

# U4, 17C Falls Creek Road, Falls Creek

VicSmart Planning Permit Application  
Application no. PA2403354



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Officer Assessment Report  
Development Approvals & Design



Department  
of Transport  
and Planning

# Executive Summary

| Key information   | Details  |        |         |  |  |  |                                       |   |  |  |   |
|---|--|--------|---------|--|--|--|---------------------------------------|---|--|--|---|
| Application No.:  | PA2403354  |        |         |  |  |  |                                       |   |  |  |   |
| Received:   | 19/11/2024   |        |         |  |  |  |                                       |   |  |  |   |
| Statutory Days:   | 5 days   |        |         |  |  |  |                                       |   |  |  |   |
| Applicant:  | [REDACTED]   |        |         |  |  |  |                                       |   |  |  |   |
| Planning Scheme:  | Alpine Resorts   |        |         |  |  |  |                                       |   |  |  |   |
| Land Address:   | U4, 17C Falls Creek Road, Falls Creek  |        |         |  |  |  |                                       |   |  |  |   |
| Proposal:   | Buildings and Works (external staircase and extension to the roof line) to Unit 4  |        |         |  |  |  |                                       |   |  |  |   |
| Development value:  | \$100,000  |        |         |  |  |  |                                       |   |  |  |   |
| Why is the Minister responsible?  | <p>In accordance with the schedule to Clause 72.01 of the Planning Scheme, the Minister for Planning is the Responsible Authority for this application because:</p> <p><i>The responsible authority for the administration and enforcement of this planning scheme or a provision of this planning scheme is specified in this clause and the schedule to this clause.</i></p>   |        |         |  |  |  |                                       |   |  |  |   |
| Why is a permit required?   | <table border="1"> <thead> <tr> <th>Clause</th> <th>Trigger</th> </tr> </thead> <tbody> <tr> <td>Schedule 1 to Clause 37.02 Comprehensive Development Zone (CDZ1)</td> <td>Construct a building or construct or carry out works</td> </tr> <tr> <td>Schedule 1 to Clause 44.06 Bushfire Management Overlay, (BMO1)</td> <td>N/A (Exempt from triggering a permit)</td> </tr> <tr> <td>Schedule 2 to Clause 43.02 Design and Development Overlay Schedule 2, Area 1, (DDO2-A1)</td> <td>Construct a building or construct or carry out works</td> </tr> <tr> <td>Schedule 1 to Clause 44.01 (Erosion Management Overlay, (EMO1)</td> <td>Construct a building or construct or carry out works.</td> </tr> </tbody> </table> | Clause | Trigger | Schedule 1 to Clause 37.02 Comprehensive Development Zone (CDZ1) | Construct a building or construct or carry out works | Schedule 1 to Clause 44.06 Bushfire Management Overlay, (BMO1) | N/A (Exempt from triggering a permit) | Schedule 2 to Clause 43.02 Design and Development Overlay Schedule 2, Area 1, (DDO2-A1) | Construct a building or construct or carry out works | Schedule 1 to Clause 44.01 (Erosion Management Overlay, (EMO1) | Construct a building or construct or carry out works. |
| Clause  | Trigger  |        |         |  |  |  |                                       |   |  |  |   |
| Schedule 1 to Clause 37.02 Comprehensive Development Zone (CDZ1)                        | Construct a building or construct or carry out works   |        |         |  |  |  |                                       |   |  |  |   |
| Schedule 1 to Clause 44.06 Bushfire Management Overlay, (BMO1)                          | N/A (Exempt from triggering a permit)  |        |         |  |  |  |                                       |   |  |  |   |
| Schedule 2 to Clause 43.02 Design and Development Overlay Schedule 2, Area 1, (DDO2-A1) | Construct a building or construct or carry out works   |        |         |  |  |  |                                       |   |  |  |   |
| Schedule 1 to Clause 44.01 (Erosion Management Overlay, (EMO1)                          | Construct a building or construct or carry out works.  |        |         |  |  |  |                                       |   |  |  |   |
| Zone:   |  |        |         |  |  |  |                                       |   |  |  |   |
| Overlays:   |  |        |         |  |  |  |                                       |   |  |  |   |
| Cultural Heritage   | The subject land is located within an area of cultural heritage sensitivity. However, the location where the proposed works are located has been significantly disturbed, thus the requirements to provide a Cultural Heritage Management Plan (CHMP) are exempt.  |        |         |  |  |  |                                       |   |  |  |   |
| Referral authorities  | N/A  |        |         |  |  |  |                                       |   |  |  |   |
| Public Notice   | <p>Notice of the application under section 52 of the Act was not required because:</p> <p><i>A VicSmart application is exempt from:</i></p> <ul style="list-style-type: none"> <li><i>The notice requirements of section 52(1)(a), (b), (c) and (d) of the Act.</i></li> <li><i>The decision requirements of section 64(1), (2) and (3) of the Act.</i></li> <li><i>The review rights of section 82(1) of the Act.</i></li> </ul>  |        |         |  |  |  |                                       |   |  |  |   |
| Delegates List  | Not required   |        |         |  |  |  |                                       |   |  |  |   |
| Recommendation  | The application is recommended for approval subject to the conditions as outlined.   |        |         |  |  |  |                                       |   |  |  |   |

# Background



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

| Milestone                               | Date  |
|---|---|
| Exemption request received by applicant | 19/11/2024  |
| Application lodgement                   | 27/11/2024  |
| Decision Plans                          | <ul style="list-style-type: none"><li>Plans prepared by Sendit Archi, titled 'Sapporo 8' and dated 29 August 2024 (19 pages).</li><li>Site Environmental Management Plan (SEMP) signed on 14 August 2024 by Andy Mero (9 pages).</li></ul>  |
| Other Supportive Documents              | <ul style="list-style-type: none"><li>Geotechnical Review, prepared by GHD and dated 24 October 2024 (38 pages).</li><li>Planning Report – VicSmart, prepared by Crowther &amp; Sadler Pty Ltd and dated November 2024.</li><li>Referral response letter, prepared by Goulburn Murray Water (GMW) and dated 6 November 2024.</li><li>Referral response letter, prepared by Alpine Resorts Victoria (ARV) and dated 8 November 2024.</li></ul> |

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

3. The proposal can be summarised as follows:

| Key Information  | Details  |
|------------------|--|
| <b>Proposal:</b> | Construct a building or construct and carry out works (external staircase and extension to the roof line) within the CDZ1, the DDO2-A1 and the EMO1. |

4. Specifically, the proposal comprises the construction of a new staircase and increase to the roof line on the south/west elevation of the Sapporo Building. (Refer to Figure 1 for existing conditions and proposed buildings and works).

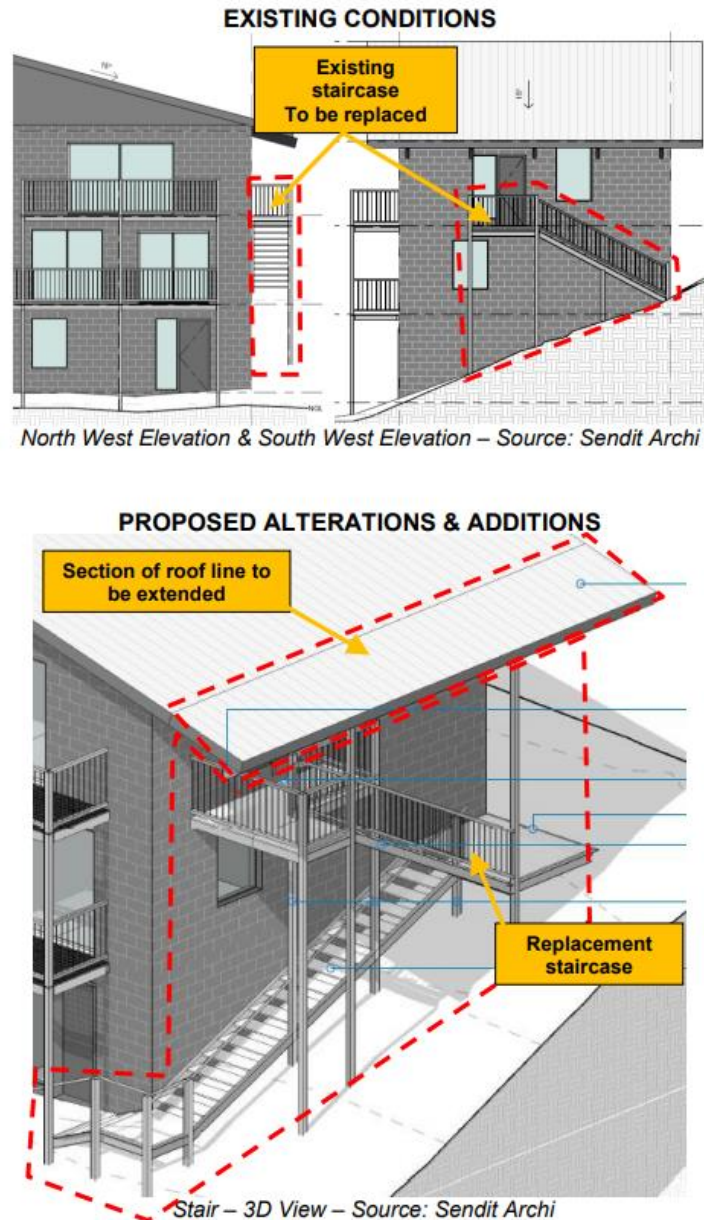


Figure 1: Existing conditions and proposed buildings and works (Source: Application)

5. The roof extension will span a width of 1.55m and have a length of 9.55m and will be an extension to the existing 15 degree roof pitch. The material will match the existing roof, which is Colorbond in a grey tone.

6. The purpose of the roof extension is to ensure the external staircase is covered and that snowshed does not hinder access to the dwelling entry for Unit 4.
7. The proposed alterations to the existing staircase and construction of a new staircase will be located to the south/west elevation wall and will incorporate:
  - A new infill landing area comprising 2.35m by 1.97m (to align with relocated existing landing).
  - Repurpose of the existing staircase (1.15m wide) and construction of a new staircase (1m wide) to connect basement level to landing at base of existing stairs.
8. No vegetation is proposed to be removed.
9. The applicant has provided the following 3D view with details of proposal:

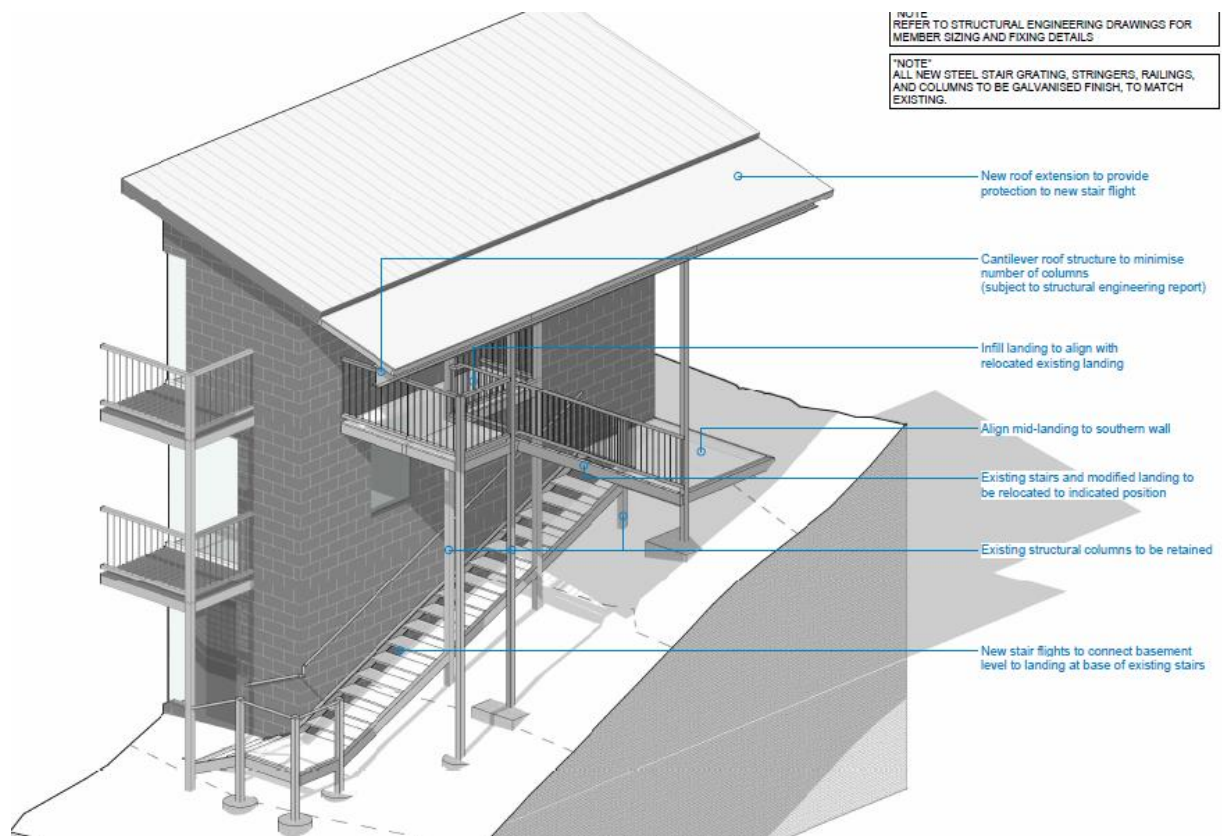


Figure 2: 3D view of proposal with details (Source: Application)



## Site Description

10. The site is located at 17C Falls Creek Road, Falls Creek Alpine Resort. The site is situated within the area of the resort designated as Area 1 on the Falls Creek Village Strategic Framework Plan and is situated within Falls Creek Village.
11. The existing leased lot contains 3 accommodation buildings, known as Imaj Flats, Sassalal Flats and Sapporo Flats. (Refer to Figure 3).



*Aerial view of subject land – Source: VicPlan*

Figure 3: Aerial image of subject land containing 3 accommodation buildings (Source: Application)

12. The proposed buildings and works are wholly contained within the Sapporo Flats building. The Sapporo Flats building contains 4 self-contained dwellings and the proposed buildings and works are specifically associated with Unit 4, which is located on the western half of Level 2.
13. The site contains some established scattered vegetation.

## Site Surrounds

14. The surrounding development consists mainly of residential accommodation associated with the Falls Creek ski resort.
15. Within the same leased lot, Sapporo Lodge adjoins Sassalo Lodge to the north/east and Imaj Flats to the north/west.
16. On adjoining land, Sapporo Lodge abuts Lakeside Lodge to the south/east and Murmelli Lodge is located to the south/west. Alyeska Flats is located to the west of Sapporo Lodge.

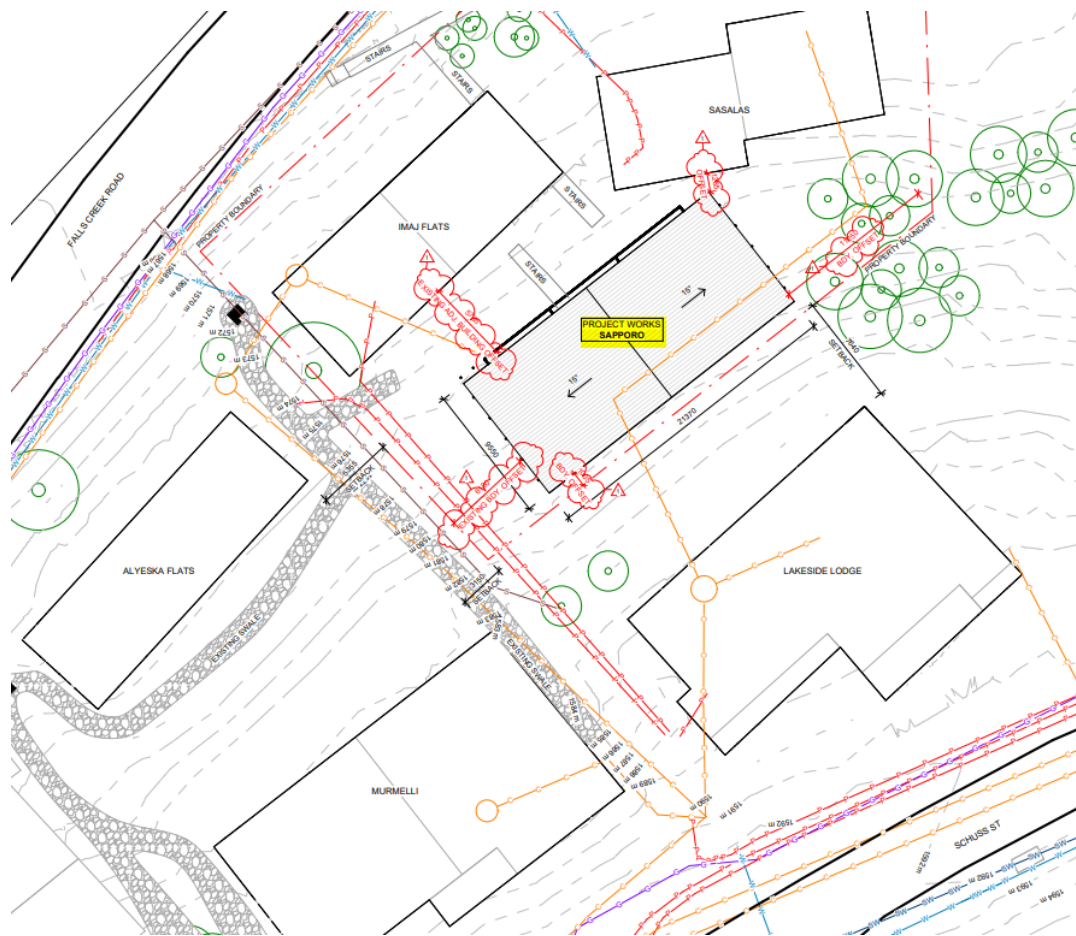


Figure 4: Subject land and adjoining properties (Source: Application)



## Municipal Planning Strategy

17. The following objectives and strategies of the Municipal Strategic Statement of the scheme are relevant to the proposal:

| Clause no. | Description               |
|------------|---------------------------|
| 02.01      | Context                   |
| 02.02      | Vision                    |
| 02.03-1    | Settlement and Housing    |
| 02.04      | Strategic Framework Plans |

## Planning Policy Framework

18. The following objectives and strategies of the Planning Policy Framework of the scheme are relevant to the proposal:

| Clause no. | Description   |
|------------|---|
| <b>11</b>  | <b>Settlement</b>                                   |
| 11.01-1L   | Alpine Villages – Falls Creek Village               |
| 11.03-6S   | Regional and Local Places                           |
| Clause no. | Description   |
| <b>12</b>  | <b>Environmental and Landscape Values</b>           |
| 12.04-1S   | Sustainable Development in Alpine Areas             |
| 12.04-1L   | Sustainable Development – Alpine Resorts            |
| 12.04-1L   | Sustainable Development – Falls Creek Alpine Resort |
| <b>13</b>  | <b>Environmental Risks and Amenity</b>              |
| 13.02-1S   | Bushfire Planning                                   |
| 13.02-1L   | Bushfire Planning – Alpine Resorts                  |
| 13.04-2S   | Erosion and Landslip                                |
| 13.04-2L   | Erosion and Landslip in Alpine Resorts              |
| <b>15</b>  | <b>Built Environmental and Heritage</b>             |
| 15.01-2L   | Built Form in Alpine Resorts                        |
| <b>17</b>  | <b>Economic Development</b>                         |
| 17.04-1L   | Alpine Tourism                                      |
| 17.04-1L   | Falls Creek Tourism                                 |

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

## Statutory Planning Controls

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

20. A planning permit is required to construct a building or construct or carry out works. The purpose of Schedule 1 to the Comprehensive Development Zone (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.*
21. The CDZ1 includes application requirements and decision guidelines for buildings and works. The following sections include discussion of how the proposal responds to these requirements.

### **Clause 43.02 – Design and Development Overlay, Schedule 2, Area 1 (DDO2-A1)**

22. A planning permit is triggered to construct a building or construct or carry out works pursuant to the DDO2.
23. The DDO includes three separate areas where specific requirements should be met for proposed developments. The subject site is located within the Area 1 (A1) where specific requirements are included in relation to maximum height, minimum setbacks and maximum site coverage.
24. The relevant design objectives of the DDO2 include:
- *To ensure that the Falls Creek Village presents an identifiable, memorable and unique image at an appropriate scale and density.*
  - *To ensure that new development in the Falls Creek Village is sympathetic in scale and location to the landscape, trees, and views.*
  - *To ensure that the scale, height and setbacks of development reinforce Village Plaza precinct as the Village Centre and focal point of Falls Creek.*
  - *To ensure view corridors between buildings provide opportunities for view sharing.*
  - *To encourage the retention of indigenous vegetation.*
  - *To provide safe pedestrian and skier linkages within the Village.*

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

25. A planning permit is triggered to construct a building or construct or carry out works pursuant to the EMO1.
26. The EMO1 includes application requirements and decision guidelines that require a Geotechnical Assessment be provided, prepared by a suitably qualified and experienced geotechnical practitioner. The following sections include discussion of how the proposal responds to these requirements.

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

27. A planning permit is not triggered for the proposed development pursuant to the BMO. The proposed buildings and works are associated with a dwelling (Unit 4) and a permit is not triggered for 'an alteration or extension to an existing building used for a dwelling or a small second dwelling that is less than 50% of the gross floor area of the existing building'.
28. The proposed buildings and works clearly meet the above exemption and therefore do not trigger a planning permit pursuant to the BMO. Consideration of the proposal against the BMO is therefore not required.

### **VicSmart Applications and Requirements**

29. Clause 59.04 sets out the information requirements for any VicSmart application for buildings and works within a zone and outlines the relevant decision guidelines.
30. Clause 59.05 sets out the information requirements for any VicSmart application for buildings and works within an overlay and outlines the relevant decision guidelines.



## Notice

31. 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:
- *A VicSmart application is exempt from:*
    - *The notice requirements of section 52(1)(a), (b), (c) and (d) of the Act.*
    - *The decision requirements of section 64(1), (2) and (3) of the Act.*
    - *The review rights of section 82(1) of the Act.*



## Clause 59.04 Buildings & Works in a Zone (VicSmart)

32. In assessing the VicSmart application, the responsible authority must consider certain items, as appropriate and listed in the Decision Guidelines of Clause 59.04-2. The relevant items and a response follows:
33. *Whether the proposal is consistent with any relevant urban design and built form policy set out in the scheme.*
- The proposed development is consistent with the built form of the existing building, utilising materials and colours that will match the existing building. Furthermore, the height of the proposed development will remain unchanged.
34. *Whether the movement of pedestrians and cyclists, and vehicles providing for supplies and waste removal are appropriately accommodated.*
- The architectural plans include a Site Construction Management Plan which clearly shows that waste and supply of materials are appropriately located away from pedestrian paths and accessways.
  - Snowshed from the roof extension will continue to fall in the same direction, away from pedestrian paths and accessways. The roof extension will ensure the new staircase is covered thus protecting users from snowshed.
  - Standard conditions relating to the management of snowshed will be included in any permit issued.
35. *Whether the design complements the built form of the surrounding properties and the streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.*
- The proposed development will utilise materials and colours to match the existing building. The proposed development will be well distanced and retain the generous setbacks to the Falls Creek Road frontage. The proposed development will retain the generous setback to Lakeside Lodge (minimum 7.6m) and to Murelli Lodge (approximately 9m).
36. *Whether the land and building have availability of and connection to services.*
- The building is already connected to all available services.
37. *Whether the proposed development adversely impacts the amenity of the land and the locality including existing dwellings on adjoining sites.*
- There will be no adverse amenity outcomes resulting from the minor works of the proposed development. The setbacks to the existing buildings on the same site and to adjoining sites remain largely unchanged.
38. *Whether the proposal meets any relevant requirements specified in the zone or the schedule to the zone.*
- The application documents include a Site Environmental Management Plan (SEMP) which is specified under the CDZ1 as required to be provided for all applications.
  - The SEMP is considered to be satisfactory, and the architectural plans include a Site Construction Management Plan at Drawing A103, which appropriately details the location of skip and waste, material set-down, site office and sediment control measures.
39. *The objectives set out in the schedule to the zone.*
- The proposed development meets the purposes of the zone in that the development improves an existing building by enabling access to Unit 4 from both ground level and basement level (existing conditions provides access only from ground level). The improvement continues to encourage year-round use for a commercially oriented alpine resort.
  - The proposed development is in accordance with sound environmental management and land capability practices, taking into account the significance of the environmental resources as no vegetation is proposed to be removed and the proposed development is fairly minor in nature.

40. The zone provisions have been appropriately considered in the application with respect to the proposal.

### **Clause 59.05 Buildings & Works in an Overlay (VicSmart)**

41. In assessing the VicSmart application, the responsible authority must consider certain items, as appropriate and listed in the Decision Guidelines of Clause 59.05-2. The relevant items and a response follows:

42. *The statement of significance and the objectives contained in the schedule to the overlay and whether the buildings and works will adversely affect that significance or the objectives; and*

*Whether the proposal meets any requirements specified in the overlay or the schedule to the overlay.*

- The proposed development responds appropriately to the design objectives of the DDO2 given:
  - The proposed staircase has been designed to ensure Unit 4 at the second level is accessible from both the ground and first levels, thereby positively responding to the topography of the land.
  - The scale and height will not change from the existing building given the proposed development is minor in size and area and the materials and colours will match the existing building.
  - The proposed development will not result in the removal of any vegetation.
- The proposed development responds appropriately to the design objectives of the EMO1 given:
  - The proposed development incorporates minimal ground disturbance.
  - A geotechnical report was prepared which included the following risk control measures:
    - Ensure surface drainage across the site is controlled and not concentrated, particularly at the base of the exposed footings. It is recommended that the final surface level is above the base of the footings to prevent erosion of the foundation material.
    - Ensure proposed footings are founded on suitable natural material with respect to the design drawings. An inspection of the exposed foundation material by a suitably qualified engineer is recommended.
    - Ensure construction does not take place during or immediately after heavy rainfall events and ensure rainfall cannot pool on the slope.
    - Maintain temporary batters no steeper than 1.0H:1.0V during construction.
  - The VicSmart application includes a letter from the Alpine Resorts Victoria (ARV), who are recommending referral authority pursuant to the EMO. The ARV did not include any conditions specific to the EMO referral.
  - A condition of permit will require that all buildings and works are carried out in accordance with the geotechnical recommendation described in the geotechnical report.

43. The overlay provisions have been appropriately considered in the application with respect to the proposal.

### **Bushfire risk**

44. While the site is covered by the Bushfire Management Overlay, there is no permit trigger for the proposed development under this overlay and therefore an assessment is not required against this provision. However, this is within a designated bushfire prone area and works associated with accommodation must be assessed for bushfire risk.

45. It is considered that the proposed development would not present any unacceptable bushfire risks with respect to people, property and community infrastructure. Furthermore, given the nature of the proposal, bushfire protection measures are not required as the roof extension and addition of the external staircase is highly unlikely to increase the risk of bushfire on the site in any way, but rather improve fire safety access.

### **Referral Authority Conditions**

46. The ARV, as a recommending referral authority under the EMO and have not recommended any conditions be included. However, two notes have been requested to be included, which are about site induction and ensuring compliance with all relevant resort policies and procedures during construction.

47. Goulburn Murray Water (GMW) are a determining referral authority pursuant to clause 66.02-5 Special water supply catchment area. GMW have requested one condition be included in any permit issued requiring all construction be undertaken in accordance with the current EPA publication.



48. All the conditions and notes are considered acceptable and should be included on any permit that issues.

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

49. The site is located within an area of cultural heritage sensitivity. However, given the proposed development includes minor ground disturbance to a location which has been previously disturbed, a CHMP is not required to be provided.

# Recommendation



50. The development is generally consistent with the relevant planning policies of the Alpine Resorts Planning Scheme and will improve the site.
51. The proposal is generally supported by the ARV and other referral authorities, subject to conditions.
52. **It is recommended that** a Permit be issued for Application No. PA2403354 being for buildings and works (external staircase and extension to the roof line) at the land known as U4, 17C Falls Creek Road, Falls Creek.



**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]      Signed: [Redacted]  
Title: [Redacted]      Dated: 02/12/2024  
Phone: [Redacted]

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**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:

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- 

Name: [Redacted]      Signed: [Redacted]  
Title: [Redacted]      Dated: 4/12/2024  
Phone: [Redacted]

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