PLANNING IN THE VICTORIAN ALPS – FALLS CREEK

Department of Planning & Community Development
The Responsible Authority for the Victorian Alpine Resorts

- The Minister for Planning is the Responsible Authority for the Victorian Alpine Resorts.
- Whilst the Resorts operate under many of the same principles of local government, they do not form part of any municipality - Alpine Resorts Planning Scheme is not a municipal planning scheme i.e. there is no municipal authority (Council)
- All use & development proposals within the Alpine Resorts are administered by the State

Policy
- overriding strategic statement for each resort
- individual resort strategic statements & local policies (address issues specific to each resort ie, car parking, heritage, urban design)
Management of the Alpine Resorts

• The majority of the Alpine Resorts are Crown Land.
• Pursuant to Section 21(1) of the Alpine Resorts Act 1983 “All Crown lands in alpine resorts shall be deemed to be Crown lands permanently reserved as alpine resorts under section 4(1)(v) of the Crown Land (Reserves) Act 1978.
• The result of this is that each site within a Resort is leased from the Crown. There is one parcel of “Freehold Land” at Mt Hotham.
• The land is managed on behalf of the Minister for Environment by a Resort Management Board (RMB).
• RMB does day to day municipal function (except planning) in the resorts as well as leasing.
The Alpine Planning Unit (APU)

• Manager (1), Team Leader (1), Planners (1)
• To facilitate and manage use and development of the Alpine Resorts where the Minister for Planning is the Responsible Authority
• To work in partnership with other government agencies to ensure a ‘whole of government’ approach to planning in key areas of importance to the State
APU continued

Key processes undertaken by the APU include –
- Assessment of planning applications & issue of planning permits
- attendance at VCAT
- development of policy
- planning scheme amendments
- panels
- advisory committees
- enforcement
- key stakeholder consultation & advice/assistance
APU Continued

• The APU works with the RMBs to ensure that Government policy and strategic vision for each resort is reflected and implemented through the Alpine Resorts Planning Scheme controls
Alpine Resorts Planning Scheme

• The Alpine Resorts Planning Scheme (ARPS) covers the 6 Alpine Resorts - Falls Creek, Mt Hotham, Mt Buller, Mt Stirling, Mt Baw Baw and Lake Mountain.

• The ARPS consists of:
  – State Planning Policy Framework
  – Local Planning Policy Framework
  – Zone Provisions
  – Overlay Provisions
  – Particular Provisions
  – General Provisions
  – Incorporated Documents
Zoning

- The Falls Creek Village is affected by the Comprehensive Development Zone schedule 1 (CDZ1).
- The purpose of the CDZ1 is to provide for appropriate land use and development that provides for year around use of the land and development that is in accordance with sound environmental management.
- The CDZ1 triggers the need for planning permits for some land uses and to construct a building or to construct or carry out works.
- The Ski Field Area is affected by the Comprehensive Development Zone schedule 2 (CDZ2).
- Other zones found within the Resort include the Road Zone and the Public Park and Recreation Zone.
ARPS Cont

Overlays
There are four Overlays that affect the Falls Creek Resort, these are:
• Design and Development Overlay schedule 2 (DDO2)
• Erosion Management Overlay schedule 1 (EMO1)
• Environmental Significance Overlay schedule 1 (ESO1)
• Environmental Significance Overlay schedule 2 (ESO2)
• Bushfire Management Overlay (BMO)
Each Overlay has a permit trigger for buildings & works and/or vegetation removal and has specific requirements that are to be met i.e. DDO2 specifies maximum building heights, colours & materials, setbacks and site coverage, the ESO requires native flora/fauna to be protected, the EMO1 aims to reduce the risk to property and life to an acceptable level and the BMO aims to prioritise life/ reduce the risk to life in Bushfire prone areas.
Planning Permits

- Examples of current triggers for planning permits:
  - Any works (eg. earthworks)
  - Any new building, an extension or alterations and additions to existing buildings (from a canopy or re-cladding to site redevelopment)
  - Skifield development (drainage, replacement of lifts or new lifts, snow making infrastructure etc)
  - Removal, lopping or destruction of native vegetation
  - Removal, lopping or destruction of vegetation.
  - Liquor licensing
  - Advertising signage
  - A reduction or waiver in the car parking & bicycle requirements
Considerations

- Scale and massing of building
- Site capacity
- Alpine character
- Geo-technical stability of site
- Bushfire hazard
- Aboriginal cultural heritage values
- Materials/finishes
- Snowshed/management
- Protection of skier accessways
- Public safety
- Overlooking (to a small extent)
- Overshadowing (to a small extent)
- Construction management
- Car parking
- Connection to reticulated services
- Native flora and fauna
Environment Considerations

- Natural Resource Management considerations:
  - Level of disturbance to or loss of significant flora and/or fauna species and communities
  - Level of disturbance to or loss of native vegetation
  - Extent of earthworks and impact on geo-tech stability of a site or surrounding land
  - Existing drainage lines/patterns and protection of water quality
  - Potential soil erosion and sediment control techniques
  - Impact upon landscape/visual values
  - Loss of habitat
  - Impact on native Flora and Fauna (Avoid, Minimise and Offset)
Site Environmental Management Plan (SEMP)

- Documentation detailing environmental management of the site during development
- Including sediment control, drainage, soil stabilisation, rehabilitation, revegetation, protection of the natural features etc.
- Made enforceable under permit condition
- An endorsed copy must be on site at all times
SEMP Cont

Plant Schedule

<table>
<thead>
<tr>
<th>Code</th>
<th>Botanical Name</th>
<th>Common Name</th>
<th>Nature Size</th>
<th>Quantity</th>
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<tbody>
<tr>
<td>AN</td>
<td>Dianthria matildis</td>
<td>Wallaby grass</td>
<td>10-30cm</td>
<td>20</td>
</tr>
<tr>
<td>UC</td>
<td>Uncinia fascia</td>
<td>Hook rush</td>
<td>10-20cm</td>
<td>45</td>
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<tr>
<td>RG</td>
<td>Ranunculus grossus</td>
<td>Alpine buttercup</td>
<td>20-30cm</td>
<td>67</td>
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<tr>
<td>CA</td>
<td>Cotula alpina</td>
<td>Alpine Cotula</td>
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<td>50</td>
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<tr>
<td>LA</td>
<td>Holostenum pictum</td>
<td>Alpine Sankey</td>
<td>10-20cm</td>
<td>39</td>
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<td>ST</td>
<td>Sphagnum papillosum</td>
<td>Tigers plant</td>
<td>20-50cm</td>
<td>2</td>
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<tr>
<td>LS</td>
<td>Lomatogonchus squamatum</td>
<td>Scaly button</td>
<td>20-30cm</td>
<td>66</td>
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<tr>
<td>OP</td>
<td>Olearia phlogopode</td>
<td>Daisy Daisy Bush</td>
<td>40-70cm</td>
<td>50</td>
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<tr>
<td>NL</td>
<td>Microseris lasiata</td>
<td>Native St Andrew</td>
<td>50-70cm</td>
<td>40</td>
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</tbody>
</table>

Note

All areas to be weed sprayed 2 weeks prior to soil preparation.
Clear areas of any detritus and weed material prior to planting.

Mulch type

- Approved seed
  - Free Granitic mulch
- Approved seed
  - Free straw mulch
Referral Authorities

• In both policy development and development assessment processes there is recognition of specialist agencies that contribute to better outcomes in the Alpine Resorts.

• Formally we have mandatory referral authorities such as Department of Sustainability and Environment, the Country Fire Authority (CFA), water authorities, gas and electricity providers and Resort Management Boards that make comments on planning applications on issues such as Fire Protection, Native Vegetation, Geotech, the provision of services etc. Referral Authorities have the ability to place conditions on development or object.
Making a Planning Permit Application

What do I need to include in my Permit Application?

- A complete Planning permit application form
- The prescribed fee
- A copy of the sites lease plan
- A full set of dimensioned & scaled plans
- A schedule of colours & materials
- A Geotechnical Report (must be specific to the proposal)
- An assessment against the BMO (Bushfire Management Statement)
- A complete SEMP
- An assessment against the policies and objectives of the ARPS
- A Vegetation report/ assessment against the Native Vegetation Framework
How do I lodge my application

• A planning permit application can be lodged in person at our Melbourne Office
• Or a planning permit application can be lodged through the post, with applications sent to GPO Box 2392 Melbourne 3000
What is the process once my application is lodged

Once an application is lodged the application will be allocated to a Planning Officer who will:

- Do a preliminary assessment to see if any Further Information is required
- Send referrals to mandatory Referral Authorities under section 55 of the Act
- Determine if the application is required to be advertised, if yes direct the applicant to advertise the application (send letter & display the Form 2)
- Consider any objections and referral responses to the application
- Assess the application against the policies & objectives within the planning scheme
- Put forward a recommendation to a Delegate (Manager) or Minister for Planning
- Decision issued
Bushfire Management Overlay (BMO)

The BMO was introduced into VPP planning schemes including the ARPS.

The purpose of the BMO is:
- To assist to strengthen community resilience to bushfire.
- To identify areas where the bushfire hazard requires specified bushfire protection measures for subdivision and buildings and works to be implemented.
- To ensure that the location, design and construction of development considers the need to implement bushfire protection measures.
- To ensure development does not proceed unless the risk to life and property from bushfire can be reduced to an acceptable level.
BMO cont

Under the BMO a planning permit is required for buildings and works associated with the following land uses:

- Accommodation (including a Dependent person’s unit)
- Child care centre
- Education centre
- Hospital
- Industry
- Leisure and Recreation
- Office
- Place of assembly
- Retail premises
- Timber production

A permit is also required to subdivide land affected by the BMO.
The BMO specifies objectives and standards for buildings and works that relate to:

- Location
- Siting and Layout
- Bushfire Protection Measures
- Defendable Space/ Defendable Space location
- Water Supply and Access

The CFA is a Referral Authority under section 55 of the Planning & Environment Act 1987.
Cultural Heritage Management Plans

What impact does this have on Planning?

• The Responsible Authority in this case the Minister for Planning cannot issue Statutory Approval (a planning permit) if a Cultural Heritage Management Plan (CHMP) is required under section 46 of the Aboriginal Heritage Act 2006.
When is a CHMP required?

• A CHMP is required for an activity if:
  – All or part of the activity area for the activity is an area of cultural heritage sensitivity; and
  – All or part of the activity is a high impact activity
Is Falls Creek of Cultural Heritage Sensitivity?

• From the maps prepared by Aboriginal Affairs Victoria it appears that the Falls Creek Resort is within an area of Cultural Heritage Sensitivity. However these maps are only indicative.
What is a high impact activity?

• Under regulation 47 of the *Aboriginal Heritage Regulation 2007* the construction of a building or the construction or carrying out works in an alpine resort is a high impact activity if the construction of building or the construction or carrying out of works would result in significant ground disturbance.

• Significant ground disturbance is defined as disturbance of:
  - The topsoil or surface rock layer of the ground; or
  - A water way

By machinery in the course of grading, excavating, digging, dredging or deep ripping, but does not include ploughing other than deep ripping.
CHMP Cont

Who can I contact regarding CHMP’s?

• You can contact AAV on 1800 762 003 or visit the website www.dpcd.vic.gov.au/aav
Alpine Planning Unit

- The APU is available for pre-application meetings onsite or in Melbourne.
- Can be contacted as follows:
  - Ben Howells  (03) 9098 8919 – Melbourne
  - Mary Dempster  (03) 9098 8918 - Melbourne
Alpine Planning Unit

Further Information can be found at: