

# Baldy Area, Mt Buller Ski Field, Mt Buller



Officer Assessment Report  
Development Approvals & Design



Department  
of Transport  
and Planning

OFFICIAL

# Executive Summary

Key information	Details		
<b>Application No.:</b>	PA2302563		
<b>Received:</b>	30 October 2023		
<b>Statutory Days:</b>	129		
<b>Applicant:</b>	[REDACTED]		
<b>Planning Scheme:</b>	Alpine Resorts		
<b>Land Address:</b>	Baldy Area, Mt Buller Ski Field, Mt Buller		
<b>Proposal:</b>	Buildings and works for a building (associated with leisure and recreation), and the construction and display of signage (business identification signs)		
<b>Development value:</b>	\$50,000.00		
<b>Why is the Minister responsible?</b>	In accordance with the schedule to Clause 72.01 of the Alpine Resorts Planning Scheme (the Scheme), the Minister for Planning is the Responsible Authority for administering and enforcing the Alpine Resorts Planning Scheme		
<b>Why is a permit required?</b>	<b>Control</b>	<b>Clause</b>	<b>Trigger</b>
<b>Zone:</b>	Comprehensive Development Zone Schedule 2 (CDZ)	Clause 37.02-4	<i>Construct a building or construct or carry out works</i>
<b>Overlays:</b>	Environmental Significance Overlay Schedule (ESO1)	Clause 42.01-2	<i>Construct a building or construct or carry out works</i>
	Design and Development Overlay Schedule 3 (DDO3)	Clause 43.02-2	<i>Construct a building or construct or carry out works</i>
	Erosion Management Overlay Schedule 1 (EMO1)	Clause 44.01-2	<i>Construct a building or construct or carry out works</i>
	Bushfire Management Overlay Schedule 1 (BMO1)	Clause 44.06-2	<i>Construct a building or construct or carry out works for buildings associated with leisure and recreation use.</i>
<b>Particular Provisions:</b>	Signs	Clause 52.05-13	<i>Construction and display of signs</i>
<b>Cultural Heritage</b>	Satisfactory evidence has been provided to suggest that a CHMP is not required because the land has been subject to significant ground disturbance.		
<b>Total site area:</b>	133m <sup>2</sup>		
<b>Height</b>	6.45m		
<b>Land Uses:</b>	Leisure and Recreation		
	No permit required		



Key information	Details
<b>Referral authorities</b>	Alpine Resorts Victoria (ARV) (s.55 – determining, pursuant to Clause 7.0 of Schedule 2 to CDZ) Alpine Resorts Victoria (ARV) (s.55 – determining, pursuant to Clause 7.0 of Schedule 1 to EMO) Department of Energy, Environment and Climate Action (DEECA) (s.55 – determining, pursuant to Clause 7.0 of Schedule 2 to ESO) Department of Energy, Environment and Climate Action (DEECA) (s.55 – determining, pursuant to Clause 4.0 of Schedule 1 to CDZ) Country Fire Authority (CFA) (s.55 – determining, pursuant to Clause 44.06) Goulburn Murray Water (GMW) (s.55 – determining, pursuant to Clause 66.02-5) AusNet Services (s.55 – determining, pursuant to Clause 7.0 of Schedule 2 to CDZ)
<b>Notice</b>	ARV (s.52 notice, pursuant to Clause 8.0 of Schedule 2 to CDZ) DEECA (s.52 notice, pursuant to Clause 5.0 of Schedule 3 to DDO) Mansfield Shire Council (s.52 notice, pursuant to Clause 8.0 of Schedule 2 to CDZ)
<b>Public Notice</b>	Notice of the application was undertaken by the applicant at the direction of the Department in the following manner: <ul style="list-style-type: none"><li>• To display a copy of the notice on site</li><li>• To display a copy of the notice at the Mt Buller Mt Stirling Alpine Resort office.</li></ul> No objections have been received to date.
<b>Delegates List</b>	Approval to determine under officer delegation granted by Manager on 23 May 2024.



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

Milestone	Date
Pre-application meeting	N/A
Application lodgement	30 October 2023
Further information requested	23 November 2023 and (by the CFA) on 30 January 2024
Further information received	23 January 2024 and (to address the CFA) on 19 April 2024
Further plans submitted (formally under section 50 of the Act)	N/A
Further informally substituted sketch plans submitted (date)	N/A
Decision Plans	<ul style="list-style-type: none"> <li>• ‘Architectural plans’, prepared by Taylor Design Group and dated 18 January 2024 (6 pages).</li> <li>• ‘Site and Property Location Overview’, prepared by Buller Ski Lifts and dated 23 October 2023 (3 pages).</li> <li>• ‘Cover letter’, prepared by Buller Ski Lifts and dated 30 October 2023 (3 pages).</li> <li>• ‘RFI response’ letter, prepared by Buller Ski Lifts and dated 18 January 2024 (2 pages).</li> <li>• ‘Bushfire Management Statement’, prepared by Buller Ski Lifts and dated 17 November 2024 (22 pages).</li> <li>• ‘Preliminary Geotechnical and Foundation Assessment’ and ‘Addendum to Preliminary Geotechnical Risk’ and ‘Certificate of Currency’, prepared by Taylor Consulting Engineers and dated 22 May 2023 and 25 April 2023 respectively (18 pages combined).</li> <li>• ‘Site Environmental Management Plan’ (SEMP), prepared by Edward Mahon, dated and signed 16 January 2024 (13 pages).</li> <li>• ‘Site Environmental Management Plan Appendix’, prepared by Edward Mahon and not dated (7 pages).</li> <li>• ‘Site Environmental Management Plan Construction Program’, prepared by Edward Mahon and not dated 2024 (1 page).</li> <li>• ‘Site Construction Management Plan’ and ‘Site Rehabilitation and Revegetation management Plan’, prepared by Buller Ski Lifts and dated 23 October 2023 and 17 January 2024 (9 pages).</li> <li>• ‘Vegetation Management Plan’, prepared by Buller Ski Lifts and dated 23 October 2023 (2 pages).</li> <li>• ‘Waste Management Plan’ prepared by Buller Ski Lifts and not dated (2 pages).</li> <li>• ‘Snow Management Plan’, prepared by Buller Ski Lifts and dated 23 October 2023 (1 page).</li> <li>• ‘DDO3 response’, prepared by Buller Ski Lifts and not dated (2 pages).</li> <li>• ‘Aboriginal Heritage Act 2006 Practice Note – Significant Ground Disturbance’ response, prepared by Buller Ski Lifts and not dated (3 pages).</li> </ul>

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- 'Aboriginal Heritage Act 2006 Practice Note – Significant Ground Disturbance Appendix' response, prepared by Buller Ski Lifts and not dated (7 pages).
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2. The subject of this report is the decision plans (as described above). It should be noted that the 'Architectural plans' dated 12 April 2024, were submitted by the applicant following advertising, in response to the CFA's request for further information. These plans are consistent with the advertised plans except for two changes to the wall cladding, which was a requirement by the CFA to address the bushfire risk. This will be discussed in more detail later.

## History

3. A permit was issued (PA1800455) on 1 July 2019 for a building, associated works and signage. The permit was issued for the building retrospectively. A condition of the permit included an expiry date of 1 July 2021, effectively requiring the building to be removed and the site made good. The expiry condition was imposed due to the temporary nature of the building and the permit holder's intent to remove the building from the site after two snow seasons.
4. Buller Ski Lifts applied in May 2021 to amend PA1800455 through PA1800455-1 by amending the permit so that the permit does not expire and to allow the building to be retained permanently on site. It also sought to place rock around the base of the building (retrospective) and to change the signage on the north elevation (retrospective).
5. Application PA1800455-1 was refused on 29 July 2021 on grounds that the proposal failed to satisfactorily satisfy the design and siting requirements of the CDZ2 and DDO3, particularly by not incorporating natural stone in the construction façade. The building included materials that did not meet the specific requirements of the DDO3.



6. The application seeks retrospective approval for (refer to Figure 1 for existing building on site):
  - A building and associated works (for the purpose of providing shelter for users of the ski fields).
7. It should be noted that while the building itself is existing, hence requiring retrospective approval, the deck to the southern side of the building has not been constructed. Furthermore, the existing building will be modified by removing the rocks that were placed around the building perimeter and the existing cladding materials will also be modified as part of this application.
8. Specific details of the application (referred to as 'the Project') include:
  - The construction of a building comprising a length of 12.9m and a width 7.6m.
  - A deck to the south comprising of a width of 3m and a length of 10.6m. (Refer to Figure 2 for elevations).
  - The maximum overall height of 6.4m, measured from natural ground level.
  - The building roof cladding to consist of Colorbond in 'Monument' (dark) colour.
  - The roof will have a 12 degree pitch with a slope to the east and west. (Refer to Figure 3 for Floor and Roof plans).
  - Snowshed will fall off the sloping roof to the east and west.
  - The building wall cladding to consist of a combination of stone veneer (brown tone), ply board (black colour) and horizontal hardwood timber (grey tone).
  - No vegetation removal is proposed or required.
  - No services except for electricity and water to be provided.
9. Specific details of the signage component include (refer to Figure 4 for signage details):
  - The construction and display of two 'caution' signs, located on the north and west elevations. (No permit is required for the 'caution' signs as they are exempt pursuant to sub clause 5.0 of the CDZ2 for 'Skier, pedestrian or vehicle control signs and identification signs erected or constructed for the safety of users of the resort'). The 'caution' signs will be 600mm long by 400mm wide and include the words 'Watch for Falling Snow'.
  - The construction and display of three Business Identification Signs (BIS). Two will be located on the front pillars facing north and will display the Mt Buller resort logo and will have a diameter of 600mm and will be in white colour with non-reflective tones.
  - The construction and display of a third BIS, located at the front entrance of the building on the north elevation. It will read 'The Lodge' and the words represent the building name and will be in non-reflective black words. The sign will be 1800mm long by 300mm wide (0.54sqm total display area).
10. The applicant has provided the following plans of the proposal:



Figure 1: Existing conditions of building, includes the rocks to be removed (Source: Application)

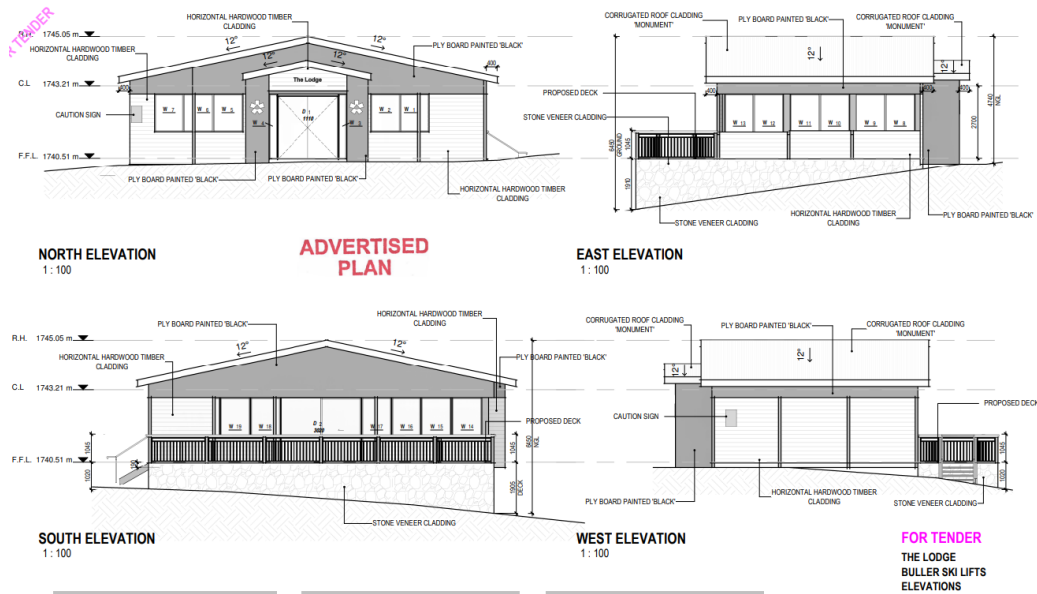


Figure 2: Proposed elevations (Source: Application)

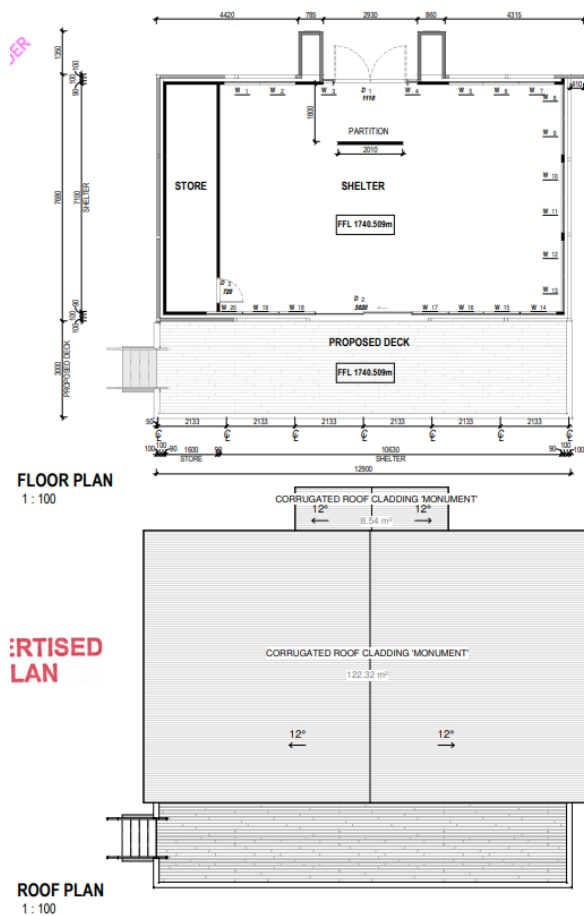


Figure 3: Proposed floor and roof plan (Source: Application)



Figure 4: Proposed business identification signs (Source: Application)



# Subject Site and Surrounds

## Site Description

11. The site is located on the north side of Summit Road proximate to the top of the 'Abom Express Chairlift' and control centre in Mt Buller. (Refer to Figures 5 and 6).



Figure 5: Location of site (Source: Application)



Figure 6: Location of site (close-up) (Source: Application)

12. The area surrounding the proposed site includes the 'Abom Express Chairlift', associated control centre and garage. The area forms part of the Baldy Ski Run and is located west of the Mt Buller Alpine Village.
13. The land tenure is Crown land which is leased by Buller Ski Lifts (the permit applicant). The site is formally described as comprising the following land parcels:



- Crown Description Allotment 2004 Parish of Changue East, Standard Parcel Identifier (SPI): 2004\PP2370.
14. The land, which has previously been disturbed, is clear of native vegetation and trees.

### Site Surrounds

15. The surrounding development consists mainly of ski fields and associated infrastructure.
16. Development surrounding the site can be described as follows:
- To the **north** of the site: Abom Express Chairlift, control centre and ski fields.
  - To the **south** of the site: Summit Road, snow making building and workshop and Southside Chairlift and open ski fields.
  - To the **east** of the site: Baldy Ski Run and Summit Road
  - To the **west** of the site: Boggy Creek Reservoir and open ski fields.



## Planning Policy Framework

16. 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.
17. The following policies are considered relevant to this application:

Clause no.	Description
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
15.03-2S	Aboriginal cultural heritage
17.04-1S	Facilitating tourism

## Local Planning Policy Framework

18. 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.
19. The MSS within the Alpine Resorts Planning Scheme identifies the objectives and strategies for the Mount Buller alpine resort.
20. The following clauses are relevant:

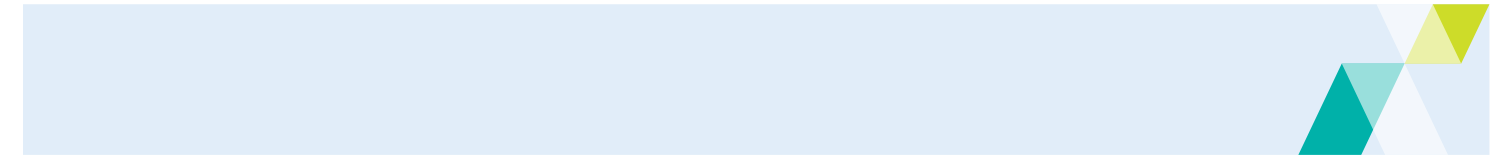
Clause no.	Description
12.01-1L	Protection of biodiversity in alpine resorts
12.04-1L	Sustainable development – alpine resorts
12.04-1L	Sustainable development – Mt Buller Alpine Resort
13.04-2L	Erosion and landslip in alpine resorts
17.04-1L	Alpine tourism

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

## Statutory Planning Controls

### Clause 37.02 – Comprehensive Development Zone, Schedule 2 (CDZ2)

22. The land is affected by the CDZ2.
23. The relevant purposes of the CDZ2 are to develop and use land in alpine resorts for passive and active recreation and to minimise impacts on areas of significant vegetation.
24. A planning permit is not required for the use of the land for 'leisure and recreation'.
25. A planning permit is triggered to construct a building or construct or carry out works pursuant to the CDZ2.
26. The CDZ2 includes application requirements and decision guidelines for consideration of the site's context, including a Site Environmental Management Plan (SEMP). The following sections include discussion of how the Project responds to these requirements.

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27. Sub Clause 5.0 of the CDZ2 states that sign requirements are at Clause 52.05 with the location being within a Category 3. The CDZ2 also requires consideration of 'The Commercial Sign Policy 1997', which is an incorporated document.

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

28. A planning permit is required to construct a building or construct or carry out works pursuant to the EMO1.
29. The objectives of the EMO1 include:
- *To ensure that applications for development are supported by adequate investigation and documentation of geotechnical and related structural matters.*
  - *To ensure that development is appropriate to be carried out either conditionally or unconditionally, having regard to the results of those geotechnical and related structural investigations.*
  - *To ensure that development is only carried out if identified geotechnical and related structural engineering risks are effectively addressed.*
30. The EMO1 includes application requirements to include a Preliminary Geotechnical Assessment. The following sections include discussion of how the Project responds to these requirements.

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

31. A planning permit is required to construct a building or construct or carry out works associated with 'leisure and recreation', pursuant to the BMO1.
32. The relevant purposes of the BMO include:
- *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.*
33. Clause 44.06-3 specifies that an application under the BMO must be accompanied by:
- A bushfire hazard site assessment
  - A bushfire hazard landscape assessment
  - A bushfire management statement.
34. The clause states that if these requirements are not deemed relevant to the assessment of an application, the responsible authority may waive, vary or reduce the requirement.

**Clause 43.02 – Design and Development Overlay, Schedule 3 (DDO3)**

35. A planning permit is required to construct a building or construct or carry out works pursuant to the DDO3.
36. The objectives of the DDO3 include:
- *To ensure that development within the Mt Buller ski fields creates and enhances an identifiable individual resort character.*
  - *To ensure development is not visually intrusive when viewed from key public vantage points within the Village, from Mt Buller Access Road and surrounding ski fields.*
  - *To ensure development within the ski fields is visually attractive and functionally effective all year round, particularly at key interfaces with the Village such as the Village Square, Helicopter Flat and lease sites having frontage to the ski fields.*
  - *To minimise the visual impact of snowfield infrastructure and facilities upon the landscape values of the Resort.*



- *To ensure development is sited and designed to avoid and minimise impacts to indigenous vegetation, fauna and natural features.*

37. The DDO3 decision guidelines include requirements for consideration, including whether the proposal meets the objectives of the overlay, the appropriateness of the siting, the appropriateness of materials, finishes and colours and how well they respond to year-round climatic conditions.

#### **Clause 42.01 – Environmental Significance Overlay, Schedule 1 (ESO1)**

38. A planning permit is triggered to construct a building or construct or carry out works.

39. The environmental objectives aim to preserve, enhance and prevent the destruction of the Mountain Pygmy-possum (*Burramys parvus*) habitat.

#### **Particular provisions**

#### **Clause 52.05 - Signs**

40. Clause 52.05-13 is relevant as CDZ2 identifies signage requirements as being within Category 3 of Clause 52.05.

41. Category 3 of Clause 52.05 seek to ensure signs in high-amenity areas are orderly, of good design and do not detract from the appearance of the building on which a sign is displayed or the surrounding area.

42. The proposed signs (excluding the 'caution' signs) are identified as being Business Identification Signs pursuant to the definition in Clause 73.02 – Sign terms. A planning permit is triggered to construct and display a BIS (with no conditions specified).

#### **Operational Provisions**

#### **Clause 65.01 – Approval of an application or plan**

43. 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**

44. 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

45. The application was referred to the following groups:

Provision/ Clause	Organisation	Response Received (date)
<i>Section 55 Referral - Determining (Clause 7 of Schedule 1 to the EMO (44.01) for 'all applications.'</i>	Alpine Resorts Victoria, (ARV)	<u>11 January 2024</u> and <u>second letter on 14 February 2024.</u> No objection subject to conditions.
<i>Section 55 Referral - Determining (Clause 7 of Schedule 2 to the CDZ (37.02) for 'any use or development which requires connection to reticulated services.'</i>	Alpine Resorts Victoria, (ARV)	<u>11 January 2024</u> and <u>second letter on 14 February 2024.</u> No objection subject to conditions.
<i>Section 55 Referral - Determining (Clause 7.0 of Schedule 2 to CDZ (37.02) for 'any development that involves alteration to the topography.'</i>	Department of Energy, Environment and Climate Action (DEECA)	<u>19 December 2023.</u> No objection subject to conditions.
<i>Section 55 Referral - Determining (Clause 4.0 of Schedule 1 to ESO (42.01) for 'all applications.'</i>	Department of Energy, Environment and Climate Action (DEECA)	<u>19 December 2023.</u> No objection subject to conditions.
<i>Section 55 Referral - Determining (Clause 44.06-6 (BMO) for 'an application under the overlay other than an application to construct a building or carry out works associated with a dwelling or an application to subdivide land.'</i>	Country Fire Authority (CFA)	<u>17 May 2024.</u> No objection subject to conditions.
<i>Section 55 Referral - Determining (Clause 7 of Schedule 2 to the CDZ (37.02) for 'any use or development which requires connection to reticulated services.'</i>	AusNet Services	<u>27 November 2023.</u> No objection subject to notes.
<i>Section 55 Referral - Determining (Clause 66.02-5) for '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 Special Water Supply Catchment Area listed in Schedule 5 of the Catchment and Land Protection Act 1994 and which provides water to a domestic supply.'</i>	Goulburn Murray Water (GMW)	<u>20 December 2023.</u> No objection subject to conditions.

## Notice

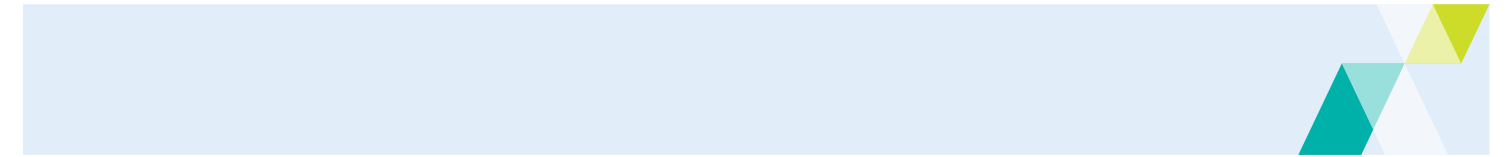
46. The application is not exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Planning and Environment Act 1987 pursuant to the following provisions:
  - Schedule 2 to Clause 37.02 (CDZ)
  - Schedule 1 to Clause 42.01 (ESO)
  - Schedule 3 to Clause 43.02 (DDO).
47. 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 44.01 (EMO)
  - Schedule 1 to Clause 44.06 (BMO).
48. Clause 8.0 of Schedule 2 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. Clause 5.0 of Schedule 3 to the DDO (Clause 43.02) also requires notice be given to the Secretary to the Department of Environment, Land, Water and Planning (DEECA) for 'any development.'
49. Notice was provided to the ARV on 24 November 2023 and on 11 January 2024 the ARV responded advising no objection subject to conditions. Notice was provided to Mansfield Shire Council on 25 January 2024 and on 25 January 2024 the Council responded advising no objection and no conditions. Notice was provided to DEECA on 24 November 2023 who advised on 19 December 2023 that they have no objection subject to conditions.
50. The applicant was asked to undertake advertising of the application by:
  - Displaying one sign on site.
  - Displaying one copy of the notice at the Mount Buller Mt Stirling Alpine Resort Management office.
51. No objections have been received to date.

## Planning Policy

### Consistency with State and Local Planning Policies

52. Broadly, the planning policies relevant to this Project 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.
53. The specific policies relevant to Mount Buller that apply, and a response to them, is provided as follows:
- To assist the protection and conservation of Victoria's biodiversity (Clause 12.01-1S).
  - Avoid impacts of land use and development on important areas of biodiversity (Clause 12.01-1S).
  - 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 preserve and enhance the habitat of threatened species and communities within the alpine resorts (Clause 12.01-1L).
  - To facilitate sustainable use and development of Alpine areas for year-round use and activity (Clause 12.04-1S)
  - Minimise the environmental and visual impact of lift stations and associated infrastructure in the skifields by careful siting and design (Clause 12.04-1L).
  - Design development to complement the operation of the skifields, including skier and snowplay access and skifield infrastructure.
  - 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 (Clause 13.02-1S).
  - To protect areas prone to erosion, landslip or other land degradation processes (Clause 13.04-2S).
  - To ensure that geotechnical hazards are managed throughout the resorts so as to minimise risk to property and persons (Clause 13.04-2L).
  - To ensure the protection and conservation of places of Aboriginal cultural heritage significance (Clause 15.03-2S).
  - To encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination (Clause 17.04-1S).
  - To provide for year-round recreation, having regard to environmental, social, ecological, economic, aesthetic and safety considerations (Clause 17.04-1L).
54. The Project is consistent with the relevant policies. The Project will contribute to the sustainable development of Mount Buller by providing commercial facilities within the skifields which cater for the needs of skiers and are sensitive to the alpine environment. The Project will be undertaken in accordance with the submitted SEMP, which will be endorsed and form part of the permit, ensuring that construction is undertaken appropriately which will ensure environmentally sound construction and management techniques are managed. The proposal also responds to Clauses 12.04 and 17.04 by enhancing existing resort facilities which will contribute to strengthening the role of Mount Buller Alpine Resort.
55. The Project footprint is located and designed to ensure the potential adverse impacts to the environment have been avoided and minimised where possible by locating it in a previously disturbed area where the removal of native vegetation removal can be fully avoided. Furthermore, the building will not result in any loss of usable ski slope given it will be located in an area next to the Abom Express Chairlift and the control centre and other nearby skiing infrastructure.



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56. A preliminary geotechnical assessment has been submitted and the recommendations will be adopted to ensure the geotechnical risks associated with the Project will remain at a low level. The Project will not increase the risk to life or property from bushfire, subject to incorporating the architectural plans which were submitted to address the CFA requirements. The ski field area already exists and is utilised largely in the winter season when bushfire risk is low.

## Zoning and land use

57. The relevant purposes of the CDZ2 are to develop and use land in alpine resorts for passive and active recreation in accordance with sound environmental management and land capacity practices. The CDZ2 encourages minimising impacts on significant landscapes, vegetation and on habitat.
58. The Project's 'leisure and recreation' land use does not trigger a planning permit.
59. The Project is consistent with the purposes of CDZ2 given it seeks to provide a building to be used as a shelter facility for skiers. As such the building supports the resort as a skiing destination and encourages active recreation associated with the use of the resort.
60. The area where the proposed development will occur is on a highly disturbed land that has experienced extensive human activity for over 55 years. A cultural heritage management plan is not required where the land has been significantly disturbed.
61. The building is located in an area that avoids the removal of vegetation and the construction area is also outside the Mountain Pygmy Possum habitat area, thereby ensuring no impact to the habitat.
62. Construction will be undertaken in accordance with an approved Site Environmental Management Plan (SEMP) and Construction Management Plan (CMP) to protect waterbodies from sediment discharge and minimise impacts to biodiversity during construction. A Waste Management Plan (WMP) has been submitted which addresses how materials and waste will be appropriately disposed of, off the mountain. These measures will ensure the development is undertaken in accordance with sound environmental management and land capability practices that take into account the environmental significance of the area.
63. The SEMP is generally consistent with the requirements of Clause 4.3-3 of CDZ2. The SEMP includes a construction program as well as a CMP. A detailed landscape and rehabilitation plan is provided that includes the species of plants to be used to rehabilitate the disturbed areas and how this will be done. DEECA reviewed the SEMP and related documents and did not raise any concerns or require any changes and therefore a condition of permit will require all buildings and works to be undertaken in accordance with the endorsed SEMP and the landscape and rehabilitation plan.

## Buildings and works

64. The proposed development should meet the design objectives of the DDO3, which essentially seek to minimise the visual impact of snowfield infrastructure and facilities upon the landscape values of the resort. It also seeks to ensure development within the skifields is visually attractive and functionally effective all year round. The DDO3 objectives seek to ensure development is sited and designed to avoid and minimise impacts to indigenous vegetation, fauna and natural features. The DDO3 also includes design requirements in relation to building height, colours and materials.
65. It should be noted that a permit was initially issued for the existing building in its existing form, however given the prefab nature of the building at that time, the use of materials and being erected on concrete pillars, the permit was issued with a two year expiry condition, requiring the building to be removed and the site made good again following its expiry. However, the sponsor of the building at that time, Mercedes, gifted the building to Buller Ski Lifts (BSL) at the completion of the two years. BSL sought to amend the permit by deleting the expiry condition so that the building could remain on site permanently. The application was refused given the building remained in its original form and no significant attempt was made to address the DDO3 design requirements.
66. However, through on-going guidance and feedback from DTP, BSL have lodged a new application which incorporates a much improved building design and incorporates the design requirements of the DDO3, ensuring the building is suitable as a permanent building within the alpine environment, as demonstrated in the discussion below.



67. The proposed building complies with the height requirements specified in the DDO3. The building will have a maximum height of approximately 6.4m, which is well under the maximum permitted height of 11m.
68. In terms of wall and roof materials, the building incorporates a Colorbond roof in 'Monument' colour (dark tone). This is consistent with the DDO3 requirements. For wall cladding, the building incorporates a combination of stone veneer cladding (brown tones), horizontal hardwood timber cladding (grey tones) and ply board (black colour), which are generally consistent with the DDO3 wall material requirements specified. However, the CFA, as a statutory determining referral authority, had requested further information to appropriately address the BMO requirements. This resulted in the wall cladding materials needing to be modified in order to obtain a BAL 40 rating. The applicant therefore submitted revised architectural plans (prepared by Taylor Design Group as Revision 10 and dated 12 April 2024) to satisfy the CFA requirements. The changes to the plans submitted to the CFA include:
- Deletion of the wall cladding 'ply board' and horizontal hardwood timber' and replacement with Colorbond 'Night Sky' and 'Woodland Grey'.
  - A notation on the plans to state that the building will be constructed to a BAL 40.
69. The CFA accepted the change in the materials. Therefore, to ensure that the revised architectural plans that the CFA reviewed are endorsed as part of the permit, a condition of permit will require the revised plans be submitted for approval that specifically include the changes to the materials. While the plans have been received by the applicant specifically to address the CFA requirements, they were not formally substituted, therefore the condition needs to be included in the permit to acknowledge that the revised plans will replace the advertised plans as the approved plans. The revised plans will be endorsed at the same time the permit is issued.
70. Importantly, it should be noted that the design of the building in this application will be modified from its existing form to now include stone into the wall of three of the four elevations. The inclusion of the stonework into the bottom part of the wall will remove the view of the pillars on which the building sits upon. The building will present as a permanent building rather than as a temporary one, ensuring it is consistent with other buildings within the alpine environment. The inclusion of the stonework, together with the Colorbond cladding, will ensure the building is constructed to achieve long lasting durability and able to withstand the harsh alpine weather and conditions in the alpine conditions all year round, therefore making the materials suitable and consistent with the objectives and the decision guidelines of the DDO3.
71. The existing conditions include rock beaching around the perimeter of the existing building. This was a knee jerk response by BSL staff to address the stonework requirement of the DDO at the time BSL made a request to amend the permit so that the building could be permanent. A condition of the permit will require that the existing rock beaching be removed prior to the commencement of the development.
72. The design objectives of the DDO3 include ensuring development is not visually intrusive when viewed from key public vantage points within the Village, the Mt Buller Access Road and surrounding skifields. In response, the building is not visible from the Mt Buller Access Road and only partially visible from a few locations in the eastern part of the village, more than 1.5km away, and only visible as one building of a group of buildings, the other buildings of which are significantly larger. The building will sit amongst the existing control centre building, the Abom Express Chairlift Top Station, the garage building and the newly constructed 100ML water storage facility (Boggy Creek Reservoir) and associated pump station, all of which are significantly larger in scale. Therefore, the building will 'blend in' amongst the existing other buildings, thus in effect being consolidated amongst the existing other buildings and not stand out or be visually intrusive.
73. Another design objective of the DDO3 is to ensure development within the skifields is visually attractive and functionally effective all year round. The proposed building achieves this as the built form is simple, clean and visually attractive, particularly with the inclusion of stonework. It will be functionally effective all year round as it is located approximately 750m from the western part of the Village and approximately 1.3km from the Village Square. Furthermore, the buildings main function is as a public shelter, warming hut and shelter from the weather in winter and therefore it functions well. The building can also be used during the summer season for visitors utilising activities within the Baldy/Summit area.
74. The DDO3 design objectives include a requirement that development minimise the visual impact of snowfield infrastructure and facilities upon the landscape values of the resort. The proposed building satisfactorily achieves this as stated earlier by being consolidated amongst other existing infrastructure buildings and structures. The use



of suitable colours and materials and ensuring the building height remains low, also ensures the visual impact is reasonable and acceptable.

75. As such, the proposed building satisfies the design objectives of the DDO3 as the visual impact upon the landscape will be minimal. The development will not be visible from key vantage points within the Mt Buller Village or surrounding skifields and the building has been sited to avoid impact to native vegetation.

## Signage

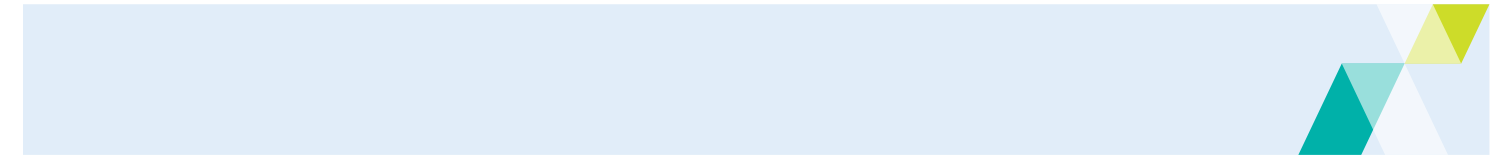
76. Decision guidelines within the CDZ2 require consideration of the Commercial Sign Policy 1997. Three business identification signs are proposed, which essentially include the Mt Buller logo and the name of the building (The Lodge). The proposed signs are considered appropriate and consistent with the Commercial Sign Policy 1997 and the decision guidelines of Clause 52.05 (Signs) given:
- The signs are attached to a single storey, permanent building and are of a number, size and location that will minimise their impact on views or vistas.
  - The signs are securely fixed to the building so that they will withstand wind, ice and snow build up.
  - The signs are constructed of robust materials.
  - The signs are not anticipated to intensify reflective light, and the materials specifications shown on the plans confirm non-reflective materials.
  - The style and materials of the proposed signage is appropriate to the building.
  - A condition will be included on the permit requiring signs must at all times to be maintained in good order and condition, to the satisfaction of the Responsible Authority.
  - The design of signage is appropriate to the amenity and scenic character of the resort. The proposed colours will not be overly obtrusive.
  - The signage is proportionate to the scale of the building and sits below the roofline and within the gable roofs and the building entrance.
  - The signs will not be illuminated and conditions on the permit will ensure this.
  - The building to which the signage is attached is located approximately 18 metres from Summit Road and the signage faces away from the road. Accordingly, the signage will not impact road safety.

## Geotechnical risks

77. The subject site is within an Erosion Management Overlay (EMO1). Accordingly, a Preliminary Geotechnical Assessment prepared by Taylor Consulting Engineers, dated 22 May 2023 was submitted. The geotechnical report identified the risk to life and property as low. Provided that the recommendations of the original report are adhered to, the geotechnical and landslip hazards associated with the proposal will be appropriately managed.
78. The ARV, pursuant to the EMO as a section 55 determining referral authority have requested a condition be included requiring the development be constructed in accordance with the recommendations described in the geotechnical report submitted. The document will be endorsed to form part of the permit.

## Bushfire hazard

79. The application was referred to the CFA as a statutory determining referral authority. The CFA initially requested further information, which ultimately resulted in changes to some of the external wall cladding materials to achieve a BAL 40 rating. The 'ply board' and 'hardwood timber' cladding was not considered suitable materials and was ultimately removed and changed to Colorbond materials. This resulted in a revised set of architectural plans which the CFA were satisfied with. However given these plans were not formally substituted to the application, a condition of permit will require amended plans be submitted that incorporates the revised changes as specified for endorsement. As such, the revised plans can be approved as forming part of the permit and be endorsed at the same time the permit is issued. Furthermore, the CFA have requested a condition be included that requires the building to be built to BAL 40 requirements. The mandatory condition as per Clause 44.06-5 of the Scheme must also be included in any permit issued.

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80. Finally, the proposed building will not detrimentally impact the resilience of the existing buildings within close proximity of the development site and therefore it is not considered that there will be a net increase in risk from bushfire.

#### **Vegetation removal and Environmental Significance Overlay**

81. The applicant submits that no native vegetation is required to be removed, given the development site is in an area which was previously disturbed.
82. The ESO1 refers to the Mountain pygmy-possum and the overlay seeks to ensure its habitat is preserved and enhanced and not destroyed or fragmented. The Project is located outside the Mountain pygmy-possum habitat area and therefore the Project will not result in any impact to the pygmy-possum habitat.
83. The application was referred to DEECA who are a determining referral authority pursuant to the ESO who did not raise any concerns. Standard conditions in relation to protection of retained vegetation, and works being in accordance with the submitted SEMP and Construction Management Plan will be included.

#### **Infrastructure and services**

84. The CDZ2 requires the application to be referred to utility providers and requires the land to be adequately serviced. As such, given the proposed building will be connected to electricity and water, it was referred to AusNet Services and Goulburn Murray Water respectively. AusNet Services required one note be included regarding underground power lines and Goulburn Murray Water required one condition be included relating to construction being undertaken in accordance with EPA Publication 1834.1 Civil Construction, Building and Demolition Guide (September 2023).
85. All the conditions and notes are considered acceptable and should be included on any permit that issues.

#### **Aboriginal Cultural Heritage Management Plan (CHMP)**

86. The development site is in an area which was previously disturbed and therefore a CHMP is not required to be submitted. The applicant has advised that the site has previously been subject to significant ground disturbance with the construction of the Baldy Duplex Poma ski lifts in 1969, the ski run (and road access) as part of that and subsequently the installation of the Baldy Double Chairlift in 1973, the Helicopter Flat Triple Chairlift (Abom Chairlift) in 1986 and the Mercedes Six-Seater Chairlift in 2008. The proposed building is in the same location as where the top/drive station of the Helicopter Flat Triple Chairlift was located and is resting on some of the original concrete footings and pads. Accordingly, it is considered that significant ground disturbance has occurred, and a cultural heritage management plan is not required.
87. A map was provided that shows the areas of previously disturbed ground. (Refer to Figure 7).

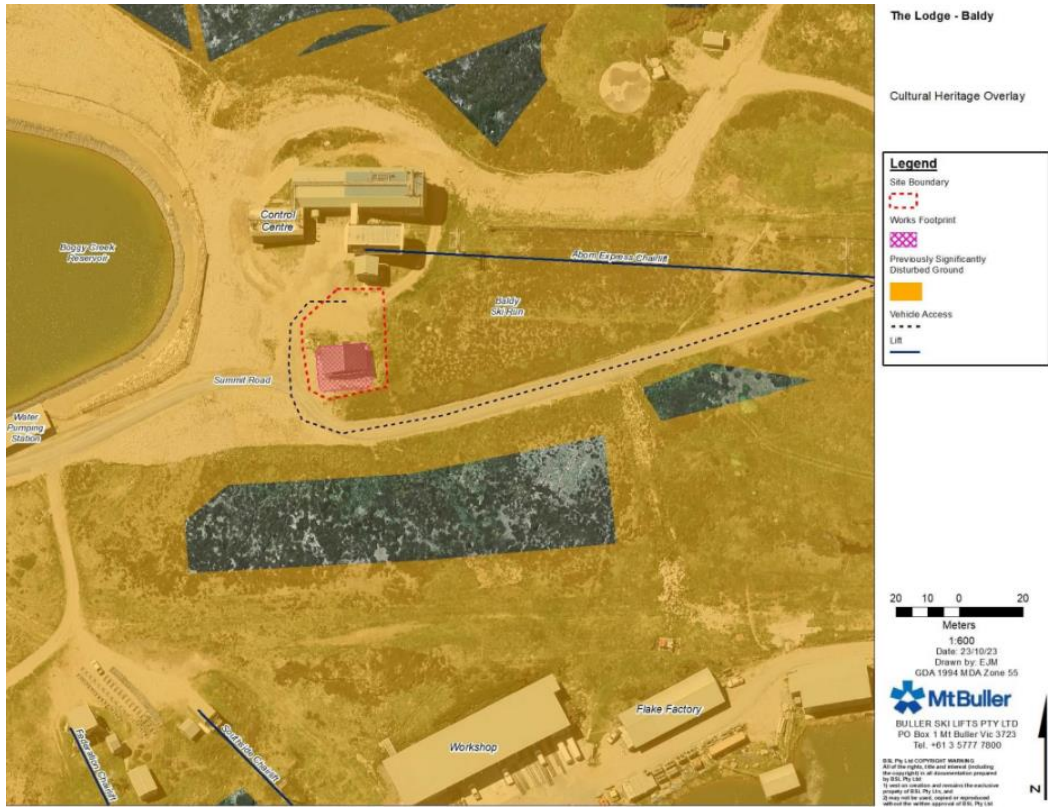


Figure 7: Area of previously significantly disturbed ground (Source: Application)



## Recommendation

88. The development is generally consistent with the relevant planning policies of the Alpine Resorts Planning Scheme.
89. The proposal is generally supported by referral authorities, subject to conditions.
90. **It is recommended that a Permit be issued for Application No. PA2302563 being for Buildings and works for a building (associated with leisure and recreation), and the construction and display of signage (business identification signs) at the land known as Baldy Area, Mt Buller Ski Field, Mt Buller.**

### Prepared approved by:

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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:

[Redacted]

Title:

Signed:

[Redacted]

Phone:

[Redacted]

Dated:

30 May 2024

### Reviewed by:

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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:

[Redacted]

Title:

Signed:

[Redacted]

Phone:

[Redacted]

Dated:

26/6/2024

