

PLANNING PERMIT

Permit No.:	PA2302041
Planning scheme:	Alpine Resorts Planning Scheme
Responsible authority:	Minister for Planning
ADDRESS OF THE LAND:	Crown Allotment No. 5A, Section no. A, Parish of Changue East (generally known as Magic Forest Ski slope), MOUNT BULLER

THE PERMIT ALLOWS:

Planning scheme clause No.	Description of what is allowed
37.04-4	Construct or carry out works
42.01-2	Construct or carry out works / remove, destroy or lop any vegetation (including dead vegetation)
43.02-2	Construct or carry out works
44.01-2	Construct or carry out works
44.01-3	Remove, destroy or lop any vegetation
44.06-2	Construct or carry out works associated with a Leisure and recreation use
52.17-1	Remove, destroy or lop native vegetation, including dead native vegetation

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Compliance with documents approved under this permit

1. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.

Commencement

2. This permit will operate from the issued date of this permit.

Date issued: 27 June 2024 Signature for the responsible authority:



Significant ground disturbance

3. No significant ground disturbance (that is, disturbance of the topsoil or surface rock layer of the ground) is permitted under this permit.

Works plans

4. Before any works start, the works plans prepared by Mt Buller Ski Lifts Pty Ltd, dated 17 January 2024, 7 March and 14 March 2024 comprising 11 sheets (including information relating to site rehabilitation) must be approved and endorsed by the responsible authority.

Layout not altered

5. The layout of the works must not be altered from the layout on the approved and endorsed plans without the written consent of the responsible authority.

Site induction

6. The permit holder must arrange an on-site induction with the relevant Mount Buller – Alpine Resort Victoria officer prior to the commencement of any works on the land.

Notification prior to commencement of works

7. Before any works start, the permit holder must advise all persons undertaking works on the land (including native vegetation removal) of all relevant permit conditions and associated statutory requirements or approvals.

Site Environmental Management Plan

8. Prior to the commencement of works, a Site Environmental Management Plan (SEMP) must be approved and endorsed by the responsible authority. The SEMP must be prepared to the satisfaction of the responsible authority in consultation with the Department of Energy, Environment and Climate Action and Alpine Resorts Victoria. The SEMP must be generally in accordance with the SEMP prepared by Edward Mahon on behalf of Buller Ski Lifts dated 14 March 2024 but amended as follows:

- a. Insert the following condition under the “Construction Techniques/ Activities” ahead of the Native Vegetation Management heading on page 3:

Relocate fauna

Prior to the removal of native vegetation, the site should be inspected by an ecologist in the presence of a Resort Environmental Officer from Alpine Resorts Victoria for threatened skinks (and other fauna) across the site (including areas removed from the proposed works). If they are found, they should be relocated to the nearest suitable habitat outside the site. The inspections must occur no more than 5 days prior to the removal of any native vegetation.

- b. Include an aerial plan marked up to show all tree/ vegetation protection zones as these will be established on the land in accordance with AS 4970-2009 *Protection of Trees on Development Sites*. The plan or map must be to scale and clearly show all relevant distances that need to be observed in line with AS 4970-2009 *Protection of Trees on Development Sites*.
- c. Expressly state that all site rehabilitation and vegetation management (including weed management) undertaken on the land must comply with the Mount Buller Ski Field Vegetation Management Plan as endorsed under permit no. 2011011306-2.



Planning and Environment
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

9. A copy of endorsed Site Environmental Management Plan must be kept on the land at all times during the works period and be made available to all persons undertaking works on the land.

Offset requirement

10. Prior to the commencement of works, the permit holder must secure a native vegetation offset to offset the removal of 0.121 hectares of native vegetation, as identified in Native Vegetation Removal Report NVRID: BIO_2022_137, in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017) as specified below:

General offset

A general offset of 0.107 general habitat units:

- a. located within the Goulburn Broken Catchment Management Authority boundary or Mount Buller Alpine Resort (unincorporated) municipal district
- b. with a minimum strategic biodiversity score of at least 0.680.

Offset evidence and timing

11. Before any native vegetation is removed, evidence that the required offset for the works has been secured must be provided to the satisfaction of the responsible authority. This evidence must comprise of one or both of the following:
- a. Credit extract(s) allocated to the permit from the Native Vegetation Credit Register, and/ or
 - b. An established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site.

A copy of the offset evidence must be endorsed by the responsible authority and form part of this permit.

12. Within 30 days of endorsement of the offset evidence by the responsible authority, the permit holder must provide a copy of the endorsed offset evidence to the Department of Energy, Environment and Climate Action.

Protection of retained vegetation

13. Before any works start, the Flora and fauna assessment for proposed ski area expansion (Project no. 31381), version 2, prepared by Biosis dated 14 March 2024 must be approved and endorsed by the responsible authority.
14. Before any works start, vegetation protection zones are to be established around all native trees/ vegetation to be retained (as identified in the endorsed Flora and fauna assessment) and these areas identified as "no-go" zones where trees/ vegetation are protected and remain undisturbed for the duration of the works, to the satisfaction of the responsible authority.
15. All designated tree/ vegetation protection zones must, to the satisfaction of the responsible authority:
- a. comply with AS 4970-2009 Protection of Trees on Development Sites.

Date issued: 27 June 2024 Signature for the responsible authority:



- b. be bounded by highly visible fencing that must remain in place until all works on the land are complete.

Geotechnical

16. Before any works start, the Preliminary Geotechnical Risk Assessment prepared by Taylor Consulting Engineers Pty Ltd, Rev 3 dated 5 June 2024 must be approved and endorsed by the responsible authority.
17. If at any time the geotechnical conditions vary from those described in the Preliminary Geotechnical Assessment endorsed under this permit, the permit holder must, without delay, obtain further geotechnical advice from a suitably qualified and experienced geotechnical practitioner as defined in Schedule 1 to the Erosion Management Overlay to the satisfaction of the responsible authority and Alpine Resorts Victoria.

Mount Buller Alpine Resort Infrastructure

18. Prior to the commencement of any works on the land, an asset protection report (comprising video, and photos as appropriate) documenting the existing condition of roads, stormwater drains, and protected vegetation areas within (and along the edges of) the land must be approved and endorsed by Alpine Resorts Victoria.
19. The condition of any roads, stormwater drains, and protected vegetation must be monitored for the duration of the works and any defects or damage made good or repaired within 24 hours of being identified to the satisfaction of Alpine Resorts Victoria. All costs associated with any such repair or replacement is to be borne by the permit holder.
20. At the completion of the works a final condition report for roads, stormwater drains, and protected vegetation must be prepared to the satisfaction of Alpine Resorts Victoria, and any outstanding defects or damage rectified at the cost of the permit holder to the satisfaction of the responsible authority in consultation with Alpine Resorts Victoria

Carparking

21. Vehicles under the control of the permit holder must be parked on designated car parking areas on, or proximate to, the land during works period to the satisfaction of Alpine Resorts Victoria and must not impact access to critical resort infrastructure and/or emergency response.

Road Closures

22. Consent must be obtained from Alpine Resorts Victoria at least two weeks prior to any full or partial closure of vehicle access roads associated with the works approved under this permit.

Waste Management

23. Prior to the commencement of any works on the land, a Construction Waste Management Plan must be approved and endorsed by the responsible authority in consultation with Alpine Resorts Victoria. The Construction Waste Management Plan must:
- a. identify expected types of waste;
 - b. list methods proposed to reduce, reuse and recycle where possible;
 - c. set out contingency plans if unexpected types of waste are discovered; and
 - d. acknowledge that all waste must be removed from the Alpine Resort.



Site Condition

24. The land must be left in a clean and tidy condition at all times and all waste must be removed from the land upon completion of the works to the satisfaction of Alpine Resorts Victoria.

Site rehabilitation and vegetation management

25. Site rehabilitation and vegetation management (including weed management) of the land as shown on the endorsed plans must be undertaken in accordance with the Mount Buller Ski Field Vegetation Management Plan most recently endorsed under planning permit no. 2011011306-2 to the satisfaction of the responsible authority in consultation with the Department of Energy, Environment and Climate Action and Alpine Resorts Victoria.

Bushfire Management Overlay

26. Before any works start, the Bushfire Management Statement, Version 2 prepared by Edward Mahon on behalf of Buller Ski Lifts, dated 11 January 2024 must be approved and endorsed by the responsible authority.
27. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

Shutdown

28. All external activity must cease, unless the responsible authority consents in writing to another date after consultation with Alpine Resorts Victoria during:
- The period between Christmas Day and New Year's Day
 - The Easter holiday period from Good Friday to Easter Monday
 - Any major event in the resort as may be notified by the Mount Buller Alpine Resort
 - The period between 15 May and the end of the declared snow season

Expiry

29. This permit will expire if one of the following circumstances applies:
- a. The works are not started within 2 years of the issued date of this permit.
 - b. The works are not completed within 4 years of the issued date of this permit.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

USEFUL INFORMATION:

(the following information does not form part of this permit)

- To organise an accompanied site visit with Alpine Resorts Victoria officers in accordance with the conditions of this permit contact planning@alpineresorts.vic.gov.au
- Prior to the commencement of any works on the land, Alpine Resorts Victoria must be consulted to ensure compliance with all relevant resort policies and procedures.

Date issued: 27 June 2024 Signature for the responsible authority:



Planning and Environment
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

- A cultural heritage management plan will need to be approved under the *Aboriginal Heritage Act 2006* before any works that would result in 'significant ground disturbance' may take place on the land.

A handwritten signature in black ink, appearing to be the initials 'AS' or similar, written in a cursive style.

Planning and Environment
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit.

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

The responsible authority may amend this permit under Division 1A of Part 4 of the **Planning and Environment Act 1987**.

WHEN DOES A PERMIT BEGIN?

A permit operates:

- from the date specified in the permit; or
- if no date is specified, from—
 - i. the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
 - ii. the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
 - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation, within five years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
 - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
 - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
 - the use or development of any stage is to be taken to have started when the plan is certified; and
 - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must also be served on the responsible authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

Date issued: 27 June 2024 Signature for the responsible authority:

