 Zone</i></b>
<b>Applicant's name:</b>	<b><i>Matthew Fischer</i></b>
<b>Owner's name:</b>	<b><i>Nicholas Howell</i></b>
<b>Address:</b>	<b><i>5105 Great Alpine Road, Ovens</i></b>
<b>Land size:</b>	<b><i>8.2hA</i></b>
<b>Current use and development:</b>	<b><i>Single Dwelling</i></b>
<b>Site features:</b>	<b><i>Culturally Significant Scar Tree, Large Dam</i></b>
<b>Why is a permit required?</b>	<b><i>CL35.03 Subdivision in the Rural Living Zone                  CL44.06 Subdivision in the Bushfire Management Overlay                  CL52.29 – 6 Creation of Access and Subdivision of Land Adjacent to a Principal Road Network</i></b>
<b>Zoning:</b>	<b><i>Rural Living Zone</i></b>
<b>Overlays:</b>	<b><i>Bushfire Management Overlay (BMO)</i></b>
<b>Restrictive covenants on the title?</b>	<b><i>Section 173 Agreement AJ973095G</i></b>
<b>Date received:</b>	<b><i>11 May 2022</i></b>
<b>Statutory days:</b>	<b><i>275</i></b>
<b>Planner:</b>	<b><i>Lachlan Linkson</i></b>

***Cr Janas  
 Cr Keeble***

***That a Notice of Decision to grant a planning permit be issued for a 4 Lot Subdivision in accordance with the conditions outlined in Appendix 8.2.6.a. for the following reasons:***

- 1. The proposal is consistent with the relevant MPPF and LPPF clauses.**
- 2. The proposal is consistent with the requirements of Clause 35.03 Rural Living Zone, Clause 44.06 Bushfire Management Overlay and Clause 52.29 Land Adjacent to the Principal Road Network.**
- 3. The proposal is consistent with Clauses 65.01 and 65.02.**
- 4. The proposal constitutes orderly planning and is responsive to the surrounds. Identified risks can be satisfactorily mitigated with permit conditions.**

***Carried***

## **PROPOSAL**

Four (4) Lot Subdivision and Creation of Access to a Transport 2 Zone. The proposed subdivision will involve the removal of a Dam close to the eastern boundary of the site, and access is to be facilitated via a Cul-De-Sac. Lots are irregularly shaped and greater than two (2) hectares.

## **SUBJECT LAND AND SURROUNDS**

The subject site is an irregularly shaped Rural Living Zone lot spanning 8.416hA. It is developed with a single dwelling and features a culturally significant Aboriginal Scar Tree as well as two dams. The subject site is adjoined by Rural Living Zone land with the exception of the southern boundary, which meets Farming Zone land. Several of the adjacent Rural Living Zone blocks are developed with dwellings.



**Fig 1: Subject Site**



**Figure 2: Proposed Lot 1**



**Figure 3: Scar Tree to be retained**



**Figure 4: Dam to be removed**



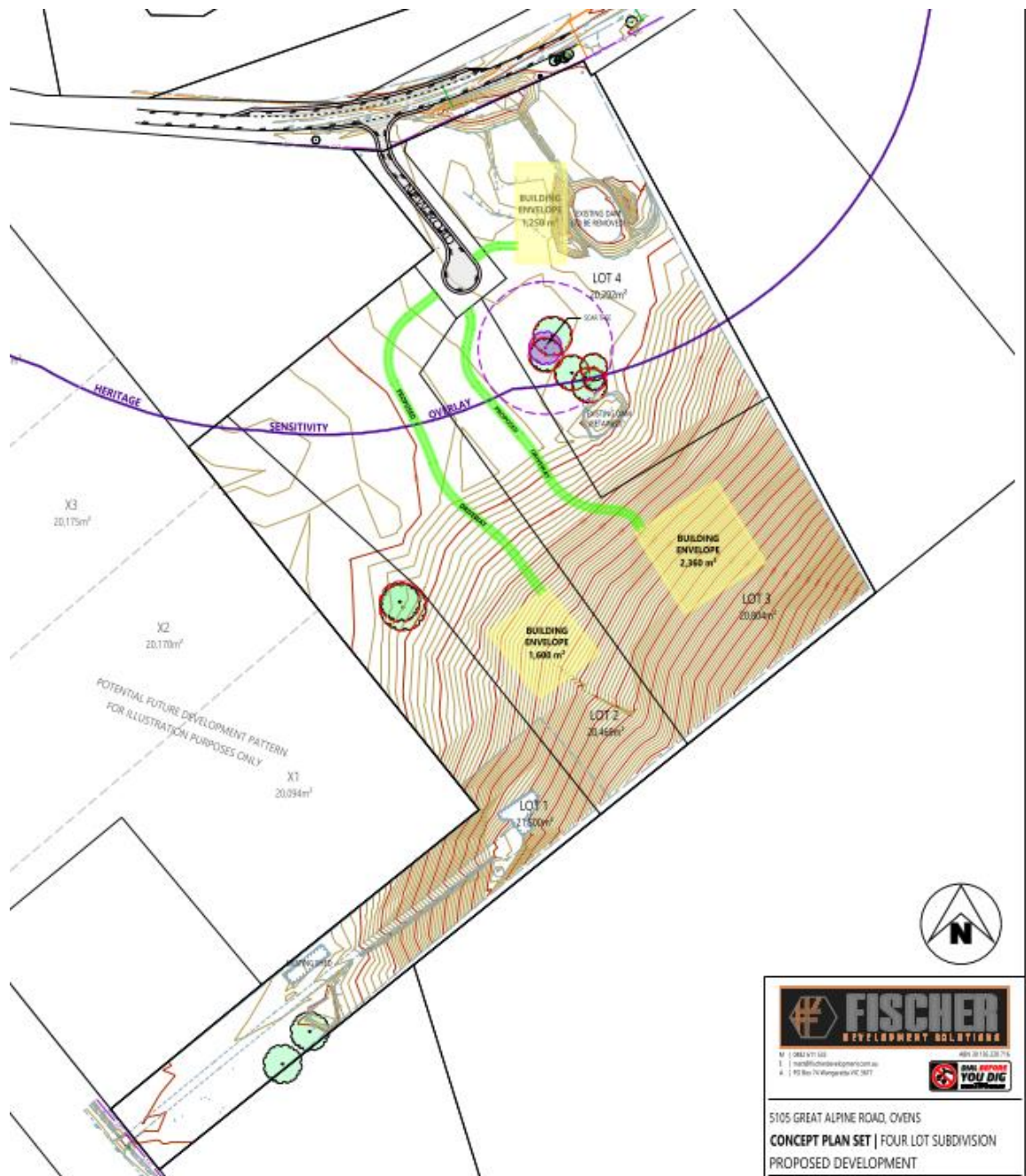


Fig 5: Proposed Subdivision Layout

## PUBLIC NOTIFICATION

The application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987*. Notice of the application was sent to surrounding landholders and occupiers. Two signs were displayed on the subject land and letters sent to adjoining properties. Multiple Objections were received. Grounds for Objection summarised below.

Summary of concerns	Council response
<p><b>Privacy</b>                      The building envelopes are in a direct line of sight to the existing dwelling at 82 Happy Valley Road.</p>	<p>The building envelopes in question are substantial (2360SQM and 1600SQM) allowing for substantial variance in house positioning. Housing privacy considerations can be addressed by the building act at the time of construction.</p>
<p><b>Safety</b>                      The inclusion of an additional road perpendicular to Happy Valley Road to facilitate access to the development will create safety issues given the nearby 110kmh road zone.</p>	<p>Vicroads are a determining authority for access to the proposed subdivision and have granted consent to the new accessway. Driver behaviour is ultimately outside of the scope of this proposal.</p>
<p><b>Water Inundation</b>                      The proposed infill of the onsite Dam will create excessive water inundation on the subject site and damage the agricultural viability and accessway of neighbouring 82 Ovens Road.</p>	<p>There has been substantial dialogue over the proposed infill of the Dam between Planning, Engineering, and the applicant regarding the potential inundation of the subject site and adjoining lot. Engineering has provided a specific condition related to the drainage of the site which will ensure that inundation is adequately mitigated. NECMA and Goulburn Murray Water provided consent to the proposed development. A permit condition will be included preventing any water discharge occurring over the boundary to 82 Happy Valley Road.</p>
<p><b>Agricultural Potential</b>                      The proposal will remove the agricultural potential of the site.</p>	<p>The land is removed from commercial agriculture and is not in the Farming Zone. The proximity to existing residential uses would make the procurement of the land for Farming purposes ineffective.</p>
<p><b>Heritage Significance</b>                      The proposal does not give due regard to the historical agricultural use of the site.</p>	<p>The only codified heritage control on site is the Cultural Heritage overlay which has been addressed by the inclusion of a Cultural Heritage Management Plan. Planning is unable to consider the Historical usage of the site as a family farm in relation to this subdivision.</p>

Summary of concerns	Council response
<p><b>Out of Character</b>                      The proposal is too akin to urban residential development.</p>	<p>The proposed lot shapes and size are broadly in accordance with the surrounding area. A landscaping condition will be included to ensure the Cul-De-Sacs is visually recessive. The Cul-De-Sac will have grassed drains to assist the rural character of the subject site being maintained.</p>

## REFERRALS

Referrals / Notice	Advice / Response / Conditions
Section 55 referrals:	CFA (S55) – Conditional Consent Ausnet (S55) – Conditional Consent North East Water (S55) – No response required NECMA (S52) – No objection, recommended conditions Vicroads (S55)- Conditional Consent GMW (S55) – Conditional Consent
Internal / external referrals:	Engineering

## PLANNING ASSESSMENT AND RESPONSE TO GROUNDS OF OBJECTION

All applicable policy and decision guidelines can be found in Appendix 8.2.6.b.

### Municipal Planning Strategy

The following Municipal Planning Strategy gives support to the proposal:

- 02.03-6 Housing - Rural Residential Development.

The land is zoned to facilitate rural residential development.

### Planning Policy Framework

The proposal has been assessed against and is supported by the relevant objectives and strategies of the Planning Policy Framework as follows:

#### **11 Settlement**

##### *11.01 Victoria*

Objectives:

- 11.01-1S – to facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.



Relevant strategies:

- Create and reinforce settlement boundaries.
- Deliver networks of high-quality integrated settlements that have a strong identity and sense of place.
- Limit urban sprawl and direct growth into existing settlements.
- Support growth and development in other existing urban settlements and foster the sustainability of small rural settlements.
- Ensure development in settlements provides reasonable levels of safety through avoidance of environmental hazards, accessibility to roads, water, telecommunications, and other reasonable infrastructure.
- Facilitate, in appropriate areas and with environmental safeguards, allocation of sufficient lands to allow the development of rural living communities within the Shire.

#### *11.02 Managing growth*

Objectives:

- 11.02-1S - to ensure sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional, and other community uses.

Relevant strategies:

- Maintain access to productive natural resources.
- Restrict rural residential development that would compromise future development at higher densities.

#### *Assessment*

The subject site is in close proximity to the Great Alpine and Happy Valley roads. It is in an existing pocket of Rural Residential land with access to appropriate reticulated infrastructure.

The proposal facilitates the development of rural living by directing growth into an existing settlement and limits urban sprawl as the land is already appropriately zoned.

The applicant has satisfactorily addressed the potential environmental risks, being bushfire and inundation.

### **12 Environmental and landscape values**

#### *12.05 Significant environments and landscapes*

Objectives:

- 12.05-2S - to protect and enhance significant landscapes and open spaces that contribute to character, identity, and sustainable environments.
- 12.05-2L - to protect the Shire's significant valley and alpine landscapes by minimising visual impacts landscapes, especially from major viewing areas.

Relevant strategies:

- Ensure development does not detract from the natural qualities of significant landscape areas.

- Maintain the scenic landscapes throughout the valley.
- Support development that maintains scenic qualities and landscape qualities of the area and demonstrates high levels of visual management.
- Protect the rural character and the landscape and tourism values along key touring routes particularly between townships and settlements.
- Support development in rural areas that does not dominate or intrude on the landscape setting including landscape corridors.

#### *Assessment*

The proposed Subdivision occurs on a scenically significant stretch of Happy Valley Road. The surrounds are characterised by sparse housing development in conjunction with large undulating expanses of open land. The subdivision reflects this character in the proposed 2 hectare lot size with appropriately spaced building envelopes. Housing will recede in the gentle upslope of the subject site when viewed from the road.

### **13 Environmental Risks and Amenity**

#### *13.01 Climate change impacts*

Objectives:

- 13.01-1S - to minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning.

Relevant strategies:

- Site and design development to minimise risk to life, health, property, the natural environment, and community infrastructure from natural hazards.

#### *13.02 Bushfire*

Objectives:

- 13.02-1S - to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.
- 13.02-1L -

Relevant strategies:

- Direct population growth and development to low-risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.
- Ensuring the bushfire risk to existing and future residents, property and community infrastructure will not increase as a result of future land use and development.
- Avoid residential development of land that is identified as Bushfire Prone Land where residential development and use of land will intensify the risk or require a Bushfire Attack Level rating in excess of 29.

#### *Assessment*

The proposal has satisfactorily addressed the onsite bushfire risk with a Bushfire Management Statement, which received the approval of the Country Fire Authority.

Additionally, the provided Bushfire Management Plan specifies a BAL 19 fire rating, in accordance with policy 13.02 – 1L.

There is a noted risk of localised inundation at the lower quadrant of the proposed subdivision, where water runs from the elevated southern portion and pools. The Happy Valley boundary of Lot 4 is at particular risk of localised inundation which is compounded by the proposition to remove a dam on site.

The proposal was referred to NECMA, GMW and Council's Engineering Team with all of these authorities providing consent to the proposal.

## **16 Housing**

### *16.01 Residential development*

Objectives:

- 16.01-3S - to identify land suitable for rural residential development.
- 16.01-3L - to ensure that rural residential development is appropriately located to protect rural land from inappropriate development to provide social, economic and environmental benefits for existing and future generations, and to provide a safe living environment for residents.

Relevant strategies:

- Locate rural residential development to protect agricultural areas from urban sprawl and conflicting land uses.
- Ensure rural residential development is compatible with the environmental characteristics of the area.
- Direct new rural residential subdivision and development away from land classified as high quality for agriculture, of high biological significance due to its flora and fauna values, or of high landscape, cultural heritage, or archaeological significance.
- Avoid rural residential development on constrained land eg. BAL in excess of 29, subject to 1 in 100 year flood frequency level, sloped steeper than 20%.

### *Assessment*

The building envelopes proposed as part of this subdivision have been assessed by all relevant entities (CFA, GMW, NECMA, Alpine Shire Engineering) for environmental risk. These entities indicated satisfaction with the proposal. The subject site adjoins a large agricultural Farming Zone but given that the surrounds are already developed with dwellings and the site has been designated rural residential, this not considered to be of risk.

## **19 Infrastructure**

### *19.03 Development infrastructure*

Objectives:

- 19.03-3S - to sustainably manage water supply and demand, water resources, wastewater, drainage and stormwater through an integrated water management approach

Relevant strategies:

- Minimise drainage, water or wastewater infrastructure and operational costs.
- Facilitate use of alternative water sources such as rainwater, stormwater, recycled water and run-off from irrigated farmland.
- Minimise the potential impacts of water, sewerage and drainage assets on the environment.
- Encourage the use of alternative effluent and water systems in rural areas.
- Design development in rural areas so stormwater flows downstream are no greater than predevelopment levels.
- Ensure development in rural areas retains and treats all effluent on site.

#### *Assessment*

The applicant is to install a new culvert system at their expense for the discharge of flow off site. This will be required to be completed to the satisfaction of Council's Engineering Team. No objection was received by relevant authorities to the siting of building envelopes relative to water management.

#### **Zoning and land use**

The subject land is zoned RLZ (Rural Living Zone) pursuant to the Alpine Planning Scheme. The purpose of the zone and applicable decision guidelines can be found at the following link:

<https://planningschemes.app.planning.vic.gov.au/Alpine/ordinance/35.03>

#### **Overlays**

The subject land is in the Rural Living Zone. The development is consistent with purpose and decision guidelines for the following reasons:

#### **Clause 35.03 – Rural Living Zone**

Purpose

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

To provide for residential use in a rural environment.

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

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

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

The proposal accords with the purpose of the Rural Living Zone. The proposed lot sizes do not detract from the regional amenity of the area and environmental risks/amenities have been satisfactorily mitigated.

## Decision Guidelines

### General Issues

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- The potential for accommodation to be adversely affected by vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.

The proposal complies with the relevant Municipal Planning Strategy and Planning Policy and can accommodate the proposal.

### Agricultural issues

- The capacity of the site to sustain the agricultural use.
- Any integrated land management plan prepared for the site.
- The potential for the future expansion of the use or development and the impact of this on adjoining and nearby agricultural and other land uses.

Agricultural usage of the site is not proposed. The site is located within an established pocket of RLZ land and suitable Farming Land is nearby. Given that the subject site already exists within an established rural residential area the potential impact on agricultural viability is considered negligible.

### Environmental issues

- The impact on the natural physical features and resources of the area and in particular any impact caused by the proposal on soil and water quality and by the emission of noise, dust and odours.
- The impact of the use or development on the flora, fauna and landscape features of the locality.
- The need to protect and enhance the biodiversity of the area, including the need to retain vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

The proposed infill of the Dam poses an environmental risk due to pooling of water in proximity to the current Happy Valley road boundary. The dam is located low in the topography of the site and is approximately 1.5 million litres in capacity. A condition is to be included on the permit requiring the construction of an appropriate culvert and drainage system to the satisfaction of Council.

### **Design and siting issues**

- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.
- Whether the use or development will require traffic management measures.
- The need to locate and design buildings used for accommodation to avoid or reduce the impact from vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.

The proposed subdivision creates some visual risk to the subject site given the implementation of a Cul-De-Sac and the potentially higher number of dwellings. The proposed Cul-De-Sac will sit low in the topography of the site and will be constructed with grass drains to reflect the rural character of the surrounds. An additional landscaping condition is to be included surrounding the Cul-De-Sac to ensure that the character of the subject site is upheld. Given the established pattern of residential development adjoining the subject site the location and density of the proposed building envelopes is considered appropriate.

### **Clause 44.06 (Bushfire Management Overlay)**

Purpose

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

To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.

To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.

To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

The applicant has provided appropriate documentation to the satisfaction of the CFA. The requirements of this overlay are considered satisfied.

### **Particular Provisions**

Clause 52.29 Land Adjacent to the Principal Road Network

Purpose

To ensure appropriate access to the Principal Road Network or land planned to form part of the Principal Road Network.

To ensure appropriate subdivision of land adjacent to Principal Road Network or land planned to form part of the Principal Road Network.

Decision Guidelines

- The Municipal Planning Strategy and the Planning Policy Framework.
- The views of the relevant road authority.
- The effect of the proposal on the operation of the road and on public safety.
- Any policy made by the relevant road authority pursuant to schedule 2, clause 3 of the *Road Management Act 2004* regarding access between a controlled access road and adjacent land.

The proposal to create an accessway for this subdivision accords with the relevant clauses of the Municipal Planning Strategy and the Planning Policy Framework. The proposed Cul-De-Sac can be of adequately low visual impact. Consent has been provided by Transport for Victoria subject to conditions. There may be planning merit to the consideration of safety given the proximity of a 110 KMH road zone, however this has not been raised as a concern by the determining authority (Transport for Victoria).

**General Provisions**

<b>65.01</b>	
Decision Guideline	Officer Comment
The matters set out in Section 60 of the Act	Complies
The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies	Complies, assessed above
The purpose of the zone, overlay or other provision	Complies
Any matter required to be considered in the zone, overlay or other provision	Complies
The orderly planning of the area	Planning outcome is orderly. The appropriate provisions are satisfied and the design is responsive
The effect on the amenity of the area	Potential amenity impacts are identified above. Risk considered satisfactorily low
The proximity of the land to any public land	The land is within proximity to Happy Valley Creek. The risk of inundation was noted in assessment by NECMA.
Factors likely to cause or contribute to land degradation, salinity or reduce water quality	Runoff from the proposed subdivision will be drained to the Satisfaction of Council Engineers

Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site	The development will need to improve the quality of stormwater exiting the site. This will be reflected in conditions
The extent and character of native vegetation and the likelihood of its destruction	N/A
Whether native vegetation is to be or can be protected, planted or allowed to regenerate	N/A
The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard	Satisfactorily addressed. Discussed above
The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts	N/A
<b>65.02</b>	
Decision Guideline	Officer Comment
The suitability of the land for subdivision	Land is suitable for Subdivision
The existing use and possible future development of the land and nearby land	Further subdivision on the subject lot cannot be supported due to mandatory lot size in the RLZ
The availability of subdivided land in the locality, and the need for the creation of further lots	
The effect of development on the use or development of other land which has a common means of drainage	The subject lot shares a water runoff with the adjoining 82 Happy Valley road. Drainage rectification works will prevent inundation impacts
The subdivision pattern having regard to the physical characteristics of the land including existing vegetation	Vegetation is not proposed to be impacted
The density of the proposed development	Density is appropriate relative to the surrounds
The area and dimensions of each lot in the subdivision	Appropriate for the RLZ



The layout of roads having regard to their function and relationship to existing roads	The layout of the proposed access is appropriate for the site
The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots	The proposal is not an urban subdivision. Vehicle access is to be provided to building envelopes via characteristic dirt driveways
The provision and location of reserves for public open space and other community facilities	N/A
The staging of the subdivision	Not staged
The design and siting of buildings having regard to safety and the risk of spread of fire	No buildings proposed, envelopes comply
The provision of off-street parking	NA
The provision and location of common property	Appropriate for access to the proposed lots
The functions of any body corporate	NA
The availability and provision of utility services, including water, sewerage, drainage, electricity and gas	The proposal will create a new drainage culvert to the satisfaction of Council engineers. The site does not have access to reticulated sewage
If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot	The applicant has provided an LCA supporting the proposal
Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas	N/A

### **CONCLUSION**

The application is considered to be consistent with the Alpine Planning Scheme and should be approved for the following reasons:

- The proposal is consistent with the relevant MPPF and LPPF clauses.
- The proposal is consistent with the requirements of Clause 35.03 Rural Living Zone, Clause 44.06 Bushfire Management Overlay and Clause 52.29 Land Adjacent to the Principal Road Network
- The proposal is consistent with Clauses 65.01 and 65.02
- The proposal constitutes orderly planning and is responsive to the surrounds. Identified risks can be satisfactorily mitigated with permit conditions.

## **DECLARATION OF CONFLICT OF INTEREST**

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Customer and Community
- Interim Statutory Planning Coordinator
- Planning Officer

## **APPENDICIES**

8.2.6.a Conditions

8.2.6.b. Policy and decision guidelines

## **APPENDIX 8.2.6a. CONDITIONS**

### **AMENDED PLANS**

1. Prior to the issue of a statement of compliance, the applicant must provide amended plans demonstrating:
  - a. Landscaping to soften the visual impacts of the proposed accessway from view of Happy Valley Road, where compliant with the requirements of Clause 53.02.
  - b. Labelling of the proposed accessway and cul-de-sac to demonstrate that they will be constructed in a manner visually appropriate for a rural context.

### **GENERAL CONDITIONS**

2. Layout not altered

The layout of the subdivision as shown on the endorsed plan must not be altered or modified (whether or not in order to comply with any statute, statutory rule or Local Law, or for any other reason) without the prior written consent of the Responsible Authority.
3. The owner of the land must enter into an agreement with:
  - a. A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider 's requirements and relevant legislation at the time; and
  - b. A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
4. Covenants that relate to the use of the land or development must not be included in any contracts of sale or on titles of any lots without the approval of the responsible authority; and no variation to the standard requirements of the approved covenants shall be agreed to by the transfer or without the prior written consent of the Responsible Authority.
5. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
  - a. A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
  - b. A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can

demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

6. No works on site are permitted to commence until the plan of subdivision is certified.
7. Groundwater runoff from the subject site to 82 Happy Valley Road is not permitted.

## **ENGINEERING CONDITIONS**

### **Drawing Requirements**

8. Detailed Construction Plans

Prior to commencement of construction, detailed construction plans must be submitted to and approved by the Alpine Shire Council. Construction detail shall be generally in accordance with Council's Infrastructure Design Manual ([www.designmanual.com.au](http://www.designmanual.com.au)). When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions, and shall include proposed construction detail, further information or modifications to:

- a. Pavement and proposed seal treatment as per IDM Clause 12 and 21m diameter court bowl.
- b. Underground drainage system, with supporting computations
- c. Landscape plans, including street tree locations and planting detail vehicular crossings.

### **Alpine Shire Council Fees**

9. Supervision Fees

Prior to issue of the Statement of Compliance, a supervision of works fee of 2.5% of the actual cost of work is to be paid to the Alpine Shire Council.

10. Plan Checking Fees

Prior to issue of the Statement of Compliance, an engineering design checking fee of 0.75% of the value of documented works is to be paid to the Alpine Shire Council.

11. Maintenance Bond

Prior to issue of Statement of Compliance, a bond to the value of 5% of the cost of the road and drainage works shall be submitted to Council to be held for the duration of the 12 month Defect Liability period and may be used by the Alpine Shire Council to undertake any required works in the event of failure to do so by the developer.

12. Landscape Plan

Prior to commencement of construction, a landscape plan to the satisfaction of the Alpine Shire Council must be submitted to and approved by the Alpine Shire Council and be in accordance with the requirements of the Infrastructure Design Manual. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:

- a. A survey of all existing vegetation and natural features showing plants (trees greater than 150mm diameter, and shrubs over 1200mm diameter) to be removed.
- b. 'Tree Preservation Areas' in yellow and hatched indicating areas of significant vegetation. Once approved such plan must be lodged on title by way of a Section 173 agreement under the Planning Environment Act, 1987. The applicant or owner must retain significant vegetation within any "Tree Preservation Area", during construction of works for this subdivision.
- c. building envelopes and vehicular access points for each lot in the subdivision.
- d. a planting schedule of all proposed trees, shrubs and ground cover, which will include the location, number and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface materials as specified.
- e. the method of preparing, draining, watering and maintaining the landscaped area;
- f. details of surface finishes of pathways and driveways;
- g. landscaping and planting within all open areas of the site
- h. the sewer and water supply connection points;
- i. the weed management program;
- j. proposed bed heights above car-park surface;
- k. all areas where vehicle overhang will occur;
- l. all landscaped areas proposed to be used for stormwater retardation;
- m. a permanent screen of trees and shrubs with a minimum of two rows using a mixture of local trees and understorey species

All species selected must be to the satisfaction of the Alpine Shire Council.

13. Prior to issue of Statement of Compliance, landscaping works shown on the endorsed plan must be carried out and completed to the satisfaction of the Alpine Shire Council.
14. The landscaping shown on the endorsed plans must be maintained for a period of three months from the date of practical completion of the works to the satisfaction of the Alpine Shire Council. Any dead, diseased or damaged plants are to be replaced within 12 months of the date of practical completion for the works.
15. Tree Protection during Construction  
Prior to commencement of construction, a tree protection fence must be erected around the (insert details of tree(s)) at a radius of (insert number) metres from the base of the trunk(s) /dripline of the existing trees to define a 'Tree Protection zone'. The fence must be constructed of (specify star pickets and chain mesh or similar) to the satisfaction of the relevant authority (insert tree protection guidelines). The tree protection fence must remain in place until construction is completed. The ground surface of the Tree Protection Zone must be covered by a 100mm deep layer of mulch before the development starts and be watered regularly to the satisfaction of the Alpine Shire Council.

## **DRAINAGE**

### 16. Urban Drainage Works

Prior to issue of Statement of Compliance, all stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge by underground pipe to the satisfaction of the Alpine Shire Council. No effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system. The legal point of discharge for this site is (insert legal point of discharge).

All roof water from buildings and surface water from paved areas must be collected and discharged to the point of discharge to avoid any nuisance discharge to adjacent land.

### 17. Drainage Discharge Plan

Prior to certification, a properly prepared drainage discharge plan with computations must be submitted to, and approved by, Alpine Shire Council. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The information submitted must show the details listed in Council's Infrastructure Design Manual and be designed in accordance with the requirements of that manual.

The information and plan must include:

- Details of how the works on the land are to be drained and/or retarded.
- Detailed design for a culvert underneath Happy Valley Road and safe conveyance to the creek. Computation of runoff from all possible catchments and springs onto the culvert must be provided and the culvert must be shown to have sufficient capacity.
- Connection points for drainage for each lot
- Drains conveying stormwater to the legal point of discharge for each allotment
- Documentation demonstrating approval from all relevant authority for the drainage plan including North East Catchment Authority and Department of Transport.

### 18. Rural Crossings

Prior to issue of Statement of Compliance, vehicular crossings shall be constructed in accordance with the endorsed plan(s) to the satisfaction of the Alpine Shire Council, and shall comply with the following:

- a. standard vehicular crossings shall be constructed at right angles to the road to suit the proposed driveways, and any existing redundant crossing shall be removed and reinstated to match into the surrounding profile.
- b. Any proposed vehicular crossing shall have satisfactory clearance to any pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense;
- c. crossings are to be concrete or have a bituminous seal applied where they abut a sealed road. If the road is unsealed the crossing may remain an unsealed crushed

rock pavement. Dimensions and roadside drainage treatments are to be generally in accordance with IDM drawing SD255.

### **Subdivision**

#### 19. Easements to be Created

All existing and proposed easements and sites for existing and required utility services and roads must be set aside in favour of the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for certification under the Subdivision Act 1988

#### 20. Prior to Commencement of Construction

Before any road/drainage works associated with the subdivision/development start, the following items must be satisfied:

- a. Issue of the certified Plan of Subdivision.
- b. Approval of the construction plans
- c. An on-site meeting with officers of the municipality, the contractor and the developer or the developer's consultant to discuss matters such as roadside management, construction techniques, sedimentation controls, vegetation clearing controls and vegetated areas to be barricaded off prior to and during construction

#### 21. Construction Management Plan

Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the Alpine Shire Council.

Prior to commencement of construction, a construction management plan shall be submitted to and approved by the Alpine Shire Council. The plan must outline how issues such as mud on roads, dust generation and erosion and sediment control will be managed, on site, during the construction phase. Details of a contact person/site manager must also be provided, so that this person can be easily contacted should any issues arise. Management measures are to be in accordance with EPA guidelines for Environment Management, "Doing It Right On Subdivisions" Publication 960, September 2004.

#### 22. No Mud on Roads

Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, to the satisfaction of the Alpine Shire Council.

Prior to issue of Statement of Compliance, all works constructed or carried out must be in accordance with those plans - to the satisfaction of Alpine Shire Council.

### **COUNTRY FIRE AUTHORITY CONDITIONS**

#### 23. Prior to certification under the *Subdivision Act 1988*, an amended Bushfire

Management Plan must be submitted to and endorsed by the Responsible Authority. Once endorsed the Bushfire Management Plan must be included as an annexure to the section 173 agreement prepared to give effect to clause 44.06-5 of the Planning

Scheme and not be altered unless agreed to in writing by CFA and the Responsible Authority. The plan must be generally in accordance with the Bushfire Management Plan submitted, prepared by Fischer Development Solutions, dated:13/01/2022, Revision A, but amended to include or replace the conditions for Defendable space, with:

- a. Defendable space (Lots 2,3 and 4) Defendable space for a distance of 13 metres within and around the building envelopes (or to the property boundary, whichever is the lesser distance) must be provided for lots 2 and 3. and;
  - b. Defendable space for a distance of 29 metres within and around the building must be provided for Lot 4, where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:
    - Grass must be short cropped and maintained during the declared fire danger period.
    - All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
    - Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
    - Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
    - Shrubs must not be located under the canopy of trees.
    - Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
    - Trees must not overhang or touch any elements of the building.
    - The canopy of trees must be separated by at least 5 metres.
    - There must be a clearance of at least 2 metres between the lowest tree branches and ground level.
24. In addition to the requirements of Clause 44.06-5 of the Scheme, the Section 173 Agreement prepared in accordance with that clause must also: a) Explicitly exclude Lot 1 from the following exemption under Clause 44.06-2 of the Scheme: "A building or works consistent with an agreement under section 173 of the Act prepared in accordance with a condition of permit issued under the requirements of Clause 44.06-5".
25. Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
- The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
  - Curves must have a minimum inner radius of 10 metres.
  - Have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side and 4 metres above the access way.



- Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.

### **GOULBURN-MURRAY WATER CONDITIONS**

26. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
27. Any Plan of Subdivision lodged for certification must be referred to Goulburn-Murray Rural Water Corporation pursuant to Section 8(1)(a) of the Subdivision Action.
28. The existing on-site wastewater treatment and disposal systems for proposed new Lot 1 must be wholly contained within the boundaries of the new lot created by subdivision.

### **TRANSPORT FOR VICTORIA CONDITIONS**

29. Only one access will be permitted from the subject land to the Great Alpine Road located at Lot 1.
30. Only one access will be permitted from the subject land to the Happy Valley Road located at Northern Access Road.
31. Unless otherwise agreed in writing by the Head, Transport for Victoria prior to the certification of the plan of subdivision, a Functional Layout Plan must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must show the following at the proposed Northern Access Road for Lot 2-4 and Happy Valley Road:
  - Basic Left Turn Treatment (BAL).
  - Basic Right Turn Treatment (BAR).
32. Unless otherwise agreed in writing by the Head, Transport for Victoria prior to the release of a statement of compliance the following roadworks must be completed to the satisfaction of and at no cost to the Head, Transport for Victoria:
  - i. At the intersection of Northern Access Road and Happy Valley Road:
    - a. Basic Left Turn Treatment (BAL).
    - b. Basic Right Turn Treatment (BAR).
    - c. Any other works required.
  - ii. The access to Lot 1 must be constructed and sealed in accordance with VicRoads guideline drawing GD4010 Typical Access to Rural Properties to cater for the 12.5m single unit as detailed in Table 2 - Access Setout Detail.

### **AUSNET CONDITIONS**

33. The plan of subdivision submitted for certification must be referred to AusNet Electricity Services Pty Ltd in accordance with Section 8 of the subdivision Act 1988. The applicant must –
34. Enter into an agreement with AusNet Electricity Services Pty Ltd for supply of electricity to each lot on the endorsed plan.
35. Enter into an agreement with AusNet Electricity Services Pty Ltd for the rearrangement of the existing electricity supply system.
36. Enter into an agreement with AusNet Electricity Services Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AusNet Electricity Services Pty Ltd.
37. Provide easements satisfactory to AusNet Electricity Services Pty Ltd for the purpose of "Power Line" in the favour of "AusNet Electricity Services Pty Ltd" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing AusNet Electricity Services Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
38. Obtain for the use of AusNet Electricity Services Pty Ltd any other easement required to service the lots.
39. Adjust the position of any existing AusNet Electricity Services Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.
40. If required, set aside on the plan of subdivision Reserves for the use of AusNet Electricity Services Pty Ltd for electric substations.
41. Provide survey plans for any electric substations required by AusNet Electricity Services Pty Ltd and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. AusNet Electricity Services Pty Ltd requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.
42. Provide to AusNet Electricity Services Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.

### **ALPINE SHIRE HEALTH CONDITION**

43. An application must be made for a Permit to Install a Septic Tank System to the satisfaction of Council prior to a building permit being issued in accordance with the requirements of the *Building Act 1993*. The septic system must comply with the Code of Practice – onsite Wastewater Management Publication 891.4 and AS1546.1 to 1546.4 and be accompanied by a Land Capability Assessment. The LCA must be in the format recommended by the MAV (available online at [www.mav.asn.au](http://www.mav.asn.au))

### **EXPIRY CONDITION**

44. This permit will expire if one of the following circumstances applies:
  - The plan of subdivision is not certified within two (2) years of the date of this permit.

- The registration of the subdivision is not completed within five (5) years of the date of certification of the plan of subdivision.
- The responsible authority may extend the time for certification if a request is made in writing before the expiry of the permit or within 6 months afterwards.

### **Notations**

- a. A road opening/crossing permit must be obtained from the Alpine Shire Council prior to working in or occupying the road reserve with construction equipment or materials. Applications may be accessed via the following link Work on Council land permit, or from the Alpine Shire Council website.
- b. This permit does not authorize the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

### **CFA Notations**

- c. CFA has assessed the slope for the grassland to South to be upslope/flat and therefore 13m of defensible space or to the property boundary is required in accordance with Table 2 pursuant to Clause 53.02.
- d. CFA does NOT consent to the Certification of the Plan of Subdivision under Section 9 of the *Subdivision Act 1988*. CFA does want the Plan of Subdivision for this planning permit application referred under Section 8 of the *Subdivision Act 1988*. CFA does NOT consent to the Statement of Compliance for Subdivision

### **Transport for Victoria Notations**

- e. Separate 'detailed design' approval (fees and charges apply) and the specifications of these are required under the Road Management Act. For the purposes of this application the works will include provision of: a Basic Left Turn Treatment (BAL) at the proposed Northern Access Road and Happy Valley Road o Basic Right Turn Treatment (BAR) at the proposed Northern Access Road and Happy Valley Road. Please forward all the details to [nriw.ntheastern@roads.vic.gov.au](mailto:nriw.ntheastern@roads.vic.gov.au). Further information regarding VicRoads' consent to work within the road reserve can be found on the VicRoads Website: <https://www.vicroads.vic.gov.au/businessand-industry/design-and-management/working-within-the-road-reserve>

## **Appendix 8.2.6.b. POLICY AND DECISION GUIDELINES**

### **State Planning Policy Framework**

The State Planning Policy Framework (SPPF) provides relevant direction to the proposal at Clauses:

12.05 -2S Landscapes

13.01 – 1S Natural Hazards and Climate Change

19.03 – 3S Integrated Water Management

### **Local Planning Policy Framework**

Applicable local planning policy can be found in the Local Planning Policy Framework (LPPF) section. Clauses:

11.01 - 1L - 01 Settlement

12.05 – 2L Landscapes

13.02 – 1L Bushfire planning

16.01 – 3L Rural Residential Development

### **Zone**

The subject land is zoned RLZ (Rural Living Zone) pursuant to the Alpine Planning Scheme. The purpose of the zone and applicable decision guidelines can be found at the following link: <https://planning-schemes.app.planning.vic.gov.au/Alpine/ordinance/35.03>

### **Overlays**

The planning permit application must address the Bushfire Management Overlay (Clause 44.06 of the Alpine Planning Scheme).

### **Particular Provisions**

Clause 52.29 (Land Adjacent to the Principal Road Network)

Clause 53.02 (Bushfire Planning)

### **General Provisions**

Clause 65.01 (Approval of an Application or Plan)

Clause 65.02 (Approval of an Application to Subdivide Land)

## 9. Informal meetings of Councillors

### Introduction

In accordance with Chapter 8, section A1 of Council's Governance Rules, if there is a meeting of Councillors that:

- is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;
- is attended by at least one member of Council staff; and
- is not a Council meeting, Delegated Committee meeting, or Community Asset Committee meeting;

the Chief Executive Officer must ensure that a summary of the matters discussed at the meeting are tabled at the next convenient Council meeting, and are recorded in the minutes of that Council meeting.

***Cr Janas***

***Cr Prime***

***That the summary of informal meetings of Councillors for January / February 2023 be received.***

***Carried***

### Background

The written records of the informal meetings of Councillors held during the previous month are summarised below. Detailed records can be found in Attachment 9.0 to this report.

Date	Meeting
31 January	Briefing Session
3 February	Planning Forum x 2
14 February	Briefing Session

### Attachment(s)

- 9.0 Informal meetings of Councillors – January / February 2023

## 10. Presentation of reports by delegates

Refer to Alpine Shire Council's website [www.alpineshire.vic.gov.au](http://www.alpineshire.vic.gov.au); for its YouTube live-streaming recording for responses to reports by delegates.

## 11. General business

Refer to Alpine Shire Council's website [www.alpineshire.vic.gov.au](http://www.alpineshire.vic.gov.au); for its YouTube live-streaming recording for responses to general business.

## 12. Motions for which notice has previously been given

Nil

## 13. Reception and reading of petitions

*Cr Keeble*

*Cr Prime*

*That Council notes and receives and provides a response to the petition from Leanne Boyd on behalf of "Save the Gateway Trees in Bright Facebook Group" seeking Council to reconsider the proposal to remove trees with respect to the Bright Valley Development at the western gateway into Bright.  
A written response will be provided to the petitioner.*

*Carried*

## 14. Documents for sealing

*Nil*

## 15. Confidential Reports

*Cr Nicholas*

*Cr Kelley*

*That, in accordance with the provisions of s66(2)(a) of the Local Government Act 2020, the meeting be closed to the public for consideration of two confidential reports due to the information defined by s3 of the Local Government Act 2020, as:*

- a. Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.*

*Carried*

There being no further business the Chairperson declared the meeting closed to the public at 6.57p.m and the meeting was moved in camera at 7.30p.m.

.....  
Chairperson

**M(3) - 28 March 2023 Ordinary Council Meeting**  
**Petition to THE ALPINE SHIRE**  
**8.1.1 Petition Proposed Removal of Trees - Redacted**

We are concerned about the proposed removal of trees on the way into Bright, Victoria. These trees are a vital part of our town's natural beauty, and their removal would greatly diminish the area's aesthetic appeal.

We urge the Alpine Shire to consider alternative solutions, to achieve the desired outcomes while preserving their beauty and value. Community engagement and collaboration are essential in this process.

Please reconsider the proposal to remove the trees and work with the community to find a solution that balances the needs of the community with the preservation of the natural environment

By signing this petition we are voicing our opposition to the removal of the trees at the entrance of Bright, that are supposedly going to be removed for the new estate being built. Please include your address when signing,

Name	Address	Signature
personal information		

**Person Lodging this petition is**

**Full Name:** personal information

**Address:**

**Signature:**



**M(3) - 28 March 2023 Ordinary Council Meeting**  
**PETITION TO THE ALPINE SHIRE, BRIGHT**  
**8.1.1 Petition Proposed Removal of Trees - Redacted**

We are concerned about the proposed removal of trees on the way into Bright, Victoria. These trees are a vital part of our town's natural beauty, and their removal would greatly diminish the area's aesthetic appeal.

We urge the Alpine Shire to consider alternative solutions, to achieve the desired outcomes while preserving their beauty and value. Community engagement and collaboration are essential in this process.

Please reconsider the proposal to remove the trees and work with the community to find a solution that balances the needs of the community with the preservation of the natural environment

By signing this petition we are voicing our opposition to the removal of the trees at the entrance of Bright, that are supposedly going to be removed for the new estate being built,

Name	Address	Signature
personal information 		

Person Lodging this petition is \_\_\_\_\_  
Name  
Address signature

. Please include your address when signing..



# Alpine Planning Scheme Review

Version 3.1

24 March 2023  
Final



Planning and Environment Act 1987

Planning scheme review pursuant to Section 12B of the Act

Alpine Planning Scheme

<b>Version</b>	<b>Author</b>	<b>Issue date</b>
1.0	CR and CM	12 December 2022
2.0	CR and CM	1 March 2023
3.0	CR	16 March 2023
3.1	CR	23 March 2023

## 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 is in crisis leading 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 25, 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 (Glenburn 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 Plans 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 the 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 Practitioners' Guide to Victorian 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
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

Clause no. and name	Changes required (if relevant)	Action
14.01-3L Forestry and timber production		Complies
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 Harrietteville 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

Clause no. and name	Changes required (if relevant)	Action
43.04s3 Development Plan Overlay - LOTS 1 & 2 ON PS613866 AND LOTS 1, 2, 4, 5, 7 - 9 ON TP859376 – GREAT ALPINE ROAD	Change name to “Bright Gateway” to provide the common name of the land and reflect the approved development plan.	Policy neutral amendment
	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



Clause no. and name	Is it applied? Changes required (if relevant)	Action
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	<b>Alpine</b>	<b>43 days</b>	<b>36 days</b>	<b>68 days</b>	<b>68 days</b>	<b>114 days</b>
	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
	<b>Small Council average</b>	<b>51 days</b>	<b>54 days</b>	<b>52 days</b>	<b>54 days</b>	<b>69 days</b>
Planning applications decided within required time frames	<b>Alpine</b>	<b>81%</b>	<b>72%</b>	<b>56%</b>	<b>62%</b>	<b>41%</b>
	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
	<b>Small Council average</b>	<b>74%</b>	<b>69%</b>	<b>76%</b>	<b>74%</b>	<b>69%</b>
Cost of statutory planning service per planning application	<b>Alpine</b>	<b>\$1,388</b>	<b>\$1,346</b>	<b>\$1,534</b>	<b>\$1,683</b>	<b>\$1,936</b>
	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
	<b>Small Council average</b>	<b>\$2,467</b>	<b>\$2,599</b>	<b>\$2,604</b>	<b>\$2,698</b>	<b>\$2,836</b>
Decisions upheld at VCAT	<b>Alpine</b>	<b>N/A</b>	<b>100%</b>	<b>N/A</b>	<b>100%</b>	<b>67%</b>
	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
	<b>Small Council average</b>	<b>66%</b>	<b>49%</b>	<b>26%</b>	<b>29%</b>	<b>43%</b>

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
<b>Application type</b>				
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).

- 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:

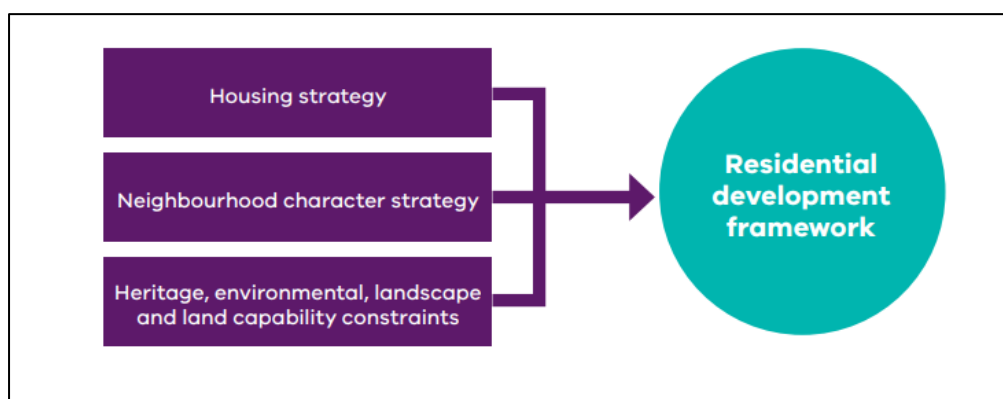
- Strategy 4.2.1: The development of our townships, settlements and landscapes is managed sensitively and sustainably.
- Strategy 4.2.2: Adequate, inclusive, and sustainable housing.

### 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:

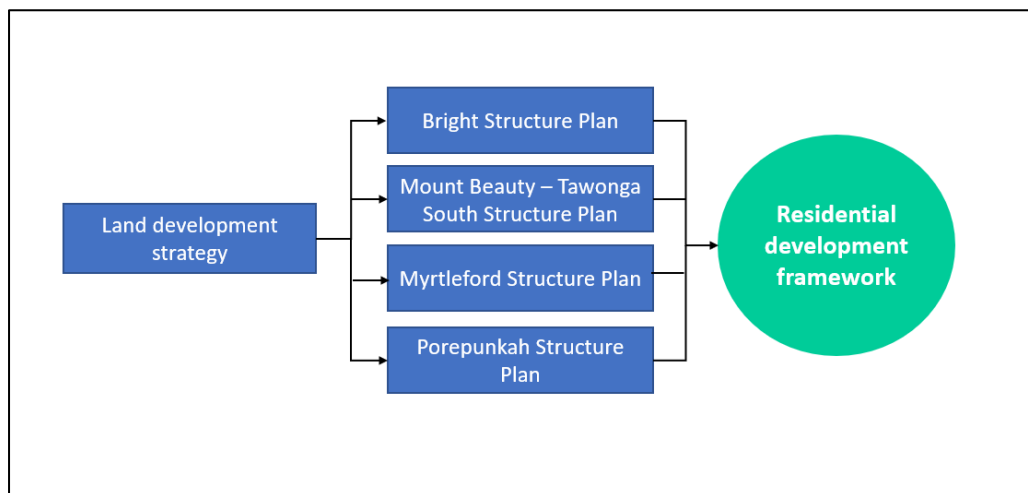
- Identify the mix of housing that is required in each township to accommodate group. It just identifies locations that are considered appropriate for urban growth.
- Develop preferred neighbourhood character statements.
- Identify variations to the residential schedules that are required to achieve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

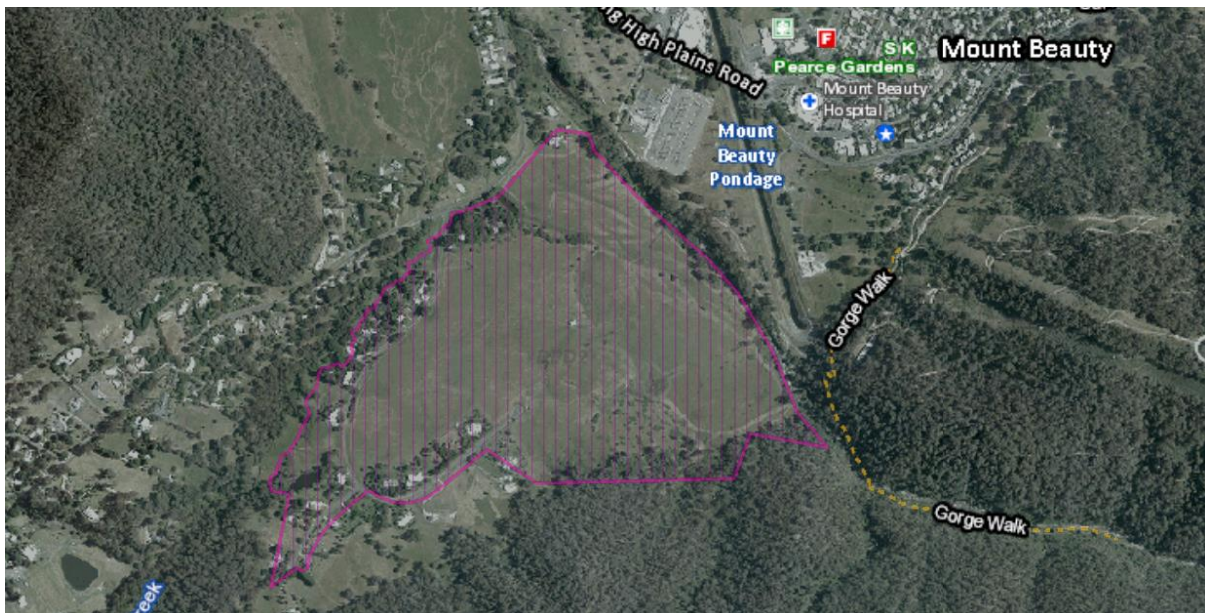
Figure 4: Plan showing application of DPO1 (hatched in purple)



Source: Planning Schemes online

The impact on the land at Glenburn 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 don't 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 (Glenburn 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 25, 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.

These parcels of land are currently used for industrial purposes, and should not be zoned for residential development.

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



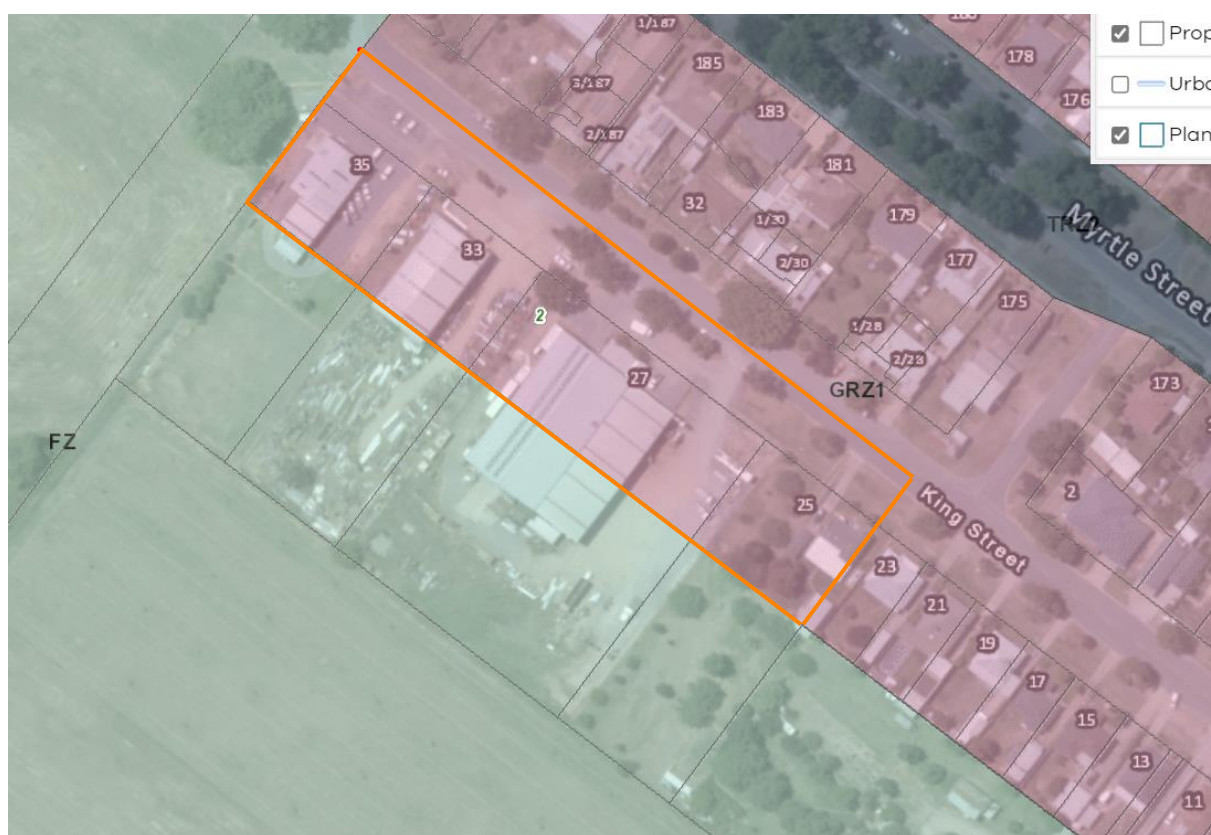
properties as access to a use that is prohibited in the general residential zone cannot be provided to the development which is proposed to be located in the Farming Zone.

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 four of the parcels that have this anomaly should be rezoned to clean up the anomaly comprehensively, and support the ongoing use and development of the land for industrial.

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 was 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 25, 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 Wandil 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"> <li>Dwellings in the BMO were identified as one of the most common types of applications received.</li> <li>Triggers under BMO were identified as one of the most common classes of permit triggers.</li> <li>Applications for single dwellings under the BMO were identified as a class of application that has no or very limited planning consequence.</li> <li>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.</li> <li>BMO dwellings in FZ were identified as being a class of application taking the longest time to determine.</li> <li>Policy pertaining to bushfire protection was identified as being relied upon frequently in decision-making.</li> <li>Triggers under the BMO were identified as potentially better being drafted as VicSmart provisions.</li> </ul>

Issue	Planner survey feedback
FZ	<ul style="list-style-type: none"> <li>• Sheds &amp; 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.</li> <li>• Triggers under the FZ were identified as one of the most common classes of permit triggers.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• More / additional policy regarding use and development within the FZ was identified as a change which would make decision-making easier.</li> </ul>
SLO's	<ul style="list-style-type: none"> <li>• Triggers under SLO3 were identified as one of the most common groups of permit triggers.</li> <li>• SLO 1, 2, 4, &amp; 5 triggers were identified as being poorly drafted and not serving a useful purpose.</li> <li>• The SLO schedules generally we identified as being poorly drafted, not useful for decision making or redundant.</li> <li>• Applications for buildings and works under the SLO's were identified as a class of application with no or very limited planning consequence.</li> <li>• SLO 1, 2, 4, &amp; 5 triggers were identified as causing unnecessary delays (referral requirement to GMW).</li> </ul>
Heritage	<ul style="list-style-type: none"> <li>• An absence of heritage policy and controls was identified as a policy gap in the planning scheme.</li> <li>• The addition of HO local policy was identified as a change that would make decision-making easier.</li> <li>• The HO Schedule was identified as being often relied upon in decision-making.</li> <li>• The HO generally, and HO83 for Wandiligong specifically, were identified as one of the most common permit triggers.</li> </ul>

**Date of meeting: 3 November 2022**

Overview of what was discussed	Main issues raised	Preliminary comments/discussion
Sheds in the FZ	Need to reduce permit triggers for sheds in the FZ Solutions include amending schedules and/or rezoning Amend schedules now and plan for future rezoning amendments	Amend schedules to lower the bar for permit triggers, including increasing allowable shed areas (say up to 200m <sup>2</sup> ), and/or reducing required lot sizes (say <4ha), etc Identify FZ rezoning on the FSW list
Insufficient FZ guidance	Controls lost in PPF translation	Identify what was lost because of PPF and broader advocacy work in FZ at State level.
Infrastructure Design Manual	The IDM is used for decision making, but is not referenced in the PS	Reference the IDM in the PS Identify as 'low hanging fruit'

<b>Date of meeting: 3 November 2022</b>		
<b>Overview of what was discussed</b>	<b>Main issues raised</b>	<b>Preliminary comments/discussion</b>
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

<b>Date of meeting: Executive - 27 October 2022</b>		
<b>Topic discussed</b>	<b>Main issues raised</b>	<b>Preliminary comments/discussion</b>
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)
<b>Clause 66.04 External Referral Authorities (no clause 66.06 Referral Authorities were identified in I3):</b>				
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			
<b>Other stakeholders:</b>				
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.
<b>Table 2: Referral Agents that provided feedback, but didn't request a change:</b>				
Referral Agent	Permit trigger	Comments made	Response	
Referral Agents either provided feedback requesting changes (Table 1), or did not respond (Table 3)				
<b>Table 3: Referral Agents that were invited to provide comment, but did not respond:</b>				
Referral Agent	Permit trigger	Comment		
<b>Registered Aboriginal Parties</b>				
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"> <li>• Lack of reference to municipal areas including Alpine Shire</li> <li>• Lack of reference to any relationship to Bogong and Mount Beauty in the Falls Creek section.</li> <li>• Interface issues relevant to municipal areas.</li> </ul>	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"> <li>– Direct land uses to appropriate locations.</li> <li>– Develop a residential development framework that identifies the appropriate housing mix to provide a diversity of housing and achieve preferred neighbourhood character.</li> <li>– Identify active transport linkages and routes.</li> <li>– Support the intensification of residential development in appropriate locations.</li> <li>– Identify the preferred character for commercial and industrial areas.</li> <li>– Identify infrastructure requirements.</li> </ul> <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"> <li>– Review the appropriate zoning for small lots in the Farming Zone (for example, Freeburgh, Ovens, and Wandiligong).</li> <li>– Clarify the policy directions for each precinct in the Shire focused on supporting agricultural uses and minimising land use conflicts through separation of activities.</li> <li>– Mitigate the impacts of climate change on rural land.</li> </ul>	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

(PENDING)

## APPENDIX TWO: RECOMMENDED CHANGES TO PLANNING SCHEME ORDINANCE

### How to read this document

This document shows all the changes recommended to the planning scheme as a result of the Planning Scheme Review.

Additions and deletions are shown as ‘track changes’.

Changes generally have a source code to explain where the policy has come from or where it has gone. [\[Source codes look like this\]](#).

Where the policy is new, the source code includes NEW in front of it, like this. [\[NEW: Gumnut Council Plan, page 6\]](#)

If a change requires an explanation, it has a reason code against it. [\[Reason codes look like this\]](#)

The list of documents that have been referred to in the ordinance, and the abbreviations used, is in the table below.

Document name	Source code
<i>Community Vision 2040 and Council Plan 2021-25 including Municipal Public Health &amp; Wellbeing Plan</i> (Alpine Shire Council, 2021)	CVCP
<i>Myrtleford Resilience Plan</i> (Projectura, 2019)	MRP
<i>Economic Development Strategy</i> (Urban Enterprise and Alpine Shire Council, 2021)	ESD
<i>Alpine Shire Events Strategy</i> (Urban Enterprise, 2021)	ASES
<i>Municipal Emergency Management Plan 2021-2024</i> (Alpine Shire Council, 2021)	MEMP
<i>Alpine Shire Rural Land Use Strategy</i> (Alpine Shire Council, 2015)	ASRLUS
<i>Climate Action Plan 2021-2024</i> (Alpine Shire Council, 2021)	CAP
<i>Alpine Shire Council Access and Inclusion Plan 2021-2024</i> (Alpine Shire Council, 2021)	ASCAIP
<i>Sport and Active Recreation Plan 2022-2033</i> (Alpine Shire Council, 2022)	SARP
<i>Affordable Housing Research and Analysis Paper</i> (Alpine Shire Council, 2022)	AHRAP
<i>Hume Bushfire Management Strategy 2020</i> (State Government of Victoria, 2020)	HBMS
<i>Hume Regional Growth Plan</i> (State Government of Victoria, 2014)	HRGP
<i>North East Waterway Strategy 2014</i> (North East Catchment Management Authority, 2014)	NEWS
<i>Goulburn Broken Regional Catchment Management Strategy 2021-2027</i> (Goulburn Broken Catchment Management Authority, 2021)	GBRCMA
<i>Taungurung Country Plan</i> (Taungurung Land and Waters AC, 2016)	TCP
<i>Gunaikurnai Country Plan</i> (Gunaikurnai Land and Waters AC, 2015)	GCP
<i>Alpine Planning Scheme Review 2023</i>	PSR
<i>Ministerial Direction on the Form and Content of Planning Schemes</i>	MD
<i>Practitioner’s Guide to Victorian Planning Schemes</i>	PG

## 02 MUNICIPAL PLANNING STRATEGY

C62alpi 26/05/2022

### 02.01 CONTEXT

C62alpi 26/05/2022

Alpine Shire Council is located approximately 300 kilometres north east of Melbourne and 70 kilometres south of Wodonga. The Shire is ~~and~~ approximately 4,787 square kilometres in area, 92% of which is public land including parts of the Alpine National Park and all of Mount Buffalo National Park. [to include important factual / contextual data]

Several First Nations peoples have a connection to the country the Alpine Shire is located on, including the Dhudhuroa, Gunai-Kurnai, Taungurung, Waywuru and Jaitmathang. [NEW: CVCP, p9., Aboriginal and Torres Strait Islander Australia map of indigenous Australia][Factual data].

The Shire falls into two distinct subregions:

- To the west lies the Ovens River basin which includes the large townships of Bright and Myrtleford. This subregion has a close relationship with the regional city of Wangaratta for employment opportunities, economic activity and higher order services.
- To the east lies the Kiewa River basin that includes the large township of Mount Beauty-Tawonga South. This subregion has a close relationship with the regional twin cities of Albury and Wodonga for economic activity, higher education, health services, cultural activities and recreational opportunity.

Although not part of Alpine Shire, Falls Creek and Mount Hotham Alpine Resorts are located wholly within the Shire boundary and have a strong economic and environmental relationship with Alpine Shire.

Most freehold land is located along the river valleys. There is in excess of 600 kilometres of common boundaries between privately owned land and public land requiring careful management of interfaces.

The Shire had an estimated resident population of 13,235 people in 2021 [NEW: ABS Census, 2021], with limited population growth (275 persons) forecast to 2036. [NEW: VIF 2019] [to include most up to date demographic data] While growth in permanent population is forecast to remain low, the Shire is anticipated to continue to experiences significant seasonal visitation, and attracted around 850,000 visitors in 2019. [NEW: ASES, p19] [to include most up to date demographic data]

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. There is a shortage of key worker housing that is affecting the viability of businesses. There is a critical shortage of affordable housing in the municipality, and only 1.4 percent of housing stock is social housing. [NEW: AHRAP, Chapter 4]

Most residents live in the large townships of Bright, Mount Beauty-Tawonga South and Myrtleford, and the small township of Porepunkah.

Alpine Shire's largest industry is its vibrant tourism industry based on snow sports, cycling, wine and fine food and nature based recreation such as rock climbing, fishing, mountain biking, bush walking, 4-wheel-driving, rafting, sight-seeing, and paragliding. 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.

Alpine Shire supports 4,755 jobs and has an annual economic output of \$1.5B. The Manufacturing industry sector makes the greatest contribution to economic output in the region, whilst the Accommodation & Food Services industry sector is the largest employer. [NEW: REMPLAN, 2022] [to include most up to date economic data]

Major regional transport connections include the Great Alpine Road and the Kiewa Valley Highway - Bogong High Plains Road. There are three airfields situated at Porepunkah, Mt Beauty and Mount Hotham (located at Horse Hair Plain). There is a rail service to Sydney and Melbourne from Albury-Wodonga which connects by bus to Mount Beauty – Tawonga South, and Wangaratta which connects by bus to Bright and Myrtleford. Albury Airport provides services to Sydney and Melbourne.



## 02.02

### VISION

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C62alpi 26/05/2022

Our people, places and environment enrich our area's resilience, prosperity and sustainability.

- **For those who live and visit:** To be connected, supported and welcomed throughout all stages of life.
- **For a thriving economy:** Ideas and industry thrive through a climate sensitive and diverse economy.
- **For bold protection of our future:** Our natural environment is protected and preserved.
- **For the enjoyment and opportunities of our lifestyle:** The connection between people and place is strengthened.
- **For strong and informed leadership:** Collaborative, bold and evidence-based decision making.

## 02.03 **STRATEGIC DIRECTIONS**

C62alpi 26/05/2022

### 02.03-1 **SETTLEMENT**

C62alpi 26/05/2022

#### **Townships, settlement and growth**

Approximately 70 per cent of the Shire's population is located in Ovens Valley area (Bright, Myrtleford, Dinner Plain, Harrietville, Porepunkah and Wandiligong) and approximately 30 per cent of the Shire's population is located in Kiewa Valley area (Mount Beauty/Tawonga South, Bogong, Dederang and Tawonga).

Opportunities for development within the shire are limited by the environmental capacity of the surrounding land and influenced by proximity to road infrastructure and community, health and recreational opportunities.

#### **Large townships**

**Bright** is located at the upper end of the Ovens Valley. The valley in this location is narrow and the surrounding hills, with their pine plantations, enclose the town including Apex Hill to the north and Mystic Hill to the south.

Bright has the second largest population in the Shire. The main industry is tourism and over 30 per cent of the town's employees work in this industry.

Bright services the surrounding small townships, settlements and rural localities in the Upper Ovens Valley including Harrietville, Smoko, Freeburgh, Germantown, Porepunkah and Wandiligong. Residents and visitors to Dinner Plain and Mount Hotham Alpine Resort also rely on Bright for services.

**Myrtleford** is the largest town within the Shire accommodating around 21 per cent of the Shire's population. Myrtleford is well serviced and supports the Upper Ovens Valley communities with access to goods and services. The town also plays an important service role to surrounding agricultural based land uses and enterprises.

**Mount Beauty – Tawonga South** are located 90 kilometres to the south of Albury / Wodonga. Although distinct townships, Mount Beauty and Tawonga South are physically and economically linked and considered as a large township for planning purposes. They support the agriculture, tourism and power generation industries of the Upper Kiewa Valley, the surrounding rural communities and the small township of Tawonga and Falls Creek Alpine Resort.

#### **Small townships**

**Porepunkah** is a small residential town situated 5 kilometres northwest of Bright. The town is more residential in nature, compared to the more tourist focused Bright. Porepunkah has a small activity centre that includes a general store and a hotel, adjacent to a recreation reserve, community hall and primary school. Minor service type industrial uses are also located in the town along Station Street.

Porepunkah has significant potential for residential expansion.

**Harrietville** is a small sub-alpine village situated around 20 kilometres south east of Bright and stretching along the valley floor of the upper Ovens River Valley. Harrietville is the last settlement before accessing Mt Hotham and Dinner Plain and is valued by residents and visitors for its proximity to outdoor activities and environmental assets. The village relies on Bright for provision of goods and services. Services include two hotels, bus depot and ski hire facilities and a number of tourist accommodation facilities. There is also a primary school as well as a private outdoor educational centre.

**Tawonga** is situated 7 kilometres to the north of Mount Beauty and is the oldest settlement in the upper end of the Kiewa valley, dating back to the 1850's. The town is located on the Alpine approach to Falls Creek and functions as an outlying residential area to Mount Beauty / Tawonga South. The town character is dominated by its semi-rural setting. There is no reticulated sewer and other urban services are limited.

**Dederang** is located on the Kiewa Valley Highway, some 36 kilometres north of Mount Beauty and 50 kilometres to the south of Wodonga serving rural communities of the northern part of the Shire. It is spread over 2-3 kilometres along the Kiewa Valley Highway without a defined town centre. Services include a primary school, police station, Country Fire Authority brigade, hotel, general store, churches and recreational facilities. Overall the town retains a strong rural character with farming properties extending to, and continuing within the town boundaries.

**Wandiligong** is located approximately 4 kilometres to the south east of Bright. Wandiligong has developed its own distinctive character based on its irregular lot layouts and sizes capitalising on its location to the Morses and Growlers creeks and building on its heritage. Areas of open space along the creeks have been developed to provide community facilities including an historic oval, picnic areas and walking trails. There is no reticulated sewer. Other urban services are limited.

### Alpine settlements

**Dinner Plain** is a freehold alpine village resort located approximately 10 kilometres south east of the Mount Hotham Alpine Resort. The village is 231 hectares in area and is completely surrounded by the Alpine National Park. The village comprises approximately 4,000 beds within a mixture of commercial lodges, apartments and individual houses.

**Bogong** is situated in the foothills of the Australian Alps midway between Mt Beauty and Falls Creek. Bogong is a leasehold settlement surrounded by the Alpine National Park.

### Settlements and rural localities

There are two other small settlements (Ovens and Freeburgh) in the municipality, and numerous rural localities that are small groupings of dwellings in rural areas.

### Rural precincts

Most of the freehold land in the Shire is used for agricultural uses and this is a major factor that shapes settlement patterns. Seven rural precincts have been defined and are expanded on in Clause 2.03-4.

Settlement strategic directions are:

- Protect ~~agricultural~~ **food, fibre and forestry** land resources. [\[more contemporary language and better description\]](#)
- Focus urban land use and development in the townships of Bright, Mount Beauty-Tawonga South and Myrtleford, and Porepunkah.
- Avoid urban land uses outside of settlement boundaries around townships and settlements.
- Avoid ribbon development along main roads linking townships and settlements.
- ~~Encourage diversity and choice in housing options.~~ [\[moved to 2.03-6\]](#)
- Encourage infill housing developments that are sympathetic to preferred neighbourhood character to protect the distinct character and identity of townships and settlements.
- Avoid development within areas subject to infrastructure limitations due to environmental constraints such as bushfires, flooding and topography.
- Limit development in sparsely populated communities and remote areas with limited accessibility and services.

## 02.03-2 ENVIRONMENTAL AND LANDSCAPE VALUES

C62alpi 26/05/2022

### Protection of biodiversity and native vegetation management

Extensive areas of native vegetation cover much of the Alpine Shire.

A major proportion of the Shire is public land containing significant environmental assets including a wide variety of flora and fauna and many rare, vulnerable and endangered species.

In excess of 20,000 hectares of native forest is located on private land.

The Shire also contains a number of remote rural sub-alpine areas that are effectively “islands” of private land surrounded by extensive public land holdings. The remote rural locations have significant areas of native vegetation and are regarded as having high conservation values being integral components of the sub-alpine environment.

These natural resources and environmental qualities contribute to its main industries (tourism, timber and agriculture) and to the sustainable and economic well-being of the Shire

Protection of biodiversity and native vegetation management strategic directions:

- Conserve environmentally significant areas and biodiversity and protect endangered species.
- Protect flora and fauna from inappropriate land use, development and land management.
- Maintain the quality and appearance of the natural environment to support the prosperity and well-being of the community.
- Minimise the impacts of the reduction and modification of vegetation across freehold land including vegetation clearing along fence lines.
- Encourage creation and retention of wildlife corridors across private land.
- Minimise dwellings and subdivisions in environmentally sensitive, high conservation value, isolated and remote rural areas.

### **River corridors and waterways**

The headwaters of a number of Victoria’s major rivers are located in the Alpine Shire including:

- The Buckland, Buffalo, Kiewa and Ovens Rivers (North East Catchment Management area); and
- The Dargo, Humffrey, Wongungarra and Wonnangatta Rivers (East Gippsland Catchment Management area).

The Kiewa and Ovens Basins contribute over 2 million megalitres of surface water a year to the Murray Darling Basin.

Townships, settlements and farming communities are heavily dependent upon the health of the rivers and streams within these catchments for town water supplies and rural irrigation. The continued health of these catchments is not only important to the long term sustainability of the Shire and the economic wellbeing of the Shire’s industry, agriculture, and settlements, but also other downstream communities.

The natural condition of the catchments in the alpine areas helps deliver water to river systems that supply urban and rural land uses. Climate change is impacting the natural condition of the catchments in alpine areas and this is affecting the water quality, its flow regime and the overall water yield of the catchments. This has major economic implications for the Murray-Darling Basin.

There are six Special Water Supply Catchment Areas shown on the Strategic Framework Plan at 2.04 that cover most of the Shire. These are important sources of water for urban water supplies, and domestic and stock use.

River corridors and waterways strategic directions:

- Protect the quality of the water in catchments in the Shire, recognise they are significant catchment area within the Murray Darling Basin.
- Manage farming and timber production uses to maintain the health of catchments.
- Improve the quality of the environment along riparian corridors.

### **Sustainable development in Alpine areas**

Substantial private and public landholdings across the Alpine Shire are located above 1100 metres Australian Height Datum where snowfall may persist as ground cover for long periods over the winter months.

The alpine areas have a high recreational use all year round including skiing and snow sports, bush walking, mountain biking, camping, fishing, horse riding and sight-seeing.

The Alpine National Park and Mt Buffalo National Park are two of the 11 national parks and reserves that comprise the Australian Alps National Parks network protecting an area of great national and

international importance. These alpine areas are natural assets of local, regional and State significance. They also exhibit significant social, historic and cultural values.

Falls Creek and Hotham Alpine Resorts are not part of Alpine Shire. There are interface issues that need to be managed given the location of these resorts within the shire boundaries.

Significant freehold areas include Dinner Plain, Howman's Gap, Cobungra and Treasure Plain.

The environment is particularly sensitive and fragile and there is ongoing development pressure on the environment, infrastructure and services of alpine areas.

Changes in snow regimes predicted under future climate change scenarios are likely to have a significant impact on the animals and plants whose ecology is intrinsically linked to snow conditions. Likely impacts on the tourism industry will also require adaptive responses

Sustainable development in Alpine areas strategic directions:

- Protect sensitive alpine environments from degradation as a result of development pressures including tourism, infrastructure and movement of people and goods.
- Plan for the impacts ~~that of~~ climate change ~~predictions may cause~~ [Clearer use of English] by supporting adaptive responses, and minimising activities that contribute to climate change impacts.

### Public and private land interfaces

As a consequence of most private land in the Alpine Shire being located along the elongated valley areas of major rivers, there is an extensive common boundary between the private and public land holdings including National Parks, State Parks and plantations on licenced crown land.

Public and private land interfaces strategic directions:

- Avoid private land uses, pest plants and animals spilling or merging into adjacent public land.
- Maintain separation between sensitive land uses, including accommodation, and timber plantations. [NEW: HVP submission]
- Avoid access to public land via private property on tracks located off surveyed road alignments.
- Encourage the public purchase of private land adjoining the Alpine National Park - Bogong Unit or the Mount Buffalo National Park.

### Landscapes

There is a significant variety of landscapes across the Shire from the fertile valleys and terraces along the Kiewa, Ovens and Buffalo Rivers to the spectacular mountain ranges and alpine areas of the Great Dividing Range.

The quality and appearance of the natural environment has a major impact on the prosperity and well-being of the community. Many people choose to live, invest or visit the Alpine Shire because of the spectacular rural and mountain scenery, as well as proximity to clean rivers, forests and open space.

The Australian Alps (including the Alpine National Park and Mount Buffalo National Park) is one of ten recognised National Landscapes and across the Shire there are also a number of landscapes that have been recorded or classified by the National Trust for their special appeal and characteristics.

Key landscapes across the Shire can be regarded as being of the highest level of public concern for visual management. Such areas are highly sensitive to visual intrusion by poorly sited development that interrupts the landscape (such as development on ridgelines) or sight lines from key viewing points (such as along major roads) .

Landscapes strategic directions:

- Protect the significance, attractiveness and environmental qualities of the Shire's natural landscapes from inappropriately [Clearer use of English] located use and development that detracts from these qualities.
- Avoid poorly sited and designed buildings and changes in land management practices that reduce the quality of views from the Shires' various scenic lookout and vantage points.
- Avoid promotional signage along the main tourist and traffic routes within the Shire.

### 02.03-3 ENVIRONMENTAL RISKS AND AMENITY

C62alpi 26/05/2022

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.

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.

Conflicting objectives between vegetation retention and clearing to reduce the risk from bushfire require considered management.

Flooding within parts of the Alpine Shire is a severe constraint on development particularly in the Ovens River and tributaries.

Large areas of the Shire is potentially contaminated land including areas with a legacy of past land uses.

Environmental risks and amenity strategic directions:

- ~~• Plan for the impacts of climate change on bushfire risk, flooding, erosion and landslip risk.~~
- Ensure ~~that~~ decision making ~~that includes consideration of bushfire, flooding, erosion or landslip risk~~ takes into account ~~any changes to the risk of harm associated with the impacts of climate change on storm events~~. [Merged, use of clearer English]
- Ensure disturbed and contaminated land, such as old dredge sites, is remediated before development.

### 02.03-4 NATURAL RESOURCE MANAGEMENT

C62alpi 26/05/2022

#### Agriculture

The Alpine Shire has the natural attributes, soil types, climate, and water availability that make it capable of producing a wide range of agricultural products. Areas of high agricultural capability are evident in the Kiewa Valley, the Happy Valley, Mudgegonga and Rosewhite areas as well as around Myrtleford and the Buckland Valley.

Agriculture is a key industry in the Shire, its protection and enhancement is linked to the environmental and economic well-being of the Shire.

Over seventy square kilometres of land in the Shire is used for agriculture. The agricultural sector is very diverse with small family run farms and larger corporate farms run with new production methods to increase productivity.

Livestock particularly beef cattle, milk, fruit and nut production, cut flowers, hay production, hops and grapes are the major contributors to value of agricultural production.

The agricultural sector within the Shire is experiencing structural change with a shift towards more intensive agricultural industries and boutique, lifestyle or part time farming. This is changing the rural landscape of parts of the Shire.

The closure of the tobacco industry in 2006 left a significant legacy in infrastructure for intensive horticultural production. There are opportunities to value add and develop agricultural based industries that develop the sector and provide employment opportunities. Agricultural growth opportunities include green tea, capsicum, grapes, berries, vegetable seeds, hops, tree crops and essential oils.

A key constraint to the scale of the agricultural industry is the area available for agriculture, constrained to the narrow valleys between steep mountain ranges. Inappropriate development and subdivision can remove land from productive rural use, create conflict with rural activities, fragment land holdings and creates pressure for dwellings.

Remote rural areas of the Shire are generally located in areas of high conservation significance and include land holdings aligned within significant landscapes and touring routes, some of national significance. These areas are under increasing development pressure.

As a legacy of the original Crown grants, gold mining and tobacco there are a significant number of small rural lots particularly along the river flats of the Ovens, Buffalo and Buckland Rivers.

Rural lifestyle aspirations have the potential to restrict and conflict with agricultural production and create demand for the dispersed provision of infrastructure to service lifestyle developments.

Seven agricultural precincts have been identified in Alpine Shire. They each have different characteristics and a defined agricultural role. In addition there are also parcels of freehold agricultural land scattered amongst the High Plains and other remote areas surrounded by National and State parks.

- Precinct 1 - Bright to Harrietville: The land between Bright and Harrietville does not have a high level of commercial agricultural production. There is opportunity to develop agri-tourism.
- Precinct 2 - Bright to Myrtleford: This precinct includes regionally significant agricultural land that is capable of growing a wide variety of agricultural commodities suited to cool climate growing conditions.
- Precinct 3 - Wandiligong Valley: This precinct is locally significant for agricultural production, and is capable of attracting higher value products, including horticulture and downstream processing.
- Precinct 4 – Buffalo River to Gapstead: This precinct includes regionally significant agricultural land that is capable of growing a wide variety of higher value agricultural commodities suited to cool climate growing conditions, for example horticulture and dairying.
- Precinct 5 - Buckland Valley: The precinct is locally significant for agricultural production, with land being capable of attracting higher value products, including horticulture and dairying.
- Precinct 6 - Happy Valley to Mudgegonga: This precinct is locally significant for agricultural production, primarily supporting the dairy and beef industry. The precinct includes high versatility agricultural land on the valley floor in Happy Valley - Rosewhite areas capable of attracting higher value products, including horticulture and dairying.
- Precinct 7 - Kiewa Valley: This valley has regionally significant agricultural land that is capable of growing a wide variety of agricultural commodities suited to cool climate growing conditions and higher value products, including horticulture and dairying. The precinct includes the most productive grazing land in the municipality, with grazing being the predominant land use.

Agriculture strategic directions:

- \_\_\_\_\_ Maintain a viable and sustainable agricultural industry, **and increase the value of agricultural production**, to support the municipal economy and wellbeing. [NEW: ESD, p vi] [to implement adopted Council policy]
- Protect the importance of primary production for the sustainable economic future of the Alpine Shire.
- Reinforce the importance of the valley floors in supporting ongoing agricultural land use outcomes.
- Support the adaptation and modification of farming practices in response to climate change.
- Maintain the amount of land available for commercial farming by avoiding subdivision of productive agricultural land and the development of dwellings for rural residential purposes.

### Forestry and timber production

The timber industry is a major industry that offers the Shire substantial opportunities for new investment and job creation, particularly for the Myrtleford community.

Alpine Shire's softwood timber plantation estate is around 14,800 hectares which is around twenty three per cent of the total area of softwood plantation across north east Victoria. This has not changed over the last decade. Most softwood holdings exceed 40 hectares, providing the necessary scale for commercial viability. The majority of softwood plantations are situated on Crown land held under licence.

There is also approximately 83 hectares of hardwood plantation.

There are some smaller-scale farm forestry plantations that provide both on-farm (timber and shelter) and landscape (environmental) benefits.

Of the 409,700 hectares of native forest across the Shire approximately 220,070 hectares is located within State forest and around 23,200 hectares is located on private land. Approximately 20 per cent of



the State forest hardwood resource is potentially available for timber harvesting for saw logs and residual logs.

Forestry and timber production strategic directions:

- Support new timber plantations in appropriate locations, away from township settlement boundaries. [NEW: HVP submission]
- Support sustainable timber production and the development of timber industries to process product where they are undertaken so as to minimise any adverse impacts.
- Minimise negative effects on natural environment and areas of significant landscape and heritage significance.
- Manage interface issues with freehold land and the extensive plantation holdings across the Shire.

## 02.03-5 BUILT ENVIRONMENT AND HERITAGE

C62alpi 26/05/2022

Residential land within the Alpine Shire is characterised by a variety of lot sizes and shapes including irregular battle axe type allotments.

Bright is characterised by deciduous European alpine and avenue plantings including significant avenues in Delany Avenue, Cobden Street and Wood Street which create strong linear spaces within the public realm in the town centre.

The pedestrian scale of Bright is a legacy of the township's settlement in the mid 1800's. Today, a network of dedicated and shared paths provide safe access for pedestrians and cyclists across much of Bright.

The architectural style of buildings in the town centre of Myrtleford is diversified and there are few historical buildings. While there is no unifying or predominant architectural or design style, building alignments are consistent with continuous buildings along street frontages and from side boundary to side boundary. Verandahs feature on buildings along Clyde and Standish Streets.

Mount Beauty and Tawonga South are distinct townships nestled in the foothills of the Alpine National Park. They each have an individual history and character but are physically and economically linked. Mount Beauty was originally established as a State Electricity Commission town and retains much of this development history and building fabric in the older section of the town.

The townships areas are surrounded by a highly scenic and National Trust classified landscape that includes the distant and immediate backdrop of the Alpine National Park and Mount Bogong and views across the agricultural fields of the Kiewa Valley.

Integral with the urban fabric are the scenic assets of the Kiewa River and the hydro power generation regulating pond at Mt Beauty.

Harrietville's historic character results from its mining heritage and low levels of commercial development. The broader landscape setting includes extensive areas of public open space within the township area of the Alpine National Park surrounding the township.

Wandiligong has a distinctive historic character, based on its irregular lot layouts and sizes located around the Morses and Growlers creeks and building and reflecting its development during the gold rush. It has a semi-rural valley setting that presents an interesting mosaic of patterns, forms and colours, extensive areas of open space, and no defined commercial core. Commercial and tourist services are dispersed through the settlement.

Derderang retains a strong rural character with farming properties extending to, and continuing within the town boundaries.

The character of Dinner Plain has been achieved through careful planning and consistently applied building controls and design standards to create buildings that are both imaginative and sympathetic to the natural environment of the area.

There are significant heritage items within the Shire including the historic area of Wandiligong, the National Trust classified landscapes and a variety of buildings, sites and objects linked to the mining and agricultural development in the Shire.

There are significant areas of Aboriginal cultural heritage sensitivity situated throughout the Shire. They are poorly protected by the planning scheme.



Built environment and heritage strategic directions are:

- Ensure new development responds to built and natural landscapes, and incorporates [Necessary for readability / clarity of intent] high quality architectural standards to protect and improve the aesthetics and liveability of the Shire.
- Avoid development that undermines the existing character of townships and settlements.
- Promote environmentally sustainable development.

## 02.03-6 HOUSING

C62alpi 26/05/2022

### Location of residential development Housing supply and affordability

The supply of housing is not meeting the demand for housing as the population of Alpine Shire is growing and land for development is heavily constrained by the environmental risks of flood, bushfire and erosion. [NEW: AHRAP, p20, 21] the special water catchment, and national and state park boundaries. [NEW: AHRAP, p22]

A significant proportion of dwellings are not permanently occupied and are used for short term accommodation and holiday homes. More than 76 percent of Alpine residents meet the Victorian government's threshold as potentially needing affordable housing and there is a shortage of affordable housing due to faster than expected population growth, the significant proportion of dwellings that are not permanently occupied and are used for short term accommodation and holiday homes, and the cost of development due to distance to market, skills shortages and infrastructure constraints. [NEW: AHRAP, p17..24]

Only 1.3 percent of housing stock is social housing (managed by the Victorian government and Community Housing Providers). [NEW: AHRAP, p23]

Housing for key workers is extremely limited with many businesses having to close or limit operations due to staff shortage. [NEW: AHRAP, p25]

Housing supply and affordability strategic directions:

- Facilitate the development of affordable housing to create a more balanced range of housing choices across the municipality. [NEW: AHRAP, p16..24]
- Facilitate adequate levels of key worker housing to support the local economy. [NEW: AHRAP, p25]
- Encourage diversity and choice in housing options. [Moved from 2.03-1]

### **Rural residential development**

There is an increasing demand for rural residential living in this Shire and this is an important contributor to housing choice available to existing and prospective residents.

Land that is zoned Low Density Residential and Rural Living identifies existing developed areas able to support rural residential living and, where appropriate a mix of small scale commercial farming operations.

Adequate provision of services and infrastructure is a significant constraint that guides whether subdivision and development for rural residential living is appropriate.

Rural residential development strategic directions:

- Support rural residential development that takes advantage of existing and future infrastructure, and does not undermine the viability of food and fibre operations. [articulates direction from the context]

## 02.03-7 ECONOMIC DEVELOPMENT

C62alpi 26/05/2022

### Business

Most commercial operators are retail and service business in the large townships that service the local community and visitors. The regional centres of Albury-Wodonga and Wangaratta provide Alpine Shire residents with higher order commercial services.

There are limited employment opportunities for people moving to the municipality for lifestyle reasons.

The impacts of natural disasters such as bushfire, landslip and flooding are significant on the local economy.

The economy of the Shire is heavily reliant upon climate-dependent industries including- forestry, agriculture and snow-based tourism. The geography of the Shire ensures that it will have a greater security of water for business and industry than many other locations in Victoria both now and into the future.

Business strategic directions:

- Maintain active and attractive retail centres in townships.
- Encourage economic diversity and emerging shifts in economic activity.
- Promote economic opportunities resulting from a changing climate.

### Industry

Agriculture in the Alpine Valleys region supports a rich and diverse agrifood sector including growers, processors, marketers and associated service providers.

The existing industrial precincts within the Shire are close to full capacity.

Some industrial precincts are located in close proximity to residential areas including land in Nelse Street, Mount Beauty and land within the Industrial 3 Zone on the northern edge of Myrtleford.

Significant warehouse and processing plant opportunities are available along the Myrtleford-Yackandandah Road in Myrtleford.

Hydro-electricity generation at Mt Beauty is a significant industry.

Industry strategic directions:

- Support value adding industries to complement existing industries including agriculture.
- [Support food and beverage manufacturing.](#) [NEW: ESD, p vi] [to implement adopted Council policy]
- Encourage light industrial and air-park development at the Mount Beauty Airfield and surrounds.
- [Facilitate new industrial uses and increased industrial diversification.](#) [NEW: ESD, pvi] [to implement adopted Council policy]
- ~~by ensuring existing industrial precincts are not~~ [Retained existing industrial precincts](#) for industrial uses ~~and not taken up by other uses.~~ [split from above strategy as they are two separate concepts and remove unrequired words]
- Ensure development of land in the industrial zones does not undermine the amenity of surrounding areas.

### Tourism

The tourism sector is a major driver of the economy of the Alpine Shire attracting more than a million visitors a year from all over Australia, and increasingly from overseas.

The tourism industry is underpinned by all-year round nature and adventure based activities, and the environmental values and scenic landscape qualities, high quality wine and food establishments and providers, and a wide range of accommodation offerings.

The Alpine Resorts of Hotham and Falls Creek sit within the boundaries of the shire, and Dinner Plain and Mount Buffalo are part of the shire. These snow based resorts provide visitor accommodation, community facilities, commercial services, infrastructure, equipment, access and provision of supplies to visitors in winter and increasingly year round.

Ongoing growth in tourism is expected, and rural based tourism has a vital role to play in the continuing economic success and development of the Alpine Shire. There are significant opportunities to capitalise on nature based tourism.

Tourism strategic directions:

- [Create a sustainable tourism industry in the Alpine Shire.](#) [NEW: ESD, pvi] [to implement adopted Council policy]
- [Increase geographic and seasonal visitor dispersal.](#) [NEW: ESD, pvi] [to implement adopted Council policy]
- Protect the tourism values that attract people to the Shire, in townships, settlements, rural areas and State and National parks.
- Support the development of nature and adventure-based tourism activities focused upon the diverse environmental values and scenic and landscape qualities of the Alpine National Park and Mount Buffalo National Park.
- Ensure the benefits of tourism are balanced against potential negative impacts, including:
  - Impacts on local communities through loss of amenity, pressure on infrastructure (water supply, wastewater treatment, waste disposal, roads, car parking) and environmental damage.
  - Pressure for higher density and larger scale urban tourist development, that can compromise existing character and appearance of townships and settlements.
  - Pressure for tourism development on productive rural land as well as land in remote and environmentally sensitive locations that has potential to compromise the natural environment, scenic views, landscape values and agricultural activities. [To meet MD formatting requirements]

## 02.03-8 TRANSPORT

C62alpi 26/05/2022

The arterial road network within and around the Alpine Shire provides a major role in the main economic sectors of the Shire: tourism, agriculture, forestry and commerce.

Settlements are highly car dependent communities with limited public transport services.

The Murray to the Mountains Rail Trail is an important network of distinct bicycle and walking trails linking the Murray River at Rutherglen with the mountains at Bright.

Three aerodromes are situated within the Alpine Shire: Mount Hotham Airport at Horsehair Plain as well as Mount Beauty and Porepunkah aerodromes.

Transport strategic directions:

- Maintain the arterial road network to support the viability and growth of significant economic industries that rely on it: tourism, agriculture and forestry.
- Develop a network of cycling and walking trails for residents and tourist.
- Improve the aerodromes located within the Shire to improve connections with transport gateways and support recreational use.
- [Ensure the cartage of produce associated with agricultural, extraction and harvesting operations does not adversely impact upon road networks including local and arterial roads.](#)
- [Plan new subdivisions and development to avoid adverse impact on haulage and transportation routes associated with agricultural land use, extractive industries, and timber plantations.](#) [NEW: HVP submission]

## 02.03-9 **INFRASTRUCTURE**

C62alpi 26/05/2022

### **Community infrastructure**

Alpine Shire has an abundance of beautiful outdoor settings where both local residents and visitors enjoy a wide range of informal active recreational pursuits. There is a diversity of sporting facilities and community spaces that provide opportunities for formal active recreation. [NEW: SARP, p4] [to implement adopted Council policy]

#### Open space strategic directions:

- To support increased participation in physical activity by the community. [ NEW: SARP, p7, 16] [to implement adopted Council policy]
- To provide a diversity of quality and accessible sport and recreation places and spaces for the community. [NEW: SARP, p7, 16] [to implement adopted Council policy]

### **Development infrastructure** [to differentiate categories of infrastructure]

Bright, Mount Beauty and Myrtleford are all generally well serviced in terms of civil infrastructure with sealed roads, footpaths, lighting and stormwater implemented comprehensively in the town centres and outwards in varying degrees of completion towards the town limits.

Residential development in other areas of the Shire is restricted by various infrastructure limitations.

The availability of telecommunications including broadband internet is critical to the economy of the Shire.

Hydro-electricity generation at Mt Beauty is a significant industry.

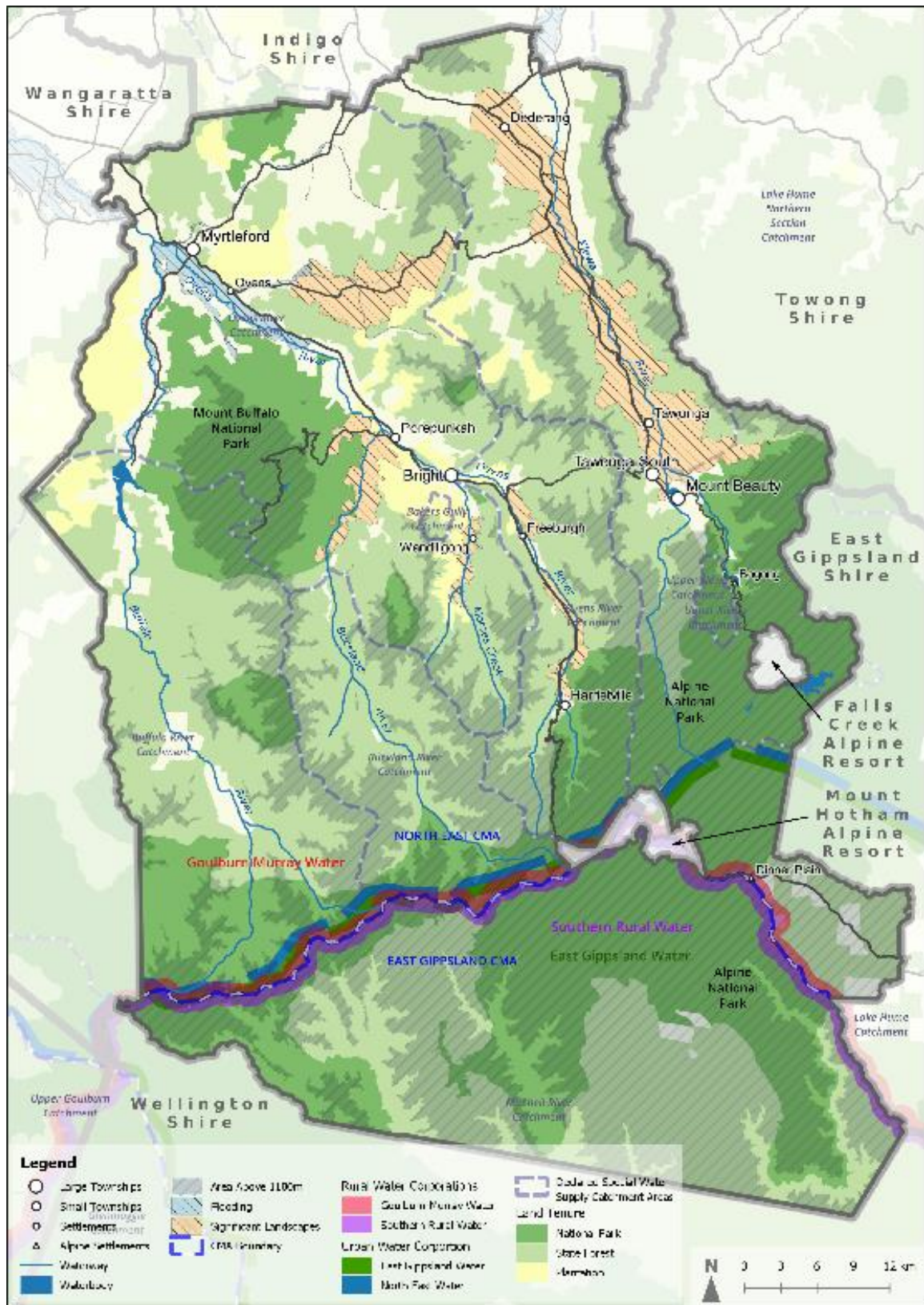
Infrastructure strategic directions:

- Avoid development within areas subject to infrastructure limitations.
- Support water sensitive urban design outcomes in new housing developments.

## 02.04 **STRATEGIC FRAMEWORK PLAN**

C62alpi 26/05/2022





## 11.01-1L-01 **SETTLEMENT – ALPINE**

C62alpi 26/05/2022

### Strategies

Direct the majority of urban growth to the large townships.

Avoid the negative impacts of a dispersed population base by:

- Supporting population consolidation and higher density development in townships to make effective use of existing infrastructure.
- Facilitating higher density development and mixed uses around the commercial core of large and small townships.
- Supporting growth in areas with reticulated services.
- Ensuring the cost effective servicing of towns and communities across the municipality.

Maintain at least fifteen years supply of residential land within the large townships.

[Support development that builds the permanent population.](#) [NEW: ESD, pvi] [to implement adopted Council policy]

Maintain ‘green buffers’, open space and ecological integrity around and between townships, settlements and rural localities including:

- The rural ‘green buffer’ between Bright and Wandiligong.
- The rural ‘green buffer’ between Tawonga and Tawonga South to protect each townships character and identity.
- The ‘green buffer’ between Bright and Porepunkah that reinforces they are separate townships.

[Protect land east of Bright between Great Alpine Road and Ovens River for future urban growth.](#) [NEW: ASCRLS, p30]

[Support limited complimentary commercial development in the Mudgegonga old township area.](#) [NEW: ASCRLS, p40].

Ensure development in settlements provides reasonable levels of safety through avoidance of environmental hazards, accessibility to roads, water, telecommunications and other reasonable infrastructure.

Facilitate, in appropriate areas and with environmental safeguards, allocation of sufficient lands to allow the development of rural living communities within the Shire.

[Discourage development in remote rural areas.](#) [NEW: ASCRLS, p34]

[Prevent residential development around the settlement of Wandiligong.](#) [NEW: ASCRLS, p34]

[Develop liveable communities that generate economic and social wellbeing.](#) [NEW: ESD, pvi] [to implement adopted Council policy]

## 11.01-1L-02 **BRIGHT**

C62alpi 26/05/2022

### Policy application

This policy applies to the township of Bright as shown on the Bright Structure Plan that forms part of this clause.

### Objective

To maintain and enhance the character of Bright as a vibrant tourist town in a rural setting that is:

- Well served by parklands and waterways surrounding the town centre.
- Predominantly pedestrian in scale.

~~and support development in accordance with the Bright Structure Plan that forms part of this clause.~~  
[Text unnecessary, duplicates strategies and policy documents]

### **Strategies**

Recognise the township of Bright as a hub for tourist activities in the region and a vibrant place to live.

Avoid development outside the township boundary.

Ensure commercial development and accommodation is of high quality design which does not dominate the streetscape.

Direct medium density development into medium density opportunity areas shown on the plan to this clause.

Maintain the open landscape aspect and predominance of exotic vegetation between and amongst buildings.

Provide sufficient site area in new development to accommodate mature tree plantings.

Maintain view corridors from public and private places.

Ensure minimum lots sizes for residential subdivision are appropriate to the area and have regard to the existing lot size and density of development in the neighbourhood.

Maintain building separation and the rhythm of building setbacks and form in established streetscapes.

Locate development to minimise the obstruction of flood waters particularly overland flooding associated with Morses Creek, Stackey Gully Creek and Bakers Gully Creek.

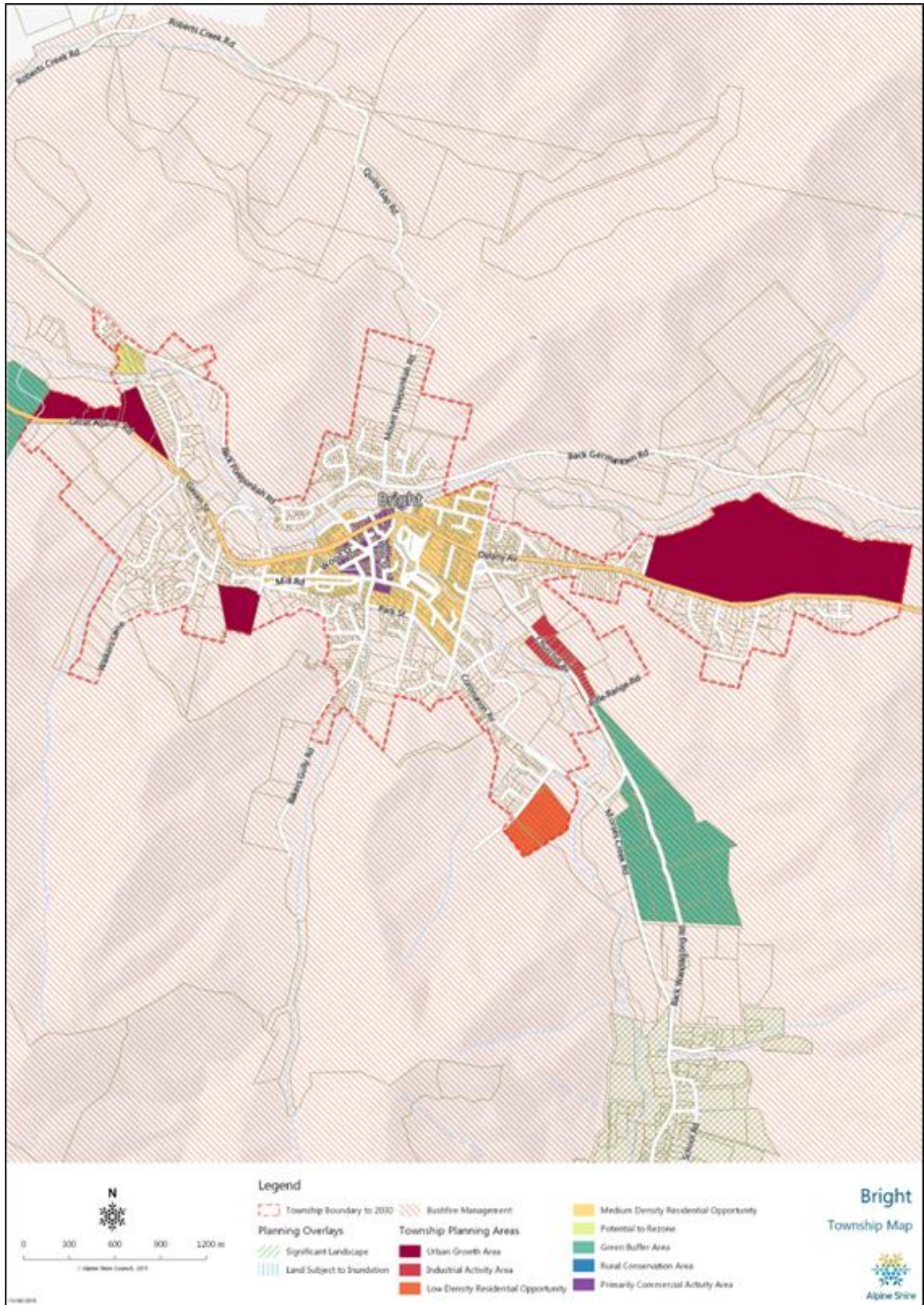
### **Policy documents**

Consider as relevant:

- *Alpine Shire Rural Land Strategy* (Alpine Shire Council, 2015)
- *Alpine Shire Town Framework Plan - Bright* (Inspiring Place Pty Ltd, 2009)
- *Bright Futures Urban Design Framework* (Alpine Shire Council, 2003)



**Bright Structure Plan**



11.01-1L-03 MYRTLEFORD – ALPINE



C62alpi 26/05/2022

### Policy application

This policy applies to the township of Myrtleford as shown on the Myrtleford Structure Plan that forms part of this clause.

### Objective

To maintain and enhance Myrtleford's access to a diverse range of lifestyle opportunities and quality visitor experience supported by local trade and industry and recognise the rich cultural, heritage and natural resources of the town.

### Strategies

#### Protect land for the future urban growth of Myrtleford. [NEW: ASCRLS, p36]

Discourage new residential development and especially increased residential densities in areas affected by flooding.

Locate development to minimise the obstruction of flood waters.

Encourage high quality building design to provide visual cohesion within the town centre.

Encourage commercial and retail development around Clyde and Myrtle Streets between Standish Street and Elgin Street.

Ensure that redevelopment of land between Clyde Street and the Great Alpine Road addresses both streets but maintains the key retail focus in Clyde Street.

Support lower density retail and commercial activities that address the Great Alpine Road to the east and west of the within existing business zoned land.

Maintain a visually and physically continuous facade of buildings in the primarily commercial area.

Ensure all new development provides an active street frontage.

Ensure minimum lots sizes for residential subdivision are appropriate to the area and have regard to the existing lot size and density of development in the neighbourhood.

Promote large, heavy, offensive or dangerous industrial development to the north of the township on the Industrial 2 Zone land.

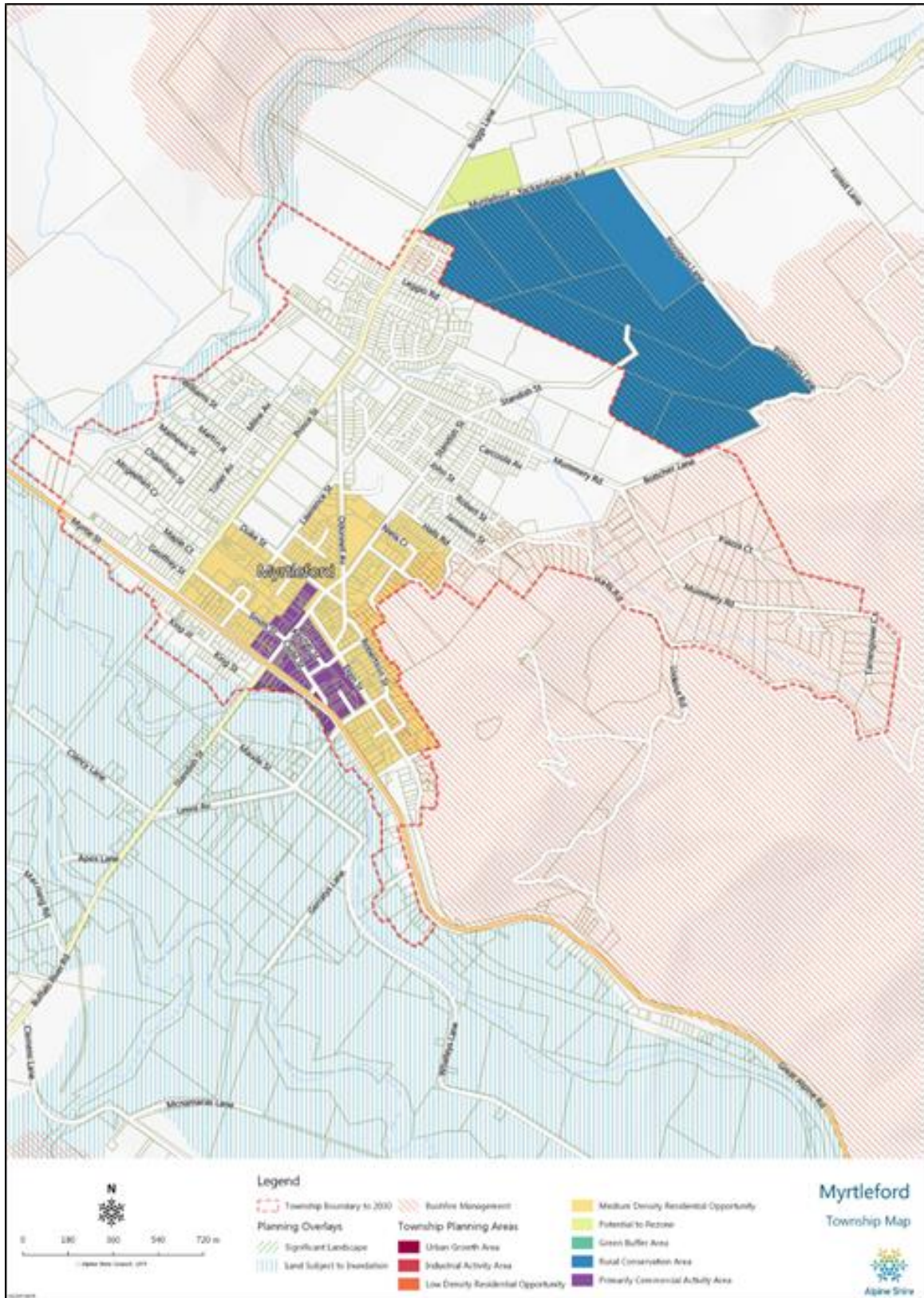
Encourage light industrial development in the McGeehan Crescent industrial estate with application of appropriate buffers to surrounding properties.

### Policy documents

Consider as relevant:

- *Alpine Shire Rural Land Strategy* (Alpine Shire Council, 2015)
- *Alpine Shire Town Framework Plan - Myrtleford* (Inspiring Place Pty Ltd, 2009)
- *Myrtleford Master Plan Study* (Gillespies, 2001)

**Myrtleford Structure Plan**



11.01-1L-04 MOUNT BEAUTY – TAWONGA SOUTH – ALPINE

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C62alpi 26/05/2022

### **Policy application**

This policy applies to the township of Mount Beauty – Tawonga South as shown on the Mount Beauty – Tawonga South Structure Plan that forms part of this clause.

### **Objective**

To maintain and enhance the significant environmental, heritage, landscape and recreational qualities of the township and protect the operations of the Mount Beauty Airport.

### **Strategies**

Maintain the rural land use and development pattern on the eastern (river) side of the Kiewa Valley Highway between Mount Beauty and Tawonga South.

Prevent ribbon development along the Kiewa Valley Highway.

Protect the significant sightlines from the Kiewa Valley Highway to Mount Bogong across the valley.

Ensure minimum lots sizes for residential subdivision are appropriate to the area and have regard to the existing lot size and density of development in the neighbourhood.

Improve pedestrian and cycle access within and between Mount Beauty and Tawonga South to encourage more people to walk and cycle more often.

Focus new development in identified growth areas, subject to the necessary site capability investigations.

Integrate development with the open space network.

Facilitate public riverside access along a network of paths and trails.

Facilitate the runway extension and development of the Mount Beauty Aerodrome.

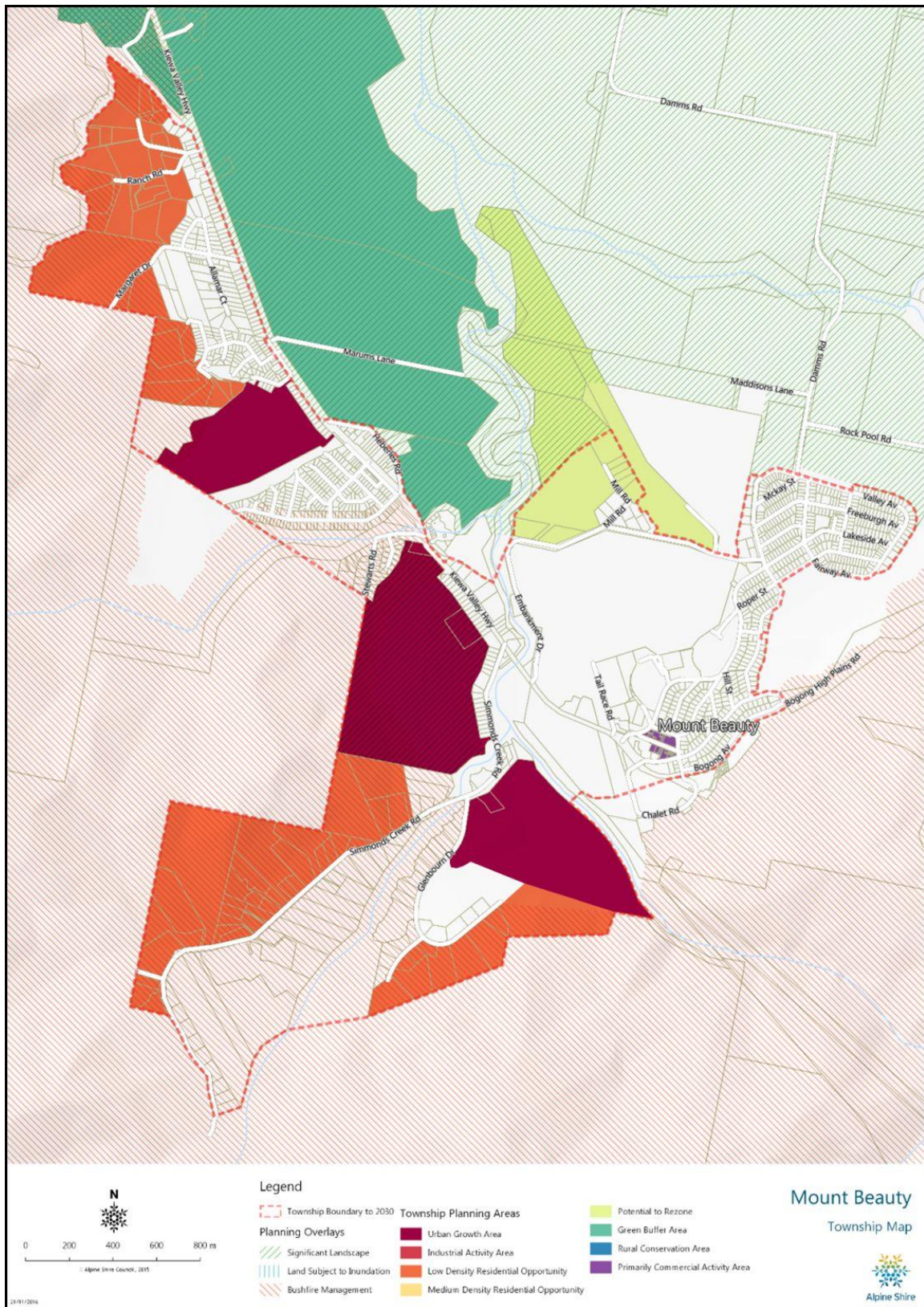
### **Policy documents**

Consider as relevant:

- *Alpine Shire Rural Land Strategy* (Alpine Shire Council, 2015)
- *Alpine Shire Town Framework Plan – Mt Beauty and Tawonga South* (Inspiring Place Pty Ltd, 2009)
- *Mount Beauty Master Plan 2003* (Alpine Shire Council, 2003)
- *Mount Beauty Aerodrome Master Plan* (EDM, 2011)



**Mount Beauty – Tawonga South Structure Plan**



11.01-1L-05 **HARRIETVILLE – ALPINE**

C62alpi 26/05/2022

### Policy application

This policy applies to the township of Harrietville as shown on the Harrietville Structure Plan that forms part of this clause.

### Objective

To ensure that future development within the township respects the existing low scale and historic character of the township, and its heritage significance.

### Strategies

Encourage in-fill residential development to promote township consolidation.

Improve the intersection of the Great Alpine Road and Mill Road.

Encourage rehabilitation of dredged areas to improve and enhance the ecological integrity and aesthetic quality of these areas.

Promote commercial development between Pioneer Park and Bon Accord Track.

Locate buildings so they do not interfere with or preclude future development opportunities in the event of reticulated services becoming available.

Ensure the ability of a site to adequately contain and treat any on-site effluent in accordance with the requirements of the Environment Protection Inspiring Place Pty Ltd for an on-site wastewater management system.

Integrate development with the open space network.

### Policy guideline

Consider as relevant:

- If a Land Capability Assessment is required to ensure the site ~~has the ability to~~can adequately contain and treat on site effluent.

### Policy documents

- *Alpine Shire Rural Land Strategy* (Alpine Shire Council, 2015)
- *Alpine Shire Town Framework Plan – Harrietville* (Inspiring Place Pty Ltd, 2009)



### Harrietville Structure Plan



11.01-1L-06 POREPUNKAH – ALPINE

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C62alpi 26/05/2022

### **Policy application**

This policy applies to the township of Porepunkah as shown on the Porepunkah Structure Plan that forms part of this clause.

### **Objectives**

Ensure future development within Porepunkah:

- Leads to improved levels of infrastructure within the township.
- Respects the town's rural look and feel, recreation and open space values.

### **Use strategies**

Encourage residential development within the township boundaries.

Locate industrial development along the north east side of Station Street between Grange Road and Armstrongs Road.

Locate retail and office uses along Service Street, between Bailey and Martley Street.

Discourage retail and office uses along Station Street.

### **Development strategies**

Encourage connectivity between developments to support walking and cycling.

Encourage development and redevelopment to reflect the existing scale and bulk of surrounding buildings.

Ensure minimum lots sizes for residential subdivision are appropriate to the area and have regard to the existing lot size and density of development in the neighbourhood.

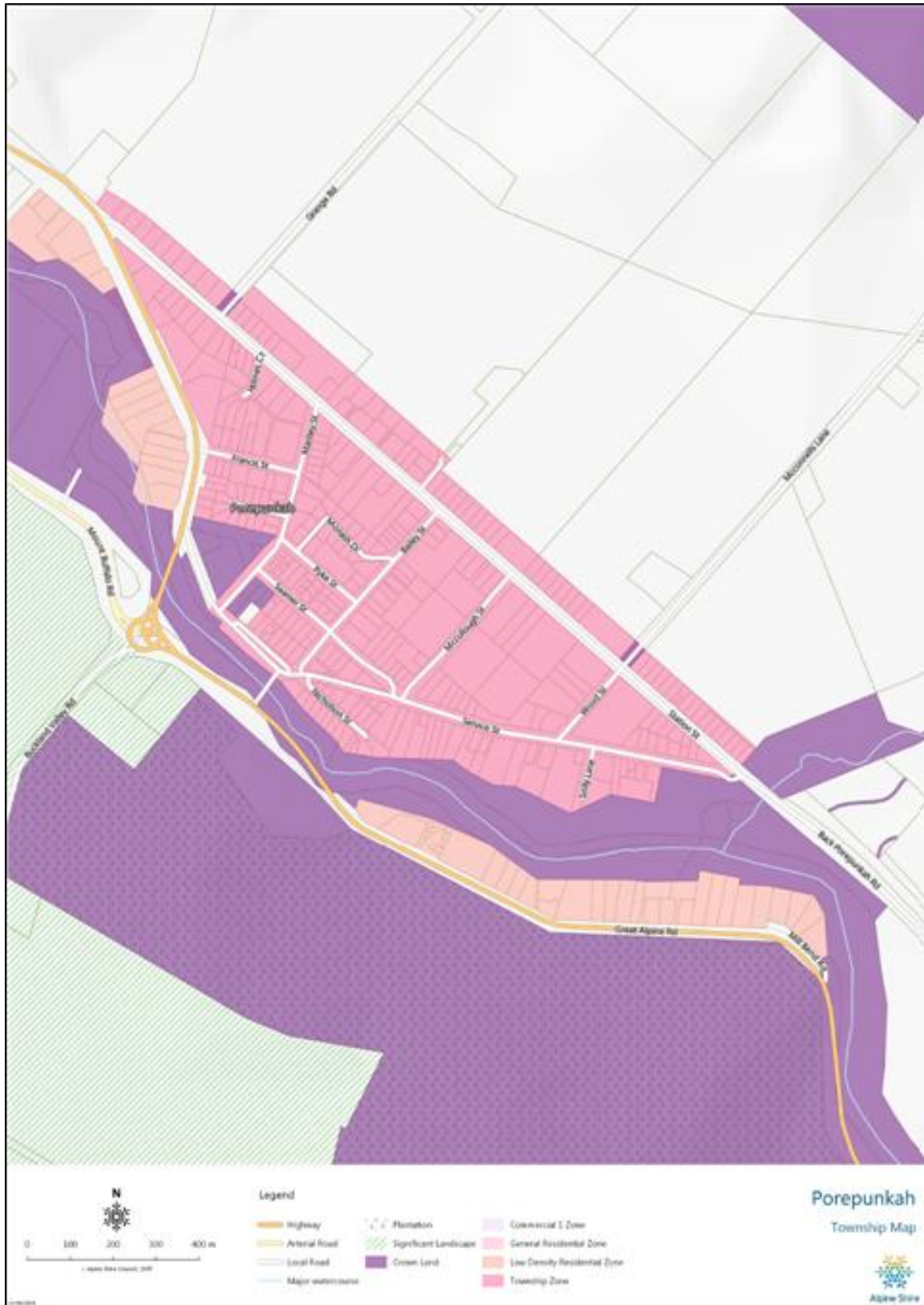
Ensure industrial development and use is of a scale that is consistent and respectful of the surrounding residential uses.

### **Policy documents**

Consider as relevant:

- *Alpine Shire Rural Land Strategy* (Alpine Shire Council, 2015)
- *Alpine Shire Town Framework Plan – Porepunkah* (Inspiring Place Pty Ltd, 2009)

**Porepunkah Structure Plan**



11.01-1L-07 **TAWONGA – ALPINE**



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C62alpi 26/05/2022

### **Policy application**

This policy applies to the small township of Tawonga as shown on the Tawonga Structure Plan that forms part of this clause.

### **Objective**

To recognise the high visual quality of the landscape setting of Tawonga, and maintain a range of facilities and services that can cater for local needs and those of passing visitors.

### **Strategies**

Support consolidation of commercial and community uses between the two distinct hub areas in the settlement:

- The existing commercial precinct at the intersection of the Kiewa Valley Highway and Mountain Creek Road.
- A predominantly residential living area to the north of the township that includes local community services such as the community hall, primary school, Country Fire Authority Brigade, general store, mechanical repairs shop and scout hall.

Avoid commercial and community uses outside the two hub areas.

Facilitate residential development on the western side of Kiewa Valley Highway.

Ensure residential subdivision and development respects the existing township character and promotes connectivity between different parts of the township to encourage walking and cycling.

### **Policy documents**

Consider as relevant:

- *Alpine Shire Rural Land Strategy* (Alpine Shire Council, 2015)
- *Tawonga Town Framework Plan* (Inspiring Place Pty Ltd, 2009)

### Tawonga Structure Plan



11.01-1L-08 **WANDILIGONG – ALPINE**

C62alpi 26/05/2022

### Policy application

This policy applies to the ~~large settlement~~ [township](#) [For consistency with township naming conventions] of Wandiligong as shown on the Wandiligong Structure Plan that forms part of this clause.

### Objectives

To recognise and protect the distinct landscape setting and heritage attributes of Wandiligong and:

- Improve development and community infrastructure.
- Respect the historic semi-rural look and feel.
- Respect recreation and open space values.

### Strategies

Maintain the relationship of historic buildings with the landscape.

Ensure development, specifically housing and subdivision, is sympathetic to the natural, historical and cultural landscape and maintains the historical density of development.

Ensure future subdivision provides for a variety of lot size and lot layout patterns on land capable of disposing of waste water and effluent on site.

Encourage the scale and bulk of new and redeveloped buildings to reflect that of existing development.

### Policy documents

Consider as relevant:

- *Alpine Shire Rural Land Strategy* (Alpine Shire Council, 2015)
- *Alpine Shire Town Framework Plan – Wandiligong* (Inspiring Place Pty Ltd, 2009)

### Wandiligong Town Plan



11.01-1L-09 **DEDERANG – ALPINE**

C62alpi 26/05/2022

### **Policy application**

This policy applies to the township of Dederang as shown on the Dederang Structure Plan that forms part of this clause.

### **Objective**

To maintain and enhance Dederang's rural character by supporting its development as a rural service centre with access to high quality community facilities and services.

### **Strategies**

Facilitate better connectivity between the separate activity nodes by improving pedestrian links.

Encourage additional commercial development to locate adjacent to existing commercial use.

Maintain the 'green belt' between activity nodes.

Protect the scenic quality of the valley.

Promote the ongoing rural use of land within the village area.

[Support development in Dederang that supports agricultural production.](#) [NEW: ASCRLS p42]

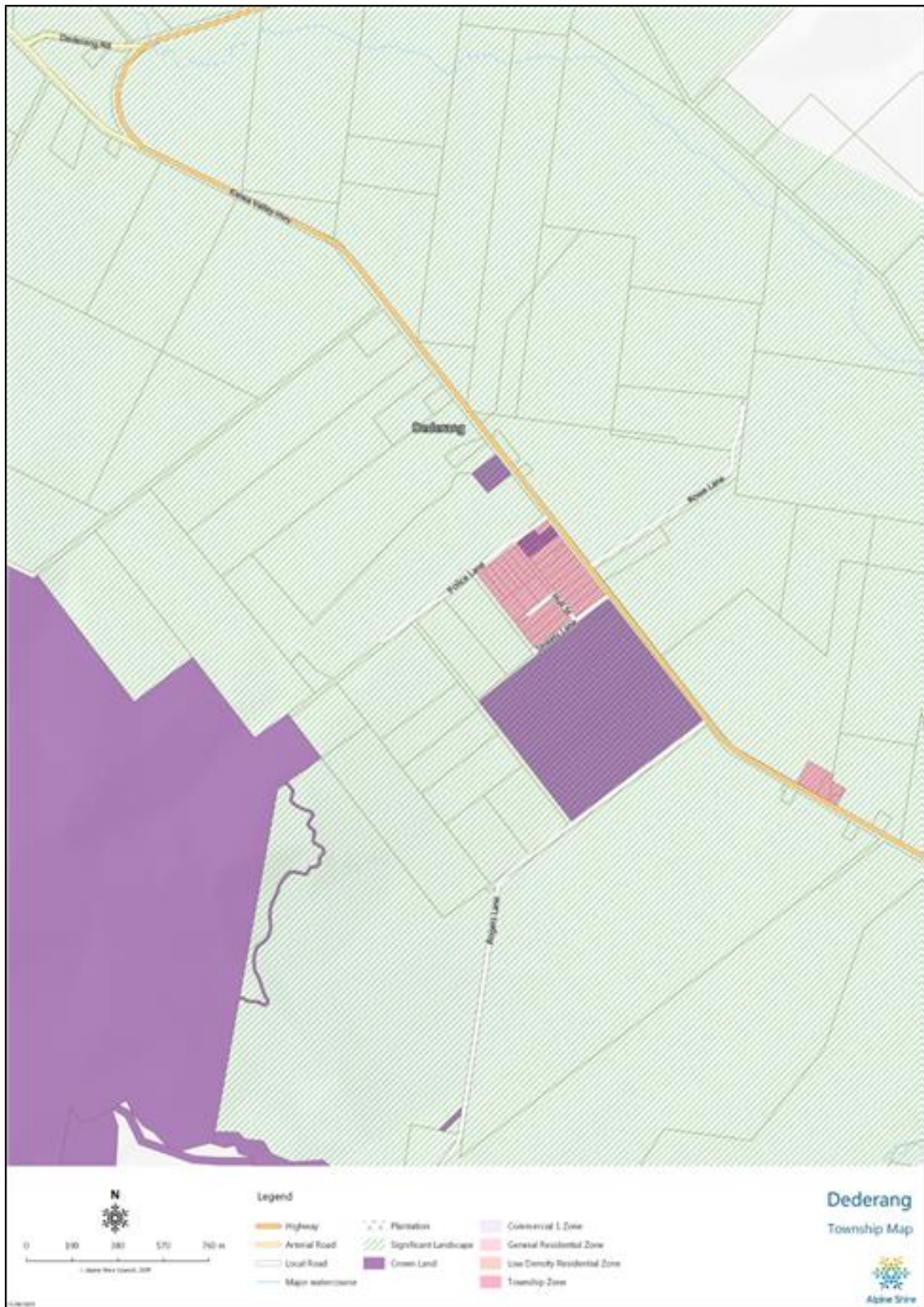
### **Policy documents**

Consider as relevant:

- *Alpine Shire Rural Land Strategy* (Alpine Shire Council, 2015)
- *Alpine Shire Town Framework Plan - Dederang* (Inspiring Place Pty Ltd, 2009)



**Dederang Structure Plan**



11.01-1L-10 **DINNER PLAIN – ALPINE**

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C62alpi 26/05/2022

### **Objective**

To develop Dinner Plain as the pre-eminent freehold alpine settlement in Australia within this significant alpine landscape setting.

### **Strategies**

Maintain the high architectural standard of development.

Provide for the use and development of a quality integrated alpine tourist village with appropriate ancillary services.

Ensure that the design, scale, intensity, bulk and character of any development maintains the special local character of the village and its natural setting.

Facilitate a range of tourist and recreational facilities that complement the village character and setting to encourage year round use of the village.

Facilitate the development of land adjacent to the village for ancillary infrastructure, recreational and educational facilities that are sympathetic and complimentary to the alpine environment.

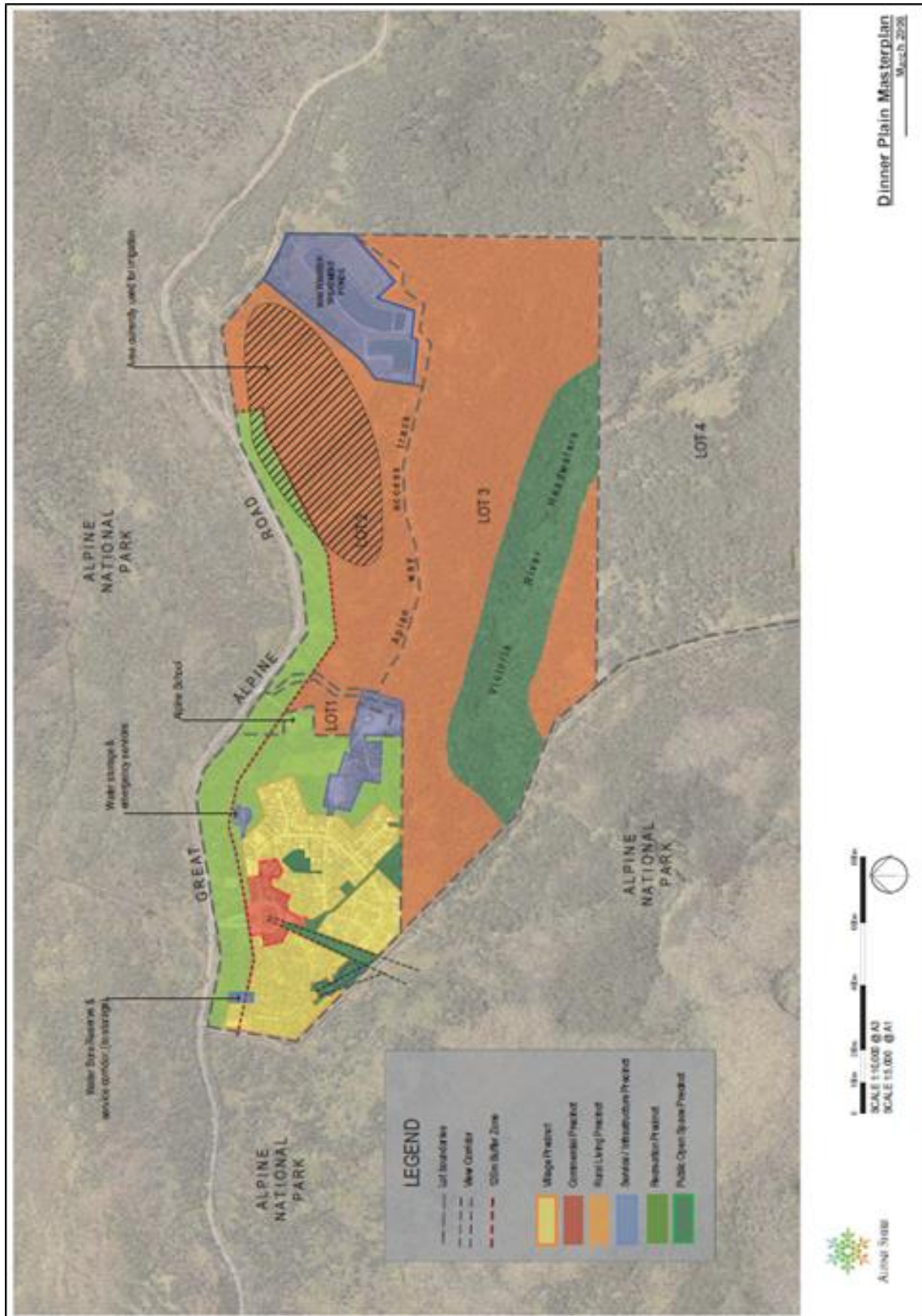
Maintain and protect areas identified as being of high conservation significance.

### **Policy documents**

Consider as relevant:

- *Dinner Plain Development Code* (Alpine Shire Council Strategic Services Department, 2008)
- *Dinner Plain Master Plan 2008* (Alpine Shire Council Strategic Services Department, 2008)

**Dinner Plain Structure Plan**





### 11.03-6L **BOGONG – ALPINE**

C62alpi 26/05/2022

#### **Objective**

To recognise the history and existing low scale of development of the small sub-alpine settlement of Bogong.

#### **Strategies**

Maintain the existing character and scale of the settlement in its natural landscape setting.

Contain development within the existing leasehold area.

Provide for a range of tourist and recreational facilities that complement the character of the settlement and the surrounding natural environment and encourage year round visitation.

### 12.01-1L **PROTECTION OF BIODIVERSITY AND NATIVE VEGETATION – ALPINE**

C62alpi 26/05/2022

#### **Strategies**

Conserve native fauna, native plant communities and significant species in their natural condition, ~~and to maintain the genetic diversity of native fauna, native plant communities and significant species.~~ [split to ensure each strategy expresses only one idea in accordance with Practitioner's Guide drafting requirements]

Encourage the retention of and re-establishment of native vegetation on private land.

~~Protect areas of significant remnant vegetation.~~ [Duplicates 12.01-1S Protection of biodiversity and below dot pointed strategy]

Support ecologically sustainable use, development and management of rural land, particularly in the agricultural, timber and other industries that rely on the natural resources.

Protect the environmental, cultural and aesthetic features and values of rural areas.

Retain native vegetation, including roadside vegetation, remnant vegetation areas, large old paddock trees and revegetation areas.

Encourage innovative environmental and native vegetation retention initiatives, including carbon farming.

Encourage the retention of vegetation as it provides catchment wide land and water management benefits.

Design and site buildings and works, including on-site effluent disposal fields, fencing and access tracks, to minimise the requirement for native vegetation removal or any detrimental impacts on retained native vegetation.

Support developments that provide areas of open space directly adjacent to existing vegetation or areas of public land.

Protect high value remnant vegetation:

- With an Ecological Vegetation Class conservation status of depleted, rare or endangered.
- Identified as habitat for rare and threatened species.
- Considered to be an area of significant local value.

Design and locate revegetation projects to:

- Enhance and protect existing remnant vegetation across the landscape.
- Contribute to the protection and enhancement of vegetation links and habitat corridors.
- Stabilise waterways.
- Enhance riparian areas.

## 12.03-1L RIVER CORRIDORS AND WATERWAYS – **ALPINE**

C62alpi 26/05/2022

### Strategy

Support the ongoing management of environmental flows in river systems.

## 12.04-1L SUSTAINABLE DEVELOPMENT IN ALPINE AREAS – **ALPINE**

C62alpi 26/05/2022

### Policy application

This policy applies to all land located above 1100 metres Australian Height Datum [as shown on the Strategic Framework Plan](#), ~~where snowfall may persist as ground cover for long periods over the winter months.~~ [to comply with policy application requirements as set out in the PG]

### Objective

To preserve the high-altitude alpine areas of the Shire as natural, cultural and historic assets of local, regional and State significance while supporting sustainable development.

### Use strategies

Support nature based tourism development that is small-scale and located in areas with access to tourist activities, services and amenities.

Consolidate tourism activities in the Alpine Resorts and at Dinner Plain.

Facilitate the responsible recreational use of freehold land.

Ensure nature-based tourist accommodation that provides overnight accommodation for more than 12 people will:

- Be centrally managed by on-site management with all structural components being the responsibility of one management whether or not individual structures are owned by different entities.
- Contain facilities for the teaching, researching or dissemination of knowledge in respect of the natural and cultural history of the area.
- Provide opportunities for visitors to experience nature and culture in ways that lead to a greater understanding, appreciation and enjoyment.

### Environment and landscape strategies

Protect important geological and landform features.

Protect native vegetation and natural environmental assets on freehold land.

Maintain a high level of visual amenity along the approaches to Falls Creek, Mount Hotham and Mount Buffalo.

Maintain the high quality visual amenity of the Great Alpine Road and the Bogong Highplains Road by ensuring any development outside the Alpine Resorts, Dinner Plain and Bogong Village is not visible from the road.

### Alpine resorts and Dinner Plain strategies

Consolidate development in Mount Hotham, Falls Creek and the Dinner Plain area.

Facilitate development of a quality, self contained and integrated alpine tourist village at Dinner Plain.

Protect Mount Hotham Airport from development that will impact on its operation and the environment.

Ensure any development proximate to the Mount Hotham Airport minimises impacts on alpine bogs, heathlands and wetlands.

### Design strategies

~~Encourage development that is designed to be sensitive to the natural, cultural and historic values of the Alpine area – [Duplicates strategies at 12.04-1S]~~

Locate and design development, including on-site effluent disposal fields and access tracks, to minimise any potential to destroy or threaten native flora and fauna habitats.

Minimise the visibility of development.

Ensure development is supported by an adequate level of infrastructure.

Design and site development to minimise any adverse visual and environmental impact.

Ensure use of building materials that blend with the surrounding landscape, promoting the use of natural materials and materials sourced from the region.

Ensure water consumption in the development is minimised, and that the water supply is ecologically sustainable.

Ensure buildings:

- Maximise energy efficiency and minimise use of non-renewable energy.
- Respond to potential environmental impacts on the sensitive natural alpine environment, flora and fauna.
- Do not dominate the visual landscape.
- Are compatible with the local cultural character.
- Avoid environmental harm as a result from discharges by retaining and treating any on-site effluent.

### Policy guidelines

Consider as relevant:

- Ensuring environmental risks that may arise from the proposed development are identified and strategies for managing the risk are prepared.
- Ensuring- effluent disposal systems are demonstrated to be the best suited to local conditions and provide the highest level of environmental performance.

## 12.05-1L PUBLIC AND PRIVATE LAND INTERFACES – ALPINE

C62alpi 26/05/2022

### Policy application

This policy applies to all areas where publicly owned or managed land and privately owned land interface.

### Objective

To ensure development of private land adjacent to public land minimises impacts on [the \[clearer use of plain English\]](#) environmental values of public land.

### Strategies

Minimise the potential for invasion of pest plants and animals from land adjacent to public land.

Encourage public and private land holders to plan cooperatively to ensure the protection of both private property and public land from fire, pests and other hazards.

Ensure development is compatible with and does not detract from the values of and management plans for the adjoining public land including national parks, state forest, -or- nature reserves and timber plantations. [HVP submission]

Ensure development is designed and sited to minimise visual intrusion when viewed from vantage points within the national park or nature reserve.

Avoid residential development on land of high biodiversity value adjacent to public land.

### Policy guidelines

#### Consider as relevant:

- Ensure environmental risks that may arise from the proposed development are identified and strategies for managing the risk are prepared. [More appropriate as a policy guideline, in accordance with PG guidance]

## 12.05-2L LANDSCAPES – ALPINE

C62alpi 26/05/2022

### **Objective**

To protect the Shire's significant valley and alpine landscapes by minimising visual impacts landscapes, especially from major viewing areas.

### **Strategies**

Protect the iconic natural, cultural and built landscape setting, values, integrity and character in rural areas and the approaches to Alpine areas to improve the experience of residents and visitors.

Maintain the scenic landscapes throughout the valley.

Support development that maintains scenic qualities and landscape qualities of the area and demonstrates high levels of visual management.

Minimise the impact of development on private land on the landscape values of adjacent national parks.

Protect National Trust classified landscapes and views.

Protect views along the Murray to Mountains Rail Trail.

Maintain locally significant views and vistas from the open farmed landscape and ridgelines that have a view line to or from National and State forest and other crown land.

Protect the landscape and tourism values of agricultural land.

Protect the rural character and the landscape and tourism values along key touring routes -particularly between townships and settlements, including:

- Great Alpine Road.
- Key touring routes.
- Buckland Valley Road.
- Kiewa Valley Highway – Bogong High ~~plains~~ Plains Road.
- Mountain Creek Road.

Minimise the visual impact of infrastructure and signage on the landscape and viewpoints.

Support development in rural areas that does not dominate or intrude on the landscape setting including landscape corridors.

Limit development on prominent ridges and hilltops.

Locate developments so rooflines do not protrude above ridgelines when viewed from any road or public land.

Encourage the revegetation of landscape features.

Ensure that all structures blend in with the surrounding environment.

Retain mature vegetation which provides a backdrop for any development.

Ensure external finishes are non-reflective and of colours that blend with the surrounding landscape.

Ensure that external cladding of buildings in is a muted tone except in instances where the buildings are not readily visible from roads, public land or adjoining properties due to the topography or existing vegetation.

### Policy document

Consider as relevant:

- *Alpine Shire Rural Land Strategy* (Alpine Shire Council, 2015)

### 13.02-1L **BUSHFIRE PLANNING – ALPINE**

C62alpi 26/05/2022

#### Strategy

Avoid residential use and development of land that is identified as Bushfire Prone Land where residential development and use of land it will intensify the risk or require a Bushfire Attack Level rating more than 29. [to simplify a complex and lengthy strategy in accordance with PG]

Avoid development in areas where the impacts of a landscape-scale bushfire cannot be mitigated through on-site measures. [NEW: Based on VCAT decisions and PSR findings]

Avoid development in areas where only one safe access route to the nearest place of relative safety is provided. [NEW: Based on VCAT decisions and PSR findings]

### 13.03-1L **FLOODPLAIN MANAGEMENT – ALPINE**

C62alpi 26/05/2022

#### Strategy

Avoid residential development of land that is flood prone.

Limit development in Wallace Drive, Buckland due to flooding hazard. [NEW: ASCRLS p38]

### 13.04-2L **EROSION AND LANDSLIP – ALPINE**

C62alpi 26/05/2022

#### Strategies

Avoid residential development of land susceptible to landslip.

Avoid residential development of land with a slope greater than 20 per cent (1 in 5).

### 13.07-1L **LAND USE COMPATIBILITY – ALPINE**

C62alpi 26/05/2022

#### Strategy

Ensure ~~Maintain~~ adequate external buffers around water treatment plants are maintained to ensure that sensitive uses such as residential-accommodation do not impact on their continued use.

Ensure adequate external buffers around timber plantations are maintained to ensure that sensitive uses such as accommodation do not impact on their continued use. [NEW: HVP submission]

## 14.01-1L PROTECTION OF AGRICULTURAL LAND – ALPINE

C62alpi 26/05/2022

### Policy application

This policy applies to all land in the Farming Zone and Rural Conservation Zone. [To clarify where the policy applies and to which groups of discretions, in accordance with PG]

### Strategies

Avoid conversion of land away from soil based use and development unless there is clear public benefit such as a rural dependent enterprise that complements the agricultural production base.

Encourage the consolidation and restructuring of rural lots.

Retain agricultural land in productive units considering the agricultural capability of the land.

Minimise the loss of broad acre commercial farming through subdivision.

Ensure that subdivision and residential development within the rural zones does not:

- Impact on the right of adjacent properties to be farmed and for timber production. [NEW: HVP submission]
- Prejudice existing agricultural activities on surrounding land, including the operation of timber plantations. [NEW: HVP submission]
- Diminish the agricultural capability of the land.
- Take place where it does not support a clear improvement to farm efficiency and land management.

Ensure that dwellings, where approved:

- Are linked to and necessary to enable the daily management of agricultural activity conducted on the land.
- Are required to accommodate a permanent land manager to run the agricultural activity in association with an existing use that has been demonstrated to be environmentally sustainable, financially sustainable and substantiated by a 'whole farm plan'.
- Do not result in the further fragmentation of productive agricultural land.

Avoid house lot excisions unless it can be demonstrated that the creation of small dwelling lots will continue to be associated with agriculture.

Limit the cumulative impact of house lot excisions by avoiding serial small lot subdivisions.

### Policy guidelines

Consider as relevant:

- Directing rural residential development to defined rural residential settlements or designated areas on the edges of townships to minimise adverse impacts on agricultural and other rural based uses.
- Ensuring subdivisions that create a lot less than 40 hectares in the Farming Zone meet all of the following conditions:
  - Are of a lot size necessary for genuine agricultural or rural production that can be substantiated by a 'whole farm plan' or is associated with a legitimate rural based enterprise.
  - The lot will not be used solely for the purpose of a dwelling or include provision for a future dwelling.
  - There is no other available land for the proposed land use and the lot cannot be created by a means of restructuring existing lots.
  - The balance of the landholding is consolidated.
  - The subdivision does not fragment or further fragment a farm or land holding.
- Avoid dwellings for rural lifestyle purposes unless all of the following conditions are met:

- The land is less than 4 hectares in area.
- The land is of low agricultural value and versatility.
- The land is not able to be consolidated with adjoining land used or able to be used for agriculture.
- The land can be accessed via a road in Council's Register of public roads.
- There is no access to irrigation water.

### Policy document

Consider as relevant:

- *Alpine Shire Rural Land Strategy* (Alpine Shire Council, 2015)

## 14.01-2L **SUSTAINABLE AGRICULTURAL LAND USE – ALPINE**

C62alpi 26/05/2022

### Policy application

This policy applies to all land in the Farming Zone and Rural Conservation Zone. [To clarify where the policy applies and to which groups of discretions, in accordance with PG]

### General strategies [To comply with MD]

Protect the highly productive valley floors from development and land use that undermine the agricultural value of these areas, especially residential development.

Recognise the environmental significance of remote rural areas and to protect from inappropriate development and land use.

Support the expansion of the horticultural industry.

Preserve land used for commercial horticulture for this use. [NEW: ASCRLS, p30 .. 42]

Support and encourage the expansion of the dairy industry, retaining larger lot sizes in core dairy areas.

Promote diversification to improve resilience in the agricultural sector. [NEW: CPCVp27]

Encourage ~~and support~~ sustainable agricultural practices that are capable of increasing productivity levels.

Promote emerging natural resource based industries that support agricultural uses.

Encourage well designed, sustainable industries that support agricultural uses that enhance the visual amenity of rural areas.

Facilitate the growth and expansion of farms, recognising industry requirements for incremental growth.

Support sustainable agricultural industries that incorporate best management practice.

Locate intensive agricultural industries having regard to:

- Soil and water quality.
- The adequacy of infrastructure services.
- The location of sensitive use and development.
- The impact on traditional forms of agriculture nearby.

### Place based strategies

Encourage the growth of horticulture except between Happy Valley to Mudgegonga. [NEW: ASCRLS, p30 .. p42]



Support the following agricultural uses within the Buckland Valley:

- Preserve grazing land on the valley floor as a green belt in sub precinct 1 as shown on the plan to this Clause [NEW: ASCRLS, p38]
- Retain mixture of horticulture and grazing land in sub precinct 2 as shown on the plan to this clause. [NEW: ASCRLS, p38]
- Maintain agriculture as the predominant land use in sub precinct 4 as shown on the plan to this clause. [NEW: ASCRLS, p38]

Support the expansion of the hop industry between Bright to Myrtleford. [NEW: ASCRLS, p32]

Support the expansion of the dairy industry in the Kiewa Valley. [NEW: ASCRLS, p42]

Preserve High Country and remote areas for conservation purposes rather than farming. [NEW: ASCRLS, p43]

**Policy guideline**

Consider as relevant:

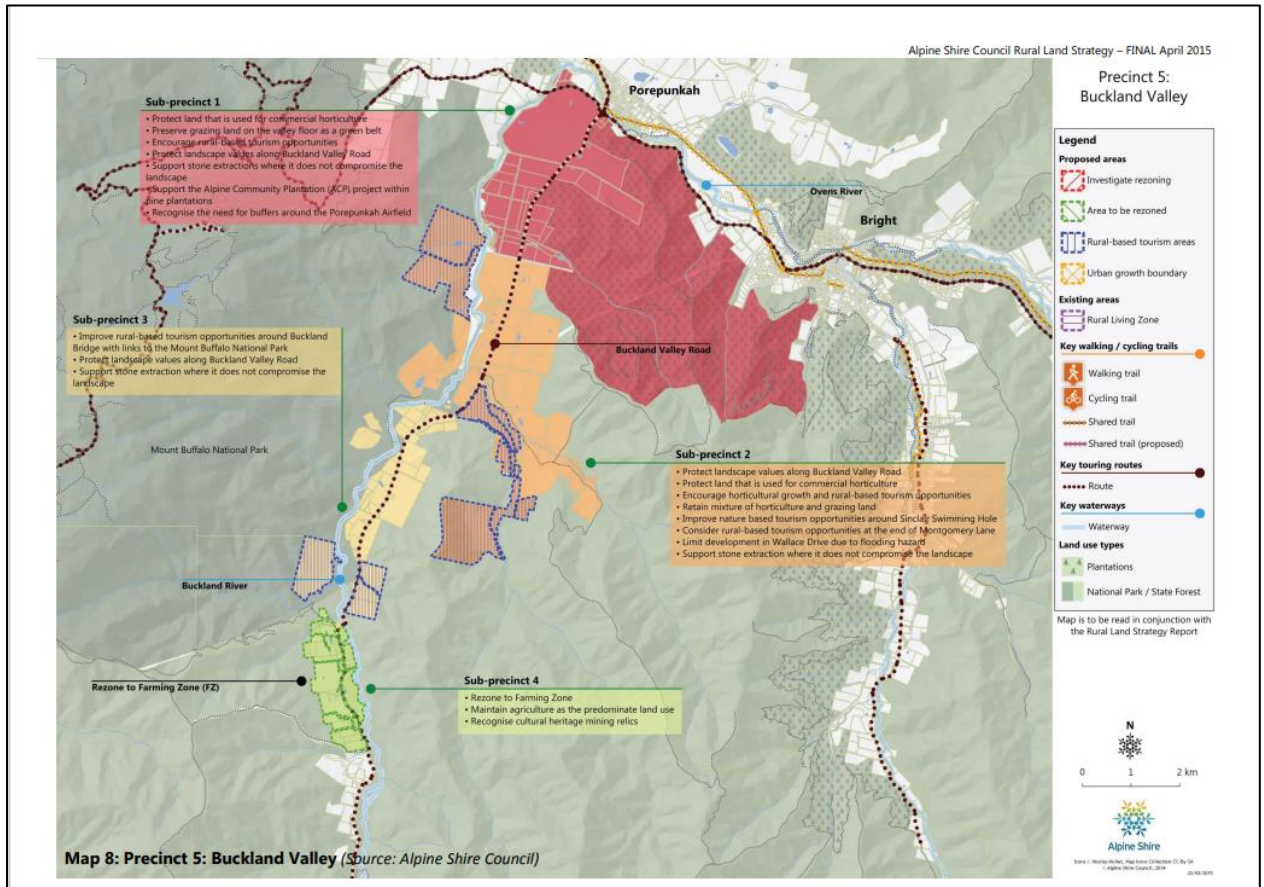
- The ability to establish horticultural activities on smaller allotments.

**Policy document**

Consider as relevant:

- *Alpine Shire Rural Land Strategy* (Alpine Shire Council, 2015)

**Plan of Buckland Valley showing subprecincts**





## 14.01-3L FORESTRY AND TIMBER PRODUCTION – ALPINE

C62alpi 26/05/2022

### Policy application

This policy applies to the establishment of new timber plantations and timber industries.

### Objective

To facilitate timber production and value adding industries.

### Strategies

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

~~Avoid the loss of agricultural land of strategic importance.~~ [duplicates state policy at 14.01-1S]

~~Protect timber plantations from encroachment by incompatible development.~~ [NEW: ASCRLS, p32]

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.

~~Support the establishment of new timber production and value adding industries in appropriate locations considering:~~ ~~Minimise the impact of timber plantations and production on:~~ [NEW: HVP submission]

- 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.
- ~~The settlement boundaries of Townships~~ ~~townships.~~
- Rural infrastructure.

~~Minimise the impacts~~ ~~Ensure that on~~ water quality is not affected during planting and harvesting of timber by:

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

Ensure that adequate road infrastructure is provided to all sites.

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

~~Discourage~~ ~~Avoid~~ new timber production ~~in National Trust classified landscapes,~~ in the Significant Landscape Overlay, schedule 1 – 5 (National Trust Landscapes), 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.~~ [NEW: HVP submission]

### Policy document

Consider as relevant:

- *Alpine Shire Rural Land Strategy* (Alpine Shire Council, 2015)

#### 14.02-1L **CATCHMENT PLANNING AND MANAGEMENT – ALPINE**

C62alpi 26/05/2022

##### **Strategy**

Avoid land use and development that will affect the quality and quantity of water available for:

- Environmental allocation.
- Domestic, industrial, commercial and agricultural consumption.

#### 14.02-2L **WATER QUALITY – ALPINE**

C62alpi 26/05/2022

##### **Strategies**

Protect water quality in the Bakers Gully, Buckland River, Lake Hume, Buffalo River (Lake Buffalo), Ovens River (Bright), Ovens River (Wangaratta) and Upper Kiewa Special Water Supply Catchment Areas.

Encourage land and water management to protect water quality in special water supply catchment areas.

Ensure land use and development setbacks from waterways are adequate to protect water quality in special water catchment areas.

#### 14.03-1L **RESOURCE EXPLORATION AND EXTRACTION – ALPINE**

C62alpi 26/05/2022

##### **Strategies**

Recognise the mineral potential within the Shire and its impact on the environment and community.

Support stone extraction where it does not compromise the landscape in the Buckland Valley. [NEW: ASCRLS, p38]

Preserve land with the potential for gravel extraction within the Barwidgee area. [NEW: ASCRLS, p40]

#### 15.01-1L-01 **URBAN DESIGN – ALPINE**

C62alpi 26/05/2022

##### **Strategies**

Limit the height of buildings to reflect the current character and urban design and to maintain rural and mountain vistas.

Ensure new housing development responds to:

- The scale, mass, form, roof pitch, height, materials and colour of surrounding buildings.
- Surrounding landscape features.
- Maintaining view lines from the local environs.

Incorporate landscaping into commercial development where there are setbacks provided.

Ensure development addresses barriers in buildings, housing, transport and open spaces to facilitate increased participation of people with disabilities in all aspects of community life. [NEW: ASCAIP, p16]  
[to implement adopted Council policy]

#### 15.01-1L-02 **SIGNS – ALPINE**

C62alpi 26/05/2022

### Strategies

Restrict promotional signage along the main tourist and traffic routes and at entrances to townships and settlements.

Ensure advertising signs for tourism uses relate to the land on which the sign is located.

## 15.01-1L-03 DESIGN OF INDUSTRIAL DEVELOPMENT – ALPINE

C62alpi 26/05/2022

### Policy application

This policy applies to all land in the Industrial Zones, the Mixed Use Zone and other areas identified for industrial use.

### Strategies

Ensure that development allows for functional layouts and use of land.

Ensure development within the industrial precincts positively contributes to the visual amenity of the area by:

- Supporting buildings that are of a high quality design and construction.
- Encouraging the use of materials and colours in muted tones that blend in with the surrounding environment.

Design building heights, setbacks and form that are compatible with the surrounding development and character.

Design access to industrial lots to be suitable and unobstructed for all types of vehicles likely to require access, including emergency vehicles.

Provide adequate storage and parking on site to avoid use of loading and unloading facilities for this purpose.

Incorporate appropriate stormwater disposal at the planning stage of industrial development.

Provide landscaping along common property boundaries and within frontage setbacks and areas.

Design landscaping to:

- Incorporate suitable native indigenous species.
- Minimise fire risk to buildings in the event of bushfire.

## 15.01-3L BATTLE-AXE DEVELOPMENT – ALPINE

C62alpi 26/05/2022

### Policy application

This policy applies to all land in the General Residential Zone, Township Zone and Low Density Residential Zone.

### Strategies

Avoid battle axe blocks unless they can be designed to allow access from existing laneways or roadways.

Ensure that site entries are clearly defined and visible.

Design and locate driveways to:

- Create visual interest.
- Retain existing vegetation.
- Provide adequate opportunity for landscaping.

- Provide safe, manageable and convenient access to dwellings.
- Be of a width that is compatible with surrounding pattern of development.

Provide for the shared use of driveways and infrastructure.

Provide for waste collection and maintenance of facilities.

Discourage dividing fences on the common boundaries of the access handle.

Design a single driveway in subdivisions to access multiple lots rather than permitting adjoining access handles.

Design driveways to be curvilinear to create visual interest and to encourage vehicles to slow down and to create landscaping opportunities.

Provide adequate driveway widths and incorporating passing bays to accommodate likely usage patterns with consideration to the number of lots and driveway length.

Provide service infrastructure in a common trench.

### Policy guidelines

Consider as relevant:

- Designing access handles (driveways) to the following minimum widths unless site dimensions or characteristics warrant a variation:
  - 8 metres for the Low Density Residential Zone.
  - 5 metres for two lot subdivisions in the General Residential and Township Zones.
  - 6 metres for 3 or more lots in the General Residential and Township Zones.
- Providing services and conduits to the end of the access handle at the time of subdivision works to avoid disturbance to landscaping and infrastructure within handle when lots are developed.
- Providing landscaping and retaining existing vegetation within the access handle to soften the appearance of driveways and create legibility in the streetscape.
- Ensuring facilities and landscaping are designed to be easy to maintain.

## 15.03-1L HERITAGE CONSERVATION – ALPINE

### Strategy

Preserve cultural heritage relics associated with the mining boom in the Buckland Valley. [NEW: ASCRLS, p38]

## 16.01-3L RURAL RESIDENTIAL DEVELOPMENT – ALPINE

C62alpi 26/05/2022

### Policy application

This policy applies to all land in the Low Density Residential Zone and Rural Living Zone.

### Objective

To ensure that rural residential development is appropriately located to:

- Protect rural land from inappropriate development to provide social, economic and environmental benefits for existing and future generations.
- Provide a safe living environment for residents.

### Strategies

Locate rural residential development to protect agricultural areas from urban sprawl and conflicting land uses.

Ensure rural residential development is compatible with the environmental characteristics of the area.

Locate development for vulnerable groups, such as nursing homes and childcare facilities, away from the interface with bushland and grassland.

Direct new rural residential subdivision and development away from:

- Land classified as high quality for agriculture.
- Land of high biological significance due to its flora and fauna values.
- Land of high landscape, cultural heritage, or archaeological significance.

Avoid rural residential development on constrained land that:

- Has a bushfire hazard rating resulting in the construction requirement of a Bushfire Attack Level rating in excess of 29.
- Is subject to one in 100 year or one per cent flood frequency level.
- Is subject to soil contamination to a degree which would require specialist management for growing plants or animal keeping.
- Is contaminated as a result of previous land uses to an extent that would make the land unsuitable for residential use, unless remediation works have been undertaken to the satisfaction of the Environment Protection Authority.
- Is sloped steeper than twenty per cent (1 in 5).
- Is susceptible to landslip.

Ensure land rezoned for rural residential living is designed to maximise efficiency and ensure appropriate staging of development.

Locate outbuildings, shedding, large water tanks and similar items behind the main dwelling so that the dwelling presents to the road.

### **Policy guidelines**

Consider as relevant:

- Encouraging lot sizes in the range 0.2 hectares to 1.0 hectares in the Low Density Residential Zone unless:
  - A larger lot is required for the on-site treatment of waste.
  - A larger lot is needed to protect pockets of significant remnant vegetation.
  - A larger lot is needed for the provision of defensible space under the Bushfire Management Overlay.
- The land has a high landscape value.
- Encouraging lot sizes in the range of 2.0 hectares in the Rural Living Zone unless:
  - A larger lot is required to provide a buffer to adjoining agricultural land uses.
  - A larger lot is needed to protect pockets of significant remnant vegetation.
- The land has a high landscape value.
- Permitting rural residential development on constrained land if development envelopes can be designed to avoid the constraints.

### **Policy document**

Consider as relevant:

- *Alpine Shire Rural Land Strategy* (Alpine Shire Council, 2015)

## 17.01-1L **DIVERSIFIED ECONOMY – ALPINE**

C62alpi 26/05/2022

### Strategies

Protect the unique tourism attributes of the Shire from impacts from inappropriate commercial and industrial land use and development.

Reinforce the important commercial, service and employment roles played by large townships.

Facilitate the growth of existing businesses.

Encourage value adding business to complement and support agricultural production.

Support development that improves digital access to support growth of rural businesses.

## 17.03-2L **SUSTAINABLE INDUSTRY – ALPINE**

C62alpi 26/05/2022

### Policy application

This policy applies to land in the Industrial Zones, the Mixed Use Zone and other areas identified for industrial use.

### Strategies

Support a diverse range of industries that are climate sensitive. [NEW: CVCP p27]

Ensure that the use and development and redevelopment of sites within the industrial precincts are for industrial uses.

Discourage industrial uses in the Mixed Use Zone to avoid conflict with other land uses.

## 17.04-1L **TOURISM – ALPINE**

C62alpi 26/05/2022

### Objective

To enhance and expand the tourism industry, while protecting the environmental, landscape and cultural values of the Shire and the lifestyle of its residents.

### General strategies

Support quality tourist development that takes advantage of the environmental, landscape, and heritage values of rural and urban areas.

Encourage tourism development that supports and promotes key attractions, including:

- Walking trails to Buffalo National Park and the High Country. [NEW: ASCRLS, p29, 31, 42]
- Shared trails and mountain bike trails. [NEW: ASCRLS, p34]
- The Murray to Mountains Rail Trail. [NEW: ASCRLS, p32]
- The Ovens River. [NEW: ASCRLS, p29,31]
- Morses Creek. [NEW: ASCRLS, p33]
- Local produce sales. [NEW: ASCRLS, p29, 30, 31]
- Food and wine experiences. [NEW: ASCRLS, p29, 30, 31]
- Mining relics. [NEW: ASCRLS, p33]
- The historic township of Wandiligong and the Diggings. [NEW: ASCRLS, p33, 34]

Locate and design tourism development in the high country and remote areas to minimise impact on landscape, environmental and conservation values. [NEW: ASCRLS, p43]

Encourage the re-use of ex-tobacco sheds for rural-based tourism. [NEW: ASCRLS, p32, 36, 42]

Encourage a diverse range of tourist activities, accommodation, eating establishments and facilities in appropriate locations to:

- Meet changing visitor needs.
- Generate increased visitation, yield, length of stay, and visitation dispersal.
- Spread tourism activity across the Shire more evenly, both geographically and seasonally.
- Support nature based tourism.
- Foster community development and engagement. [NEW: ASES, p23] [to implement adopted Council policy]
- Contribute to positive public health and wellbeing outcomes. [NEW: ASES, p23] [to implement adopted Council policy]
- Minimise environmental impacts. [NEW: ASES, p23] [to implement adopted Council policy]

Encourage development that complements the shared trails in Germantown, Freeburgh, Smoko, Stony Creek Road and walking tracks into the Alpine Areas. [NEW: ASCRLS, p30]

Ensure tourism activities do not undermine public land management objectives to preserve and protect the natural environment, and conserve flora and fauna.

Facilitate the provision of appropriate infrastructure to support the tourism industry including nature based and agriculture based land uses.

Support development at Dinner Plain that encourages year round visitation.

Encourage development within the Shire that supports Mount Hotham and Falls Creek:

- To remain premier snow skiing destinations for Victoria.
- To build capacity as year round destinations.
- By preserving the alpine, natural and wild landscapes on the alpine approaches that provide the sense of arrival to the Alpine Resorts.

Provide services that meet the needs of people visiting the Alpine Resorts and national parks.

Maintain the existing character of towns by ensuring that township boundaries are not compromised by tourism development.

Discourage linear development of tourist facilities along the major traffic routes including the Great Alpine Road, the Kiewa Valley Highway and the alpine approaches.

Locate tourist development in areas with support services and facilities where possible.

Discourage tourism development in close proximity to wastewater treatment plants.

Minimise the transport impact of proposed development on the amenity of the area and the operation of any agricultural uses nearby.

### **Rural tourism strategies**

Ensure tourism development is related to agricultural and other industries that support agricultural uses, and minimises:

- The loss of rural land.
- The potential for land use conflicts with current or potential agricultural production.

Ensure that where rural based tourism is supported it is consistent with the purpose of the zone and surrounding use of land, and:

- Links to agriculture, agri-tourism or the natural environment so that the predominant use of the rural area for agricultural production, and the rural character of the area, is maintained.
- Is compatible with other rural land uses and protects the landscape, environmental and heritage values of the area.
- Protects key environmental features, preserves land of high scenic quality, recognises the importance of the natural and built environment and is sensitively designed and located in the landscape to avoid adverse visual impacts.

- Diversifies the rural economy.

Promote agri-tourism uses and encourage non-traditional agri-tourism experiences.

Support the following types of tourism developments in rural zones:

- Bed and breakfasts undertaken in conjunction with the agricultural use of the land.
- Host farm.
- Tourist uses undertaken in conjunction with the agricultural of the land.

Discourage tourism development in prime productive farming areas, particularly in areas with an open rural landscape.

### Myrtleford tourism strategies

Support tourism that takes advantage of Myrtleford's food culture, local produce and Italian heritage. [NEW: MRP, p39] [to implement adopted Council policy]

Strengthen active tourism opportunities that are already present in the region. [NEW: MRP, p42] [to implement adopted Council policy]

Develop the tourism facilities and activities at Lake Buffalo. [NEW: MRP, p42] [to implement adopted Council policy]

### **Design strategies**

Support tourism development that is:

- High quality, low intensity, unobtrusive and site responsive.
- Ecologically sustainable.
- Responsive to the existing character of the area.
- Integrated with existing commercial use and development.

Design and site tourism development to avoid conflict with landscape and environmental values.

Design tourism development to be of a height, scale, mass and colour to reflect building forms and types that blend in with the surrounding landscape.

Ensure tourist facilities provide infrastructure appropriate to the scale and function of the development.

Incorporate landscaping to improve the presentation of the development and blend with the landscape features in the immediate environs.

### **Policy guidelines**

Consider as relevant:

- Tourism development should enhance the environmental condition of the land through protection and re-establishment of native vegetation and control of pest plants and animals, erosion, salinity, stormwater and nutrient runoff.
- Access to tourism sites should be provided via an all-weather two wheel drive road (this applies to the government and internal road) with dimensions adequate to accommodate emergency vehicles and constructed in a manner which minimises any negative impact on the environment.
- Tourism use should only be approved if it can be demonstrated there is a demand for tourist facility proposed in the chosen location.

### **Policy document**

Consider as relevant:

- *Alpine Shire Rural Land Strategy* (Alpine Shire Council, 2015)



#### 18.01-1L **LAND USE AND TRANSPORT INTEGRATION – ALPINE**

C62alpi 26/05/2022

##### **Strategy**

Facilitate community, pedestrian and cycle links between residential, commercial and community facilities. [NEW: CVCP 20]

#### 18.02-2L **CYCLING – ALPINE**

C62alpi 26/05/2022

##### **Strategy**

Develop the Murray to the Mountains Rail Trail.

#### 18.02-4L **ROADS – ALPINE**

C62alpi 26/05/2022

##### **Strategies**

Maintain a safe and efficient rural road network.

Develop an effective and efficient tourist road network.

#### 18.02-5L **FREIGHT – ALPINE**

C62alpi 26/05/2022

##### **Strategy**

Encourage new freight transport facilities and activities in Myrtleford that will improve economic development opportunities and support agricultural growth.

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. [NEW: HVP submission]

#### 18.02-7L **AIRPORTS – ALPINE**

C62alpi 26/05/2022

##### **Strategies**

~~Protect airports from inappropriate development.~~ [Duplicates first strategy of 18.02-7S]

Support the extension of runway facilities at the Mount Beauty aerodrome while managing the environmental, waterway and flood site constraints on the land.

#### 19.01-1L **ENERGY SUPPLY – ALPINE**

C62alpi 26/05/2022

##### **Strategy**

Encourage the use of alternative energy systems in rural areas.

## 19.02-4L RECREATIONAL COMMUNITY AND SOCIAL INFRASTRUCTURE - ALPINE

C62alpi 26/05/2022

### Strategy

Locate social infrastructure across townships to meet local needs and ensure a higher level of accessibility. [Duplicates 19.02-4S]

### Objective

To develop active, connected and liveable communities. [NEW: SARP, p5] [to implement adopted Council policy]

### Strategies

Provide recreational facilities that:

- Respond to demonstrated need. [NEW: SARP, p6] [to implement adopted Council policy]
- Encourage opportunities for social connections. [NEW: SARP, p6] [to implement adopted Council policy]
- Are multi-purpose, sustainable and adaptable. [NEW: SARP, p6] [to implement adopted Council policy]
- Optimise the use of existing recreation and open space assets. [NEW: SARP, p6] [to implement adopted Council policy]

### Policy document

Sport and Active Recreation Plan 2022-2033 (Alpine Shire Council, 2022) [NEW: SARP] [to implement adopted Council policy]

## 19.03-2L INFRASTRUCTURE DESIGN AND PROVISION

C62alpi 26/05/2022

### Strategies

Encourage infrastructure provided in townships to have sufficient capacity to accommodate expected growth.

Minimise the visual impact of infrastructure.

Facilitate appropriate infrastructure to support agricultural, commercial and tourism uses, development and growth in rural areas.

Improve infrastructure along key touring routes.

Provide a consistent approach to the design and construction of infrastructure across the municipality. [To reflect Council's use of the IDM in line with other rural and regional municipalities].

### Policy guideline

Consider as relevant:

- The Infrastructure Design Manual (Local Government Infrastructure Design Association, 2022) or an approved precinct structure plan for subdivision and development. [To reflect Council's use of the IDM in line with other rural and regional municipalities].

### Policy document

Consider as relevant:

- The Infrastructure Design Manual (Local Government Infrastructure Design Association, 2022) [To reflect Council's use of the IDM in line with other rural and regional municipalities].

### 19.03-3L INTEGRATED WATER MANAGEMENT

C62alpi 26/05/2022

#### Strategies

Encourage the use of alternative effluent and water systems in rural areas.

Avoid the creation of new point source discharges and rationalise existing discharge points.

Design development in rural areas so stormwater flows downstream are no greater than predevelopment levels.

Ensure development in rural areas retains and treats all effluent on site.

#### Policy guidelines:

Consider as relevant:

- Allowing increased stormwater flows if there are no detrimental downstream impacts ~~and the drainage authority approves~~. [Cannot include referral requirements in local provisions, move to 66.06]
- Applications to construct a building within 100 metres of a waterway that will generate effluent should include evidence that the building site is capable of containing an appropriate water treatment system as required by the relevant EPA "Code of Practice – Onsite Wastewater Management".

### 19.03-4L TELECOMMUNICATIONS

C62alpi 26/05/2022

#### Strategy

Improve digital connectivity, coverage and speed ~~Support upgrades to the telecommunication network~~ to ensure access and fast speeds to telecommunications across the whole Shire to support economic growth and eliminate black spots. [NEW: CVCP p27] [Strengthens policy in line with Council's adopted position]

**SCHEDULE TO CLAUSE 32.03 LOW DENSITY RESIDENTIAL ZONE**

C55alpi 14/01/2021

Shown on the planning scheme map as **LDRZ**.

**1.0 Subdivision requirements**

C55alpi 14/01/2021

	Land	Area (hectares)
Minimum subdivision area (hectares)	None specified	

**2.0 Outbuilding permit requirements**

C55alpi 14/01/2021

Dimensions above which a permit is required to construct an outbuilding (square metres)
None specified

**SCHEDULE TO CLAUSE 32.04 MIXED USE ZONE**

C55alpi 14/01/2021

Shown on the planning scheme map as **MUZ**.

ALPINE MIXED USE AREAS

**1.0 Objectives**

C55alpi 14/01/2021

None specified.

**2.0 Clause 54 and Clause 55 requirements**

C55alpi 14/01/2021

	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	None specified
Permeability	A6 and B9	None specified
Landscaping	B13	None specified
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	None specified

**3.0 Maximum building height requirement**

C55alpi 14/01/2021

None specified.

**4.0 Exemption from notice and review**

C55alpi 14/01/2021

None specified.

**5.0 Application requirements**

C55alpi 14/01/2021

None specified.

**6.0 Decision guidelines**

C55alpi 14/01/2021

None specified.

**7.0 Signs**

C55alpi 14/01/2021

None specified.

**SCHEDULE TO CLAUSE 32.05 TOWNSHIP ZONE**

C55alpi 14/01/2021

Shown on the planning scheme map as **TZ**.

ALPINE TOWNSHIPS

**1.0 Neighbourhood character objectives**

C55alpi 14/01/2021

None specified.

**2.0 Permit requirement for the construction or extension of one dwelling or a fence associated with a dwelling on a lot**

C55alpi 14/01/2021

<b>Is a permit required to construct or extend one dwelling on a lot of between 300 and 500 square metres?</b>
No
<b>Is a permit required to construct or extend a front fence within 3 metres of a street associated with a dwelling on a lot of between 300 and 500 square metres?</b>
No

**3.0 Clause 54 and Clause 55 requirements**

C55alpi 14/01/2021

	Standard	Requirement
<b>Minimum street setback</b>	A3 and B6	None specified
<b>Site coverage</b>	A5 and B8	None specified
<b>Permeability</b>	A6 and B9	None specified
<b>Landscaping</b>	B13	None specified
<b>Side and rear setbacks</b>	A10 and B17	None specified
<b>Walls on boundaries</b>	A11 and B18	None specified

<b>Private open space</b>	A17	None specified
	B28	None specified
<b>Front fence height</b>	A20 and B32	None specified

**4.0 Maximum building height requirement for a dwelling or residential building**

C55alpi 14/01/2021

None specified.

**5.0 Application requirements**

C55alpi 14/01/2021

None specified.

**6.0 Decision guidelines**

C55alpi 14/01/2021

None specified.

**SCHEDULE 1 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE**

C55alpi 14/01/2021

Shown on the planning scheme map as **GRZ1**.  
 ALPINE GENERAL RESIDENTIAL AREA

**1.0 Neighbourhood character objectives**

C55alpi 14/01/2021

None specified.

**2.0 Construction or extension of a dwelling or residential building – minimum garden area requirement**

C55alpi 14/01/2021

<b>Is the construction or extension of a dwelling or residential building exempt from the minimum garden area requirement?</b>
No

**3.0 Permit requirement for the construction or extension of one dwelling or a fence associated with a dwelling on a lot**

C55alpi 14/01/2021

<b>Is a permit required to construct or extend one dwelling on a lot of between 300 and 500 square metres?</b>
No
<b>Is a permit required to construct or extend a front fence within 3 metres of a street associated with a dwelling on a lot of between 300 and 500 square metres?</b>
No

**4.0 Requirements of Clause 54 and Clause 55**

C55alpi 14/01/2021

	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	None specified
Permeability	A6 and B9	None specified
Landscaping	B13	None specified
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	None specified

**5.0 Maximum building height requirement for a dwelling or residential building**

C55alpi 14/01/2021

None specified.

**6.0 Application requirements**

C55alpi 14/01/2021

None specified.

**7.0 Decision guidelines**

C55alpi 14/01/2021

None specified.

**SCHEDULE TO CLAUSE 33.01 INDUSTRIAL 1 ZONE**

C55alpi 14/01/2021

**1.0 Maximum leasable floor area requirements**

C55alpi 14/01/2021

Land	Maximum leasable floor area for Office (square metres)
None specified	None specified

**SCHEDULE TO CLAUSE 33.02 INDUSTRIAL 2 ZONE**

C55alpi 14/01/2021

**1.0 Maximum leasable floor area requirements**

C55alpi 14/01/2021

Land	Maximum leasable floor area for Office (square metres)
None specified	None specified

**SCHEDULE TO CLAUSE 34.01 COMMERCIAL 1 ZONE**

C55alpi 14/01/2021

**1.0 Maximum leasable floor area requirements**

C55alpi 14/01/2021

Land	Maximum leasable floor area for Office (square metres)	Maximum leasable floor area for Shop (other than Restricted retail premises) (square metres)
None specified	None specified	None specified

**SCHEDULE 1 TO CLAUSE 35.03 RURAL LIVING ZONE**

C55alpi 14/01/2021

Shown on the planning scheme map as **RLZ1**.

**1.0 Subdivision and other requirements**

C55alpi 14/01/2021

	Land	Area/Dimensions/Distance
Minimum subdivision area (hectares)	All land	2 hectares
Minimum area for which no permit is required to use land for a Dwelling (hectares)	All land	2 hectares
Maximum floor area for which no permit is required to alter or extend an existing dwelling (square metres)	None specified	None specified
Maximum floor area for which no permit is required to construct an out-building associated with an existing dwelling (square metres)	None specified	None specified
Maximum floor area for which no permit is required to alter or extend an existing building used for Agriculture (square metres)	None specified	None specified
Minimum setback from a road (metres)	None specified	None specified
Minimum setback from a boundary (metres)	None specified	None specified
Minimum setback from a dwelling not in the same ownership (metres)	None specified	None specified



Permit requirement for earthworks	Land
Earthworks which change the rate of flow or the discharge point of water across a property boundary	All land
Earthworks which increase the discharge of saline groundwater	All land

### **SCHEDULE 1 TO CLAUSE 35.06 RURAL CONSERVATION ZONE**

C55alpi 14/01/2021

Shown on the planning scheme map as **RCZ1**.

#### CONSERVATION VALUES

To ensure that sub-alpine freehold land is protected and managed in a way that maintains the high scenic and conservation values of the sub-alpine environment.

## 1.0

### **Subdivision and other requirements**

C55alpi 14/01/2021

	Land	Area/Dimensions/Number
Minimum subdivision area (hectares)	All land	100 hectares
Maximum floor area for which no permit is required to alter or extend an existing dwelling (square metres)	None specified	None specified
Maximum floor area for which no permit is required to construct an out-building associated with a dwelling (square metres)	None specified	None specified
Maximum floor area for which no permit is required to alter or extend an existing building used for agriculture (square metres)	None specified	None specified

Permit requirement for earthworks	Land
Earthworks which change the rate of flow or the discharge point of water across a property boundary	All land
Earthworks which increase the discharge of saline groundwater	All land

### **SCHEDULE 1 TO CLAUSE 35.07 FARMING ZONE**

C55alpi 14/01/2021

Shown on the planning scheme map as **FZ1**.

1.0 Subdivision and other requirements

VC205 20/01/2022

Land		Area/Dimensions/Distance
Minimum subdivision area (hectares)	All land	40 hectares or 20 hectares in accordance with Municipal Planning Strategy and the Planning Policy Framework <i>Agriculture in Clause 22.03-2</i>
Minimum area for which no permit is required to use land for a dwelling (hectares)	All land	40 hectares
Maximum area for which no permit is required to use land for timber production (hectares)	Land in a Significant Landscape Overlay	40 hectares
	All other land	None specified
Maximum floor area for which no permit is required to alter or extend an existing dwelling (square metres)	None specified	None specified
Maximum floor area for which no permit is required to construct an out-building associated with a dwelling (square metres)	None specified	None specified
Maximum floor area for which no permit is required to alter or extend an existing building used for agriculture (square metres)	None specified	None specified
Minimum setback from a road (metres)	A Transport Zone 2 or land in a Public Acquisition Overlay if: <ul style="list-style-type: none"> <li>▪ The Head, Transport for Victoria is the acquiring authority; and</li> <li>▪ The purpose of the acquisition is for a road.</li> </ul>	100 metres
	A Transport Zone 3 or land in a Public Acquisition Overlay if: <ul style="list-style-type: none"> <li>▪ The Head, Transport for Victoria is not the acquiring authority; and</li> </ul>	40 metres

	<ul style="list-style-type: none"> <li>The purpose of the acquisition is for a road.</li> </ul>	
	Any other road	20 metres
Minimum setback from a boundary (metres)	Any other boundary	5 metres
Minimum setback from a dwelling not in the same ownership (metres)	Any dwelling not in the same ownership	100 metres
<b>Permit requirement for earthworks</b>		
		<b>Land</b>
Earthworks which change the rate of flow or the discharge point of water across a property boundary		All land
Earthworks which increase the discharge of saline groundwater		All land

**SCHEDULE TO CLAUSE 36.01 PUBLIC USE ZONE**

C55alpi 14/01/2021

**1.0 Permit exemptions and conditions**

C55alpi 14/01/2021

Public land	Use or development	Conditions
None specified	None specified	None specified

**2.0 Sign requirements**

C55alpi 14/01/2021

Land	Sign Category
None specified	None specified

**SCHEDULE TO CLAUSE 36.02 PUBLIC PARK AND RECREATION ZONE**

C55alpi 14/01/2021

**1.0 Permit exemptions and conditions**

C55alpi 14/01/2021

Public land	Use or development	Conditions
None specified	None specified	None specified

**2.0 Sign requirements**

C55alpi 14/01/2021

Land	Sign Category
None specified	None specified

**3.0 Use and development of land specified in an Incorporated Plan**

C55alpi 14/01/2021

None specified.

**SCHEDULE 1 TO CLAUSE 37.01 SPECIAL USE ZONE**

C55alpi 14/01/2021

Shown on the planning scheme map as **SUZ1**.

DINNER PLAIN – VILLAGE AREA

**Purpose**

To provide for the use and development of a quality integrated alpine tourist village supported by appropriate ancillary services.

To effectively implement the Dinner Plain Masterplan (Dec 2005).

To provide for a range of residential, tourist and recreational facilities, supported by ancillary services that complements the surrounding natural environment and encourages all year round use of the village.

To ensure that the scale, intensity, bulk and character of all development is sympathetic and complimentary to the alpine environment and the village neighbourhood character.

To ensure that further subdivision does not adversely affect the existing character and amenity of the village.

**19.0 ~~4.0~~ Table of uses**

C55alpi 14/01/2021

<b>Section 1 – Permit not required</b>	
Use	Condition
Dwelling	Must be within the Residential Precinct identified on the Dinner Plain Master Plan – Clause 21.07-9
Informal outdoor recreation	
Mineral exploration	
Mining	Must meet the requirements of Clause 52.08-2
Search for stone	Must not be costeaning or bulk sampling
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01
<b>Section 2 – Permit required</b>	
Use	Condition
Group accommodation	
Convenience restaurant	
Hotel	
Restaurant	
Shop	

<b>Service industry</b>	
<b>Any other use not in Section 1 or 3</b>	
<b>Section 3 – Prohibited</b>	
<b>Use</b>	
Abattoir	
Animal keeping	
Cemetery	
Crematorium	
Extractive industry	
Intensive animal husbandry	
Refuse disposal	
Saleyard	

**2.0**

**Use of land**

C55alpi 14/01/2021

The use of land must accord with the precincts identified in Clause 21.07-9 and on the Dinner Plain Masterplan (Dec 2005).

**Objectives**

**Village Precinct A – Commercial Core/ Entrance Area**

- To ensure land is used for retailing and other complementary commercial, entertainment and community uses. Residential use is possible provided it is ‘shop top housing’, or located to the rear of the site and ancillary to commercial use.

**Village Precincts B1 & B2 – Commercial Core/ Entrance Area/ Scrubber’s Lane Area**

- To confine use of land only to community facilities eg visitor information centre, toilet facilities, school, crèche, community hall, meeting rooms, conference facilities, health and recreation.

**Village Precinct C – Service Estate**

- To provide opportunity only for service industries ancillary to the operation of Dinner Plain to be concentrated in an area separated from the core village area eg storage and vehicle servicing.

**Village Precinct D – Residential**

- To ensure these areas are used predominately for residential accommodation purposes.

**Application requirements**

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority. An application to use land must be accompanied by the following information, as appropriate: [To comply with MD drafting requirements]

- The purpose of the use and the type of activities that will be carried out.
- The likely effects, if any, on the surrounding area, including noise levels, air borne emissions, emissions to land or water, traffic, hours of operation and light spill.
- Provisions for the storage of trade wastes and garbage receptacles, and for the screening of these areas from public view.

**Decision guidelines**

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the satisfaction of the responsible authority. [To comply with MD drafting requirements]

- The use is consistent with the purpose of the Precinct in which it is to be located.
- The use will not adversely impact on the surrounding area.

### 3.0

#### Subdivision

C55alpi 14/01/2021

##### Permit requirement

A permit is required to subdivide land.

Each lot within the Residential Precinct identified on the Dinner Plain Masterplan (Dec 2005) – Clause 21.07-9, must be at least 220 square metres in area.

Subdivision to create lots less than 220 square metres in the Residential Precinct is possible where there are existing buildings to be used to accommodate persons away from their normal place of residence and there is a body corporate management regime that ensures the accommodation is used only for short term stays. There must be sufficient common area available for occupants to use for passive and active recreational purposes.

##### Application requirements

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority. [To comply with MD drafting requirements]

- Similar to Clause 56.01, an application must be accompanied by a ‘site and context description’ and a ‘design response’.
- For subdivision of buildings containing accommodation units on lots less than 220 square metres in area, an appropriate management plan for the communal common property areas must be provided together with details of the body corporate regulations that will ensure the units are used only for short-term holiday purposes.
- For lots smaller than 500 square metres, building envelopes are required to be shown to ensure the amenities of future neighbours will be preserved, achieving reasonable density in a controlled manner. It can include matters of building setback, daylight, overshadowing, visual bulk and impervious surface materials and snow shedding.
- The specification of such building envelopes will assist in providing for the following design considerations:
  - Maintaining view corridors.
  - Generating undulating streetscape avenues.
  - Providing solar access.
  - Compatibility with the neighbourhood scale of the local flora and geographical characteristics, the tree line heights etc.
  - The development of a diverse range of lot sizes ensures a varying array of building forms and sizes.

##### Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the satisfaction of the responsible authority. Before deciding on an application to subdivide land, the responsible authority must consider, as appropriate: [To comply with MD drafting requirements]

- The requirements of Clause 56.
- The protection and enhancement of the natural environment and character of the area including the retention of vegetation along waterways, gullies and property boundaries.
- The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.
- The maintenance of an average lot size of at least 220 square metres.

#### 4.0 Buildings and works ~~Construction and extension of one dwelling on a lot~~ [To comply with MD drafting requirements]

C55alpi 14/01/2021

##### **Permit requirement**

A permit is required to construct or extend one dwelling on a lot and to construct outbuildings and site facilities (such as garbage facilities, service yards, telecommunications structures).

A permit is required to construct a building or construct or carry out works for a use in Table 2 of Section 1 of this Schedule. [To comply with MD drafting requirements]

A permit is required to:

- Remove any indigenous vegetation other than vegetation shown on an approved development plan.
- Plant any vegetation other than species indigenous to the Dinner Plain area. [To comply with MD drafting requirements]

##### **Exemption from notice and review**

An application to construct or extend one dwelling on a lot (and construct related outbuildings and site facilities) is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

##### **Decision guidelines**

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the satisfaction of the responsible authority. [To comply with MD drafting requirements]

Before deciding on an application to construct or extend one dwelling on a lot (and construct related outbuildings and site facilities) the responsible authority must consider, as appropriate:

- The objectives, standards and decision guidelines of the Development Code in Clause 8.0 of this Schedule.

Before deciding on an application to construct a building or carry out works for a use in Table 2 of Section 1 of this Schedule, the responsible authority must consider, as appropriate:

- The objectives, standards and decision guidelines of the Development Code in Clause 8.0 of this Schedule. [To comply with MD drafting requirements]

Before deciding on an application to remove any indigenous vegetation other than vegetation shown on an approved development plan or plant any vegetation other than species indigenous to the Dinner Plain area, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework, including local planning policies.
- The objectives, standards and decision guidelines of Clause 8.0 of this Schedule. [To comply with MD drafting requirements]

#### 5.0 Buildings and works

C55alpi 14/01/2021

##### **Permit requirement**

~~A permit is required to construct a building or construct or carry out works for a use in Table 2 of Section 1 of this Schedule.~~

##### **Decision guidelines**

~~Before deciding on an application to construct a building or carry out works for a use in Table 2 of Section 1 of this Schedule, the responsible authority must consider, as appropriate:~~

- ~~• The objectives, standards and decision guidelines of the Development Code in Clause 8.0 of this Schedule.~~

## 6.0 Landscaping and removal of vegetation

~~C55alpi 14/01/2021~~

### ~~Permit requirement~~

~~A permit is required to:~~

- ~~• Remove any indigenous vegetation other than vegetation shown on an approved development plan.~~
- ~~• Plant any vegetation other than species indigenous to the Dinner Plain area.~~

### ~~Decision guidelines~~

~~Before deciding on an application, the responsible authority must consider, as appropriate:~~

- ~~• The Municipal Planning Strategy and the Planning Policy Framework, including local planning policies.~~
- ~~• The objectives, standards and decision guidelines of Clause 8.0 of this Schedule.~~

## 57.0

### Signs

~~C55alpi 14/01/2021~~

Sign requirements are at Clause 52.05. This schedule is in Category 4.

#### Exempt Signs

In addition to the exemptions in Clause 52.05-4, a permit is not required to display the following signs:

- Skier and pedestrian control signs, direction signs and identification signs erected or constructed for the safety of users of the resort.

## 68.0

### Development code

~~C55alpi 14/01/2021~~

#### Application requirements

An application must include the following information:

- A design response explaining how the proposal respects the Dinner Plain neighbourhood character described in Clause ~~68~~.1 of this Schedule.
- Details of the present use of land.
- Boundaries and dimensions of the site.
- The existing landform and topographic features of the site including drainage lines and existing vegetation.
- Details of any indigenous vegetation proposed to be removed.
- Proposals for landscaping and rehabilitation of any disturbed areas.
- Proposed access to the site and provisions for car parking on the lot.
- Details of the exterior treatment and finish of walls and roofs.
- The plan, elevation and section views of the proposed building.
- Snow management proposals such as roof snow shedding design, and impact on pedestrian areas, car parks and adjoining properties. Details of the manner in which snow is to be cleared from pedestrian and vehicle access ways and car parking areas.
- Details of site servicing including water and sewerage connections and installations, drainage provisions, and the location of a garbage collection point.
- Details of sediment pollution control works.



## 68.1

### Neighbourhood character description

VC37 19/01/2006

#### Streetscape characteristics of Dinner Plain

- The streetscape features a series of varying roof pitches and non-aligned sidewalls, creating an informal and clustered image.
- While most houses are double storey, each incorporate single storey elements presenting a human scale to the street.
- The winding nature of the street reveals the sides and corners of houses, emphasising the cluttered and informal characteristic of the village. The street network also intermixes pedestrians with cars.
- Meandering access ways also create a “level of intrigue” in traversing the village and reinforces intimacy of scale.
- The subtle use of various materials and colours, the proximity to trees and retention of surrounding natural landscape is emphasised to assist integration. Large gumtrees also de-emphasise the scale of houses.
- Loosely scattered houses, no formal property boundaries, undefined front gardens, no fencing and the proximity of adjoining houses (creating intimate pathways) enhances the communal character.
- Elements of varying heights, such as towers, add to visual diversity and also create visual landmarks.
- Considered and restrained use of colour and natural materials enable harmony between the architecture and natural environment and create a cohesive image.

#### Architectural characteristics of Dinner Plain

- Provide a human scale to the entry spaces with single storey porticos, framed by low roofs.
- Have varying roof profiles.
- Overall height and length of walls reduced with stone entry porticos supported by timber columns and projecting rooms creating a sense of depth and relief.
- Irregular placement of windows in the walls, emphasising the creation of nooks and crannies (lofts) to add charm and variety.
- The retention of the trees in most developments allows the housing stock to merge into the landscape.
- Small-scale windows used in most houses and irregular windows and attention to detail enhances the character and visual intrigue of the dwelling.
- Rooflines dropping down to almost ground level, with no gutters or downpipes to facilitate snow shedding.
- The use of a mix of wall materials including: timber, stone and small elements of Colorbond® and glass.
- Detail to gable roof ends, intimate entry porches, stone walling, irregular timber columns, intricate timber fretwork detail around the eave line.
- Subdued colour schemes throughout each house in the walls, roof and trim details so as to blend harmoniously with the snow gums.
- Front elevation having an intimate scale, assisted by sweeping rooflines, chimney articulation, highlight windows and small window openings.
- Building external balconies around existing trees extends the interior of the house outside and integrates the architecture with the natural environment.
- Recessed, single entry garage doors to ensure they are not dominant elements.

## 68.2

### Building design

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C55alpi 14/01/2021

#### Objectives

- Buildings must be designed and constructed in a way that is consistent and complementary to the architectural and streetscape characteristics described in Clause 8.1 of this Schedule.
- Gives strong recognition to the alpine climatic demands in the design of the building form so as to ensure that the building functions well when subjected to the rigours of that climate. The building design should strongly relate to the unique natural climatic environment.
- Minimises energy consumption and captures the benefits of passive solar energy.
- Minimises soil disturbance by taking advantage of the natural topography of the site.
- Maximises the retention of existing snow gums on the site.
- Uses materials, finishes and colours that complement the colours and materials of the alpine environment. Acceptable building materials include local stone and earth, and stained timber, Colorbond® roofs and elements of Colorbond® walls.
- Ensures that snow deposition from the building and adjoining buildings will not affect any existing or proposed pedestrian or vehicle access ways.

#### Standard

- Buildings should be in context with the existing Dinner Plain built form.

#### Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Whether the building design is consistent and compatible with the Dinner Plain neighbourhood character description in Clause 8.1 of this Schedule.

## 68.3

### Integration with the street

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C55alpi 14/01/2021

#### Objectives

- To integrate the layout of development with the existing street patterns.
- To achieve a coherent development that provides a pleasant and energy efficient living environment, respecting the Dinner Plain neighbourhood character described in Clause 8.1 of this Schedule.

#### Standards

- Dwellings should be oriented to front existing and proposed streets.
- Fencing is not permitted (unless required by a statutory authority or for a service yard, and is of appropriate design).
- Dwellings should be designed to promote the observation of abutting streets and any abutting public open spaces.
- Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.
- Developments next to existing public open space should be laid out to complement the open space.

#### Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Whether the layout of the development is consistent with the Dinner Plain neighbourhood character description in Clause 8.1 of this Schedule.
- Whether the developments provide a variety of accommodation to accommodate various types of households or guest groupings.

#### **68.4 Dwelling diversity**

C55alpi 14/01/2021

##### **Objectives**

- To encourage a range of dwelling sizes and types in the resort development as a whole.
- To optimise the yield of accommodation development while promoting high design standards, a variety of accommodation types, and minimising loss of amenity to adjacent landholders.

##### **Standards**

- Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:
  - Dwellings with a different number of bedrooms.
  - At least one dwelling that contains a kitchen, bath or shower, and a toilet and washbasin at ground floor level (to allow disabled access).

##### **Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- There is variety in the layout and design consistent with the elements referred to in the Dinner Plain neighbourhood character description in Clause 8.1 of this Schedule.
- Whether the developments provide a variety of accommodation to accommodate various types of households or guest groupings.

#### **68.5 Infrastructure**

VC37 19/01/2006

##### **Objectives**

- To ensure development is provided with appropriate utility services and infrastructure.
- To ensure development does not unreasonably overload the capacity of utility services and infrastructure.

##### **Standards**

- Development should be connected to reticulated services, including water, sewerage, drainage, electricity and gas.
- Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.
- In areas where utility services or infrastructure have little or no spare capacity, (or there are sensitive environmental drainage issues such as in water bore buffer zones), developments should provide for the upgrading of, or mitigation of, the impact on services or infrastructure or catchment areas.

##### **Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The capacity of the existing infrastructure.
- In the absence of reticulated sewerage, the capacity of the development to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
- If the drainage system has little or no spare capacity, (or there are sensitive environmental drainage issues) the capacity of the development to provide for stormwater drainage mitigation or upgrading of the local drainage system.

#### **68.6 Site layout and building massing**

C55alpi 14/01/2021

##### **Objective**

- To achieve a coherent layout that provides a pleasant and energy efficient living environment.

### Standards

- The design and layout of buildings enhances existing streets, maintaining amenity for adjacent properties and provides a sense of address and identity.
- In larger scale developments, varied building types and forms are integrated throughout the development to provide an interesting sense of mix and contrast.
- The development capitalises on views from the site engaging existing vegetation and site features.
- The design retains significant stands of native vegetation, in particular snow gums or other viable native vegetation, on the site.

### Decision guidelines

The layout of a development should be based on a thorough analysis of the site and its surrounding areas. Issues to be considered in site layout, by the applicant and responsible authority include:

- The size and shape of the site should be considered so that the building can be designed to sit on the site and have the opportunity of maximising all the desirable characteristics being sought to satisfy the list of design objectives.
- Location, function and management of public or shared open spaces.
- The effects of adjoining structures and vegetation.
- Energy efficiency, solar orientation and predominating winds.
- Ground conditions and site drainage.
- Snow shedding, personal safety, and access.
- Traffic flows around and through the site and its connectivity to the village.

## 68.7

### Development and street setbacks

C55alpi 14/01/2021

#### Objectives

- To ensure that development are setback from the Great Alpine Road to protect the visual and environmental amenity of the resort.
- To ensure that development is constrained by buffer zones around identified environmentally significant areas.
- To ensure that the setbacks of buildings from a street respect the defining elements identified in the Dinner Plain neighbourhood character description in Clause 8.1 of this Schedule whilst making efficient use of the site.
- To ensure that buildings are sympathetic in scale and location to the landscape, trees and views.
- To ensure buildings are well articulated and fragmented in form.
- To allow for some variety in the frontage setbacks of properties, thus enhancing the existing “informal character”.
- To ensure that view corridors between buildings and along specified view lines are maintained.

#### Standards

- The minimum setbacks from the Great Alpine Road are:
  - 120 metres for buildings other than tennis courts, information centres, gatehouses, service utility installations and community use facilities.
  - 100 metres for commercial and residential development on the western side of the village entrance to the water bore reserve, as shown on the Dinner Plain Masterplan (Dec 2005).
  - 50 metres for community use buildings and car parking areas on the western side of the village entrance road.
  - 50 metres for residential development on the western side of the water bore reserve as shown on the Dinner Plain Masterplan (Dec 2005).
  - 25 metres for community use buildings and car parking areas on the eastern side of the village entrance road.

- The minimum setback from significant environmental areas as identified on the Dinner Plain Masterplan (Dec 2005) is 20 metres.
- The minimum setback from the village’s water supply bore is 250 metres unless a Section 173 Agreement incorporating a management plan to control use and development within the 250 metre buffer is entered into with the land owner(s), the responsible authority and the water supply authority.
- Walls of buildings should be set back from streets:
  - At least the distance specified in the Table 8.1 below, but with some varied setback to add to diversity.
  - To align with the existing tree line where possible.
  - To align with specified view lines where appropriate.

**Table of street setbacks**

Development Context	Minimum Setback From Front Street (Metres)	Minimum Setback From a Side Street (Metres)
There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 4 metres, whichever is the lesser	Not applicable
The site is on a corner	If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 4 metres, whichever is the lesser If there is no building on the abutting allotment, 4 metres minimum	The same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Clause 8.1 — the Dinner Plain neighbourhood character description.
- Whether a different setback would be more appropriate taking into account the prevailing setbacks of existing buildings on nearby lots.
- The visual impact of the building when viewed from the street and from adjoining properties and any specific identified view lines.
- The value of retaining vegetation within the front setback.

**68.8**

**Building height**

C55alpi 14/01/2021

**Objective**

- To ensure that the height of buildings respect the Dinner Plain neighbourhood character description.

**Standards**

- The maximum height of any building must not exceed 11 metres.
- A permit may be granted to exceed 11 metres in height for an architectural feature, being a bell tower, on the south west corner of a building on Lot 191 PS 146751C, Parish of Theddora, Big Muster Drive, Dinner Plain, generally in accordance with the plan “Deacon Investments Development at 191 Big Muster Drive, Dinner Plain TP4”, prepared by Crosier Scott & Associates Architects Pty Ltd and dated 9 December 1998.
- Changes of building height between existing buildings and new buildings should be graduated.

- The built form should be articulated and appear fragmented to break up the mass of the building.

#### **Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Clause 8.1 of this Schedule — The Dinner Plain Neighbourhood Character Description.
- The design response.
- The effect of the slope of the site on the height of the building.
- The relationship between the proposed building height and the height of existing adjacent buildings.
- The visual impact of the building when viewed from the street and from adjoining properties.

### **68.9**

#### **Site coverage**

C55alpi 14/01/2021

#### **Objective**

- To ensure development is consistent with the Dinner Plain Neighbourhood Character Description and recognises the importance of maintaining environmental values.

#### **Standards**

- Unless there are previously approved building envelopes, that exceed the following criteria, the site area of the allotment covered by buildings should not exceed:
  - 60 per cent in the Commercial Precinct.
  - 50 per cent in the Residential Precinct.

The precincts are identified on the Dinner Plain Masterplan (Dec 2005) in Clause 21.07-9.

#### **Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Clause 8.1 of this Schedule, the Dinner Plain neighbourhood character description.
- The design response.
- The existing site coverage and any constraints imposed by existing development or the features of the site.
- The site-specific constraints such as steep or undulating topography, vegetation retention or recognised view protection areas, or major physical limitations or servicing inadequacies that cannot be satisfactorily overcome.
- The site coverage of adjacent properties.
- The effect of the visual bulk of the building and whether this will impact on neighbourhood character.

### **68.10**

#### **PERMEABILITY AND SNOWSHED**

C55alpi 14/01/2021

#### **Objectives**

- To reduce the impact of increased stormwater run-off on the drainage system.
- To facilitate on-site stormwater infiltration.
- To control the snowshed from roof so it does not spill or have impact on neighbouring properties and protects vehicular and pedestrian access ways.

#### **Standards**

- At least 40 per cent of the site should be permeable (ie. Not be covered by impervious surfaces).
- In environmental setback areas, ensure stormwater runoff from buildings and roadways, does not detrimentally increase the discharge into protected/sensitive areas.

- Roof pitch, building setback and site slope are factors to be considered when assessing the impact of snowshed on adjoining properties.

#### **Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The existing site coverage and any constraints imposed by existing development
- The capacity of the drainage network to accommodate additional stormwater.
- The capacity of the site to absorb run-off.
- The practicality of achieving at least 40 per cent site coverage of permeable surfaces, (60 per cent impervious) particularly on lots of less than 300 square metres.
- The distance from environmentally sensitive features such as water bores, alpine bog and likely water infiltration impacts and requirements of responsible authorities.
- The distance of roof eaves from neighbouring properties, vehicular and pedestrian access ways and walkways and likely impact of snow shedding.

## **68.11**

### **ENERGY EFFICIENCY**

C55alpi 14/01/2021

#### **Objectives**

- To achieve a site layout and landscaping that protects and promotes environmental management in terms of air quality, energy efficiency, control of solar access and efficient stormwater management.
- To achieve and protect energy efficient dwellings and residential buildings.
- To ensure the orientation and layout of development minimises fossil fuel energy use and make appropriate use of daylight and solar energy.

#### **Standards**

All buildings should:

- Be designed to minimise fossil fuel energy use and to maximise use of natural ventilation, daylight and solar energy.
- Have layouts and orientation that minimise winter heat loss and make use of solar energy where practical.
- Be sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.
- Have living areas and larger wall openings/windows on the northern side where solar access is available, and double-glazing on all windows and glazed doors.
- For sites with multiple dwellings, the development should be designed to achieve a four-star energy rating, using the Sustainable Energy Authority of Victoria 'First-Rate' system or equivalent.

#### **Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response to alpine conditions (including massing, windows, entry protection, insulation and materials).
- The size, orientation and slope of the lot.
- The impact on solar access to neighbouring buildings.
- The availability of solar access to north-facing windows on the site.

## **68.12**

### **LANDSCAPING**



C55alpi 14/01/2021

### Objectives

- To encourage development that respects the landscape character of the Dinner Plain alpine environment.
- To ensure the retention of native vegetation and significant stands of trees on the site.
- To create a pleasant, safe and attractive alpine village environment, blending new development in to the existing landscape. The landscaping of a development should form part of a comprehensively designed concept, which brings together the design of the buildings, a sense of space and maintenance of the existing landscape character of the locality.
- To maximise the retention of existing snow gums on each site.

### Standards

- Development should provide for the retention and planting of indigenous trees (snow gums) and other indigenous alpine vegetation, as these are part of the neighbourhood character.
- The construction of buildings should not result in a net loss of indigenous vegetation.
- Compensatory planting will be required in alternative locations if it cannot be contained on site. Priority given to retention of existing native vegetation. Only native species can be re-established.
- A 10 metre planted buffer will be required between the Residential and Service Area Precincts where designated on the Dinner Plain Masterplan (Dec 2005) – Clause 21.07-9.

### Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The Dinner Plain neighbourhood and vegetation character and existing tree lines.
- The design response and effect on existing stands of trees and any compensatory planting proposals.

68.13

## CAR PARKING

VC37 19/01/2006

### Objectives

- To ensure that car parking is adequate for the needs of residents.
- To minimise detrimental impacts of vehicles, accommodation and access on the amenity of building developments, street/landscape, neighbourhoods and the alpine environment.
- To encourage the provision of private car parking on sites where possible.

### Standards

- One car space should be provided per dwelling under 100 square metres. One space must be at least 6 metres long and 3.5 metres wide.
- Two car spaces should be provided per dwelling up to 200 square metres. If the space is provided in a garage, the use of double doors should be ideally avoided by tandem parking.
- Buildings in excess of 200 square metres to provide parking based on generated demand (demonstrated to the responsible authority- taking account of bed capacity for residential buildings, or customer demand generated by commercial land uses).
- Car parking facilities including access ways, garages and car storage areas should not dominate the view of the building from the road and should be visually compatible with the building. A building may project into a car space if it is at least 2.1 metres above the space.

### Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The likely needs of users.
- The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.



- The reduction of on-street car parking spaces resulting from the provision of car parking on the site, particularly for lots of less than 300 square metres.
- The availability of on-street parking.
- Any relevant parking precinct plan.

## **68.14 AMENITY IMPACTS**

C55alpi 14/01/2021

In the Dinner Plain resort-village environment, the predominant use is for short stay accommodation purposes, which does not generate the same need for visual and acoustic privacy compared with that necessary for long term permanent residents. However direct overlooking of adjacent private apartments or dwellings from nearby new developments should be minimised.

Acoustic privacy can be a major problem between apartments within a development. Most problems can be minimised through appropriate layout combined with use of sound insulating materials.

### **68.14-1 SIDE AND REAR SETBACKS**

#### **Objective**

- To ensure that the height and setback of a building from a boundary respects the existing Dinner Plain neighbourhood character as described in Clause 8.1 of this Schedule and limits the impact on the amenity of nearby residents.

#### **Standard**

- A new building should be set back from side or rear boundaries 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.

#### **Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Clause 8.1 of this Schedule, the Dinner Plain neighbourhood character description.
- The impact on the amenity of existing residents.

### **68.14-2 WALLS ON BOUNDARIES**

#### **Objective**

- To ensure that the location, length and height of a wall on a boundary respects the Dinner Plain neighbourhood character and limits the impact on the amenity of existing residents.

#### **Standard**

- A new wall constructed on or within 150mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot should not abut the boundary for a length of more than 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot.

#### **Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Clause 8.1 of this Schedule, the Dinner Plain neighbourhood character description.
- The impact on the amenity of existing residents.

### **68.14-3 DAYLIGHT TO NEW AND EXISTING WINDOWS**

#### **Objective**

- To allow adequate daylight into new and existing habitable room windows.

#### **Standards**

- Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.

- A window in a habitable room should be located to face an outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky.

#### **Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The extent to which the existing dwelling has provided for reasonable daylight access to its habitable rooms through the siting and orientation of its habitable room windows.
- The impact on the amenity of existing residents.

### **68.14-4 NORTH-FACING WINDOWS**

#### **Objective**

- To allow adequate solar access to existing north-facing habitable room windows.

#### **Standard**

- If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metre for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window.

#### **Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- Existing sunlight to the north-facing habitable room window of the existing dwelling.
- The impact on the amenity of existing dwellings.

### **68.14-5 Overlooking and internal views- into habitable room windows**

#### **Objectives**

- To limit views into existing habitable room windows.
- To limit overlooking of private living areas and views for neighbouring dwellings and apartments.

#### **Standard**

- A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into habitable room windows of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio.

### **68.14-6 NOISE IMPACTS**

#### **Objectives**

- To contain noise sources in developments that may affect existing dwellings.
- To protect residents/guests from external noise.
- To substantially contain noise within each apartment/dwelling and to limit noise from communal areas or shared facilities affecting nearby apartments/dwellings.

#### **Standards**

- Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings.
- Noise sensitive rooms of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties.
- Dwellings and residential buildings close to busy roads/commercial premises/car park areas should be designed to limit noise levels in habitable rooms.

#### **Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The management of facilities response.

#### **68.15-1 ACCESSIBILITY**

##### **Objectives**

- To encourage the consideration of the needs of people with limited mobility in the design of developments.

##### **Standard**

- For sites with multiple dwellings on one lot, the dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.

#### **68.15-2 BUILDING ENTRIES**

##### **Objectives**

- Building entries should be clearly visible and easily identified from public areas. Access should be convenient, direct and free from the possibility of falling snow.
- Entries should be designed to give each building an individual identity.
- Entries should incorporate a transition space from the front protected porch area to warm interior dry areas (and ideally include a ski room/drying room as a practical transition from wet areas).
- For larger public buildings, access for the disabled should also be provided where practicable by minimising changes of level for steps being replaced by ramps.
- Access to buildings should be all weather.

##### **Standards**

Entries to dwellings and residential buildings should:

- Be visible and easily identifiable from streets and other public areas.
- Provide shelter, a sense of personal address and a transitional space around the entry.

#### **68.15-3 PRIVATE/COMMUNAL OPEN SPACE**

There are two categories of open space associated with residential development.

Private open space associated with residential accommodation, is not considered to be necessary, due to the high proportion of residents being transient or short-term stayers.

Communal open space comprises land or facilities provided for the use and enjoyment of residents/tourists occupying a residential development. The owners of the land usually manage this space corporately. Communal open spaces and shared facilities may include swimming pools, tennis courts and children's play areas. Such spaces must be capable of effective maintenance and management and may require specific boundaries and protective fencing.

#### **68.16 SITE FACILITIES AND INFRASTRUCTURE**

C55alpi 14/01/2021

In the alpine village in particular, site facilities and service areas require careful design, both for individual dwellings and commercial and community buildings. These areas should be designed in a manner appropriate to their function and detailed to complement the design of the development and its environs.

Many building developments contain services and facilities that are grouped or shared amongst leaseholders. Most common group facilities include garbage bin enclosures, electricity and gas meters, service yards, letterbox areas and clotheslines.

Several categories of infrastructure requirements need to be considered:

- Connections from the development to the physical service reticulations, water supply, sewerage, electricity, gas, telecommunications.
- Street vehicular capacity and traffic management.

- Garbage and waste collection.
- Service yards.

**Objectives**

- Adequate provision shall be made of storage and collection of garbage and other solid wastes and service yards and for the appropriate screening or fencing of areas and equipment used for such purposes from public view.
- Pedestrian access ways to building entries are adequately lit at night for safety and security of residents and guests.
- To encourage building development in areas where it can take advantage of existing physical infrastructure.

**Standards**

- All services, water, electricity, sewerage, gas and telephone must be installed underground in accordance with the requirements of the responsible authority.
- All telecommunications structures (antennae, satellite dishes etc.) must be installed in accordance with the requirements of the responsible authority.
- No water, waste etc. shall be discharged from the site other than means of an underground pipe or drain connected to an approved outlet or to an underground drain to the satisfaction of the responsible authority.
- Garbage bin enclosures, mailboxes, service yards and clothesline areas must be adequate in size and location and appropriate in design, with adequate screening or fencing.

**SCHEDULE 2 TO CLAUSE 37.01 SPECIAL USE ZONE**

C55alpi 14/01/2021

Shown on the planning scheme map as **SUZ2**.

DINNER PLAIN SERVICE AND RECREATION

**Purpose**

To implement the Municipal Planning Strategy and the Planning Policy Framework, including local planning policies.

To identify land that is used for the provision of infrastructure and support facilities for the Dinner Plain village.

To provide for recreation facilities ancillary to the Dinner Plain village.

To provide for educational and accommodation facilities that are sympathetic and complimentary to the alpine environment which are not appropriate in the Special Use Zone 1.

**1.0**

**Table of uses**

C55alpi 14/01/2021

<b>Section 1 – Permit not required</b>	
<b>Use</b>	<b>Condition</b>
<b>Car park</b>	
<b>Informal outdoor recreation</b>	
<b>Mineral exploration</b>	
<b>Mining</b>	Must meet requirements of Clause 52.08-2
<b>Search for stone</b>	Must not be costeaning or bulk sampling
<b>Any use listed in Clause 62.01</b>	Must meet the requirements of Clause 62.01

Section 2 – Permit required	
Use	Condition
Caretaker's house Child care centre Education centre Residential building Major sports and recreation facility Transfer station	
Section 3 – Prohibited	
Use	
Any other use not in Section 1 or 2	

## 2.0 Use of land

[C55alpi](#) 14/01/2021

The following decision guidelines apply to an application for a permit to use land under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The Municipal Planning Strategy and the Planning Policy Framework and local planning policies.
- The Dinner Plain neighbourhood character described in Clause 21.07-9.
- The protection and enhancement of the natural environment and character of the area including the retention of vegetation along waterways, gullies and property boundaries.
- The purpose of this Schedule and whether the use would be more appropriately located in the Special Use Zone 1.
- The impact of the use on the Dinner Plain village and its future development.
- The impact of the use on the capability of the land to provide for wastewater and sewerage treatment and disposal.

## 3.0 Subdivision

[VC37](#) 19/01/2006

### Permit requirement

A permit is required to subdivide land.

### Application requirements

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority. An application must be accompanied by relevant information and a plan showing: [To comply with MD drafting requirements]

- The existing landform and topographic and environmental features of the site, including drainage lines and existing vegetation, and likely environmental impacts.
- Proposals for the provision of drainage the supply of power and water, and for the disposal of waste.
- Proposals for the landscaping and rehabilitation of any disturbed areas.
- Provision for transport access and parking provision.

## 4.0

### Buildings and works

C55alpi 14/01/2021

#### Permit requirement

A permit is required to construct a building or construct or carry out works other than buildings and works associated with a utility installation.

#### Application requirements

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Details of the present use of the land.
- Boundaries and dimensions of the site.
- The existing landform and topographic features of the site including drainage lines and existing vegetation.
- Details of any indigenous vegetation proposed to be removed.
- Proposals for landscaping and rehabilitation of any disturbed areas.
- Proposed access to the site and provisions for car parking, both on the lot and the adjoining road reserve.
- Details of the exterior treatment and finish of walls and roofs.
- The plan, elevation and section views of the proposed building.
- Snow management proposals such as roof snow shedding design, and impact on pedestrian areas, car parks and adjoining properties. Details of the manner in which snow is to be cleared from pedestrian and vehicle access ways and car parking areas.
- Details of site servicing including water and sewerage connections and installations, drainage provisions, and the location of a garbage collection point.
- Details of sediment pollution control works.

#### Building height

The maximum building height of any building must not exceed 11 metres.

#### Building design guidelines

- Buildings must be designed and constructed in a way that reflects the Dinner Plain neighbourhood character as described in Clause 21.07-9.
- Gives strong recognition to the alpine climatic demands in the design of the building form so as to ensure that the building functions well when subjected to the rigors of that climate. The building design should strongly relate to the unique natural climatic environment.
- Is consistent with and complements the character of development in the village.
- Minimises energy consumption and captures the benefits of passive solar energy.
- Minimises soil disturbance by taking advantage of the natural topography of the site.
- Maximises the retention of existing snow gums on the site.
- Uses materials, finishes and colours that complement the colours and materials of the alpine environment. Acceptable building materials include local stone and earth, and stained timber, with Colorbond® roofs.

#### Landscaping and removal of vegetation

A permit is required to:

- Remove any indigenous vegetation.
- Plant any vegetation other than species indigenous to the Dinner Plain area.

#### Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The Municipal Planning Strategy and the Planning Policy Framework, including local planning policies.
- The Dinner Plain neighbourhood character described in Clause 21.07-9.
- Whether the development would be more appropriately located in the Special Use Zone 1.
- The availability of and connection to services.
- The extent of compliance with the building design guidelines.
- The adequacy of snow management proposals and their impact on other uses and development.
- The impact of the proposal on views from the Great Alpine Road.
- The environmental constraints and issues of the land and processes proposed to alleviate them.

**5.0**

**Signs**

C55alpi 14/01/2021

Sign requirements are at Clause 52.05. All land within the Dinner Plain Service and Recreation precinct is in Category 4.

**Exempt Signs**

In addition to the exemptions in Clause 52.05-4 a permit is not required to display the following signs:

- Skier and pedestrian control signs, direction signs and identification signs erected or constructed for the safety of users of the resort.

**SCHEDULE 3 TO CLAUSE 37.01 SPECIAL USE ZONE**

C55alpi 14/01/2021

Shown on the planning scheme map as **SUZ3**.

GPU POWERNET PTY LTD TERMINAL STATIONS

**Purpose**

To provide for the use and development of land as a terminal station for electricity supply.

**1.0**

**Table of uses**

C55alpi 14/01/2021

<b>Section 1 – Permit not required</b>	
<b>Use</b>	<b>Condition</b>
<b>Industry</b>	Must be used for the generation of electricity
<b>Mineral exploration</b>	
<b>Mining</b>	Must meet the requirements of Clause 52.08-2
<b>Search for stone</b>	Must not be costeaning or bulk sampling
<b>Utility installation</b>	Must be used for the transmission or distribution of electricity
<b>Any use listed in Clause 62.01</b>	Must meet the requirements of Clause 62.01
<b>Section 2 – Permit required</b>	
<b>Use</b>	<b>Condition</b>
<b>Section 3 – Prohibited</b>	
<b>Use</b>	
<b>Any use not in Section 1 or 2</b>	

**2.0 Use of land**

C55alpi 14/01/2021

None specified.

**3.0 Subdivision**

C55alpi 14/01/2021

None specified.

**4.0 Buildings and works**

C55alpi 14/01/2021

No permit is required to construct a building or carry out works for a Section 1 use.

**5.0 Signs**

C55alpi 14/01/2021

None specified.

**SCHEDULE 4 TO CLAUSE 37.01 SPECIAL USE ZONE**

C55alpi 14/01/2021

Shown on the planning scheme map as **SUZ4**.

**BOGONG POWER DEVELOPMENT PROJECT**

**Purpose**

To implement the Municipal Planning Strategy and the Planning Policy Framework and local planning policies.

To facilitate the development of the Bogong Power Development Project in accordance with an approved Development Plan.

To provide for the development of a hydroelectric power station and ancillary facilities, including a visitor centre as part of the operation of the Bogong Power Development Project.

To identify existing hydroelectric power generation facilities at McKay Creek.

To facilitate the operational and maintenance activities of the hydro electric power schemes including power stations and ancillary facilities in the zone.

**1.0 Table of uses**

C55alpi 14/01/2021

<b>Section 1 – Permit not required</b>	
<b>Use</b>	<b>Condition</b>
<b>Industry</b>	Must be in accordance with an approved Development Plan
<b>Informal outdoor recreation</b>	
<b>Mineral exploration</b>	
<b>Mining</b>	Must meet the requirements of Clause 52.08-2
<b>Power generation</b>	
<b>Search for stone</b>	Must not be costeaning or bulk sampling
<b>Utility installation</b>	Telecommunications facility must meet the requirements of Clause 52.19
<b>Any use listed in Clause 62.01</b>	Must meet the requirements of Clause 62.01



Section 2 – Permit required	
Use	Condition
Tourist Facility	
Section 3 – Prohibited	
Use	
Any use not in Section 1 or 2	

**2.0 Use of Land**

VC37 19/01/2006

The use of land for power generation, as part of the Bogong Power Development Project, may include, the development of a hydroelectric power station and associated access ways, car parking and drainage, a tunnel for water transmission between McKay Creek Power Station and the proposed Bogong Power Station, a tail race, connection of new power lines, underground services, management, transport and storage of silt and rock, vegetation removal and associated tourism facilities.

**3.0 Subdivision**

VC37 19/01/2006

A permit is required to subdivide land.

**4.0 Buildings and works**

C55alpi 14/01/2021

A permit is not required to construct a building or construct or carry out works in accordance with an approved Development Plan for the Bogong Power Station Development.

The Development Plan must be submitted to the responsible authority for endorsement prior to the commencement of any buildings and works. The Development Plan must generally be in accordance with the Bogong Power Development Project Environmental Impact Assessment, July 2005 and include:

- A site plan at a scale to the satisfaction of the responsible authority showing:
  - The proposed location, of any buildings;
  - The location of all fencing proposed;
  - The location of all lighting;
  - The location of all car parking areas for employees and visitors;
  - The proposed access to and egress from the site;
  - The location of spoil storage sites;
- Details of all buildings and works including:
  - The design, type, height and colours and materials of all buildings;
  - Method of treatment of all roads, access ways and car parking areas;
  - Stormwater management details;
  - Type and height of all fencing;
  - Type and intensity of lighting;
  - Extent of all earthworks;
- Details of the proposed landscape treatment of the site, including:
  - Location and type of vegetation to be retained;
  - Location and type of proposed additional planting;
  - The proposed screening measures of the proposed Power Station;

- The proposed weed management
- Details of the proposed water and wastewater management for the new power station;
- Details of traffic management during construction.
- Details of the Environmental Management Plan, generally in accordance with the Bogong Power Development Project Environmental Impact Assessment, prepared by GHD Pty Ltd, July 2005; and
- An Emergency Management Plan to the satisfaction of the responsible authority.

Before deciding on a Development Plan, in addition to the decision guidelines in Clause 65, the responsible authority must consider:

- Potential off-site effects, including those associated with:
  - Light emissions;
  - Noise emissions;
  - Traffic access and car parking provision for employees and visitors;
  - The visual impact, including corridor views to the site;
  - Landscaping design and treatment;
  - Spoil Management; and
  - Weed management.
- The effect of the Bogong Power Station on surrounding land uses;
- The effect of the surrounding land uses on the Bogong Power Development Project. [To comply with MD drafting requirements]

The approved Development Plan may be modified by and to the satisfaction of the responsible authority.

Any development and use for power generation must comply with the recommendations and requirements of an approved development plan. [To comply with MD drafting requirements]

## 5.0 Signs

C55alpi 14/01/2021

Sign requirements are at Clause 52.05. All land within the Bogong Power Development Project is in Category 4.

## 6.0 Decision guidelines

~~Before deciding on a Development Plan, in addition to the decision guidelines in Clause 65, the responsible authority must consider:~~

- ~~▪ Potential off site effects, including those associated with:~~
  - ~~· Light emissions;~~
  - ~~· Noise emissions;~~
  - ~~· Traffic access and car parking provision for employees and visitors;~~
  - ~~· The visual impact, including corridor views to the site;~~
  - ~~· Landscaping design and treatment;~~
  - ~~· Spoil Management; and~~
  - ~~· Weed management.~~
- ~~▪ The effect of the Bogong Power Station on surrounding land uses;~~
- ~~▪ The effect of the surrounding land uses on the Bogong Power Development Project.~~ [To comply with MD drafting requirements]

**7.0 Conditions to be met**

~~Any development and use for power generation must comply with the recommendations and requirements of an approved development plan.~~ [To comply with MD drafting requirements]

**SCHEDULE 5 TO CLAUSE 37.01 SPECIAL USE ZONE**

C60alpiPt2 11/11/2021

Shown on the planning scheme map as **SUZ5**.

**MOUNT BEAUTY AERODROME AND AIR PARK**

**Purpose**

To provide for the integrated use, development and subdivision of a range of residential, commercial, light industrial and tourist uses supported by ancillary services that complement the operation of the Aerodrome and Air Park.

To effectively implement the *Mount Beauty Air Park Master Plan (2016)*.

To ensure that the scale, intensity, bulk and character of all development within the Air Park is sympathetic and complementary to the aerodrome environment.

To protect the natural features and resources, environmental and biodiversity values, and landscape values of the surrounding land and waterways.

**1.0 Table of uses**

C60alpiPt2 11/11/2021

<b>Section 1 – Permit not required</b>	
<b>Use</b>	<b>Condition</b>
<b>Airport</b>	Must be within Precinct 4
<b>Bed and breakfast</b>	Must be within Precinct 1
<b>Dwelling</b>	Must be within Precinct 1 Must be located consistent with the requirements specified in Clause 4.0 of this Schedule
<b>Extensive animal husbandry</b> <b>Informal outdoor recreation</b>	
<b>Home based business</b>	Must not be in Precinct 5
<b>Open sports ground</b>	Must be within Precinct 5 Must be a use conducted on or behalf of a public land manager or Parks Victoria under the relevant provisions of the Local Government Act 1989, the Reference Areas Act 1978, the Fisheries Act 1995, the Water Industry Act 1994, The Water Act 1989, or the Crown Land (Reserves) Act 1978
<b>Any use listed in Clause 62.01</b>	Must meet the requirements of Clause 62.01
<b>Section 2 – Permit required</b>	
<b>Use</b>	<b>Condition</b>
<b>Agriculture (other than Apiculture and Extensive husbandry)</b>	
<b>Caretaker’s house</b>	Must be within Precinct 2 or 3 Must be within, attached to or located to the rear of an aircraft hangar

<b>Convenience restaurant</b> <b>Convenience shop</b>	Must be within Precinct 2
<b>Education centre</b>	Must not be a Primary or Secondary school
<b>Fuel depot</b> <b>Function centre</b> <b>Heliport</b> <b>Industry (other than Transfer station and Refuse disposal)</b>	Must be within Precinct 2 or 3 Must be related to the aviation industry or for purposes compatible with the Aerodrome
<b>Office</b>	Must be within Precinct 2 or 3 The leasable floor area must not exceed 500 square metres and must be related to the aviation industry or for purposes compatible with the Aerodrome
<b>Place of assembly</b>	Must be related to the aviation industry or for purposes compatible with the Aerodrome Must not be in Precinct 5
<b>Tourist facility</b>	Must be within Precinct 2 Must be related to the aviation industry or for purposes compatible with the Aerodrome
<b>Trade supplies</b> <b>Transport terminal</b> <b>Utility installation (other than Minor utility installation)</b> <b>Warehouse</b>	Must be within Precinct 2 or 3 Must be related to the aviation industry or for purposes compatible with the Aerodrome
<b>Any other use not in Section 1 or 3</b>	
<b>Section 3 – Prohibited</b>	
<b>Use</b>	
<b>Adult sex product shop</b>	
<b>Cinema based entertainment facility</b>	
<b>Extractive industry</b>	
<b>Hospital</b>	
<b>Intensive animal husbandry</b>	
<b>Materials recycling</b>	
<b>Major sports and recreation facility</b>	
<b>Retail premises (other than Convenience shop, Convenience restaurant and Trade supplies)</b>	
<b>Refuse disposal</b>	
<b>Transfer station</b>	

2.0

**Use of land**

[C60alpiPt2 11/11/2021](#)

- The use of land must accord with the precincts identified in Figure 1: *Mount Beauty Air Park Master Plan* (2016). The land can be divided into five precincts with the following objectives.

## Objectives

### Precinct 1 – Airpark Residential Hangar Area

- To ensure land is used for residential purposes in conjunction with an aircraft hangar on site.
- To ensure that use of the land for residential hangar purposes does not adversely affect the operations of the Mount Beauty Aerodrome.

### Precinct 2 – Airpark Mixed Use Area

- To ensure land is used for a range of residential, commercial, industrial and tourist related other uses either in connection with the operation of the Aerodrome or for purposes compatible with the Aerodrome and complementing the mixed-use function of the precinct.
- To ensure that use of the land for mixed use purposes does not adversely affect the operations of the Mount Beauty Aerodrome.

### Precinct 3 – Airpark Business Area

- To ensure land is used for commercial and light industrial purposes either in connection with the operation of the Aerodrome or for purposes compatible with the Aerodrome.
- To ensure that use of the land for commercial or light industrial purposes does not adversely affect the operations of the Mount Beauty Aerodrome.
- To ensure community awareness of odour emissions emanating from the treatment plant for that part of the land within the buffer to the Mount Beauty Wastewater Treatment Plant.

### Precinct 4 – Aerodrome Precinct

- To provide for the safe and efficient operation of the Mount Beauty Aerodrome.
- To provide for the coordinated use and development of the Aerodrome.

### Precinct 5 – Open Space

- To protect the East and West branches of the Kiewa River from detrimental affects of development.
- To provide open space.

### Exemption from Notice and Appeal

- An application that is consistent with the *Mount Beauty Air Park Master Plan* (2016) is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

### Amenity

- The use of the land for a use associated with the Mount Beauty Air Park must not adversely affect the amenity of the neighbourhood and surrounding land and waterways including through:
- Impacts to the natural, environmental and landscape values, in particular the riparian vegetation associated with the East and West branches of the Kiewa River.
- The transport of materials or goods to or from the land.
- The appearance of any stored materials or goods.
- Traffic generated by the use.
- Emissions from the land.

### Application requirements

[The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority. Unless the circumstances do not require, an application to use land must be accompanied by the following information:](#)[To comply with MD drafting requirements]

- The purpose of the use and the types of activities to be carried out.
- The type and quantity of materials and goods to be stored, processed or produced.

- Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
- Whether a licence under the *Dangerous Goods Act 1985* is required.
- The likely effects, if any, on the neighbourhood, including noise levels, traffic, airborne emissions, emissions to land and water, light spill, glare, solar access and hours of operation (including the hours of delivery and dispatch of materials and goods).
- Mitigation measures to be incorporated to avoid impacts on the natural, environmental and landscapes on surrounding land and waterways.
- An application to use land for a sensitive use within Precinct 3 must be accompanied by an environmental site assessment by a suitably qualified environmental professional which provides advice on whether the environmental condition of the land is suitable for the proposed use and whether an environmental audit of all, or part, of the land is recommended. A report is not required if a previous report has determined that a site does not have contamination issues.

#### Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The effect that the use may have on other uses which are sensitive to industrial off-site effects, ~~having regard to any comments or directions of the referral authorities.~~ [cannot include referral provisions in local schedules, move to 66.06]
- The impact on the landscape, natural features and resources, environmental and biodiversity values including soil, water and native vegetation.
- The effect that nearby industries may have on the proposed use.
- The drainage of the land, in particular to the adjoining riparian area and the East and West branches of the Kiewa River.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use.

### 3.0

#### Subdivision

[C60alpiPt2 11/11/2021](#)

A permit is required to subdivide land.

#### Exemption from Notice and Appeal

- An application that is consistent with the *Mount Beauty Air Park Master Plan (2016)* is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

#### Mandatory condition

- As a condition of any approved subdivision of land within the Air Park that an agreement under Section 173 of the Act must be entered into requiring design guidelines for the future development of subdivision addressing building design, built form, building materials, heights, access and egress from each lot to the road and the taxiway and safety issues.

#### Application requirements

- Any works must be located at least 30 metres from the East and West branches of the Kiewa River measured from the river bank.

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A 'site and context description' and a 'design response' including:
  - Measures proposed to mitigate potential impacts on the natural features and resources; environmental and biodiversity values; and landscape values of the area.

- For subdivision within Air Park Precincts 1, 2 or 3 a plan that shows for each lot:
  - A building envelope, taxiway access and a driveway to the envelope – the driveway must be from the road. No direct pedestrian or vehicular access except for aircraft is permitted from any taxiway or runway.
  - Potable water supply for domestic use and firefighting provision.
  - Reticulated sewerage provision
  - For lots adjacent to the Mount Beauty Aerodrome runway a 60 metres setback boundary
  - For lots adjacent to public land the Building Exclusion Zone that applies.
  - For lots adjacent to other land with native vegetation present the tree protection zones that apply in accordance with Australian Standard *AS4970-2009 Protection of trees on development sites*.
- If a staged subdivision, show how the balance of the land may be subdivided.

#### Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Level of compliance with the *Mount Beauty Air Park Master Plan* (2016).
- The impact on the landscape, natural features and resources, environmental and biodiversity values including soil, water and native vegetation.
- Adequacy of potable water and reticulated sewerage supply.
- ~~The views of the relevant flood plain management authority. [cannot include referral provisions in local schedules, move to 66.04]~~

## 4.0

### Buildings and works

C60alpiPt2 11/11/2021

#### Permit requirement

A permit is required to construct a building or construct or carry out works.

This does not apply to a building or works which:

- Rearrange, alter or renew plant if the area or height of the plant is not increased.
- Are a modification necessary to comply with a direction or licence under the *Dangerous Goods Act* 1985 or a Waste Discharge Licence, Works Approval or Pollution Abatement Notice under the *Environment Protection Act* 1970.

#### Design guidelines

The following requirements apply:

- All buildings must be setback at least 60m from the centreline of the runway;

All buildings and all parts of buildings (including aerials, air vents and the like) to be erected or established must not impinge into the approved Mount Beauty Aerodrome transitional surface gradient of 20% or 1:5 as referenced in the Mt Beauty Aerodrome Master Plan 2011;

- Buildings to be constructed of non-reflective materials;
- Buildings must incorporate noise attenuation measures;
- All buildings, trees and structures must not breach into the approved Mount Beauty Aerodrome transitional surface gradient of 20% or 1:5 as referenced in the Mt Beauty Aerodrome Master Plan 2011;
- No electrical or radio interference to occur with the Aviation Navigational Aids.

#### Design guidelines for specified land

- These design guidelines apply to the land outlined in blue on the map at Figure 2 in this Schedule. The following are to be considered as part of any permit application for this land.
- The sensitivity of the proposed use to odour that may be generated from the Mount Beauty Wastewater Treatment Plant.

- The availability of ameliorative measures on the site to reduce the impact of odour.
- The number of people likely to use the proposed development.
- The potential for the proposed development to expand and attract additional people.
- The degree of choice a person has to remain on the site associated with the development.
- The length and frequency of stay of any person on the site associated with the development.
- Built form of the development, including:
  - Building design to isolate the internal air environments for occupied rooms during an odour event.
  - The layout of buildings to maximise the separation distances to the Mount Beauty Wastewater Treatment Plant.
  - Building design to ensure apertures (including roller doors) are orientated away from the Mount Beauty Wastewater Treatment Plant.
  - Vegetation to improve air flow turbulence.

#### **Application Requirements**

- A dwelling in Precinct 1 – Airpark Residential Hangar Area must be located either within or attached to a hangar or if detached, located to the rear of an aircraft hangar when viewed from a taxiway.
- Buildings must be located at least 100 metres and any works at least 30 metres from the East and West branches of the Kiewa River measured from the river bank.

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A plan drawn to scale which shows:
  - The boundaries and dimensions of the site.
  - Adjoining roads and taxi way.
  - Relevant ground levels.
  - The layout of existing and proposed buildings and works.
  - Driveways and vehicle parking and loading areas.
  - Connection point and type of potable water supply for domestic and firefighting use.
  - Connection point to reticulated sewerage.
  - Proposed landscape areas.
  - External storage and waste treatment areas.
- Measures proposed to mitigate potential impacts on the natural features and resources; environmental and biodiversity values; and landscape values of the area.
- Elevation drawings to scale which show the colour and materials of all buildings and works.
- Construction details of all drainage works, driveways and vehicle parking and loading areas.
- A landscape layout which includes the description of:
  - Vegetation to be planted, using appropriate indigenous species, and where not possible, native species.
  - The surface to be constructed,
  - A site works specification, and
  - The method of preparing, draining, watering and maintaining the landscape area.

#### **Exemption from Notice and Appeal**

An application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.



### Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Mount Beauty Aerodrome Obstacle Limitation Surfaces.
- Built form.
- Landscape treatment.
- Impacts on natural features and resources, environmental and biodiversity values and the landscape values of the area.
- Interface with the aerodrome.
- Interface with public land.
- Native vegetation to be retained.
- Parking and site access.
- Loading and service areas.
- Outdoor storage.
- Lighting.
- Stormwater discharge.
- Potable water supply for domestic and firefighting use.
- Reticulated sewerage supply.
- Distance of buildings and works to the East and West branches of the Kiewa River.
- The effect of the elevation of the runway above natural surface level to the floodplains.
- ~~The views of the relevant flood plain management authority.~~ [cannot include referral provisions in local schedules, move to 66.04]

### Maintenance

All buildings and works must be maintained in good order and appearance to the responsible authority.

## 5.0

### Signs

C55alpi 14/01/2021

Sign requirements are at Clause 52.05. This zone is in Category 3.





**SCHEDULE 6 TO CLAUSE 37.01 SPECIAL USE ZONE**

C60alpiPt1 05/11/2021

Shown on the planning scheme map as **SUZ6**.

**GOLF COURSES**

To provide for the use and development of land as a golf course and associated land uses.

**1.0**

**Table of uses**

C60alpiPt1 05/11/2021

<b>Section 1 – Permit not required</b>	
<b>Use</b>	<b>Condition</b>
<b>Caretaker's house</b> <b>Crop raising</b> <b>Extensive animal husbandry</b> <b>Golf course</b> <b>Golf driving range</b> <b>Leisure and recreation (other than Indoor recreation facility, Major sports and recreation facility, Motor racing track, Paintball games facility, Amusement parlour and Zoo)</b>	
<b>Any use listed in Clause 62.01</b>	Must meet the requirements of Clause 62.01
<b>Section 2 – Permit required</b>	
<b>Use</b>	<b>Condition</b>
<b>Function centre</b> <b>Indoor recreation facility</b>	Must be associated with the use of the land for a golf course
<b>Group accommodation</b>	
<b>Mineral, stone or soil extraction (other than Extraction industry, Mineral exploration, Mining and Search for Stone)</b>	
<b>Place of assembly (other than Amusement parlour, Cinema, Drive-in-theatre, and Nightclub)</b>	Must be associated with the use of the land for a golf course
<b>Utility installation (other than Minor utility installation and telecommunications facility)</b>	
<b>Section 3 – Prohibited</b>	
<b>Use</b>	
<b>Cinema</b> <b>Circus</b> <b>Drive-in-theatre</b> <b>Extractive industry</b>  <b>Major sports and recreation facility</b> <b>Motor racing track</b> <b>Nightclub</b> <b>Paintball games facility</b> <b>Race course</b> <b>Zoo</b>	



**Any other use not in Section 1 or 2**

**2.0 Use of land**

C60alpiPt1 05/11/2021

None specified.

**3.0 Subdivision**

C60alpiPt1 05/11/2021

None specified.

**4.0 Buildings and works**

C60alpiPt1 05/11/2021

None specified.

**5.0 Signs**

C60alpiPt1 05/11/2021

None specified.

**SCHEDULE 1 TO CLAUSE 42.03 SIGNIFICANT LANDSCAPE OVERLAY**

C55alpi 14/01/2021

Shown on the planning scheme map as **SLO1**.

UPPER KIEWA VALLEY SIGNIFICANT LANDSCAPE AREA

**1.0 Statement of nature and key elements of landscape**

C55alpi 14/01/2021

The landscape of the Upper Kiewa Valley has a distinct character with significant contrasts between the cleared flat to undulating valley floor and the steep treed mountains. The valley narrows in the upper reaches and the contrast is emphasised. The visual boundaries are definite in this landscape not only between natural features but also the townships which are generally well contained with little urban sprawl. A key element of this landscape is the majestic views across the cleared valley floor to Mount Bogong.

**2.0 Landscape character objectives to be achieved**

C55alpi 14/01/2021

Contain urban development, specifically housing, to existing townships with definite visual boundaries.

Encourage appropriately sited development to reduce ribbon development along the Kiewa Valley Highway.

Encourage rural development of a "human" scale and form. ~~That m~~ Maintains the existing rural landscape. [To comply with MD drafting requirements]

Maintain existing vegetation on the steeper slopes of the valley to maintain its integrity.

Maintain the contrasts in landform and land use between the valley floor and the steep vegetated valley walls.

~~Maintain the existing rural landscape.~~ [To comply with MD drafting requirements]

**3.0 Permit requirement**

C55alpi 14/01/2021

No permit is required for:

- Alterations or extensions to existing buildings, unless the total floor area including the existing building is more than 100 square metres.

- Construction of out-buildings and works associated with an existing dwelling.
- Construction of buildings associated with the rural use of the land, subject to
  - the land being located on the west side of the Kiewa Valley Highway;
  - the building being less than 100 square metres in area: and
  - the external walls and roof being ~~colourbond~~ Colorbond® or similar.

#### 4.0 Application requirements

C55alpi 14/01/2021

None specified.

#### 5.0 Decision guidelines

C55alpi 14/01/2021

The following decision guidelines apply to an application for a permit under Clause 42.03, in addition to those specified in Clause 42.03 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The impact of the proposed buildings and works on the landscape due to siting.
- The extent to which the site of the buildings and works will be landscaped and the type of vegetation used.
- The document Landscape Planning & Conservation in North-East Victoria, National trust of Australia (Victoria), 1977.

### **SCHEDULE 2 TO CLAUSE 42.03 SIGNIFICANT LANDSCAPE OVERLAY**

C55alpi 14/01/2021

Shown on the planning scheme map as **SLO2**.

HAPPY VALLEY SIGNIFICANT LANDSCAPE AREA

#### 1.0 Statement of nature and key elements of landscape

C55alpi 14/01/2021

Happy Valley is surrounded by escarpments and ridges, forested by both native vegetation and softwood, which contrasts with the fertile valley floor. Mount Buffalo is a dominant feature of this landscape as viewed from the eastern end of the valley.

#### 2.0 Landscape character objectives to be achieved

C55alpi 14/01/2021

Maintain forested escarpments and ridges.

Encourage appropriately sited development to reduce ribbon development along the Happy Valley Road.

Maintain the contrasts in landform and land use between the valley floor and the steep vegetated valley walls.

Maintain the existing pastoral landscape of the valley floor.

Maintain the view of Mt. Buffalo from the eastern end of the valley.

#### 3.0 Permit requirement

C55alpi 14/01/2021

No permit is required for:

- Alterations or extensions to existing buildings, unless the total floor area including the existing building is more than 100 square metres.
- Construction of out-buildings and works associated with an existing dwelling.

- Construction of buildings associated with the rural use of the land, subject to:
  - the building being less than 100 square metres in area: and
  - the external walls and roof being ~~colourbond~~ [Colorbond® or similar](#).

#### 4.0 **Application requirements**

---

C55alpi 14/01/2021

None specified.

#### 5.0 **Decision guidelines**

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C55alpi 14/01/2021

The following decision guidelines apply to an application for a permit under Clause 42.03, in addition to those specified in Clause 42.03 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The impact of the proposed buildings and works on the landscape due to siting.
- The extent to which the site of the buildings and works will be landscaped and the type of vegetation used.
- The document Landscape Planning & Conservation in North-East Victoria, National trust of Australia (Victoria), 1977.

### **SCHEDULE 3 TO CLAUSE 42.03 SIGNIFICANT LANDSCAPE OVERLAY**

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C55alpi 14/01/2021

Shown on the planning scheme map as **SLO3**.

WANDILIGONG VALLEY SIGNIFICANT LANDSCAPE AREA

#### 1.0 **Statement of nature and key elements of landscape**

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C55alpi 14/01/2021

The Wandiligong Valley is characterised by a myriad of patterns, forms and colours where the built environment is intrinsic to the landscape. This is emphasised by the cultural and heritage background of the valley.

#### 2.0 **Landscape character objectives to be achieved**

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C55alpi 14/01/2021

Maintain relationship of historic buildings with the landscape.

Continue the mosaic of patterns, forms and colours of the natural and built environment within the valley.

Ensure development, specifically housing and subdivision, is sympathetic to the natural and historical and cultural landscape.

Encourage rural development of a “human” scale and form.

Minimise vegetation clearance along creeks and roadsides.

#### 3.0 **Permit requirement**

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C55alpi 14/01/2021

None specified.

#### 4.0 **Application requirements**

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C55alpi 14/01/2021

None specified.

## 5.0 Decision guidelines

C55alpi 14/01/2021

The following decision guidelines apply to an application for a permit under Clause 42.03, in addition to those specified in Clause 42.03 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The impact of the proposed buildings and works on the landscape due to siting.
- The extent to which the site of the buildings and works will be landscaped and the type of vegetation used.
- The document Landscape Planning & Conservation in North-East Victoria, National trust of Australia (Victoria), 1977.

## SCHEDULE 4 TO CLAUSE 42.03 SIGNIFICANT LANDSCAPE OVERLAY

C55alpi 14/01/2021

Shown on the planning scheme map as **SLO4**.

BUCKLAND VALLEY SIGNIFICANT LANDSCAPE AREA

## 1.0 Statement of nature and key elements of landscape

C55alpi 14/01/2021

The Buckland Valley is a pastoral valley, wide at its northern end, narrowing in its upper reaches. The key element of this landscape is the steep and rugged contrast of Mount Buffalo against the cleared valley floor.

## 2.0 Landscape character objectives to be achieved

C55alpi 14/01/2021

Maintain the contrasts in landform and land use between the valley floor and the imposing Mt. Buffalo.

Maintain the existing pastoral landscape of the valley floor ~~and~~ [Maintain the views of Mt. Buffalo from the valley.](#) [To comply with MD drafting requirements]

~~Maintain the view of Mt. Buffalo from the valley.~~ [To comply with MD drafting requirements]

Encourage appropriately sited development to reduce ribbon development along the Buckland Valley Road and the impact on the views to Mt. Buffalo on the western side of the road.

Encourage rural development of a "human" scale and form.

Minimise vegetation clearance along the Buckland River, creeks and roadsides.

## 3.0 Permit requirement

C55alpi 14/01/2021

No permit is required for:

- Alterations or extensions to existing buildings, unless the total floor area including the existing building is more than 100 square metres.
- Construction of out-buildings and works associated with an existing dwelling.
- Construction of buildings associated with the rural use of the land, subject to:
  - the land being located on the eastern side of the Buckland Valley Road;
  - the building being less than 100 square metres in area: and
  - the external walls and roof being ~~colourbond~~ [Colorbond® or similar](#).

## 4.0 Application requirements

C55alpi 14/01/2021

None specified.



## 5.0 Decision guidelines

C55alpi 14/01/2021

The following decision guidelines apply to an application for a permit under Clause 42.03, in addition to those specified in Clause 42.03 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The impact of the proposed buildings and works on the landscape due to siting.
- The extent to which the site of the buildings and works will be landscaped and the type of vegetation used.
- The document Landscape Planning & Conservation in North-East Victoria, National trust of Australia (Victoria), 1977.

## SCHEDULE 5 TO CLAUSE 42.03 SIGNIFICANT LANDSCAPE OVERLAY

C55alpi 14/01/2021

Shown on the planning scheme map as **SLO5**.

UPPER OVENS AND HARRIETVILLE VALLEY SIGNIFICANT LANDSCAPE AREA

### 19.0 ~~1.0~~ Statement of nature and key elements of landscape

C55alpi 14/01/2021

The Upper Ovens/Harrietville Valley is a narrow valley where the steep timbered ranges contrast greatly with the flat valley floor. The landscape includes significant native species as well as exotics, evidence of the past historical use of the valley for mining.

### 2.0 Landscape character objectives to be achieved

C55alpi 14/01/2021

Contain urban development, specifically housing, to existing townships with definite visual boundaries. Encourage appropriately sited development to reduce ribbon development along the Happy Valley Road.

Encourage rural development of a “human” scale and form ~~to maintain the existing pastoral landscape of the valley floor.~~ [to maintain the existing pastoral landscape of the valley floor.](#) [To comply with MD drafting requirements]

Maintain the contrasts in landform and land use between the valley floor and the steep vegetated valley walls.

~~Maintain the existing pastoral landscape of the valley floor.~~

Minimise vegetation clearance along the Ovens River, creeks and roadsides.

### 3.0 Permit requirement

C55alpi 14/01/2021

No permit is required for:

- Alterations or extensions to existing buildings, unless the total floor area including the existing building is more than 100 square metres.
- Construction of out-buildings and works associated with an existing dwelling.
- Construction of buildings associated with the rural use of the land, subject to:
  - the land being located on the western side of the Great Alpine Road;
  - the building being less than 100 square metres in area: and
  - the external walls and roof being ~~colourbond~~ [Colorbond® or similar](#).

### 4.0 Application requirements

C55alpi 14/01/2021

None specified.

## 5.0 Decision guidelines

C55alpi 14/01/2021

The following decision guidelines apply to an application for a permit under Clause 42.03, in addition to those specified in Clause 42.03 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The impact of the proposed buildings and works on the landscape due to siting.
- The extent to which the site of the buildings and works will be landscaped and the type of vegetation used.
- The document Landscape Planning & Conservation in North-East Victoria, National trust of Australia (Victoria), 1977.

## SCHEDULE TO CLAUSE 43.01 HERITAGE OVERLAY

GC138 21/11/2019

## 1.0 Application requirements

GC138 21/11/2019

The following application requirements apply to an application under Clause 43.01, in addition to those specified elsewhere in the planning scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A written report that explains how the application addresses the provisions of Clause 15.03-1L and the justification for any variations from this clause.
- Plans and elevations (A3 size), fully scaled or dimensioned including:
  - Elevations and floor plans of existing conditions, the extent of any proposed demolition, and any alterations and additions or new buildings.
  - A site plan showing the existing and proposed development including outbuildings, fences, significant trees or vegetation, car parking, new cross overs, on-site parking space locations and any other relevant features.
  - A streetscape elevation which shows the existing streetscape and how the application sits within it.
  - A landscape plan.
  - Details and samples of materials, finishes and colours.
  - A photo montage of the streetscape.
- If demolition is proposed:
  - A report undertaken by a heritage practitioner that includes an assessment of the building's significance and a structural assessment that demonstrates that the building is beyond repair.
  - An application for the new development.
  - If relocation or removal is proposed:
    - A thorough history of the building to be relocated by a heritage practitioner.
    - A statement on whether the building can be physically relocated and whether the current and proposed location contribute to the significance of the place; and
    - A detailed description of the site chosen for relocation and whether the site, if appropriate, will not diminish the significance of the heritage place.
- An application to develop land in areas where there is potential for Aboriginal archaeological sites to occur will be required to be accompanied by a report from a suitably qualified archaeologist that demonstrates that the potential impacts of the development on Aboriginal cultural heritage values have been addressed. [Standard application requirements taken from Greater Bendigo Planning Scheme].

~~None specified.~~

2.0

**Heritage places**

C60alpiPt1 05/11/2021

The requirements of this overlay apply to both the heritage place and its associated land.

PS map ref	Heritage place	External paint controls apply?	Internal alterations control s101 apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	<b><u>PRECINCT</u></b>							
HO83	Wandiligong	Yes	No	Yes	No	No	No	No
	<b><u>BOGONG, BOGONG UNIT ANP</u></b>							
HO2	Blair, Cleve, Cope, Fitzgerald & Tawonga Huts, High Plains, Bogong	Yes	Yes	No	No	No	No	No
	<b><u>BRIGHT</u></b>							
HO3	Alpine Hotel, 7-9 Anderson St, Bright	Yes	Yes	No	No	No	No	No
HO4	Powder Magazine, 7-11 Bakers Gully Rd, Bright	No	No	No	No	No	No	No
HO94	All Saints Anglican Church, 1 Church Street, Bright	Yes	No	No	Yes	No	No	No
HO5	Araucaria bidwillii (Bunya Bunya Pine) x 14, Burke St, Bright	No	No	Yes	No	No	No	No
HO95	Tree Plantings: <i>Platanus orientalis</i> x 2, Camp St, Bright;			Yes		No	No	No
HO96	Stone Kiosks (3): <ul style="list-style-type: none"> <li>▪ Bright Municipal Caravan Park, Cherry Lane, Bright</li> <li>▪ Delany Ave, Bright</li> </ul>	Yes	Yes	No	No	No	No	No

PS map ref	Heritage place	External paint controls apply?	Internal alterations <a href="#">s101</a> apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	<ul style="list-style-type: none"> <li>▪ Centenary Park, Mountbatten Ave, Brighton</li> </ul>							
HO97	Grandstand, Cobden St (Pioneer Park Reserve), Brighton	Yes	Yes	No	No	No	No	No
HO98	Delany Pavilion, Cobden St (Pioneer Park Reserve), Brighton	Yes	Yes	No	No	No	No	No
HO99	Our Lady of the Snows Catholic Church, 2 Coronation Ave, Brighton	Yes	No	No	No	No	No	No
HO100	Former Mine Managers House, 30 Coronation Ave, Brighton	Yes	No	No	No	No	No	No
HO102	Bright Cemetery (old section), 12-20 Coronation Ave, Brighton	Yes		Yes, Quercus lanata	No	No	No	No
HO7	Quercus palustris (Pin Oak) x 88 Delaney Ave (between Hawthorn & Tyntynder Lanes), Brighton	No	No	Yes	No	No	No	No
HO103	E J Delany Drinking Fountain, Delaney Ave, Brighton	Yes		No	No	No	No	No
HO105	Bright Chinese Camp Site, 14 -20 Delaney Ave, Brighton	-	-	-	-	Yes Ref No H2370	Yes	No
HO107	Steam Engine, Apex Park, Gavan Street, Brighton	No	No	No	No	No	No	No
HO127	House "Benhaven", 68 Gavan Street, Brighton	Yes	No	No	No	No	No	No
HO108	Former Doctors Surgery & House (now Simonos of Brighton), 98 Gavan Street, Brighton	Yes	No	No	No	No	No	No

PS map ref	Heritage place	External paint controls apply?	Internal alterations control s101 apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO109	ANZ Bank building, 105 Gavan Street, Bright	Yes	No	No	No	No	No	No
HO8	Citrus maxima (Shaddock) x 2, CA's 5 & 5C, Section M, Parish of Bright, Great Alpine Rd, Bright	No	No	Yes	No	No	No	No
HO11	Uniting Church, 17, Ireland Street, Bright	Yes	No	No	No	No	No	No
HO112	Oriental Guest House, 2 Ireland Street, Bright	Yes	No	No	No	No	No	No
HO113	Former Bright Post Office, 3 Ireland Street, Bright	Yes	No	No	No	No	No	No
HO114	Bright Library, 12 Ireland Street, Bright	Yes	No	No	No	No	No	No
HO115	Former Buckley's Store, 2/11 Ireland Street, Bright	Yes	No	No	No	No	No	No
HO116	Former Supper Room, Victoria Hall, 28 & 28A Ireland Street, Bright	Yes	No	No	No	No	No	No
HO117	Bright Memorial Clock Tower & Mafeking Square, Ireland Street, Bright	Yes	Yes	No	Yes	No	No	No
HO118	Former Bright Railway Goods Shed and Crane Mill Road and Steel Water Tank at 23 Mil Road, Mill Road, Bright	Yes	No	No	No	No	No	No
HO119	Former Bright State Battery, 175 Coronation Avenue, Bright	Yes	Yes	No	Yes	No	No	No
HO120	Bright Memorial Arboretum, Mountbatten Avenue, Bright			No	Yes	No	No	No
HO9	Bright Court House and Lockup, 1-3 Park Street, Bright	-	-	-	-	Yes Ref No H1921	Yes	No
HO122	Bright P-12 College (Old primary School Building), 8 Park Street, Bright	Yes	No	No	No	No	No	No

PS map ref	Heritage place	External paint controls apply?	Internal alterations control s <sup>101</sup> apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO1 24	Former St Andrews Church, 18 Park Street, Bright	Yes	No	No	No	No	No	No
HO1 1	Former Bright Railway Station, Railway Ave, Bright	Yes	Yes	No	No	No	Yes	No
HO1 25	Former Sharpe's Bakery Stables, Shop 5, (now Bright Chocolate), Riverside Avenue, Bright	Yes	No	No	No	No	No	No
HO1 2	The Canyon Hydraulic Gold Sluicing Site, Frasers Lane, Bright	-	-	-	-	Yes Ref No H1231	No	No
HO1 26	Survey Marker, Cnr Wills & Camp Streets, Bright	Yes		No	No	No	No	No
HO1 3	Cedrus deodara (Deodara) x 17, Wood St (between Anderson St and Gully Creek), Bright	No	No	Yes	No	No	No	No
	<b>BUCKLAND</b>							
HO1 4	Buckland River Hydraulic Gold Sluicing Paddock, Buckland River and Off Buckland Road, Buckland	-	-	-	-	Yes Ref No H1224	No	No
HO1 29	Buckland Cemetery, (including Chinese Burial Ground), next to 1628 Buckland Valley Road, Buckland	Yes		Yes	Yes	No	No	No
	<b>CORAL BANK</b>							
HO1 30	Former Mongans Bridge School, Mongans Caravan Park, 42 Bay Creek Lane, Mongans Bridge	Yes	No	No	No	No	No	No
HO1 31	Tawonga Station Graves, Kiewa Valley Highway, Coral Bank	No	No	No	No	No	No	No
	<b>DARGO HIGH PLAINS</b>							
HO1 32	Unknown Woman's Grave, Dargo High Plains Rd, Dargo High Plains	Yes		No	No	No	No	No

PS map ref	Heritage place	External paint controls apply?	Internal alterations control s <sup>101</sup> apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	<b><u>DEDERANG</u></b>							
HO133	Protestant Church, 4333 Kiewa Valley Highway, Dederang	Yes	No	No	No	No	No	No
HO134	St Joseph's Catholic Church, 4607A Kiewa Valley Highway, Dederang	Yes	No	No	No	No	No	No
	<b><u>EUROBIN</u></b>							
HO213	Tobacco Kilns (Cement), 106 Cavedons Lane, Eurobin	Yes		No	No	No	No	No
HO136	House 'Rostrevor', 5730 Great Alpine Road, Eurobin	Yes	No	No	No	No	No	No
HO135	Former Church of England, 5958 Great Alpine Road, Eurobin	Yes	No	No	No	No	No	No
	<b><u>FREEBURGH</u></b>							
HO138	Freeburgh Cemetery (burial Ground), Great Alpine Road, Freeburgh			No	No	No	No	No
	<b><u>GAPSTED</u></b>							
HO141	Schlapps Walnut Farm Kiln, 235 Schlapps Lane, Gapsted	Yes		No	No	No	No	No
HO142	Cousins Battery, 43 Stoney Creek Road, Gapsted	No	No	No	No	No	No	No
	<b><u>GERMANTOWN</u></b>							
HO212	Kiln (Log), Merrivale Walnut Groves, Tawonga Gap Road, Germantown	Yes		No	No	No	No	No
	<b><u>GUNDOWRING</u></b>							
HO145	Upper Gundowring Hall, Gundowring Road, Gundowring	Yes	No	No	No	No	No	No
HO146	Former Bonegilla Greek Orthodox Church, Gundowring Recreation	Yes	No	No	No	No	No	No

PS map ref	Heritage place	External paint controls apply?	Internal alterations control s101 apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	Reserve, Quirk Lane, Gundowring							
	<b>HARRIETVILLE</b>							
HO1 47	Harrietville Chinese Camp, Bon Accord Track, East Branch, Ovens River, Harrietville			No	No	No	No	No
HO1 48	Harrietville Cemetery (old section), Cemetery Lane, Harrietville			No	No	No	No	No
HO1 5	Tronoh Gold Dredging Ponds, Dredge Hole Lane and Feathertop Track, Harrietville	-	-	-	-	Yes Ref No H1756	No	No
HO1 6	Monarch Gold Battery Site, Great Alpine Rd, Harrietville	-	-	-	-	Yes Ref No H1273	No	No
HO1 49	St Etheldreda Church, Great Alpine Road, Harrietville	Yes	No	No	No	No	No	No
HO1 51	Harrietville Primary School (old building), Great Alpine Road, Harrietville	Yes	No	No	No	No	No	No
HO1 52	Tronoh Shed, 152 Great Alpine Road, Harrietville	Yes	No	No	No	No	No	No
HO1 54	Former Police House, 201 Great Alpine Road, Harrietville	Yes	No	No	No	No	No	No
HO1 55	St Francis of Assisi Catholic Church, 215 Great Alpine Road, Harrietville	Yes	No	No	No	No	No	No
HO1 56	Former Harrietville PO, 245 Great Alpine Road, Harrietville	Yes	No	No	Yes	No	No	No
HO1 57	Gows Hop Kiln Base, 2179 Great Alpine Road, Harrietville			No	No	No	No	No
HO2 14	Sambas Gold Mine, Great Alpine Road, Harrietville	-	-	-	-	Yes Ref No H2356	Yes	No



PS map ref	Heritage place	External paint controls apply?	Internal alterations control s <sup>101</sup> apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO22	Lyrebird Gully Hop Kiln, Lyrebird Gully Road Harrietville	-	-	-	-	Yes Ref No H70	No	No
HO158	Big Mill Battery Site, Mill Road, Harrietville	-	-	No	No	No	No	
HO159	Former Conleys Butcher Shop, 74 Mill Road, Harrietville	Yes	No	No	No	No	No	No
HO18	Rose Thistle and Shamrock Quarry Gold Mining Precinct, Cemetery Lane, Harrietville	-	-	-	-	Yes Ref No H1758	No	No
	<b><u>HOTHAM HEIGHTS</u></b>							
HO1	Red Robin Gold Mine and Battery, West Kiewa Logging Road, Hotham Heights	-	-	-	-	Yes Ref No H1881	No	No
	<b><u>MERRIANG</u></b>							
HO20	Merriang Homestead, 6 Merriang Homestead Road, Merriang	-	-	-	-	Yes Ref No H566	No	No
	<b><u>MOUNT BEAUTY</u></b>							
HO162	St Josephs Catholic Church, 20 Lakeside Avenue, Mount Beauty	Yes	No	No	No	No	No	No
	<b><u>MOUNT BUFFALO</u></b>							
HO21	Mount Buffalo Chalet, Mount Buffalo Rd, Mount Buffalo	-	-	-	-	Yes Ref No H901	No	No
	<b><u>MUDGEONGA</u></b>							
HO170	St Johns Catholic Church, 4 Murrays Lane, Mudgegonga	Yes	No	No	No	No	No	No
HO171	Barwidgee Homestead, 1620 Myrtleford-Yackandandah Road, Mudgegonga	Yes	No	No	No	No	No	No
	<b><u>MYRTLEFORD</u></b>							

PS map ref	Heritage place	External paint controls apply?	Internal alterations control s <sup>101</sup> apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO23	Italian Cypress Tree, Old Buffalo Heffer Station, Lot 2 PS 219290, Parish of Myrtleford, Ablett's Lane, Myrtleford	No	No	Yes	No	No	No	No
HO173	Railway Bridge, Barwidgee Creek, Myrtleford	Yes		No	No	No	No	No
HO174	St Pauls Anglican Church, 12-24 Clyde Street, Myrtleford	Yes	No	No	No	No	No	No
HO24	O'Donnell's House, 14 Elgin St, Myrtleford	Yes	No	Yes	No	No	No	No
HO25	Former State Primary School, 29 Elgin St, Myrtleford	Yes	No	Yes	No	No	No	No
HO175	Ivan Swinburne Reserve, Great Alpine Road, Myrtleford			Yes	No	No	No	No
HO208	Tobacco Kiln (Log), Rotary Park, Great Alpine Road, Myrtleford	Yes		No	No	No	No	No
HO26	Elms Road Reserve, Lawrence St (Corner Duke St), Myrtleford	No	No	Yes	No	No	No	No
HO176	Former Myrtleford Flax Mill, 187 Merriang Road, Myrtleford	Yes	No	No	Yes	No	No	No
HO27	Rothery Home, 82 Myrtle St (Great Alpine Rd), Myrtleford	Yes	No	Yes	No	No	No	No
HO28	Rothery Tree at Rothery Home, 82 Myrtle St (Great Alpine Rd), Myrtleford	No	No	Yes	No	No	No	No
HO29	Eucalyptus camaldulensis (River Red Gum), South west of Lot 3 LP 33528, Parish of Myrtleford, North west corner of Myrtle St (Great Alpine Rd) and Prince St, Myrtleford	No	No	Yes	No	No	No	No
HO30	RSL Memorial & Memorial Square, Myrtle St (Great	Yes	No	Yes	No	No	No	No

PS map ref	Heritage place	External paint controls apply?	Internal alterations controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	Alpine Rd) & Clyde St, Myrtleford							
HO177	Soldiers Memorial Hall, Myrtle Street (Great Alpine Road), Myrtleford	Yes	No	No	Yes	No	No	No
HO31	Phoenix Tree, Median Reserve, South of Lot 17 LP 16933, Parish of Myrtleford Myrtle St (Great Alpine Rd), west of Prince St, Myrtleford	No	No	Yes	No	No	No	No
HO178	Former Myrtleford Butter factory, 15 Myrtle Street, Myrtleford	Yes	No	No	No	No	No	No
HO32	Myrtleford Civic Centre, 14 O'Donnell Ave, Myrtleford	Yes	Yes	No	No	No	Yes	No
HO180	Pioneer Cemetery, 62-68 O'Donnell Road, Myrtleford	Yes		No	No	No	No	No
HO181	St Marys Catholic School and Convent, 25 Prince Street, Myrtleford	Yes	No	No	Yes	No	No	No
HO182	St Marys Catholic Church, 49 Prince Street, Myrtleford	Yes	No	No	No	No	No	No
HO183	Hume & Hovell Monument, Reform Hill, Myrtleford	Yes		No	No	No	No	No
HO185	Former Bush Nursing Hospital, 20 Smith Street, Myrtleford	Yes	No	No	No	No	No	No
HO33	Pine Tree, 34 Smith St, Myrtleford	No	No	Yes	No	No	No	No
HO34	St Andrew's Church, 32 Smith St, Myrtleford	Yes	Yes	Yes	No	No	No	No
HO35	Eucalyptus camaldulensis (River Red Gum), Reserve No.1 PS 345771V, Parish of Myrtleford, Smith St (Yarrah Pl), Myrtleford	No	No	Yes	No	No	No	No
HO186	Railway Hotel, 99-103 Standish Street, Myrtleford	Yes	No	No	No	No	No	No

PS map ref	Heritage place	External paint controls apply?	Internal alterations control s101 apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO209	Tobacco Kiln (log), 12 Whalleys Lane, Myrtleford	Yes		No	No	No	No	No
	<b><u>OVENS</u></b>							
HO187	Ovens Hotel, 4994 Great Alpine Hotel, Ovens	Yes	No	No	No	No	No	No
	<b><u>POREPUNKAH</u></b>							
HO36	Sequoia sempervirens (Coast Redwood) Bright Country Golf Club, CA's F & P, Section 4, Parish of Porepukah, Back Porepukah Rd, Porepukah	No	No	Yes	No	No	No	No
HO189	Old Buckland Bridge, Barretts Lane, Porepukah	Yes		No	No	No	No	No
HO190	Old Porepukah Bridge, Great Alpine Road, Porepukah	Yes		No	No	No	No	No
HO191	Former Russells Temperance Hotel site, (next to old Porepukah Bridge), Great Alpine Road, Porepukah			No		No	No	No
HO194	Porepukah Primary School (old section) Martley Street, Porepukah	Yes	No	No	Yes	No	No	No
	<b><u>ROSEWHITE</u></b>							
HO196	Happy Valley Homestead, 713 Happy Valley Road, Rosewhite	Yes	No	No	No	No	No	No
HO197	Happy Valley Hall, 18 Havilah Road, Rosewhite	Yes	No	No	No	No	No	No
	<b><u>SELWYN</u></b>							
HO199	Gun Reef Gold Battery Sites, Upper west branch of Ovens River, Selwyn	-	-	-	-	Yes Ref No H1301	No	No
	<b><u>SMOKO</u></b>							
HO198	Cottage at 1255 Great Alpine Road, Smoko	Yes	No	No	No	No	No	No

PS map ref	Heritage place	External paint controls apply?	Internal alterations control s <sup>101</sup> apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO199	Cottage at 1464 Great Alpine Road, Smoko	Yes	No	No	No	No	No	No
	<b>TAWONGA, TAWONGA SOUTH</b>							
HO203	Former SECV Workshop, 39-45 Bogong High Plains Road. Tawonga South	Yes	Yes	No	No	No	No	No
HO202	Tawonga Gap, Tawonga Gap Road, Tawonga			No	No	No	No	No
	<b>WANDILIGONG</b>							
HO401	Cottage, 42 Centenary Ave, Wandiligong	Yes	No	Yes	No	No	No	No
HO403	Timber cottage, 44 Centenary Ave, Wandiligong	Yes	No	Yes	No	No	No	No
HO308	House, 69 Centenary Ave, Wandiligong	Yes	No	Yes	No	No	No	No
HO402	Cottage, 74 Centenary Ave, Wandiligong	Yes	No	Yes	No	No	No	No
HO309	Cottage, 78 Centenary Ave, Wandiligong	Yes	No	Yes	No	No	No	No
HO400	"Hazelbrook", Centenary Ave, Wandiligong CA S31, Section T, Parish of Bright	Yes	No	Yes	No	No	No	No
HO204	Slab Shed, 7 Gillards Lane, Wandiligong	Yes	No	No	No	No	No	No
HO404	House, 28 Grenvilles Rd, Wandiligong	Yes	No	Yes	No	No	No	No
HO406	Timber Cottage, 22 Growlers Creek Rd, Wandiligong	Yes	No	Yes	No	No	No	No
HO407	Cottage, 2 Jagoes Gully Rd, Wandiligong	Yes	No	Yes	No	No	No	No
HO408	Cottage, 37 Jagoes Gully Rd, Wandiligong	Yes	No	Yes	No	No	No	No
HO409	Timber Cottage, 9 Long Tunnel Track, Wandiligong	Yes	No	Yes	No	No	No	No

PS map ref	Heritage place	External paint controls apply?	Internal alterations <a href="#">101</a> apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO50	Former Church of England 483 Morses Creek Rd, Wandiligong	Yes	No	Yes	No	No	No	No
HO51	Former Library, 479 Morses Creek Rd, Wandiligong	Yes	No	Yes	No	No	No	No
HO52	Brick Cottage, 375 Morses Creek Rd, Wandiligong	Yes	No	Yes	No	No	No	No
HO55	Former Parsonage (Uniting Church), 497 Morses Creek Rd, Wandiligong	Yes	No	Yes	No	No	No	No
HO56	Uniting Church, 499 Morses Creek Rd, Wandiligong	Yes	No	Yes	No	No	No	No
HO57	Timber Shop and Dwelling, 517 Morses Creek Rd, Wandiligong	Yes	No	Yes	No	No	No	No
HO58	Former General Store, 521 Morses Creek Rd, Wandiligong	Yes	No	Yes	No	No	No	No
HO59	"Nut Cottage", 5 Gillards Lane, Wandiligong	Yes	No	Yes	No	No	No	No
HO60	"Until", 571 Morses Creek Rd, Wandiligong	Yes	No	Yes	No	No	No	No
HO61	Former Post Office, 518 Morses Creek Rd, Wandiligong	Yes	No	Yes	No	No	No	No
HO62	"Redruth", 516 Morses Creek Rd, Wandiligong	Yes	No	Yes	No	No	No	No
HO63	Manchester Unity Hall, 462 Morses Creek Road, Wandiligong	Yes	No	Yes	No	No	Yes	No
HO64	House, 444 Morses Creek Rd, Wandiligong	Yes	No	Yes	No	No	No	No
HO65	House, 418 Morses Creek Rd, Wandiligong	Yes	No	Yes	No	No	No	No
HO66	House, 406 Morses Creek Rd, Wandiligong	Yes	No	Yes	No	No	No	No

PS map ref	Heritage place	External paint controls apply?	Internal alterations control s <sup>101</sup> apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO67	"Mill Cottage", 382 Morses Creek Rd, Wandiligong	Yes	No	Yes	No	No	No	No
HO68	"Coburn Villa", 380 Morses Creek Rd, Wandiligong	Yes	No	Yes	No	No	No	No
HO69	General Store, 522 Morses Creek Rd, Wandiligong	Yes	No	Yes	No	No	No	No
HO205	"The Poplars", Populus sp, avenue, 924 Morses Creek Road, Wandiligong			Yes		No	No	No
HO53	Timber Cottage, 10 Norleys Lane, Wandiligong	Yes	No	Yes	No	No	No	No
HO71	"Cora Linn" CA 2, Section W, Parish of Bright Peabody Rd, Wandiligong	Yes	No	Yes	No	No	No	No
HO74	Timber Cottage, 135 School Rd, Wandiligong	Yes	No	Yes	No	No	No	No
HO54	Timber House and early Sheds, 136 School Road, Wandiligong	Yes	No	Yes	Yes	No	No	No
HO75	Former Roman Catholic Church (St Peters), 155 School Rd, Wandiligong	Yes	No	Yes	No	No	No	No
HO73	Former Police Residence, 169 School Rd, Wandiligong	Yes	No	Yes	No	No	No	No
HO72	Primary School No.275, 119 School Rd, Wandiligong	-	-	-	-	Yes Ref No H1638	No	No
HO45	Timber Cottage, 2 Sidling Track, Wandiligong	Yes	No	Yes	No	No	No	No
HO76	"The Nut House" and Slab Cottage and Dairy and Cellar, 48 Sidling Track, Wandiligong	Yes	No	Yes	No	No	No	No
HO70	Brick Cottage, 3 Smithy Lane, Wandiligong	Yes	No	Yes	No	No	No	No

PS map ref	Heritage place	External paint controls apply?	Internal alterations control s <sup>101</sup> apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO77	Cottage, 6 Smithy Lane, Wandiligong	Yes	No	Yes	No	No	No	No
HO206	Alpine Park, White Star Road, Wandiligong			Yes	No	No	No	No
HO78	Cottage, 33 White Star Rd, Wandiligong	Yes	No	Yes	No	No	No	No
HO79	Cottage, 60 White Star Rd, Wandiligong	Yes	No	Yes	No	No	No	No
HO80	"Glenora", 45 Williams Rd, Wandiligong	Yes	No	Yes	No	No	No	No
HO81	"Claremont", 5 Williams Rd, Wandiligong	Yes	No	Yes	No	No	No	No
HO82	Growlers Gold Bucket Dredge Site, Williams Rd, Wandiligong	-	-	-	-	Yes Ref No H1303	No	No

### **SCHEDULE 1 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY**

C55alpi 14/01/2021

Shown on the planning scheme map as **DDO1**.

LOT 1 PS 317374, 396 BACK POREPUNKAH ROAD, BRIGHT

#### **1.0 Design objectives**

C55alpi 14/01/2021

To provide for the subdivision of land into fully serviced residential lots.

To ensure that development is consistent with the density and character of the area.

#### **2.0 Buildings and works**

C55alpi 14/01/2021

##### **Requirements**

A permit is not required for:

- The alteration or extension of an existing dwelling that is less than 50 per cent of the floor area of the existing dwelling.
- A building or works with a floor area of less than 100 square metres that is ancillary to a dwelling and not used for accommodation.
- A rainwater tank with a capacity of less than 20,000 litres.
- An internal or rear fence provided the design requirements in this schedule are met.



A permit is required to construct a fence along the Back Porepukah Road and golf course frontage. A permit may be granted to construct a building or carry out works if the following requirements are met:

#### **Building Setbacks**

All buildings are setback at least:

- 10 metres from any lot boundary abutting the Back Porepukah Road reserve and/or rail trail.

#### **Dwelling density**

The density of dwellings does not exceed one dwelling per lot.

#### **Fences**

All fences are less than 1.8 metres high.

Solid fences abutting the Back Porepukah Road reserve and/or rail trail are setback at least 5 metres from the boundary or alternatively are of an open style design and construction.

#### **Landscaping**

The setback area between any solid fence and the Back Porepukah Road reserve and/or rail trail boundary is landscaped to screen the fence to the satisfaction of the responsible authority.

#### **Access**

Lots must not have direct access to the Back Porepukah Road except for any lot created for a dwelling existing on the approval date of this provision.

#### **Tourist development**

Buildings and works associated with any tourist development will be subject to the application requirements and decision guidelines as specified under the applicable zone.

#### **Exemption from Notice and Review**

An application to construct a building or construct or carry out works which conform with the requirements of this schedule is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

### **3.0**

#### **Subdivision**

C55alpi 14/01/2021

#### **Requirements**

A permit may be granted to subdivide land if the following requirements are met:

- An overall development plan is prepared to the satisfaction of and approved by the responsible authority prior to the subdivision of land.
- An average lot size of 1000 square metres is maintained.
- The land is serviced with reticulated water and sewerage.
- All lots have frontage and access to a road other than the Back Porepukah Road except for any lot created for a dwelling existing on the approval date of this provision.

A permit cannot be granted to vary the average lot size of 1000 square metres.

### **4.0**

#### **Signs**

C55alpi 14/01/2021

None specified.

### **5.0**

#### **Application requirements**

C55alpi 14/01/2021

[The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an](#)

application, as appropriate, to the satisfaction of the responsible authority. [To comply with MD drafting requirements]

#### **Buildings and works**

- Fully scaled and dimensioned site plans showing existing and proposed conditions;
- Fully scaled and dimensioned elevations and floor plans;
- A design response that identifies and assesses:
  - How the development responds to the site;
  - Neighbourhood details;
  - Features and characteristics of the site;
  - How the development derives from and responds to the neighbourhood and site description;
- A landscape plan; and
- Identification and assessment of all relevant planning scheme requirements.

#### **Subdivision**

- A site analysis, documenting the site in terms of landform, vegetation and the relationship to surrounding land,
- A report explaining how the proposed subdivision has responded to the site analysis. The report should include:
  - The topography of the land.
  - Location of existing vegetation.
  - Layout of the proposed subdivision including size and dimension of all proposed lots and public open space.
  - Location of areas appropriate for the construction of a dwelling
  - Location of vehicle access to each lot.
  - A traffic assessment that includes existing traffic details, traffic generation, impact of increased traffic and traffic management from the development construction phase onwards;
  - How the balance of the land is to be subdivided if the subdivision is proposed to be staged.

## **6.0 Decision guidelines**

~~C55alpi 14/01/2021~~

~~The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:~~

- ~~• The design objectives and requirements of this schedule.~~

~~None specified [To comply with MD. Parent provision already requires consideration of the design objectives and requirements in the schedule]~~

### ~~**SCHEDULE 1 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY**~~

~~C55alpi 14/01/2021~~

~~Shown on the planning scheme map as **DPO1**.~~

#### ~~19.0 **1.0 Objectives**~~

~~C55alpi 14/01/2021~~

~~None specified.~~

#### ~~2.0 **Requirement before a permit is granted**~~

~~C55alpi 14/01/2021~~

~~None specified.~~

**3.0** ~~Conditions and requirements for permits~~

~~C55alpi 14/01/2021~~

~~None specified.~~

**4.0** ~~Requirements for development plan~~

~~C55alpi 14/01/2021~~

~~None specified.~~ [This development is now nearing completion and as the schedule has no content it should be removed].

## ~~SCHEDULE 2 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY~~

~~C55alpi 14/01/2021~~

### ~~Shown on the planning scheme map as DPO2.1.0 Objectives~~

~~C55alpi 14/01/2021~~

~~None specified.~~

### ~~2.0 Requirement before a permit is granted~~

~~C55alpi 14/01/2021~~

~~None specified.~~

### ~~3.0 Conditions and requirements for permits~~

~~C55alpi 14/01/2021~~

~~None specified.~~

### ~~4.0 Requirements for development plan~~

~~C55alpi 14/01/2021~~

- ~~None specified.~~ [This provision has no content and has been inappropriately applied]

## SCHEDULE 3 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

C55alpi 14/01/2021

Shown on the planning scheme map as **DPO3**.

LOTS 1 & 2 ON PS613866 AND LOTS 1, 2, 4, 5, 7 – 9 ON TP859376 – GREAT ALPINE ROAD

### 1.0 Objectives

C55alpi 14/01/2021

None specified.

### 2.0 Requirement before a permit is granted

C55alpi 14/01/2021

A planning permit may be granted for minor buildings and works associated with an existing use or development prior to the preparation of a Development Plan, but only if it does not prejudice the future orderly development of the area.

### 3.0 Conditions and requirements for permits

C55alpi 14/01/2021

All residential development must be serviced with:

- Reticulated water and sewerage and underground reticulated electricity;
- Sealed roads and reticulated stormwater drainage.

The following condition must be included on any planning permit issued to subdivide the land:

- A condition requiring a Section 173 agreement to be registered on the land to provide for the recognition of the pine plantations and associated activity that surround the land. The agreement must state:
  - The surrounding land is used for plantation forestry. Plantation forestry is a farming activity which will generate noise (including night time noise) at the time of harvest, as well as increased truck movements and possible associated dust. The removal of the tree crop will result in the loss of visual amenity and can result in increased water run-off. Chemicals can be applied to the plantation (including aerial application 200 metres from any residence) to control weeds and pests and to promote growth.

#### 4.0 Requirements for development plan

C55alpi 14/01/2021

A development plan must include the following requirements:

##### **Layout and design:**

- Be generally in accordance with the Bushfire Response Outline Development Plan attached to this schedule.
- Describe the relationship of proposed development on the land to existing and proposed developments on adjoining land.
- Provide for a 50 metres buffer distance between the Great Alpine Road and residential uses.
- Outline how the layout and appearance of the subdivision will be in keeping with or enhance the site when viewed from the Great Alpine Road.
- Identify any sites of conservation, heritage, archaeological significance or with landscape value and how they will be proposed to be managed and/or protected.
- Provide a range of lot sizes and identify potential residential densities across stages of development with lot sizes generally increasing to the south of the land with no lots for residential purposes being created further south of any perimeter road along the southern boundaries of the land adjacent to the pine plantation.
- Show the conceptual layout of future internal roads and external roads, including at least two points of external road access to the land and a perimeter road around the full site and adjacent to the central drainage line generally as shown in the Bushfire Response Outline Development Plan.
- Where appropriate, include the provision of adequate and functional open space networks and recreational areas and linkages to nearby existing and proposed open space/recreational areas.

##### **Staging:**

- Provide for the orderly staging of development and supply of services. In order to prevent leapfrog development and the oversupply of land, staging must be determined having regard to:
  - Existing land supply in the locality; and
  - Efficient use of existing and future infrastructure.
- Where practical, list the anticipated timing of development and indicate the manner in which the Development Plan can proceed in the event that the owner of any land is not able or intending to develop.

##### **Landscaping:**

- Provide an overall scheme of landscaping and any necessary arrangements for the preservation or regeneration of vegetation. The landscaping theme must be consistent with bushfire mitigation measures.

##### **Infrastructure:**

- Provide a soil and water report which demonstrates how stormwater is to be disposed of and where appropriate what downstream retardation works will be required to alleviate the inundation of properties, siltation of watercourses or soil erosion.
- Provide an infrastructure report demonstrating that the site can be connected to reticulated water, sewerage and power. Comments from all servicing authorities should be submitted with this report.
- Include a conceptual Stormwater Management Plan demonstrating compliance with the Alpine Shire Stormwater Management Plan and the Urban Stormwater Best Practice Management Guidelines. Proposed retarding basins and the means by which these will be managed and the water quality maintained.

##### **Bushfire mitigation:**

- Include a requirement that any dwelling constructed on lots located within 150 metres of the southern boundaries of the subject land or on any lot which abuts the perimeter ring road along the southern boundaries of the land be constructed to comply with BAL-29 in accordance with Sections 3 and 7 of AS.3959-2009.

- Provide a Management Plan for the land within the 53 metre buffer shown on the Outline Development Plan and all areas of public open space or communal open space that ensures the land is managed for the purposes of defendable space.
- Include a subdivision design that minimises the risk of house-to-house fire spread, including but not limited to the following:
  - A graduation in the size of the lots located south of the central swale drain with lots generally increasing in size the closer they are located to the southern boundary of the land.
  - For all lots that abut the southern perimeter road and all lots located within 150 metres of the southern boundary of the subject land:
    - Building envelopes being separated by at least 10 metres from each other.
    - Building envelopes being separated by at least 10 metres from the rear boundary of the lot.
    - A prohibition of any buildings or other ancillary structures (other than water tanks constructed of metal or concrete) being constructed outside of the building envelopes (irrespective of the materials of construction).
- For all lots located south of the central swale drain include:
  - A requirement that all outbuildings and other ancillary structures to be constructed of non-combustible materials.
  - A requirement for all fencing and screening devices to be constructed of non-combustible materials.
- Address the static water supply requirements of the Bushfire Management Overlay.

## 5.0 Consultation with the Country Fire Authority

Prior to the approval of the Development Plan, the responsible authority must seek the views of the Country Fire Authority.





## **SCHEDULE TO CLAUSE 44.04 LAND SUBJECT TO INUNDATION OVERLAY**

C55alpi 14/01/2021

Shown on the planning scheme map as **LSIO**.

### **1.0 Land subject to inundation objectives to be achieved**

C55alpi 14/01/2021

None specified.

### **2.0 Statement of risk**

C55alpi 14/01/2021

None specified.

### **3.0 Permit requirement**

C55alpi 14/01/2021

None specified.

### **4.0 Application requirements**

C55alpi 14/01/2021

None specified.

### **5.0 Decision guidelines**

C55alpi 14/01/2021

None specified.

## **SCHEDULE 1 TO CLAUSE 44.06 BUSHFIRE MANAGEMENT OVERLAY**

C55alpi 14/01/2021

Shown on the planning scheme map as **BMO1**.

DINNER PLAIN, BRIGHT, MT BEAUTY, MYRTLEFORD, POREPUNKAH, TOWONGA SOUTH  
BAL-12.5 AREAS

### **1.0 Statement of the bushfire management objectives to be achieved**

C55alpi 14/01/2021

To specify bushfire protection measures to construct or extend one dwelling on a lot.

To specify referral requirements for applications to construct or extend one dwelling on a lot.

### **2.0 Application**

C55alpi 14/01/2021

The application to construct or extend one dwelling on a lot must include all the requirements set out in this schedule.

Clause 53.02 applies in all other circumstances.

### **3.0 Permit requirement**

C55alpi 14/01/2021

None specified.

### **4.0 Application requirements**

C55alpi 14/01/2021

The following application requirements apply to an application for a permit under Clause 44.06:



- A bushfire management plan that:
  - Shows all of the required bushfire protection measures specified in this schedule,
  - Includes written conditions that implement the required bushfire protection measures,
  - Identifies water supply including the location of any fire hydrant within 120 metres of the rear of the building, and
  - Details vehicle access.

## 5.0 Requirements to be met

C55alpi 14/01/2021

The following requirements apply to an application to construct a single dwelling on a lot:

- The dwelling must be constructed to BAL-12.5
- Defendable space is to be provided for a distance of 30 metres around the dwelling or to the property boundary, whichever is the lesser and maintained in accordance with the vegetation management requirements of Clause 53.02 with the following variation:
  - The canopy of trees must be separated by at least 2 metres.
- A static water supply must be provided in accordance with Clause 53.02, and
- Vehicle access must be provided in accordance with Clause 53.02.

If these requirements are not met, the requirements of Clause 53.02 apply.

## 6.0 Substitute approved measures for Clause 53.02

C55alpi 14/01/2021

None specified.

## 7.0 Additional alternative measures for Clause 53.02

C55alpi 14/01/2021

None specified.

## 8.0 Mandatory Condition

C55alpi 14/01/2021

An application must include the mandatory conditions as specified in Clause 44.06-5.

## 9.0 Referral of application not required

C55alpi 14/01/2021

An application for a single dwelling on a lot meeting all of the required bushfire protection measures is not required to be referred under Section 55 of the Act to the person or body specified as the referral authority in Clause 66.03.

## 10.0 Notice and review

C55alpi 14/01/2021

None specified.

## 11.0 Decision guidelines

C55alpi 14/01/2021

The following decision guidelines apply to an application for a permit under Clause 44.06, in addition to those specified in Clause 44.06 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether all of the bushfire protection measures in this schedule have been met.

## **SCHEDULE 2 TO CLAUSE 44.06 BUSHFIRE MANAGEMENT OVERLAY**

C55alpi 14/01/2021

Shown on the planning scheme map as **BMO2**.

DINNER PLAIN, BRIGHT, MYRTLEFORD, TAWONGA, TAWONGA SOUTH BAL-29 AREAS

### **1.0 Statement of the bushfire management objectives to be achieved**

C55alpi 14/01/2021

To specify bushfire protection measures to construct or extend one dwelling on a lot.

To specify referral requirements for applications to construct or extend one dwelling on a lot.

### **2.0 Application**

C55alpi 14/01/2021

An application to construct or extend one dwelling on a lot must include all the requirements set out in this schedule.

Clause 53.02 applies in all other circumstances.

### **3.0 Permit requirement**

C55alpi 14/01/2021

None specified.

### **4.0 Application requirements**

C55alpi 14/01/2021

The following application requirements apply to an application for a permit under Clause 44.06:

- A bushfire management plan that:
  - Shows all of the required bushfire protection measures specified in this schedule,
  - Includes written conditions that implement the required bushfire protection measures,
  - Identifies water supply including the location of any fire hydrant within 120 metres of the rear of the building, and
  - Details vehicle access.

### **5.0 Requirements to be met**

C55alpi 14/01/2021

The following requirements apply to an application to construct a single dwelling on a lot:

- The dwelling must be constructed to BAL-29
- Defendable space is to be provided for a distance of 30 metres around the dwelling or to the property boundary, whichever is the lesser and maintained in accordance with the vegetation management requirements of Clause 53.02 with the following variation:
  - The canopy of trees must be separated by at least 2 metres.
- A static water supply must be provided in accordance with Clause 53.02, and
- Vehicle access must be provided in accordance with Clause 53.02.

If these requirements are not met, the requirements of Clause 53.02 apply.

### **6.0 Substitute approved measures for Clause 53.02**

C55alpi 14/01/2021

None specified.

**7.0 Additional alternative measures for Clause 53.02**

C55alpi 14/01/2021

None specified.

**8.0 Mandatory Condition**

C55alpi 14/01/2021

An application must include the mandatory conditions as specified in Clause 44.06-5.

**9.0 Referral of application not required**

C55alpi 14/01/2021

An application for a single dwelling on a lot meeting all of the required bushfire protection measures is not required to be referred under Section 55 of the Act to the person or body specified as the referral authority in Clause 66.03.

**10.0 Notice and review**

C55alpi 14/01/2021

None specified.

**11.0 Decision guidelines**

C55alpi 14/01/2021

The following decision guidelines apply to an application for a permit under Clause 44.06, in addition to those specified in Clause 44.06 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether all of the bushfire protection measures in this schedule have been met.

**SCHEDULE TO CLAUSE 51.01 SPECIFIC SITES AND EXCLUSIONS**

VC148 31/07/2018

**1.0 Specific sites and exclusions**

GC161 08/07/2021

Address of land	Title of incorporated document
None specified	None specified

**SCHEDULE TO CLAUSE 52.02 EASEMENTS, RESTRICTIONS AND RESERVES**

C55alpi 14/01/2021

**1.0 Under Section 23 of the Subdivision Act 1988**

VC37 19/01/2006

Land	Easement or restriction	Requirement
None specified		

**2.0 Under Section 24A of the Subdivision Act 1988**

C55alpi 14/01/2021

Land	Person	Action
None specified		

**3.0 Under Section 36 of the Subdivision Act 1988**

VC37 19/01/2006

Land	Easement or right of way	Requirement
None specified		

**SCHEDULE TO CLAUSE 52.05 SIGNS**

C55alpi 14/01/2021

**1.0 Exemption from notice and review**

C55alpi 14/01/2021

Land	Condition
None specified	

**SCHEDULE TO CLAUSE 52.16 NATIVE VEGETATION PRECINCT PLAN**

C55alpi 14/01/2021

**1.0 Native vegetation precinct plan**

VC49 15/09/2008

Name of plan
None specified

**SCHEDULE TO CLAUSE 52.17 NATIVE VEGETATION**

C55alpi 14/01/2021

**1.0 Scheduled area**

C55alpi 14/01/2021

Area	Description of native vegetation for which no permit is required to remove, destroy or lop
None specified	

**2.0 Scheduled weed**

C55alpi 14/01/2021

Area	Description of weed
None specified	

**SCHEDULE TO CLAUSE 52.27 LICENSED PREMISES**

C55alpi 14/01/2021

**1.0 Permit not required**

VC37 19/01/2006

Land	Type of licence
None specified	

**2.0 Permit may not be granted**

VC37 19/01/2006

Land	Type of licence
None specified	

**SCHEDULE TO CLAUSE 52.28 GAMING**

C55alpi 14/01/2021

**1.0 Objectives**

C55alpi 14/01/2021

None specified.

**2.0 Prohibition of a gaming machine in a shopping complex**

C55alpi 14/01/2021

Installation or use of a gaming machine as specified in Clause 52.28-4 is prohibited on land described in Table 1 below.

**Table 1**

Name of shopping complex and locality	Land description
None specified	None specified

**3.0 Prohibition of a gaming machine in a strip shopping centre**

C55alpi 14/01/2021

A gaming machine as specified in Clause 52.28-5 is prohibited in all strip shopping centres on land covered by this planning scheme.

**4.0 Locations for gaming machines**

C55alpi 14/01/2021

None specified.

**5.0 Venues for gaming machines**

C55alpi 14/01/2021

None specified.

**6.0 Application requirements**

C55alpi 14/01/2021

None specified.

**7.0 Decision guidelines**

C55alpi 14/01/2021

None specified.

**SCHEDULE TO CLAUSE 52.32 WIND ENERGY FACILITY**

VC148 31/07/2018

**1.0 Wind energy facility prohibition**

VC148 31/07/2018

Land where a Wind energy facility is prohibited
None specified

**SCHEDULE TO CLAUSE 52.33 POST BOXES AND DRY STONE WALLS**

VC148 31/07/2018

**1.0 Permit requirement for dry stone walls**

VC148 31/07/2018

Land
None specified

**SCHEDULE TO CLAUSE 53.01 PUBLIC OPEN SPACE CONTRIBUTION AND SUBDIVISION**

VC148 31/07/2018

**1.0 Subdivision and public open space contribution**

VC148 31/07/2018

Type or location of subdivision	Amount of contribution for public open space
<del>None specified</del> Residential zones	5 percent

**SCHEDULE TO CLAUSE 53.06 LIVE MUSIC ENTERTAINMENT VENUES**

GC175 18/02/2021

**1.0 Areas to which Clause 53.06 does apply**

VC210 04/05/2022

Name of area	Description
None specified	

**2.0 Areas to which Clause 53.06 does not apply**

VC210 04/05/2022

Name of area	Description
None specified	

**3.0 Other venues to which Clause 53.06 applies**

VC210 04/05/2022

Name of venue	Address	Condition or limitation
None specified		

**SCHEDULE TO CLAUSE 53.15 STATEMENT OF UNDERLYING PROVISIONS**

VC148 31/07/2018

**1.0 Incorporated statement**

VC148 31/07/2018

Land	Incorporated Document
None specified	None specified

**SCHEDULE TO CLAUSE 59.15 LOCAL VICSMART APPLICATIONS**

C55alpi 14/01/2021

**1.0 Table 1 Classes of VicSmart application under zone provisions**

C55alpi 14/01/2021

Name of zone or class of zone	Class of application	Permit requirement provision	Information requirements and decision guidelines
None specified			

**2.0 Table 2 Classes of VicSmart application under overlay provisions**

C55alpi 14/01/2021

Name of overlay or class of overlay	Class of application	Permit requirement provision	Information requirements and decision guidelines
None specified			

**3.0 Table 3 Classes of VicSmart application under particular provisions**

C55alpi 14/01/2021

Name of particular provision	Class of application	Permit requirement provision	Information requirements and decision guidelines
None specified			

**SCHEDULE 1 TO CLAUSE 59.16 INFORMATION REQUIREMENTS AND DECISION GUIDELINES FOR LOCAL VICSMART APPLICATIONS**

C55alpi 14/01/2021

**1.0 Information requirements**

C55alpi 14/01/2021

None specified.

**2.0 Decision guidelines**

C55alpi 14/01/2021

None specified.

**SCHEDULE TO CLAUSE 66.04 REFERRAL OF PERMIT APPLICATIONS UNDER LOCAL PROVISIONS**

C55alpi 14/01/2021

**1.0 Referral of permit applications under local provisions**

C55alpi 14/01/2021

Clause	Kind of application	Referral authority	Referral authority type
None specified 37.01 (SUZ5)	None specified All applications	None specified North East Catchment Management Authority North East Water	None specified Recommending referral authority
43.04s3 (DPO3)	All applications	Country Fire Authority North East Water North East Catchment Management Authority Ausnet	Recommending referral authority

**SCHEDULE TO CLAUSE 66.06 NOTICE OF PERMIT APPLICATIONS UNDER LOCAL PROVISIONS**



C55alpi 14/01/2021

**1.0 Notice of permit applications under local provisions**

C55alpi 14/01/2021

Clause	Kind of application	Person or body to be notified
<a href="#">19.03-3L Integrated water management</a>	<a href="#">Applications generating increased stormwater flows</a>	<a href="#">East Gippsland Water</a> <a href="#">North East Water</a> <a href="#">Goulburn Murray Water</a>
<a href="#">32.03s (Low Density Residential Zone), 32.04s (Mixed Use Zone), 32.05s (Township Zone), 32.08s (General Residential Zone), 34.01s (Commercial 1 Zone), 35.03s (Rural Living Zone), 35.06s (Rural Conservation Zone), 35.07s (Farming Zone), 43.04s3 (DPO3).</a>	<a href="#">Development Plan</a> <a href="#">Subdivision of land within 300m of a timber plantation</a> <a href="#">Development of accommodation within 300m of a timber plantation</a>	<a href="#">Managing authority for timber operations.</a>

**SCHEDULE TO CLAUSE 72.01 RESPONSIBLE AUTHORITY FOR THIS PLANNING SCHEME**

VC148 31/07/2018

**1.0 Responsible authority for administering and enforcing this planning scheme:**

VC148 31/07/2018

The Alpine Shire Council is the responsible authority for administering and enforcing the planning scheme, except for matters specified in Clause 72.01-1 and matters listed in this schedule.

**2.0 Responsible authority for administering and enforcing a provision of this planning scheme:**

VC148 31/07/2018

None specified.

**3.0 Person or responsible authority for issuing planning certificates:**

VC148 31/07/2018

Minister for Planning.

**4.0 Responsible authority for VicSmart and other specified applications:**

C55alpi 14/01/2021

The Chief Executive Officer of the Alpine Shire Council is the responsible authority for considering and determining VicSmart applications to which Clause 91 applies, in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the Act.

The Chief Executive Officer of the Alpine Shire Council is the responsible authority for considering and determining any application that the notice and review exemption in Clause 52.10-2 applies to, in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the Act.

## **SCHEDULE TO CLAUSE 72.02 WHAT AREA IS COVERED BY THIS PLANNING SCHEME?**

VC148 31/07/2018

### **1.0 Area covered by this planning scheme:**

VC148 31/07/2018

The municipal district of the Alpine Shire.

## **SCHEDULE TO CLAUSE 72.03 WHAT DOES THIS PLANNING SCHEME CONSIST OF?**

VC148 31/07/2018

### **1.0 Maps comprising part of this planning scheme:**

VC148 31/07/2018

- Zoning and Overlay maps
- 1, 1BMO, 1HO, 1LSIO,
- 2, 2BMO, 2HO, 2LSIO,
- 3, 3BMO, 3HO, 3LSIO, 3SLO,
- 4, 4BMO, 4HO, 4SLO,
- 5, 5BMO
- 6, 6BMO, 6HO, 6LSIO,
- 7, 7BMO, 7DDO, 7DPO, 7HO, 7SLO, 7LSIO,
- 8, 8BMO, 8EAO, 8HO, 8SLO,
- 9, 9BMO, 9DPO, 9HO, 9LSIO,
- 10, 10BMO, 10HO,
- 11, 11BMO, ~~11DPO~~, 11HO, 11SLO,
- 12, 12BMO, 12SLO,
- 13, 13BMO, 13SLO,
- 14, 14BMO, ~~14DPO~~, 14HO, 14SLO,
- 15, 15BMO
- 16, 16BMO
- 17, 17BMO, 17HO, 17SLO,
- 18, 18BMO, 18HO, 18SLO,
- 19, 19BMO, ~~19DPO~~, 19HO, 19SLO,
- 20, 20BMO, 20HO, 20SLO,
- 21, 21BMO
- 22, 22BMO
- 23, 23BMO, 23HO,
- 24, 24BMO
- 25, 25BMO
- 26, 26BMO

## **SCHEDULE TO CLAUSE 72.04 DOCUMENTS INCORPORATED IN THIS PLANNING SCHEME**

VC148 31/07/2018

**1.0 Incorporated documents**

GC161 08/07/2021

Name of document	Introduced by:
Goulburn-Murray Water Native Vegetation Code of Practice, February 2011	C33

**SCHEDULE TO CLAUSE 72.05 WHEN DID THIS PLANNING SCHEME BEGIN?**

VC148 31/07/2018

**1.0 Date this planning scheme began:**

VC148 31/07/2018

9 September 1999

**SCHEDULE TO CLAUSE 72.08 BACKGROUND DOCUMENTS**

VC148 31/07/2018

**1.0 Background documents**

C62alpi 26/05/2022

Name of background document	Amendment number - clause reference
<a href="#"><i>Alpine Shire heritage study, Stage 2: Mount Beauty and Boqong heritage study (Kaufman, 2008)</i></a>	
<a href="#"><i>Alpine Shire heritage study, Stage 2: Wandiligong heritage study (Kaufman, 2008)</i></a>	
<a href="#"><i>Alpine Shire heritage study: thematic environmental history of the Alpine Shire, North East Victoria (Kaufman, 2008)</i></a>	
<i>Alpine Shire 2005 Residential Land Review (Alpine Shire Council, August 2006)</i>	11.01-1L
<i>Alpine Shire Rural Land Strategy (Alpine Shire Council, 2015)</i>	2.01 2.03 11.01-1L 12.05-2L 14.01-1L 14.01-2L 14.01-3L 16.01-3L
<i>Alpine Shire Stormwater Management Plan Volume 1 (Earth Tech, 2004)</i>	
<i>Alpine Shire Town Framework Plan - Bright (Inspiring Place Pty Ltd, 2009)</i>	11.01-1L-02
<i>Alpine Shire Town Framework Plan - Dederang (Inspiring Place Pty Ltd, 2009)</i>	11.01-1L-09

<i>Alpine Shire Town Framework Plan - Harrierville</i> (Inspiring Place Pty Ltd, 2009)	11.01-1L-05
<i>Alpine Shire Town Framework Plan – Mt Beauty and Tawonga South</i> (Inspiring Place Pty Ltd, 2009)	11.01-1L-04
<i>Alpine Shire Town Framework Plan - Myrtleford</i> (Inspiring Place Pty Ltd, 2009)	11.01-1L-03
<i>Alpine Shire Town Framework Plan - Porepunkah</i> (Inspiring Place Pty Ltd, 2009)	11.01-1L-06
<i>Alpine Shire Town Framework Plan – Tawonga</i> (Inspiring Place Pty Ltd, 2009)	11.01-1L-07
<i>Alpine Shire Town Framework Plan - Wandiligong</i> (Inspiring Place Pty Ltd, 2009)	11.01-1L-08
<i>Alpine Shire Municipal Emergency Management Plan</i> (Alpine Shire Council, 2012)	
<i>Bright Futures: Urban Design Framework</i> (Hassell, 2003)	11.01-1L-02
<i>Bright Water Supply System Plan</i> (North East Water Corporation, 2012)	
<i>Bright Wastewater System Plan</i> (North East Water Corporation, 2012)	
Caring for Our Australian Alps Catchments, Department of Climate Change and Energy Efficiency, Canberra, 2011	
Climate Change in the North East Region, DSE, 2008	
Climate Change in the North East Region: Socio-economic Resilience Plan, North East Greenhouse Alliance, 2012	
<i>Dinner Plain Master Plan</i> (Alpine Shire Council Strategic Services Department, 2008)	
<i>Domestic Storm Water Management Plan</i> (Alpine Shire, 2019)	
<a href="#"><u>Infrastructure Design Manual (Local Government Infrastructure Design Association, 2020)</u></a>	<a href="#"><u>CXX</u></a> <a href="#"><u>19.03-2L</u></a>
<i>Harrierville Floodplain Management Plan</i> (Geo Eng Australia Pty Ltd, 2001)	
<i>Harrierville Floodplain Management Plan</i> (GHD, 2003)	
<i>Harrierville Water Supply System Plan</i> (North East Water, 2012)	
<i>Landscape Planning &amp; Conservation in North East Victoria</i> (National Trust of Australia (Victoria), 1977)	
<i>Mount Beauty Master Plan</i> (EDAW Gillespies Aust., 2003)	11.01-1L-04
<i>Mount Beauty Aerodrome Master Plan</i> (EDM 2011)	C60alpiPt1

<i>Mount Beauty Water Supply System Plan</i> (North East Water, 2012)	
<i>Mount Beauty Wastewater System Plan</i> (North East Water, 2012)	
<i>Myrtleford Master Plan Study</i> (Gillespies, 2001)	11.01-1L-03
<i>Myrtleford Floodplain Management Study</i> (Sinclair Knight Merz, 2000)	
<i>Myrtleford Water Supply System Plan</i> (North East Water Corporation, 2012)	
<i>Myrtleford Wastewater System Plan</i> (North East Water Corporation, 2012)	
<i>Ovens River Catchment Floods</i> (Department of Natural Resources and Environment, 1993)	
<i>Planning Permit Applications in Open Potable Water Supply Catchment Areas</i> (Department Sustainability and Environment, 2015)	
<i>Porepunkah Aerodrome Master Plan</i> (Airports Plus Pty Ltd. 2005)	
<i>Protection of Mt Beauty WWTP from Residential Encroachment by ESO</i> (Consulting Environmental Engineers, February 2015)	
<i>Shire of Bright Conservation Planning Study</i> (Centre for Environmental Studies, University of Melbourne, December 1976)	
<i>Shire of Bright Local Conservation Strategy</i> (August 1994)	
<i>Shire of Bright – Rural Land Mapping Project</i> (Town and Country Planning Board, 1980)	
<i>Shire of Myrtleford – Rural Land Mapping Project</i> (Town and Country Planning Board, 1978)	
<a href="#"><u><i>Sport and Active Recreation Plan 2022-2033</i></u></a> <a href="#"><u><i>(Alpine Shire Council, 2022)</i></u></a>	<a href="#"><u>CXX</u></a> <a href="#"><u>19.02-6L</u></a>
<i>The Thematic Environmental History of Alpine Shire</i> (LRGM Services, 2004)	
<i>Upper Ovens River Flood Study</i> (Earth Tech, 2004)	
<i>Urban Stormwater: Best Practice Environmental Guidelines</i> (CSIRO, 2006)	
<i>Wandiligong Heritage Guidelines</i> (2016)	
<i>Wastewater Forward Development Plan for Bright-Porepunkah, Final Report</i> (Kellog Brown & Root Pty Ltd, 2005)	
<i>Wastewater Forward Development Plan for Myrtleford, Final Report</i> (Kellog Brown & Root Pty Ltd, 2005)	
<i>Wastewater Strategy</i> (North East Water Corporation, 2012)	

<i>Water Supply Master Plan for Mount Beauty, Final Report</i> (Beca Pty Ltd, 2004)	
<i>Water Supply Demand Strategy</i> (North East Water Corporation, 2012)	

## **SCHEDULE TO CLAUSE 74.01 APPLICATION OF ZONES, OVERLAYS AND PROVISIONS**

C62alpi 26/05/2022

### **1.0 Application of zones, overlays and provisions**

C62alpi 26/05/2022

This planning scheme applies the following zones, overlays and provisions to implement the Municipal Planning Strategy and the objectives and strategies in Clauses 11 to 19:

- Low Density Residential Zone to:
  - Residential lots 0.2 to 1 hectares, or larger where on-site treatment of waste is required.
  - Residential areas with pocket vegetation.
  - Residential areas with high landscape value.
- Mixed Use Zone to areas in Myrtleford and Tawonga South designated as a mixed use cluster and community activity cluster to encourage more intensive development.
- Township Zone to the towns of Dederang, Harrietville, Porepunkah and Tawonga to facilitate development proportionate to the services and facilities they provide.
- General Residential Zone to the main towns of Bright, Mount Beauty / Tawonga South, Myrtleford, and Porepunkah to encourage residential development close to major existing retail, community, and commercial facilities.
- Industrial 1 Zone to:
  - Warehouses and processing plants along Myrtleford-Yackandandah Road in Myrtleford.
  - Industrial areas in Bright, and Mount Beauty/Tawonga South.
- Industrial 2 Zone to warehouses along Myrtleford-Yackandandah Road in Myrtleford.
- Commercial 1 Zone to the towns of Bright, Mount Beauty and Myrtleford to allow for further commercial expansion.
- Rural Living Zone to:
  - Small precincts within Bright, Harrietville, Mount Beauty and Porepunkah.
  - Within the localities of Buffalo Creek, Buffalo River and Ovens River.
  - Provide opportunities for residential development while keeping the rural nature of these localities.
- Rural Conservation Zone to remote rural areas adjacent to National Parks, State Forests and Crown land.
- Farming Zone to areas of strategically significant farming land to protect and facilitate diverse agricultural activities.
- Public Use Zone to Land in public ownership including recreation, health, education and community facilities as well as public utilities to facilitate appropriate use.
- Public Parks and Recreation Zone to areas for public recreation and open space.
- Public Conservation and Resource Zone to protect and conserve the historic, natural and cultural values of the Shire's environmental and economic assets which abuts public land, as identified in the Alpine Shire Rural Land Strategy 2015.
- Road Zone to identify declared roads and roads that carry significant economic/social traffic routes.
- Special Use Zone to:

- Schedule 1 – Dinner Plain Village area.
- Schedule 2 – Dinner Plain Service and Recreation.
- Schedule 3 – GPU Powernet PTY LTD Terminal Stations.
- Schedule 4 – Bogong Power Development Project.
- Schedule 5 – Mount Beauty Aerodrome and Air Park.
- Significant Landscape overlay to:
  - Schedule 1 – To guide development in the Upper Kiewa Valley area.
  - Schedule 2 – To maintain landform and vegetation and guide development in the Happy Valley area and maintain views to Mt Buffalo.
  - Schedule 3 - The cultural and heritage values of the Wandiligong Valley area.
  - Schedule 4 - To maintain landform and vegetation and guide development in the Buckland Valley area, and maintain views to Mt Buffalo.
  - Schedule 5 – To guide development and maintain vegetation and view lines in the Upper Ovens and Harrietville Valley areas.
- Heritage Overlay to places of heritage significance.
- Design and Development Overlay to Lot 1 PS 317374, 396 Back Porepunkah Road, Bright, to provide for subdivision of the land and ensure development is consistent with the density and character of the area.
- Development Plan Overlay to:
  - ~~Outline future development in patterns for lots, roads, services and open space as identified in Schedules 1 and 2 for land in Mount Beauty and Tawonga South.~~
  - Schedule 3 - Guide development for Lots 1 and 2 on PS613866 and Lots 1, 2, 4, 5, 7-9 on TP859376, Great Alpine Road.
- Land Subject to Inundation Overlay to recognise and protect riverine floodprone areas identified by the Catchment Management Authority.
- Bushfire Management Overlay to:
  - Areas identified with potential for bushfire risk.
  - Schedule 1 – Dinner Plain, Bright, Mt Beauty, Myrtleford, Porepunkah, Tawonga South BAL-12.5 Areas.
  - Schedule 2 - Dinner Plain, Bright, Myrtleford, Tawonga, Tawonga South BAL-29 Areas.
- Environmental Audit Overlay to former extraction sites.
- Apply the Rural Conservation Zone over isolated freehold land and land surrounded by National Parks and/or State Forests.

## **SCHEDULE TO CLAUSE 74.02 FURTHER STRATEGIC WORK**

C62alpi 26/05/2022

### **1.0**

#### **Further strategic work**

C62alpi 26/05/2022

Prepare a Land Development Strategy to identify land available for residential, commercial and industrial growth, establish settlement boundaries and identify constrained land.

Prepare Stage Two of the Rural Land Use Strategy to:

- Clarify the policy directions for each rural precinct focussing 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, Freeburg, Wandiligong and Ovens).
- Mitigate the impacts of climate change on rural land.

- ~~▪ Articulate agricultural values by precinct.~~
- Identify where Farming Zone and Rural Conservation Zone schedules should be modified to better reflect the preferred use of the land.
- ~~▪ Respond to climate change predictions.~~
- ~~▪ Identify rural living opportunities.~~
- Determine where non agricultural uses like earth and resource extraction and renewable energy generation should be supported or avoided. [Additions reflect findings of PSR]

Prepare ~~a Housing and Settlement Strategy Structure Plans for Bright, Porepunkah, 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 infrastructure requirements.~~
- ~~Prepare landscaping guidelines for public and private property, including planning, retention and replacement of canopy trees.~~
- ~~Develop signage guidelines for signs on public and private land.~~
- ~~Draft planning controls to implement the Structure Plans, including schedules to the residential zones.~~
- ~~▪ Identify the housing needs of the community.~~
- ~~▪ Identify the planning controls that should apply to land that has been identified in the Land Development Strategy as suitable for residential growth.~~
- ~~▪ Identify consolidation and intensification opportunities in townships and the planning controls that should be applied.~~ [Change from Housing Strategy to Structure Plans, and additions reflect findings of PSR]

~~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. Review the zoning around the settlements of Wandiligong, Freeburg and Ovens.~~ [More detail of issues to be resolved in Wandi from PSR. Freeburg and Ovens will be addressed in Stage 2 Rural Land Strategy]

Identify strategies to ensure a good balance between permanent accommodation and short term accommodation.

~~Identify the valued neighbourhood character and landscape characteristics of the Shire that can be protected through the application of the residential zone schedules.~~ [Merged into Structure Plan project]

~~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.~~ [Planning Scheme Review recommendation]

Identify opportunities for delivering a greater range of affordable housing options for the community.

~~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.~~ [Replaces project below with more detail about the purpose of the project]

~~Undertake a Significant Landscape Assessment to:~~

- ~~▪ Recognise Alpine landscapes as of State significance.~~
- ~~▪ Articulate landscape values.~~

~~Protect landscapes from encroachment by development.~~ [Replaced by previous new project]

Revise the Special Use Zone schedule applied to Dinner Plain to reduce the complexity of the control.



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.

~~Develop an urban design policy to guide development in Bright Town Centre, Myrtleford Town Centre and Mount Beauty and Tawonga South.~~ [Merged into Structure Plan project]

Investigate risks associated with climate change and put in place planning controls to manage these, specifically relating to:

- Management of flooding and avulsion risks.
- Management of land instability, land slip and erosion.

~~Review and update the application of the Heritage Overlay including undertaking Heritage Gap study.~~ [Recommendation from Planning Scheme Review]

~~Prepare a local Heritage Policy to assist with decision making for applications in the Heritage Overlay.~~ [Recommendation from Planning Scheme Review]

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.

~~Prepare a Canopy Tress Strategy to increase the amount of canopy trees across the Shire.~~ [Merged into structure plan project]

~~Prepare a Signage Policy to guide decision-making about signs on private land.~~ [Merged into structure plan project]

## **ALPINE PLANNING SCHEME**

### **AMENDMENT CXXalpi**

#### **EXPLANATORY REPORT**

#### **Who is the planning authority?**

This amendment has been prepared by Alpine Shire Council, which is the planning authority for this amendment.

The amendment has been made at the request of Alpine Shire Council.

#### **Land affected by the Amendment**

The amendment applies to all land in Alpine Shire.

#### **What the amendment does**

The amendment proposes to implement the *Alpine Planning Scheme Review 2023*.

The amendment proposes to make the following changes to the Alpine Planning Scheme:

- Implements the land use and development directions of Council's adopted strategies and documents, including the:
  - *Affordable Housing Research and Analysis Paper* (Alpine Shire Council, 2022);
  - *Alpine Shire Council Access and Inclusion Plan 2021-2024* (Alpine Shire Council, 2021);
  - *Alpine Shire Events Strategy* (Urban Enterprise, 2021);
  - *Alpine Shire Rural Land Use Strategy* (Alpine Shire Council, 2015),
  - *Climate Action Plan 2021-2024* (Alpine Shire Council, 2021);
  - *Community Vision 2040 and Council Plan 2021-25 including the Municipal Public Health and Wellbeing Plan* (Alpine Shire Council, 2021);
  - *Economic Development Strategy* (Urban Enterprise and Alpine Shire Council, 2021);
  - *Municipal Emergency Management Plan 2021-2024* (Alpine Shire Council, 2021);
  - *Myrtleford Resilience Plan* (Projectura, 2019); and
  - *Sport and Active Recreation Plan 2022-2033* (Alpine Shire Council, 2022).
- Clarifies and improves the style, format, language or grammatical form of content in accordance with the requirements of the *Ministerial Direction on the Form and Content of Planning Schemes* and the principles set out in *A Practitioner's Guide to Victoria's Planning Schemes, April 2022* where the intended effect of that clause or any other clause is not changed.
- Updates clause references, department names, legislation names, document references, terminology and statistical data.
- Deletes or adjusts content that conflicts with State planning policy of the Victoria Planning Provisions.
- Removes repetitive content.
- Removes or updates outdated content.

## M(3) - 28 March 2023 Ordinary Council Meeting

### 8.2.2.c Draft Explanatory Report for the proposed planning scheme amendment.

Specifically, the amendment proposes to make the following changes to the Alpine Planning Scheme:

#### Purpose and Vision

1. Amend Clauses 02.01 (Context) and 02.03 (Settlement) to add land use and development directions from local and regional documents and strategies; to recognise First Nations peoples; and to include policy guiding new timber plantations to appropriate locations away from areas identified for urban growth, and to ensure new urban development does not adversely impact upon routes associated with agricultural land use, extractive industries, and timber plantations.

#### Planning Policy Framework

- Amend local policy content in Clause 11 (Settlement), Clause 12 (Environmental and Landscape Values), Clause 13 (Environmental Risks and Amenity), Clause 14 (Natural Resource Management), Clause 15 (Built Environment and Heritage), Clause 16 (Housing), Clause 17 (Economic Development), Clause 18 (Transport) and Clause 19 (Infrastructure) of the Planning Policy Framework to add new content from Council adopted documents and strategies, and the *Infrastructure Design Manual* (Local Government Infrastructure Design Association, 2022).

#### Zones

- Amend Schedules 1, 2, 3, 4, 5 and 6 to Clause 37.01 (Special Use Zone) to align with the *Ministerial Direction: the Form and Content of Planning Schemes*.

#### Overlays

- Amend Schedules 1, 2, 3, 4 and 5 to Clause 42.03 (Significant Landscape Overlay) to align with the *Ministerial Direction: the Form and Content of Planning Schemes*.
- Amend Schedule 1 to Clause 43.02 (Design and Development Overlay) to align with the *Ministerial Direction: the Form and Content of Planning Schemes*.
- Delete Schedules 1 and 2 to Clause 43.04 (Development Plan Overlay) as they contain no content.

#### Particular Provisions

- Amend the Schedule to Clause 53.01 (Public Open Space Contribution and Subdivision) to require a 5 per cent contribution for public open space in residential zones.

#### General Provisions

- Amend the Schedule to Clause 66.04 (Referral of permit applications under local provisions) with a new schedule to reflect changes to ordinance introduced by Amendment VC148 and recommendations of the Review.
- Amend the Schedule to Clause 66.06 (Notice of permit applications under local provisions) with a new schedule to reflect changes to ordinance introduced by Amendment VC148 and recommendations of the Review.

#### Operational Provisions

- Amend the Schedule to Clause 72.03 (What does this Planning Scheme consist of?) to delete Planning Scheme Map Nos. 11DPO, 14DPO and 19DPO.
- Amend the Schedule to Clause 72.08 (Background Documents) to include the *Alpine Shire heritage study, Stage 2: Mount Beauty and Bogong heritage study* (Kaufman, 2008), the *Alpine Shire heritage study, Stage 2: Wandiligong heritage study* (Kaufman, 2008), the *Alpine Shire heritage study: thematic environmental history of the Alpine Shire, North East Victoria* (Kaufman, 2008), the *Infrastructure Design Manual* (Local Government Infrastructure Design Association, 2020) and the *Sport and Active Recreation Plan 2022-2033* (Alpine Shire Council, 2022) as background documents.
- Amend the Schedule to Clause 74.01 (Application of Zones, Overlays and Provisions) to delete Schedules 1 and 2 to Clause 43.04 (Development Plan Overlay).

M(3) - 28 March 2023 Ordinary Council Meeting

8.2.2.c Draft Explanatory Report for the proposed planning scheme amendment.

- Amend the Schedule to Clause 74.02 (Further Strategic Work) to implement the *Alpine Planning Scheme Review 2023*, which revises the further work plan.
- Amend Planning Scheme Map 2zn to rezone part of the land at 25, 27, 33 and 35 King Street, Myrtleford from the General Residential Zone to the Farming Zone; and
- Delete Planning Scheme Maps 11DPO, 14DPO and 19DPO to delete Schedules 1 and 2 to Clause 43.04 (Development Plan Overlay).

## Strategic assessment of the Amendment

### Why is the Amendment required?

The amendment is required to implement the recommendations of the *Alpine Planning Scheme Review 2023*.

The Review was finalised in March 2023 as required by Section 12B of the *Planning and Environment Act 1987*. Periodic reviews ensure planning schemes provide the necessary framework to achieve a council's land use vision for the municipality.

The Review found that the Alpine Planning Scheme contains many policy gaps and is not effectively guiding decision making in Alpine Shire. 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 Review recommends future strategic work required over the next four years to achieve this.

The Review has also identified policy-neutral changes that should be made to the planning scheme to align with the *Ministerial Direction: the Form and Content of Planning Schemes*; to make factual changes to the Municipal Planning Strategy to include the most recent Australian Bureau of Statistics and other economic data; and the need to include land use and development directions from local and regional strategies in the Planning Policy Framework.

### How does the Amendment implement the objectives of planning in Victoria?

The proposed amendment implements the objectives of planning in Victoria included at Section 4(1) of the *Planning and Environment Act 1987*:

The amendment is consistent with the following objectives of planning in Victoria:

- Section 4(1)(a) - to provide for the fair, orderly, economic and sustainable use, and development of land;
- Section 4(1)(b) - to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;
- Section 4(1)(c) - to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- Section 4(1)(d) - to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest or otherwise of special cultural value;
- Section 4(1)(e) - to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;
- Section 4(1)(f) - to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e); and
- Section 4(1)(g) - to balance the present and future interests of all Victorians.

The amendment seeks to implement the Review by making corrections and updating the Alpine Planning Scheme to reflect the key strategic directions established for Alpine Shire. This will provide certainty for all users of the planning system by ensuring the fair, orderly, economic and sustainable development of land in the municipality, which is consistent with the objectives of planning in Victoria.

### **How does the Amendment address any environmental, social and economic effects?**

While the changes to the Alpine Planning Scheme are generally administrative and policy neutral arising from the Review, the amendment is expected to have positive environmental, social and economic effects for Victorian businesses, industry and the community by:

- improving the clarity and transparency of local policy content in the Municipal Planning Strategy, Planning Policy Framework and local schedules, which will result in greater certainty for users of the planning system;
- reducing unnecessary costs to applicants and Council by enhancing the effectiveness and efficiency of the Alpine Planning Scheme; and
- improving planning outcomes by removing errors, inconsistencies and incompatibility in local policy content in the Municipal Planning Strategy, Planning Policy Framework and local schedules.

The application of updated and improved local policy content in the Municipal Planning Strategy, Planning Policy Framework and amended local schedules will provide certainty to the users of the planning system by ensuring land use and development outcomes are consistent with environmental, social and economic land use objectives of planning in Alpine Shire and Victoria.

### **Does the Amendment address relevant bushfire risk?**

Alpine has a significant level of bushfire risk, due to the presence of large amounts of native vegetation and a steadily increasing population.

Strategies in Clauses 02.03-3 (Environmental risks and amenity) and 13.02-1L (Bushfire planning) have been either reworded to provide greater clarity or have had extra requirements included to ensure that any development in areas where the impacts of a landscape-scale bushfire cannot be mitigated through on-site measures or where only one safe access route to the nearest place of relative safety can be provided are avoided.

The Country Fire Authority was consulted during the development of *Alpine Planning Scheme Review 2023* and the preparation of this amendment. The Municipal Planning Strategy states that bushfire is a key environmental risk for Alpine and stating that future development should avoid bushfire prone areas.

The proposed changes and the introduction of adopted strategies into the Planning Scheme will not result in any increase to the risk to life as a priority, property, community infrastructure and the natural environment from bushfire.

### **Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The amendment is consistent with the Ministerial Direction - the Form and Content of Planning Schemes under Section 7(5) of the Planning and Environment Act 1987 with new and updated policy being consistent with the templates.

The amendment has also been prepared in accordance with the strategic considerations set out in *Minister's Direction No. 11 Strategic Assessment of Amendments* made under Section 12 of the Planning and Environment Act. The amendment has been assessed against environmental, economic, and social effects as well as bushfire risk and the objectives of planning in Victoria and is deemed to comply with the Minister's direction. Details of these assessments are outlined within the relevant sections of this explanatory report.

The amendment meets the requirements of *Minister's Direction No. 19 Ministerial Direction on the Preparation and Content of Amendments* that may Significantly Impact the Environment, Amenity and Human Health which requires planning authorities to seek the views of the Environment Protection Authority in the preparation of planning scheme reviews that could result in use or development of land that may result in significant impacts on the environment, amenity and human health due to pollution and waste.

The EPA was consulted during the preparation of this amendment.

### **How does the amendment support or implement the Planning Policy Framework and any adopted State policy?**

The proposed amendment is consistent with and supportive of the State Planning Policy Framework by including or updating policies that build upon and support the state and regional policies in the Planning Policy Framework. Any competing policies have also been removed.

This ensures that the Local Planning Policy in the Planning Policy Framework responds to a demonstrated need, is linked to a strategic direction in the Municipal Planning Strategy and is designed to assist the responsible authority in assessing planning permit applications and proponents in understanding whether a proposal is likely to be supported or not.

### **How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The amendment strengthens the Local Planning Policy Framework, specifically the Municipal Planning Strategy by aligning it with the Council Plan (the *Community Vision 2040 and Council Plan 2021-25 including the Municipal Public Health and Wellbeing Plan*), which is the key document that drives the strategic direction of Council. The Local Planning Policy Framework is proposed to be updated and strengthened with the inclusion of new policies that have been developed by Council since 2015. The amendment seeks to better reflect the strategic direction and priorities of Council and the Alpine community in the Local Planning Policy Framework.

### **How does the amendment support or implement the Municipal Planning Strategy?**

The proposed amendment seeks to update the Municipal Planning Strategy to include the land use and development directions in a number of local and regional strategies, which underpins the policy content of the Planning Policy Framework and local schedules.

### **Does the Amendment make proper use of the Victoria Planning Provisions?**

The amendment makes proper use of the Victoria Planning Provisions. The amendment updates local policy and associated local content consistent with the *Ministerial Direction: the Form and Content of Planning Schemes*.

The proposed amendment applies the appropriate planning provisions to land throughout the municipality allowing the planning controls contained within the Victoria Planning Provisions to be correctly applied.

### **How does the Amendment address the views of any relevant agency?**

The views of relevant agencies were sought and assisted in the formation of the *Alpine Planning Scheme Review 2023*.

The agencies consulted in the development of the Review include Country Fire Authority, East Gippsland Water, Goulburn Murray Water, North East Catchment Management Authority, North East Water and the timber plantation managers of Crown land.

The Country Fire Authority and the Environment Protection Authority were also consulted during the preparation of this amendment.

### **Does the Amendment address relevant requirements of the Transport Integration Act 2010?**

The purpose of the *Transport Integration Act 2010* is to create a new framework for the provision of an integrated and sustainable transport system in Victoria. The vision statement recognises the aspirations of Victorians for an integrated and sustainable transport system that contributes to an inclusive, prosperous and environmentally responsible State.

M(3) - 28 March 2023 Ordinary Council Meeting

8.2.2.c Draft Explanatory Report for the proposed planning scheme amendment.

The objectives of the *Transport Integration Act 2010* relate to social and economic inclusion, economic prosperity, environmental sustainability, integration of transport and land use, efficiency, coordination and reliability, safety, and health and wellbeing.

The proposed amendment does not have any detrimental implications on the objectives, strategies and decision making principles set out in the *Transport Integration Act 2010*.

The Minister has not prepared any statements of policy principles under Section 22 of the *Transport Integration Act 2010*; therefore, no such statements are applicable to this proposed amendment.

## **Resource and administrative costs**

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

It is expected that the proposed amendment will have a positive effect on the resource and administrative costs of the responsible authority. The amendment seeks to provide a clear set of policies to give a greater level of certainty to the community and other stakeholders about land use and development in the municipality. This will have the effect of reducing the burden on the responsible authority of administering the Planning Scheme.

## **Where you may inspect this Amendment**

The amendment is available for public inspection, free of charge, during office hours at the following places:

- during office hours at Alpine Shire Council offices, 2 Churchill Avenue, Bright
- at the Alpine Shire Council website at [www.alpineshire.vic.gov.au](http://www.alpineshire.vic.gov.au); and
- at the Department of Transport and Planning website at [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection).

## **Submissions**

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by ....

A submission must be sent to:

Alpine Shire Council  
PO Box 139,  
Bright VIC 3741

## **Panel hearing dates**

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing:
- panel hearing:

INSTRUMENT OF APPOINTMENT AND  
AUTHORISATION

*(PLANNING AND ENVIRONMENT  
ACT 1987)*

**Senior Statutory  
Planning Coordinator**

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Rachel O'Neill – March 2023



## Instrument of Appointment and Authorisation

In this Instrument 'officer' means –

OFFICER	TITLE	NAME
POS	Senior Statutory Planning Officer	Rachel O'NEILL

### By this Instrument of Appointment and Authorisation, Alpine Shire Council –

1. Under s147(4) of the *Planning and Environment Act 1987* – appoints the **POS** to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and

### It is declared that this Instrument -

- comes into force immediately upon its execution;
- remains in force until varied or revoked.

This Instrument is authorised by a resolution of the Alpine Shire Council made on **28 March 2023**.

THE COMMON SEAL OF THE  
ALPINE SHIRE COUNCIL was  
hereunto affixed 28<sup>th</sup> day of March  
2023 in the presence of:

.....  
COUNCILLOR NAME

.....  
SIGNATURE

.....  
COUNCILLOR NAME

.....  
SIGNATURE

.....  
CHIEF EXECUTIVE OFFICER NAME

.....  
SIGNATURE



## Informal Meeting of Councillors

*In accordance with Chapter 8, section A1 of Council's [Governance Rules](#), the Chief Executive Officer must ensure that a summary of the matters discussed at an Informal meeting of Councillors is tabled at the next convenient Council meeting, and recorded in the minutes of that Council meeting.*

**Meeting Title:** Briefing Session  
**Date:** 21 February 2023  
**Location:** Briefing Session – Bright Committee Room & MS Teams  
**Start Time:** 2.00pm  
**Finish Time:** 5.00pm  
**Chairperson:** Will Jeremy, Chief Executive Officer

### Councillor and staff attendees:

Name	Position	Name	Position
Cr John Forsyth	Mayor	Will Jeremy	Chief Executive Officer
Cr Tony Keeble	Deputy Mayor	Helen Havercroft	Director Corporate Performance
Cr Katarina Hughes	Councillor	Sarah Buckley	A/Director Assets
Cr Ron Janas	Councillor		
Cr Simon Kelley	Councillor		
Cr Kelli Prime	Councillor		

### Councillor and staff apologies:

Name	Position
Alan Rees	Director Assets
Cr Sarah Nicholas	Councillor

### 1. Conflict of interest disclosures

Disclosures of Conflicts of Interests must be made in accordance with Chapter 7, sections A3-A5 of Council's [Governance Rules](#), and recorded here.

### 2. Record of Councillors that have disclosed a conflict of interest leaving the meeting

### 3. Items

Item
Merriwa Industries Tour
Acknowledgement of Traditional Owners
Planning Applications P.2022.25 – 7 Nelse Street Mount Beauty P.2021.246 – 148 Centenary Avenue, Wandiligong
Long Term Financial Plan
Land Development Strategy Community Engagement feedback
Collaborative Waste Tender Update
Dinner Plain Bus
February Ordinary Council Meeting Agenda Review
Summary of Community Interest Planning Applications



## Informal Meeting of Councillors

*In accordance with Chapter 8, section A1 of Council's [Governance Rules](#), the Chief Executive Officer must ensure that a summary of the matters discussed at an Informal meeting of Councillors is tabled at the next convenient Council meeting, and recorded in the minutes of that Council meeting.*

**Meeting Title:** Briefing Session  
**Date:** 28 February 2023  
**Location:** Briefing Session – Bright Committee Room & MS Teams  
**Start Time:** 2.00pm  
**Finish Time:** 5.00pm  
**Chairperson:** Will Jeremy, Chief Executive Officer

### Councillor and staff attendees:

Name	Position	Name	Position
Cr John Forsyth	Mayor	Will Jeremy	Chief Executive Officer
Cr Tony Keeble	Deputy Mayor	Helen Havercroft	Director Corporate Performance
Cr Katarina Hughes	Councillor	Alan Rees	Director Assets
Cr Ron Janas	Councillor		
Cr Simon Kelley	Councillor		
Cr Sarah Nicholas	Councillor		
Cr Kelli Prime	Councillor		

### Councillor and staff apologies:

Name	Position

### 1. Conflict of interest disclosures

Disclosures of Conflicts of Interests must be made in accordance with Chapter 7, sections A3-A5 of Council's [Governance Rules](#), and recorded here.

Cr Tony Keeble declared a general conflict of interest with respect to Planning Application P.2022.25 – 7 Nelse Street Mount Beauty as part of the Ordinary Council Meeting Agenda  
Cr Sarah Nicholas declared a general conflict of interest with respect to Planning Application P.2021.246 – 148 Centenary Avenue, Wandiligong as part of the Ordinary Council Meeting Agenda.

### 2. Record of Councillors that have disclosed a conflict of interest leaving the meeting

Councillors will not be part of the decision making process during the Council Meeting

### 3. Items

Item
Waste and FOGO Charges
Reuse Shop Feasibility Study
ABC of Carbon Accounting
Summary of Community Budget Submission
Tawonga South Amenities
Dinner Plain Bus
February Ordinary Council Meeting Agenda Review
Summary of Community Interest Planning Applications
General Business
Prepare for Ordinary Council Meeting



## Informal Meeting of Councillors

*In accordance with Chapter 8, section A1 of Council's [Governance Rules](#), the Chief Executive Officer must ensure that a summary of the matters discussed at an Informal meeting of Councillors is tabled at the next convenient Council meeting, and recorded in the minutes of that Council meeting..*

**Meeting Title:** Planning Objectors Forum for Planning P.2021.185 – 134 Delany Avenue, Bright

**Date:** Friday 3 February 2023

**Location:** Bright Council Office and Online - Teams

**Start Time:** 3.00 pm

**Finish Time:** 4.00 pm

**Chairperson:** Elke Cummins

### Councillor and staff attendees:

Name	Position	Name	Position
Cr John Forsyth	Councillor	Kirsten McDonald	Health Safety and Risk Officer
Cr Katarina Hughes	Councillor	Elke Cummins	Planning Coordinator
Cr Sarah Nicholas	Councillor		

### Councillor and staff apologies:

Name	Position
Cr Ron Janas	Councillor
Cr Tony Keeble	Councillor
Cr Kelli Prime	Councillor





## Informal Meeting of Councillors

*In accordance with Chapter 8, section A1 of Council's [Governance Rules](#), the Chief Executive Officer must ensure that a summary of the matters discussed at an Informal meeting of Councillors is tabled at the next convenient Council meeting, and recorded in the minutes of that Council meeting.*

**Meeting Title:** Planning Objectors Forum for Planning P.2022.31 – 29-31 Ashwood Avenue, Bright

**Date:** Friday 3 February 2023

**Location:** Bright Council Office and Online - Teams

**Start Time:** 10.00 am

**Finish Time:** 11.00 am

**Chairperson:** Elke Cummins

### Councillor and staff attendees:

Name	Position	Name	Position
Cr John Forsyth	Councillor	Kate Redden	Planning Admin
Cr Katarina Hughes	Councillor		
Cr Sarah Nicholas	Councillor		
Elke Cummins	Planning Coordinator		
Kirsten McDonald	Health Safety and Risk Officer		

### Councillor and staff apologies:

Name	Position
Cr Ron Janas	Councillor
Cr Tony Keeble	Councillor







## Informal Meeting of Councillors

*In accordance with Chapter 8, section A1 of Council's [Governance Rules](#), the Chief Executive Officer must ensure that a summary of the matters discussed at an Informal meeting of Councillors is tabled at the next convenient Council meeting, and recorded in the minutes of that Council meeting.*

- Meeting Title:** Planning Objectors Forum for Planning P.2022.94 – Camping Park Road, Harrierville
- Date:** Friday 3 February 2023
- Location:** Bright Council Office and Online - Teams
- Start Time:** 1.00 pm
- Finish Time:** 2.00 pm
- Chairperson:** Elke Cummins

### Councillor and staff attendees:

Name	Position	Name	Position
Cr John Forsyth	Councillor	Kirsten McDonald	Health Safety and Risk Officer
Cr Kelli Prime	Councillor	Elke Cummins	Planning Coordinator
Cr Sarah Nicholas	Councillor		

### Councillor and staff apologies:

Name	Position
Cr Ron Janas	Councillor
Cr Tony Keeble	Councillor
Cr Katarina Hughes	Councillor





## Informal Meeting of Councillors

*In accordance with Chapter 8, section A1 of Council's Governance Rules, the Chief Executive Officer must ensure that a summary of the matters discussed at an Informal meeting of Councillors is tabled at the next convenient Council meeting, and recorded in the minutes of that Council meeting.*

**Meeting Title:** Community Budget Submission Hearing

**Date:** 7 March 2023

**Location:** Bright Council Office

**Start Time:** 12.00pm

**Finish Time:** 5.30pm

**Chairperson:** Will Jeremy – Chief Executive Officer

### Councillor and staff attendees:

Name	Position	Name	Position
Cr John Forsyth	Mayor	Will Jeremy	Chief Executive Officer
Cr Katarina Hughes	Councillor	Helen Havercroft	Director Customer & Community
Cr Ron Janas	Councillor	Alan Rees	Director Assets
Cr Simon Kelley	Councillor	Dennis O'Keeffe	Manager Corporate
Cr Sarah Nicholas	Councillor		
Cr Kelli Prime	Councillor		

### Councillor and staff apologies:

Name	Position	Name	Position
Cr Tony Keeble	Councillor		

**1. Conflict of interest disclosures**

Disclosures of Conflicts of Interests must be made in accordance with Chapter 7, sections A3-A5 of Council's Governance Rules, and recorded here.

**2. Record of Councillors that have disclosed a conflict of interest leaving the meeting**

**3. Items discussed**

A list of items discussed at the meeting must be included here.

Item
Community Budget Submission Hearing



## Informal Meeting of Councillors

*In accordance with Chapter 8, section A1 of Council's [Governance Rules](#), the Chief Executive Officer must ensure that a summary of the matters discussed at an Informal meeting of Councillors is tabled at the next convenient Council meeting, and recorded in the minutes of that Council meeting..*

**Meeting Title:** Briefing Session  
**Date:** Tuesday 14 March 2023  
**Location:** Bright Committee Room  
**Start Time:** 1.30pm  
**Finish Time:** 5.30pm  
**Chairperson:** Will Jeremy, Chief Executive Officer

### Councillor and staff attendees:

Name	Position	Name	Position
Cr John Forsyth	Mayor	Will Jeremy	Chief Executive Officer
Cr Tony Keeble	Deputy Mayor	Alan Rees	Director Assets
Cr Ron Janas	Councillor	Helen Havercroft	Director Customer & Community
Cr Sarah Nicholas	Councillor		
Cr Katarina Hughes	Councillor		
Cr Simon Kelley	Councillor		

### Councillor and staff apologies:

Name	Position
Cr Kelli Prime	Councillor

**1. Conflict of interest disclosures**

Disclosures of Conflicts of Interests must be made in accordance with Chapter 7, sections A3-A5 of Council's [Governance Rules](#), and recorded here.

N/A

**2. Record of Councillors that have disclosed a conflict of interest leaving the meeting**

N/A

**3. Items discussed:**

Item
Acknowledgement of Traditional Owners
Hearing of Community Budget Submissions - 5
Recommendations on external submissions
Planning Applications: P.2022.85 - 99 Centenary P.2016.105.1 - 5870 Great Alpine Road (delayed from last Council Meeting because of CFA response). P.2022 .142 24 - Warehouse in IN1Z - 24 Jubilee Street, Myrtleford Community Interest Applications
Bright Valley Development
Budget - Draft Capital Works
General Business



## Informal Meeting of Councillors

*In accordance with Chapter 8, section A1 of Council's [Governance Rules](#), the Chief Executive Officer must ensure that a summary of the matters discussed at an Informal meeting of Councillors is tabled at the next convenient Council meeting, and recorded in the minutes of that Council meeting.*

**Meeting Title:** Briefing Session  
**Date:** 21 March 2023  
**Location:** Briefing Session – Bright Committee Room & MS Teams  
**Start Time:** 1.30pm  
**Finish Time:** 5.30pm  
**Chairperson:** Will Jeremy, Chief Executive Officer

### Councillor and staff attendees:

Name	Position	Name	Position
Cr John Forsyth	Mayor	Will Jeremy	Chief Executive Officer
Cr Tony Keeble	Deputy Mayor	Alan Rees	Director Assets
Cr Katarina Hughes	Councillor	Helen Havercroft	Director Corporate Performance
Cr Ron Janas	Councillor		
Cr Sarah Nicholas	Councillor		
Cr Simon Kelley	Councillor		
Cr Kelli Prime	Councillor		

### Councillor and staff apologies:

Name	Position



### 1. Conflict of interest disclosures

Disclosures of Conflicts of Interests must be made in accordance with Chapter 7, sections A3-A5 of Council's [Governance Rules](#), and recorded here.

### 2. Record of Councillors that have disclosed a conflict of interest leaving the meeting

### 3. Items

Item
Bright Valley Development Update
Bright Valley Development – External Presentation
Planning Applications: P.2022.31 - 29-31 Ashwood Avenue Bright P.2021.185 - 134 Delany Avenue, Bright P.2022.116 – Lot 3 Morses Creek Road
Waste Charges and FOGO
Planning Scheme Review
March Ordinary Council Meeting Agenda Review
Rainbow Flags