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Summit to Gully Mountain Bike Trail

Planning Application Report

Final Report

Prepared for Alpine Resorts Victoria – Falls Creek

24 July 2024

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- Clare Emery (quality assurance)

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We pay our respects to the Traditional Custodians and Elders past and present and honour their connection to Country and ongoing contribution to society.

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1 Introduction

1.1 Background

This report has been prepared on behalf of Alpine Resorts Victoria – Falls Creek (ARV-FC) in support of an application to construct the Summit to Gully Mountain Bike Trail at Falls Creek (the site).

The Summit to Gully trail will consist of a downhill mountain bike trail from the Summit of Falls Creek to Gully chairlift bottom station (Figure 2). The trail will link rock garden sections of higher flora vulnerability and predominantly follow existing ski run areas. The trail is proposed to include two removable built features (Attachment 1).

An on-site pre-application meeting with representatives from ARV-FC, Biosis and DEECA was held on 17 May 2023. Feedback from the pre-application meeting addressed the permit requirements of the removable structures and the environmental impacts of the Environmental Significance Overlay schedule 1 (Section 5.3.2). It further addressed the requirement of a cultural heritage response for this project. A Cultural Heritage Management Plan (CHMP) has been prepared by Bligh Gilding Consulting for this project (Section 4.4)

This report explains how the proposal responds to the relevant planning policy objectives in the Alpine Resorts Planning Scheme (Planning Scheme).

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1.2 Planning Permit Requirements

The project area is zoned Comprehensive Development Zone 2 (CDZ2). The project site is affected by the following overlay controls:

- Environmental Significance Overlay (ESO1)
- Erosion Management Overlay (EMO1)
- Bushfire Management Overlay (BMO1)

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A planning permit is required for the project pursuant to the following provisions of the Alpine Resorts Planning Scheme (Planning Scheme):

- Clause 37.02 (Comprehensive Development Zone 2 (CDZ2))
 - Pursuant to sub-clause 1.0 of 37.02 schedule 2 a permit is required for the land use (Minor sports and recreation facility).
 - Pursuant to sub-clause 4.0 of 37.02 schedule 2 a permit is required to construct a building or construct or carry out works. This is applicable to the construction of the removable built structure, not the construction of the trail which is exempt under Clause 62.02-2.
- Clause 42.01 (Environmental Significance Overlay) (ESO)
 - Pursuant to Clause 42.01-2 a permit is required to:
 - Construct bicycle pathways and trails.
 - Remove, destroy or lop any vegetation, including dead vegetation.
 - Pursuant to sub-clause 3.0 of 42.01 schedule 1 a permit is required to construct a building or construct or carry out works. This is applicable to the construction of the removable built structure, not the construction of the trail.

- Clause 44.01 (Erosion Management Overlay schedule 1) (EMO1)
 - Pursuant to Clause 44.01-3 a permit is required to remove, destroy or lop any vegetation.
 - Pursuant to Clause 44.01-2 a permit is required to construct a building or construct or carry out works. This is applicable to the construction of the removable built structure, not the construction of the trail.
- Clause 44.06 (Bushfire Management Overlay schedule 1) (BMO1)
 - Pursuant to Clause 44.06-2 a permit is required to construct a building or construct or carry out works associated with Leisure and Recreation land uses. This is applicable to the construction of the removable built structure, not the construction of the trail.
- Clause 52.17 (Native Vegetation)
 - Pursuant to Clause 52.17-1 a permit is required to remove, destroy or lop any native vegetation, including dead native vegetation.

A detailed assessment of the project against the requirements of the Planning Scheme is provided in Section 5 of this report.

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1.3 Supporting Documentation

The Planning Scheme nominates a number of application requirements and documents which must be submitted with the permit application. Table 1 below provides a summary of the information and documents accompanying this planning report.

Further information regarding related approvals and supporting documentation are provided in Section 4 of this report.

Table 1 Summary of Supporting Documents

Item / Information requirement	Description	Appendices
Project Specifications	<ul style="list-style-type: none"> • Refer to the mapping and photos of the removable structures <i>Removable Structures – Locations and Plans</i>. Supports permit requirements under Clause 37.02	Attachment 1
Notification to the landowner	<ul style="list-style-type: none"> • Copy of notification to the landowner pursuant to Section 48 of the <i>Planning and Environment Act 1987</i>. 	Attachment 2
Copy of Land Titles	<ul style="list-style-type: none"> • Copy of the Crown Allotment Plan 	Attachment 3
Flora and Fauna Assessment	<ul style="list-style-type: none"> • Refer to <i>Summit to Gully Mountain Bike Trail: Flora and fauna assessment</i> dated 19 July 2024. Supports permit requirements under Clause 52.17 and the <i>Guidelines for the removal, destruction or lopping of native vegetation</i> (the Guidelines) (DELWP 2017). Supports the permit requirements under Clause 37.02 as it shows a drawn plan of the native vegetation.	Attachment 4
Preliminary Geotechnical Risk Assessment	<ul style="list-style-type: none"> • Refer to <i>Summit to Gully Downhill Mountain Bike Trail: Preliminary Geotechnical Risk Assessment</i> prepared by GHD Pty Ltd. Reference 12611582 dated 12 March 	Attachment 5

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Item / Information requirement	Description	Appendices
	2024. Supports permit requirements under Clause 44.01.	
Site Environmental Management Plan	<ul style="list-style-type: none"> Refer to Site Environmental Management Plan (SEMP): <i>Falls Creek Summit to Gully Mountain Bike Trail</i> dated 31 July 2024. Supports permit requirements under Clause 32.07.	Attachment 6
Cultural Heritage Management Plan	<ul style="list-style-type: none"> Refer to <i>Falls Creek Alpine Resort: Summit Gravity Mountain Bike Trail CHMP</i> prepared by Bligh Gilding Consulting dated 15 March 2024 Supports requirements of the Aboriginal Heritage Act 2006 (AH Act).	Attachment 7
Municipal Fire Management Plan	<ul style="list-style-type: none"> Falls Creek Alpine Resort Municipal Fire Management Plan Version: 1.0 (Falls Creek Municipal Fire Management Committee, 15 April, 2016) Access via link provided in section 4.4 of this report. Supports permit requirements under Clause 44.06 and 53.02.	
Native Vegetation Removal Report	<ul style="list-style-type: none"> Refer to the Native Vegetation Removal Report produced by DEECA dated 29 May 2024, Report ID: BIO_2024_042. 	Attachment 8

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2 Site context

2.1 Site Location

The project site is located within the Falls Creek Alpine Resort, approximately 18 kilometres east of Harrietville and approximately 30 kilometres south-east of Bright (Figure 1). The Summit to Gully trail will commence at the Falls Creek Summit and extend downhill to Gully chairlift bottom station (Figure 2). Access to the site is from the Bogong High Plains Road, east of the project site. Existing buildings are located outside of the site to the southeast. These buildings form the Falls Creek Resort and include ski field facilities, entertainment facilities, and associated accommodation.

Much of the study area is situated on steep east facing slopes and is utilised for skiing in the Winter season. Crossings of unnamed tributaries of Rocky Valley Creek and the Fryingpan Aqueduct intercept the trail.

Cadastral information of the site is summarised below in Table 2.

Table 2 Cadastral Information of Site

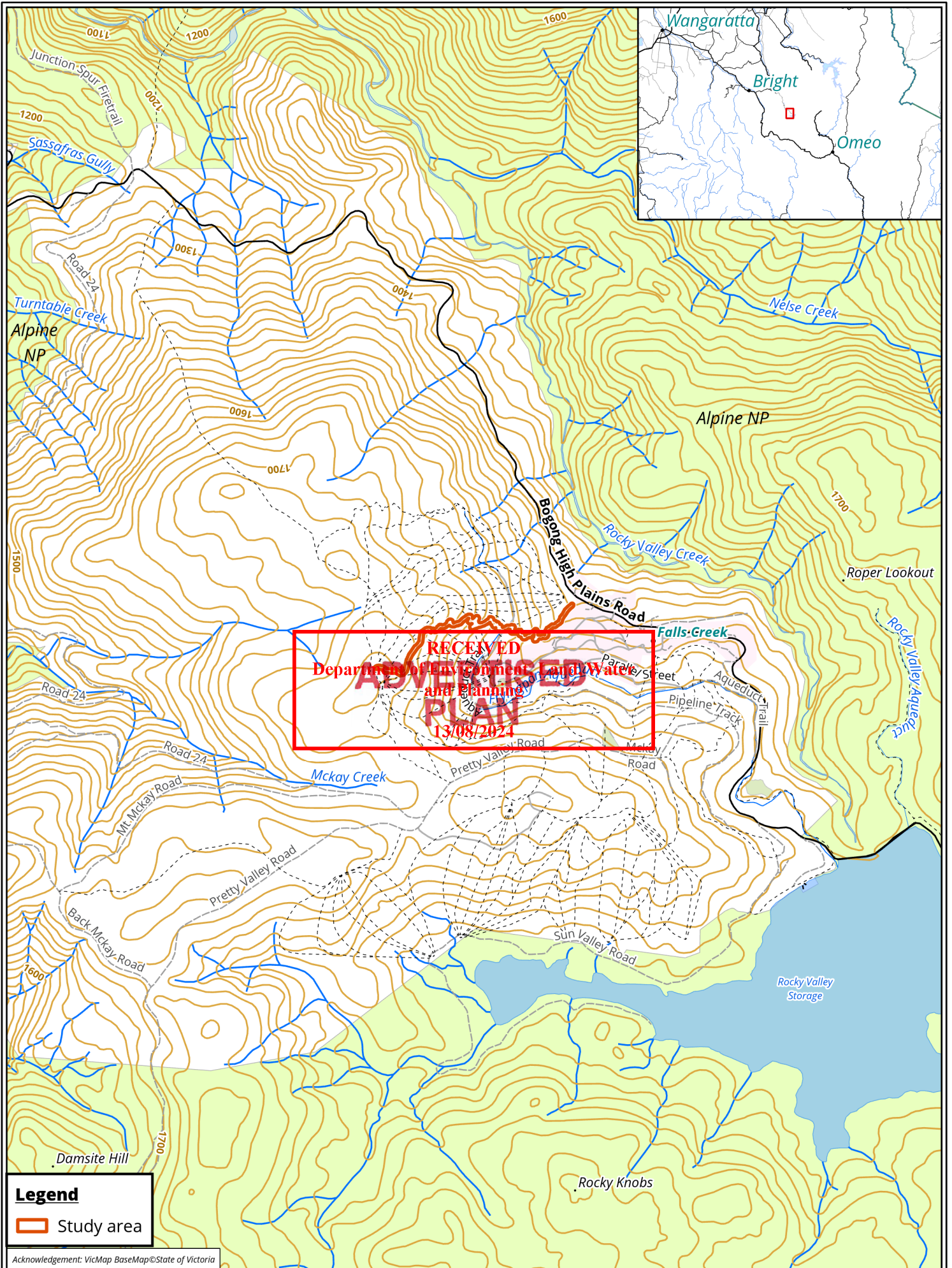
Address	Bogong High Plains Road, Falls Creek, 3699
Local Government Area	Falls Creek Alpine Resort (uninc.)
Planning Scheme	Alpine Resorts Planning Scheme
Lot/Plan (SPI)	2019\PP2486, 2010\PP2486

The site occurs on public land within Crown Allotments 2019 and 2010 in the Parish of Darbalang (Attachment 3). The land tenure is Crown land for the purpose of an Alpine Resort and managed by the applicant (ARV-FC).

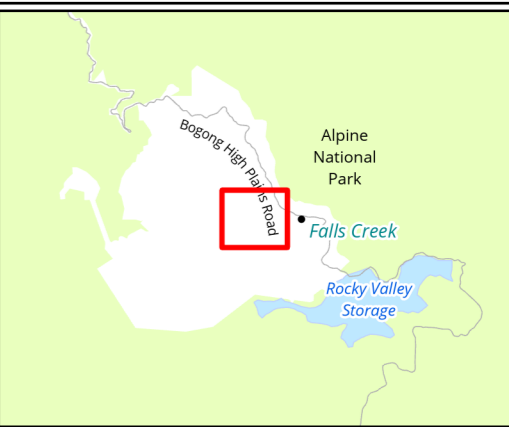
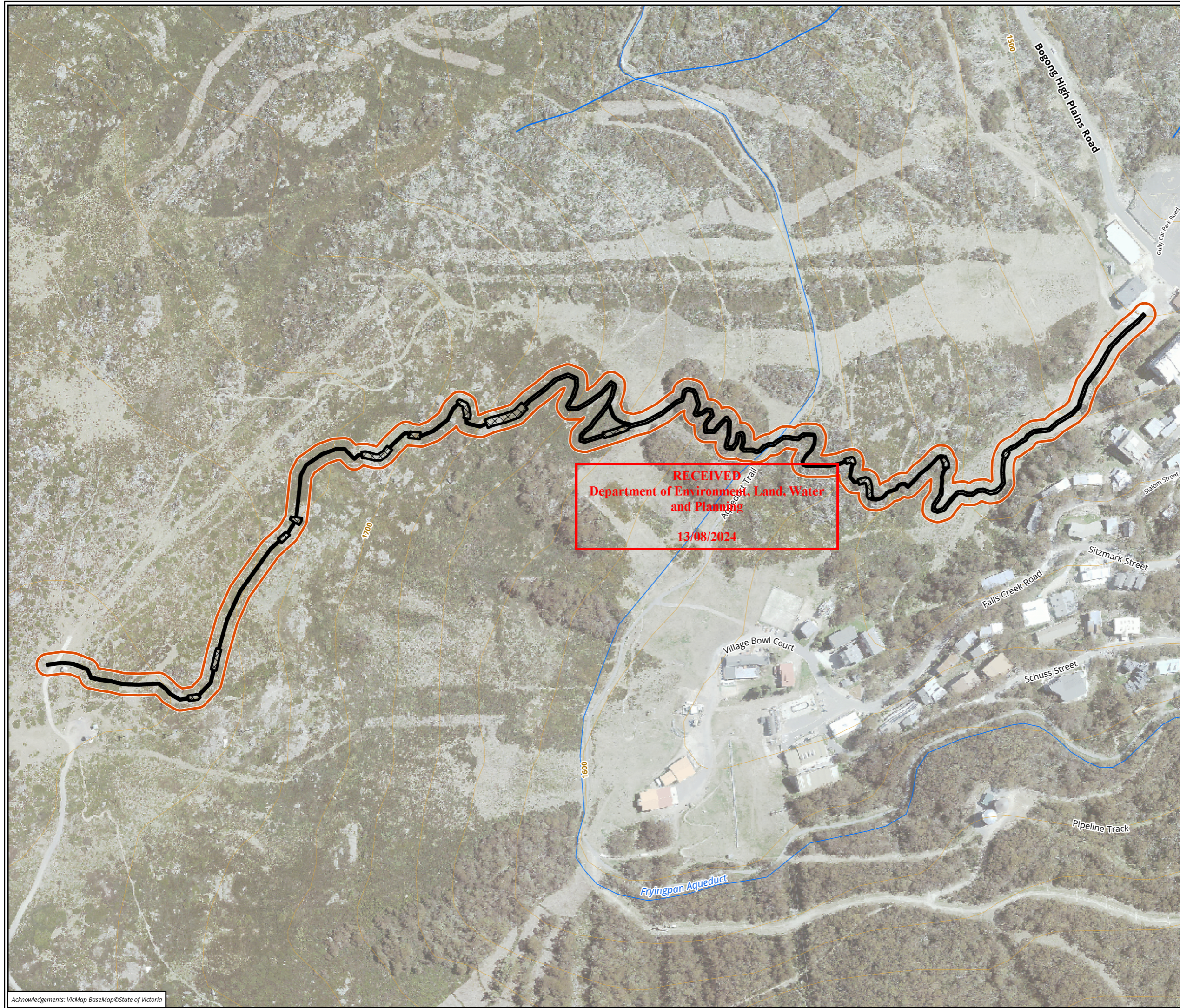
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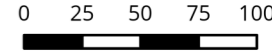
**Figure 1 Location of the study area - Falls Creek
Alpine Resort, Victoria**



- Legend**
- Study area
 - Impact area
- Topography**
- Contour 10m interval
- Hydrology**
- Channel or aqueduct (Major)
 - River or creek

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Figure 2 Project site


 0 25 50 75 100
 Metres
 Scale: 1:3,250 @ A3
 Coordinate System: GDA2020 MGA Zone 55



Matter: 38727,
 Date: 22 May 2024,
 Prepared for: HH, Prepared by: GO, Last edited by: gologhlin
 Layout: 38727_F2_ProjectSite
 Project: P:\38700s\38727\Mapping\
 38727_Falls_Creek_MTB_Summit_Gully_planning.aprx

Acknowledgements: VicMap BaseMap © State of Victoria

3 The proposal

3.1 Project Description

Alpine Resorts Victoria – Falls Creek (ARV-FC) intends to undertake buildings and works and vegetation removal for the purpose of constructing a mountain bike trail from Summit to Gully in Falls Creek.

The trail will be approximately 1.8 kilometres and will consist of a downhill mountain bike trail from the Summit of Falls Creek to Gully chairlift bottom station. The trail will link rock garden sections of higher flora vulnerability and predominantly follow existing ski run areas. The trail is proposed to include two removable built features.

The project will involve both hand and machine construction methods. This includes the use of elevated structures and sensitive design responses at waterway and bog crossings that will avoid and minimise impacts on aquatic habitats and surrounding riparian vegetation. The trail construction methods and design responses intend to minimise vegetation and habitat impacts. Construction of the trail will generally require the permanent removal and/or lopping of vegetation along a 1.0 metre trail corridor. The track will have an approximate width of 600 millimetres and construction will involve the removal of the top layer of vegetation and topsoil.

The mountain bike trail will add to the amenity of the area by providing more outdoor recreational activities for tourists in the green season. This promotes 'all seasons' visitation to the Falls Creek Alpine Resort.

3.2 Avoidance and Minimisation

Avoidance and minimisation measures have been applied in the design of this project to achieve an overall low impact from construction. Measures have been implemented at a strategic level through resort-wide master planning and preliminary trail planning. Measures are additionally implemented at the site level specifically for the proposed trail. Priority has been given to minimising disturbance of habitat for Mountain Pygmy-possum, Broad-toothed Rat and Guthega Skink, and aligning the trail to avoid impacts on Alpine Bog communities and threatened aquatic fauna habitats where possible. This is detailed further in Section 5.4.2.

3.3 Construction Methodology

Construction of the proposed mountain bike trail will be undertaken using several methods which reflect the ecology sensitivity of the landscape. The following basic trail construction methods will be utilised:

Standard Benching (Machine)

This type of construction is used when the trail traverses a cross slope and where the removal of native vegetation is involved. It is the standard technique for constructing new trails in 90% of circumstances. A 1.7t excavator will be utilised in the lower parts of the trail.

Standard Benching (Hand)

This type of construction is very similar to 'Standard Benching (Machine)' except that it is used in situations where it may not be possible or desirable to use a mini excavator. Hand construction replaces the role of the mini excavator, resulting in narrower and generally tighter trails. It will be utilised in sensitive, rocky and/or very steeply sloping areas of the trail.

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It is understood hand building techniques are preferred in the upper sections of the trail above the aqueduct where there tends to be more rock exposed at the surface making accessibility difficult for a machine.

Rock Armouring

Rock armouring is used to harden the trail surface, generally in two scenarios:

- 1) On steep gradients, where the soil would likely be displaced by water or trail users, leading to erosion;
- 2) Crossing small streams or boggy sections. By hardening the base of the trail where it crosses the wet area, water can flow over the top of the rock armouring and users can still use the trail without it becoming boggy or muddy.

Rock armouring and PVC pipe are to be used over areas of threatened fauna habitat.

Elevated Structures

This Project will use clear span elevated structures to allow riders to cross over a waterway or sensitive area with minimal disturbance. Where footings are required in wet areas low impact footing installation techniques (e.g. pneumatic drilling) will be used. Several berm structures are proposed at sharper corners along the proposed trail, and two removable jumps are proposed towards the southern margin of the trail (Attachment 1).

3.4 Timeframe

The commencement date for the project is aimed for November 2024, and the expected time frame for the works is six weeks.

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4 Related Assessments and Supporting Documentation

The following assessments and documents have been prepared to support this planning application.

4.1 Flora and Fauna Assessment

A Flora and Fauna Assessment was completed to support this permit application on 3 June 2024 (Attachment 4).

Key ecological values identified within the project site are as follows:

- Alpine and sub-alpine Ecological Vegetation Classes (EVCs), including:
 - Alpine Grassy Heathland EVC 1004 (Bioregional Conservation Status [BCS]: Rare)
 - Sub-alpine Shrubland EVC 42 (BCS: Rare)
 - Sub-alpine Woodland EVC 43 (BCS: Least Concern)
 - Sub-alpine Wet Heathland EVC 210 (BCS: Endangered).
- Examples of one threatened ecological community, Alpine Sphagnum Bogs and Associated Fens Community, which is listed under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This community is synonymous with the Alpine Bog Community which is listed under the Victorian *Flora and Fauna Guarantee Act 1988* (FFG Act).
- A suite of fauna habitat elements including rocky outcrops, tussock-forming grasses, seasonally wet areas and woodland areas supporting an intact canopy and areas of dense shrubby understorey.
- Confirmed habitat for Broad-toothed Rat *Mastacomys fuscus mordicus* which is listed as endangered under the EPBC Act and the FFG Act. Indirect evidence (scats) and direct evidence (camera trap images) of Broad-toothed Rat was recorded within the study area.
- Confirmed habitat for Tussock Skink *Pseudemoia pagenstecheri* which is listed as endangered under the FFG Act. The species was recorded during targeted surveys and suitable habitat occurs throughout the study area.
- Confirmed habitat for 17 flora species listed under the FFG Act.
- Potential habitat for the numerous EPBC Act and FFG Act listed fauna species (See Attachment 4 for further details.)

The project site has been subject to disturbances such as ski-field and hydro-electricity infrastructure development, hydrological modification and road and track building. Parts of the study area were severely burnt in the 2003 alpine fires. The project site also supports combination of predominantly introduced vegetation adjacent to areas of previous disturbance and on ski runs.

No further surveys are recommended for the planning approvals stage of the project.

Further legislative implications are discussed in Section 5.8.

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4.2 Geotechnical Assessment

GHD produced a Preliminary Geotechnical Risk Assessment in support of this application (Attachment 5). This supports permit requirements under Clause 44.01.

The following recommendations to mitigate geotechnical risks on-site:

- Employ good development practices for building on hillsides as outlined in AGS (2007) Landslide Risk Management. An extract from this AGS guide is provided in Appendix B of the Geotechnical Assessment.
- Ensure construction does not take place during or immediately after heavy rainfall events and ensure surface water is managed by redirecting from trail slopes.
- Avoid locating the trail through areas of disturbed/hummocky ground. Where soft / boggy soil is exposed, rock armouring should be used to promote stability and limit erosion, where necessary.
- Avoid locating trail directly adjacent to steep rock outcrops which may subject to disturbance during the trail design life.
- Where excavation works are undertaken in steep section of the trail, rock armouring should be considered to stabilise cut batters. Cut batter angles should not exceed 2H:1V.
- Ensure the excavation of the side slope is gently blended to the existing slope and achieve a balance of cut to fill with limited fill embankments and exposed batters.
- Remove loose boulders exposed in the batter face during construction. These can be used as rock armouring at the base of the batter slope. Ensure loose boulders are not left at the crest of slopes.
- If large rockfall risks are not removed, they should be assessed during construction by a geotechnical engineer and stabilisation measures designed and installed prior to trail activation or major construction activities.
- Ensure switch back areas are appropriately graded, drained and retained.
- Minimise the removal of excess vegetation, particularly established trees which may aid slope stability.
- An assessment by a geotechnical practitioner is recommended following construction to assess whether the trail is downslope of any potential high risk rockfall hazards that may require remediation.
- Carry out regular monitoring and inspection as part of an ongoing trail management plan and identify and report any slope failures or potential hazards to a geotechnical practitioner for appropriate inspection.

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4.3 Site Environmental Management Plan

A Site Environmental Management Plan (SEMP) has been prepared in support of this permit application and in response to the provisions of the CDZ2 (Clause 32.07) of the Planning Scheme (Attachment 6).

The SEMP describes the construction techniques and associated environmental risks and specifies the measures that will be undertaken to mitigate those risks. This includes the use of strict sediment controls to prevent sediment entering surrounding sensitive waterways, and the use of no-go zones and exclusion fencing to separate construction activities from sensitive native vegetation in the surrounding area. A Construction Management Plan (CMP) map has been incorporated into the SEMP document.

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4.4 Cultural Heritage Management Plan

A Cultural Heritage Management Plan (CHMP) has been prepared by Bligh Gilding Consulting in support of this permit application (Attachment 7).

The desktop assessment for preparation of the CHMP found there were no previously recorded Aboriginal cultural heritage within the activity area. Outcomes from previous studies indicated that the activity area was unlikely to contain Aboriginal cultural heritage. Previous studies documented extensive prior ground disturbance throughout areas of the Falls Creek Alpine Resort used for prior and current alpine recreation. The desktop assessment indicated that if any Aboriginal cultural heritage was present, it would be low density artefact distribution of quartz flaked objects in a disturbed context.

Results from the standard assessment, undertaken as a total survey of the activity area, was that no Aboriginal cultural heritage was located. Previous ground disturbance associated with prior and current land use was identified. Outcomes from the CHMP was consistent with those of previous studies.

Under Section 61 (d) of the *Aboriginal Heritage Act 2006*, contingency plans are required for a CHMP in order to facilitate negotiation of disputes, delays and other obstacles that may affect the conduct of the planned activity. The contingency plan should be referred to and followed should a situation arise that affects the construction of the trail. A copy of this CHMP should be available during on-site works for this purpose.

The contingency plans refer to:

- Possible discovery of Aboriginal cultural heritage during works.
- The management of Aboriginal cultural heritage found during the activity.
- The notification, in accordance with the Aboriginal Heritage Act (2006), of the discovery of Aboriginal cultural heritage during the carrying out of the activity.
- Reviewing compliance with the Management Plan and mechanisms for remedying no-compliance.

The recommendations in the CHMP are to be adhered to during the project.

4.5 Municipal Fire Management Plan

The Falls Creek Alpine Resort Municipal Fire Management Plan Version: 1.0 (Falls Creek Municipal Fire Management Committee, 15 April, 2016) is a resort wide community emergency bushfire management plan approved by the CFA that will be complied with during the project. It is a key document that supports the resort wide Municipal Emergency Management Plan. This supports permit requirements under Clause 44.06 and 53.02.

The Municipal Fire Management Plan is an online document that can be accessed via the following link:

<https://corporate.falls creek.com.au/emergency/>

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5 Alpine Resorts Planning Scheme

This section outlines the relevant Planning Scheme controls and their applicability to the Project. Where the Project is subject to a permit requirement, or where local and State policies or strategies are relevant, further discussion is provided below.

5.1 Planning Policy Framework and Alpine Resorts Planning Strategy

5.1.2 Alpine Resorts Planning Strategy

The following context, vision and relevant strategic directions and framework plans of the Alpine Resort Strategy are relevant to the proposed works.

- Clause 2.01 - Context
- Clause 2.02 – Vision
- Clause 2.03 – Strategic Directions
 - Clause 02.03-2 Environmental and landscape values
 - Clause 02.03-3 Environmental risks and amenity
 - Clause 02.03-4 Natural Resource Management
 - Clause 02.03-5 Built environment and heritage
 - Clause 02.03-6 Economic development
- Clause 2.04 – Strategic Framework Plans

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The Project is consistent with the objectives in the Alpine Resorts Planning Strategy if appropriate controls are in place and enforced. Detailed responses to the relevant strategic directions are provided in Section 6 Table 3.

5.1.3 Planning Policy Framework

The Planning Policy Framework (PPF) provide the context for spatial planning and decision making. The PPF sets out the planning policies that applies to land, establishing the vision for the future use and development of that land.

The following State and Local Planning Policy Framework provisions within the Alpine Resorts Planning Scheme are relevant to the proposed works.

- Clause 11 Settlement
 - Clause 11.01 Victoria
 - Clause 11.01-1L Falls Creek Village
- Clause 12 Environmental and Landscape Values
 - Clause 12.01 Biodiversity
 - Clause 12.03 Water bodies and Wetlands
 - Clause 12.03-1S River and riparian corridors, waterways, lakes, wetlands and billabongs
 - Clause 12.04 Alpine Areas

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- 12.04-1L Sustainable Development – alpine resorts
 - Clause 12.05 Significant Environments and Landscapes
- Clause 13 Environmental risks and amenities
 - Clause 13.02 Bushfire
 - Clause 13.04 Soil degradation
 - Clause 13.04-2L Erosion and landslip in alpine resorts
- Clause 14 Natural Resource Management
 - Clause 14.02 Water
 - Clause 14.02-1S Catchment planning and management
- Clause 15 Built environment and heritage
 - Clause 15.03 Heritage
 - Clause 15.03-2S Aboriginal Cultural Heritage
- Clause 17 Economic Development
 - Clause 17.04 Tourism
 - Clause 17.04-1L Falls Creek tourism

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The Project is consistent with the objectives in the PPF if appropriate controls are in place and enforced. Detailed responses to the relevant State and Local Planning Policy Framework provisions are provided in Section 6 Table 4.

5.2 Zoning

The project area is within the Comprehensive Development Zone schedule 2 (CDZ2) (Figure 3). The following addresses the purpose and requirements of this zone.

5.2.2 Schedule 2 to Clause 37.02 Comprehensive Development Zone (CDZ2)

The purposes of the Comprehensive Development Zone is to provide for a range of uses and the development of land in accordance with a comprehensive development plan incorporated in this scheme. The purposes of CDZ2 is to identify areas associated with the development and use of an alpine resort on which passive and active recreation occur. It also seeks to be in accordance with sound environmental management and land capability practices, and to take into account the significance of the environmental resources.

Permit Requirements

A permit is required for land use, as the use of land for Minor sports and recreation facility is a Section 2 – ‘Permit required’ use.

A permit is required to construct a building or construct or carry out works unless the buildings and works are exempt under Clause 4.1-1 or the buildings and works are in accordance with an approved site development plan under Clause 4.1-2. The construction of the trail is exempt from requiring a permit to construct a building or construct or carry out works under Clause 62.02-2 which states that bicycle pathways and trails are not requiring a permit unless specifically required by the planning scheme. The construction of the removable built structures, however, do not qualify for an exemption.

Therefore, a permit to construct a building or carry out works is required for the construction of the removable structures.

Planning Application Requirements

The planning application must be accompanied by:

- A drawn plan of the proposed building and works under sub-clause 4.3-1 of 37.02 schedule 2.
- A drawn plan of the native vegetation under sub-clause 4.3-2 of 37.02 schedule 2.
- A written explanation of the steps that have been taken to avoid, minimise or offset the loss of native vegetation under sub-clause 4.3-2 of 37.02 schedule 2.
- An assessment of the effect of the development against Victoria’s Native Vegetation Management – A Framework for Action under sub-clause 4.3-2 of 37.02 schedule 2.
- An assessment of the effect of the development on any flora or fauna listed under the Flora and Fauna Guarantee Act 1988 under sub-clause 4.3-2 of 37.02 schedule 2.
- a Site Environmental Management Plan (SEMP) under sub-clause 4.3-3 of 37.02 schedule 2.

Assessment

The Project is consistent with the purpose of CDZ2.

The development of the trail will add to the active recreation facilities of the Falls Creek Resort. It will promote ‘all season’ visitation to the Resort.

Steps have been taken to avoid, minimise and offset in accordance with the Guidelines. The avoidance and minimisation steps that have been taken in the trail alignment are detailed in Section 5.4.2 of this report. The offset requirements are also detailed in Section 5.4.2.

In accordance with the permit application requirements under sub-clause 4.3 of 37.02 schedule 2, locations and accompanying photos of the proposed works regarding the removable structures have been attached (Attachment 1). The FFA prepared for this project (Attachment 4) thoroughly assesses the effect of the development on protected flora and fauna listed on both the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and the *Flora and Fauna Guarantee Act 1988* (FFG Act). The FFA includes figures of mapped native vegetation that are directly impacted by the proposed works.

The assessments and recommendations included in the FFA satisfies the principal concerns contained in Victoria’s Native Vegetation Management – A Framework for Action (DSE 2002).

Under sub-clause 4.3-3 of 37.02 schedule 2, a SEMP has been prepared for the project to manage impacts during construction (Attachment 6). It prepared to avoid impacts to native vegetation in the surrounding area as well as protecting other important environmental values. The proposed trail developments will therefore have minimal impact on significant landscapes, significant vegetation, or indigenous fauna habitat.

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5.3 Overlays

The project site is affected by three overlays in the Alpine Resort Planning Scheme including:

- Clause 42.01 Environmental Significance Overlay schedule 1 (ESO1) (Figure 4.1)
- Clause 44.01 Erosion Management Overlay schedule 1 (EMO1) (Figure 4.2)
- Clause 44.06 Bushfire Management Overlay schedule 1 (BMO1) (Figure 4.3)

These controls are discussed further below.

5.3.2 Schedule 1 to Clause 42.01 Environmental Significance Overlay (ESO1)

The ESO1 is applicable to a small eastern section of the Summit to Gully trail (Figure 4.1). The purpose of the ESO is to identify areas where the development of land may be affected by environmental constraints and to ensure that development is compatible with identified environmental values. The objectives of schedule 1 to the ESO relates specifically to the Mountain Pygmy-possum *Burramys parvus*, listed as threatened on Schedule 2 of the *Flora and Fauna Guarantee Act 1988*. The habitat of the Mountain Pygmy-possum is mapped throughout the Alpine Resorts and requires conservation and protection from inappropriate development.

Permit Requirements

A permit is required to construct bicycle pathways and trails under Clause 42.01-2. This applies to the eastern section of the trail that is covered by ESO1.

A permit is required to remove, destroy or lop any vegetation, including dead vegetation. There are no exemptions that apply to this project.

A permit is required for to construct a building or construct or carry out works under sub-clause 3.0 of 42.01 schedule 1 for the construction of the removable structures.

Planning Application Requirements

There are no application requirements specified.

Assessment

The project is consistent with the purpose of ESO1.

Based on an assessment against the relevant significant impact criteria for the endangered Mountain Pygmy possum in the FFA (Attachment 4), the proposed works are unlikely to result in a significant impact on the species. While the study area does not support a known population of Mountain Pygmy-possum, the species may use the study area when dispersing between areas of core habitat. Habitat quality within the area has declined significantly (due to ski field management) since the species was last recorded in the area. The proposed works will not impact on core breeding habitat for the species, nor will they prevent future use of / dispersal through retained habitat. The trail has been designed to avoid direct impacts to Mountain Pygmy-possum habitat as much as possible, through completion of detailed mapping of Mountain Plum-pine distribution and completion of targeted survey. The construction will avoid impacts to habitat values mapped in ESO1 and within 30 metres of the ESO boundary.

The proposed trail development is not expected to result in, or contribute to, population decline as the proposed works will not impact on core breeding habitat for the species, nor prevent future use of / dispersal through retained habitat.

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5.3.3 Schedule 1 to Clause 44.01 Erosion Management Overlay (EMO1)

The entire site is affected by the EMO1. The purpose of the EMO is to protect areas prone to erosion, landslip, other land degradation or coastal processes by minimising land disturbance and inappropriate development. The purpose of EMO1 is to ensure that applications for development are supported by adequate investigation and documentation of geotechnical and related structural matters, and that identified geotechnical and related structural engineering risks are effectively addressed.

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Permit Requirements

A permit is required remove, destroy or lop any vegetation (including non-native) under Clause 44.01-3. There are no exemptions that apply to this project.

A permit is required to construct a building or construct or carry out works regarding the construction of the removable structures under Clause 44.01-2.

Planning Application Requirements

An application for a planning permit under EMO1 must be accompanied by a Preliminary Geotechnical Assessment prepared or technically verified by a suitably qualified and experienced geotechnical practitioner. Sub-clause 4.1 of 44.01 schedule 1 provides details of the information which must be provided in the Preliminary Geotechnical Assessment.

Assessment

A geotechnical assessment has been produced by GHD to support this application (Attachment 5). The project will involve a combination of standard benching with a machine and by hand. The assessment recorded a residual risk rating of Low for the proposed mountain bike trail. The site is considered suitable for the proposed development, provided ARV-FC implement the recommended control measures. ARV-FC have adopted the relevant recommendations of the assessment to ensure the geotechnical risks associated with the Project will remain at a low level.

In accordance with sub-clause 4.2 of 44.01 schedule 1, further quantitative or semi-quantitative risk assessment is not deemed necessary for this project as the geotechnical assessment identified the risk to property or persons as low.

5.3.4 Schedule 1 to Clause 44.06 Bushfire Management Overlay (BMO1)

The entire site is affected by the BMO1. The purpose of the BMO is:

- 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.

Permit Requirements

A permit is required to construct a building or construct or carry out works associated with Leisure and Recreation, regarding the construction of the removable structures under Clause 44.06-2.

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Planning Application Requirements

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

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.

The application must be in accordance with Clause 53.02.

Assessment

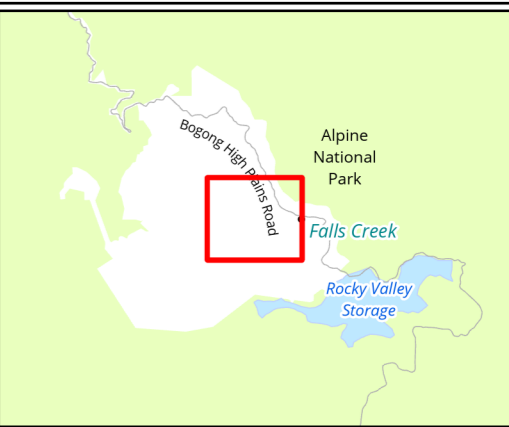
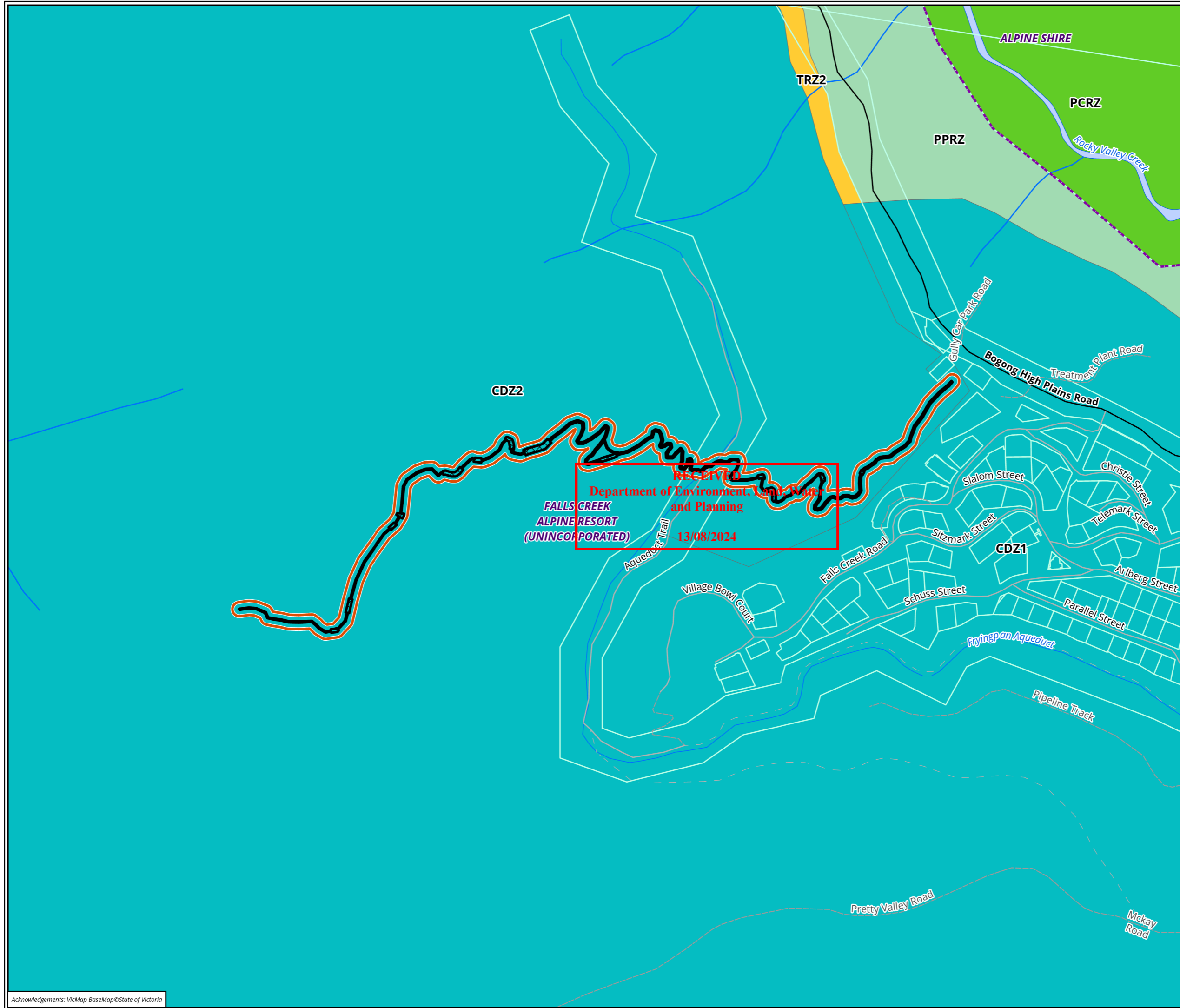
The proposed works will not detrimentally impact the resilience of the existing buildings in the Falls Creek Resort to bushfire. It is considered that the proposed works will not result in a net increase in risk from bushfire as there will be minimal alternations to the landscape.

Due to the above factors the project is considered low risk and the application requirements for bushfire assessments will not be required. Any residual risk can be mitigated to an acceptable level by implementing the bushfire protection measures within the Falls Creek Alpine Resort Municipal Fire Management Plan Version: 1.0 in order to comply with the purpose of the BMO.

The Falls Creek Alpine Resort Municipal Fire Management Plan Version: 1.0 can be accessed via the link provided in Section 4.5 of this report.

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Legend

- Study area
- Impact areas
- Current parcel boundary
- Local government area

Planning zones

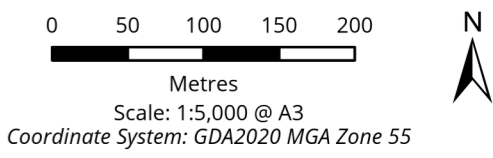
- Public Land**
- PPRZ - Public Park and Recreation Zone
 - PCRZ - Public Conservation and Resource Zone
 - TRZ2 - Transport Zone 2-Principal Road Network

Special Purpose

- CDZ - Comprehensive Development Zone

Figure 3 Planning zones

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Matter: 38727,
Date: 22 May 2024,
Prepared for: HH, Prepared by: SP, Last edited by: golghlin
Layout: 38727_F3_PlanZones
Project: P:\38700s\38727\Mapping\38727_Falls_Creek_MTB_Summit_Gully_planning.aprx



- Legend**
- Study area
 - Impact area
 - Local government area
- Planning Overlay**
- Environmental Significance Overlay (ESO)

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Figure 4.1 Planning overlays: Environmental Significance Overlay

0 50 100 150 200
 Metres
 Scale: 1:5,000 @ A3
 Coordinate System: GDA2020 MGA Zone 55



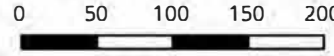
Matter: 38727.
 Date: 22 May 2024.
 Prepared for: HH, Prepared by: SP. Last edited by: golothlin
 Layout: 38727_F4_PlanOverlays
 Project: P:\38700s\38727\Mapping\38727_Falls_Creek_MTB_Summit_Gully_planning.aprx



- Legend**
- Study area
 - Impact area
 - Local government area
- Planning Overlay**
- Erosion management overlay (EMO)

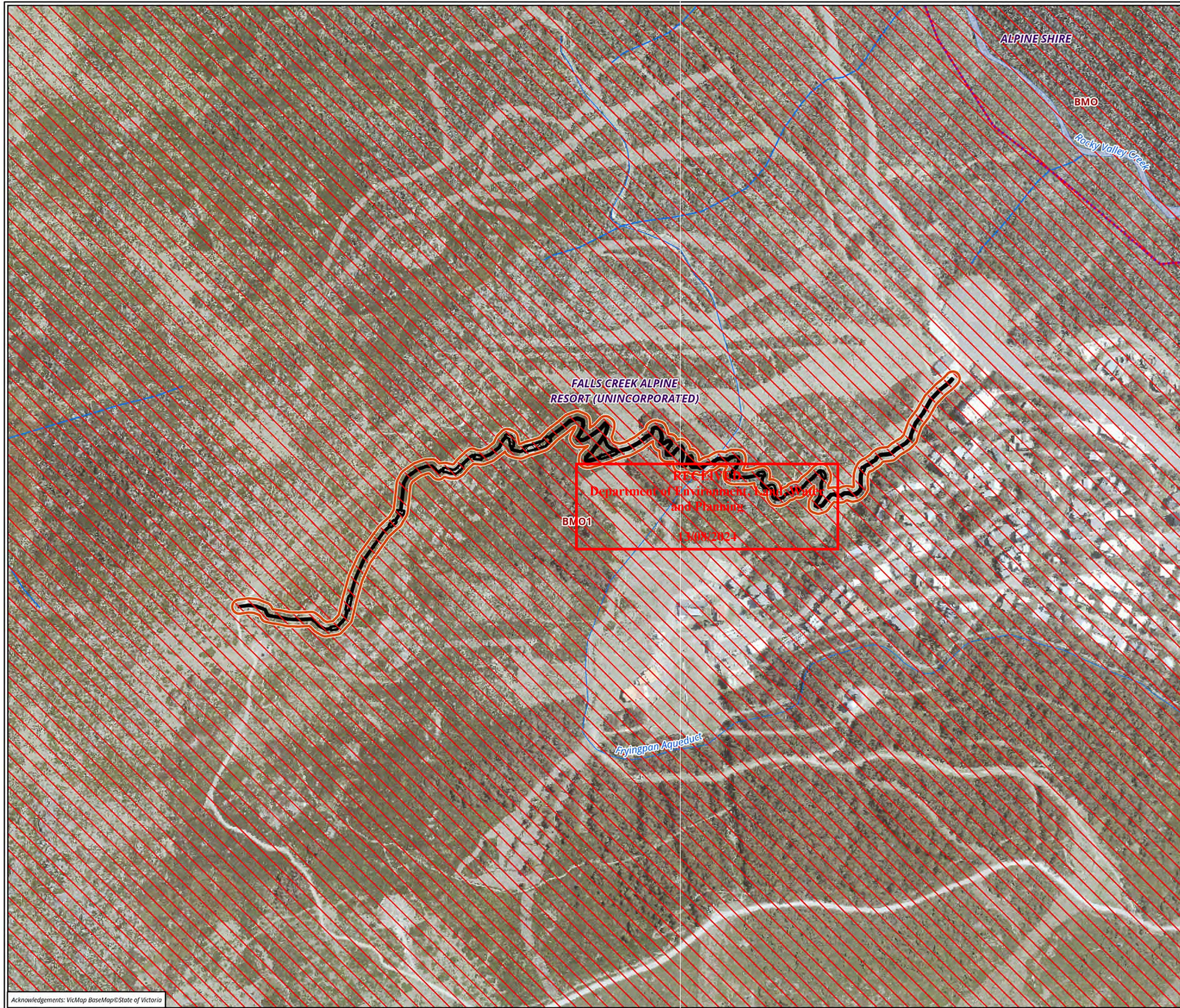
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Figure 4.2 Planning overlays: Erosion Management Overlay


 Metres
 Scale: 1:5,000 @ A3
 Coordinate System: GDA2020 MGA Zone 55



Matter: 38727.
 Date: 22 May 2024.
 Prepared for: HH. Prepared by: SP. Last edited by: gologthlin
 Layout: 38727_F4_PlanOverlays
 Project: P:\38700s\38727\Mapping\38727_Falls_Creek_MTB_Summit_Gully_planning.aprx



- Legend**
- Study area
 - Impact area
 - Local government area
- Planning Overlay**
- Bushfire Management Overlay (BMO)

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Figure 4.3 Planning overlays: Bushfire Management Overlay

0 50 100 150 200
 Metres
 Scale: 1:5,000 @ A3
 Coordinate System: GDA2020 MGA Zone 55



Matter: 38727.
 Date: 22 May 2024.
 Prepared for: HH, Prepared by: SP. Last edited by: golothlin
 Layout: 38727_F4_PlanOverlays
 Project: P:\38700s\38727\Mapping\38727_Falls_Creek_MTB_Summit_Gully_planning.aprx

5.4 Particular Provisions

The following particular provisions are relevant to this application:

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5.4.2 Clause 52.17 Native Vegetation

The purpose of Clause 52.17 is to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017) (the Guidelines):

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

Permit Requirements

A permit is required remove, destroy or lop any native vegetation, including dead native vegetation.

Planning Application Requirements

An application to remove, destroy or lop native vegetation must comply with the application requirements specified in the Guidelines. The application requirements detailed in Sections 6.4.1 and 6.4.2 (Detailed Assessment Pathway) of the Guidelines are addressed in the FFA produced for this project (Attachment 4).

In accordance with the Guidelines the biodiversity impacts from the removal, destruction or lopping of native vegetation must be offset. The conditions on the permit for the removal, destruction or lopping of native vegetation must specify the offset requirement and the timing to secure the offset.

Assessment

In accordance with the Guidelines, the three-step approach has been applied in the planning of this project. Steps have been taken during the design of the mountain bike trail to ensure that impacts on biodiversity from the removal of native vegetation have been avoided or minimised. The steps taken on a strategic level are summarised in the FFA produced for this project (Attachment 4). A key step was the preparation of a resort wide Trail Management Plan (Falls Creek Resort Management 2020).

Steps taken at a site level for the proposed trail have included:

- Where practical, aligning the trail on existing disturbed footprints such as existing walking tracks, skiruns or power line easements.
- Micro-siting and ground truthing trail alignments with the trail designers to determine lowest impact alignments within the assessed study area.
- Detailed habitat mapping for Mountain Pygmy-possum *Burramys parvus* and Guthega Skink *Liopholis guthega* was completed to refine the habitat distribution for these species within the study area and further inform the design process (Figure 4 in FFA – Attachment 4)
- High detail evaluation of habitats for Guthega Skink within the study area, to avoid the highest quality habitat.
- Utilising elevated structures that are permeable to light and rainfall to minimise impacts to sensitive vegetation types and waterways.

Priority has been given to minimising disturbance of habitat for Mountain Pygmy-possum, Broad-toothed Rat and Guthega Skink, and aligning the trail to avoid impacts on Alpine Bog communities and threatened aquatic fauna habitats where possible.

Based on the current design, the proposed development will require the removal of 0.375 hectares of native vegetation from within location category 3. Additionally, 2.963 hectares of past removal by ARV-FC within the last 5 years is relevant, creating a total removal extent (including past and proposed) of 3.338 hectares. Therefore, this planning permit application will be assessed on the Detailed Assessment Pathway. The strategic biodiversity value score of the native vegetation to be removed is high, ranging between 0.939 and 0.996. No large trees are to be removed. A Native Vegetation Removal Report was produced by DEECA on 29 May 2024 (Attachment 8).

Where this vegetation removal is required, offsets will be provided in accordance with the requirements of the Guidelines. The requirements providing a permit is granted involves an offset of 0.265 general habitat units with a minimum Strategic Biodiversity Value (SBV) of 0.780 within the North East Catchment Management Authority (CMA) or Falls Creek Alpine Resort (Unincorporated) Council. ARV-FC has a registered offset site within the Falls Creek Alpine Resort. A credit extract indicates 21.792 general habitat units with an SBV of up to 0.991 are available in ARV-FC's offset area to meet the project's offset requirements.

The project design has therefore effectively applied the three-step approach in accordance with the Guidelines.

5.4.3 Clause 53.02 Bushfire Planning

The purpose of Clause 53.02 is to ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire. The bushfire risk for this project has been assessed in Section 5.3.4 of this report, and the application meets the requirements specified in schedule 1 to Clause 44.06.

Emergency Access for vehicles is via the Bogong High Plains Road. The Municipal Emergency Management Plan and the Municipal Fire Management Plan are both in place and cover the project site. These can be accessed via the following link:

<https://corporate.falls creek.com.au/emergency/>

It has been determined that the proposed works will not result in any increase in bushfire risk. The works will not detrimentally impact the resilience of the existing buildings to the southeast of the project.

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5.5 General Provisions

The following general provisions are relevant to this application:

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5.5.2 Clause 62 General Exemptions

Pursuant to Clause 62.02-2 any requirement in this scheme relating to the construction of a building or the construction or carrying out of works does not apply to Bicycle pathways and trails.

Clause 42.01-2 specifically states that a permit is required to construct bicycle pathways and trails so the eastern section of the trail that is covered by ESO1 is not exempt.

This exemption does not apply to the construction of the removable structures.

5.5.3 Clause 65 Decision Guidelines

Clause 65.01 requires the planning authority to consider additional decisions guidelines. The following guidelines are considered relevant to this project:

- Any significant effects the environment, including the contamination of land, may have on the use or development.
- The effect on the environment, human health and amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

The construction of the Mountain Bike Trail will increase the amenity of the area and promote 'all season' visitations.

ARV-FC has designed the Project to minimise impacts to biodiversity values, and where this is not possible, they will secure appropriate offsets. The SEMP outlines minimisation recommendations that will be followed. This project is unlikely to increase the risk to life or property from bushfire. Erosion risk is low if the recommendations of the Preliminary Geotechnical Assessment are followed.

5.6 Referral authorities

Applications must be referred in accordance with Section 55 of *Planning and Environment Act 1987* (P&E Act) to a referral authority specified in the planning Scheme. The following are the referral authorities required with this application:

- Pursuant to sub-clause 7.0 of schedule 2 to CDZ (37.02) the application must be referred to the Secretary to the Department of Environment, Land, Water and Planning (DEECA, formally DELWP) for any use or development that involves alteration to the topography.
- Pursuant to sub-clause 4.0 of schedule 1 to ESO (42.01) the application must be referred to the Department of Environment, Land, Water and Planning.

- Pursuant to sub-clause 7.0 of schedule 1 to EMO (44.01) the application must be referred to the relevant Alpine Resort Management Board (determining referral authority).
- Pursuant to Clause 44.06-6 (BMO) the application must be referred to the relevant fire authority (recommending referral authority).
- Pursuant to Clause 66.02-2 Native Vegetation, an application to remove, destroy or lop native vegetation in the Detailed Assessment Pathway as defined in the Guidelines must be referred to the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*)

Alpine Resorts Victoria – Falls Creek are the applicant for the project, consequently the requirement for the application to be referred to the relevant Alpine Resort Management Board is deemed unnecessary. Therefore, this application needs to be referred to the following agencies:

- The Secretary to the Department of Environment, Land, Water and Planning (DEECA, formally DELWP)
- Country Fire Authority (CFA)

5.7 Notice

Notice requirements are in accordance with Section 52(1) (a), (b), and (d), the decision requirements of Sections 64(1), (2) and (3) and the appeal rights of Section 82(1) of P&E Act.

The Project is located on public land within the Resort. Planning and Approvals, Hume Region has been emailed (Attachment 2) to notify the owner of the land of the planning permit application pursuant to section 48 of the P&E Act.

The following are the notice requirements for this application:

- Pursuant to sub-clause 8.0 of schedule 2 to CDZ (37.02) for an application for any use or development notice must be given to Relevant Resort Management Board and relevant adjoining Municipal Council.
- Pursuant to sub-clause 6.0 of schedule 1 to EMO (44.01) an application for planning permit 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 Act.
- Pursuant to Clause 44.06-7 (BMO) an application for planning permit 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 Act.

Therefore, notice must be given to:

- Falls Creek Alpine Resort (uninc.) (LGA)

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5.8 Related Legislative Requirements

The following legislation has been considered for the preparation of this report:

Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) (Commonwealth)

The EPBC Act applies to developments and associated activities that have the potential to significantly impact on Matters of National Environmental Significance (MNES) protected under the EPBC Act.

Based on the FFA prepared for the project (Attachment 4), the following implications for the project under the EPBC Act apply:

- Known or potential habitat for 10 EPBC Act listed fauna species on site (Appendix C of the FFA).
- Alpine Sphagnum Bogs and Associated Fens threatened ecological community present.
- Targeted surveys have been completed for particular fauna species with restricted ranges and specific habitat requirements, such as Mountain Pygmy Possum, Broad-toothed Rat and threatened reptiles, in particular Guthega Skink.

The conclusions from the FFA are as follows:

- Referral not recommended as a significant impact to matters of national environmental significance is considered unlikely, however ARV-FC may choose to refer the project for legal certainty.
 - Assessments against Significant Impact Criteria are included in the FFA (Attachment 4).
- Avoid and minimise impacts on Alpine Bogs. This recommendation must be implemented.

Flora and Fauna Guarantee Act 1988 (FFG Act)

The FFG Act is the key piece of Victorian legislation for the conservation of threatened species and communities and for the management of potentially threatening processes.

Under the FFG Act a permit is required from DEECA to 'take' protected flora species. Permit exemptions under the FFG Act generally apply to the non-commercial removal of protected flora from private land. The study area is on Crown Land or land owned by or vested in a public authority (Falls Creek Alpine Resort Management Board) and is therefore public land for the purposes of the FFG Act.

Based on the FFA prepared for the project (Attachment 4), the following implications for the project under the FFG Act apply:

- Protected flora and Alpine Bog community present.
- Known habitat for 16 listed flora species and known or potential habitat for 15 listed fauna species.

A Protected Flora Permit **is required** for the proposed works. The Protected Flora Permit will be submitted for approval to DEECA and native vegetation removal works will not commence prior to receipt of this approval.

The recommendations from the FFA are as follows:

- Consider obligations under the Public Authority Duty.
- Actions are required to avoid and minimize impacts on listed species.

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Catchment and Land Protection Act 1994 (CaLP Act)

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The CaLP Act identifies and classifies certain species as noxious weeds or pest animals and provides a system of controls on noxious species.

Based on the FFA prepared for the project (Attachment 4), the following implications for the project under the CaLP Act apply:

- Regionally controlled weeds, restricted weeds, and pest animals have been recorded in the study area historically and/or during the current assessment.
- ARV-FC must take all reasonable steps to eradicate regionally prohibited weeds, prevent the growth and spread of regionally controlled weeds, and prevent the spread of and as far as possible eradicate established pest animals.

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Aboriginal Heritage Act 2006 (AH Act)

The AH Act provides for the protection of Aboriginal cultural heritage in Victoria. The AH Act allows organisations, groups and bodies to enforce and preserve policies regarding Aboriginal Heritage. The Aboriginal Heritage Regulations 2018 (the Regulations) is the mechanism which gives effect to AH Act. The Regulations set out the circumstances in which a Cultural Heritage Management Plan (CHMP) should be prepared.

A Cultural Heritage Management Plan (CHMP) has been prepared by Bligh Gilding Consulting in support of this permit application (Attachment 7). The evaluation undertaken as part of this CHMP determined that it is unlikely that Aboriginal heritage values will be impacted by the proposed activity. Provided that the prepared CHMP is adhered to, there are no further requirements under the AH Act.

Water Act 1989 (Water Act)

The Water Act provides a framework for the allocation and management of surface water and groundwater throughout Victoria. It provides a principal mechanism for maintenance of ecosystem functions including those of aquatic ecosystems. Under By-Laws created by the relevant Authority under the Act, the authorities regulate the works within and in the vicinity of waterways.

Based on the FFA prepared for the project (Attachment 4), the following implications for the project under the Water Act apply:

- Crossings of unnamed tributaries of Rocky Valley Creek and Fryingpan Aqueduct.
- North East Catchment Management Authority (CMA) Works on Waterway permit **is required**. Works on waterway approval needs to be obtained from North East CMA.

Fisheries Act 1995

The *Fisheries Act 1995* provides a legislative framework for the regulation, management and conservation of Victorian fisheries including aquatic habitats. A person must not take, injure, damage, destroy or release any protected aquatic biota.

Based on the FFA prepared for the project (Attachment 4), the following implications for the project under the Fisheries Act apply:

- Potential habitat for Alpine Stonefly and Stonefly, and tributaries of Rocky Valley Creek and Pretty Valley Creek
- No permit required if mitigation measures are strictly adhered to, and no habitat or biota are destroyed.

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6 Detailed Planning Policy Assessment

Table 3 Response to relevant Strategic directions in the Alpine Resorts Planning Strategy – 02.03 Strategic Directions All Resorts

Strategic Direction	Proposal Response
2.03-2 Environmental and landscape values	
<ul style="list-style-type: none"> • Protecting significant flora and fauna species and communities, including the Alpine Bog Community and the Mountain Pygmy-possum. • Protecting biodiversity values through appropriate development of the villages and skifields. • Managing the off-site effects of development and land use to minimise their environmental impact. • Ensuring land use and development close to the boundaries of the national parks are compatible with their scenic and environmental values. 	<ul style="list-style-type: none"> • The proposed trail construction recognises the significant flora and fauna present, and a FFA has been produced by Biosis (Attachment 4) to thoroughly assess the area. Recommendations from the FFA were utilised to modify the project design in order to minimise impacts wherever possible. • Native vegetation adjacent to the site will be appropriately treated as ‘no-go’ zones as shown in the SEMP (Attachment 6) to ensure that no additional impacts to vegetation occur as a result of the project. • Impacts to riparian vegetation, bogs at groundwater discharge points and waterways will be avoided and minimised by use of elevated structures to cross all waterways and installation of sediment control and appropriate trail drainage close to waterways. • Elevated structures or rock armouring with large voids or PVC pipes will be used to overcome minor habitat fragmentation.
2.03-3 Environmental Risks and Amenity	
<ul style="list-style-type: none"> • Managing bushfire risk and ensuring safe access to and from any property through vegetation management and built form techniques. • Managing geotechnical hazards to ensure that appropriate development takes place in the resorts. • Minimising the risk associated with ground stability by managing the removal of vegetation, the siting and design of buildings, works and infrastructure and the presence of drainage lines, subterranean water levels and movement. • Using design and construction measures that incorporate sustainable design principles. 	<ul style="list-style-type: none"> • Clause 2.03-3 relates to the balance between ensuring the geotechnical stability of the land through the retention of vegetation, and minimising the risk of bushfire in the alpine region. A Preliminary Geotechnical Risk Assessment was produced (Attachment 5) and the recommended control measures will be implemented. • It is considered that the proposed works will not result in a net increase in risk from bushfire as there will be minimal alternations to the landscape. Bushfire risks are discussed further in section 5.3.4 of this report.
2.03-4 Natural Resource Management	

Strategic Direction	Proposal Response
<ul style="list-style-type: none"> Ensuring use and development protects waterways and water quality in the snow season and the green season. Providing service infrastructure that does not adversely affect the water quality of the catchments 	<ul style="list-style-type: none"> The project will make use of elevated structures to cross all waterways and install strict sediment controls and appropriate trail drainage close to waterways.
2.03-5 Built environment and heritage	
<ul style="list-style-type: none"> Protecting and preserving pre and post-contact history within the resorts as a key influence on the future location, siting and design of development. 	<ul style="list-style-type: none"> All works in the area of sensitivity will be undertaken by hand construction techniques to minimise any impacts to cultural heritage. A Cultural Heritage Management Plan (CHMP) has been prepared by Bligh Gilding Consulting in support of this permit application (Attachment 7). The recommendations in the CHMP will be adhered to during the project.
2.03-6 Economic Development	
<ul style="list-style-type: none"> Promoting 'all seasons' visitation through active and passive recreation that operate year round. Facilitating the right mix of commercial, retail, accommodation, entertainment, community and service facilities for the ongoing viability of resorts as year-round destinations. 	<ul style="list-style-type: none"> The construction of the Mountain Bike Trail will add to the amenity of the area by providing more recreational activities for tourists in the green season. The provision of active recreation facilities in the green season helps to promote 'all seasons' visitation.

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Table 4 Response to relevant Alpine Resorts Planning Scheme Planning Policy Framework (State – S and Local – L)

Relevant Objectives	Relevant Strategies	Proposal Response
11.01 Settlement - 11.01-1L Falls Creek Village		
<ul style="list-style-type: none"> To develop Falls Creek Village as an attractive and safe place for permanent and visitor populations. 	<ul style="list-style-type: none"> Encourage mixed use development to provide a range of major tourist facilities, commercial and retail uses, visitor services and high density residential accommodation. 	<ul style="list-style-type: none"> Construction of the Mountain Bike Trail will provide a wider range of tourist facilities and promote 'all seasons' visitation.
12.01 Biodiversity – 12.01-1L Protection of Biodiversity in alpine Resorts		
<ul style="list-style-type: none"> To preserve and enhance the habitat of threatened species and communities within the alpine resorts. 	<ul style="list-style-type: none"> Maintain and improve the present diversity and viability of species and ecological communities within the alpine resorts. Avoid use and development that detrimentally impacts upon threatened species, habitat or communities. Minimise the removal of vegetation as part of development. Retain mature trees or, if removed, incorporate suitable replacement planting. Encourage development to be designed around significant vegetation on the site. Retain native vegetation, including trees, shrubs and ground cover. Discourage the isolation of trees, where vegetation is to be removed. Discourage the destruction and fragmentation of landscapes. Minimise impacts on significant areas of landscape habitat and habitat corridors for indigenous fauna. Ensure that snow gums are retained wherever possible. Ensure that existing Mountain Pygmy-possum habitats are preserved. Protect and enhance existing Stream Complex, Alpine Bog and snow Gum Woodland habitats. 	<ul style="list-style-type: none"> The trail alignment has been designed to minimise the amount of vegetation required to be removed. No large trees are to be removed. The construction of the trail has been designed to avoid significant vegetation, specifically the Alpine Bogs. Removal of vegetation is minimal and will not result in the isolation of trees or fragmentation of the landscape. Minor habitat fragmentation due to construction of the trail will be overcome by fauna-crossing pipes at rock armouring locations. The implementation of the SEMP (Attachment 6) will minimise impacts on native vegetation or fauna.
12.01 Biodiversity – 12.01-1S Native Vegetation Management		
<ul style="list-style-type: none"> To ensure that there is no net loss to biodiversity as a result of the 	<ul style="list-style-type: none"> Ensure decisions that involve, or will lead to, the removal, destruction or lopping of native vegetation, apply the three-step approach in accordance 	<ul style="list-style-type: none"> The design of the mountain bike trail have taken into account the information provided in the FFA (Attachment

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Relevant Objectives	Relevant Strategies	Proposal Response
removal, destruction or lopping of native vegetation.	with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017): <ul style="list-style-type: none"> – 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 from the removal, destruction or lopping of native vegetation. 	4) and have minimised impacts from the removal of native vegetation. <ul style="list-style-type: none"> • Where impacts cannot be avoided, a suitable offset has been sought. An offset of the required value within the ARV-FC registered offset site is available to meet the project's requirements.
12.03 Water Bodies and Wetlands – 12.03-1S River and riparian corridors, waterways, lakes, wetlands and billabongs		
<ul style="list-style-type: none"> • To protect and enhance waterway systems including river and riparian corridors, waterways, lakes, wetlands and billabongs. 	<ul style="list-style-type: none"> • Conserve waterway systems and the landscapes and environmental values surrounding them by protecting ecological values, indigenous vegetation, terrestrial and aquatic habitats and encouraging biodiversity. • Sensitively design and site development to maintain and enhance the waterway system and the surrounding landscape setting, environmental assets, and ecological and hydrological systems. • Limiting earthworks in proximity to waterway systems to minimise alterations to geomorphology, natural drainage, natural flows and water quality. 	<ul style="list-style-type: none"> • Impacts to riparian vegetation, bogs at groundwater discharge points and waterways will be avoided and minimised by use of elevated structures to cross all waterways and installation of sediment control and appropriate trail drainage close to waterways.
12.04 Alpine Areas – 12.04-1L Sustainable development – alpine resorts		
No applicable objective to this clause	<ul style="list-style-type: none"> • Ensure passive and active recreational activities are in balance with the conservation and protection of the natural environment within and adjacent to the resorts. 	<ul style="list-style-type: none"> • The recommendations from the FFA (Attachment 4) and the Geotechnical Risk Assessment (Attachment 5) have been taken into consideration in order to minimise impacts and protect the natural environment.
12.05 Significant Environments and Landscapes – 12.05-1S Environmentally sensitive areas		
<ul style="list-style-type: none"> • To protect and conserve environmentally sensitive areas. 	<ul style="list-style-type: none"> • Protect environmentally sensitive areas with significant recreational value from development that would diminish their environmental conservation or recreational values. 	<ul style="list-style-type: none"> • Environmentally sensitive areas have been largely avoided with the alignment design of the trail. • Environmentally sensitive areas that are in contact with the project will be protected with implemented control measures.

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Relevant Objectives	Relevant Strategies	Proposal Response
12.05 Significant Environments and Landscapes – 12.05-2S Landscapes		
<ul style="list-style-type: none"> To protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments. 	<ul style="list-style-type: none"> Ensure development does not detract from the natural qualities of significant landscape areas. Recognise the natural landscape for its aesthetic value and as a fully functioning system. Ensure important natural features are protected and enhanced. 	<ul style="list-style-type: none"> The development will not detract from the natural qualities of the landscape as the trail is minimal and makes use of existing ski run areas. It will not result in fragmenting the landscape. Operational impacts of the downhill trail will be monitored and trail closure periods during summer season will occur to rest the area from human traffic.
13.02 Bushfire– 13.02-1S Bushfire planning		
<ul style="list-style-type: none"> To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life. 	<ul style="list-style-type: none"> Prioritising the protection of human life over all other policy considerations. Consulting with emergency management agencies and the relevant fire authority early in the process to receive their recommendations and implement appropriate bushfire protection measures. Ensuring that strategic planning documents, planning scheme amendments, planning permit applications and development plan approvals properly assess bushfire risk and include appropriate bushfire protection measures. <div data-bbox="736 1043 1303 1233" style="border: 2px solid red; padding: 10px; text-align: center; margin: 20px auto; width: fit-content;"> <p>RECEIVED Department of Environment, Land, Water and Planning 13/08/2024</p> </div>	<ul style="list-style-type: none"> This project will not increase the risk to life or property from bushfire, as the alterations to the landscape will be minimal. This application is to be referred to the CFA for approval. This project will not increase the risk to life or property from bushfire, as the alterations to the landscape will be minimal. This application is to be referred to the CFA. <p>Policy documents (local) that are relevant are:</p> <ul style="list-style-type: none"> Falls Creek Alpine Resort Municipal Emergency Management Plan Version 3.0 (Falls Creek Alpine Resort Management Board, 2 March 2018) Falls Creek Alpine Resort Municipal Fire Management Plan Version: 1.0 (Falls Creek Municipal Fire Management Committee, 15 April, 2016) <p>The Fire Management Plan is approved by the CFA and will be complied with to address any residual risk.</p>
13.04 Erosion and landslip – 13.04-2L Erosion and landslip in alpine resorts		
<ul style="list-style-type: none"> To ensure that geotechnical hazards 	<ul style="list-style-type: none"> Avoid development unless geotechnical and structural engineering risks 	<ul style="list-style-type: none"> The Geotechnical Risk Assessment (Attachment 5)

Relevant Objectives	Relevant Strategies	Proposal Response
<p>are managed throughout the resorts so as to minimise risk to property and persons.</p>	<p>are addressed.</p> <ul style="list-style-type: none"> Avoid development if a preliminary geotechnical report demonstrates a risk greater than 'low'. Discourage development that requires (for geotechnical purposes) excessive earthworks, drainage works or removal of vegetation to achieve a moderate, low or very low level of risk. 	<p>assessed the risk of earthworks and vegetation removal as 'low'. Following the recommendations from this assessment will ensure the geotechnical risks associated with the Project will remain at a low level.</p> <ul style="list-style-type: none"> The prepared SEMP will address the residual risks that may arise from erosion.
<p>14.02 Water – 14.02-2S Catchment planning and management</p>		
<ul style="list-style-type: none"> To assist the protection and restoration of catchments, waterways, estuaries, bays, water bodies, groundwater, and the marine environment. 	<ul style="list-style-type: none"> Ensure the continued availability of clean, high-quality drinking water by protecting water catchments and water supply facilities. Consider the impacts of catchment management on downstream water quality and freshwater, coastal and marine environments. Require appropriate measures to restrict sediment discharges from construction sites. 	<ul style="list-style-type: none"> The Frying pan Aqueduct and tributaries of Rocky Valley Creek run into Rocky Village Storage Dam. Strict sediment controls will be in place to ensure sediment discharges from construction do not enter the waterways. The implementation of the SEMP (Attachment 6) will minimise impacts on waterways.
<p>15.03 Heritage – 15.03-2S Aboriginal cultural heritage</p>		
<ul style="list-style-type: none"> To ensure the protection and conservation of places of Aboriginal cultural heritage significance. 	<ul style="list-style-type: none"> Identify, assess and document places of Aboriginal cultural heritage significance, in consultation with relevant Registered Aboriginal Parties, as a basis for their inclusion in the planning scheme. Provide for the protection and conservation of pre-contact and post-contact Aboriginal cultural heritage places. <div data-bbox="736 1098 1303 1289" style="border: 2px solid red; padding: 10px; text-align: center; margin: 20px auto; width: fit-content;"> <p>RECEIVED Department of Environment, Land, Water and Planning 13/08/2024</p> </div>	<ul style="list-style-type: none"> Sections of the trail are in areas of Aboriginal Cultural Heritage Sensitivity. The evaluation undertaken as part of the CHMP (Attachment 7) determined that it is unlikely that Aboriginal heritage values will be impacted by the proposed activity. All works in the area of sensitivity will be undertaken by hand construction techniques to minimise any impacts to cultural heritage. The recommendations in the CHMP will be adhered to during the project.
<p>17.04 Tourism – 17.04-1L Falls Creek tourism</p>		
<ul style="list-style-type: none"> To develop a range of year-round 	<ul style="list-style-type: none"> Encourage opportunities for eco-tourism development in the resort to 	<ul style="list-style-type: none"> The construction of the trail encourages tourists to

Relevant Objectives	Relevant Strategies	Proposal Response
tourism, commercial and recreation facilities in multipurpose venues compatible with the alpine environment of Falls Creek.	broaden the recreational and tourism experiences. <ul style="list-style-type: none"> Encourage development of the cross country trail system, particularly in the Rocky Valley Dam area and the Nordic Bowl. 	explore the unique alpine environment in the green season. <ul style="list-style-type: none"> The proposed trail will link other trails, adding to the connectivity of the trail system.

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7 Conclusions

This report has addressed all the planning controls and considerations within the Alpine Resorts Planning Scheme relevant to ARV-FC project to construct a mountain bike trail from the Falls Creek Summit to Gully.

The assessment against Planning Scheme indicate that the Project is consistent with the purpose of the zones, overlay controls and the objectives in the Planning Policy Framework. Biodiversity impacts have been minimised where possible and suitable offsets are being secured where avoidance is not possible. A comprehensive SEMP outlines how construction will take place to minimise impacts to environmental values.

The mountain bike trail will provide operational amenity to the Resort and to a wider range of resort users in the green season. This will promote 'all season' visitation to the Resort.

In summary, the proposal is considered to be in accord with the purpose of the relevant decision guidelines of the Planning Scheme and meets with all relevant requirements in each section.

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4 References

DELWP 2017. Guidelines for the Removal, Destruction or Lopping of Native Vegetation, <https://www.environment.vic.gov.au/native-vegetation/native-vegetation-removal-regulations>.

DSE 2002. Victoria's Native Vegetation Management: A Framework for Action, Victorian Government Department of Sustainability and Environment.

Falls Creek Resort Management 2020. *Mountain Bike Trail Management Plan*.

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