

PLANNING PERMIT

Permit No.:	PA2402974
Planning scheme:	Alpine Resorts Planning Scheme
Responsible authority:	Minister for Planning
ADDRESS OF THE LAND:	Crown Allotments 2010 and 2019, Parish of Darbalang, Falls Creek Alpine Resort

THE PERMIT ALLOWS:

Planning scheme clause No.	Matter for which the permit has been granted
37.02-4	Construct a building or construct or carry out works
42.01-2	Construct a building or construct or carry out works Construct bicycle pathways and trails Remove, destroy or lop any vegetation, including dead vegetation
44.01-2	Construct a building or construct or carry out works
44.01-3	Remove, destroy or lop any vegetation
44.06-2	Construct a building or construct or carry out works associated with 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: 20 December 2024 Signature for the responsible authority:



Approved and endorsed plans/report – Arboricultural Assessment

3. Before the development and vegetation removal starts, the Arboricultural Assessment, prepared by Oldmeadow Arboriculture and dated 25 June 2019 must be approved and endorsed by the responsible authority.
4. The vegetation removal and associated works must be carried out in accordance with the arboricultural recommendations, described in the endorsed Arboricultural Assessment report, prepared by Oldmeadow Arboriculture, dated 25 June 2019, to the satisfaction of the responsible authority.

Approved and endorsed plans/report – Mountain Bike Trail Management Plan

5. Before the development and vegetation removal starts, the Mountain Bike Trail Management Plan, prepared by Falls Creek Resort Management and dated February 2020 must be approved and endorsed by the responsible authority.
6. The constructed bike trails must be managed and maintained in accordance with the endorsed Mountain Bike Trial Management Plan, prepared by Falls Creek Resort Management, dated February 2020, to the satisfaction of the responsible authority.

Approved and endorsed plans/report – Flora and Fauna Assessment

7. Before the development and vegetation removal starts, the Flora and Fauna Assessment, prepared by Biosis and dated 19 July 2024 must be approved and endorsed by the responsible authority.
8. The vegetation to be removed must be in accordance with the endorsed Flora and Fauna Assessment, prepared by Biosis and dated 19 July 2024, to the satisfaction of the Responsible Authority.

Approved and endorsed plans/report – Site Environmental Management Plan (SEMP)

9. Before the development and vegetation removal starts, the SEMP, prepared by Biosis and signed on 4 October 2024 must be approved and endorsed by the responsible authority.

Approved and endorsed plans/report – Geotechnical Assessment and Landslide Risk Assessment

10. Before the development and vegetation removal starts, the 'Summit to Gully Downhill Mountain Bike Trail, Geotechnical Assessment and Landslide Risk Assessment', prepared by GHD and dated 12 December 2024 must be approved and endorsed by the responsible authority.
11. All buildings and works must be carried out in accordance with the geotechnical recommendations described in the 'Summit to Gully Downhill Mountain Bike Trail, Geotechnical Assessment and Landslide Risk Assessment' report, prepared by GHD and dated 12 December 2024.

Approved and endorsed plans/report – Cultural Heritage Management Plan (CHMP)

12. Before the development and vegetation removal starts, the Cultural Heritage Management Plan No. 19838, prepared by Bligh Gilding Consulting and approved (Notice of Approval) on 23 September 2024 must be approved and endorsed by the responsible authority.

Layout not altered

13. The development and vegetation removal as shown on the endorsed plans must not be altered (unless the Alpine Resorts Planning Scheme specifies that a permit is not required) without the prior written consent of the responsible authority.

Date issued: 20 December 2024 Signature for the responsible authority:



Shutdown

14. All external construction activity must cease, unless the responsible authority consents in writing to another date, during:
- The period between Christmas Day and New Year's Day inclusive;
 - The Easter holiday period from Good Friday to Easter Monday;
 - Any major event in the resort as may be notified by the Falls Creek Alpine Resort Management; and
 - The period between 15 May and the end of the declared snow season.

Site condition

15. The site must be left in a clean and tidy condition at all times and prior to the official opening of the bicycle trail hereby approved, all construction waste must be completely removed from the site to the satisfaction of the responsible authority. Any waste or litter must be immediately removed from the site and surrounding area at the direction of the responsible authority.

Safety protection and access requirements

16. The permit holder or developer must ensure that vehicle access required by Falls Creek Ski Lifts is not restricted at any time.
17. Prior to the official opening of the bicycle trail hereby approved, Tower 4 of the Gully Chairlift must be suitably padded by the permit holder and the padding maintained ongoingly by the permit holder, to the satisfaction of the responsible authority.

Notification prior to commencement of works

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

Protection of retained vegetation

19. Prior to commencement of works, areas where there is to be no disturbance, and where native vegetation is to be protected, native vegetation protection fences are to be erected around all native vegetation to be retained and areas identified as "no-go" zones, to the satisfaction of the Responsible Authority.

Vegetation protection fences and other fences around restricted areas must be highly visible and remain in place until all construction activities are completed.

Native vegetation permitted to be removed, destroyed or lopped

20. The native vegetation permitted to be removed, destroyed or lopped under this permit is 0.375 hectares of native vegetation, not including any large trees or other large or small scattered trees.

Native vegetation offsets

21. To offset the removal of 0.375 hectares of native vegetation, the permit holder must secure the following native vegetation offset in accordance with Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017) as specified below:
- A general offset of 0.265 general habitat units
 - located within the Northeast Catchment Management Authority (CMA) or Falls Creek Alpine Resort

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- c) with a minimum strategic biodiversity value of 0.516.
22. Before any native vegetation is removed, evidence that the offset required by this permit has been secured must be provided to the satisfaction of responsible authority and the Department of Energy, Environment and Climate Action. This evidence must be the following:
- a) 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 will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Energy, Environment and Climate Action.

Department of Energy, Environment and Climate Action (DEECA)

Works in accordance with Site Environmental Management Plan and Site Construction Management Plan

23. All construction activity must be conducted and carried out in accordance with the endorsed Site Environmental Management Plan (SEMP). All persons working on site must be provided with a copy of the endorsed SEMP and must adhere to all requirements of the SEMP. A copy of these documents must be kept on site at all times during the construction period.

Expiry – Development and vegetation removal

24. This permit as it relates to development (buildings and works) and vegetation removal will expire if one of the following circumstances applies:
- a) The development, including the removal, destruction or lopping of native vegetation, is not started within 2 years of the issued date of this permit.
 - b) The development, , including the removal, destruction or lopping of native vegetation, is not completed within 4 years of the issued date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend this permit if a request is made in writing before the permit expires, or within six months afterwards. The responsible authority may extend the time for completion of the development if a request is made in writing within twelve months after the permit expires and the development started lawfully before the permit expired.

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- USEFUL INFORMATION:
- (The following information does not form part of this permit)

Alpine Resorts Victoria (ARV)

- Prior to the commencement of any works on the site, the project manager must ensure compliance with all relevant resort policies and procedures.

Department of Energy, Environment and Climate Action (DEECA)

- Within six (6) months of the completion of the permitted clearing of native vegetation under this permit, the offset requirements can be reconciled with the written agreement of the responsible authority and the Department of Energy, Environment and Climate Action.
- Before any native vegetation is removed, a permit to take protected flora under the Flora and Fauna Guarantee Act 1988 is required. To obtain a permit to take protected flora or for further information, please contact Simon Hollis Hume NEP Program Manager via simon.hollis@deeca.vic.gov.au

Country Fire Authority (CFA)

- The CFA recommend the proposed development be incorporated and managed in accordance with the alpine resorts Bushfire Emergency Plans.

Cultural Heritage Management Plan

- Cultural Heritage Management Plan No. 19838, prepared by Bligh Gilding Consulting and approved (Notice of Approval) on 23 September 2024 applies to the project.

Date issued: 20 December 2024 Signature for the responsible authority:



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IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit.

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the **Planning and Environment Act 1987**.)

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: 20 December 2024 Signature for the responsible authority:

