

Reference: DP Covenants
22 April 2024

Dear Owner,

Dinner Plain, Victoria
Planning Requirements and Restrictive Covenants

You are receiving this letter as an owner of land or a person with an interest in land at Dinner Plain.

The purpose of this letter is to provide information relating to the planning process for all development proposals at Dinner Plain. As part of this process, we draw your attention to matters that must be addressed for developments at Dinner Plain.

Covenants

The Dinner Plain freehold village was commenced in 1984. The village is unique as it is the highest freehold village in Australia. The developers, Dinner Plain Pty Ltd, put in place a process to control development and the architectural integrity within the village through the application of restrictive covenants.

The restrictive covenants have been in place since the inception of the village and apply to all subsequent land subdivisions within the village.

All Dinner Plain covenants include a requirement for approval by the Transferors (Dinner Plain Pty Ltd or MHSC DP Pty Ltd) for the design and siting of any development. In most cases this also applies to re-development of a site.

To meet the requirements of the covenants, you must contact Dinner Plain Pty Ltd, the representative of the Transferors, at admin@dinnerplain.org or via the website <https://www.dinnerplain.org> as the first step when you are considering buying or developing land, to ensure that the proposed development addresses the restrictions contained in the covenants.

Alpine Planning Scheme

In addition to the restrictions in the covenants, the Alpine Planning Scheme (scheme) contains design guidelines for development in Dinner Plain. These guidelines were developed to reflect the initial vision for the village which was conceived by architect Peter McIntyre in the 1980s. With the passage of time, some of these guidelines have not kept pace with State planning policy and as a result, Council must balance the aspirations of the design guidelines against more recent changes to State Planning Policy relating to bushfire planning and native

vegetation retention. Dinner Plain Pty Ltd is cognisant of the change in planning requirements and interprets the covenants accordingly.

Specifically:

- Dwellings built today must meet bushfire design requirements while balancing this with the design requirements for building materials in the scheme. In some instances, this may incur additional cost for a developer. Early consideration of design, materials and siting may reduce the overall financial impact of meeting these requirements.
- Building siting and site management requirements of the State bushfire planning provisions in the scheme are often in conflict with the current zoning requirements that apply to Dinner Plain (Special Use Zone 1 and Special Use Zone 2) in regard to the retention of snow gums on site. Where snow gums are to be removed, Council will seek replacement planting in a nominated location, to ensure this vital contribution to the environment and landscape remains a feature in Dinner Plain.

Building Code of Australia

In addition to planning requirements, the current Building Code of Australia (BCA) includes performance requirements in relation to snow shed in Alpine Regions. Any development proposal must factor in the BCA requirements as part of the design, prior to an application for a planning permit, as this will determine whether a building permit can be issued for the proposed development.

Garbage and Waste Collection

It is a requirement of the Scheme that all sites make adequate provision for the storage and collection of garbage and other solid wastes. This can be achieved by the provision of a garbage bin enclosure at the frontage of the property. The enclosure must be of an adequate size relative to the potential occupation of a building and appropriately designed and located also requires the approval of the Transferors under the covenant.

Compliance

Council is aware that some developments within Dinner Plain are not in accordance with covenants on individual sites; or other requirements that apply to the whole of Dinner Plain as outlined in the Special Use Zones in the scheme.

For example, some dwellings in the village have been repainted and no longer comply with the approved colour palette as required by the scheme. Additionally, there are a number of properties which do not have adequate enclosures for garbage and waste on their properties.

Property owners who are aware that they are not in compliance with the covenants and/or the Alpine Planning Scheme are requested to rectify this situation as soon as practicable.

Failure to comply with the covenants and the scheme requirements may result in planning enforcement being initiated. In addition, Dinner Plain Pty Ltd also reserves the right to place a caveat on your title which will instruct a landowner to remedy the covenant /planning breach.

You are encouraged to contact Council's Planning Team to discuss options to ensure compliance with the restrictive covenants and the Alpine Planning Scheme to avoid enforcement action being taken.

In summary, Alpine Shire Council and Dinner Plain Pty Ltd acknowledge the unique architectural appeal of the village. This architectural appeal is renowned throughout Alpine Australia. The upfront covenant approval process by Dinner Plain Pty Ltd will assist Council in processing and assessing planning applications.

Council has updated its website to provide comprehensive information and advice to property owners at Dinner Plain. This information can be found at: www.alpineshire.vic.gov.au/planning-dinner-plain

If you would like further information please contact Council's Planning Team, via a General Enquiry request on Council's Planning Portal at: <https://www.alpineshire.vic.gov.au/preparing-your-planning-application>

Regards,

A handwritten signature in blue ink, appearing to read 'Will Jeremy', is positioned above the typed name.

Will Jeremy
Chief Executive Officer

