

Assessment Officer Report

(CA63) 9 Chamois Road and unleased
Crown land to the west, Mount Buller
PA2504101



Officer Assessment Report Development Assessment

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Department
of Transport
and Planning

OFFICIAL

Executive Summary



Key information	Details		
Application No:	PA2504101		
Received:	3 December 2025		
Statutory Days:	91 (as of 8 May 2026)		
Applicant:	Konrad Bruhn c/- Contour Consultants Australia Pty Ltd		
Planning Scheme:	Alpine Resorts		
Land Address:	(CA63) 9 Chamois Road and unleased Crown land to the west, Mount Buller		
Proposal:	Buildings and works to construct a dwelling, retaining walls and associated vegetation removal		
Development Value:	\$3,500,000.00		
Why is the Minister responsible?	In accordance with the schedule to Clause 72.01 of the Planning Scheme, the Minister for Planning is the Responsible Authority for administering and enforcing the Alpine Resorts Planning Scheme (the Scheme).		
Why is a permit required?	Clause	Control	Trigger
Zone:	Clause 37.02-4	Comprehensive Development Zone Schedule 1 (CDZ1)	To construct a building or construct or carry out works
Overlays:	Clause 43.02-2	Design and Development Overlay Schedule 1, (DDO1-A1)	To construct a building or construct or carry out works
	Clause 44.01-2	Erosion Management Overlay Schedule 1 (EMO1)	To construct a building or construct or carry out works
	Clause 44.01-2	Erosion Management Overlay Schedule 1 (EMO1)	To remove, destroy or lop any vegetation
	Clause 44.06-2	Bushfire Management Overlay Schedule 1 (BMO1)	Construct a building or construct or carry out works associated with accommodation use
Particular Provisions:	Clause 52.17-1	Native Vegetation	To remove, destroy or lop native vegetation, including dead native vegetation
Cultural Heritage:	The site is located within an area of cultural heritage sensitivity, however under Division 2, Regulation 9 of the Aboriginal Heritage Regulations 2018, the proposed activity is exempt. Regulation 9 exempts one or 2 dwellings on a lot or allotment.		
Total Site Area:	880 sqm		
Gross Floor Area:	380 sqm		
Height:	2 Storeys		
	9.45 metres		
Parking:	Cars	Motorcycles	Bicycles
	4	N/A	N/A
Referral Authorities:	Alpine Resorts Victoria (s55 – determining), Clause 7.0 of Schedule 1 to the CDZ (Clause 37.02)		



	Department of Energy, Environment and Climate Action (s55 – determining), Clause 7.0 of Schedule 1 to the CDZ (Clause 37.02)
	Alpine Resorts Victoria (s55 – recommending), Clause 5.0 of Schedule 1 to the EMO (Clause 44.01)
	Department of Energy, Environment and Climate Action (DEECA) (s55 – determining), Clause 7.0 of Schedule 1 to the CDZ (Clause 37.02)
	AusNet Services (s55 – determining), Clause 7.0 of Schedule 1 to the CDZ (Clause 37.02)
	Buller Gas (s55 – determining), Clause 7.0 of Schedule 1 to the CDZ (Clause 37.02)
	Goulburn Murray Water (s55 – determining), Clause 66.02-5
	Country Fire Authority (CFA) (s55 – determining), Clause 44.06-6
	DEECA (informal) regarding offsets.
Public Notice:	The 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 Planning and Environment Act 1987 (the Act) pursuant to the Bushfire Management Overlay (BMO) and the Erosion Management Overlay (EMO) of the Scheme. The application is not 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 Planning and Environment Act 1987 (the Act) pursuant to Clause 37.02 (CDZ1), Clause 43.02 (DDO1) and Clause 52.17 (Native vegetation) of the Scheme. The application has attracted 5 submissions from the adjoining leaseholders to the east. The main concerns include impact the retaining wall will have on their heated driveway, excessive vegetation removal, lack of detail of documents, stormwater drainage and construction impacts.
Delegation:	Confirmation to determine under officer delegation received at Pre-Delegates Meeting on 18 May 2026.



Application Process

1. The key milestones in the application process were as follows:

Milestone	Date
Pre-application meeting	N/A
Application lodgement	4 December 2025
Further information requested	16 December 2025
Further information received	23 January 2026
Decision Plans	Architectural plans prepared by Pandolfini and dated 19 January 2026 (22 sheets)
Other Assessment Documents	• Site Environmental Management Plan (SEMP), signed by Simon Mackie on 28 January 2026 (10 sheets). • Site Construction Management Plan, prepared by Pandolfini and dated 19 January 2026 (1 sheet). • Planning Report, prepared by Contour and dated January 2026 (29 sheets). • Construction Management Plan, prepared by Firma and dated 29 January 2026 (33 sheets). • 'Biodiversity Assessment' report, prepared by Ecolink Consulting and dated January 2026 (73 sheets). • Tree Consultant report, prepared By Galbraith & Associates and dated 25 November 2025 (19 sheets). • Bushfire Management Statement (includes Bushfire Management Plan), prepared by Terramatrix and dated November 2025 (15 sheets). • 'Geotechnical Investigation and Landslip Risk Assessment Report', prepared by Geotesta and dated 21 November 2025 (43 sheets) • Geotechnical letter, prepared by Geotesta and dated 21 January 2026 (4 sheets). • Site Survey Plan, prepared by Taylor Consulting Engineers and dated 8 October 2024 (1 sheet). • Letter from Benchmark Heritage Management, re exempt activity and dated 26 October 2025 (9 sheets). • Section 48, notification to owner email, dated 3 December 2025 (1 sheet). • RFI response cover letter, prepared by Contour and dated 23 January 2026 (6 sheets). • Email from ARV, providing consent to remove trees, dated 23 December 2025 (3 sheets). • Storm Report, prepared by Blue Factor and dated 18 November 2025 (2 sheets). • Title • Planning Permit Application Form.

2. The subject of this report is the decision plans (as described above).



Proposal Summary

3. The proposal can be summarised as follows:

- The construction of a 2 storey dwelling, retaining walls and associated vegetation removal. (Refer to Figures 1 – 6 for elevations, perspectives, site plan and ground floor plan).

Dwelling comprises:

- Ground floor to comprise 4 bedrooms, 2 bathrooms, sauna, rumpus room, laundry and ski storage/dry room.
- First floor to comprise 2 bedrooms with an ensuite to each, a powder room, study and open plan kitchen, dining and living room.
- 4 car spaces on site, comprising 2 tandem spaces between the proposed dwelling and the eastern lease boundary (allocated for the existing rear dwelling) and 2 tandem spaces between the proposed dwelling and the western lease boundary (allocated for the proposed dwelling).
- Two new crossovers to facilitate the proposed car spaces.
- 3.1 m setback to Chamois Road lease boundary, 4 m setback to east and west lease boundaries and 4 m minimum setback to the existing lodge within the site.
- Maximum building height of 9.45 m.
- Site coverage of 40%.
- Wall cladding to consist of metal cladding and non-combustible timber look cladding in grey and brown tones and natural stone. Roof cladding consists of corrugated iron roof in a grey tone.

Retaining wall comprises:

- Two retaining walls along the eastern (approximately 15 m long) and western (approximately 7 m long) lease boundaries. (Refer to Figure 6 for retaining walls).
- Associated steps from the north/east corner of the dwelling to access the existing rear dwelling.

Vegetation removal comprises:

- A total of 17 trees to be removed, specifically nominated as Tree No's 1, 2, 3, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46 & 47. (Refer to Figures 7 for vegetation to be removed).
- Tree No's 34, 46 and 47 are located within the unleased Crown land to the west and require consent from Alpine Resorts Victoria (ARV), as managers of the unleased land. Written consent has been received.
- The tree removal equates to the removal of 0.032 hectares of native vegetation, including 6 Large Trees.
- Tree No's 4 and 30 are exempt from requiring a planning permit pursuant to Clause 52.12 (Bushfire Protection Exemptions) for being located within 10 m of an existing building used for accommodation.

General:

- Pitched roof design incorporating a 15 degree pitch falling towards the west and a 30 degree pitch falling towards the east.
- Snowshed will be directed to the east and west, away from entranceways and pedestrian paths and shown to be contained within the lease boundaries.



Figure 1 – Chamois Road perspective (street frontage) – (Source: Application)



Figure 2 – Chamois Road perspective (street frontage) – (Source: Application)

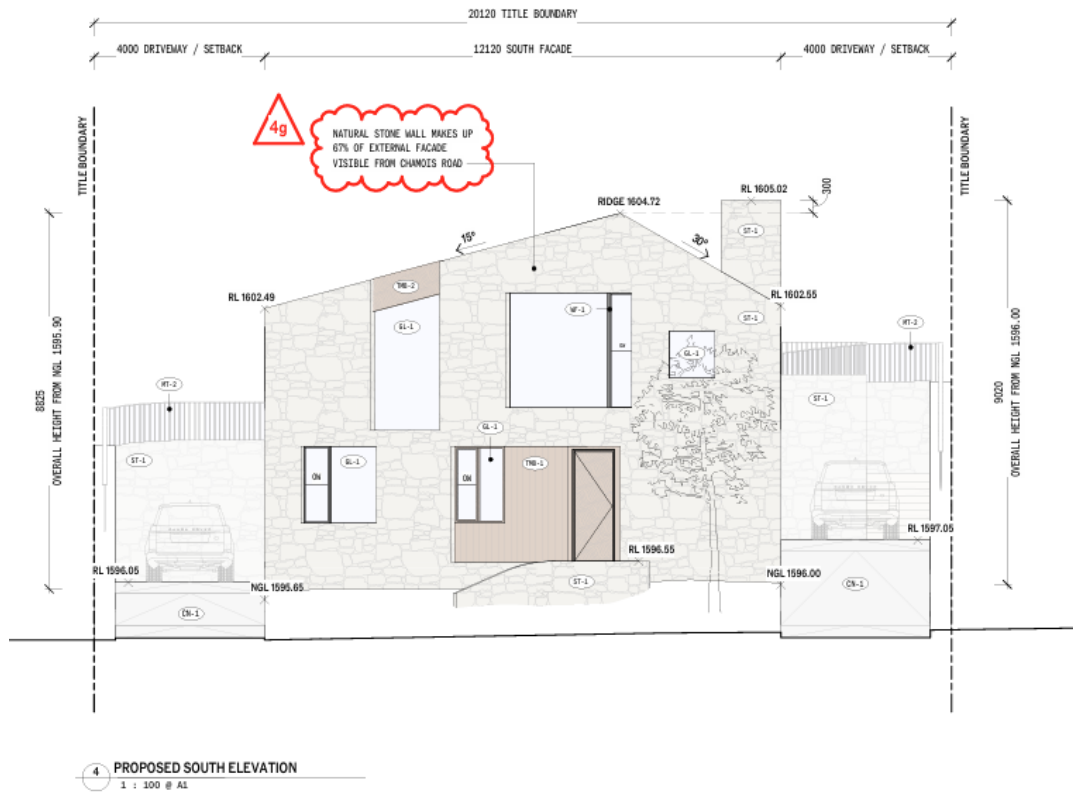


Figure 3 – South elevation (street frontage) – (Source: Application)

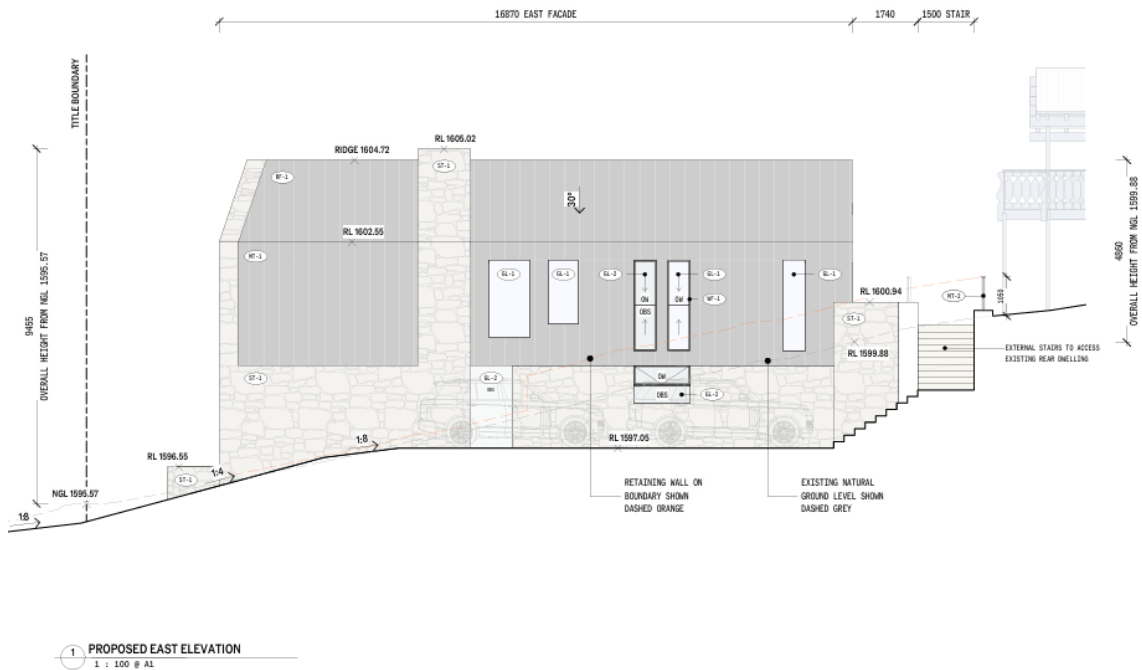


Figure 4 – East elevation (side) – (Source: Application)

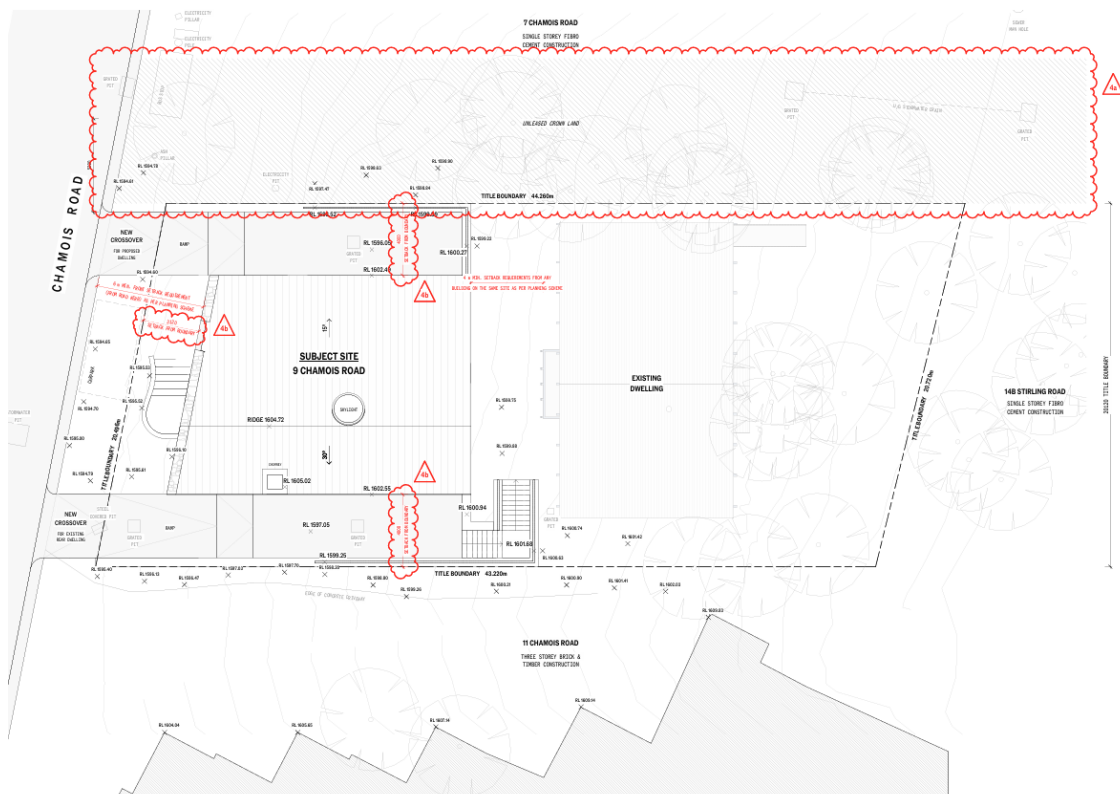


Figure 5 – Site Plan – (Source: Application)

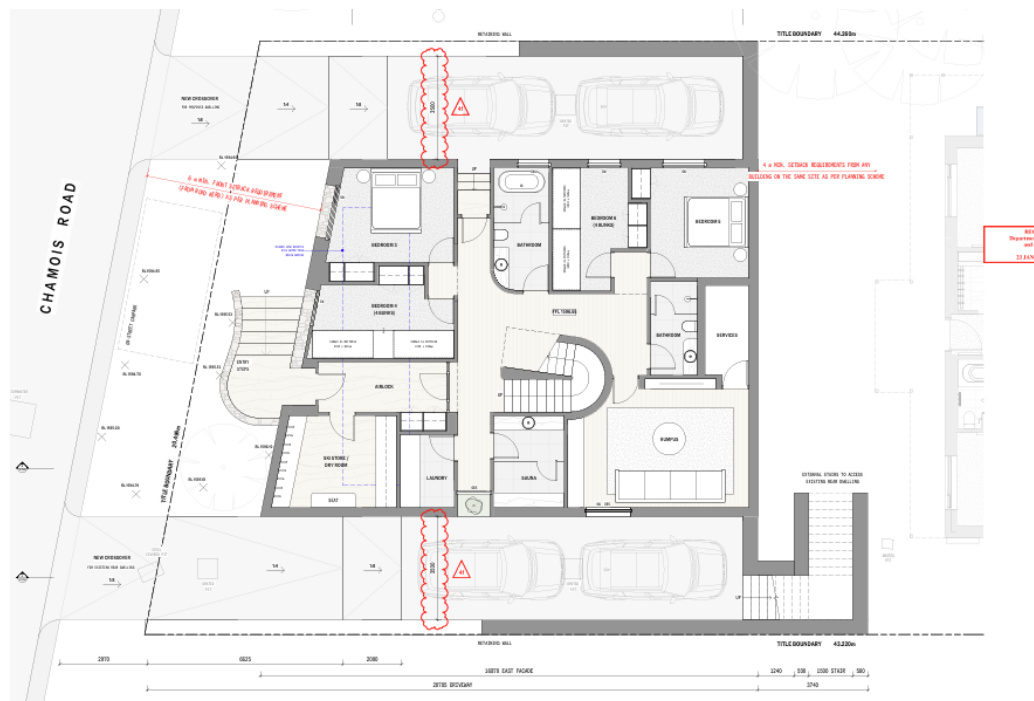


Figure 6 – Ground floor plan and retaining walls – (Source: Application)

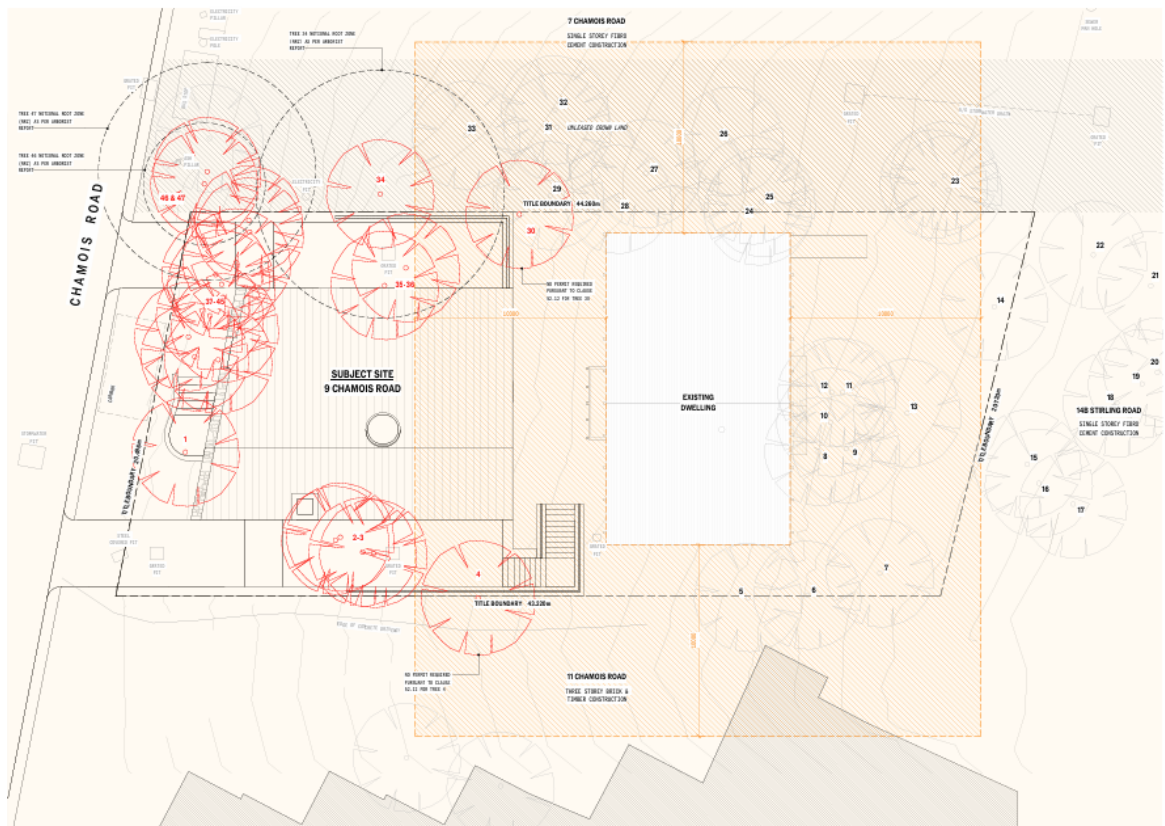


Figure 7 – Vegetation removal plan – (Source: Application)

Subject Site and Surrounds

Site Description

4. The subject site is located to the north of Chamois Road, Mount Buller. The site comprises two parcels of land, namely 9 Chamois Road Mount Buller (Crown Allotment 63, Section A, Parish of Changue East). This property is occupied by a 2 storey building used for accommodation (known as Winterhaven Lodge). The existing building is located within the northern half of the property. (Refer to Figure 8 for site survey plan showing existing lodge and Figure 9 for a photograph of the sites street frontage to Chamois Road).
5. The other parcel of land consists of unallocated or unleased Crown land and is best described as 'unleased Crown land to the west'. (Refer to Figures 10). This land is managed by ARV.

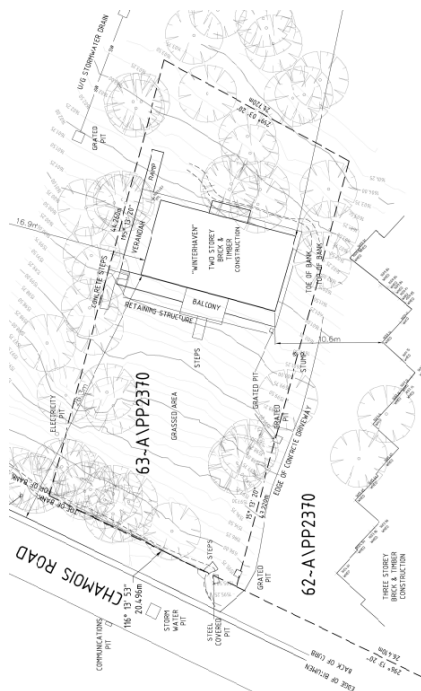


Figure 8 – Survey Plan showing existing lodge, to be retained – (Source: Application)



Figure 9 – Photograph of subject site's frontage to Chamois Road – (Source: Application)



Figure 10 – Unleased Crown land to the west outlined in red and 9 Chamois Road outlined in blue– (Source: VicPlan – modified by DTP

6. The site is rectangular in shape and has the following attributes:

- Contains a total area of 1,280 sqm (9 Chamois Road contains 880 sqm and the unleased Crown land contains approximately 400 sqm.).
- The land is centrally located within the Mount Buller Village.
- 9 Chamois Road currently contains an accommodation building over 2 levels (Winterhaven Lodge), located to the rear (northern half of the site).
- The site rises from Chamois Road and vegetation occupies the southern portion (development area) of the site. There is also vegetation coverage to the rear of the existing lodge.
- The unleased Crown land adjoins 9 Chamois Road to the west and is vegetated.

Site Surrounds (refer to Figure 11)

7. The subject site directly abuts the following:

- 7 Chamois Close (to the west) contains a single dwelling.
- 11 Chamois Close (to the east) contains 5 attached 3 storey townhouse dwellings.
- 12 Stirling Road (to the north/west) contains a ski club.
- 14B Stirling Road (to the north) is vacant land and heavily treed.
- 16 Stirling Road (to the north/east) contains a ski club.

8. Other nearby properties include:

- To the south, opposite the site on the other side of Chamois Road, 10, 12, 14 and 16 Chamois Road) and contains buildings used for accommodation.
- To the north, behind 14B Stirling Road is 14A Stirling Road and contains 4 storey apartment building.



Figure 11 – Site context – Subject site (outlined in black) and surrounds – (Source: VicPlan)



Planning Policy Framework

9. The Planning Policy Framework (PPF) provides the broad policy direction within the Victoria Planning Provisions. The planning principles set out under the PPF are to be used to guide decision making on planning proposals across the state.
10. The following policies are considered relevant to this application:

Clause	Description
02.03-5	Built environment
02.03-6	Economic development
12.01-1S	Protection of biodiversity
12.01-2S	Native vegetation management
12.04-1S	Sustainable development in alpine areas
13.02-1S	Bushfire planning
13.04-2S	Erosion and landslip
15.01-2S	Building Design
17.04-1S	Facilitating Tourism

Local Planning Policy Framework

11. The Municipal Strategic Statement (MSS) and Local Planning Policy Framework (LPPF) within Planning Schemes across Victoria outline principal characteristics of a given municipality (municipal profile) and provide specific visions, goals, objectives, strategies and implementation plans.
12. The MSS within the Alpine Resorts Planning Scheme identifies the objectives and strategies for the Mount Buller alpine resort.
13. The following policies are considered relevant to this application:

Clause 11	Settlement
11.01-1L	Alpine Villages
11.01-1L	Mount Buller Village
Clause 12	Environmental and Landscape Values
12.01-1L	Protection of biodiversity in alpine resorts
12.04-1L	Sustainable development in – Mount Buller Alpine Resort
Clause 13	Environmental Risks and Amenity
13.02-1L	Bushfire planning alpine resorts
13.04-2L	Erosion and landslip in alpine resorts
Clause 15	Built Environment and Heritage
15.01-2L	Built form in alpine resorts
15.01-2L	Building design in Mt Buller
Clause 17	Economic Development
17.04-1L	Alpine tourism



14. The assessment section of this report provides an assessment of the relevant planning policies.

Zoning and Overlays

Clause 37.02 – Comprehensive Development Zone, Schedule 1 (CDZ1)

15. A planning permit is triggered to construct a building or construct or carry out works pursuant to the CDZ1. The purpose of the CDZ1 is:
- *To encourage development and the year round use of land for a commercially orientated, alpine resort.*
 - *To provide for residential development in a variety of forms in an alpine environment.*
 - *To encourage development and the use of the land which is in accordance with sound environmental management and land capability practices, and which takes into account the significance of the environmental resources.*
 - *To provide for the integrated development of land in accordance with a comprehensive development plan incorporated in this scheme.*
16. The CDZ1 includes application requirements and decision guidelines for consideration of the site's context, including a Site Environmental Management Plan (SEMP).
17. The following sections include a discussion of how the proposal responds to these requirements.

Clause 43.02 – Design and Development Overlay, Schedule 1, Area 1 (DDO1-A1)

18. A planning permit is triggered to construct a building or construct or carry out works pursuant to the DDO1.
19. The site is located in a DDO1-A1 precinct which contains specific development requirements in relation to maximum height, minimum setbacks, maximum site coverage, colours and materials.
20. The relevant design objectives of the DDO1 include:
- *To ensure that development within the Mt Buller Village creates and enhances an identifiable individual resort character.*
 - *To ensure building design provides a visually attractive and functionally effective interface with the public domain, particularly within the Village Square and adjacent to the Bourke Street ski run.*
 - *To ensure view corridors are protected between buildings and provide opportunities for view sharing.*
 - *To provide safe pedestrian and skier access and linkages within the Village and to the skifields.*

Clause 44.01 – Erosion Management Overlay, Schedule 1 (EMO1)

21. A planning permit is triggered to construct a building or construct or carry out works pursuant to the EMO1.
22. The EMO1 includes application requirements and decision guidelines that require a Geotechnical Assessment accompanied by a Landslide Risk Assessment. The following sections include discussion of how the proposal responds to these requirements.

Clause 44.06 – Bushfire Management Overlay, Schedule 1 (BMO1)

23. A planning permit is triggered to construct a building or construct or carry out works associated with accommodation.
24. The Schedule to the overlay specifies substitute approved measures, additional alternative measures and additional or substitute decision guidelines.



Particular and General Provisions

Provisions that Require, Enable or Exempt a Permit

Clause 52.06 – Car parking

25. Clause 52.06-5 sets out the requirements of car parking for a dwelling. The site is in a 'Category 2' where the minimum requirement to each dwelling is 1 space. However, Clause 52.06-5 states that:

'The car parking requirement specified for a use specified in Table 1 does not apply if:

- *A car parking requirement for the use is specified under another provision of the planning scheme'.*

26. Given the DDO1 specifies car parking requirements, Table 1 of Clause 52.06-5 does not apply.

Clause 52.17 – Native vegetation

27. The proposed development includes the removal of native vegetation. A permit is required to remove, destroy or lop native vegetation, including dead vegetation.

28. This policy seeks to ensure there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is applied by applying the following three step approach in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017)* (the Guidelines):

- Avoid the removal, destruction or lopping of native vegetation.
- Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
- Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.

Clause 65.01 – Approval of an application or plan

29. Clause 65 sets out the decision guidelines that the responsible authority must consider before deciding on an application, including the proposal's effect on the amenity of the area.

Clause 71.02-3 – Integrated decision making

30. Clause 71.02-3 outlines that planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.



Referrals

31. The application was referred to the following groups:

Provision / Clause	Organisation	Response and date received
Section 55 Referral – Determining – Clause 7.0 of Schedule 1 to CDZ (37.02) for ‘any use or development which requires connection to reticulated services’.	Alpine Resorts Victoria, (ARV)	No objection subject to conditions. Received 21 April 2026.
Section 55 Referral – Determining – Clause 7.0 of Schedule 1 to CDZ (37.02) for ‘any use or development which requires connection to reticulated services’.	AusNet Services	No objection subject to a note. Received 19 December 2025.
Section 55 Referral – Determining – Clause 7.0 of Schedule 1 to CDZ (37.02) for ‘any use or development which requires connection to reticulated services’.	Buller Gas	No objection subject to conditions. Received 12 January 2026.
Clause 55 Referral – recommending – Clause 5.0 of Schedule 1 to EMO (44.01) for ‘all applications’.	ARV	No objection subject to conditions. Received 21 April 2026.
Section 55 Referral – Determining – Clause 66.02-5 to ‘use, subdivide or consolidate land, to construct a building or construct or carry out works, or to demolish a building or works that are within a declared Special Area classified as a Special Water Supply Catchment Area under the Catchment and Land Protection Act 1994 and which provides water to a domestic supply’.	Goulburn Murray Water	No objection subject to conditions. Received 7 January 2026.
Section 55 Referral – Determining – Clause 7.0 of Schedule 1 to CDZ (37.02) for ‘any use or development that involves alteration to the topography including native vegetation removal.’	Department of Energy, Environment and Climate Action (DEECA)	No objection subject to conditions. Received 13 January 2026 and 2 March 2026.
Section 55 Referral – Determining – Clause 44.06-6 for ‘an application to construct a building or carry out works associated with	Country Fire Authority (CFA)	No objection subject to conditions. Received 7 January 2026 and 8 May 2026.

a dwelling.'

Informal advice

32. The application was informally referred to DEECA to provide comments in relation to offsets required for the proposed native vegetation removal. The native vegetation removal follows the 'intermediate assessment pathway' and as such is not a formal referral to DEECA. The comments include standard conditions around offsets to be secured which includes offsets for the removal of 0.032 hectares of native vegetation and the removal of 6 Large Trees.

Notice

33. The 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 Planning and Environment Act 1987 pursuant to the following provisions:
- Schedule 1 to Clause 44.06 (BMO)
 - Schedule 1 to Clause 44.01 (EMO).
34. The application is not 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 Planning and Environment Act 1987 pursuant to the following provisions:
- Clause 37.02 of the CDZ
 - Clause 43.02 of the DDO
 - Clause 52.17 (Native vegetation).
35. Clause 8.0 of Schedule 1 to CDZ (Clause 37.02) requires notice be given to the 'relevant Resort Management Board and relevant adjoining Municipal Council' for any use or development.
36. Notice was provided to the ARV on 30 January 2026 and on 21 April 2026 the ARV responded advising no objection subject to inclusion of conditions.
37. Notice was provided to the Mansfield Shire Council on 2 February 2026 and on 6 February responded advising no objection and no conditions.
38. The application was advertised by giving notice to the leaseholders of adjoining and nearby properties, erection of one sign on site and the display of a copy of the notice at the Mount Buller Alpine Resort management office.
39. Five submissions have been received from the adjoining property to the east (11 Chamois Road) (refer to Figure 12) with concerns raised about the impact the retaining wall will have on their heated driveway, excessive vegetation removal, lack of detail of documents, stormwater drainage and construction impacts.



Figure 12 – Subject site (outlined in red) and 5 objector properties– (Source: VicPlan (modified by DTP))



Consistency with State and Local Planning Policies

40. Broadly, the planning policies relevant to this proposal encourage the sustainable use and development of the Alpine areas for year-round use and activity, encourage tourism development, seek to protect areas prone to erosion and landslip and environmentally sensitive areas, and ensure that development respects the Alpine character.
41. The specific policies relevant to Mt Buller that apply, and a response to them, is provided as follows:
- To ensure that the design, scale, height and materials of development are sympathetic to the existing natural and built form character of the resorts (Clause 02.03-5).
 - To maintain the unique 'village' atmosphere by siting buildings within the alpine landscape, retain trees and maintain the compactness of the developed area (Clause 02.03-5).
 - To facilitate the right mix of commercial, retail, accommodation, entertainment, community and service facilities for the ongoing viability of resorts as year round destinations (Clause 02.03-6).
 - To consolidate development within the Village (Clause 11.01-1L).
 - To assist the protection and conservation of Victoria's biodiversity (Clause 12.01-1S) and to preserve and enhance the habitat of threatened species and communities within the alpine resorts (Clause 12.01-1L).
 - To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation (Clause 12.01-2S).
 - To facilitate sustainable use and development of Alpine areas for year-round use and activity (Clause 12.04-1S) and to maintain the character of the resort and its relationship to the broader natural and cultural landscape of Mt Buller and Mt Stirling (Clause 12.04-1L).
 - To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life (Clauses 13.02-1S and 13.02-1L).
 - To protect areas prone to erosion, landslip or other land degradation processes (Clause 13.04-2S) and to ensure that geotechnical hazards are managed throughout the resorts so as to minimise risk to property and persons (Clause 13.04-2L).
 - To achieve building design outcomes that contribute positively to the local context and enhance the public realm (Clause 15.01-2S) and to utilise materials such as the natural stone and timber to provide strong design elements, resulting in a cohesive design language for Mt Buller (Clause 15.01-2L).
 - Encourage the development of a range of well-designed and sited tourist facilities, including integrated resorts, accommodation, host farm, bed and breakfast and retail opportunities (Clause 17.04-1S) and to provide for year-round recreation, having regard to environmental, social, ecological, economic, aesthetic and safety considerations (Clause 17.04-1L).
42. The proposed development to construct a dwelling in front of the existing lodge is consistent with the relevant policies. The proposal development is designed, incorporates a scale, height and uses materials that are sympathetic to the existing natural and built form character of Mount Buller resort and will provide a new building to be used to provide accommodation, thus continuing to provide development of the area for year-round use and activity.
43. The proposed development provides reasonable setbacks and heights ensuring the scale, intensity and bulk of the building remains reasonable and in line with the character of the village and surrounding development.
44. The proposed development will also be developed in accordance with a revised Site Environmental Management Plan (SEMP).
45. The siting and extent of works proposed are appropriate for the slope conditions of the land and avoids significant disturbance. Furthermore, the development ensures tolerable risk to life and property, consistent with the relevant geotechnical policies.

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46. The proposed development has considered the protection of biodiversity by ensuring the site coverage remains well under the maximum allowable under the DDO1 and ensuring the minimum setback requirements are met. Offsets for the native vegetation loss of 0.032 hectares can be secured.
 47. The new building will be constructed to a Bushfire Attack Level 40 ensuring regard to the protection of human life from bushfire has been appropriately considered.
 48. The proposal has regard to safe snow shed through a roof design which dumps snow away from pedestrianised locations and retains it within the site boundaries.
 49. The proposal will provide 4 car parking spaces on site, two of which will be allocated to the existing lodge and the other two will be used by the occupants of the new dwelling, thus limiting the provision of car parking and vehicle access to the Village during winter months, in accordance with local policies.
 50. The following section of this report will detail the key issues in this matter considering relevant planning policy and controls.

Zoning and overlays

51. The zoning and overlay provisions have been considered in the application.
52. The proposal meets the purpose of the CDZ1 which include (as relevant):
 - *To encourage development and the year-round use of land for a commercially orientated, alpine resort.*
 - *To provide for residential development in a variety of forms in an alpine environment.*
 - *To encourage development and the use of the land which is in accordance with sound environmental management and land capability practices, and which takes into account the significance of the environmental resources.*
33. The proposal includes the construction of a new building to be used for accommodation, to be located within the front half of the site and in front of the existing lodge on site. The proposed dwelling will make use of existing infrastructure and services currently provided to the existing lodge, by connecting to all available reticulated services including sewerage.
34. The proposed development has been designed to respect and integrate into the surrounding landscape and incorporates a pitched roof and utilises colours and finishes that will complement the alpine resort environment.
35. A SEMP has been provided, generally consistent with the requirements of Clause 4.3-3 of Schedule 1 to the CDZ, however the ARV and DEECA have reviewed it and advised that it requires some changes.
36. The ARV suggest the SEMP be revised to include the following:
 - a. An environmental risk section to include a risk assessment regarding slope stability with the measure being continuous monitoring of slopes before, during and after construction for any signs of instability and new areas of groundwater discharge and where observed refer to a geotechnical engineer.
 - b. A plan to control sediment by installing silt fencing or other measures to prevent sediment from leaving the immediate work site. Sediment control measures to be maintained in good condition to the satisfaction of the Mt Buller Alpine Resort Management until the area has sufficient vegetation cover to resist erosion, and there is no longer any threat of erosion and siltation caused by the proposed development to the satisfaction of Mount Buller Alpine Resort.
 - c. A rehabilitation and re-vegetation plan to detail the number and type of species to be used in each revegetation and rehabilitation area. Revegetation to be with species specific to habitat types with sufficient species diversity, type and cover to ensure habitat value for native fauna.
37. All of the above are reasonable and will be included in conditions for any permit to issue.
38. DEECA suggest the SEMP be revised because it does not include a site plan with the following:

- a. Location of No-Go Zones (NGZ's) and Tree Protection Zones (TPZ's) around vegetation to be retained adjacent to the construction boundary.
- b. Location of material laydown areas and stockpiles.
- c. Location of sediment and erosion controls (i.e. silt fence, silt socks).
- d. Location of stormwater controls.

39. DEECA also advised that the submitted SEMP is lacking details around the following additional risks:

- a. Erosion and sedimentation.
- b. Removal or destruction of native vegetation beyond the approved construction area.
- c. Introduction of weeds or pathogens.
- d. Noise.
- e. Stormwater Management.
- f. Disturbance or injury to terrestrial wildlife.

40. Furthermore, the submitted SEMP does not include monitoring environmental controls, including the frequency of monitoring and the remediation processes for ineffective environmental control measures.

41. Due to the above 'lacking' details, DEECA, as a determining referral authority requested the standard SEMP condition be included in any permit issued, which generally includes the outstanding items listed above.

42. It is considered reasonable to include the condition for a revised SEMP as requested by ARV and DEECA. Once submitted and considered satisfactory by ARV and DEECA, it will be endorsed to form part of the permit and another condition will require that works are carried out in accordance with the Construction Management Plan and SEMP.

43. In response to the relevant decision guidelines of the CDZ, it should be noted that:

- The proposal will result in vegetation loss being only for trees that will be directly impacted by the building footprint.
- The proposed external materials, finishes, cladding and colours are suitable to the alpine environment and common within Mount Buller village.
- Snowshed from the proposed development has been designed to fall within the lease site boundaries clear from entry/exist doorways.

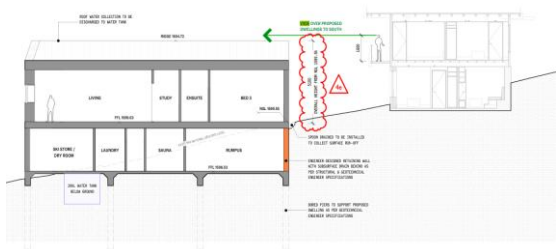
Built Form

44. The site is subject to the Design and Development Overlay, Schedule 1, Area 1 (Mt Buller Alpine Resort Village). Relevant design objectives include ensuring that the Mt Buller Village presents an identifiable, memorable and unique image at an appropriate scale and density and new development is sympathetic in scale and location to the landscape, trees and views.

45. The proposed development is considered to satisfy the Design objectives of the DDO1. A brief response to each objective is tabled below.

Design objective	Response
To ensure that development within the Mt Buller Village creates and enhances an identifiable individual resort character.	The proposed development of the site will provide for an improved visual appearance within the Mt Buller village. The proposed new dwelling will contribute to the identity of Mt Buller village at a size and scale appropriate and comparable to established development. The new dwelling will be 2 storey and have a height of less than 10 m, thus enhancing and contributing to the Mt Buller village.
To ensure building design provides a	The proposed development is located approximately 200 m south east



visually attractive and functionally effective interface with the public domain, particularly within the Village Square and adjacent to the Bourke Street ski run.	form the Mt Buller Village Square and the Bourke Street ski run is even further away. As such there is no direct interface with the Village Square or the Bourke Street ski run. Even so, the new dwelling presents as a 2-storey dwelling incorporating 67% of natural stone to its external façade when viewed from Chamois Road.
To ensure view corridors are protected between buildings and provide opportunities for view sharing.	The height of the proposed dwelling, combined with the setbacks ensures views, particularly from the existing lodge, are not unreasonably reduced. The proposed dwelling will sit lower than the existing lodge on the site and therefore views from the upper level of the existing lodge will not be unreasonably impacted. Refer to Figure 13.  Figure 13 – Section showing proposed dwelling and existing dwelling (retaining views) – (Source: Application)
To provide safe pedestrian and skier access and linkages within the Village and to the skifields.	Pedestrian and skier linkages within the village will not be impeded by the proposed development.

46. The DDO1-A1 includes preferred maximum height, minimum setbacks and maximum site coverage. A response on how the proposed development meets these requirements is tabled below:

DDO1-A1	Requirement	Response
Maximum Height	The maximum height of any part of a building is 3 storeys or 11m above natural ground level, whichever is the lesser height. A permit may be granted to increase the height of any rooftop structure or chimney by 1.5m, provided no more than 20 per cent of the roof area exceeds 11m in height. A permit may be granted to vary maximum heights.	Complies: The maximum height of the proposed development is 2 storeys with a maximum overall height of 9.45 m, which does not exceed the discretionary maximum height requirement, namely being 3 storeys or 11 m above natural ground level.
Minimum setbacks	A building must be setback: 6m from the closest kerbside or constructed edge of a road abutting the frontage of the site	Partially complies: The setback from the Chamois Road kerbside or constructed edge of the road is 6 m. The new dwelling is setback 3.1 m from the street frontage.



	and 3m from the frontage of the site. • 3 metres from any other site boundary. • An average of 4 metres from any other building on the same site. • 6 metres from any building on an adjoining site. • Where any part of an external wall measured above natural ground level exceeds 3.6m in height, the minimum prescribed distance of the wall from a boundary shall be increased in the proportion of 100mm for every 300mm or part thereof by which that height of that part of the wall exceeds 3.6m. A permit may be granted to vary setbacks.	• The proposed dwelling will be setback 4 m to the eastern and western lease boundaries. This excludes the retaining walls which are to be constructed on the eastern and western lease boundaries. • The proposed dwelling will be setback 4 m from the existing lodge within the same site. • Easily complies with the minimum 6m setback of the proposed dwelling to other buildings on an adjoining site. • A minor variation is sought to the western and eastern side setbacks. Based on the wall height of 6.84 m and 6.55 m to the western and eastern elevations, an additional 1.08 m and 0.98 m setback would be required to be provided to the western and eastern boundaries respectively. A 4.08 m setback to the western boundary would be required, thus a variation of 80 mm is sought. The setback to the eastern boundary is achieved. The variation of 80 mm is considered minor and reasonable given the boundary abuts unleased land and will therefore not cause any unreasonable amenity impacts to the property further west, due to the significant distance between the two buildings.
Maximum site coverage	60% of the total site area.	Complies: The development site has an area of 880sqm. Proposed site coverage is 40%, easily complying with the maximum 60% requirement.
Wall materials	Corrugated iron, profiled metal, timber, natural stone (preferably weathered granite), plastered masonry. Natural stone should be used in new buildings and major extensions that add more than 20 per cent to existing floor area. A minimum of 15 per cent of all external facades visible from the road,	Complies: The materials and finishes palette is highly consistent with this requirement, comprising a predominately dry-stone wall finish, non-combustible timber-look cladding and a corrugated iron roof. The Chamois Road front façade makes up 67% of natural stone, easily complying with the requirement.



	public pedestrian route or ski fields should be constructed of natural stone.	
Roof material	Profiled metal, corrugated iron (non-reflective and muted tones).	Complies: Roof materials comprise of corrugated material in a grey tone.
Colour	The use of colour in the form of paintwork should be minimised, and used only as a feature or element of contrast. The use of natural alpine colour tones should be used in materials and finishes.	Complies: Natural and common alpine colours will be used throughout, such as grey and brown tones.

47. The DDO1 also includes car parking requirements of 1 space per 140 square metres of gross floor area (GFA). 4 spaces are proposed to be provided, with 2 spaces allocated to the existing lodge and 2 spaces allocated to the proposed lodge. With a GFA of 380sqm for the new lodge, 2.7 spaces are required, rounded down to 2 spaces, thus complying.
48. Car parking requirements also require accessways to provide a 3m minimum width. Each accessway will be provided with a 3.5m width, thus complying. The DDO1 requirements for car parking also require a 3m minimum setback from all site boundaries. While this is not met, retaining walls are proposed to the side lease boundaries, ensuring impact to adjoining properties will be minimised.

Snow shedding

49. In terms of snow shedding, the CDZ and the DDO require snow shed from the development to be retained within the site boundaries and to ensure snow dump is clear from entrances and pedestrian paths. The architectural plans submitted show that snow dump will be maintained within the subject site and directed away from the building entrances and pedestrian path. This is achievable given the buildings reasonable setbacks to the lease boundaries.

Overshadowing and overlooking

50. With respect to overshadowing, the application is supported by overshadowing diagrams demonstrating that, on 22 September, the proposed development will not cast any shadow over existing habitable room windows or secluded private open space. The extent of shadow is contained within the subject land and does not give rise to any unreasonable amenity impacts.
51. In relation to overlooking, Drawing Plan TP-012 demonstrates that the proposed development will not overlook any existing habitable room windows or secluded private open space areas within 9 metres and within 45 degrees of any proposed habitable room window. The north-facing window has been designed with obscure glazing, which prevents direct internal views to the existing dwelling to the rear and ensures an acceptable level of privacy is maintained.

Vegetation

71. The proposed development will result in the removal of native vegetation which requires planning approval in accordance with Clause 52.17-1 and the Erosion Management Overlay of the scheme. The removal of native vegetation will not result in the net loss to biodiversity. This has been achieved by applying the three-step approach in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning 2017)* (the Guidelines). The assessment concludes that the proposed development will require the removal of 0.032 hectares of native vegetation, including six (6) Large Trees, within a

patch. This includes a total of 17 trees to be removed, specifically nominated as Tree No's 1, 2, 3, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46 and 47, most of which are located within the proposed building footprint. Tree No's 34, 46 and 47 are located within the unleased Crown land to the west of the site and Tree No's 4 and 30 will be removed however are exempt from requiring a permit pursuant to Clause 52.12 (Bushfire exemptions) of the Scheme.

72. The vegetation removal follows the Intermediate Assessment pathway of Clause 52.17. The application was referred to DEECA informally to provide comments in relation to the native vegetation removal, noting that the native vegetation removal follows the 'intermediate assessment pathway' and as such is not a formal referral to DEECA. The comments include standard conditions relating to the provision of offsets to be secured for the removal of 0.032 hectares including 6 Large Trees. The offset requirements will be 0.023 general habitat units with a minimum strategic biodiversity score of 0.6400 and the protection of at least 6 large Trees.
73. It should also be noted that for the three trees located within the unleased Crown land adjoining the site to the west, (Tree No's 34, 46 and 47), written consent has been obtained from Alpine Resorts Victoria (ARV) as the land owners managing that parcel of land. These 3 trees are required to be removed as the submitted arboricultural report found that all 3 trees would be at high risk of being thrust into rapid irreversible decline because of the construction of the proposed driveway. Tree No 34 would be located 95cm from the proposed retaining wall and it is unlikely the tree will cope with excavation so close. Tree No's 46 and 47 have encroachments from the proposed driveway of 22% and 26% respectively, which ultimately should be removed as they will decline and become a risk if retained.
74. The removal of the 3 trees within the unleased Crown land should be removed in accordance with the recommendations described in the submitted geotechnical report 'Proposed Tree Removal and the Impact on Slope Stability', prepared by Geotesta and dated 21 January 2026. This will ensure their removal will not cause any significant instability of the slope in the area.
75. Some objectors raised issues that the proposal will result in excessive vegetation removal. While much of the vegetation within the front half of the site will be removed, generally consistent with the proposed building footprint, it must be noted that the site is underutilised, providing for a lodge located within the rear half of the site and thus the front half of the site has remained vacant with vegetation. The applicable Design and Development Overlay allows for site coverage of up to 60%. The proposed site coverage will be 40%, thus well under the maximum discretionary site coverage for the site. It is considered that with suitable offsets, the requirement for amended plans to include vegetation protection fencing for vegetation to be retained and also the requirement for a rehabilitation and re-vegetation plan to be provided, will ensure the proposed development and associated vegetation removal is a balanced, satisfactory outcome.
76. One objector raised concerns regarding the removal of Tree No. 4, stating that this tree is located on their land and consent regarding its removal without consent. (Refer to Figure 14).

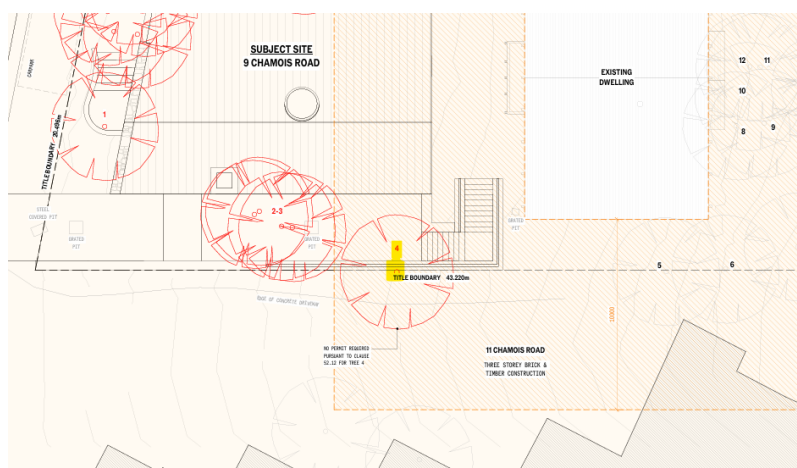


Figure 14 – Location of Tree No. 4 (highlighted in yellow) – (Source: Application (modified by DTP))

77. The tree appears to be located on the mutual boundary with the objector property, however this tree is exempt from requiring a permit pursuant to Clause 52.12-1 of the Scheme. Tree No. 4 is located within 10 m of an existing building used for accommodation that was constructed before 10 September 2009. As such, assessment of this tree



is not a matter for consideration. Nonetheless, the applicant submits that the leaseholder will work cooperatively with the leaseholder of the objector property in relation to the trees removal.

Geotechnical

78. The subject site is partly affected within an Erosion Management Overlay (EMO1). Accordingly, a Geotechnical Assessment and Landscape Risk Assessment was prepared by Geotesta, dated 21 November 2025. The slope risk to the property has been identified as 'low'.
79. Provided that the recommendations of the report are adhered to, geotechnical and landslip hazards associated with the proposal will be appropriately managed.

Bushfire

80. The application requires consideration under Clause 44.06 (Bushfire Management Overlay). The proposal meets the relevant bushfire objectives and decision guidelines as it does not increase risk to life, property and infrastructure if the bushfire mitigation measures as recommended in the submitted Bushfire Management Plan are implemented.
81. The application was referred to the Country Fire Authority (CFA) who raised no objection with the application subject to a condition to endorse the Bushfire Management Plan to form part of the permit. Clause 44.06-5 also requires a standard condition be placed on the permit in relation to ongoing bushfire protection measures. This mandatory condition, along with the CFA condition, will be included in any permit issued.

Objector concerns

82. While many of the concerns raised by the objectors have been addressed, the following concerns remain and will be responded to:

Retaining wall design and potential impacts on heated driveway:

83. Concerns were raised by the objectors about potential impact to their newly constructed heater driveway that services all 5 objectors. They raised concerns that access could occur onto their site during construction without permission.
84. To address this issue, the applicant prepared a 'without prejudice' plan that shows the length of the retaining wall along the eastern lease boundary (mutual boundary) extending further south to the south/east lease corner and to include a 1 metre high balustrade. (Refer to Figure 15). DTP circulated the plan informally to the objectors however no further responses were received from any submitters.

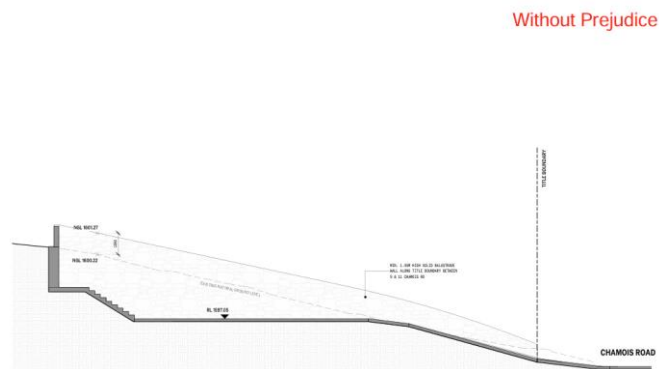


Figure 15 – 'Without prejudice plan', showing section of eastern side retaining wall – (Source: Applicant submitted on 30 March 2026)

85. Nonetheless, it is considered appropriate to include a condition to require the architectural plans to be modified and to include the retaining wall along the eastern side to be increased in length and to include a 1 m high balustrade along its length (similar to the submitted 'without prejudice' plan). The lengthening of the retaining wall will form a



tangible boundary between the development site and the neighbouring site and will ensure that the recently constructed heated driveway that services the 5 objectors will not be impacted. Furthermore, accessing a neighbouring property is prohibited unless the permission has been obtained by the leaseholder of that site, so there should not be any impact or access into the neighbouring property during construction.

86. Retaining walls will also be designed to engineering specifications. The structural integrity and protection of the adjoining property are matters that are addressed under the Building Act 1993 and not part of the planning permit stage beyond the Erosion Management Overlay considerations.
87. With the endorsement of the geotechnical report and requiring the recommendations of the report be adhered to, together with the protection of the adjoining property being a matter as part of the Building Act, it is considered that impact to the neighbouring property should not occur.

Lack of detail of documents:

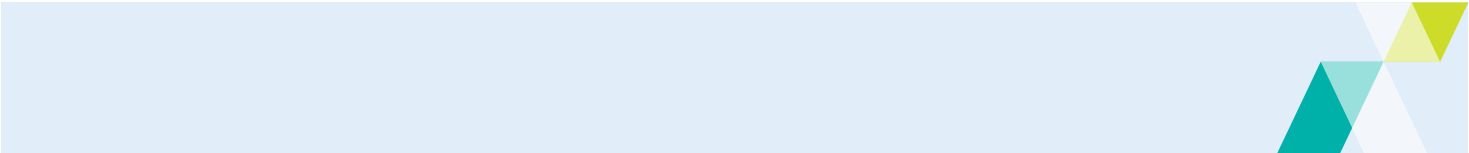
88. Concerns were raised that the submitted plans do not include sufficient detail regarding site levels and relationship to objector property. In response, the submitted plans do include comprehensive detail in respect to both existing and proposed site levels, as demonstrated across the site plans, elevations and sections. In particular, East Elevation and Section A–A clearly illustrate the relationship between the proposed development and existing ground levels along the shared boundary with 11 Chamois Road (the objector property). Where level changes exceed 1 metre, a 1-metre balustrade is provided to ensure safety. As discussed above, the balustrade will be extended along the eastern lease boundary to the frontage. The plans also include notation confirming that all retaining walls will be designed in accordance with engineering specifications.

Stormwater drainage:

89. Concerns were raised regarding lack of clarity regarding relocation of stormwater infrastructure and potential impacts. In response, the plans include a notation confirming that the existing stormwater pit is to be relocated within the proposed driveway and shows the alignment of the new drainage infrastructure. Furthermore, a condition of permit will require that prior to commencement of any buildings or works, a Stormwater Management Plan be submitted and approved by the Mount Buller Alpine Resort. This will ensure potential impacts are satisfactorily addressed.

Infrastructure and Services

90. The CDZ1 requires the application to be referred to utility providers and requires the land to be adequately serviced.
91. In response to referrals to service authorities, no objections were received.
92. The ARV, as part of their section 55 referral response, requested a number of conditions to be included, relating to the provision of appropriate stormwater, other services and damage to the resort infrastructure. The ARV's conditions will be included in any permit to issue. A number of permit notes including to 'dial before you dig' and approval of the proposed car parking spaces and operational requirements and notifying the ARV of works that may affect water operations within the resort.
93. Buller Gas requested a number of conditions to be included, relating to the entering of agreements with Buller Gas and ensuring any gas metre enclosure is in an approved location.
94. Goulburn Murray Water required four standard conditions to be included relating to ongoing activities to be in accordance with the current EPA publication, all wastewater to be disposed of to the existing reticulated system, stormwater to be discharged to a legal point and any soil excavated to be stabilised.
95. AusNet Services did not require any conditions to be included however requested a note be included regarding safety information and advice and Dial Before you Dig'.
96. Additionally, given the site is in an established area of the Mount Buller Village, all necessary electricity, gas, water and sewerage can be connected. However, an additional condition will be included on any permit issued that would



require any relocation of any services to be done at the expense of the permit holder or developer to the satisfaction of the utility service provider.

Referral Authority Conditions

86. DEECA have requested conditions in relation to the SEMP being revised and submitted for approval and for works to be conducted and carried out in accordance with the Construction Management Plan and endorsed SEMP. (the details of the changes to the SEMP was discussed earlier).
87. The CFA requested a standard condition be placed on the permit to endorse the Bushfire Management Plan submitted as part of the application and the inclusion of the mandatory condition.
88. All the conditions are considered acceptable and should be included on any permit that issues.

Section 52 notice comments

89. The ARV were required to be notified of the application pursuant to section 52 of the Planning and Environment Act 1987 (the Act). The ARV recommended various standard conditions be included on any permit that may be issued relating to shutdown, site condition, the SEMP, site induction, car parking, road closures, snow confinement and snow management.
90. The ARV has also recommended a Construction Waste Management Plan be submitted for approval by the Responsible Authority in consultation with the Mount Buller Alpine Resort that demonstrates how different construction waste types will be separated and legally disposed off mountain. While the applicant has submitted a SEMP plan that shows the location of the waste skip and stockpile, more detail is required on the type of waste, method to reduce, reuse and recycle waste, a contingency plan for unexpected types of wastes being discovered and an acknowledgement that all waste must be removed from the site is required to be provided.
91. All the conditions are considered acceptable and should be included on any permit that issues.

Aboriginal Cultural Heritage Management Plan

92. While the site is located within an area of cultural heritage sensitivity, the proposed activity for 'one or two dwellings on a lot or allotment' is an exempt activity.

Recommendation



93. The development is generally consistent with the relevant planning policies of the Alpine Resorts Planning Scheme and will improve the site with the provision of a new 2 storey dwelling in front of an existing lodge.
94. The proposal is generally supported by the ARV and other referral authorities, subject to conditions.
95. **It is recommended that** a Notice of Decision to Grant a Permit be issued for Application No. PA2504101 being for Buildings and works to construct a dwelling, retaining walls and associated vegetation removal at the land known as (CA 63) 9 Chamois Road and unleased Crown land to the west, Mount Buller.



Prepared & approved by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

- ☒ **No Conflict**
- ☐ Conflict and have therefore undertaken the following actions:
- ☐ Completed the **Statutory Planning Services declaration of Conflict/Interest form**.
- ☐ Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.
- ☐ Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

Name:

Title:

Signed:

Phone:

Dated: 25 May 2026

Reviewed by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

- ☒ **No Conflict**
- ☐ Conflict and have therefore undertaken the following actions:
- ☐ Completed the **Statutory Planning Services declaration of Conflict/Interest form**.
- ☐ Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.
- ☐ Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

Name:

Title:

Signed:

Phone:

Dated: 26 May 2026