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White Horse Village: S72 permit amendment application

Planning assessment

FINAL REPORT

Prepared for Grollo Group

2 August 2023

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

- Client: Martin Ansell
- Department of Transport and Planning for access to the Alpine Resort Planning Scheme and attendance to the pre-application meeting
- Alpine Resorts Victoria for attendance to the pre-application meeting

Biosis staff involved in this project were:

- Gabby McMillan (quality assurance)
- Sam Panter (mapping)

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1. Introduction

1.1. Background

This report has been prepared by Biosis Pty Ltd (Biosis) on behalf of Grollo Group, in support of a planning application to amend planning permit 201529926-6 under Section 72 of the *Planning and Environment Act 1987*.

The application relates to land which forms part of the White Horse Village (referred to as 'WHV' or the 'study area') (Figure 1). Land affected by this proposal is located within Crown Allotment 2017 and Crown Allotment 2020, Parish of Changue East, in Mount Buller (referred to as 'Parcel 2017' and 'Parcel 2020').

The study area is zoned Comprehensive Development Zone schedule 1 (CDZ1) (Figure 2) and is subject to Environmental Significance Overlay schedule 1 (ESO1) (Figure 3.1), Design and Development Overlay Schedule 1 (DDO1-A1) (Figure 3.2), Erosion Management Overlay Schedule 1 (EMO1) (Figure 3.3) and Bushfire Management Overlay Schedule 1 (BMO1) (Figure 3.4).

It is proposed to amend the permit preamble and endorsed plans to replace the Café / restaurant building with four detached Chalets (Proposal) within the original development footprint of Parcel 2017 and to relocate the proposed waste bin hut within the road reserve of White Horse Road.

The design of the proposed Chalets is in keeping with the already approved Chalets within Parcel 2017 and the proposed location of the waste bin hut has been consulted with both DTP and ARV and, is considered to provide for both visual amenity and accessibility.

The proposal will deliver a high-quality alpine accommodation product and architectural form that is sensitive to the alpine environment. The outcome of this proposal will also contribute to a diverse range of accommodation within the Resort.

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1.2. Site planning history

WHV has extensive planning history. The relevant history relates to the existing permit and changes to land tenure arrangements since the original permit was granted.

Planning permit history

Planning permit 201529926 was granted 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 initial approval, Planning permit 201529926 has been amended on 16 November 2018 (Permit no. 2015529926-1), 29 October 2020, Permit (Permit no. 2015529926-2), 30 April 2021 (Permit no. 2015529926-3), 14 September 2021 (Permit no. 2015529926-4), 10 February 2022 (2015529926-5) and 9 September 2022 (2015529926-6).

Planning Permit No. 201529926-6 (existing permit) applies to WHV and allows for the following:

Staged development of ten (10) dwellings (chalets), a building for the purpose of a café/restaurant and a dwelling, 14 dwellings (cabins), a new vehicle access road connecting to Standard Lane, works to Standard Lane/White Horse Road, the removal of vegetation including native vegetation and a reduction in car parking requirements.

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Planning Permit No. 201529926-6 (existing permit) and associated endorsed plans, place obligations over the whole of the WHV. Some of the obligations relate to ongoing works and operational phases of the project (e.g. road works, services and infrastructure, waste management, snow management, rehabilitation, native vegetation offsets, construction management).

Grollo Group most recently sought for an extension of time to Planning Permit 201529926-6. On 26 May 2023, the Minister for Planning approved to extend the time of Planning Permit No.201529926-4 by one (1) year pursuant to Section 69 of the *Planning and Environment Act 1987* (PE Act). Planning Permit No. 201529926-6 (existing permit) will now expire if the development has not been completed by 24 February 2025.

Land tenure

WHV includes land at Crown Allotment 2017 (Parcel 2017), 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.

Crown Allotment 2034, 2035, 2020 and 2036 is collectively described as 'White Horse Road'. Please refer to Attachment 1 for the Plan of Crown Allotment.

The following tenure and lease arrangements are in place for the WHV:

- WHV is controlled by the Grollo Group under lease arrangements with Alpine Resorts Victoria (ARV). This is with the exception of Parcel A (CA 2033) which is controlled by Stirling Vista Pty Ltd.
- The Grollo Group are the head-leasee and are responsible for construction and operational requirements across the White Horse Village Precinct generally.

White Horse Village Road is not under lease to the Grollo Group. It is considered a private road, similar to a long private driveway. Each lease within the White Horse Village Precinct includes requirements that the Grollo Group maintain and ensure the private road, and there is an agreement in place between the parties so that the ARV is responsible for certain operational requirements, including snow management and waste collection.

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1.3. Planning Scheme requirements

This report provides an assessment of the Project against the Alpine Resorts Planning Scheme (Planning Scheme).

A planning permit is required for the Project 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.
- 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 Project against the requirements of the Planning Scheme is provided in section 4 of this report.

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1.4. Planning application requirements and documentation

Table 1 provides a summary of the information and documents accompanying this planning report (including documents which have been prepared for previous approvals).

A detailed Flora and Fauna Assessment (FFA), Cultural Heritage Management Plan (CHMP), Preliminary Geotechnical Assessment, Waste Management Plan (WMP) and Bushfire Management Statement (BMS) were endorsed for the previous amended permit application and remain accurate for this proposal. No native vegetation removal (in addition to what is approved under the existing permit) is proposed as part of the application.

Table 1 Summary of application documents and supporting information

Item/information requirement	Description	Attachment
Copy of land titles	<ul style="list-style-type: none"> Copy of the Crown allotment plan are provided. 	Attachment 1
Architectural drawing package	<ul style="list-style-type: none"> Refer to White Horse Village - _Whv11-14 - Tp - Rev J, prepared by Interlandi Mantesso Architects (Interlandi Mantesso Architects 2022). 	Attachment 2
Site Environmental Management Plan	<ul style="list-style-type: none"> Refer to SEMP, June 2023, prepared by Biosis (Biosis 2023a). Required pursuant to the CDZ1 and amended permit conditions. 	Attachment 3
Swept path assessment	<ul style="list-style-type: none"> Refer to Swept Path Assessment, December 2022, prepared by Trafficworks (Trafficworks 2022). 	Attachment 4
Urban design response	<ul style="list-style-type: none"> Response required pursuant to DDO1-A1 under the Alpine Resorts Planning Scheme 	Refer to section 5 (Table 10) of this report.
Geotechnical assessment	<ul style="list-style-type: none"> Refer to Geotechnical Assessment letter of advice prepared by Phil Styles and Associates, December 2022 	Attachment 5
Bushfire response	<ul style="list-style-type: none"> Required pursuant to the BMO and included in the Planning Report. Refer to Bushfire Management Statement prepared by Terramatrix, January 2020. 	Refer to section 4.4.5 of this report
Rehabilitation Plan	<ul style="list-style-type: none"> Refer to Refer to SEMP, June 2023, prepared by Biosis (Biosis 2023b). 	Attachment 6
Draft amended permit	<ul style="list-style-type: none"> To provide DTP a summary of proposed changes to the permit that should be read in conjunction with the amended plans and documentation. 	Attachment 7

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1.5. 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 Act to the person or body specified as the referral authority in Clause 66.03, unless a schedule to this overlay specifies otherwise.

The permit application for the Project would be referred to the following agencies:

- The Department of Energy, Environment and Climate Action (DEECA) (Determining referral authority), as required by Clause 4.0 of Schedule 1 to ESO.
- Country Fire Authority (CFA) (Recommending referral authority) pursuant to Clause 66.03 of the Planning Scheme.
- Mt Stirling and Mt Buller Resort Management Board (RMB) (Determining referral authority) (Clause 7.0 of Schedule 1 to CDZ (37.02) Alpine Village).

The permit 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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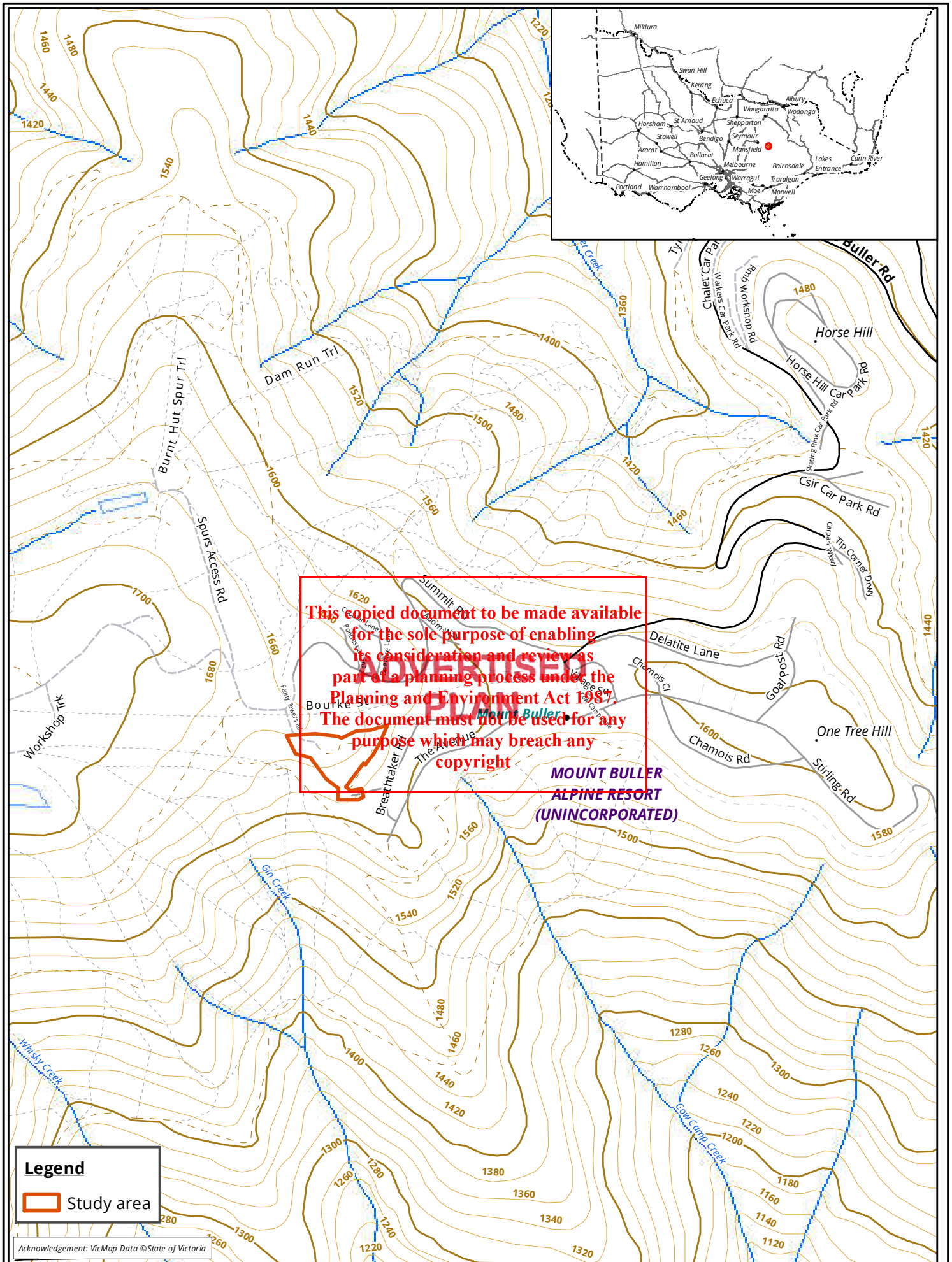
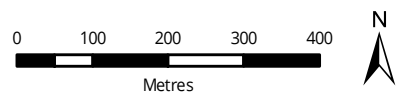


Figure 1 Location of the study area - Mount Buller, Victoria



Matter: 31101,
 Date: 17 December 2019,
 Checked by: MD, EK, Drawn by: SKM, Last edited by: smitchell
 Location:P:\31100s\31101\mapping\31101_F1_Locality



Scale 1:10,000 @ A4, GDA 1994 MGA Zone55

2. Project description

2.1. Location and tenure

The proposal (and this application) relates to land at Parcel 2017 and Parcel 2020. Refer to Attachment 1 and drawing TP0.01 of the drawing package prepared by Interlandi Mantesso Architects for an overview of the lease boundaries (Attachment 2).

2.2. Project proponent and consultation

The Grollo Group is the project proponent and has led the design and planning phases of the Project.

A pre-application meeting with the proponent, Biosis, the Department of Transport and Planning and Alpine Resorts Victoria was held on Wednesday 10 May 2023.

2.3. Proposal summary

It is proposed to replace the Café / restaurant building with four detached Chalets (Proposal) within the original development footprint of Parcel 2017. Additionally, it is proposed to relocate the proposed waste bin huts to land nominated as 'shared infrastructure' within Parcel 2020.

2.3.1. Chalets

The replacement of the Café/restaurant building with four Chalets will consolidate the land use and built form of WHV in context of the wider Mt Buller area. The proposed design of the four Chalets is considered to be in keeping with the approved and constructed Chalets within Parcel 2017 and the wider WHV development.

An assessment of the proposed Chalets against the relevant design controls that apply to WHV is provided in Section 4 of this report.

2.3.2. Waste hut bin

The proposed location of the waste hut bin abuts the west façade of Chalet 5 and is on land nominated as 'shared infrastructure' on Parcel 2020. This location is considered to be of merit as it provides convenient accessibility, is located on unallocated Crown land (i.e. land identified for shared infrastructure) (title search attached) and does not impact the visual amenity of WHV and the surrounding alpine environment.

All other works and activities under the existing permit and endorsed plans will remain unchanged.

2.3.3. Proposed changes to the permit and endorsed plans

A detailed explanation of the changes and how each item on the existing permit will be addressed is set out in Table 2 below.

We have prepared a draft amended permit to set out the proposed changes to the permit that should be read in conjunction with the amended plans and documentation submitted as part of this application. A draft amended permit is included at Attachment 7.

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The following documents and plans have been updated to reflect the proposed design changes and are proposed to be endorsed under the planning permit once the amendment is approved:

- Updated architectural plans have been prepared to reflect the proposed amendment for Parcel 2017 (Attachment 2). Specifically, Drawing Nos. TP0.01 to TP0.03, TP4.01, TP4.03 to TP4.07 and TP4.23 to TP4.27 dated Dec 2022 are requested to be endorsed.
 - Endorsed Drawing Nos. TP0.01 to TP0.03, TP4.01, TP4.03 to TP4.06 (dated December 2017) and TP4.23 to TP4.27 (dated November 2021) are requested to be superseded with the proposed plans.
- Updated Site Environmental Management Plan (SEMP) (Attachment 3), prepared by Biosis dated 17 June 2023.
- Swept Path Assessment (Attachment 4) dated December 2022, prepared by Trafficworks (Trafficworks 2022).
- Updated Rehabilitation Plan (Attachment 6), prepared by Biosis dated 17 June 2023.

Table 2 Itemised justification of suggested permit amendments

Item/Condition	Amendment proposed	Notes to DTP
Address	No changes proposed	N/A
Permit preamble	The planning permit preamble is requested to be amended as follows: <i>Staged development of fourteen (14) dwellings (chalets), 14 dwellings (cabins), a new vehicle access road connecting to Standard Lane, works to Standard Lane/White Horse Road, the removal of vegetation including native vegetation and a reduction in car parking requirements.</i>	Removal of the commercial/retail land use approved under the existing permit.
Condition 1	Update Condition 1 of the permit as follows: <i>Before the development starts, including vegetation removal, demolition, excavation and site preparation works (other than works associated with the development of the road), amended plans must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies (including an electronic copy) must be provided. The plans must generally be in accordance with the plans submitted with the application by Interlandi Mantesso Architects, Drawing Nos. TP0.01 to TP0.03, TP4.01, TP4.03 to TP4.07 and TP4.23 to TP4.27 dated Dec 2022.</i>	<p>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</p>
Condition 2 - 4	No changes proposed or required as a result of this amendment application.	
Condition 5 f)	Removal of reference to café/restaurant building.	
Conditions 6 - 15	No changes proposed, conditions satisfied and not affected by this amendment.	
Condition 16	Removed reference activities being prepared to the satisfaction of the ARV.	ARV does not have the jurisdiction to have conditions to their satisfaction.

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Item/Condition	Amendment proposed	Notes to DTP
		They can be involved in consultation process, but not as an 'approver'.
Condition 17-64	No changes proposed or required as a result of this amendment application.	

2.4. Construction details

Project staging

The proposed works for the four Chalets will be subject to Stage 0, 1A and 1B. Works completed to date on Parcel 2017 and the White Horse Village Road, including seven (7) of the chalets and road infrastructure. This is nominated on TP0.02 and TP0.03 of Attachment 2.

Pre-construction planning

The construction of the Proposal will be contracted out. Contracts will include specifications for construction techniques, construction sequence, timelines for delivery, environmental standards, monitoring and reporting requirements.

As part of their contractual obligations, the successful contractor will be required to adhere to the SEMP as well as any planning permit conditions and public land manager requirements.

Construction process and techniques

At this stage of the development, the construction process generally involves the continuation of the obligation in the endorsed plans and SEMP (Attachment 4).

At completion of works, Parcel 2017 will be rehabilitated in accordance with the updated Rehabilitation Plan (Attachment 7). This will mainly comprise batter stabilisation by reinstatement of organic litter, removal of loose debris from disturbed surfaces, removal of any temporary sediment control structures and removal of any construction waste or flagging tape.

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3. Related assessments and approvals

3.1. Strategic Justification

The Land is located within the Mt Buller Alpine Resort and is managed by the RMB, as the public land manager. The WHV Precinct contains leased crown land, leased by the Grollo Group.

The Alpine Resorts Strategic Plan 2012 (Strategic Plan) has been prepared pursuant to the *Alpine Resorts (Management) Act 1997* and has been endorsed by the State government. The Strategic Plan set out the strategic objectives of all resorts in Victoria, including Mount Buller.

The Strategic Plan recognises the important contribution the Mount Buller Alpine Resort 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 Project is consistent with the strategic objectives for the Mount Buller Alpine Resort. The Project will deliver a diverse range of alternative accommodation within the Resort, building on and attracting visitor to the resort.

3.2. Flora and Fauna Guarantee Act 1988 (FFG Act)

A protected flora permit was obtained by Grollo Group in December 2020. No further approval under the Flora and Fauna Guarantee Act 1988 (FFG Act). The proposal does not include additional native vegetation removal and remains in accordance with the existing permit.

3.3. 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 Project.

The Project is defined as a high impact activity and the 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 applies to the Project. Cultural Heritage Management Plan No. 15649 prepared by Biosis and approved 23 July 2018 applies to the Project.

The CHMP contains the following conditions:

Condition 1 – Cultural heritage induction

- A cultural heritage induction must be held with the participation of the Sponsor or their representative project manager, and where relevant, participation of site supervisor/s and personnel directly involved in construction works (i.e. site workers, contractors, sub-contractors).
- The cultural heritage induction must be conducted by representatives of the RAP prior to the commencement of any construction works and/or ground disturbance works.

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- A notification period of at least two weeks must be provided to the RAP to present a cultural heritage induction.
- The cost of the cultural heritage induction must be met by the Sponsor or the site contractor/s.

Condition 2 – Copy of the CHMP

- A copy of this approved Cultural Heritage Management Plan (CHMP) must be held onsite at all times during the Activity.

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4. Alpine Resorts Planning Scheme

The Planning Scheme sets out the objectives, policies and provisions relating to the use, development and protection of land within the Alpine Resort.

The following section provides an assessment of the Proposal against the relevant requirements of the Planning Scheme, including the state and local planning policies objectives.

4.1. Planning Policy Framework

A number of general Planning Policy Framework (PPF) provisions are relevant to this Project, including:

- 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
 - 13.02 Bushfire
 - 13.02-1S Bushfire planning
 - Clause 13.04 Soil Degradation
 - Clause 13.04-2S Erosion and landslip
- Clause 14 Natural Resource Management
 - Clause 14.02 Water
 - Clause 14.02-1S Catchment planning and management
- Clause 17 Economic Development
 - Clause 17.04 Tourism
 - Clause 17.04-1S Facilitating tourism

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Response to State policy objectives

The development is consistent with the relevant PPF objectives.

The Project will respond to demand for an improved capacity, range and density of accommodation available within this area of the village and within the Mount Buller Alpine Resort generally.

The proposed amendment is in keeping with what the existing permit allows for and does not seek to introduce a new land use within WHV. The proposed amendment is reflective of the market conditions and seeks to ensure accommodation is appropriately supplied at Mount Buller.

The built form of the proposed Chalets provides complementary to siting of the adjacent buildings and provides a high level of visual interest from the ski field. The proposed materials and scale of the building will not detract from the surrounding natural environment or approved built form.

4.2. Alpine Resorts Planning Strategy

The following provisions in the Alpine Resorts Planning Strategy are relevant to this Project:

- 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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Response to Local policy objectives

The development is consistent with the relevant local planning objectives. Parcel 2017 has been identified within Comprehensive Development Plan 2 (CDP2) area (Mixed commercial / retail / accommodation) in the strategic land use framework plan at Clause 2.04 of the Planning Scheme. The Land has been earmarked for redevelopments and the Project is consistent with the strategic vision.

The proposed amendment does not make any change to the mitigation measures implemented during the construction and operation phases to the project as originally approved.

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The Project has been designed so that it is consistent with the built form objectives for this part of the Mount Buller Alpine Resort.

4.3. Zoning control

Comprehensive Development Zone – Schedule 1 – Alpine Village

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

The purpose of CDZ1 is:

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

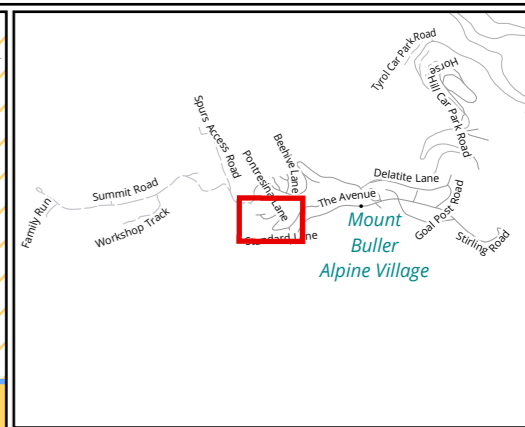
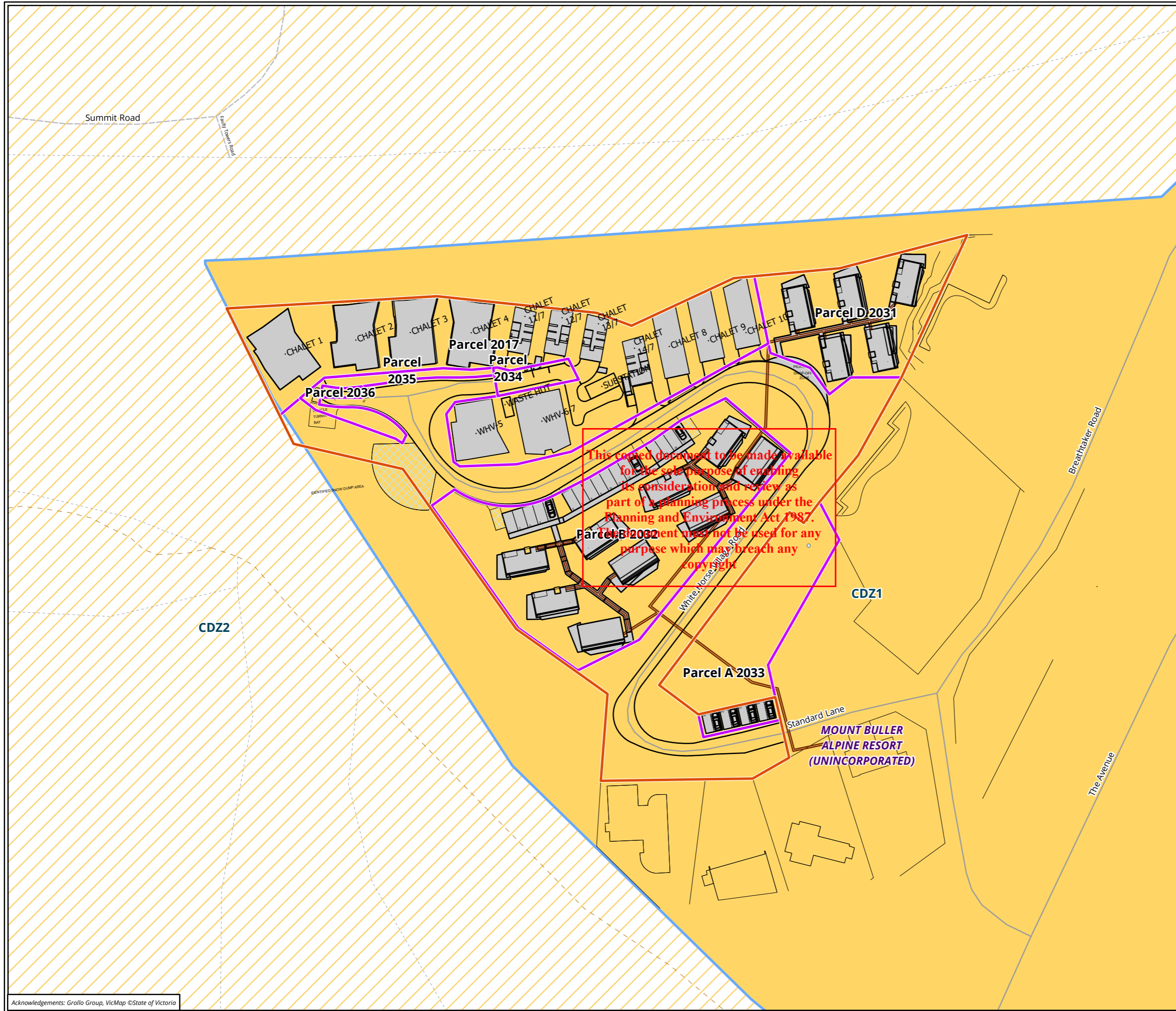
- to provide for the integrated development of land in accordance with a comprehensive development plan incorporated in this scheme.

The CDZ1 contains a number of use and development permit triggers relevant to this proposal. The use of land for 'Accommodation' is a Section 1 'permit not required' use.

Pursuant to Clause 4 of CDZ1, a permit is required to construct a building or construct or carry out works for the project. A response to the application requirements applicable under CDZ1 is provided in Section 5 of this report.

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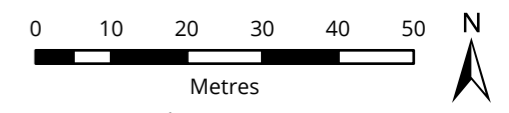
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- Legend**
- Study area
 - Parcels
 - Proposed development
 - Services duct
- Planning Zone**
- Comprehensive Development Zone (CDZ1)
 - Comprehensive Development Zone (CDZ2)

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Figure 2 Planning zones



Scale: 1:1,000 @ A3
 Coordinate System: GDA 1994 MGA Zone 55



Matter: 31101,
 Date: 05 April 2023,
 Checked by: GHG, Drawn by: SP, Last edited by: spanter
 Location: P:\31100s\31101\Mapping\31101_WhitehorseVillageMtBuller

4.4. Overlay controls

The study area is covered by the following overlays under the Planning Scheme:

- Environmental Significance Overlay schedule 1 (ESO1) (Figure 3.1)
- Design and Development Overlay schedule 1 (DDO1-A1) (Figure 3.2)
- Erosion Management Overlay schedule 1 (EMO1) (Figure 3.3)
- Bushfire Management Overlay schedule (BMO1) (Figure 3.4)

Clause 42.01 - Environmental Significance Overlay - Schedule 1 – Burramys parvus (Mountain Pygmy-possum)

The purpose of the Environment Significance Overlay (ESO) is:

- to implement the Municipal Planning Strategy and the Planning Policy Framework.
- to identify areas where the development of land may be affected by environmental constraints.
- to ensure that development is compatible with identified environmental values.

The objectives to be achieved under the ESO1 are:

- to preserve and enhance Mountain Pygmy possum (*Burramys parvus*) habitat and identified linkages.
- to prevent the destruction and fragmentation of the existing Mountain Pygmy-possum (*Burramys parvus*) habitat.
- to provide movement corridors for the Mountain Pygmy-possum *Burramys parvus*.
- to ensure development does not have an adverse impact upon Mountain Pygmy-possum (*Burramys parvus*) habitat.

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A planning permit is required under the DDO to construct a building or construct or carry our works. This permit trigger only applies to the north western and western part of Parcel 2017. A response to the application requirements applicable under ESO1 is provided in Section 5 of this report.

Clause 43.02 - Design and Development Overlay schedule 1 – A1

The purpose of the DDO is:

- to implement the Municipal Planning Strategy and the Planning Policy Framework.
- to identify areas which are affected by specific requirements relating to the design and built form of new development.

The DDO1 – Schedule 1 – Mt Buller Alpine Resort Village has the following design objectives:

- 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 skifields..

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Pursuant to DDO1, a planning permit is required to construct a building or construct or carry our works. A response to the application requirements applicable under DDO1-A1 is provided in Section 5 of this report.

In addition to the design objectives, the DDO1-A1 specifies building heights, setbacks, colour and materials that are to be met by development. A response to the application requirements and decision guidelines is given in section 5 of this report.

Clause 44.01 - Erosion Management Overlay - Schedule 1

The purpose of the Environmental Management Overlay 1 (EMO1) is:

- to implement the Municipal Planning Strategy and the Planning Policy Framework.
- to protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development.

The objectives to be achieved by Schedule 1 to the EMO 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.

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

Where a permit is required under the EMO1 a preliminary geotechnical assessment is generally required. A number of preliminary geotechnical assessments have been undertaken for the land in response to the requirements of the EMO1 (Phil Styles & Associates 2015a, Phil Styles & Associates 2015b, Phil Styles & Associates 2018a, Phil Styles & Associates 2018b, Phil Styles & Associates 2018c, Phil Styles & Associates 2022).

A response to the application requirements applicable under EMO1 is provided in Section 5 of this report.

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 include:

- to require tailored bushfire protection measures unique to Victoria's alpine resorts.

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

Under the BMO a planning permit is required to construct a building or construct or carry out works associated with Accommodation (includes Hotel).

The BMO schedule provides a set of substitute Approved Measures. These measures require new buildings to be built to a BAL 40 unless it has been determined by a fire safety engineer that the buildings will be capable of withstanding an equivalent level of predicted bushfire attack and levels of exposure. Satisfactory defensible space is also required to be provided.

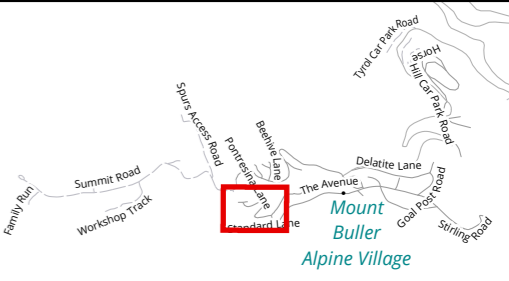
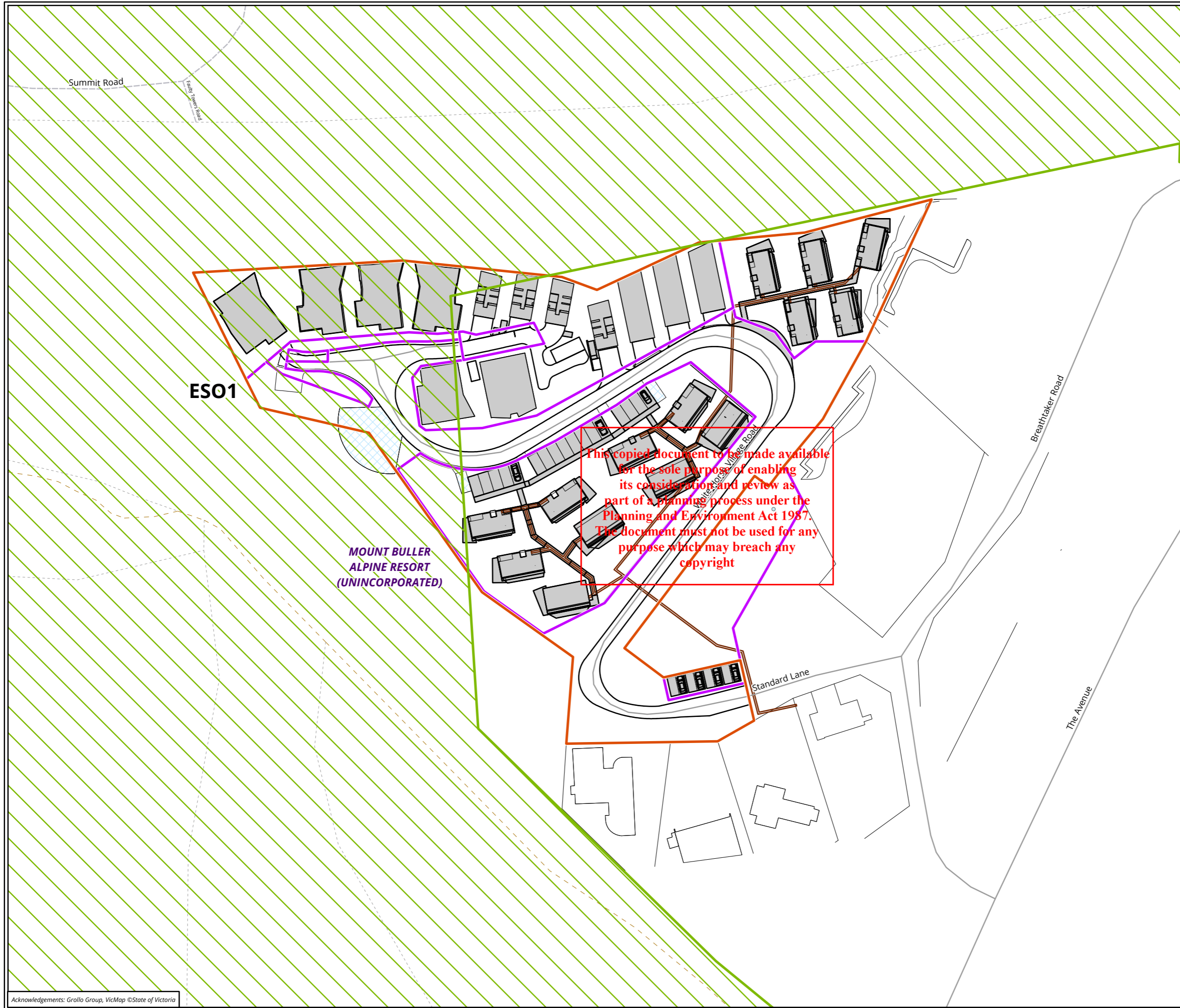
The schedule also requires confirmation that the relevant Alpine RMB has implemented satisfactory emergency management arrangements aimed at prioritising the protection of human life. The RMB has prepared a Community Bushfire Emergency Management Plan (CBEMP) (Mt Buller Alpine Resort Mt Stirling Alpine Resort 2019) in response to the BMO schedule. The CBEMP was approved by the CFA on 27 October 2014 (Mt Buller Alpine Resort Mt Stirling Alpine Resort 2019).

The development will be constructed to satisfy BAL-40 or a lower BAL as agreed with the CFA.

A response to the application requirements applicable under BMO1 and Clause 53.02 is provided in Section 5 of this report.

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- Legend**
- Study area
 - Parcels
 - Proposed development
 - Services duct
- Planning Overlay**
- Environmental Significance Overlay (ESO)

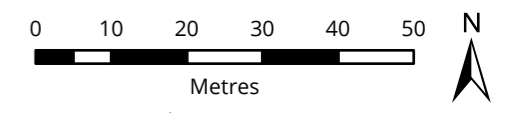
ESO1

**MOUNT BULLER
ALPINE RESORT
(UNINCORPORATED)**

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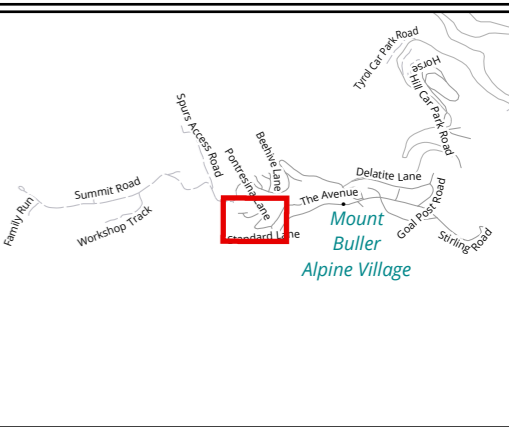
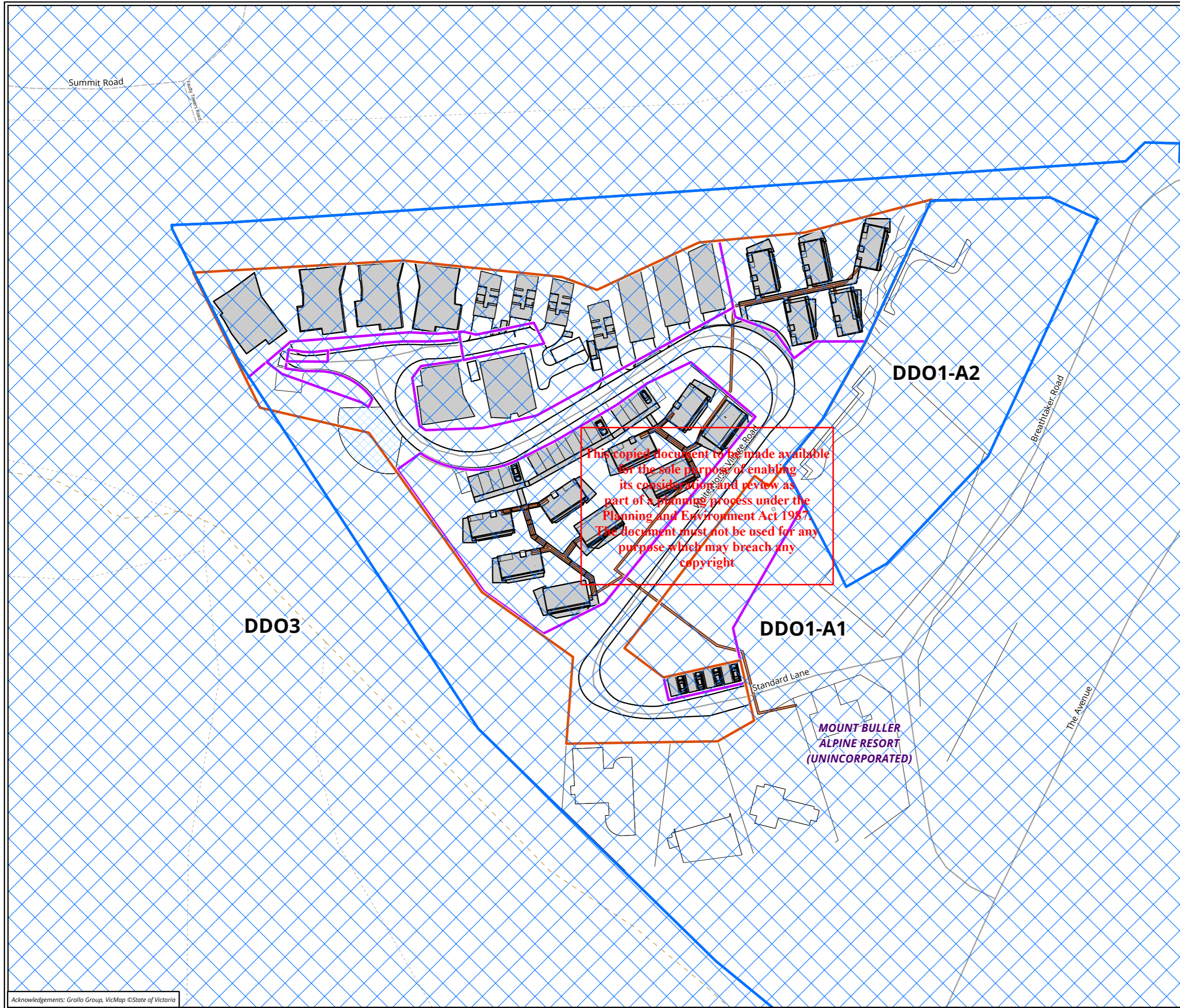
Figure 3.1 Planning overlays: Environmental Significance Overlay (ESO)



Scale: 1:1,000 @ A3
Coordinate System: GDA 1994 MGA Zone 55



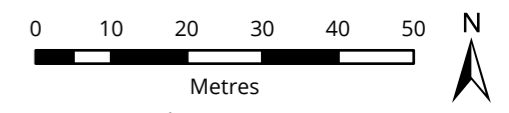
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Date: 13 April 2023,
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- Legend**
- Study area
 - Parcels
 - Proposed development
 - Services duct
- Planning Overlay**
- Design and Development Overlay (DDO)

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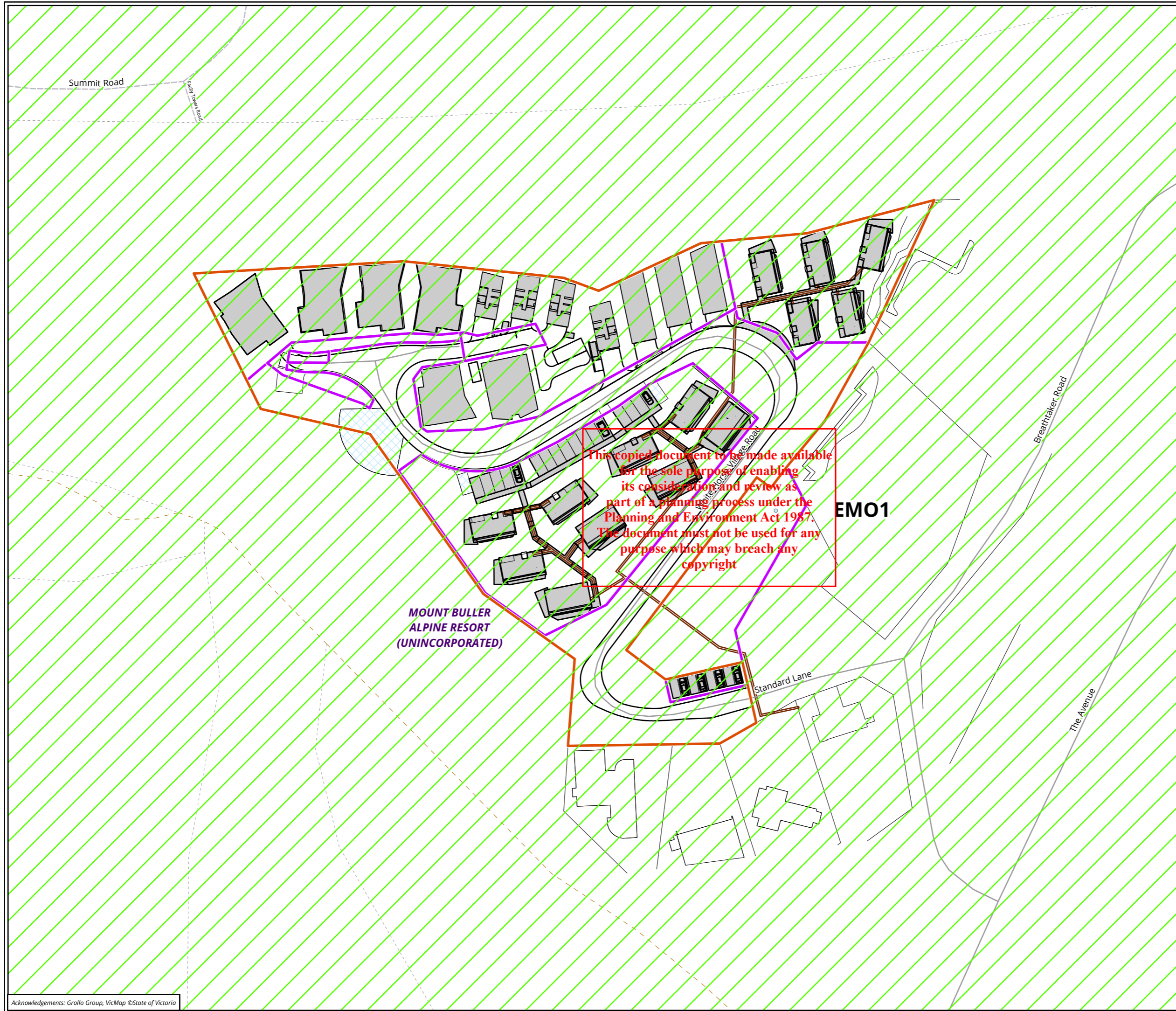
Figure 3.2 Planning overlays: Design and Development Overlay (DDO)



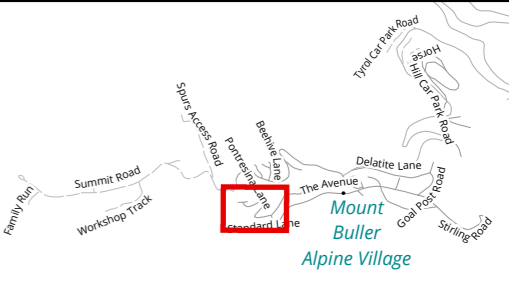
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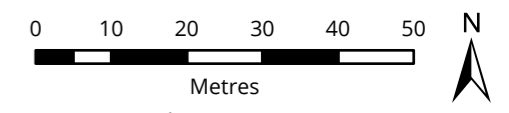
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- Legend**
- Study area
 - Parcels
 - Proposed development
 - Services duct
- Planning Overlay**
- Erosion Management Overlay (EMO) applies to whole site

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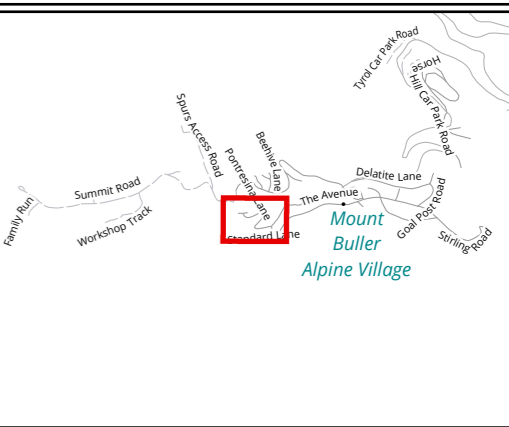
Figure 3.3 Planning overlays: Erosion Management Overlay (EMO)



Scale: 1:1,000 @ A3
 Coordinate System: GDA 1994 MGA Zone 55



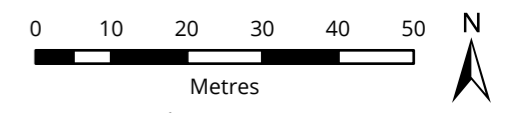
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- Legend**
- Study area
 - Parcels
 - Proposed development
 - Services duct
- Planning Overlay**
- Bushfire Management Overlay (BMO) applies to whole site

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Figure 3.4 Planning overlays: Bushfire Management Overlay (BMO)



Scale: 1:1,000 @ A3
 Coordinate System: GDA 1994 MGA Zone 55



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4.5. Particular provisions

4.5.1. Clause 52.06 Car Parking

Clause 52.06 specifies the number of car parking spaces that are required for new developments. Pursuant to Clause 52.06-3, a permit is required when the car parking rates specified in Table 1 of Clause 52.06 are not satisfied or some or all of the specified car parking spaces are proposed on another site.

Pursuant to Table 1 of Clause 52.06, the relevant car parking requirements apply:

- each three bedroom cabin requires 2 car parking spaces.

Under the existing permit, the café/restaurant provides 5 car parking spaces. The proposed amendment seeks to provide a total of 2 car parking spaces for each Chalets. The proposed amendment therefore seeks to provide an additional 3 car parking spaces to what was approved for the café/restaurant. Car parking previously approved under the current permit has been excluded from this assessment.

Under Clause 52.06, two (2) car parking spaces are required for each Chalet. The proposed amendment is therefore considered to meet the car parking statutory requirement under Clause 52.06 and does not trigger a permit requirement.

4.5.2. Clause 52.17 Native Vegetation

The proposal does not seek to remove, destroy or lop any additional native vegetation than already endorsed under the existing permit. The proposed removal of native vegetation was assessed and included in the White Horse Village: Flora and Fauna Assessment dated 20 May 2020. This amendment application does not alter the impact on native vegetation and therefore does not trigger application of permit requirements under Clause 52.17.

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5. Detailed assessment

This section provides an assessment of the proposal against the relevant application requirements and decision guidelines under the Planning Scheme.

Table 3 Response to application requirements under CDZ1

Requirements	Proposal Response
Clause 4.3 CDZ1: Site development plan and planning permit application requirements	
4.3-1 Building and Works and 4.3-3 Site Environmental Management Plan	Plans and assessments to fulfil the application requirements are provided as supporting documentation as follows: <ul style="list-style-type: none"> • Attachment 2 – Architectural Plans • Attachment 3 – Site Environmental Management Plan • Attachment 4 – Swept Path Assessment • Attachment 5 – Geotechnical Assessment

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Table 4 Response to application requirements and decision guidelines of Clause 42.01 – Environmental Significance Overlay schedule 1

Requirements	Proposal Response
Clause 42.01 & Schedule 1 – Environmental objectives to be achieved	
To preserve and enhance Mountain Pygmy-possum (<i>Burramys parvus</i>) habitat and identified linkages.	<ul style="list-style-type: none"> • A recovery plan for Mountain Pygmy-possum (<i>Burramys</i>) was developed by the Alpine Resorts Management Board in 2005 (Alpine Resorts Management Board 2005). The Mt Buller recovery plan documents the decline in the population of <i>Burramys</i>, recommends management actions and identifies <i>Burramys</i> habitat (classified as Type I or Type II). • According to the Recovery Plan, the most significant factor contributing to the decline in the <i>Burramys</i> population is the "loss, degradation and fragmentation of habitat" associated with the skifield development (Alpine Resorts Management Board 2005) • The Project does not involve buildings or works on ski fields nor is the construction footprint in or near Mountain Pygmy-possum habitat. The area proposed for development is not identified as being either Type I or Type II Mountain Pygmy-possum habitat and the Site has not been identified

Requirements	Proposal Response
	<p>as a habitat linkage between Type I or Type II habitat (Biosis 2019a). The Site is within proximity to Type II habitat (over 200m beyond the construction footprint).</p> <ul style="list-style-type: none"> The population of Burramys on Mt Buller, its habitat and movement corridors are not threatened by the proposed development or associated vegetation removal. Mitigation strategies and vegetation removal offsets are proposed to further minimise any impact on Pygmy-possum (Biosis 2019a).
<p>To prevent the destruction and fragmentation of the existing Mountain Pygmy-possum (Burramys parvus) habitat.</p>	<p>The proposal does not require removal or fragmentation of existing Mountain Pygmy-possum habitat as identified in the species management plan.</p>
<p>To provide movement corridors for the Mountain Pygmy-possum Burramys parvus.</p>	<p>WHV is not identified as a movement corridor for Mountain Pygmy-possum. Mountain Pygmy-possum may use or pass through the current vegetation on rare occasion. Pygmy-possum will be able to continue to move through the retained native vegetation during and post construction (Biosis 2019a).</p>
<p>To ensure development does not have an adverse impact upon Mountain Pygmy possum (Burramys parvus) habitat.</p>	<p>The development is not close enough to Mountain Pygmy-possum habitat for it to have an adverse impact on its habitat (Biosis 2019a).</p>
<p>Clause 42.01 & Schedule 1 Application requirements</p>	<p>NA</p>
<p>There are no listed application requirements</p>	<p>NA</p>
<p>Clause 42.01 & Schedule 1 Decision Guidelines</p>	<p>NA</p>
<p>The objective of the schedule.</p>	<p>A response has been provided to all the objectives of the schedule (See above).</p>
<p>The general management prescriptions and guidelines in the Management Strategy and Guidelines for the conservation of the Mountain Pygmy-possum (Burramys parvus) in Victoria Mansergh IM, Kelly P and Scotts DJ (1989) Technical Report 66, Arthur Rylah Institute for Environmental Research, Department of Conservation, Forests and Lands, Melbourne.</p>	<p>The Management Strategy and Guidelines reference could not be sourced at the time this report was prepared. This proposal has been developed in reference to the Mt Buller recovery plan (Alpine Resorts Management Board 2005).</p>
<p>Action Statement No. 2 Mountain Pygmy-possum (Burramys parvus), Department of Sustainability and Environment.</p>	<p>The Action Statement does not refer to Mt Buller. The Mt Buller recovery plan has been referenced in preparing this response (Alpine Resorts Management Board 2005).</p>
<p>The extent to which the proposed development or works will impact upon existing habitat areas.</p>	<p>The proposed development does not impact upon existing Mountain Pygmy-possum habitat.</p>

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Requirements	Proposal Response
The views of the Department of Environment, Land, Water and Planning pursuant to Section 55 of the Act.	This planning permit application will be referred to DELWP. Their comments will be included as conditions with any planning permit issued.

Table 5 Response to application requirements and decision guidelines of Clause 43.02 – Design and Development Overlay schedule 1-A1

Requirements	Proposal Response
Clause 43.02 - Schedule 1 Design objectives	
<ul style="list-style-type: none"> To ensure that development within the Mt Buller Village creates and enhances an 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 skifields. 	<p>The Chalets are designed to sit nestled into to the contours of the ground. Designed as a series of individual buildings that front the Bourke St Ski Run they allow for visual breaks between each chalet to maintain sightlines and access through for skiers whilst providing a quality internal amenity for occupants. The forms are contemporary in appearance with angular forms expressing a familiar alpine characteristic with steep pitched roof, metal clad material. The positioning of each chalet has been thought through to take advantage of the immediate views up or down the ski run to the north with the southern sides of the chalets orientated towards the distant valley or nearby mountains. The pitched roof forms reflect the surrounding alpine slopes.</p>
Clause 43.02 - Schedule 1 Building and design requirements	
<p>Building and Works</p> <ul style="list-style-type: none"> 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. 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. Development should avoid and minimise removal of vegetation. Vegetation should not be removed to provide for view corridors from any development. Development should not be visually intrusive above the tree canopy or on the skyline when viewed from within the Village and adjoining skifields. 	<p>The proposal is considered to be in keeping with the built form already approved under the existing permit and does not detract from view corridors of the approved Chalets within Parcel 2017.</p> <p>The proposed vehicle and pedestrian access points already approved under the existing permit is not detrimentally impacted upon.</p>

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Requirements	Proposal Response
<ul style="list-style-type: none"> Vehicle and pedestrian access points should be combined where possible to minimise vegetation removal and visual impact on the street frontage. 	
<p>Maximum Height</p> <ul style="list-style-type: none"> 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. 	<p>The proposed heights of the four (4) Chalets are in keeping with the existing approved Chalets within Parcel 2017. Notwithstanding, the height of each proposed Chalet is over the 11 metre height requirement under the DDO as follows:</p> <ul style="list-style-type: none"> Chalet 11: 8% Chalet 12: 19% Chalet 13: 19% Chalet 14: 5% <p>This height is considered to be consistent with the design intent of the DDO1 and as such it is considered that the height requirements of the DDO1 have been met. It should also be noted that while DDO1-A1 states a maximum height of 3 storeys or 11 metres, this height can be varied through the planning permit process as the schedule does not specifically state that a planning permit cannot be issued to do this.</p>
<p>Minimum Setbacks</p> <ul style="list-style-type: none"> A building must be setback: <ul style="list-style-type: none"> 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 3 metres from any other site boundary An average of 4 metres from any other building on the same site 6 metres from any building on an adjoining site 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. A permit may be granted to vary setbacks. 	<p>It is considered that the setbacks between the proposed chalets are appropriate and allow for appropriate snow dump areas and view lines through the site. The proposed Chalets are considered to be in accordance with the WHV snow management plan (SMP).</p> <div data-bbox="1379 1046 1921 1385" style="border: 2px solid red; padding: 10px; text-align: center;"> <p>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</p> </div>

Requirements	Proposal Response
<p>Maximum Site Coverage</p> <ul style="list-style-type: none"> 60% of the total site area Site coverage is the proportion of the site covered by all buildings. <p>A permit may be granted to vary site coverage.</p>	<p>The site coverage of the proposed development for the Project is less than 60%.</p>
<p>Materials and finishes</p>	<p>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 Schedule 1.</p>
Clause 43.02 Decision Guidelines	
<p>The Municipal Planning Strategy and the Planning Policy Framework</p>	<p>See response to in section 4.1 and 4.2 above.</p>
<p>The design objectives of the relevant schedule to this overlay.</p>	<p>The proposal is considered consistent with the design objectives of the DDO1- A1.</p>
<p>The provisions of any relevant policies and urban design guidelines.</p>	<p>See above responses</p>
<p>Whether the bulk, location and appearance of any proposed buildings and works will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.</p>	<p>The proposed built form on the site is consistent with that found abutting and within the proximity of the Bourke Street Ski run.</p>
<p>Whether the design, form, layout, proportion and scale of any proposed buildings and works is compatible with the period, style, form, proportion, and scale of any identified heritage places surrounding the site.</p>	<p>The proposed design is consistent with the existing character within the Mt Buller village</p>
<p>Whether any proposed landscaping or removal of vegetation will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.</p>	<p>No vegetation is proposed to be removed.</p>
<p>The layout and appearance of areas set aside for car parking, access and egress, loading and unloading and the location of any proposed off street car parking</p>	<p>The location of the car parking spaces is shown on the architectural plans in Attachment 3. A swept path assessment is provided in Attachment 5 to demonstrate the proposed car parking arrangements are satisfactory.</p>
<p>Whether subdivision will result in development which is not in keeping with the character and appearance of adjacent buildings, the streetscape or the area.</p>	<p>Parcel 2017 is not proposed to be subdivided.</p>

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Table 6 Response to application requirements and decision guidelines of Clause 44.01 - Erosion Management Overlay

Requirements	Proposal Response
Clause 44.01 Erosion Management Overlay – Schedule 1 – Objectives to be achieved	
To ensure that applications for development are supported by adequate investigation and documentation of geotechnical and related structural matters.	Preliminary geotechnical assessments were undertaken for permit application 201529926-4, this advice has been reviewed and is still considered applicable for the amended application. A confirmation letter of this advice is included in Attachment 6
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.	The proposed amendment is considered appropriate given the result of the preliminary geotechnical assessments (Phil Styles & Associates 2018a, Phil Styles & Associates 2018b, Phil Styles & Associates 2015) indicate very low risk associated with the Project.
To ensure that development is only carried out if identified geotechnical and related structural engineering risks are effectively addressed.	As above.
Clause 44.01 Erosion Management Overlay – Schedule 1 – application requirements	
A site development plan or an application for a planning permit must be accompanied by a Preliminary Geotechnical Assessment prepared or technically verified by a suitably qualified and experienced geotechnical practitioner.	As above.
<p style="color: red; font-weight: bold; margin: 0;">This copied document to be made available for the sole purpose of enabling its consideration and review as part of the application requirements process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright</p>	
Clause 44.01 Erosion Management Overlay - Schedule 1 - Decision Guidelines	
The objectives of this schedule.	The proposal is consistent with the objectives of the EMO1 as the risk to life and property from landslip has been reduced to a tolerable level.
The recommendations of any relevant Preliminary Geotechnical Assessment and Quantitative Risk Assessment.	The preliminary geotechnical assessment under taken by Phil Styles and Associates (Phil Styles & Associates 2018a, Phil Styles & Associates 2018b, Phil Styles & Associates 2015). Sets out a number of recommendations in Appendix D of their report. These relate to the construction of batters, rock cuts, foundations, pressure loadings, control of surface run off and road pavement. These recommendations will be complied with to ensure that the risk to property is kept to low and this would result in no credible risks to life from the project.

Requirements	Proposal Response
The Advice of any geotechnical practitioner who has reviewed the application.	The report was not required to be reviewed.
The comments of the relevant Alpine Resort Management Board.	The application will be referred to the RMB as part of the permit application.

Table 7 Response to application requirements and decision guidelines of Clause 44.06 - Bushfire Management Overlay and Clause 53.02

Requirement	Proposal response
Application Requirements – 44.06 Bushfire Management Overlay including all application requirements from its Schedule and from Clause 53.02	
Locality and site description	Parcel 2017 is located on leased Crown Land within Mt Buller Village above Standard lane and adjacent to the Bourke Street Ski Run.
A bushfire hazard site assessment including a plan that describes the bushfire hazard within 150 metres of the proposed development. (Clause 52.47)	A Bushfire Management Statement was prepared in January 2020 by Terramatrix Pty Ltd for the study area. The amendment does not affect the bushfire hazard site and landscape assessment prepared by Terramatrix and remains applicable to the proposal. The Bushfire Management Plan included in the report is consistent with the Country Fire Authority's standard permit conditions and guidance and will be complied with for the proposed Chalets that will replace the Café/restaurant building.
A bushfire hazard landscape assessment including a plan that describes the bushfire hazard of the general locality more than 150 metres from the site. (Clause 52.47)	
A bushfire management statement describing how the proposed development responds to the requirements in this clause and Clause 44.06. (Clause 52.47)	Response detailed below.
Bushfire Protection Objectives and Approved Measures– Clause 52.03 and Substitute Approved Measures – Clause 44.06	
Clause 53.02-4.1 Landscape, siting and design objectives: Development is appropriate having regard to the nature of the bushfire risk arising from the surrounding landscape. Development is sited to minimise the risk from bushfire. Development is sited to provide safe access for vehicles, including emergency vehicles. Building design minimises vulnerability to bushfire attack.	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) to provide effective alternatives to conventional BMO requirements.

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Approved Measures:

AM 2.1 The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level (Schedule to 44.06 – No substitute specified).

AM 2.2 A building is sited to ensure the site best achieves the following (Schedule to 44.06 – No substitute measure – 53.02 applies):

The maximum separation distance between the building and the bushfire hazard.

The building is in close proximity to a public road.

Access can be provided to the building for emergency service vehicles.

AM 2.3 A building is designed to reduce the accumulation of debris and entry of embers (Schedule to 44.06 – No substitute measure – 53.02 applies).

53.02 -4.2 Defendable space and construction objective: Defendable space and building construction mitigate the effect of flame contact, radiant heat and embers on buildings.

Substitute Approved Measures (as per Schedule)

AM 3.2 The construction of buildings must be one of the following:

BAL-40 construction in accordance with AS3959 Building in Bushfire Prone Areas (Standards Australia).

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.

Determined using an alternative methodology to the

- **Response to AM 2.1** – 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.
- **Response to AM 2.2** – 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.
 - 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.
 - 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.
- **Response to AM 2.3** – 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.
- **Response to AM 3.2** - The proposed chalets, will be built to a BAL 40 or as agreed with the CFA in accordance with the alternate measure specified in the schedule. The vegetation to the north and west of the site are heavily modified ski runs, where the vegetation in "summer" groomed grassland to a height of 100- 200mm.

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<p>satisfaction of the relevant fire authority. Buildings must be provided with defensible space to the satisfaction of the relevant fire authority.</p>	
<p>53.02-4.3 Water Supply and Access Objectives: A static water supply is provided to assist in protecting property. Vehicle access is designed and constructed to enhance safety in the event of a bushfire. Substitute Approved Measures 4.2 (as per Schedule) All buildings and works must provide access and egress arrangements which meet the requirements of the relevant fire authority.</p>	<p>Response to AM 4.2 - All Chalets 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.</p>
<p>Decision Guidelines, including all decision guidelines from 44.06, its Schedule and Clause 53.02)</p>	
<p>The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies. (Clause 44.06-6)</p>	<p>The proposal is considered to be consistent with the PPF.</p>
<p>Any other matters specified in a schedule to this overlay (Clause 44.06-6)</p>	<p>These are addressed above.</p>
<p>The view of the relevant fire authority. (Schedule- BMO)</p>	<p>The development will be constructed to satisfy BAL-40 or a lower BAL as agreed with the CFA. The CFA are also a referral authority for any permit application under the BMO.</p>
<p>Any relevant emergency or fire management plan. (Schedule- BMO)</p>	<p>Mt Buller & Mt Stirling Community Bushfire Emergency Management Plan (Mt Buller Alpine Resort Mt Stirling Alpine Resort 2019)</p>
<p>The bushfire hazard landscape assessment, the bushfire hazard site assessment and the bushfire management statement submitted with the application.</p>	<p>The development will be constructed to satisfy BAL-40 or a lower BAL as agreed with the CFA for the original development footprint within Parcel 2017.</p>
<p>The impact of any State, regional or local bushfire management and prevention actions occurring around the site and in the wider area on the bushfire hazard and the</p>	<p>The RMB has an emergency management plan and resort wide plan as required by the schedule to the BMO in place. The proposed development is consistent with these plans and it is acknowledged that the resort will be closed on code red days.</p>

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<p>level of risk to the proposed development.</p>	
<p>Whether the proposed development meets the objectives of Clause 53.02-4 regardless of other measures which may be available, including private bushfire shelters, community shelters and the presence of places of last resort.</p>	<p>The proposal has been assessed against the alternate measures within the schedule to the BMO and it is considered that these alternate measures have been met as have the objectives of the BMO. The proposal will be constructed to a BAL 40 and defendable space down slope of the development will be provided, with the proposed access road providing a physical fire break. It should also be noted that the RMB not only has an emergency management plan in place but the resort wide plan required by the schedule to the BMO has been approved by the relevant fire authority and is currently in operation.</p>
<p>Whether the proposed measures can be practically implemented and maintained in conjunction with the ongoing use of the land.</p>	<p>The construction of the buildings to a BAL 40 can be achieved as can compliance with the Mt Buller & Mt Stirling Community Bushfire Emergency Management Plan.</p>
<p>Whether the use of an alternative measure meets the relevant objective having regard to the bushfire hazard and the nature of any constraint that prevents the applicable approved measure from being implemented.</p>	<p>The proposal has been assessed against the alternate measures within the schedule to the BMO and it is considered that these alternate measures have been met as have the objectives of the BMO. The proposal will be constructed to a BAL 40 or a lower BAL as agreed with the CFA and defendable space down slope of the development will be provided, with the proposed access road providing a physical fire break. It should also be noted that the RMB not only has an emergency management plan in place but the resort wide plan required by the schedule to the BMO has been approved by the relevant fire authority and is currently in operation.</p>
<p>If one or more of the objectives in Clause 53.02-4 will not be achieved in the completed development, whether the development will, taking all relevant factors into account, reduce the bushfire risk to a level that warrants it proceeding.</p>	<p>It is considered that these objectives will be met.</p>
<p>Whether the risk arising from the broader landscape can be mitigated to an acceptable level or warrants the development not proceeding.</p>	<p>The landscape within the Mt Buller Alpine Resort provides many challenges, however given the modified landscape (Ski runs) to the north and east of the site the risks can be managed to ensure that the objectives of the BMO can be met. The resort will be closed during Code Red days and lease holders will be kept up to date of any bushfires or fire activity during the bushfire period in accordance with the Mt Buller & Mt Stirling Community Bushfire Emergency Management Plan.</p>

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6. Conclusion

The permit amendment application is considered to accord with the purpose of the relevant decision guidelines of the Planning Scheme and meets with all relevant requirements in each section.

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

- The Project is considered to be in accordance with Planning Policy Framework including the Municipal Strategic Statement.
- 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 of the four Chalets 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 design of the Chalets responds to the relevant planning policies and controls that apply to Parcel 2017. The proposed amendment strategically aligns with the design objectives for WHV.
- Implementing best practice environmental standards for the construction process through requiring a project site environmental management plan and overall landscape plan.

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