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**Planning Report**

**Cabin 2, Parcel D, White Horse Village,  
Mount Buller**

Final Report

Prepared for Ben Gray

21 February 2024

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Final version 01	-	-

## Acknowledgements

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Biosis acknowledges the contribution of the following people and organisations in undertaking this study:

- Ben Gray
- Internal and Mantesso Architects: John Mantesso and Sandra Muscat
- Victorian Government Department of Transport and Planning for access to the Victoria Planning Provisions and Alpine Resorts Planning Scheme.

Biosis staff involved in this project were:

- Astrid Mackegard (mapping)
- Paul Kearsley (quality assurance)

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*Biosis acknowledges the Aboriginal and Torres Strait Islander peoples as Traditional Custodians of the land on which we live and work.*

*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

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### 1.1 Background

Biosis Pty Ltd (Biosis) has been engaged by Ben Gray (the 'applicant') to prepare this report in support of a planning application to amend planning permit 201529926-8 (existing planning permit or planning permit) under Section 72 of the *Planning and Environment Act 1987* (PE Act).

Planning permit 201529926-8 relates to a larger tract of land referred to as 'White Horse Village' comprising Crown Allotment 2017 and Crown Allotment 2031 (Parcel D), Crown Allotment 2032 (Parcel B), Part of Crown Allotment 2033 (Parcel A) (White Horse Village) and Crown Allotments 2034 and 2035 (leased) and Crown Allotments 2020 and 2036 (unleased) White Horse Road, Mt Buller (White Horse Village or permit land).

This application is made in relation to a part of the permit land, being the sub-lease boundary of Cabin 2 within White Horse Village (the site).

This Section 72 amendment application seeks to amend the endorsed architectural plans under Planning permit 201529926-8 (the 'proposal'). No changes are proposed to the planning permit preamble or conditions.

This report has been prepared to address the relevant policies and statutory requirements of the Alpine Resorts Planning Scheme (Planning Scheme).

### 1.2 Planning permit history

Planning permit 201529926 was granted to Grollo Group (permit holder) in 2016 for six chalets, a hotel and new vehicle access connecting to Standard Lane, works to Standard Land, the removal of vegetation and reduction in the car parking requirements.

Since its approval, Planning permit 201529926 has been amended on 16 November 2018 (Permit no. 201529926-1), 29 October 2020, (Permit no. 201529926-2), 30 April 2021 (Permit no. 201529926-3), 14 September 2021 (Permit no. 201529926-4), 10 February 2022 (201529926-5), 9 September 2022 (201529926-6) and 21 November 2023 (201529926-7) and 24 November 2023 (201529926-8).

### 1.3 Planning controls

The site is subject to the Comprehensive Development Zone schedule 1 (CDZ1) (Figure 2), Design and Development Overlay Schedule 1 (DDO1-A1) (Figure 3), Erosion Management Overlay Schedule 1 (EMO1) (Figure 4) and Bushfire Management Overlay Schedule 1 (BMO1) (Figure 5).

### 1.4 Planning scheme requirements

A planning permit is required for the proposal pursuant to the following provisions of the Planning Scheme:

- Clause 37.02-2 - Comprehensive Development Zone Schedule 1 (CDZ1) to construct a building or construct or carry out works.
- Clause 43.02-2 - Design and Development Overlay Schedule 1 (DDO1-A1) to construct a building or construct or carry out works.

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- Clause 44.01-2 - Erosion Management Overlay Schedule 1 (EMO1) to construct a building or construct or carry out works.
- Clause 44.06 - Bushfire Management Overlay Schedule 1 (BMO1) to construct a building or construct or carry out works associated with Accommodation.

A detailed assessment of the proposal against the requirements of the Planning Scheme is provided in sections **Error! Reference source not found.** and **Error! Reference source not found.** and of this report.

## Summary of supporting documentation

Table 1 below provides a summary of documents accompanying this planning report in response to the application requirements relevant to the proposal.

**Table 1 Summary of supporting documentation**

Item/information requirement	Description	Attachment
<b>Notification to the landowner</b>	Copy of notification to the landowner pursuant to Section 48 of the <i>Planning and Environment Act 1987</i> .	Attachment 1
<b>Copy of land titles</b>	Copy of the Crown allotment plan.	Attachment 2
<b>Architectural drawing package</b>	Refer to site plans, floor, roof and elevation plans prepared by Intelligi Mantesso Architects (10 November 2023).	Attachment 3
<b>Endorsed Site Environmental Management Plan (SEMP)</b>	Required pursuant to the CDZ1. Refer to the endorsed Site Environmental Management Plan prepared by Biosis Pty Ltd, dated 27 December 2020.	Attachment 4
<b>Geotechnical advice</b>	Geotechnical advice from Phil Styles & Associates.	Attachment 5
<b>Endorsed Bushfire Management Plan (Parcel B and D)</b>	Required pursuant to the BMO. Refer to the endorsed Bushfire Management Plan prepared by Terramatrix, January 2020.	Attachment 6

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## Notice and referral requirements

Clause 66 of the Planning Scheme specifies the notice and referral requirements under the PE Act.

An application must be referred under Section 55 of the PE Act to the person or body specified as the referral authority in Clause 66.03, unless a schedule to this overlay specifies otherwise.

This application would be referred to the following agencies:

- Country Fire Authority (CFA) (Recommending referral authority) pursuant to Clause 66.03 of the Planning Scheme.
- Mt Stirling and Mt Buller Resort Management Board (now referred to as Alpine Resorts Victoria (ARV)) (Determining referral authority) (Clause 7.0 of Schedule 1 to CDZ (37.02) Alpine Village).

This application is exempt from notice requirements pursuant to:

- Clause 4.2 of Schedule 1 to CDZ, an application is exempt from the notice requirements and review rights if the development is consistent with the CDZ1.
- Clause 6.0 of the Schedule 1 to EMO, the planning permit application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the PE Act.
- Clause 44.06-7 to BMO, an application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act, unless a schedule to this overlay specifies otherwise.

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## 2 Site context

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### 2.1 Location

The site is located within Crown Allotment 2031 (Parcel D) of White Horse Village in Mt Buller Alpine Resort.

Whilst the permit applies to all of White Horse Village, this amendment application is related to land within the sub-lease boundary of Cabin 2 ('the site') (see Figure 1).

The site is situated in the northeast portion of White Horse Village and abuts Bourke Street to the north, and the sub-lease boundaries of 'Cabin 1' to the west, 'Cabin 3' to the east and a shared pedestrian pathway to the south. 'Cabin 4' and 'Cabin 5' are located just south of the pathway.

### 2.2 Existing conditions

The site is situated within a built environment of the Alpine Resort, surrounded by the natural setting of the alpine environment and areas cleared of vegetation for development or recreational uses such as ski run areas or walking trails.

The site is currently occupied by an existing cabin (Cabin 2) and has been subject to previous disturbance in accordance with the permit and this report (i.e. vegetation removal, earthworks, construction of the existing Cabin and rehabilitation of adjacent land).

The site is at an elevation of approximately 1,600m asl and consists of a natural slope which rises to the northwest. The site is accessible via the existing Mt Buller Alpine Village Road network and White Horse Village Road.

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### 2.3 Land tenure

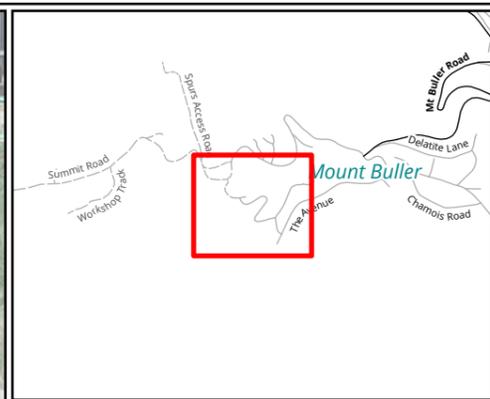
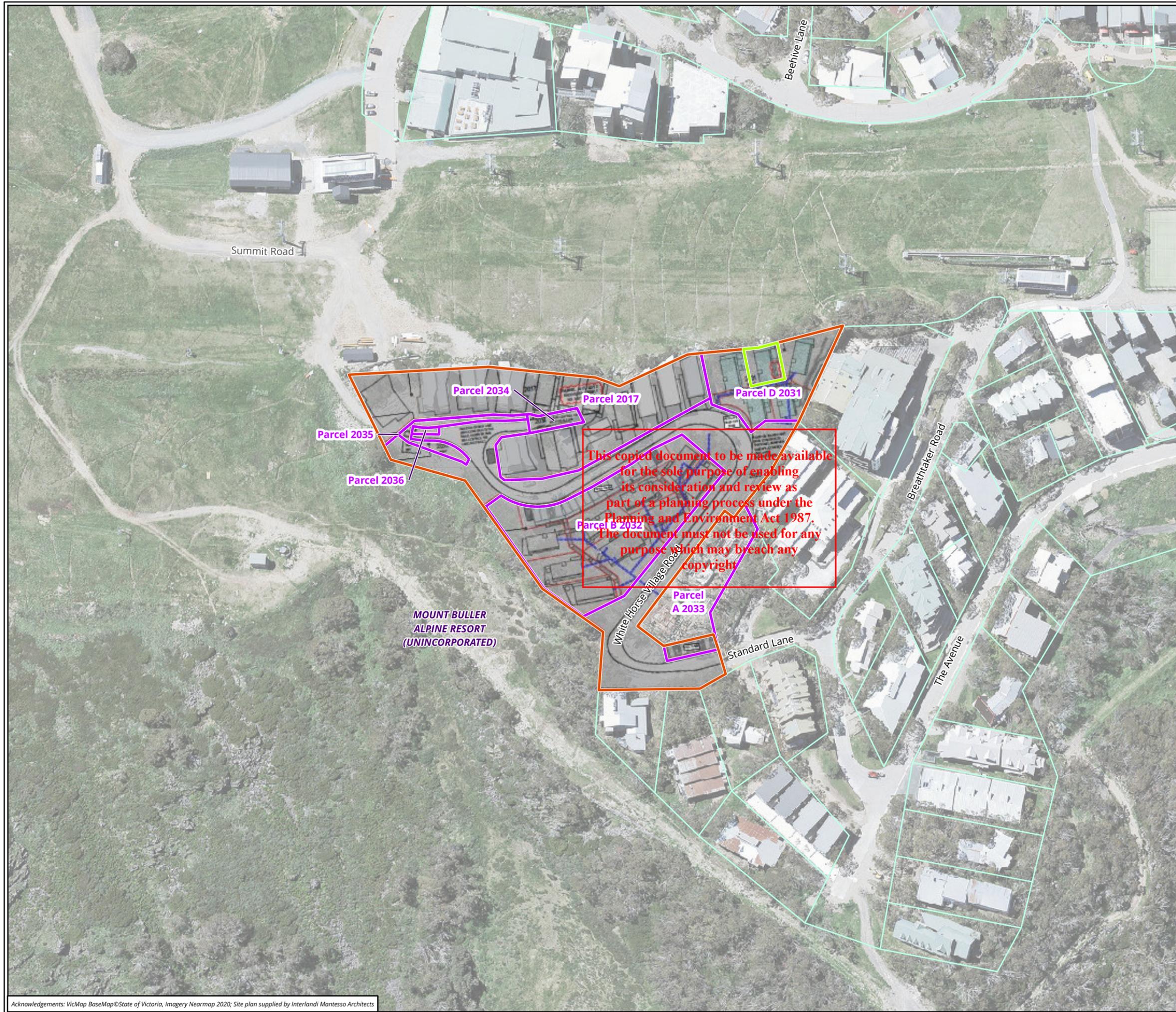
Land within Mt Buller Alpine Resort is identified as Crown land managed by Alpine Resorts Victoria (Mt Buller Mt Stirling) pursuant to *Alpine Resorts (Management) Act 1997*.

White Horse Village (including the site) is identified as Crown land operated by Grollo Group under lease arrangements with Alpine Resorts Victoria (ARV). This is apart from Parcel A (Crown Allotment 2033), which is controlled by Stirling Vista Pty Ltd.

Grollo Group are the head-leasee and are responsible for construction and operational requirements across the White Horse Village generally. The site (land within sub-lease boundary associated with Cabin 2) is sub-leased from the Grollo Group by the applicant.

### 2.4 Current land use

The site is currently used for Residential / Accommodation. Since the time of the original application, the whole of White Horse Village has been under construction in accordance with the existing planning permit (i.e. vegetation removal, construction and works with Chalets, Cabins and White Horse Road). Some sub-lease areas within White Horse Village are currently vacant however construction is expected to be completed in accordance with the existing permit.



**Legend**

- White Horse Village
- Site - Cabin 2 sub-lease boundary
- Crown allotment parcel
- Parcel outside site

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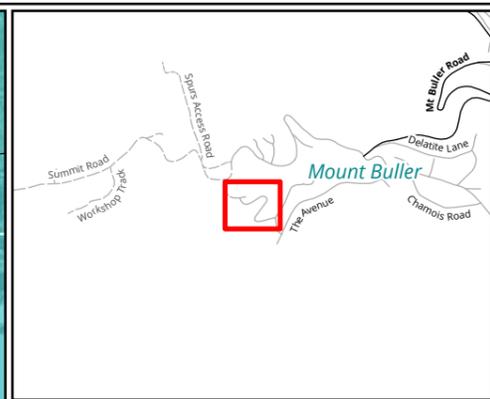
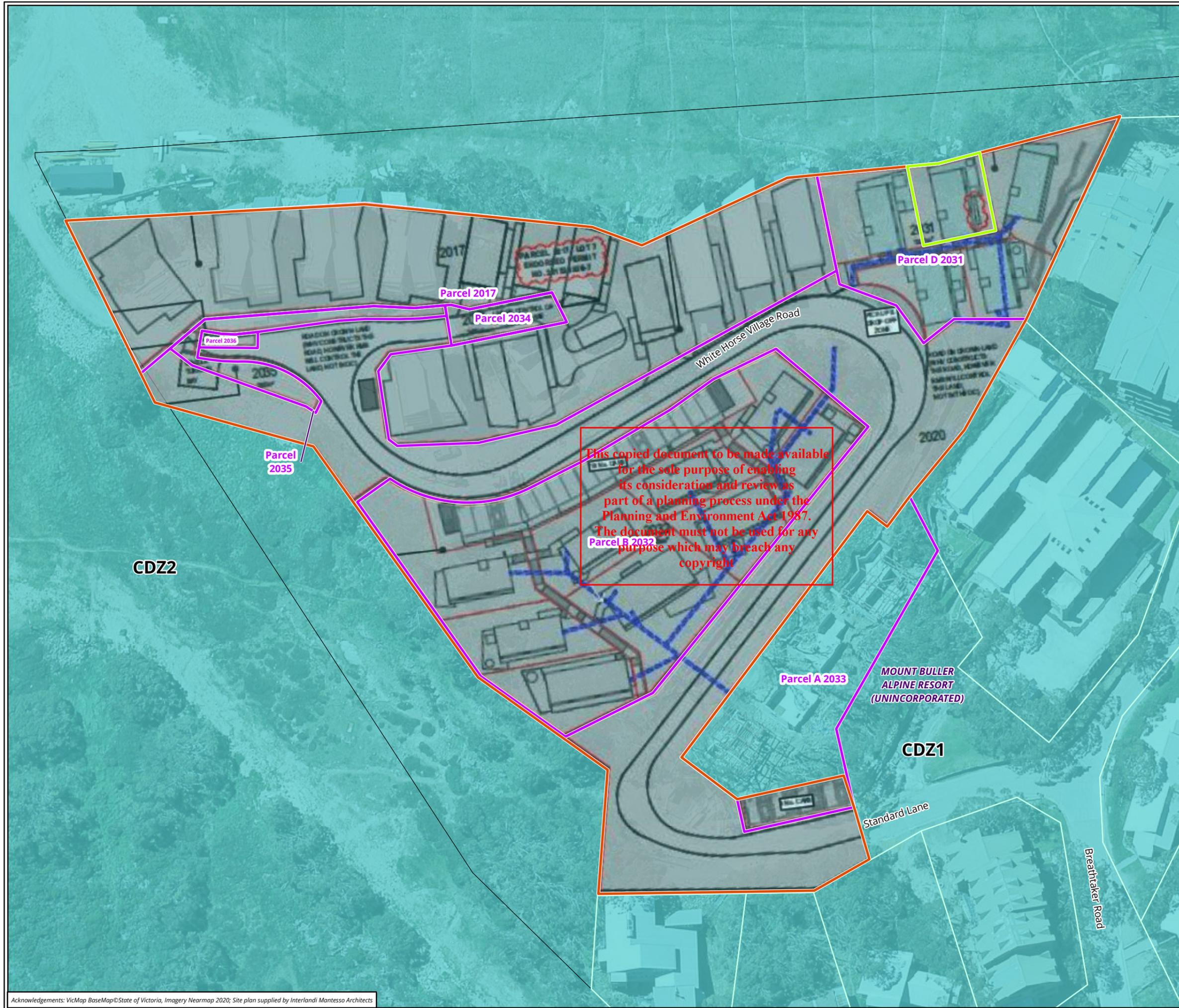
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**Figure 1 Location of the site (Cabin 2, Parcel D - sublease boundary)**

0 10 20 30 40 50  
 Metres  
 Scale: 1:1,500 @ A3  
 Coordinate System: GDA 1994 MGA Zone 55



Matter: 40068,  
 Date: 07 February 2024,  
 Prepared for: GHG, Prepared by: AM, Last edited by: amackegard  
 Layout: 40068\_F1\_Location  
 Project: P:\40000s\40068\Mapping\40068\_Cabin2\_ParcelD.aprx



- Legend**
- White Horse Village
  - Site - Cabin 2 sub-lease boundary
  - Crown allotment parcel
  - Parcel outside site
- Planning zones**
- CDZ - Comprehensive Development Zone

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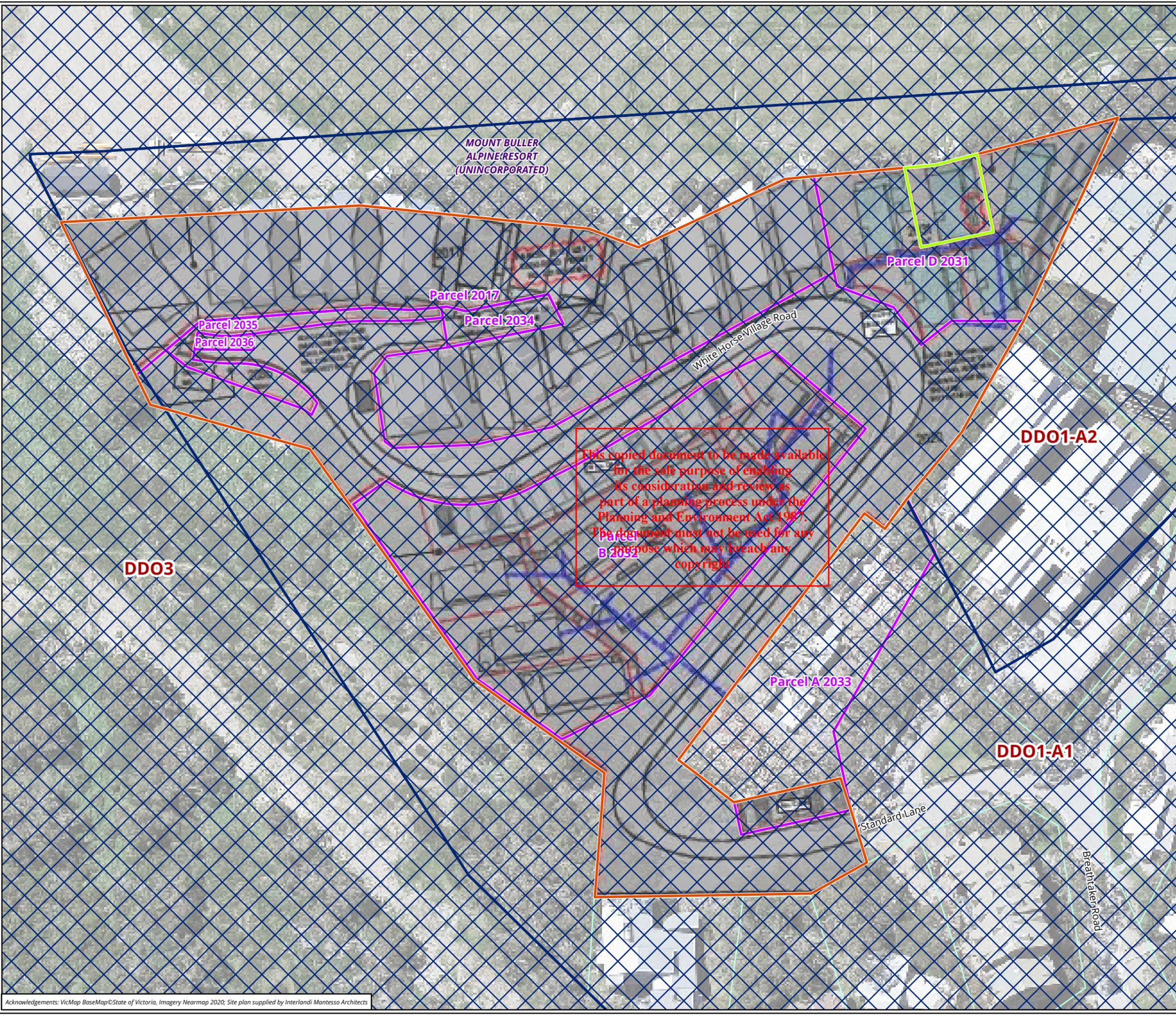
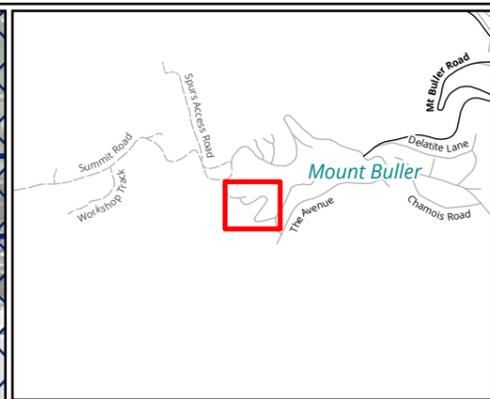
**Figure 2 Comprehensive Development Zone schedule 1**

  
 0 5 10 15 20  
 Metres  
 Scale: 1:700 @ A3  
 Coordinate System: GDA 1994 MGA Zone 55



Matter: 40068,  
 Date: 07 February 2024,  
 Prepared for: GHG, Prepared by: AM, Last edited by: amackegard  
 Layout: 40068\_F2\_Planning\_zones  
 Project: P:\40000s\40068\Mapping\40068\_Cabin2\_ParcelD.aprx

Acknowledgements: VicMap BaseMap©State of Victoria, Imagery Nearmap 2020; Site plan supplied by Interlandi Mantesso Architects



- Legend**
- White Horse Village
  - Site - Cabin 2 sub-lease boundary
  - Crown allotment parcel
  - Parcel outside site
- Planning overlays**
- Design and Development Overlay (DDO, DDOPT)

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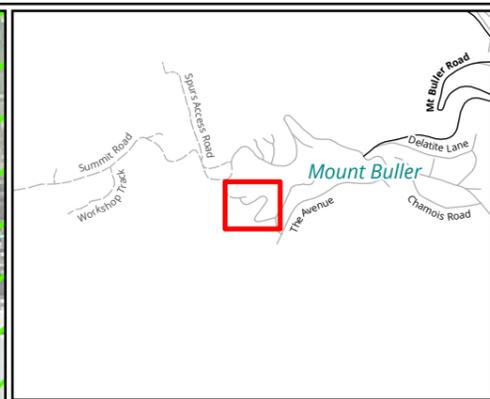
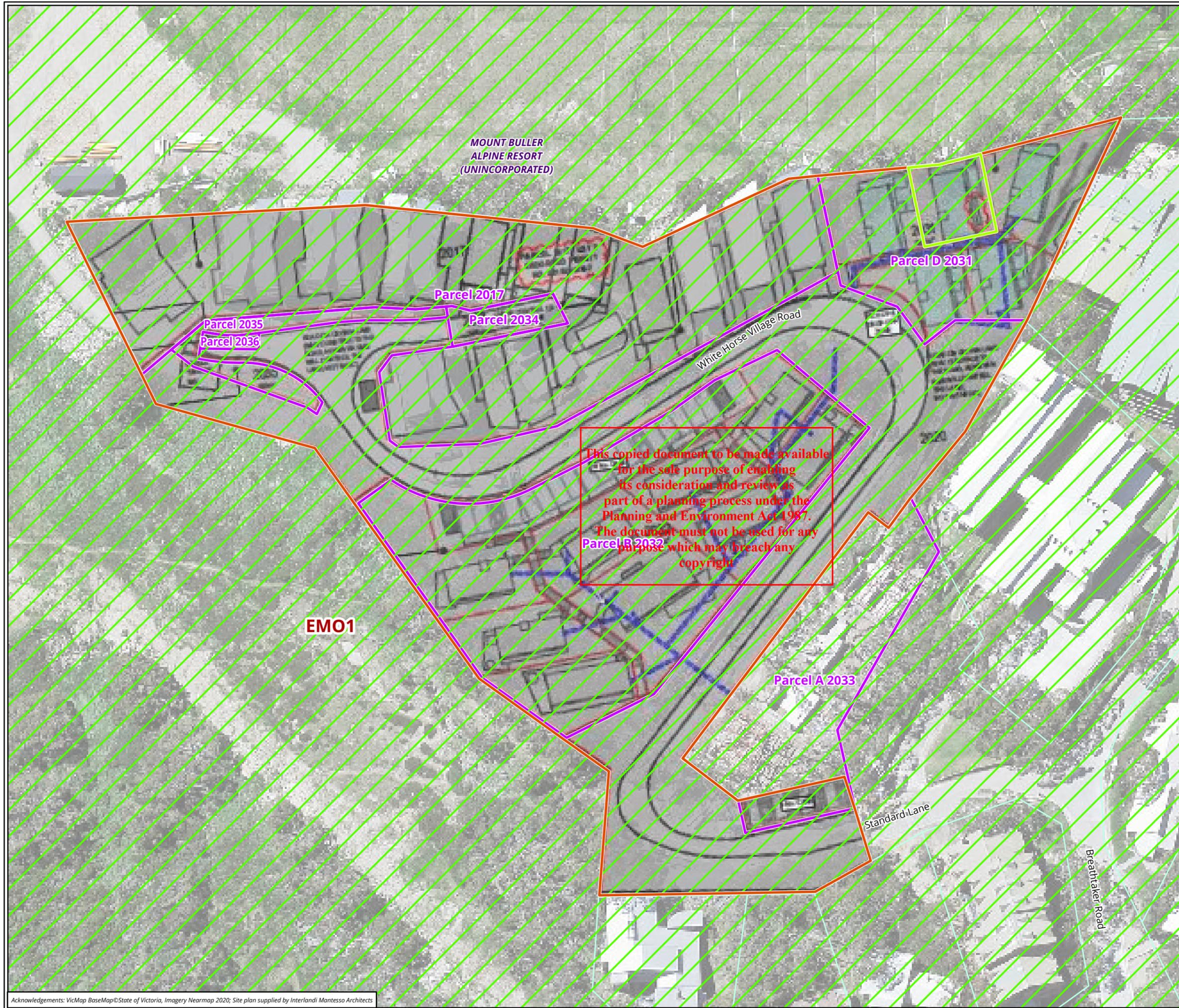
**Figure 3 Design and Development Overlay**

0 5 10 15 20  
 Metres  
 Scale: 1:700 @ A3  
 Coordinate System: GDA 1994 MGA Zone 55



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 Prepared for: GHG, Prepared by: SP, Last edited by: amackegard  
 Layout: 40068\_F3-F5\_Planning\_overlays  
 Project: P:\40000s\40068\Mapping\40068\_Cabin2\_ParcelD.aprx

Acknowledgements: VicMap BaseMap © State of Victoria, Imagery Nearmap 2020; Site plan supplied by Interlandi Mantesso Architects



- Legend**
- White Horse Village
  - Site - Cabin 2 sub-lease boundary
  - Crown allotment parcel
  - Parcel outside site
- Planning overlays**
- Erosion Management Overlay

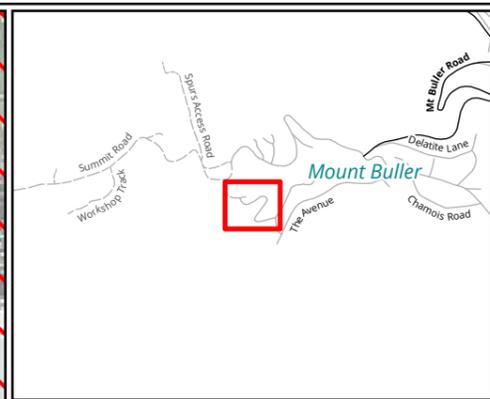
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**Figure 4 Erosion Management Overlay**

0 5 10 15 20  
 Metres  
 Scale: 1:700 @ A3  
 Coordinate System: GDA 1994 MGA Zone 55



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 Layout: 40068\_F3-F5\_Planning\_overlays  
 Project: P:\40000s\40068\Mapping\40068\_Cabin2\_ParcelD.aprx



- Legend**
- White Horse Village
  - Site - Cabin 2 sub-lease boundary
  - Crown allotment parcel
  - Parcel outside site
- Planning overlays**
- Bushfire Management Overlay

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**Figure 5 Bushfire Management Overlay**

0 5 10 15 20  
 Metres  
 Scale: 1:700 @ A3  
 Coordinate System: GDA 1994 MGA Zone 55



Matter: 40068,  
 Date: 07 February 2024,  
 Prepared for: GHG, Prepared by: SP, Last edited by: amackegard  
 Layout: 40068\_F3-F5\_Planning\_overlays  
 Project: P:\40000s\40068\Mapping\40068\_Cabin2\_ParcelD.aprx

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## 3 The proposal

This Section 72 amendment application seeks to amend the endorsed architectural plans under Planning permit 201529926-8 to include an additional storey and make changes to the floor layout associated with the site (the 'proposal'). No changes are proposed to the planning permit preamble or conditions.

The proposal does not include native vegetation removal and remains in accordance with the existing permit.

### 3.1 Planning permit conditions

Review of the existing planning permit indicates that the conditions are not affected by the proposal.

No changes to the planning permit preamble or conditions are proposed as part of this application.

### 3.2 Proposed changes to the endorsed plans

Amended architectural plans have been prepared in support of the proposal (see Attachment 3).

The following documents enclosed within Attachment 3 are requested to be endorsed under the planning permit:

- Drawing Nos. TP 0.01.02 (Masterplan Parcel D), TP 0.02.02 (Masterplan Parcel D), TP 0.03.02 (Staging Plan – Stage 0, 1A+1B Parcel D), TP 0.04.02 (Staging Plan – Stage B Parcel B), TP 0.05.02 (Staging Plan – Stage D Parcel D), TP1.00.02 (Parcel D – Site Plan), TP1.03 (Parcel D – Floor Plans), TP2.03 (Cabin Type C1 Variation 2 - Plans & Elevations), TP3.01.02 (Parcel D – North Elevation (Bourke Street)), and TP3.02.02 (Parcel D - South Elevation & Section A (East – West)).

The following plans that form part of the existing endorsed plans are requested to be superseded with the amended plans provided in Attachment 3.

- Drawing Nos. TP 0.01 Rev TP\_J (Masterplan – Tenure page 2), TP 0.02 Rev TP\_J (Masterplan page 3), TP 0.03 Rev TP\_J (Staging Plan – Stage 0 1A+1B page 4), TP 0.04 Rev TP\_J (Staging Plan – Stage B page 5), TP 0.05 Rev TP\_J (Staging Plan – Stage D page 6), TP1.00 Rev A (Parcel D – Site Plan page 33), TP1.01 (Parcel D – Floor Plans page 34), TP2.03 (Cabin Type C1 Variation 2 - Plans & Elevations page 37), TP3.01 (Parcel D – North Elevation (Bourke Street) page 39), and TP3.02 (Parcel D - South Elevation & Section A (East – West) page 40).

The following documents endorsed under the existing permit remain accurate for this proposal and do not require any amendments to be made as a result of the proposed changes:

- Staging Plan (Condition 6)
- Site Environmental Management Plan (SEMP) (Condition 16)
- Rehabilitation Plan (Condition 17)
- Road Management Plan and Design Construction Plans (Condition 22)
- Storm Water (Condition 23)
- Waste Management Plan (WMP) (Conditions 24 to 28)
- Detailed Flora and Fauna Assessment (FFA) (condition 32)

- Bushfire Management Statement (BMS) (Conditions 48 to 50)
- Geotechnical Report (Conditions 58 to 61)

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## 4 Related assessment and approvals

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### 4.1 *Flora and Fauna Guarantee Act 1988*

A protected flora permit was obtained by Grollo Group (head leasee and planning permit holder) in December 2020. No further approval under the *Flora and Fauna Guarantee Act 1989* (FFG Act) is required. The proposal does not include additional native vegetation removal and remains in accordance with the existing permit.

### 4.2 *Aboriginal Heritage Act 2006*

Section 52 of the *Aboriginal Heritage Act 2006* (AH Act) provides that a planning permit cannot be granted for a high impact activity within an area of cultural heritage sensitivity until a Cultural Heritage Management Plan (CHMP) has been approved under Part 4 of the AH Act for the proposal.

The proposal is defined as a high impact activity and the permit land (or Activity Area) is within an area of cultural heritage sensitivity and therefore a CHMP is required to be prepared.

Cultural Heritage Management Plan No. 13391, prepared by Biosis and approved 3 June 2015 (Biosis 2015), and Cultural Heritage Management Plan No. 15649, prepared by Biosis and approved 23 July 2018 (Biosis 2018), applies to White Horse Village.

The proposal is within the activity area and consistent with the activity description of CHMP No. 13391 and CHMP No. 15469. The proposal does not trigger the requirement for a new CHMP as it falls within the scope of the approved CHMPs.

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## 5 Alpine Resorts Planning Scheme

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### 5.1 Alpine Resorts Planning Strategy

The following provisions under the Alpine Resorts Planning Strategy are relevant to this proposal:

- Clause 2.01 – Context
- Clause 2.02 – Vision
- Clause 2.03 – Strategic Directions
  - Clause 02.03-1 Settlement and housing
  - 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 02.03-7 Transport
  - Clause 02.03-8 Infrastructure
- Clause 2.04 – Mt Buller Strategic Land Use Framework Plan – Village Precinct

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### 5.2 Planning Policy Framework

The following Planning Policy Framework (PPF) provisions are considered to be relevant to this proposal:

- Clause 11 Settlement
  - Clause 11.01-1L Mt Buller Village
- Clause 12 Environmental and Landscape Values
  - Clause 12.04 Alpine Areas
    - Clause 12-04-1S Sustainable development in alpine areas
  - Clause 12.05 Significant environments and landscapes
    - Clause 12.05-1S Environmentally sensitive areas
- Clause 13 Environmental Risks and Amenity
  - Clause 13.02 Bushfire
    - 13.02-1S Bushfire planning
  - Clause 13.04 Soil Degradation
    - Clause 13.04-2S Erosion and landslip
- Clause 15 Built Environment and Heritage

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- Clause 15.01-2L Building design in Mt Buller
- Clause 16 Housing
  - Clause 16.01-1S – Housing supply
- Clause 17 Economic Development
  - Clause 17.04 Tourism
    - Clause 17.04-1S Facilitating tourism

### 5.3 Zoning control

#### 5.3.1 Comprehensive Development Zone – Schedule 1 – Alpine Village

The site is located within the Comprehensive Development Zone schedule 1 (CDZ1) (Figure 2).

The purpose of the CDZ1 is:

- to encourage development and the year round use of land for a commercially orientated, alpine resort.
- to provide for residential development in a variety of forms in an alpine environment.
- to encourage development and the use of the land which is in accordance with sound environmental management and land capability provisions and which takes into account the significance of the environmental resources.
- to provide for the integrated development of land in accordance with a comprehensive development plan incorporated in this scheme.

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#### Permit requirements

Pursuant to Clause 4 of CDZ1, a permit is required to construct a building or construct or carry out works for the proposal.

The use of land for 'Accommodation' is a Section 1 'permit not required' use.

#### Application requirements

Pursuant to Clause 4.3-3 of CDZ1, a Site Environmental Management Plan (SEMP) is required for all applications for buildings and works.

The proposal seeks to rely on the existing endorsed SEMF dated 21 December 2020. Review of the endorsed SEMF indicates that the proposal does not require the SEMF to be updated to accompany this S72 permit amendment application.

### 5.4 Overlay controls

The site is subject to the following relevant overlays under the Planning Scheme:

- Design and Development Overlay schedule 1 (DDO1-A1) (Figure 3)
- Erosion Management Overlay schedule 1 (EMO1) (Figure 4)
- Bushfire Management Overlay schedule (BMO1) (Figure 5)

#### 5.4.1 Clause 43.02 - Design and Development Overlay schedule 1 – A1 (DDO1-A1)

The objectives to be achieved under DDO1 are:

- To ensure that development within the Mt Buller Village creates and enhances the identifiable individual resort character.
- To ensure building design provides a visually attractive and functionally effective interface with the public domain, particularly within the Village Square and adjacent to the Bourke Street ski run.
- To ensure view corridors are protected between buildings and provide opportunities for view sharing.
- To provide safe pedestrian and skier access and linkages within the Village and to the ski fields.

#### Permit requirements

Pursuant to DDO1, a planning permit is required to construct a building or construct or carry out works. A response to the application requirements applicable under DDO1-A1 is provided below.

#### Application requirements

A response to the application requirements under DDO1-A1 is provided in Table 3 in Section 6.

#### 5.4.2 Clause 44.01 - Erosion Management Overlay – Schedule 1

The objectives to be achieved under EMO1 are:

- to ensure that applications for development are supported by adequate investigation and documentation of geotechnical and related structural matters
- to ensure that development is appropriate to be carried out either conditionally or unconditionally, having regard to the results of those geotechnical and related structural investigations.
- to ensure that development is only carried out if identified geotechnical and related structural engineering risks are effectively addressed.

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#### Permit requirements

The EMO1 contains specific permit triggers for applications to construct a building or construct or carry out works.

#### Application requirements

Pursuant to Clause 4 of EMO1, an application for a planning permit must be accompanied by a Preliminary Geotechnical Assessment.

The endorsed preliminary geotechnical assessment previously prepared by Phil Styles & Associates (Phil Styles & Associates 2020) is applicable to the proposal and therefore no additional assessment is required. This advice has been provided by Phil Styles & Associates and is included in Attachment 5 in support of the proposal.

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### 5.4.3 Clause 44.06 - Bushfire Management Overlay

The purpose of the Bushfire Management Overlay (BMO) is:

- to implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- 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.

The objectives to be achieved under BMO1 are:

- to require tailored bushfire protection measures unique to Victoria's alpine resorts.
- to acknowledge the bushfire protection measures and protection of human life being achieved through emergency management arrangements unique to Victoria's alpine resorts.

#### Permit requirements

Under the BMO, a planning permit is required to construct a building or construct or carry out works associated with Accommodation.

#### Application requirements

The endorsed Bushfire Management Plan (BMP) under Planning Permit No. 201529926-2 (Attachment 6) applies to the site and remains accurate for the proposal. The endorsed BMP is therefore not required to be updated as the proposal does not impact its recommendations. Cabin 2 will be constructed to a bushfire attack level of BAL-29.

## 5.5 Particular provisions

### 5.5.1 Clause 53.02 Bushfire Planning

Clause 53.02 applies to an application under Clause 44.06 - Bushfire Management Overlay, unless the application meets all of the requirements specified in a schedule to Clause 44.06. A response to the requirements under Clause 53.02 is provided in Table 3 in Section 6.

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## 6 Planning considerations

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### 6.1 What are the key considerations of this amendment?

The key considerations when assessing the appropriateness of the proposal are:

- Is the proposal in alignment with the Alpine Resorts Strategic Plan 2020-2025 (Strategic Plan) and Planning Policy Framework of the Alpine Planning Scheme?
- Is the proposal consistent with the existing planning permit?
- How does the proposal respond to the preferred built form outcomes of site and White Horse Village?
- How does the amendment respond to geotechnical investigations already undertaken for White Horse Village?
- How does the proposal respond to bushfire risk?

The following section address the considerations listed above.

### 6.2 Strategic Justification

The Alpine Resorts Strategic Plan 2020-2025 (Strategic Plan) applies to the proposal as it is referenced in the Planning Scheme.

The Strategic Plan recognises the important contribution the Mount Buller Alpine Resort makes within the alpine industry. The Strategic Plan refers to the Mount Buller Master Plan which sets out a comprehensive range of initiatives to position Mount Buller for future growth, based primarily around broadening the range of visitor experiences and value, with only a small increase in visitor beds.

This proposal is consistent with the strategic objectives for the Mount Buller Alpine Resort as it will contribute to a diverse range of accommodation supply at Mt Buller.

### 6.3 Alignment with the planning policy framework

The Planning Scheme sets out the objectives, policies and provisions relating to the use, development and protection of land within the Alpine Resort. Table 2 below provides an assessment of the proposal against the relevant requirements of the planning policies objectives in the Planning Scheme.

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**Table 2 Assessment of the proposal against the state and local planning policies objectives**

Policy	Assessment response
<b>Alpine Resorts Planning Strategy</b>	
<ul style="list-style-type: none"> <li>• <b>Clause 2.03 – Strategic Directions</b> <ul style="list-style-type: none"> <li>– <b>Clause 02.03-1 Settlement and housing</b></li> <li>– <b>Clause 02.03-2 Environmental and landscape values</b></li> <li>– <b>Clause 02.03-3 Environmental risks and amenity</b></li> <li>– <b>Clause 02.03-4 Natural resource management</b></li> <li>– <b>Clause 02.03-5 Built environment and heritage</b></li> <li>– <b>Clause 02.03-6 Economic development</b></li> <li>– <b>Clause 02.03-7 Transport</b></li> <li>– <b>Clause 02.03-8 Infrastructure</b></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• The proposal is consistent with the current use of the site and is appropriately located within the established footprint of the White Horse Village development. The proposal integrates with the built form of Cabin 2 seamlessly and is sited to minimise adverse effects to adjoining neighbours. The proposal does not make any change to the mitigation measures required to be implemented during the construction and operation phases to White Horse Village under the existing permit. Additionally, the proposal has been designed so that it is consistent with the built form objectives for this part of the Mount Buller Alpine Resort.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Clause 2.04 – Mt Buller Strategic Land Use Framework Plan – Village Precinct</b></li> </ul>	<ul style="list-style-type: none"> <li>• The site is identified within Comprehensive Development Plan 2 (CDP2) area for 'Mixed commercial / retail / accommodation' uses in the strategic land use framework plan at Clause 2.04 of the Planning Scheme. The proposal is consistent with the strategic land use plan by utilising built form elements to deliver a sensitive response to the bulk of development within White Horse Village.</li> </ul>
<b>Planning Policy Framework</b>	
<ul style="list-style-type: none"> <li>• <b>Clause 11 Settlement</b> <ul style="list-style-type: none"> <li>– Clause 11.01 Victoria                             <ul style="list-style-type: none"> <li>○ Clause 11.01-1L Mt Buller Village</li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• The proposal has been sited to consolidate development within White Horse Village and offer improved functionality of the proposed cabin.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Clause 12 Environmental and Landscape Values</b> <ul style="list-style-type: none"> <li>– Clause 12.04 Alpine Areas                             <ul style="list-style-type: none"> <li>○ Clause 12-04-1S Sustainable development in alpine areas</li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• The proposal does not detract or cause detrimental impact to the natural qualities of the wider significant landscape of Mt Buller.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Clause 13 Environmental Risks and Amenity</b> <ul style="list-style-type: none"> <li>– Clause 13.02 Bushfire                             <ul style="list-style-type: none"> <li>○ Clause 13.02-1S Bushfire planning</li> </ul> </li> <li>– Clause 13.04 Soil Degradation                             <ul style="list-style-type: none"> <li>○ Clause 13.04-2L Erosion and landslip in alpine resorts</li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• To be consistent with bushfire planning policy, the proposal seeks to implement the construction standards and defensible space management requirements of the existing endorsed Bushfire Management Plan (Attachment 6).</li> <li>• The proposal will implement the recommendations of the existing endorsed preliminary geotechnical assessments (Phil Styles &amp; Associates 2020, Phil Styles &amp; Associates 2018a, Phil Styles &amp; Associates 2018b, Phil Styles &amp; Associates 2015) under the planning permit to ensure that the risk to property is kept to low and result in no credible risks to life from the proposal.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Clause 15 Built Environment and Heritage</b> <ul style="list-style-type: none"> <li>– Clause 15.01 Built Environment</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• The proposed materials and scale of the proposal will not detract from the surrounding natural environment or existing built form of White Horse Village, or the broader</li> </ul>

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<ul style="list-style-type: none"> <li>○ Clause 15.01-2L Building design in Mt Buller</li> </ul>	<p>Alpine Resort. The proposal is considered to deliver a sensitive response to the existing built form of the site and its neighbouring buildings.</p>
<ul style="list-style-type: none"> <li>● <b>Clause 16 Housing</b> <ul style="list-style-type: none"> <li>– Clause 16.01 Residential Development <ul style="list-style-type: none"> <li>○ Clause 16.01-1S – Housing supply</li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>● The proposal is consistent with the relevant PPF objectives related to housing supply as it will respond to the changing needs of households (capacity and amenity), thus strongly supporting the economic vitality of the area.</li> </ul>
<ul style="list-style-type: none"> <li>● <b>Clause 17 Economic Development</b> <ul style="list-style-type: none"> <li>– Clause 17.04 Tourism <ul style="list-style-type: none"> <li>○ Clause 17.04-1S Facilitating tourism</li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>● The proposal seeks to encourage and improve well-designed and sited dwellings in proximity to tourism and recreational assets of Mt Buller.</li> </ul>

### 6.4 Is the proposal consistent with the existing permit?

The proposal seeks to maintain and enhance the permitted uses and works in response to the changing accommodation needs of the applicant. As such, the proposed amendment is supported by the permitted use and is in accordance with the intent of White Horse Village as originally envisioned.

### 6.5 How does the proposal respond to the preferred built form outcomes of the site and White Horse Village?

The proposal has been designed to deliver a sensitive response to preferred built form outcomes of the site and White Horse Village. The proposal is designed to nestle into the contours of the site so as to not detract from the ‘elevated’ light weight construction of cabins throughout White Horse Village. The proposed amendment will maintain the contemporary form and materials that are currently used in White Horse Village.

Table 3 below provides a detailed response to the development requirements that should be met under DDO1-A1 and the materials and finishes that should be used for new development under DDO1.

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**Table 3 Response to requirements of Clause 43.02 – Design and Development Overlay schedule 1-A1**

Requirements	Response
<p><b>Building and Works (DDO1-A1)</b></p> <ul style="list-style-type: none"> <li>• Development should not cast a shadow over the Village Square, Athletes Walk, Summit Road or Bourke Street ski run for more than two hours in the period 10.00am to 3.00pm on 22 June.</li> <li>• In residential areas of the Village, development should be constructed so that it is generally level with, or below, the top of the existing tree canopy.</li> <li>• Development should avoid and minimise removal of vegetation.</li> <li>• Vegetation should not be removed to provide for view corridors from any development.</li> <li>• Development should not be visually intrusive above the tree canopy or on the skyline when viewed from within the Village and adjoining skifields.</li> <li>• Vehicle and pedestrian access points should be combined where possible to minimise vegetation removal and visual impact on the street frontage.</li> </ul>	<ul style="list-style-type: none"> <li>• Due to the location and nature of the proposal, no shadows will be cast over Village Square, Athletes Walk, Summit Road or Bourke Street ski run.</li> <li>• Works will occur well below the existing tree canopy due to the nature of the proposal.</li> <li>• The proposal avoids the removal of additional vegetation by utilising the under-croft space below the ground floor of Cabin 2.</li> <li>• The proposal is in keeping with the existing and approved built form and does not detract from view corridors of the approved cabins.</li> <li>• The proposed vehicle and pedestrian access points already approved under the existing permit is not detrimentally impacted upon.</li> </ul>
<p><b>Maximum Height (DDO1-A1)</b></p> <ul style="list-style-type: none"> <li>• The maximum height of any part of a building is 3 storeys or 11 metres above natural ground level, whichever is the lesser height. A permit may be granted to increase the height of any roof structure or chimney by 1.5 metres provided no more than 20% of the roof area exceeds 11 metres in height.</li> </ul>	<ul style="list-style-type: none"> <li>• No changes to the building height are proposed and therefore the proposal is consistent with the current endorsed plans and meets the DDO1-A1 requirements.</li> </ul>
<p><b>Minimum Setbacks (DDO1-A1)</b></p> <ul style="list-style-type: none"> <li>• A building must be setback:               <ul style="list-style-type: none"> <li>– 6 metres from the closest kerbside or constructed edge of a road abutting the frontage of the site and 3 metres from the frontage boundary of the site</li> <li>– 3 metres from any other site boundary</li> <li>– An average of 4 metres from any other building on the same site</li> <li>– 6 metres from any building on an adjoining site</li> </ul> </li> <li>• Where any part of an external wall measured above natural ground level exceeds 3.6 metres in height, the minimum prescribed distance of the wall from a boundary shall be increased in the proportion of 100mm for every 300mm or part thereof by which that height of that part of the wall exceeds 3.6 metres.</li> </ul>	<ul style="list-style-type: none"> <li>• It is considered that the setbacks between Cabin 2 and surrounding buildings do not result in any material adverse effect, this is because the lower ground level will effectively be setback within the existing ground floor footprint of the building.</li> <li>• No changes are proposed to the snow dumping area. The proposal is in accordance with the existing snow management plan (SMP) endorsed under the planning permit.</li> </ul>
<p><b>Maximum Site Coverage (DDO1-A1)</b></p> <ul style="list-style-type: none"> <li>• 60% of the total site area</li> </ul>	<ul style="list-style-type: none"> <li>• The site coverage of existing footprint of the cabin exceeds the 60%, however as the proposal does not seek to increase the site coverage of Cabin 2, this requirement</li> </ul>

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	is requested to be waived, as this has previously received approval.
<p><b>Materials and finishes (DDO1)</b></p> <ul style="list-style-type: none"> <li>• Wall materials <ul style="list-style-type: none"> <li>– Corrugated iron, profiled metal, timber, natural stone (preferably weathered granite), plastered masonry.</li> <li>– Natural stone should be used in new buildings and major extensions that add more than 20 per cent to existing floor area. A minimum of 15 per cent of all external facades visible from the road, public pedestrian route or ski fields should be constructed of natural stone.</li> </ul> </li> <li>• Roof material <ul style="list-style-type: none"> <li>– <b>Profiled metal, corrugated iron (non-reflective and muted tones).</b></li> </ul> </li> <li>• Colours <ul style="list-style-type: none"> <li>– The use of colour in the form of paintwork should be minimised, and used only as a feature or element of contrast. The use of natural alpine colour tones should be used in materials and finishes.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• A proposed schedule of materials and finishes are included in the architectural drawings in Attachment 3 and are considered to comply with the requirements of DDO1</li> <li>• The proposal is not a 'new building' and the requirements for use of natural stone is not considered to be relevant in this case. Additionally, use of natural stone is not considered to be complimentary to the 'elevated' design of cabins throughout White Horse Village.</li> </ul> <div data-bbox="906 678 1453 1014" style="border: 2px solid red; padding: 10px; text-align: center;"> <p><b>This copied document to be made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright</b></p> </div>

## 6.6 How does the amendment respond to geotechnical investigations already undertaken for White Horse Village?

A number of preliminary geotechnical assessments have been undertaken for White Horse Village in response to the requirements of the EMO1 (Phil Styles & Associates 2020, Phil Styles & Associates 2015, Phil Styles & Associates 2018a, Phil Styles & Associates 2018b, Phil Styles & Associates 2018c). Review of these assessments against the proposal has confirmed that these assessments remain current to the proposal and therefore no additional assessment is required. The proposal is therefore consistent with the objectives of the EMO1, as the risk to life and property from landslip has been reduced to a low level.

## 6.7 How does the amendment respond to bushfire risk?

A Bushfire Management Plan (BMP) was prepared in January 2020 by Terramatrix Pty Ltd for Parcel B and D of White Horse Village. The BMP was endorsed on 21 December 2020 as required under Condition 49 of Planning Permit No. 201529926-2. The amendment does not affect the bushfire hazard site and landscape assessment prepared by Terramatrix and remains applicable to the proposal. The endorsed BMP (Attachment 7) is consistent with the Country Fire Authority's standard permit conditions and guidance and will be complied with for the proposed Cabin 2 amendment. The development will be constructed to satisfy BAL-29 as agreed with the CFA. A response to the application requirements applicable under BMO1 and Clause 53.02 is provided in Section **Error! Reference source not found.** of this report.

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**Table 4 Bushfire Protection Objectives and Approved Measures– Clause 53.02 and Substitute Approved Measures – Clause 44.06**

Requirements	Response
<p><b>Clause 53.02-4.1 Landscape, siting and design objectives:</b></p> <ul style="list-style-type: none"> <li>• Development is appropriate having regard to the nature of the bushfire risk arising from the surrounding landscape.</li> <li>• Development is sited to minimise the risk from bushfire.</li> <li>• Development is sited to provide safe access for vehicles, including emergency vehicles.</li> <li>• Building design minimises vulnerability to bushfire attack.</li> </ul> <p><b>Approved Measures:</b></p> <ul style="list-style-type: none"> <li>• AM 2.1: The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level (Schedule to Clause 44.06 – No substitute specified).</li> <li>• AM 2.2: A building is sited to ensure the site best achieves the following (Schedule to Clause 44.06 – No substitute measure applies): <ul style="list-style-type: none"> <li>○ The maximum separation distance between the building and the bushfire hazard.</li> <li>○ The building is in close proximity to a public road.</li> <li>○ Access can be provided to the building for emergency service vehicles.</li> </ul> </li> <li>• AM 2.3: A building is designed to reduce the accumulation of debris and entry of embers (Schedule to Clause 44.06 – No substitute measure – 53.02 applies).</li> </ul>	<p>The Mt Buller Resort Village has high bushfire potential due to the topography and vegetation of its locale. Bushfire hazard management in this environment requires an alternative approach to that used in most other areas of Victoria. The schedule to 44.06 (BMO) in the Alpine Resorts Planning Scheme provides 'substitute approved measures' to manage bushfire hazard in the resort. The Mt Buller Resort also relies on its 'Community Bushfire Emergency Management Plan' (Mt Buller Alpine Resort Mt Stirling Alpine Resort 2019) (CBEMP) to provide effective alternatives to conventional BMO requirements.</p> <ul style="list-style-type: none"> <li>• <b>Response to AM 2.1</b> – Site locations in the Mt Buller village have limited options to manage bushfire risk from beyond the site. Other design options are utilised in place of managing the extended landscape.</li> <li>• <b>Response to AM 2.2</b> – Bushfire Hazard is high across the whole site. There is no site within the land proposed for development that has a more favourable distance between buildings and the bushfire hazard. <ul style="list-style-type: none"> <li>– Design features of the development address the need to create a separation from the bushfire hazard. The roadways (including batters) have been set out below the buildings, providing a fuel free space between buildings and the bushfire hazard.</li> <li>– An all-seasons access road is designed to connect the chalets and hotel to Standard Road. The access road is designed to allow for emergency services vehicle access throughout the year.</li> </ul> </li> <li>• <b>Response to AM 2.3</b> – All buildings on site will be designed to BAL-40 or otherwise as agreed with CFA which provides for a high standard ember protection. The scale of the buildings above the tree line and the site management requirements of the CBEMP ensure that accumulation of debris will be negligible across the development.</li> </ul>
<p><b>53.02 -4.2 Defendable space and construction objective:</b></p> <ul style="list-style-type: none"> <li>• Defendable space and building construction mitigate the effect of flame contact, radiant heat and embers on buildings.</li> </ul> <p><b>Substitute Approved Measures (as per Schedule)</b></p> <p><b>AM 3.2:</b></p> <ul style="list-style-type: none"> <li>• The construction of buildings must be one of the following:</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Response to AM 3.2</b> - The site will be constructed to a BAL 40 in accordance with AS3959 Building in Bushfire Prone Areas (Standards Australia).</li> </ul>

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<ul style="list-style-type: none"> <li>○ BAL-40 construction in accordance with AS3959 Building in Bushfire Prone Areas (Standards Australia).</li> <li>○ Determined by a suitably qualified and experienced practitioner that the building will be capable of withstanding an equivalent level of predicted bushfire attack and levels of exposure. A suitably qualified and experienced practitioner has the same meaning as ‘fire safety engineer’ within the Building Regulations 2006.</li> <li>○ Determined using an alternative methodology to the satisfaction of the relevant fire authority.</li> <li>○ Buildings must be provided with defensible space to the satisfaction of the relevant fire authority.</li> </ul>	
<p><b>53.02-4.3 Water Supply and Access Objectives:</b></p> <ul style="list-style-type: none"> <li>• A static water supply is provided to assist in protecting property.</li> <li>• Vehicle access is designed and constructed to enhance safety in the event of a bushfire.</li> </ul> <p><b>Substitute Approved Measures (as per Schedule AM 4.2):</b></p> <ul style="list-style-type: none"> <li>• All buildings and works must provide access and egress arrangements which meet the requirements of the relevant fire authority.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Response to AM 4.2</b> – The site will be connected to the Mt Buller fire hydrant system. Hydrants will be provided for each chalet and the hotel in accordance with CFA requirements. The existing access road provides an all-weather vehicle ingress and egress to the site. Passing bays along the access road allow for two-way traffic. The access road has also been designed to cater for heavy ridged vehicles.</li> </ul>

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## 7 Conclusion

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This proposal is consistent with the purpose of the relevant objectives of the Planning Scheme and satisfies all relevant requirements.

The proposed amendment is considered worthy of approval based on the following:

- The proposed amendment is not considered to result in any adverse effect upon the surrounding neighbours or the planned development of White Horse Village as it was originally envisioned.
- The proposed amendment is in accordance with the permitted uses and works allowed for under the existing permit.
- The proposed amendment provides a site responsive design in keeping with the existing approved development footprint. The proposed design takes into account the cultural heritage values, biodiversity values, bushfire risk, urban design considerations and geotechnical considerations already approved under the existing permit.
- The proposed amendment responds to the relevant planning policies and controls that apply to Parcel D. The proposed amendment strategically aligns with the design objectives for White Horse Village.
- The proposal is considered to be in accordance with Planning Policy Framework including the Municipal Strategic Statement.

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