

**ADVERTISED
PLAN**



**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**

Summit & McLaughlin's Shoulder Walk, Mt Buller. Planning Report

FINAL REPORT

Prepared for Mt Buller Mt Stirling Resort Management

06 June 2023

Biosis offices

NEW SOUTH WALES

Albury

Phone: (02) 6069 9200
Email: albury@biosis.com.au

Newcastle

Phone: (02) 4911 4040
Email: newcastle@biosis.com.au

Sydney

Phone: (02) 9101 8700
Email: sydney@biosis.com.au

Western Sydney

Phone: (02) 91018733
Email: WesternSydneyOffice@biosis.com.au

Wollongong

Phone: (02) 4201 1090
Email: wollongong@biosis.com.au

VICTORIA

Ballarat

Phone: (03) 5304 4250
Email: ballarat@biosis.com.au

Melbourne

Phone: (03) 8686 4800
Email: melbourne@biosis.com.au

Wangaratta

Phone: (03) 5718 6900
Email: wangaratta@biosis.com.au

Document information

Report to: Mt Buller Mt Stirling Resort Management

Prepared by: Gabi Head-Gray

Biosis project no.: 35926

File name: 35926.Mt.Buller.Summit.Walking.Trail.PAR.FIN.20230606

Citation: Biosis 2023. Summit & McLaughlin's Shoulder Walk Mt Buller Planning Report. Report prepared for Mt Buller Mt Stirling Resort Management. Head-Gray, G, Biosis Pty Ltd, Melbourne, VIC. Project no.35926

Document control

Version	Internal reviewer	Date issued
Draft version 01	BRH	21/04/2022
Final version 01	To be confirmed	To be confirmed

Acknowledgements

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

- Client: Amanda Vogt and Daniel Argentov - Mt Buller Mt Stirling Resort Management
- Other contractors: Golder Associates Pty Ltd

Biosis staff involved in this project were:

- Ben Howells (quality assurance & project director)
- Daeyoo Kang (GIS mapping)

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

ADVERTISED PLAN

© Biosis Pty Ltd

This document is subject to copyright and may only be used for the purposes in respect of which it was commissioned and in accordance with the Terms of Engagement of the commission. Unauthorised use of this document in any form whatsoever is prohibited.

Disclaimer:

Biosis Pty Ltd has completed this assessment in accordance with the relevant federal, state and local legislation and current industry best practice. The company accepts no liability for any damages or loss incurred as a result of reliance placed upon the report content or for any purpose other than that for which it was intended.

Contents

1	Introduction	4
1.1	Background.....	4
1.2	Planning Permit Requirements.....	4
1.2.1	Other related approvals.....	4
1.3	Supporting planning permit application documents.....	5
1.4	Notice and Referral Requirements.....	5
2	Project Description	7
2.1	Location, use and tenure.....	7
2.2	Proposal details.....	8
2.2.1	Mt Buller Summit viewing platform.....	8
2.2.2	McLaughlin’s Shoulder Lookout viewing platform.....	9
3	Related Assessments	13
3.1	Site Environmental Management Plan.....	13
3.2	Flora and Fauna Assessment.....	13
3.3	Geotechnical Assessment.....	15
3.4	Cultural Heritage Management Plan 18340 (CHMP 18340).....	15
4	Alpine Resorts Planning Scheme	16
4.1	Planning Policy Framework.....	16
4.1.1	State and Local Planning Policy.....	16
4.1.2	Response to State Planning Policy Objectives.....	17
4.1.3	Response to Local Planning Policy Objectives.....	18
4.2	Planning Requirements and Exemptions.....	19
4.2.1	Permit Requirements Overview.....	19
4.2.2	Permit Exemptions.....	19
4.3	Zone Control.....	20
4.4	Overlay Controls.....	20
4.5	Particular Provisions.....	30
5	Detailed Planning Policy Assessment	32
6	Detailed Response to Application Requirements	41
7	Related Legislative Requirements	59
7.1	Environment and Protection and Biodiversity Conservation Act 1999 (Cth) EPBC Act).....	59
7.2	Flora and Fauna Guarantee Act 1988 (FFG Act).....	59
7.3	Catchment and Land Protection Act 1994 (CaLP Act).....	60
7.4	Aboriginal Heritage Regulations Act 2006.....	60
8	Conclusion	61
	References.....	62

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

Tables

Table 1 Summary of supporting information.....	5
Table 2 Cadastral information of study area.....	7
Table 3 Summary of DELWP NVR Report.....	30
Table 4 Response to relevant Strategic directions in the Alpine Resorts Planning Strategy	32
Table 5 Response to relevant planning policies in the Alpine Resorts Planning Scheme (Local policies)	34
Table 6 Response to application requirements and decision guidelines of Clause 37.02 – Comprehensive Development Zone schedule 2	41
Table 7 Response to application requirements and decision guidelines of Clause 42.01 Environmental Significance Overlays schedule 1	42
Table 8 Response to application requirements and decision guidelines of Clause 43.02 Design and Development Overlay schedule 3.....	43
Table 9 Response to application requirements and decision guidelines of Clause 44.01 Erosion Management Overlays schedule 1	44
Table 10 Response to application requirements and decision guidelines of Clause 44.06 Bushfire Management Overlay schedule 1 (BMO1).....	46
Table 11 Response to application requirements and decision guidelines of Clause 52.17 Native Vegetation.....	52

Figures

Figure 1 Location of the study area	11
Figure 2 Study area	12
Figure 3 Zones	25
Figure 4 Overlays.....	26

**ADVERTISED
PLAN**

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

1 Introduction

1.1 Background

On behalf of the Mount Buller and Mount Stirling Resort Management Board (MBMSRMB) (the applicant), Biosis Pty Ltd (Biosis) has prepared this planning assessment in support of a planning permit application for the proposed summit walking trail and associated viewing platforms (the project) located at Mount Buller.

MBMSRMB seek to obtain planning approval from the responsible authority for building and works, as well as the removal of exotic and native vegetation, required for the project. A detailed description of the proposed works is provided in Section 2 of this report.

Please refer to Section 1.3 which summarises the supporting documents and assessments that have been prepared to satisfy the requirements of the relevant zones and overlays which apply to the project under the *Planning and Environment Act 1987* (P&E Act).

1.2 Planning Permit Requirements

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

- Clause 37.02 (Comprehensive Development Zone schedule 2) (CDZ2), a permit is required to construct a building or construct or carry out works.
- Clause 42.01 (Environmental Significance Overlay schedule 1) (ESO1), a permit is required to construct a building or construct or carry out works and to remove, destroy or lop any vegetation, including dead vegetation.
- Clause 43.02 (Design and Development Overlay schedule 3) (DDO3), a permit is required to construct a building or construct or carry out works.
- Clause 44.01 (Erosion Management Overlay schedule 1) (EMO1), a permit is required to construct a building or construct or carry out works and to remove, destroy or lop vegetation.
- Clause 44.06 (Bushfire Management Overlay) (BMO1), a permit is required to construct a building or construct or carry out works associated with Leisure and Recreational land uses.
- Clause 52.17 (Native Vegetation) for the removal, destruction and lopping of native vegetation, including dead native vegetation.

This copied document to be made available for the sole purpose of enabling its own early outwork 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

1.2.1 Other related approvals

A mandatory Cultural Heritage Management Plan (CHMP) is required to be approved for the project by the Registered Aboriginal Party (RAP), Taungurung Land and Waters Council (TLaWC), under the *Aboriginal Heritage Act 2006* and in accordance with the *Aboriginal Heritage Regulations 2018*.

Biosis was engaged by Mt Buller Mt Stirling Resort Management to prepare a CHMP in support of the project (referred to as 'CHMP 18340').

CHMP 18340 was approved on 8 March 2023 by TLaWC (see Section 3 for further detail).

**ADVERTISED
PLAN**

1.3 Supporting planning permit application documents

Table 1 below provides a summary of the supporting information and documents accompanying this planning report.

Table 1 Summary of supporting information

Supporting Information	Description	Attachment Number
Detailed Designs	<ul style="list-style-type: none"> Refer to <i>McLaughlin's Shoulder Lookout Concept Design (October 2021 DWG MSL_01)</i> and <i>Fire Tower Lookout Concept Design (October 2021 DWG MSL_01)</i> prepared by MBMSRMB. Supports permit requirements under Clause 37.02 and Clause 43.02 	Attachment 1
Site Environmental Management Plan	<ul style="list-style-type: none"> Refer to <i>Mount Buller Summit Trails: Site Environmental Management Plan</i> prepared by Biosis dated 21 April 2022. Supports permit requirements under Clause 37.02. 	Attachment 2
Flora and Fauna Assessment	<ul style="list-style-type: none"> Refer to <i>Mount Buller Summit trails: Flora and fauna assessment</i> prepared by Biosis dated 22 February 2022 (Biosis 2022). Supports permit requirements under Clause 37.02, 42.01 and 52.11 	Attachment 3
	<ul style="list-style-type: none"> Native Vegetation Credit Register (NVCR) 	Attachment 3a
Geotechnical Assessment	<ul style="list-style-type: none"> Refer to <i>Mt Buller Summit Trail: Geotechnical Assessment and Investigation</i> prepared by Golder Associates Pty Ltd dated 10 November 2021. Supports permit requirements under Clause 44.01. 	Attachment 4
Mt Buller Mt Stirling Alpine Resort Community Bushfire Emergency Management Plan (MBMSRMB Community BEMP)	<ul style="list-style-type: none"> Refer to <i>Mt Buller Alpine Report Mt Stirling Alpine Resort Community Bushfire Emergency Management Plan, Version 2.1</i> prepared by the MBMSRMB dated 21 January 2019. Supports permit requirements under Clause 44.06 and Clause 53.02. 	Attachment 5
Cultural Heritage Management Plan 18430 (CHMP 18430)	<ul style="list-style-type: none"> Refer to <i>Summit & McLaughlin's Shoulder Walk Mt Buller Cultural Heritage Management Plan 18340</i> prepared by Biosis Pty Ltd dated 9 January 2023. 	Attachment 6

This document must not be used 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.

1.4 Notice and Referral Requirements

This application is required to be referred to the following agencies:

- The Department of Environment, Energy and Climate Action (DEECA)
- Country Fire Authority (CFA)
- Alpine Resort Victoria (ARV)

CDZ2:

ADVERTISED
PLAN

The permit application is not exempt from the notice requirements and review rights under the CDZ2. There is no comprehensive development plan incorporated into the Planning Scheme, which is associated with Mt Buller.

ESO1:

The permit application must be referred to the Department of Environment, Land, Water and Planning pursuant to Section 55 of the Act.

DDO3:

Under the DDO3, there are no exemptions from notice specified. Therefore, notice under the DDO is required. Additionally, the schedule to Clause 66.06 requires notice given to DELWP.

EMO1:

The permit application is exempt from notice requirements under Section 52(1)(a)(b)(d), the decision requirements under Section 64(1)(2) and the review rights of Section 82(1) of the P&E Act.

BMO1:

The 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 P&E Act.

Clause 52.17:

No notice requirements are specified under Clause 52.17.

ADVERTISED PLAN

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

2 Project Description

2.1 Location, use and tenure

The study area is located on the rocky peaks of Mount Buller Summit (the Summit), approximately 1.5km west of the Mount Buller Village (the Village), in north-east Victoria (Figure 1).

The study area encompasses 2 hectares of land, comprising a small section of Summit Road, an existing walking trail which leads from Summit Road to the Mount Buller Summit Fire Tower Lookout and a proposed trail which leads to McLaughlin’s Shoulder (Figure 2). The study area intersects with parts of the Mt Buller ski field area, which is located between the Village and the Summit.

The study area is classified as Crown land, managed by Alpine Resorts Victoria (statutory authority). The project will be wholly contained within Crown Allotment 5A Sec. A (SPI 5A~A\PP2370), Parish of Changue East.

Land within the study area is currently used for leisure, recreation and seasonal sporting activities. There are two structures, the Mount Buller Firetower and Grimus Chairlift Top, within the Activity Area, as well as a number of access tracks that lead to the summit of Mt Buller and McLaughlin’s Shoulder. The Summit Chairlift Top is adjacent to the study area.

Cadastral information of the study area is summarised below:

Table 2 Cadastral information of study area

Address	Mt Buller Road, Mount Buller 3722
Crown Description	Allot. 5A Sec. A PARISH OF CHANGUE EAST
Lot/Plan (SPI)	SPI 5A~A\PP2370
Local Government Area	Mount Buller Alpine Resort (uninc.)
Planning Scheme	Alpine Resorts Planning Scheme
Catchment Management area	Upper Goulburn and Goulburn Broken Catchment Management area

This copied document to be made available for the 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.

Land description

Topography

The topography of the study area consists of steep escarpments and rocks, including the Summit which is 1804 metres in elevation. The study area’s steep cliffs and gullies, high up on the mountains’ flanks are typical of higher peaks surrounding the Mount Buller area.

Vegetation

Most of the study area has a high diversity of shrubs, low heathland, grasses and herbs and consists of high-quality vegetation. Areas of previous disturbance within the ski field, including the ski slopes, associated ski field infrastructure and access tracks predominantly support introduced vegetation (Biosis 2022).

Land and vegetation within the vicinity of the study area has been disturbed for other amenities including, the Mt Buller water recycling and storage reservoir, car parking, access roads and tracks for other recreational activities.

ADVERTISED
PLAN

The study area is surrounded by the Alpine National Park to the north, south and west which generally consists of relatively contiguous remnant alpine, sub-alpine, montane and foothill vegetation (Biosis 2022).

Access

Land within the study area is easily and frequently accessed by the public for recreational use. Motorized access to the study area is provided along Summit Road which connects to local transport network serving Mt Buller Village and higher order roads such as the Mt Buller Road. The Mt Buller Summit carpark is located at the start of the proposed walking trail (Figure 1 and 2) and is approximately 450m south-west from existing Fire Tower Lookout at the Summit. The village provides shuttle services to the Mt Buller Summit carpark.

2.2 Proposal details

The proposal includes the:

- Construction of two walking trails of approximately 1.1 kilometres in length:
 - A new Mt Buller Summit walking trail, first leading west from the existing Summit carpark to the 'Summit Trail Switchback' point, and then crossing back east parallel to the Summit Chairlift pass to link back onto the existing Summit walking trail (approximately 550 metres).
 - A new McLaughlin's Shoulder walking trail, leading from Summit Road to the Grimus Top Station (chair lift) further north-east to the peak of McLaughlin's shoulder (approximately 200 metres).
 - Majority of the proposed walking trails will be formed from compacted gravel surfacing and will link to the proposed viewing platforms.
- Construction of a suspended viewing platform protruding from the northern interface of the existing fire tower at the summit of Mount Buller (Mt Buller Summit viewing platform) (Attachment 1).
- Construction of an elevated viewing platform at McLaughlin's Shoulder Lookout (McLaughlin's Shoulder viewing platform) (Attachment 1).
- Removal of 0.098 hectares of native vegetation (see Section 3.2 of this report and the project's FFA (Attachment 3) for further details.

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 other than that stated. Copyright

The impact footprint for the proposed works has been created from the following:

- The total area of the Resort that will be impacted by these works is approximately 2.362 hectares.
- A 2-metre construction corridor along the length of the new trails to be constructed, which includes a 400 millimetre construction buffer on either side of the trail (constructed trail width to be 1200 millimetres).
- A 2.5 metre by 13 metre area for the Summit fire tower platform plus a 1 metre construction buffer.
- A 14 metre by 10 metre area for the McLaughlin's shoulder viewing platform plus a 1m construction buffer.

2.2.1 Mt Buller Summit viewing platform

The Mt Buller viewing platform consists of a suspended walkway which protrudes around the northern interface of the existing Fire Tower Lookout (the Tower) with foundations anchored into the rock outcrop below. The platform incorporates existing natural features within the site including rock outcrops and topographical features.

ADVERTISED
PLAN

The platform will sit below the view lines of the Tower so as to not disrupt its operations. Access to the platform will be provided via natural rock steps from the east and western interfaces of the Tower. A balustrade will be installed along the northern edge of the platform for safety purposes.

Areas adjacent to the east and west interfaces of the Tower will be retained so as to not detract from the built form of the Tower. These areas will be approximately 1.5 metres wide and will provide access to the viewing platform. The existing informal pathway which provides access to the entrance of the Fire Tower along its southern interface will also be retained.

The Tower's angled rock faces and grouting will be repaired during construction. A warning sign located south-west of the Tower will also be retained.

Please refer to detailed designs provided in Attachment 1 for detailed designs of the Mt Buller viewing platform. A summary of materials and finishes proposed for this platform is provided below:

Building Element	Proposal detail
Platform materials & finishes	Fibre Reinforced Polymer (FRP) mesh in charcoal colour with timber edging.
Wide step landing materials	Fibre Reinforced Polymer (FRP) mesh in charcoal colour with timber edging.
Balustrade material	Timber with orange and green colouring to reinforce the local 'rock and lichen' character of the alpine environment.

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 will be breach the copyright.

2.2.2 McLaughlin's Shoulder Lookout viewing platform

The proposed McLaughlin's Shoulder Lookout viewing platform will consist of a boardwalk that will lead to three cascading decks linked by wide stepped seat landings.

The entire viewing platform (boardwalk and decks) will be open and elevated above the ridgeline below. The decks will be fixed to in-situ rock below with a substructure to ensure the safety of the platform for all users. A balustrade will be installed along the northern edge of the platform for safety purposes.

The boardwalk and decks will provide capacity for 40 people and be treated with timber edges for casual seating. The platform incorporates existing natural features within the site including rock outcrops and topographical features. Please refer to detailed designs provided in Attachment 1 for detailed designs of the proposed McLaughlin's Shoulder Lookout.

A summary of materials and finishes proposed for this platform is provided below:

Building Element	Proposal detail
Boardwalk materials & finishes	Fibre Reinforced Polymer (FRP) mesh in charcoal colour with timber edging. The boardwalk will be 1.5 metres wide to follow the existing informal rock trail width below.
Platform materials & finishes	Fibre Reinforced Polymer (FRP) mesh in charcoal colour with timber edging, embedded with granite rocks.
Wide step landing materials & finishes	Fibre Reinforced Polymer (FRP) mesh in charcoal colour with timber edging, embedded with granite rocks. The stepped landings will be approximately 600 millimetres wide.
Balustrade material & finishes	Timber with orange and green finishes to provide a connection to the natural features of the alpine environment (in particular the lichen and

rock colouring).

Subfloor platform material

Slim-line galvanised steel.

ADVERTISED PLAN

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

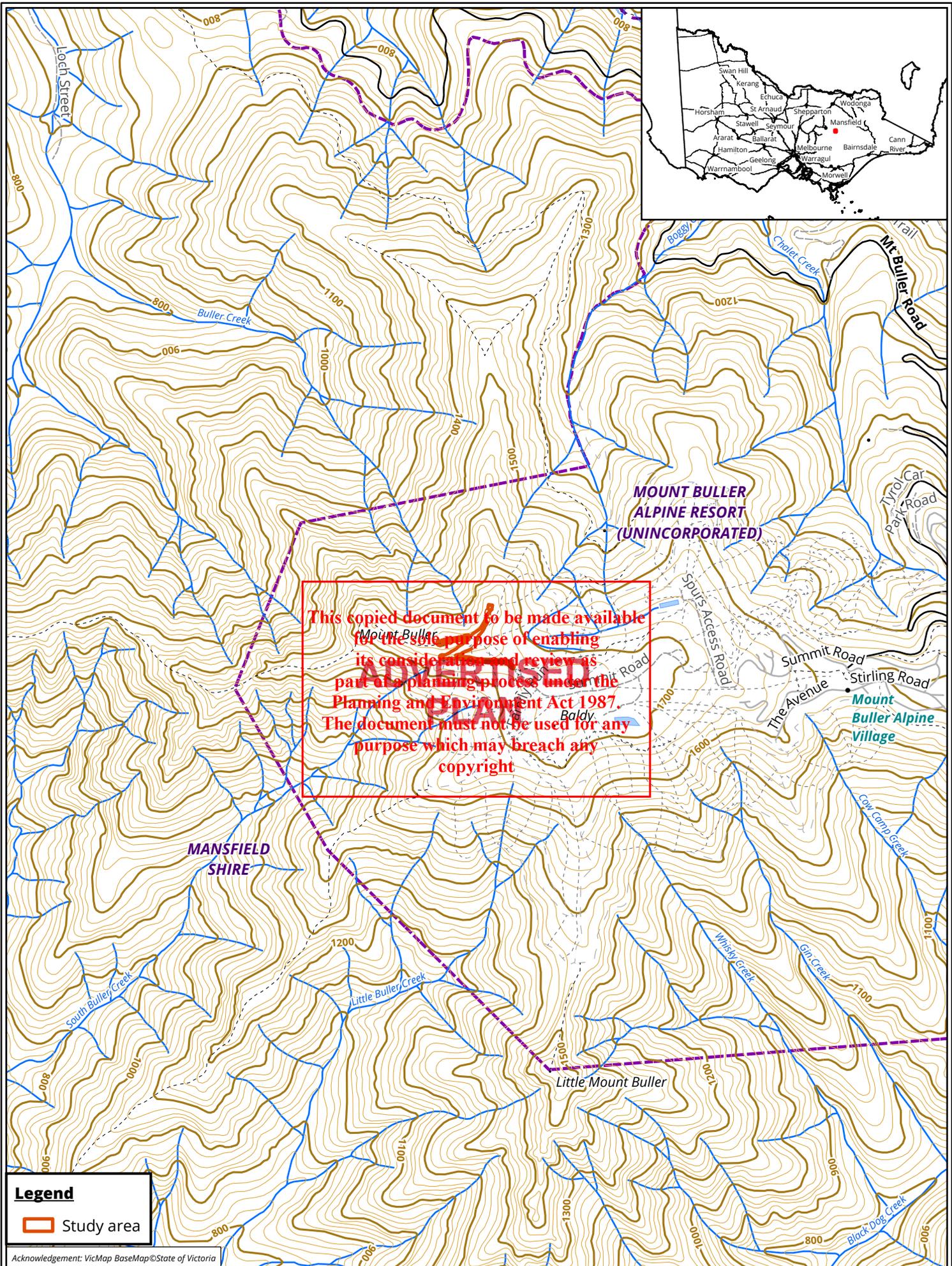
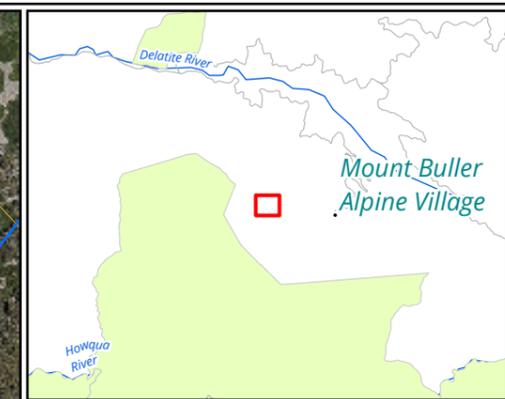
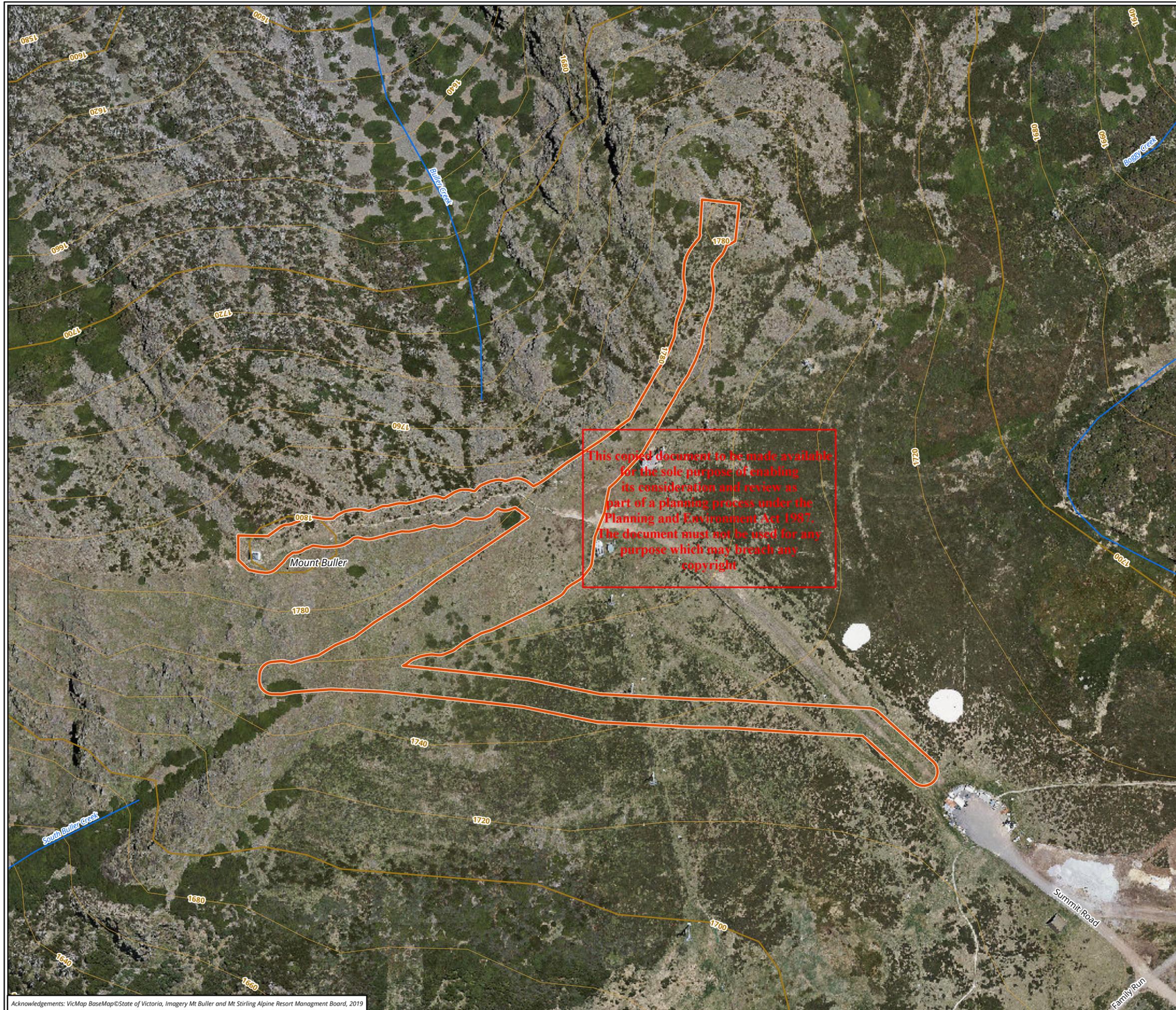


Figure 1 Location of the study area - Mount Buller, Victoria

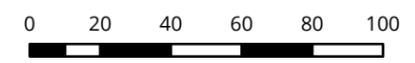


Legend

Study area

ADVERTISED PLAN

Figure 2 Study area



Scale: 1:2,000 @ A3
 Coordinate System: GDA 1994 MGA Zone 55



Matter: 35926,
 Date: 13 April 2022,
 Prepared for: GH, Prepared by: DK, Last edited by: dkang
 Layout: 35926_F2_StudyArea
 Project: P:\35900s\35926\Mapping\
 35926_MtBullerSummitWalk.aprx

Acknowledgements: VicMap BaseMap © State of Victoria, Imagery Mt Buller and Mt Stirling Alpine Resort Management Board, 2019

3 Related Assessments

3.1 Site Environmental Management Plan

A Site Environmental Management Plan (SEMP) (Attachment 2) has been prepared by Biosis in support of the project and in response to the requirements of the CDZ2 under the Planning Scheme.

The SEMP describes the construction techniques and associated environmental risks and specifies the measures that will be undertaken to mitigate those risks. This includes the use of sediment controls to prevent sediment entering surrounding waterways, and the use of no-go zones/exclusion fencing to separate construction activities from native vegetation identified for retention.

The Mountain Pygmy-possum and its habitat (Alpine Coniferous Shrubland, especially in association with boulder fields and rocky outcrops) has been identified in the vicinity of the study area. As the Mountain Pygmy-possum is an EPBC and FFG-listed threatened species, it is vital that this species and its habitat is protected from impacts of the proposed works. The management of this species protection must be in accordance with Victoria's State Action Plan. The project SEMP will specifically deal with controlling the introduction and spread of weed species, especially those species associated with walking track edges.

3.2 Flora and Fauna Assessment

Biosis has prepared a detailed flora and fauna assessment of the project (FFA) (Biosis 2022) (Attachment 3) to satisfy the requirements of Clause 52.17 (Native Vegetation) of the Planning Scheme. The following considerations apply to this the project's design response and required approvals.

Ecological values of the study area

- High quality alpine native vegetation within the following Ecological Vegetation Classes (EVCs):
 - Alpine Coniferous Shrubland EVC 156 (Biodiversity Conservation Status [BCS]: Vulnerable).
 - Alpine Grassy Heathland EVC 1004 (BCS: Rare).
 - Alpine Rocky Outcrop Heathland EVC 1013 (Applied BCS: Rare).
- Vegetation in disturbed areas around ski infrastructure and existing trails (formal and informal) is made up of predominantly introduced species.
- The project is in proximity to known habitat for Mountain Pygmy Possum *Burramys parvus*, listed as endangered under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and endangered under the *Flora and Fauna Guarantee Act 1988* (FFG Act). Actions are required to avoid and minimise impacts on listed species and consideration of FFG Action Statements, especially for Mountain Pygmy-possum.
- Potential habitat for 14 other threatened flora species listed under the FFG Act. Protected flora species under the FFG Act are present within the study area (ie. public land) therefore a protected flora permit is required.
- Significant impacts on matters of national environmental significance are not expected to occur as a result of the proposed works due to the minor nature of the works. This includes an assessment under the Significant Impact Guidelines for the Mountain Pygmy-possum.

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.

- The study area is within the catchment of six Ramsar sites. The study area drains into two of these Ramsar sites, however, the closet is located well over 300km downstream of the study area and the potential for significant impact to these sites is considered negligible.

Native vegetation offset requirements

- The development proposes to remove 0.098 hectares of native vegetation from within location category 3 (Appendix 3 of the FFA).
 - Past permitted clearing of 6.271 hectares associated with the Mount Buller Sustainable Water Storage project has been included, resulting in a total native vegetation removal extent of 6.369 hectares.
 - The proposed removal of native vegetation will be assessed on the detailed assessment pathway.
 - The strategic biodiversity value score of the native vegetation to be removed is between 0.902 and 0.970.
- If a permit is granted, the offset requirements would be species habitat units for nine species:
 - 0.128 species units of habitat for Mountain Pygmy Possum, *Burramys parvus*
 - 0.137 species units of habitat for Alpine Bog Skink, *Pseudemoia cryodroma*
 - 0.009 species units of habitat for Mount Stirling Stonefly, *Thaumatoperla flaveola*
 - 0.127 species units of habitat for Snow Aciphyll, *Aciphylla glacialis*
 - 0.127 species units of habitat for Gunn's Alpine Buttercup, *Ranunculus gunnianus*
 - 0.127 species units of habitat for Subalpine Baeckea, *Baeckea latifolia*
 - 0.127 species units of habitat for Dusty Daisy-bush, *Olearia phlogopappa* subsp. *flavescens*
 - 0.127 species units of habitat for Alpine Phebalium, *Phebalium squamulosum* subsp. *alpinum*
 - 0.127 species units of habitat for Alpine Bootlace Bush, *Pimelea axiflora* subsp. *alpina*.
- MBMSRMB has an established offset site located on public land at Mount Stirling. The offset site provides habitat units for five out of the above nine species. The offset site does not provide species habitat units for the following four species:
 - Snow Aciphyll *Aciphylla glacialis*
 - Gunn's Alpine Buttercup *Ranunculus gunnianus*
 - Dusty Daisy-bush *Olearia phlogopappa* subsp. *flavescens*
 - Alpine Bootlace Bush *Pimelea axiflora* subsp. *alpina*.
- Another alpine resort has recently established an offset site that provides species units for the four species listed above, and offset trades between Resorts have already occurred (approved and endorsed by DELWP) as two party trades. Mount Buller Mount Stirling Alpine Resort may be able to arrange a third party offset credit purchase of the required species units from that Resort.
- If past permitted clearing requirements do not apply, then a registered credit broker could be used to facilitate purchase of the required general offset units.
- An offset statement spreadsheet from the Native Vegetation Credit Register (NVCR) is provided in Attachment 3a of this report in support of the planning permit application.

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 1986. The document must not be used for any purpose which may breach any copyright.

Biodiversity Impact Mitigation

The biodiversity values identified in the FFA (Attachment 3) have been considered during the planning and construction phase of the project. The primary measure to minimise impacts to biodiversity values on the site is to minimise removal of regenerating native vegetation and revegetation. Allowance must be made for all construction works (including stock-piles and access routes) so that retained vegetation and fauna habitat can be adequately protected within no-go zones.

The mitigation measures listed in the FFA (Attachment 3) break into three categories of 1) planning and pre-construction 2) construction 3) post construction. Relevant mitigation measures have been incorporated into the SEMP (Attachment 2) Please refer to Section 6 of the FFA (Attachment 3) to review the full list of mitigation measures.

3.3 Geotechnical Assessment

Golder Associates Pty Ltd (Golder Associates 2021) prepared a preliminary geotechnical assessment (Attachment 4) in support of the project and in response to the requirements of EMO1 under the Planning Scheme.

The preliminary geotechnical assessment includes recommendations for the foundations to be used for the project. See section 6 of Attachment 4 for further detail.

In accordance with the Australian Geomechanics Society Guidelines for Landslide Risk Management, 2007 (AGS, 2007), the report includes a preliminary risk assessment of the project as no credible risk to property was identified. Two hazard scenarios have been considered based on static and mobile situational risks. See section 7 of Attachment 4 for further information.

Based on the assessment, the risk to life and property associated with the project is considered to be very low and is therefore suitable to proceed as proposed (Golder Associated 2021).

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

3.4 Cultural Heritage Management Plan 18340 (CHMP 18340)

Biosis was engaged by Mt Buller Mt Stirling Resort Management to prepare a CHMP in support of the project (referred to as 'CHMP 18340' or 'the CHMP'). CHMP 18340 was approved on 8 March 2023 by TLaWC and meets the standards prescribed under the *Aboriginal Heritage Act 2006* and in accordance with the Aboriginal Heritage Regulations 2018.

A Desktop and Standard Assessment was undertaken for CHMP 18340. Consultation with representatives of the Registered Aboriginal Party (RAP), Taungurung Land and Waters Council (TLaWC), occurred throughout the CHMP (Biosis 2022).

The Desktop Assessment found that there were no previously registered Aboriginal places within the study area, or within a 200-metre buffer zone of the study area (Biosis 2022). No Aboriginal cultural heritage was identified during the Standard Assessment (Biosis 2022). Additionally, no areas of archaeological potential were identified. As a result of the Standard Assessment, a Complex Assessment was determined not to be required (Biosis 2022).

CHMP 18340 includes approved requirements, conditions and contingencies which must be complied with by the proponent (MBMSRMB).

**ADVERTISED
PLAN**

4 Alpine Resorts Planning Scheme

4.1 Planning Policy Framework

The Planning Policy Framework (PPF) of the Alpine Resorts Planning Scheme (the Planning Scheme) provides a context for spatial planning and decision making by planning and responsible authorities relating to the use, development and protection of land. This section of the report provides an assessment of the project against relevant state and local planning policies and objectives.

4.1.1 State and Local Planning Policy

The development is considered to be consistent with the relevant PPF objectives under the relevant State and Local planning policy listed below. An assessment of the project against the State and Local planning policies listed above is provided in the following section.

The following State and Local planning policies are considered relevant to the project:

Clause 02.02 Purpose and Vision

- Clause 02 Alpine Resorts Planning Strategy

- Clause 02.02 Vision
- Clause 02.03 Strategic Direction
- Clause 02.04 Strategic Framework Plans

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

ADVERTISED PLAN

Clause 11 Settlement

- Clause 11.01 Victoria
 - Clause 11.01-1-04 Mt Buller Village

Clause 12 – Environmental and Landscape Values

- Clause 12.01 – Biodiversity
 - Clause 12.01-1S – Protection of biodiversity
 - Clause 12.01-1L – Protection of biodiversity in alpine resorts
 - Clause 12.01-2S – Native vegetation management
- Clause 12.04 – Alpine Areas
 - Clause 12.04-1S – Sustainable development in alpine areas
 - Clause 12.04-1L-01 – Sustainable development alpine resorts
 - Clause 12.04-1L-04 Sustainable development - Mt Buller Alpine Resort
- Clause 12.05 – Significant Environments and Landscapes
 - Clause 12.05-1S – Environmentally sensitive areas
 - Clause 12.05-2S – Landscapes

Clause 13 – Environmental Risks and Amenity

- Clause 13.01 – Climate Change Impacts
 - Clause 13.01-1S – Natural hazards and climate change
- Clause 13.02 – Bushfire
 - Clause 13.02-1S – Bushfire planning
 - Clause 13.02-1L – Bushfire Planning – alpine resorts
- Clause 13.04 Soil Degradation
 - Clause 13.04-2S – Erosion and landslip
 - Clause 13.04-2L – Erosion and landslips in alpine resorts

Clause 15 Built Environment and Heritage

- Clause 15.01 – Built Environment
 - Clause 15.01-2S – Building design
 - Clause 15.01-2L Built form in alpine resorts
 - Clause 15.01-2L-01 Building design in Mt Buller
- Clause 15.02 – Heritage
 - Clause 15.03-1S Heritage conservation
 - Clause 15.03-2S Aboriginal cultural heritage

**ADVERTISED
PLAN**

Clause 17 Economic Development

- Clause 17.04 – Tourism
 - Clause 17.04-1S – Facilitating tourism
 - Clause 17.04-1L-01 – Alpine tourism
 - Clause 17.04-1L-04 – Mt Buller tourism

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

4.1.2 Response to State Planning Policy Objectives

The development is consistent with the relevant PPF objectives.

Clause 12.01 (Biodiversity) and 12.05 (Significant Environments and Landscapes) aim to protect, conserve and enhance Victoria's biodiversity. The amount of native vegetation required to be removed on site is minimised through the project's design and works proposed to be undertaken. Of the native vegetation required to be removed, the majority is limited to minor sections of the works footprint. This will ensure that the removal of native vegetation is minimised as part of development within the alpine resort. MBMSRMB has consulted with Biosis to identify native vegetation on site and in the surrounding area. As such, the project has been designed to reduce additional impacts to the surrounding ecological values, through the incorporation of no-go zones, exclusion fencing and retaining the majority of high quality vegetation recorded in the study area. The project's FFA (Attachment 3) has identified that the project requires offsets for varying species habitat units for nine species. This helps to achieve 'no net loss to biodiversity' in accordance with Clause 12.01-2S of the Planning Scheme. Please refer to Section 5.4 of the FFA (Attachment 3) for the proposed offset strategy for this project.

Clause 13 (Environmental Risks and Amenity) focuses on the risks to human life and property associated with environmental occurrences and natural disasters. Of particular concern to the project are Clauses 13.02-15 (Bushfire Planning) as the site is covered by the BMO. The project adheres to Clause 13.02, as the external materials of the temporary facilities will be entirely non-combustible. Given that the project does not include the construction of habitable buildings, alternative measures to comply with bushfire planning requirements are proposed.

Under Clause 13 (Environmental Risks and Amenity), the protection of areas prone to erosion, landslip and land degradation is paramount. To address potential erosion and landslip issues as part of the project, MBMSRMB commissioned Golder Associates Pty Ltd to undertake a preliminary geotechnical assessment (Attachment 4). The assessment concluded that all associated geotechnical risks on-site could be mitigated through the implementation of the recommendations specified in the report. MHSC are committed to undertaking these recommendations to ensure the project adheres to Clause 13.04-25.

Regarding Aboriginal cultural heritage, a CHMP (i.e. CHMP 18340) has been approved in accordance with the *Aboriginal Heritage Act 2006* and *Aboriginal Heritage Regulations 2018*. CHMP 18340 contains prescribed requirements, conditions and contingencies which must be complied with during and post-construction of the project. Compliance requirements are set out in Part 1 of CHMP 18340.

4.1.3 Response to Local Planning Policy Objectives

The project is considered to be consistent with the local alpine resort policy objectives and strategies under the Planning Scheme.

These local policies ensure that development of land in the alpine region have a positive social, economic and environmental outcome for all. The provision of local policies relating to the alpine region, and specific alpine resorts in their own right, indicates that Mount Buller is a unique and important destination within the state of Victoria. The project has been designed with an appreciation of the Resort's environmental values (constructing the majority of the buildings' footprints on previously disturbed ground), whilst also providing access to recreational activities to be utilised all year-round. The project's architectural design also complements the Mount Buller's alpine character.

See Section 5 for a detailed response to the local policy objectives and strategies.

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

**ADVERTISED
PLAN**

4.2 Planning Requirements and Exemptions

4.2.1 Permit Requirements Overview

The table below provides a summary of the relevant permit requirements under the Planning Scheme:

Planning Scheme Control	Description	Permit required?
Zones	Clause 37.02 Comprehensive Development Zone schedule 2 (CDZ2)	Pursuant to Clause 37.02-4, a permit is required to construct a building or construct or carry out works.
Overlays	Clause 42.01 Environmental Significance Overlay schedule 1 (ESO1)	Pursuant to Clause 42.01-3, a permit is required to: <ul style="list-style-type: none"> construct a building or construct or carry out works and, remove, destroy or lop any vegetation, including dead vegetation.
	Clause 43.02 Design and Development Overlay schedule 3 (DDO3)	Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works.
	Clause 44.01 Erosion Management Overlay schedule 1 (EMO1)	Pursuant to Clause 44.01-2, a permit is required to construct a building or construct or carry out works. Pursuant to Clause 44.01-3, a permit is required to remove, destroy or lop vegetation.
	Clause 44.06 Bushfire Management Overlay schedule 1 (BMO1)	Pursuant to Clause 44.06-2, a permit is required to construct a building or construct or carry out works that are associated with leisure and recreation uses.
Particular Provisions	Clause 52.17 Native Vegetation	Pursuant to Clause 52.17-2, a permit is required to remove, destroy or lop native vegetation, including dead native vegetation.
	Clause 53.02 Bushfire Planning	No permit required under this control, however application requirements apply.

4.2.2 Permit Exemptions

There are no permit exemptions applicable to this project.

**ADVERTISED
PLAN**

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

4.3 Zone Control

Clause 37.02 Comprehensive Development Zone schedule 2 (CDZ2)

The study area is zoned under Clause 37.02 Comprehensive Development Zone – schedule 2 (Alpine Recreation) (See Figure 2).

The purpose of the CDZ is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for a range of uses and the development of land in accordance with a comprehensive development plan incorporated in this scheme.

The purpose of CDZ2 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.

Permit requirements

The use of land is for leisure and recreation, which is listed under Section 1 – 'Permit not required' of the table of uses in schedule 2 of the CDZ. As a result, a planning permit is not required for the use of the land.

Pursuant to Clause 37.02-4, a permit is required for building and works related to the construction of the project.

Other application requirements

Under Clause 4.3-3 of the CDZ2, a site environmental management plan (SEMP) is required for all applications for buildings and works including native vegetation removal. Biosis has prepared a SEMP in consultation with MBMSRMB and is considered to be in accordance with the requirements under Planning Scheme. The project's SEMP is provided in Attachment 2 of this report.

The CDZ2 does not contain a permit trigger for the removal of native vegetation, but it does contain application requirements and associated decision guidelines specific to native vegetation. There are decision guidelines incorporated into CDZ2 which must be considered by the responsible authority when assessing a planning permit application.

A response to the application requirements and decision guidelines under CDZ2 is provided in Section 6 of this report.

4.4 Overlay Controls

The study area is subject to two overlays in the Planning Scheme (Figure 4), including:

- Clause 42.01 Environmental Significance Overlay schedule 1 (ESO1)
- Clause 43.02 – Design and Development schedule (DDO3)

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.

- Clause 44.01 – Erosion Management Overlay Schedule 1 (EMO1)
- Clause 44.06 – Bushfire Management Overlay Schedule 1 (BMO1)

These controls are discussed further below.

Clause 42.01 Environmental Significance Overlay schedule 1 (ESO1)

The study area is subject to Clause 42.01 Environmental Significance Overlay schedule 1 (ESO1) (Burrarmys Parvus Mountain Pygmy-Possum). See Figure 4.1 for the overlay mapping extent. Mapped habitat of the Mountain Pygmy-possum within the vicinity of the study area is shown in Figure 2 of the FFA (Attachment 3).

The purpose of the ESO is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for a range of uses and the development of land in accordance with a comprehensive development plan incorporated in this scheme.*

The purpose of ESO1 is:

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

Permit requirements

Pursuant to Clause 42.01-3, a permit is required for the following activities:

- construct a building or construct or carry out works, and
- remove, destroy or lop vegetation, including dead vegetation.

Other application requirements

ESO1 does not contain any application requirements but it does specify decision guidelines related to the general management and guidelines for the conservation of the EPBC and FFG Act-listed Mountain Pygmy-possum (*Burrarmys parvus*). The decision guidelines incorporated into ESO Schedule 1 which must be considered by the responsible authority when assessing a planning permit application.

A response to the application requirements and decision guidelines is given in Section 6 of this report and in the flora and fauna assessment prepared for the project (Attachment 3).

Clause 43.02 Design and Development schedule (DDO3)

The study area is subject to Clause 43.02 – Design and Development schedule (DDO3) (Mt Buller Skifields) (See Figure 4.2).

The purpose of the DDO 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.*

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

**ADVERTISED
PLAN**

The purpose of DDO3 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.*

Permit requirements

Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works.

Other application requirements

Schedule 3 to the DDO sets out development controls such as building height, mass, appearance and construction materials. Noting that the building elements of this project are the two viewing platforms associated with the new trails, the requirements relevant to the project are as follows:

- Building height: Maximum height of any part of a building is 11m above natural ground level.
- Wall materials: Corrugated iron, profiled metal, timber, natural stone (preferably weathered granite), plastered masonry
- Colours: 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.

There are decision guidelines incorporated into DDO3 which must be considered by the responsible authority when assessing a planning permit application.

A response to the application requirements and decision guidelines is given in Section 6 of this report. Clause 44.01 Erosion Management Overlay Schedule 1 (EMO1)

The project is subject to Clause 44.01 Erosion Management Overlay Schedule 1 (EMO1) (See Figure 4.1).

The purpose of the EMO 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 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.*

Permit requirements:

A permit is required under the EMO1 to:

**ADVERTISED
PLAN**

- Construct a building or construct or carry out works.
- To remove, destroy or lop any vegetation.

Other application requirements:

EMO1 specifies a planning permit application must be accompanied by a Preliminary Geotechnical Assessment prepared, or technically verified, by a suitably qualified and experienced geotechnical practitioner. Clause 4.1 of EMO Schedule 1 provides details of the information which must be provided in the Preliminary Geotechnical Assessment. See Section 3.2 of this report for further information relating to the project's preliminary geotechnical assessment (Attachment 4).

There are decision guidelines incorporated into EMO Schedule 1 which must be considered by the responsible authority when assessing a planning permit application.

A response to the application requirements and decision guidelines is given in Section 6 of this report.

Clause 44.06 Bushfire Management Overlay Schedule 1 (BMO1)

The study area is subject to Clause 44.06 Bushfire Management Overlay Schedule 1 (BMO1) (See Figure 4.4).

The purpose of the BMO is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *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 hazards warrant 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 through BMO1 include:

- *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 that are associated with the use of land for leisure and recreation.

Other application requirements:

Clause 44.06-5 of the BMO specifies mandatory conditions that apply to a permit to construct a building or construct or carry out works. This includes ensuring bushfire protection measures (including construction standards, defensible space, water supply and access) must be maintained to the satisfaction of the responsible authority on an ongoing basis.

The BMO requires a planning permit application be accompanied by a bushfire hazard site assessment and landscape assessment, and a bushfire management statement. An application must also meet the requirements of Clause 53.02 (Bushfire Planning) of the Planning Scheme, unless the application meets the substitute approved measures laid out in Clause 6.0 of BMO1.

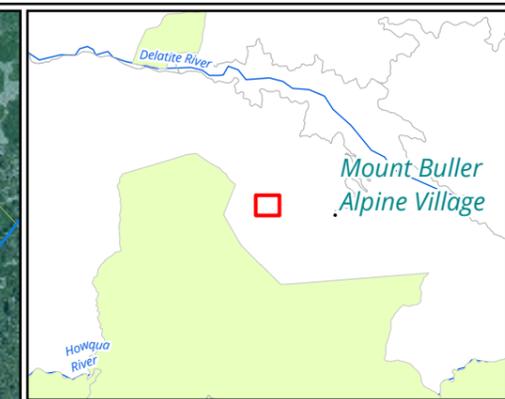
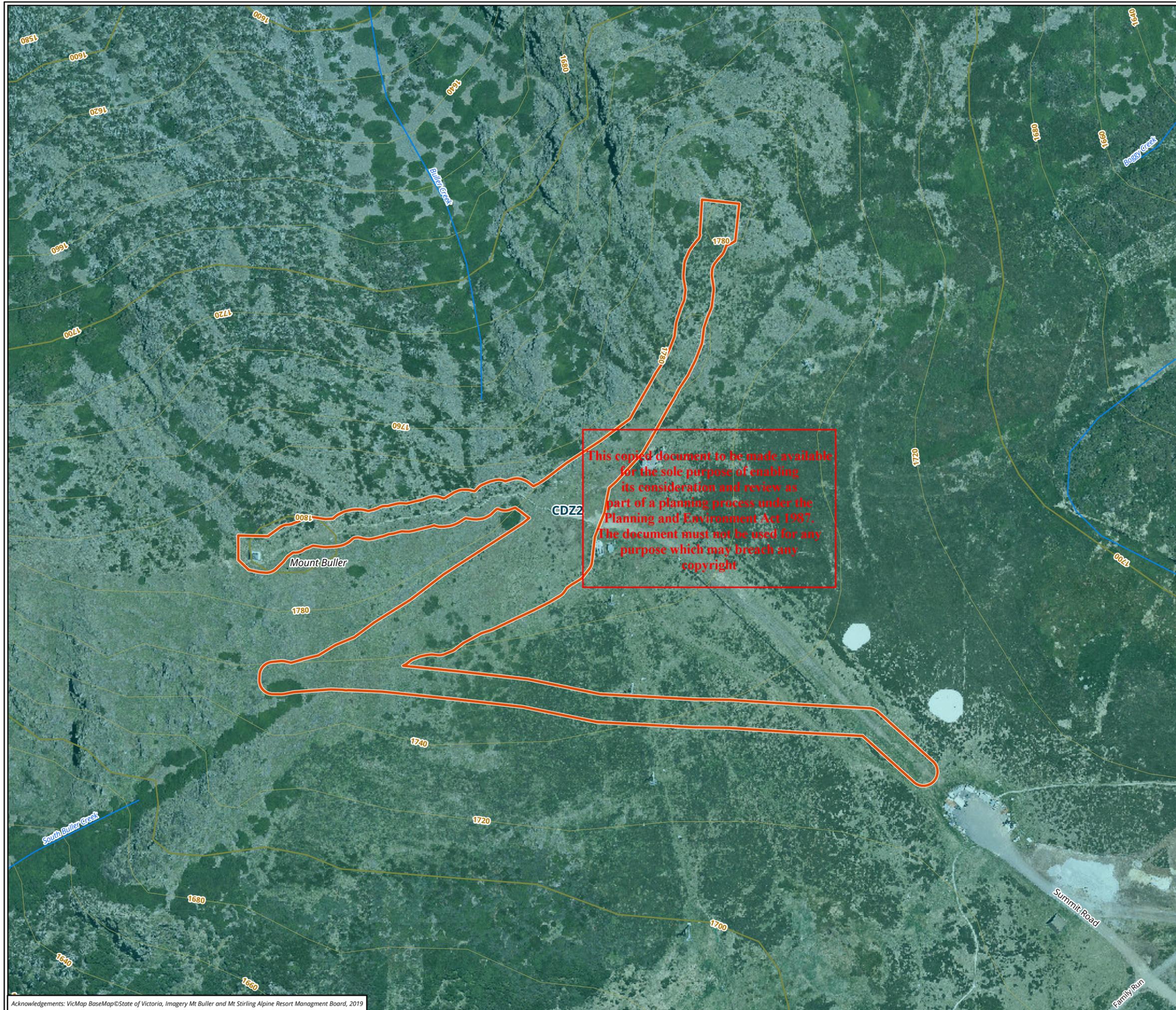
Given that the project does not include habitable spaces it cannot be built to a Bushfire Attack Level (BAL)-40. As such, the project relies upon substitute approved measures related to defensible space, access and

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

egress and other requirements listed under schedule 1 to the BMO. These measures must be provided to the satisfaction of the relevant fire authority. For further information relating to how the project will comply with these measures and application requirements under the BMO, please refer to Section 6 of this report.

ADVERTISED PLAN

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



Legend

- Study area
- CDZ - Comprehensive Development Zone

Special Purpose

ADVERTISED PLAN

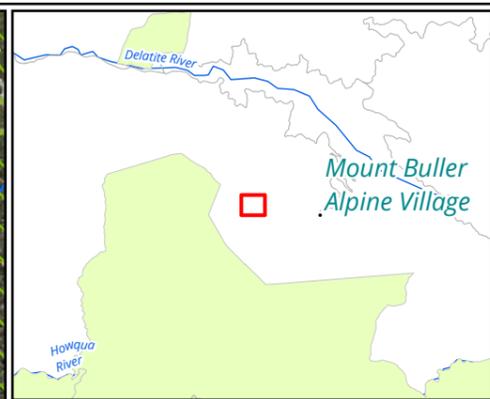
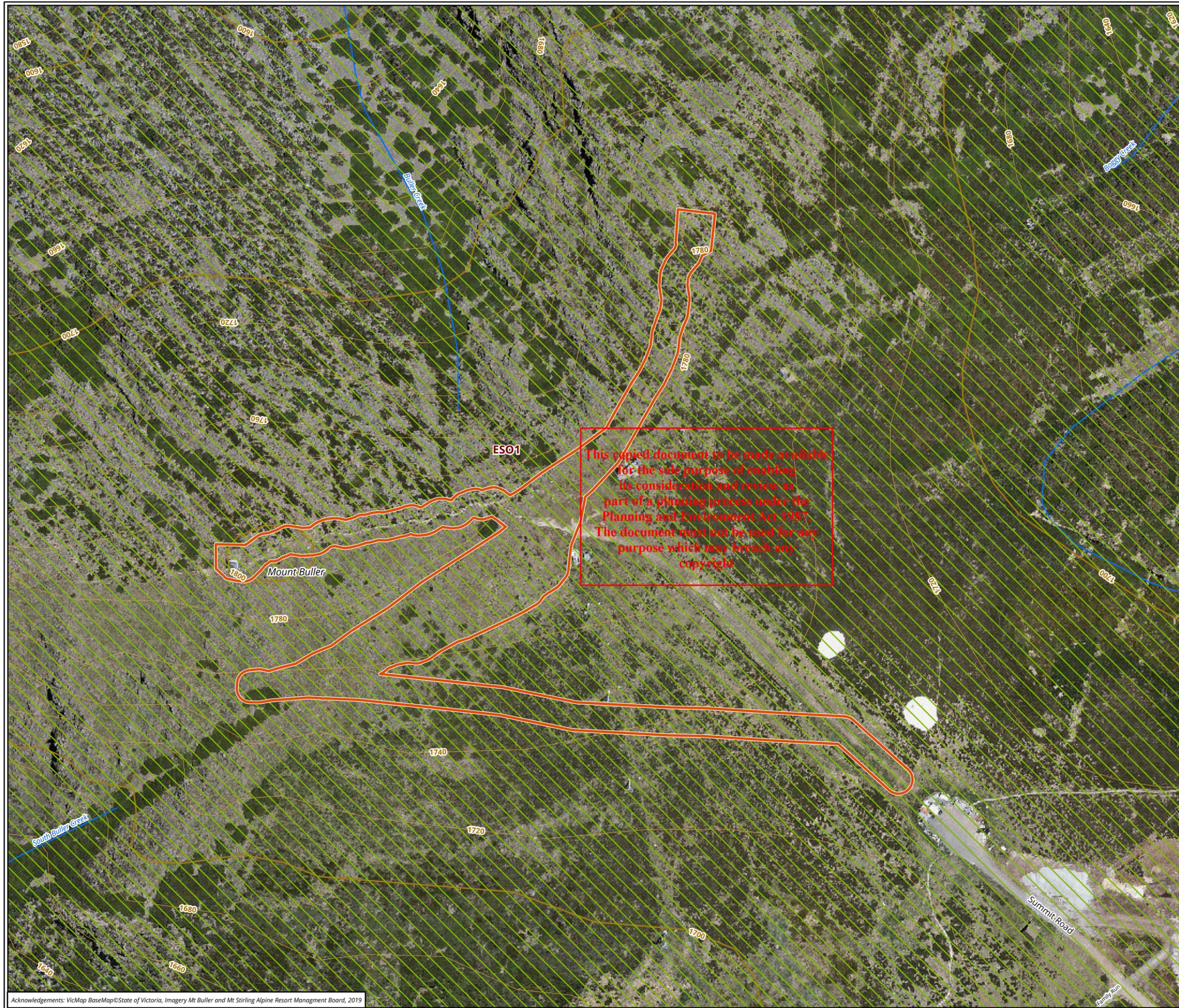
Figure 3 Planning zones

0 20 40 60 80 100
Metres
Scale: 1:2,000 @ A3
Coordinate System: GDA 1994 MGA Zone 55



Matter: 35926,
Date: 28 March 2022,
Prepared for: GH, Prepared by: DK, Last edited by: dkang
Layout: 35926_F3_PlanningZones
Project: P:\35900s\35926\Mapping\35926_MtBullerSummitWalk.aprx

Acknowledgements: VicMap BaseMap © State of Victoria, Imagery Mt Buller and Mt Stirling Alpine Resort Management Board, 2019



- Legend**
- Study area
 - Environmental Significance Overlay (ESO)
- Planning overlay**
- Environmental Significance Overlay (ESO)

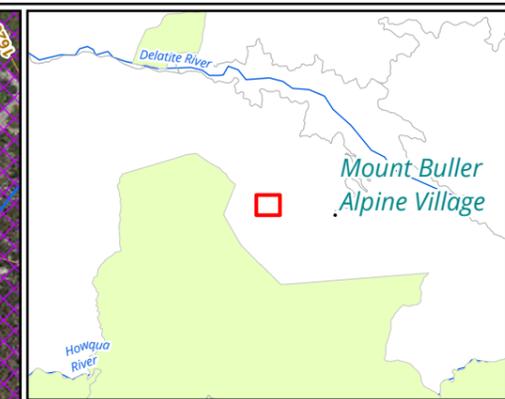
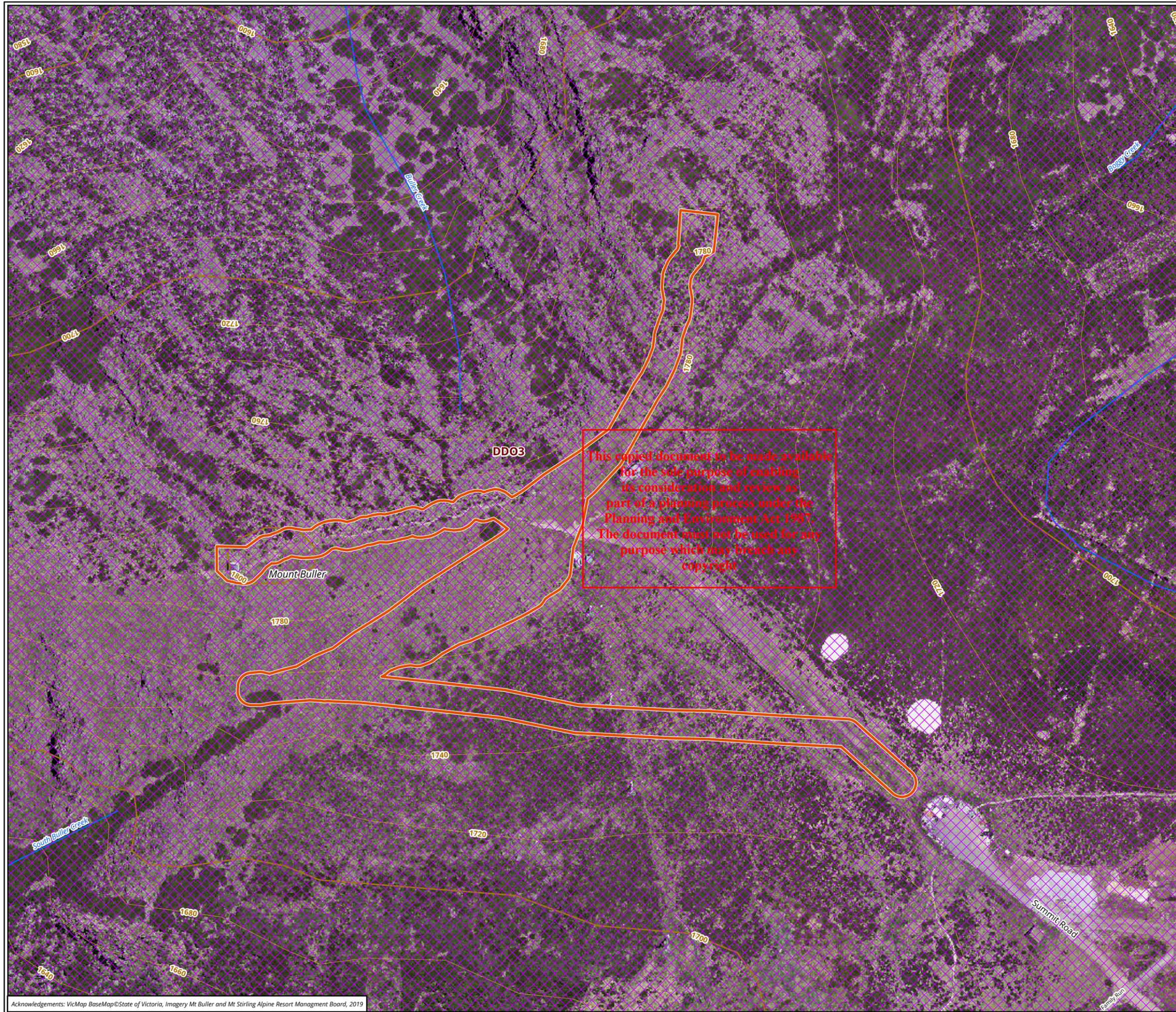
ADVERTISED PLAN

Figure 4.1 Environmental Significance Overlay schedule 1 (ESO1)

0 20 40 60 80 100
 Metres
 Scale: 1:2,000 @ A3
 Coordinate System: GDA 1994 MGA Zone 55



Matter: 35926,
 Date: 28 March 2022,
 Prepared for: GH, Prepared by: DK, Last edited by: dkang
 Layout: 35926_F4_PlanningOverlays
 Project: P:\35900s\35926\Mapping\
 35926_MtBullerSummitWalk.aprx



Legend

-  Study area
- Planning overlay**
-  Design and Development Overlay (DDO)

ADVERTISED PLAN

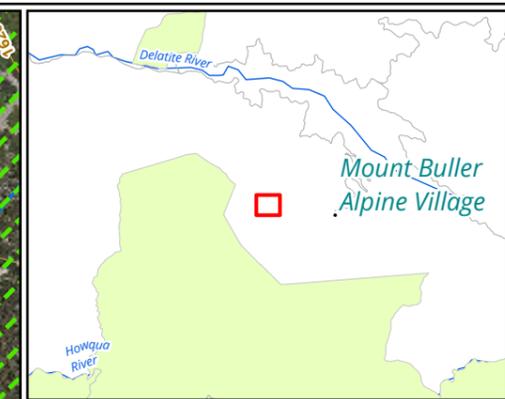
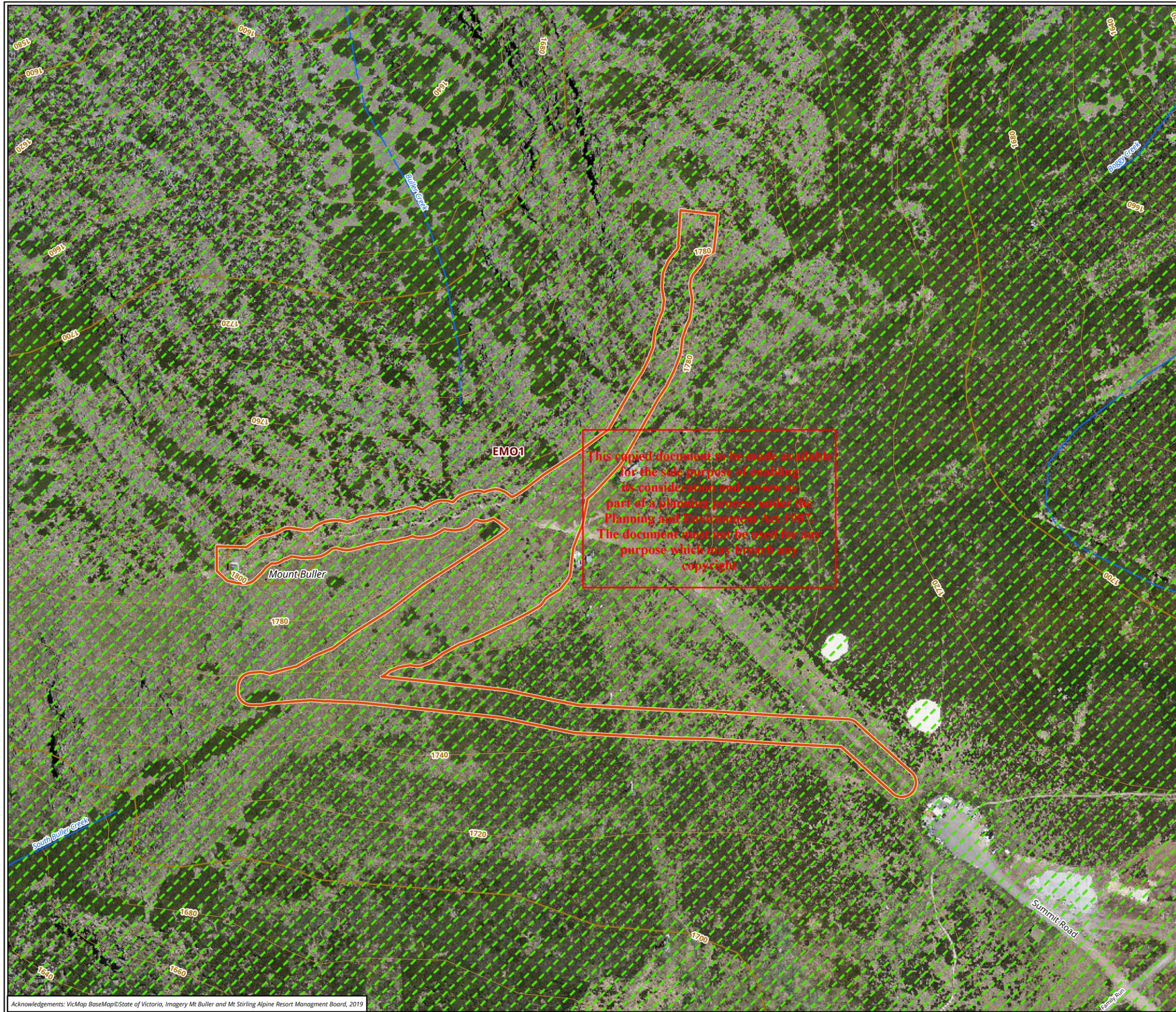
Figure 4.2 Design and Development Overlay schedule 3 (DDO3)

0 20 40 60 80 100
 Metres
 Scale: 1:2,000 @ A3
 Coordinate System: GDA 1994 MGA Zone 55



Matter: 35926,
 Date: 28 March 2022,
 Prepared for: GH, Prepared by: DK, Last edited by: dkang
 Layout: 35926_F4_PlanningOverlays
 Project: P:\35900s\35926\Mapping\
 35926_MtBullerSummitWalk.aprx

Acknowledgements: VicMap BaseMap © State of Victoria, Imagery Mt Buller and Mt Stirling Alpine Resort Management Board, 2019



Legend

-  Study area
- Planning overlay**
-  Environmental Management Overlay (EMO)

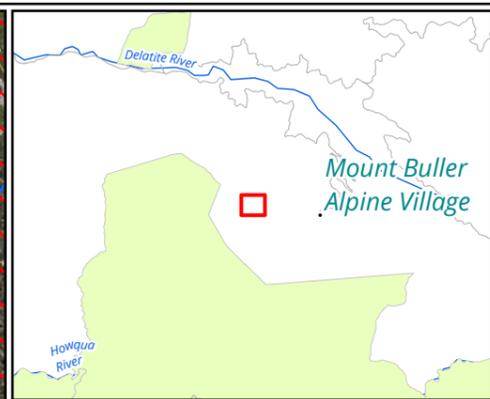
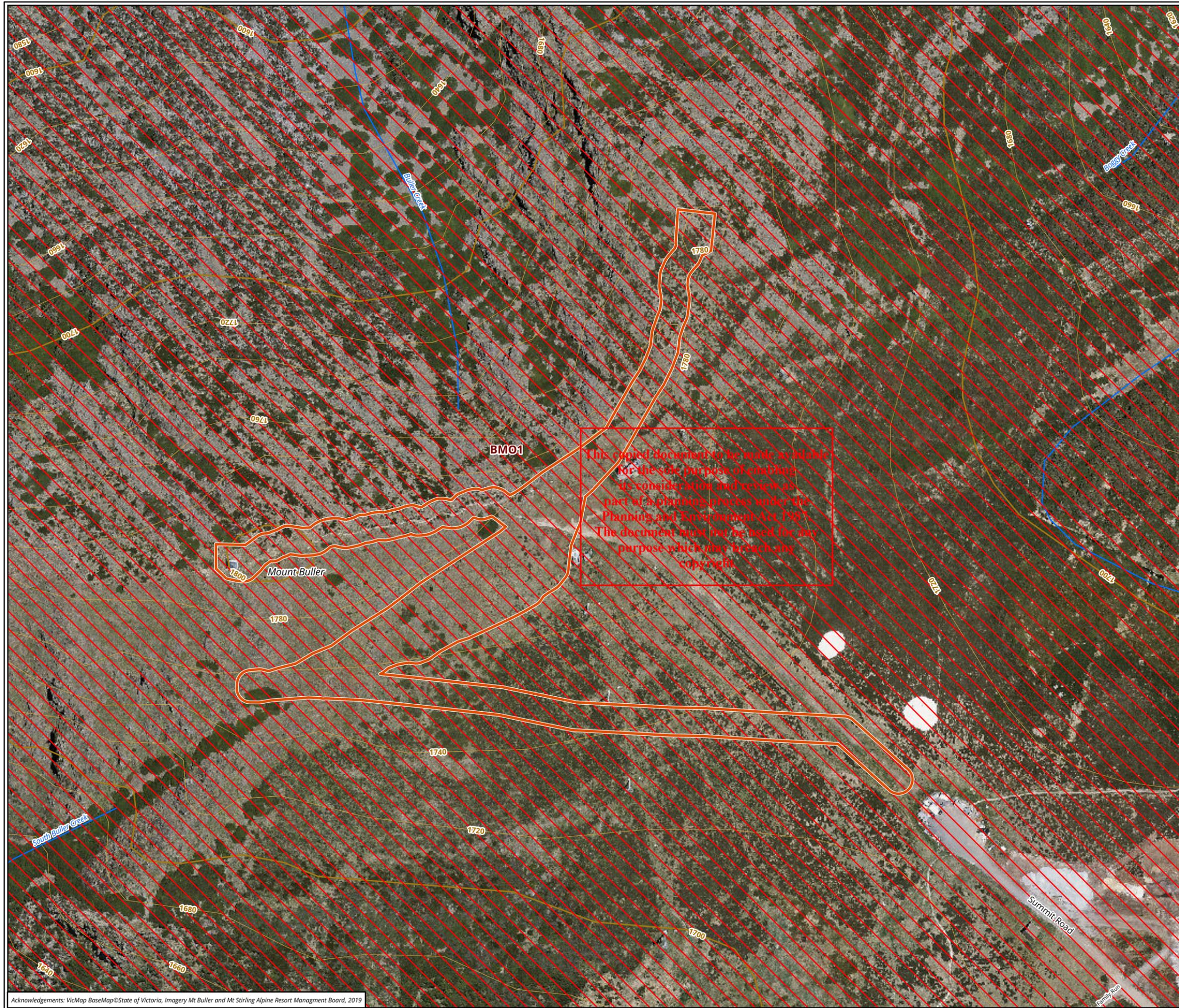
ADVERTISED PLAN

Figure 4.3 Environmental Management Overlay schedule 1 (EMO1)

0 20 40 60 80 100
Metres
Scale: 1:2,000 @ A3
Coordinate System: GDA 1994 MGA Zone 55



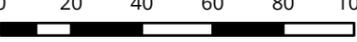
Matter: 35926,
Date: 28 March 2022,
Prepared for: GH, Prepared by: DK, Last edited by: dkang
Layout: 35926_F4_PlanningOverlays
Project: P:\35900s\35926\Mapping\
35926_MtBullerSummitWalk.aprx



- Legend**
-  Study area
 - Planning overlay**
 -  Bushfire Management Overlay (BMO)

ADVERTISED PLAN

Figure 4.4 Bushfire Management Overlay schedule 1 (BMO1)


 0 20 40 60 80 100
 Metres
 Scale: 1:2,000 @ A3
 Coordinate System: GDA 1994 MGA Zone 55



Matter: 35926,
 Date: 28 March 2022,
 Prepared for: GH, Prepared by: DK, Last edited by: dkang
 Layout: 35926_F4_PlanningOverlays
 Project: P:\35900s\35926\Mapping\
 35926_MtBullerSummitWalk.aprx

Acknowledgements: VicMap BaseMap © State of Victoria, Imagery Mt Buller and Mt Stirling Alpine Resort Management Board, 2019

4.5 Particular Provisions

Clause 52.17 Native Vegetation

A permit is required for the removal, destruction or lopping of native vegetation, including dead native vegetation, for the construction of the project. None of the exemptions set out in Clause 52.17-6 apply to the proposal, and therefore, a permit is required under this provision.

The purpose of Clause 52.17 is:

- *To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation ((DELWP 2017)) (the Guidelines):*
 1. *Avoid the removal, destruction or lopping of native vegetation.*
 2. *Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.*
 3. *Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.*
- *To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation*

A summary of the DELWP Native Vegetation Removal report (Attachment 3), is provided in Table 3 below.

The project has been assessed against the *Guidelines for the removal, destruction or lopping of native vegetation* (the Guidelines) (DELWP 2017) in the FFA prepared by Biosis (Attachment 3). As such, the project is considered to meet the requirements of Clause 52.17 and the Guidelines.

Further to the measures that have been put in place to avoid and minimise impacts to biodiversity, the necessary offsets are available on the Native Vegetation Credit Register, refer to Attachment 3a. MBMSRMB or Alpine Resorts Victoria may seek to purchase the required Species Habitat Units (offset credits) from other alpine resort offset sites.

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

Table 3 Summary of DELWP NVR Report

Attribute	Outcome	Notes
Location category	3	Highest location risk category
Native vegetation removal extent	0.098 hectares	6.369 hectares of removal in total made up of: <ul style="list-style-type: none"> • 0.098 hectares of proposed removal • 6.271 hectares of past permitted removal.
Assessment pathway	Detailed	Detailed assessment pathway
Strategic Biodiversity Value Score	Between 0.970 and 0.902	Range over multiple patches
Modelled habitat for threatened species	Yes	Modelled habitat above the species offset threshold for nine species (see Appendix 3 of the FFA)
Offset type	Species	Species units required
Offset amount: Species habitat units	Varying species units for nine species	<ul style="list-style-type: none"> • 0.128 species units of habitat for Mountain Pygmy Possum, <i>Burramys parvus</i> • 0.137 species units of habitat for Alpine Bog Skink, <i>Pseudemoia cryodroma</i>

		<ul style="list-style-type: none"> • 0.009 species units of habitat for Mount Stirling Stonefly, <i>Thaumatoperla flaveola</i> • 0.127 species units of habitat for Snow Aciphyll, <i>Aciphylla glacialis</i> • 0.127 species units of habitat for Gunn's Alpine Buttercup, <i>Ranunculus gunnianus</i> • 0.127 species units of habitat for Subalpine Baeckea, <i>Baeckea latifolia</i> • 0.127 species units of habitat for Dusty Daisy-bush, <i>Olearia phlogopappa</i> subsp. <i>flavescens</i> • 0.127 species units of habitat for Alpine Phebalium, <i>Phebalium squamulosum</i> subsp. <i>alpinum</i> • 0.127 species units of habitat for Alpine Bootlace Bush, <i>Pimelea axiflora</i> subsp. <i>alpina</i>
--	--	--

Clause 53.02 Bushfire Planning

Clause 53.02 applies to the project, as the study area is mapped under the BMO.

The purpose of Clause 53.02 is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To ensure that the location, design and construction of development appropriately responds to the bushfire hazard.*
- *To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.*
- *To specify location, design and construction measures for a single dwelling that reduces the bushfire risk to life and property to an acceptable level.*

Section 6 of the report provides a response to the decision guidelines of BMO and Clause 53.02. The project's response addresses the bushfire mitigation measures specified in Clause 53.02.

**ADVERTISED
PLAN**

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

5 Detailed Planning Policy Assessment

Table 4 Response to relevant Strategic directions in the Alpine Resorts Planning Strategy

Strategic direction	Proposal response
2.02 - Vision	
<ul style="list-style-type: none"> The Vision for the Alpine Resorts Strategic Plan 2020-2025 (ARSP) is for the Victorian Alpine Resorts to achieve 'their potential as thriving and sustainable destinations for mountain activities and nature-based tourism'. 	<ul style="list-style-type: none"> The project aligns with the Vision and supports its desired outcomes by providing walking trails and attractive lookouts that will promote 'all seasons' visitation and nature-based tourism at Mt Buller. The project will enhance the experience of visitors and indirectly support of other mountain-based activities and retail or commercial services at Mt Buller.
2.03-2- Strategic Directions: Environmental and landscape values	
<ul style="list-style-type: none"> Protecting significant flora and fauna species and communities, including the Alpine Bog Community and the Mountain Pygmy-possum. Protecting biodiversity values through appropriate development of the villages and skifields, managing the off-site effects of development and land use to minimise their environmental impact 	<ul style="list-style-type: none"> Of relevance to the ecological values of the study area, the proposed walking trails and lookouts have been designed to ensure minimal impact to the Mountain Pygmy-possum and its habitat. The flora and fauna assessment provides an assessment of the project against the Significant Impact Criteria for the Mountain Pygmy-possum (see section 4.1.2 and Table 5 of the report in Attachment 3). Based on this assessment, the project is considered unlikely to lead to a long-term decrease in the size of the Mountain Pygmy-possum population at Mt Buller. The project's FFA (Biosis 2022) notes that minimisation and avoidance of impacts has been demonstrated in a trail realignment and shortening of proposed trail length and through designing the trail alignment to utilise existing disturbed areas. Native vegetation adjacent to the study will be appropriately fenced-off to ensure that no additional impacts to vegetation occur as a result of this project. Off-site impacts of the project have also been managed by locating the majority of the necessary stockpiles in an area beyond the study area ie. the Summit carpark. The project's SEMP (Attachment 2) notes that only small stockpiles within the impact footprint are allowed within the study area.
2.03-3- Strategic Directions: Environmental risks and amenity	
<ul style="list-style-type: none"> Preparing for extreme weather conditions and changes to snow depth levels. 	<ul style="list-style-type: none"> The proposed lookouts have been designed to withstand the alpine climate behaviours ie. strong winds and snow levels.

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.

- **Managing bushfire risk and ensuring safe access to and from any property through vegetation management and built form techniques.**
- **Balancing the need for vegetation clearance to create defensible space, against the need to protect biodiversity and conservation values.**
- **Managing geotechnical hazards to ensure that appropriate development takes place in the resorts.**
- **Minimising the risk associated with ground stability by managing the removal of vegetation, the siting and design of buildings, works and infrastructure and the presence of drainage lines, subterranean water levels and movement.**
- **Using design and construction measures that incorporate sustainable design principles.**

- Clause 2.03-3 relates to the balance between ensuring the geotechnical stability of the land through the retention of vegetation, and minimising the risk of bushfire in the alpine region. The project has addressed both of these considerations as part of this application, as a BMS and preliminary geotechnical assessment has been prepared in accordance with the EMO1 and BMO1. See Section 6 for the project's response to bushfire risk S and Attachment 4 for the geotechnical assessment.
- Vegetation within the defensible space of the project will be managed in its natural state which mainly consists of low-lying heath vegetation and shrubland and no trees. This will help mitigate the risks of fire occurring on site.
- The stability of land in the alpine resorts is an important environmental and safety issue. The siting and design of the lookouts have been carefully considered with regard to geotechnical hazards to minimise landslip and the potential for damage to property and natural assets. The preliminary geotechnical assessment (Attachment 4) includes recommendations to mitigate risk on site, which MBMSRMB will implement.

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

2.03-5- Strategic Directions: Built environment and heritage

- **Ensuring that the design, scale, height and materials of development are sympathetic to the existing natural and built form character of the resorts.**

- ~~The design is considered to be highly sympathetic to~~ the surrounding alpine environment as is scale and siting is respectful of views to the ski fields and mountain ranges. The character of Mt Buller is very much determined by the built form and materials used throughout the Village, with stone and colours from the natural alpine palette prevailing.
- The project is responsive to the character of the Mt Buller skifield area and alpine environment as it reflects the materials commonly used in the alpine skifields; uses colours and finishes from the natural alpine palette and follows the natural topography of the mountain to inform the trails and the structure of the lookouts.

2.03-6- Strategic Directions: Economic development

- **Promoting 'all seasons' visitation through active and passive recreation that operate year round.**

- Clause 2.03-6 promotes the year-round use of Mt Buller, including employment in construction, hospitality and tourism industries.
- The design and function of project (maximising the views of the surrounding landscape) will contribute to the nature-based culture and recreation economy within Mt Buller, particularly during its green season. The project will provide marketing opportunity for the resort to promote and attract Mt Buller as a non-winter destination.

	<ul style="list-style-type: none"> The proximity of the site to the Village centre promotes the use of the village's year-round retail services by visitors. The project will be accessible during all seasons in the alpine region and offers passive recreation opportunity. This will contribute to the Alpine Resorts efforts to increase non-snow dependent visitation. The construction of the project during the warmer months will increase the number of people working within the resort, and utilising the village's retail/ commercial premises.
02.03-7 – Transport	
<ul style="list-style-type: none"> Providing safe and appropriate access and facilities for emergency services. 	<ul style="list-style-type: none"> The project will utilise the existing access tracks (ie. Summit Road) and informal trails to minimise impact where possible. Emergency vehicles are also able to effectively access the ski field and its associated facilities and infrastructure in the case of emergency.

Table 5 Response to relevant planning policies in the Alpine Resorts Planning Scheme (Local policies)

Relevant Objectives	Relevant Strategies	Response
11.01 Settlement – Clause 11.01-1L-04 Mt Buller Village		
<p>No objectives applicable to this clause.</p>	<p>This 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> <ul style="list-style-type: none"> This policy applies to all land within Design and Development Overlay Schedules 1 and 3 (DDO1 and DDO3). Protect and enhance the visual and physical linkages between the Village Square and Bourke Street ski run. 	<ul style="list-style-type: none"> The project falls within the 'alpine recreation' area of the Mt Buller resort. As such, the design of the project has sought to be in keeping with ski field infrastructure and the resort to provide consistency with the alpine character and Mt Buller village. The project seeks to capitalise on the mountain peak views and existing walking trails to create an enhanced experience for visitors. The proposed lookouts and trails will create a visual and physical link to the alpine region and the village itself.
12.01 Biodiversity – Clause 12.01-1L – Protection of biodiversity in alpine resorts		
<ul style="list-style-type: none"> To preserve and enhance the habitat of threatened species and communities within the alpine resorts. 	<ul style="list-style-type: none"> Maintain and improve the present diversity and viability of species and ecological communities within the alpine resorts. Avoid use and development that detrimentally impacts upon threatened species, habitat or communities. 	<ul style="list-style-type: none"> The project's FFA (Attachment 3) has also been undertaken by ecologists who have a thorough understanding of the ecological values of the alpine region (in this instance, specifically Mt Buller's ecological values), which helps to ensure that impacts of the development on native or threatened flora/ fauna is minimised.

- Minimise the removal of vegetation as part of development.
 - Retain mature trees or, if removed, incorporate suitable replacement planting.
 - Encourage development to be designed around significant vegetation on the site.
 - Retain native vegetation, including trees, shrubs and ground cover.
 - Discourage the isolation of trees, where vegetation is to be removed.
 - Discourage the destruction and fragmentation of landscapes.
 - Maintain a transition between the vegetated landscape in the National and State Parks and development in the resorts.
 - Minimise impacts on significant areas of landscape habitat and habitat corridors for indigenous fauna.
 - Ensure that snow gums are retained wherever possible. Ensure that existing Mountain Pygmy-possum habitats are preserved.
 - Preserve the areas of high environmental significance at Lake Mountain such as the heath and bog areas, sub-alpine wetlands and the Northofagus (Myrtle Beech) fauna.
 - Protect and enhance existing Stream Complex, Alpine Bog and snow Gum Woodland habitats
- Where possible, the project has been designed to minimise and avoid impact to high quality vegetation and the habitat of species and ecological communities within the study area and its surrounds.
 - The steps that have been taken during the design of this development to ensure that impacts on biodiversity from the removal of native vegetation have been minimised include: Realignment of the trail to avoid areas of modelled Crag Wallaby-grass *Rytidosperma alpicola* habitat (a significant species), the realignment of the trail to move it further away from mapped Type 1 Mountain Pygmy-possum habitat and the utilisation of sections of existing informal walking trail towards McLaughlin's Shoulder.
 - MBMSRMB has consulted with Biosis to identify native vegetation and trees on site and in the surrounding area. As such, the project has been designed to reduce additional impacts to the surrounding ecological values, through the incorporation of no-go zones, exclusion fencing and retaining the majority of trees recorded in the study area.
 - The project's FFA (Attachment 3) has identified the project's required offsets, which includes nine varying Species Habitat Units (SHU) to be sourced within the locality. This helps to achieve no net loss to biodiversity (Biosis 2022).
 - The project is in proximity to known habitat for Mountain Pygmy Possum *Burrhamys parvus*. Vegetation proposed for removal does not coincide with any areas of mapped Mountain Pygmy-possum

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. This document is not to be used for any purpose which may breach any copyright

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

habitat, and no removal of Alpine Coniferous Shrubland supporting Mountain Plum-pine is proposed. Habitat will not be fragmented by the walking trail and any resultant disturbance will be a permeable barrier that will not affect physical or functional connectivity of this species' population.

- The SEMP (Attachment 2) addresses key threats including predation, weed invasion, sedimentation, herbivores, fire management, recreation and infrastructure.

12.04 Alpine Areas - Clause 12.04-1L-01 – Sustainable development alpine resorts

No objectives applicable to this clause.

- | | | |
|--|--|--|
| <ul style="list-style-type: none"> • Ensure that development complements the natural features of the resorts. Ensure the location and scale of development is respectful of views to the ski fields and mountain ranges. • Minimise the visual intrusion of and nestle development within the snowgum canopy. • Step development with the natural grades of the land. Restrict the use of the skifields to snow based recreational activities. • Encourage commercial facilities in the ski fields that cater for the needs of skiers and are sensitive to the alpine environment. • Focus commercial activity, community facilities, skier congregations, skifield access points and transport hubs around the resort centres. • Ensure passive and active recreational activities are in balance with the conservation and protection of the natural environment within and adjacent to the resorts. | <ul style="list-style-type: none"> • The sitting and structure of the lookouts ensure that the platforms maximise the view lines of the mountain ranges and responds to the natural geology of the alpine environment. • The Mt Buller Summit Lookout particularly ensures that the view lines of the Fire Tower are not imposed upon so as to not interfere with its operations. • The design of the lookouts utilises the natural grades of the terrain to inform its structure and sitting. • The project will indirectly support demand for commercial activity in the village and growth of visitation during the resort's green season. • The construction and development of the project has considered the ecological constraints of the study area and has incorporated management actions detailed in the SEMP (Attachment 2) to ensure a balance between passive recreational activities with environmental protection of the natural environment. | |
|--|--|--|

12.04 Alpine Ares- Clause 12.04-1L-04 Sustainable development - Mt Buller Alpine Resort

<p>No objectives applicable to this clause.</p>	<ul style="list-style-type: none"> • Maintain and enhance environmental and landscape values that reinforce the sense of place and open space hierarchy for Mt Buller. • Maintain the character of the resort and its relationship to the broader natural and cultural landscape of Mt Buller and Mt Stirling 	<ul style="list-style-type: none"> • The alignment of the trails and siting of the lookouts have been designed to ensure minimal impact to the alpine landscape is achieved. The design of the lookouts incorporate natural features of the surrounding landscape, such as rock outcrops and topographical features, to provide a direct connection to the environment and to create a sense of arrival to the end point of the trails. • The project will contribute to the nature-based culture in the alpine environment by formalising existing trails and creating new walking trails.
--	---	---

13.02 Bushfire – Clause 13.02-1L Bushfire planning – alpine resorts

<p>No objectives applicable to this clause.</p>	<ul style="list-style-type: none"> • Facilitate the provision of sufficient quantities of water for landowners, leaseholders and emergency services to enable them to suppress a fire and defend property <div data-bbox="831 810 1368 1152" 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>	<ul style="list-style-type: none"> • The project will be connected to the village’s water supplies in case of an emergency. • The project reduces to risk to life and property to an acceptable level. This is achieved by locating the walking trails and lookouts on an areas that have been already disturbed (Fire Tower and existing walking trails). • The walking trails and lookouts will be accessible during the non-winter period, however, the area is well serviced with access to existing roads in the case of an emergency and is in accordance with the MBMSRMB Community BEMP (Mt Buller and Mt Stirling Alpine Resort Management Board, 21 January 2019) (Attachment 5).
--	---	--

13.04 Soil Degradation – Clause 13.04-2L Erosion and landslips in alpine resorts

<p>To ensure that geotechnical hazards are managed throughout the resorts so as to minimise risk to property and persons.</p>	<ul style="list-style-type: none"> • Avoid development unless geotechnical and structural engineering risks are addressed. • Avoid development if a preliminary geotechnical report demonstrates a risk greater than ‘low’. 	<p>Golder Associates Pty Ltd conducted a preliminary geotechnical assessment (Attachment 4) in accordance with the requirements under the EMO1. The assessment found that all associated geotechnical risks on-site could be minimised to ‘low’ through the implementation of the</p>
--	---	---

	<ul style="list-style-type: none"> Discourage development that results in any increase in risk to property or persons. Discourage development that requires (for geotechnical purposes) excessive earthworks, drainage works or removal of vegetation to achieve a moderate, low or very low level of risk. 	<p>recommendations specified in Section 3.2 of this report. MBMSRMB are committed to undertaking these recommendations.</p>
--	---	---

15.01 Built Environment (Local) – Clause 15.01-2L-01 Built form in alpine resorts

<p>No objectives applicable to this clause.</p>	<p>General</p> <ul style="list-style-type: none"> Protect vistas to the ski fields by the location, design and siting of developments Limit the impact of development on the environment through the use of design and construction management techniques Ensure that the scale, intensity, look and appearance of any development enhances the character of the village and is compatible with surrounding development Preserve the scale, materials and character and sense of place in the villages. <p>Building siting</p> <ul style="list-style-type: none"> Incorporate existing natural features within a site including native vegetation, rock outcrops and topographical features. <p>Materials and finishes</p> <ul style="list-style-type: none"> Use building materials, finishes and colours that blend in with the natural alpine environment. Design natural cleft or rock face stone on walls to have a structural appearance rather than a veneer look. Support the following materials and finishes: Wall materials: corrugated iron, profiled metal, timber, natural stone (preferably granite) and 	<p>General</p> <ul style="list-style-type: none"> Given that the project comprises of walking trails and low scale lookouts that are located north of existing ski runs, the project will not impact significant views within the skifields (Attachment 1). Rather, the lookouts reiterates a sense of place by providing strong visual linkages to the skifields and surrounding alpine region. The project has been designed to minimise impacts on the environment, as the majority of the buildings' footprints are located on land which does not contain native vegetation or communities. A SEMP (Attachment 2) has been prepared for the project, which provides specific directions to mitigate environmental impacts during construction. This includes the use of No-go zones to separate adjacent vegetation from construction works, and the use of sediment controls. The scale, intensity, and appearance of the lookouts is responsive to surrounding environment and also enhances the character of the recreational area of Mt Buller due to their architectural design (Attachment 1). The project uses materials and finishes required under the DDO3 to ensure that it complements the character of the alpine environment (Attachment 1).
--	---	--

plastered masonry. Roof materials: profiled metal and corrugated iron (non-reflective and muted tones that blend the building into the landscape). Colours: minimise colour in the form of paintwork, using it only as a feature or element of contrast.

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

Building siting

- The McLaughlin's Shoulder Lookout will be embedded with natural boulders from the site to provide a direct connection to the setting of the lookout. The Mt Buller Summit Lookout will retain the Fire Tower's angled rock faces and use them as steps to lead to the platform so as to incorporate existing natural features as part of the design (Attachment 1).

Materials & finishes

- The materials and finishes proposed are in accordance with this policy and the requirements under DDO3. See Section 2.2 for details of the proposed materials and finishes of the two lookouts as part of this project (Attachment 1).

15.01 Built Environment (Local) – Clause 15.01-2L-02 Built form in alpine resorts

No objectives applicable to this clause.

- Utilise materials such as the natural stone and timber to provide strong design elements, resulting in a cohesive design language for Mt Buller.
- Ensure that new buildings do not detract from views to the Village
- The built form of two proposed lookouts utilises the natural rocks and 'fractured' igneous rock strata to articulate its connection to the natural beauty and character of Mt Buller. Additionally, materials that are commonly used for recreational infrastructure in alpine environments are proposed to be used to ensure its cohesion with the rest of the 'Ski field Precinct'.
- The siting of the lookouts will not detract from views to the Village, rather the lookouts will maximise the view lines of the surrounding region and enhance the experience of visitors.

17.04 Economic Development – Clause 17.04-1L-01 Alpine tourism

- **To provide for year-round recreation, having regard to environmental, social, ecological, economic, aesthetic and safety considerations.**
- Provide for a range of tourism and recreation opportunities and facilities that are compatible with the alpine environment of the resorts.
- The project will provide for recreational activity all year round and compliment other nature-based activities. The project is also in alignment with the resort's strategic direction to provide opportunity for

	<ul style="list-style-type: none"> Support the use of the resorts as year-round destinations, capitalising on the natural beauty, environmental qualities and infrastructure of the resorts. 	<p>green season activities to boost tourism outside of the winter season.</p> <ul style="list-style-type: none"> The project maximises on the viewlines from the Summit across the alpine area, in particular towards the skifields and Mt Buller Village. The environmental qualities are capitalised upon by incorporating natural features into the design of the lookouts.
17.04 Economic Development – Clause 17.04-1L-01 Alpine tourism		
No objectives applicable to this clause.	<ul style="list-style-type: none"> Encourage facilities for alpine recreation and special events in the non-ski season within the Skifield Precinct 	<ul style="list-style-type: none"> The project will provide opportunity for recreational activities and indirectly support the growth for the development of other alpine recreational activities or events (including retail services in the village). Of relevance, the project will attract green season visitors to Mt Buller as mentioned above.

**ADVERTISED
PLAN**

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

6 Detailed Response to Application Requirements

This section of the report provides a response to each zone and overlay relevant to this project.

Table 6 Response to application requirements and decision guidelines of Clause 37.02 – Comprehensive Development Zone schedule 2

Requirements	Proposal Response
Clauses 4.1 and 4.3 CDZ2: Site Development Plan and Planning Permit Application requirements	
Building and Works	Detailed drawings for the project can be found in Attachment 1, which addresses these requirements. A preliminary geotechnical assessment has been undertaken for the project. See Section 3.2 and Attachment 4.
Native Vegetation	The CDZ2 permit application requirements pertaining to native vegetation are very similar to those found at Clause 52.17 of the Scheme. A detailed response to Clause 52.17 is provided in the project's FFA report (Biosis 2022) at Attachment 2.
Site Environmental Management Plan	A Site Environmental Management Plan (SEMP) has been prepared using the Alpine Resort Planning Kit SEMP template and addresses all the permit application requirements. The SEMP can be found at Attachment 2.
Clause 6.0 CDZ2 : Decision Guidelines	
Clause 65	The response to environmental impacts, especially native vegetation and bushfire, is outlined throughout this report.
General issues	The proposed works is considered appropriate for this site.
Environmental issues	The potential environmental and ecological impacts associated with the project are outlined in this planning report and accompanying supporting information.
Design and siting issues	The design of the proposed lookouts is consistent with the character of the ski field areas within Mt Buller and the surrounding resorts. The proposed colours and materials are consistent with the Alpine palate, particularly those colours found within the alpine environment.

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

ADVERTISED
PLAN

Table 7 Response to application requirements and decision guidelines of Clause 42.01 Environmental Significance Overlays schedule 1

Requirements	Proposal Response
Clauses 4.0: Planning Permit Application requirements	
None specified	There are no application requirements specified in schedule 1 to the ESO, nor are there any specified in the Head of Power. Notwithstanding, the FFA (Attachment 3) is considered to appropriately response to the protection of the Mountain Pygmy-possum, its movement corridors and habitat.
Clause 5.0 ESO1 : Decision Guidelines	
Clause 65	The response to environmental impacts, especially native vegetation and bushfire, is outlined throughout this report. Please refer to the project's flora and fauna assessment provided in Attachment 3.
Objective of ESO1	The projects' FFA (Attachment 3) provides an assessment of the proposed building and works against the significant impact criteria to the Mountain Pygmy-possum. The report concluded that the proposed works are unlikely to lead to the long-term decrease of the species population or reduce its area of occupancy (Biosis 2022). The project is also considered a part of a planning process under the Planning and Environment Act 1987. Construction recommendations have been incorporated into the project's SEMP (Attachment 2) to ensure minimal impacts to this species' habitat are achieved. See Section 4.1.2 of the FFA (Attachment 3) for further details.
General Management prescriptions in the Management Strategy and Guidelines for the conservation of the Mountain Pygmy-possum (Burrhamys parvus)	The impact of the proposed works to the Mountain Pygmy-possum and its habitat has been provided in Section 4.1.2 and Table 5 of the FFA provided in Attachment 3.
Action Statement No. 2 Mountain Pygmy-possum (Burrhamys parvus), Department of Sustainability and Environment.	The potential environmental and ecological impacts associated with the project are outlined in this planning report and accompanying supporting information. Management actions outlined within the 'Action Statement No. 2' have been incorporated into the project's SEMP (Attachment 2) which must be implemented before, during and post-construction. A specific recovery plan for the species at Mt Buller is currently in operation (ARMB 2020) and has been considered during the design phase and ecological assessment of the project.
The extent to which the proposed development or works will impact upon existing habitat areas	Figure 2 of the FFA (Attachment 3) demonstrates the extent of mapped Mountain Pygmy-possum habitat within the vicinity of the study area.
The view of DELWP pursuant to Section 55 of the Act.	The design of the walking trails and lookouts are considered to be in accordance with the general management strategy, action statements and recovery plans associated with the Mountain Pygmy-possum.

Table 8 Response to application requirements and decision guidelines of Clause 43.02 Design and Development Overlay schedule 3

Requirements	Proposal Response
Clause 1.0 Design Objectives	
Refer to Section 4.4.	
Clauses 2.0: Buildings and Works (and design requirements)	
<p>Maximum Height</p> <ul style="list-style-type: none"> The maximum height of any part of a building is 11 metres above natural ground level. <p>Wall materials</p> <ul style="list-style-type: none"> Corrugated iron, profiled metal, timber, natural stone (preferably weathered granite), plastered masonry <p>Colours</p> <ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> The project is considered to be in accordance with the height requirements of this schedule. Detailed drawings for the project can be found in Attachment 1, which addresses these requirements. <div style="border: 2px solid red; padding: 5px; margin: 10px 0;"> <p style="text-align: center; color: red; font-weight: bold;">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 be contrary to the project.</p> </div> <ul style="list-style-type: none"> The project utilises materials such as natural stone, galvanised steel, fibre-reinforced plastic and timber. These materials are considered to be in accordance with the schedule requirements. Detailed drawings for the project can be found in Attachment 1, which addresses these requirements. The project will use natural alpine colour tones to minimise contrast with the surrounding environment. Detailed drawings for the project can be found in Attachment 1, which addresses these requirements.
Clause 6.0 DDO3 : Decision Guidelines	
Objectives of the DDO	The response to environmental impacts, especially native vegetation and bushfire, is outlined throughout this report.
The Mt Buller Alpine Resort Village Design Guidelines 2014.	The proposed works is considered appropriate for this site and in accordance with the Mt Buller Alpine Resort Village Design Guidelines 2014.

The Mt Buller Master Plan 2010 (revised 2014).	The study area is located within the 'Skifield Precinct' of the Mt Buller Master Plan 2010 (revised 2014) (Mt Buller Master Plan). The project is considered to be in accordance with the Mt Buller Master Plan and supports the objectives of providing 'year round' recreational activities.
Design and siting issues	The design of the trails and two viewing platforms is consistent with the character of the ski field areas within Mt Buller and the surrounding resorts. The proposed colours and materials are consistent with the Alpine palate, particularly those colours found within the alpine environment.

Table 9 Response to application requirements and decision guidelines of Clause 44.01 Erosion Management Overlays schedule 1

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.	A consolidated preliminary geotechnical assessment has been undertaken for the project, which has recommended mitigation measures to reduce any geotechnical risks to 'low'. Please see Attachment 4 for the full assessment.
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 development is considered appropriate given the result of the preliminary geotechnical assessments and it has been concluded that the project is a low-risk development. Please see Attachment 4.
To ensure that development is only carried out if identified geotechnical and related structural engineering risks are effectively addressed.	As above.
Clause 44.01 & Section 3.0 EMO1 Site development plan and application requirements	

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>The existing site conditions, including land gradient and the extent of any existing erosion, landslip or other land degradation.</p>	<p>Please section 2.1 for a description of the existing site conditions.</p> <p>Description of the land gradient and extent of potential risk of erosion, landslip or other geotechnical hazards is outlined in Section 5.1.2 in the geotechnical assessment prepared for the project (Attachment 4).</p>
<p>The extent of any proposed earthworks.</p>	<p>Aside from the anchored footings required for the proposed lookouts, the project has kept earthworks to a minimum where possible. Details of ground impacts are listed below and included in the project's SEMP (Attachment 2).</p> <p>Construction of the walking trails:</p> <ul style="list-style-type: none"> • Preparation of ground surface area for the trail will be undertaken. • The impact area of the walking trail will be covered by a compacted gravel fill material with concrete being poured over the top of the gravel filling. • Not all sections of the shared trail are predicted to impact the ground surfaces however where impacts will be made they will be to a maximum depth required. • The gravel underlay will be compacted to 90% compaction by mechanical means in all areas. <p>Construction of the proposed lookouts:</p> <ul style="list-style-type: none"> • Preparation of ground surface area for the lookout will be undertaken. • The platform will be suspended using shallow footings anchored to the underlying rock. • The anchor design will follow recommendations listed in the geotechnical assessment prepared by Golder Associates Pty Ltd.
<p>The means proposed to stabilise disturbed areas.</p>	<p>See the project's preliminary geotechnical assessment report and Section 4.2 of this report for information on mitigation measures to promote the stability of the site. See Attachment 4.</p>
<p>A preliminary geotechnical assessment prepared or technically verified by a suitably qualified and experienced geotechnical practitioner.</p>	<p>As above.</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

**ADVERTISED
PLAN**

Section 7.0 EMO1 Decision Guidelines	
The PPF and LPPF.	The proposal is consistent with the PPF including local planning policies.
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 (Attachment 4) sets out a number of risk control measures in Section 4.2 of their report. 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.
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 MBMSRMB as part of the permit application.

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 decision guidelines of Clause 44.06 Bushfire Management Overlay schedule 1 (BMO1) purpose which may breach any copyright

Table 10 Response to application requirements and Decision guidelines of Clause 44.06 Bushfire Management Overlay schedule 1 (BMO1)

Requirements	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	The site is located on leased Crown Land within the Skifield Precinct of Mt Buller, along Summit Road. A slope runs uphill along the Summit Road towards the Mt Buller Summit and McLaughlin’s Shoulder Lookout. (Table 1) (Figure 1). Mt Buller generally contains predominately modified vegetation/ non-vegetated areas, with small patches of ‘Woodland’ vegetation (as defined under AS3959) in proximity to the site.
A bushfire hazard site assessment including a plan that describes the bushfire hazard within 150 metres of the proposed development. (Clause 53.02)	<p>The broader landscape of Mount Buller Alpine Resort contains moderately to steep sloping land, areas of ski field and intact woodland, Shrubland, grassland and modified vegetation. There are a number of wet areas throughout these vegetation types in the form of natural drainage lines, waterways, alpine bogs and sedgeland. The FDI for the broader area is 50 as it is above 1200 metres elevation.</p> <p>The prevailing winds at Mount Buller and broader area come from the north west and south-east, with major fires recorded in 1978 and 2007.</p> <p>During the non-winter months vehicles are able to enter/exit the resort from Mansfield via the Great Alpine Road.</p>

ADVERTISED PLAN

<p>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 53.02)</p>	<p>The study area is above 1200 metres and is in the alpine environment, as such, it has a Fire Danger Index (FDI) of 50 under the Australian Standard AS3959</p> <p>The study area contains a slope, which runs downwards along Summit Road.</p> <p>The vegetation on the Site can be classified as Shrubland, Grassland and Modified Vegetation. To the east and along existing ski ways within vicinity of the study area, the vegetation is modified and the land is developed with access tracks and associated recreational facilities. The vegetation is typical of other parts of the resort.</p> <p>The study area adjoins to Summit Road, a sealed road up until the carpark south of the study area which then becomes an unsealed gravel road through the ski field. The study area will ensure easy access and egress to the site in the event of an emergency.</p>
<p>A bushfire management statement describing how the proposed development responds to the requirements in this clause and Clause 44.06. (Clause 53.02)</p>	<p>The following management practices will be applied to the project:</p> <ul style="list-style-type: none"> • The walking paths will be clear of obstruction at all times to allow visitors to safely evacuate the area in the event of an emergency. A clear path of at least travel of 1 metre wide should be provided at all times. • The management and maintenance of the walking trails and lookouts will ensure compliance with the Mt Buller Community BEMP. (Attachment 5). • The MBMSRMB will ensure visitors to the area will be made aware of the Mt Buller Community BEMP (Attachment 5) so that they understand actions required in the event of an emergency. • All vegetation on-site will be managed in accordance with Table 6 to Clause 53.02-5 to ensure defensible space is provided on-site. • Flammable objects must not be located close to the vulnerable parts of the lookouts.

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

Requirements	Proposal Response
---------------------	--------------------------

Bushfire Protection Objectives and Approved Measures– Clause 53.02 and Substitute Approved Measures – Clause 44.06

<p>Clause 53.02-4.1 Landscape, siting and design objectives:</p> <ul style="list-style-type: none"> • 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. 	<p>Mt Buller and the alpine resort, does have high bushfire potential due to its topography, vegetation and level of isolation/ lack of access points.</p> <p>The study area could be approached from bushfire in any direction over steep, rugged and often inaccessible terrain. However, it is noted that the study area is adjacent to areas of fairly modified vegetation, which reduces the intensity of any bushfire approaching the site.</p> <p>Site locations in the Resort have limited options to manage bushfire risk from beyond the site. Other design options are utilised in place of managing the surrounding landscape.</p>
--	--

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):**
 - 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 be responsive to the landscape risk and reduce the impact of bushfire on the building (Schedule to 44.06 – No substitute measure).**

The MBMSRMB, DELWP and Parks Victoria take a strategic and integrated approach to fire management designed to minimise the occurrence and mitigate the effects of bushfires. The CFA also has a volunteer brigade located at the resort. Resources are devoted to mitigating the risk to people, infrastructure and fire-sensitive habitats and flora on the mountain, during the summer fire danger period. Additionally, at this time greatly reduced numbers of people are on the mountain, compared to the peak ski season period that the development is primarily for. Accordingly, it is proposed that the risk can be mitigated to an acceptable level by implementing the bushfire protection measures listed in the MBMSRMB Community BEMP (Attachment 5) in compliance with the BMO1.

Response to AM 2.2

Requirement:

- A building is sited to ensure the site best achieves the following (Schedule to 44.06 – No substitute measure):
 - 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.

Response:

The walking trails and lookouts will be used in the ski season when bushfire risk is at its lowest. During the green season, the fire management practices and actions listed in the MBMSRMB Community Emergency Bushfire Plan will be applied to ensure the safety of human life.

Response to AM 2.3

Requirement:

- *A building is designed to be responsive to the landscape risk and reduce the impact of bushfire on the building (Schedule to 44.06 – No substitute measure).*

Response:

The proposed lookouts will be predominantly made of galvanised steel and fibre reinforced plastic (non-combustible material). The use of timber has been kept to a minimum where possible so as to minimise risk to human life. The proposed works do not increase the impact of bushfire risk and the site management requirements of the SEMP and CMP ensure that this is achieved.

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.

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.

Approved Measures

AM 3.2: A building used for accommodation (other than a dwelling or dependent person’s unit), a child care centre, an education centre, a hospital, leisure and recreation or a place of assembly - the construction of buildings must be one of the following (Schedule to 44.06 – Substitute measure applies):

- 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 satisfaction of the relevant fire authority.

Buildings must be provided with defendable space to the satisfaction of the relevant fire authority.

Response to AM 3.2

Requirement:

- Determined using an alternative methodology to the satisfaction of the relevant fire authority.

Response

The reason for an alternative methodology is that the proposed walking trail and lookouts are not habitable spaces and cannot be constructed to a BAL. The purpose of these structures is to provide for temporary visitation and will only be accessible when fire danger is low. This reduces the risk from bushfire to an acceptable level. No additional vegetation is proposed to be removed to provide defendable space as the majority of the study area consists of low-lying shrubland and low healthland as well as herbs and grasses that will be managed in a low threat state.

The reason for an alternative methodology is that the proposed walking trail and lookouts are not habitable spaces and cannot be constructed to a BAL. The purpose of these structures is to provide for temporary visitation and will only be accessible when fire danger is low. This reduces the risk from bushfire to an acceptable level. No additional vegetation is proposed to be removed to provide defendable space as the majority of the study area consists of low-lying shrubland and low healthland as well as herbs and grasses that will be managed in a low threat state.

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

53.02-4.3 Water Supply and Access Objectives:

- A static water supply is provided to assist in protecting property.

Response to AM 4.1 and 4.2 – The area is not serviced by an existing fire hydrant system, however snow making infrastructure is also present throughout the in the adjacent ski field. This infrastructure can be utilised for bushfire suppression, if and when required.

<ul style="list-style-type: none"> • Vehicle access is designed and constructed to enhance safety in the event of a bushfire. <p>Approved Measures AM 4.1 and 4.2 A building used for accommodation (other than a dwelling or dependent person’s unit), child care centre, education centre, hospital, leisure and recreation or place of assembly- all buildings and works must provide access and egress arrangements which meet the requirements of the relevant fire authority: (Schedule to 44.06 – Substitute measure applies).</p>	<p>Summit Road and associated access tracks already provide an all-weather vehicle ingress and egress to the study area outside of the snow season.</p> <div style="border: 2px solid red; padding: 10px; text-align: center; margin: 10px auto; width: 80%;"> <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
--------------	-------------------

Decision Guidelines, including all decision guidelines from 44.06, its Schedule and Clause 53.02	
---	--

<p>The Municipal Planning Strategy and the Planning Policy Framework (Clause 44.06-8).</p>	<p>The proposal is considered to be consistent with the Alpine Resort Planning Strategy and 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 is proposed to be constructed using alternative methodologies in accordance with any conditions provided by Council or 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>Mount Buller Alpine Resort Municipal Emergency Management Plan 2021-2024.</p>
<p>The bushfire hazard landscape assessment, the bushfire hazard site assessment and the bushfire management statement submitted with the application.</p>	<p>Site location shown in Figure 1 and 2. A separate BMS has not been prepared for this project in line with the CFAs accepted approach for ski field infrastructure and associated recreational activities such as walking trails in the ski field. Instead an assessment is provide against the decision guidelines of the BMO1 and Clause 53.02 are provided in the planning assessment report.</p>

ADVERTISED PLAN

<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 level of risk to the proposed development.</p>	<p>The MBMSRMB 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>
<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. There are no canopy trees in the study area or along Summit Road (in the ski field) the vegetation is Alpine Treeless Vegetation made up of grasses and heath. The ski field is serviced by snow making infrastructure and can be access on an all-weather road (green season only) and the risk to life can be managed to an acceptable level. It should also be noted that MBMSRMB not only has an emergency management plan (Attachment 5) 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 measures proposed can be achieved as can compliance with the Mt Buller Community Bushfire Emergency Management Plan (Attachment 5).</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.</p> <p>The existing summer grooming on the ski-field and urban development to the east of the study area provides defensible space in the form of modified/ non-vegetated areas (providing a physical fire-break).</p> <p>Given that the proposed lookouts only provide for temporary visitation, the proposed approach removes the risk to life from bushfire as the structures are not able to be used onsite during the bushfire danger period. It should also be noted that MBMSRMB 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>

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

Whether the risk arising from the broader landscape can be mitigated to an acceptable level or warrants the development not proceeding.

The landscape within the Mount Buller Alpine Resort provides many challenges, however given the modified landscape within within and surrounding the study area (associated with skifield infrastructure and ski runs) the risks can be managed to ensure that the objectives of the BMO can be met. The proposed lookouts will not be accessible during Code Red days and leaseholders will be kept up to date of any bushfires or fire activity during the bushfire period in accordance with the Mt Buller Community Bushfire Emergency Management Plan (Attachment 5).

The Mt Buller Alpine 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 Emergency Management Plan.

Table 11 Response to application requirements and decision guidelines of Clause 52.17 Native Vegetation

Requirements	Project response
6.4 Application requirements for all applications	
<p>Information about the native vegetation to be removed, including:</p> <ul style="list-style-type: none"> • The assessment pathway and reason for the assessment pathway. This includes the location category of the native vegetation to be removed. • A description of the native vegetation to be removed that includes: <ul style="list-style-type: none"> – whether it is a patch or a scattered tree (or both) – the extent (in hectares) – the number and circumference (in centimetres measured at 1.3 metres above ground level) of any large trees within a patch – the number and circumference (in centimetres measured at 1.3 metres above ground level) of any scattered trees, and whether each tree is small or large – the strategic biodiversity value score – the condition score 	<p style="color: red; font-weight: bold; text-align: center;">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> <p>The proposed removal of native vegetation has been assessed and included in the project's FFA (Biosis 2022) in Attachment 3.</p> <p>The following information has been extracted from the project's FFA:</p> <ul style="list-style-type: none"> • The proposed removal of native vegetation is assessed under the Detailed Assessment Pathway and is located in Location Category 3. • The proposed removal of native vegetation contains 0.098 hectares of native vegetation. • The study area has been modelled as having a Strategic Biodiversity Value Score between 0.970 and 0.902. • The site does not include any sensitive wetland or coastal areas. • A map that shows the location of the proposed native vegetation for removal in the Site can be found in Figure 3 of Attachment 3. • Offset requirements – According to the Native Vegetation Removal (NVR) report (Appendix 3 of FFA) the following species habitat units are required:

ADVERTISED PLAN

<ul style="list-style-type: none"> - if it includes endangered Ecological Vegetation Classes - if it includes sensitive wetland or coastal areas. • Maps showing the native vegetation and property in context and containing: <ul style="list-style-type: none"> - scale, north point and property boundaries - location of any patches of native vegetation and the number of large trees within the patch proposed to be removed - location of scattered trees proposed to be removed, including their size • The offset requirement, determined in accordance with section 5 of the Guidelines, that will apply if the native vegetation is approved to be removed. 	<ul style="list-style-type: none"> - 0.128 species units of habitat for Mountain Pygmy Possum, <i>Burrhamys parvus</i> - 0.137 species units of habitat for Alpine Bog Skink, <i>Pseudemoia cryodroma</i> - 0.009 species units of habitat for Mount Stirling Stonefly, <i>Thaumatoperla flaveola</i> - 0.127 species units of habitat for Snow Aciphyll, <i>Aciphylla glacialis</i> - 0.127 species units of habitat for Gunn's Alpine Buttercup, <i>Ranunculus gunnianus</i> - 0.127 species units of habitat for Subalpine Baeckea, <i>Baeckea latifolia</i> - 0.127 species units of habitat for Dusty Daisy-bush, <i>Olearia phlogopappa</i> subsp. <i>flavescens</i> - 0.127 species units of habitat for Alpine Phebalium, <i>Phebalium squarrosulum</i> subsp. <i>alpinum</i> - 0.127 species units of habitat for Alpine Bootlace Bush, <i>Pimelea axiflora</i> subsp. <i>alpina</i>
<p>Topographic and land information relating to the native vegetation to be removed, showing ridges, crests and hilltops, wetlands and waterways, slopes of more than 20 percent, drainage lines, low lying areas, saline discharge areas, and areas of existing erosion, as appropriate. This may be represented in a map or plan.</p>	<p>The study area is located within the Mount Buller Alpine Resorts area, within Mt Buller Village. A slope runs downhill in a south easterly direction from the rear of the study area towards the Summit Road, but the slope is not greater than 20 percent.</p>
<p>Recent, dated photographs of the native vegetation to be removed.</p>	<p>Contained in the project's FFA (Biosis 2022 – Attachment 3) and the project's town planning drawings.</p>
<p>Details of any other native vegetation approved to be removed, or that was removed without the required approvals, on the same property or on contiguous</p>	<p>6.369 hectares of removal in total made up of:</p> <ul style="list-style-type: none"> • 0.098 hectares of proposed removal • 6.271 hectares of past permitted removal.

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.

ADVERTISED PLAN

<p>land in the same ownership as the applicant, in the five year period before the application for a permit is lodged.</p>	
<p>An avoid and minimise statement. The statement describes any efforts to avoid the removal of, and minimise the impacts on the biodiversity and other values of native vegetation, and how these efforts focussed on areas of native vegetation that have the most value. The statement should include a description of the following:</p> <ul style="list-style-type: none"> • Strategic level planning – any regional or landscape scale strategic planning process that the site has been subject to that avoided and minimised impacts on native vegetation across a region or landscape • Site level planning – how the proposed use or development has been sited or designed to avoid and minimise impacts on native vegetation. <p>That no feasible opportunities exist to further avoid and minimise impacts on native vegetation without undermining the key objectives of the proposal.</p>	<p>MBMSRMB intend to avoid and minimise impacts on the existing native vegetation of the study area by committing to the following measures during the design, and construction/ post-construction stages:</p> <ul style="list-style-type: none"> • Vegetation outside of the construction footprint should be fenced off and sign-posted as no-go zones. • Environmental inductions should inform contractors of no-go zones. • Identify and implement appropriate offsets for vegetation losses as specified above. • Specific detail relating to the prevention of impacts to the retained native vegetation in proximity to the study area is further elaborated in the project’s SEMP (Biosis 2022 and Attachment 2).
<p>A copy of any Property Vegetation Plan contained within an agreement made pursuant to section 69 of the Conservation, Forests and Lands Act 1987 that applies to the native vegetation to be removed.</p>	<p>Not applicable.</p>
<p>Where the removal of native vegetation is to create defensible space, a written statement explaining why the removal of native vegetation is necessary. This statement must have regard to other available bushfire risk mitigation measures. This statement is not required when the creation of defensible space is in conjunction with an application under the Bushfire Management Overlay</p>	<p>The native vegetation proposed to be removed has been minimise to mitigate impacts to biodiversity while also providing defensible space on-site in accordance with the BMO and its schedule.</p>
<p>If the application is under Clause 52.16, a statement that explains how the proposal responds to the Native Vegetation Precinct Plan considerations at decision guideline 8.</p>	<p>Not applicable.</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

An offset statement providing evidence that an offset that meets the offset requirements for the native vegetation to be removed has been identified, and can be secured in accordance with the Guidelines.

A suitable statement includes evidence that the required offset:

- is available to purchase from a third party, or
- will be established as a new offset and has the agreement of the proposed offset provider, or can be met by a first party offset.

MBMSRMB has an established offset site located on public land at Mount Stirling. The offset site is located within the Goulburn Broken CMA, North East CMA and Mount Stirling Alpine Resort, and has a strategic biodiversity value score of 0.897.

See Appendix 3 of Attachment 4 for the Native Vegetation Removal (NVR) report for the project's offset requirements.

The offset site provides habitat units for the five out of the nine species for which species units are required by the proposed works. The offset site does not provide species habitat units for the following four species:

- Snow Aciphyll *Aciphylla glacialis*
- Gunn's Alpine Buttercup *Ranunculus gunnianus*
- Dusty Daisy-bush *Olearia phlogopappa* subsp. *flavescens*
- Alpine Bootlace Bush *Pimelea axiflora* subsp. *alpina*.

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.

Another alpine resort in Victoria has recently established an offset site that provides species units for the four species listed above, and offset trades between Resorts have already occurred (approved and endorsed by DELWP) as two party trades. Mount Buller Mount Stirling Alpine Resort may be able to arrange a third party offset credit purchase of the required species units from that Resort.

If past permitted clearing requirements do not apply, then a registered credit broker could be used to facilitate purchase of the required general offset units.

Clause 52.17-5 decision guidelines

Decision guidelines (all applications)

Efforts to avoid the removal of, and minimise the impacts on, native vegetation should be commensurate with the biodiversity and other values of the native vegetation, and should focus on areas of native vegetation that have the most value. Taking this into account consider whether:

See response above.

<ul style="list-style-type: none"> • the site has been subject to a regional or landscape scale strategic planning process that appropriately avoided and minimised impacts on native vegetation • the proposed use or development has been appropriately sited or designed to avoid and minimise impacts on native vegetation • feasible opportunities exist to further avoid and minimise impacts on native vegetation without undermining the key objectives of the proposal. 	<div 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>
<p>The role of native vegetation to be removed in:</p> <ul style="list-style-type: none"> • Protecting water quality and waterway and riparian ecosystems, particularly within 30 metres of a wetland or waterway in a special water supply catchment area listed in the Catchment and Land Protection Act 1994. • Preventing land degradation, including soil erosion, salination, acidity, instability and water logging particularly: <ul style="list-style-type: none"> – where ground slopes are more than 20 per cent – on land which is subject to soil erosion or slippage – in harsh environments, such as coastal or alpine areas. • Preventing adverse effects on groundwater quality, particularly on land: <ul style="list-style-type: none"> – where groundwater recharge to saline water tables occurs – that is in proximity to a discharge area that is a known recharge area 	<p>The proposed removal of native vegetation:</p> <ul style="list-style-type: none"> • Is unlikely to have any impacts on existing water resources given the distance from the nearest water resources listed in the decision guidelines. • A consolidated preliminary geotechnical assessment has been prepared (Attachment 4). • The potential impacts on groundwater quality and measures to prevent them have been addressed in the SEMP (Attachment 2).
<p>The need to manage native vegetation to preserve identified landscape values.</p>	<p>MBMSRMB intends to avoid significant impact on landscape values of the land and broader environment by minimising the removal of native vegetation to the minimum possible extent.</p>
<p>Whether any part of the native vegetation to be removed, destroyed or lopped is protected under the <i>Aboriginal Heritage Act 2006</i>.</p>	<p>Not applicable.</p>

<p>The need to remove, destroy or lop native vegetation to create defensible space to reduce the risk of bushfire to life and property, having regard to other available bushfire risk mitigation measures</p>	<p>Native vegetation is proposed to be removed to provide a construction footprint. Given that the study area contains grassland and heath, there is no need to remove, destroy or lop native vegetation to create additional defensible space.</p>
<p>Whether the native vegetation to be removed is in accordance with any Property Vegetation Plan that applies to the site.</p>	<p>Not applicable.</p>
<p>Whether an offset that meets the offset requirements for the native vegetation to be removed has been identified and can be secured in accordance with the Guidelines</p>	<p>An offset amount of 0.098 hectares applies to the proposed removal of native vegetation.</p> <p>MBMSRMB are in the process of seeking an offset quote for the required native vegetation removal.</p>
<p>Decision guidelines (Clause 52.17) Consider in relation to the native vegetation to be removed:</p> <ul style="list-style-type: none"> • The purpose and objectives of the Native Vegetation Precinct Plan. • The effect on any native vegetation identified for retention in the Native Vegetation Precinct Plan. • The potential for the effectiveness of the Native Vegetation Precinct Plan to be undermined. • The potential for the proposed development to lead to the loss or fragmentation of native vegetation identified for retention in the Native Vegetation Precinct Plan. <p>Offset requirements in the Native Vegetation Precinct Plan.</p>	<p>Not applicable.</p> <div data-bbox="1541 692 2078 1034" 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>
<p>For applications in both the Intermediate and Detailed Assessment Pathway only – consider the impacts on biodiversity based on the following values of the native vegetation to be removed:</p> <ul style="list-style-type: none"> • The extent. • The condition score. • The strategic biodiversity value score. • The number and circumference of any large trees. • Whether it includes an endangered Ecological Vegetation Class. 	<p>It is proposed to remove 0.098 ha of native vegetation.</p> <p>The strategic biodiversity value score of the native vegetation to be removed is between 0.902 and 0.970 as it over a range of multiple patches.</p> <p>Sub-alpine Woodland EVC forms part of the native vegetation proposed to be removed.</p> <p>The proposed native vegetation to be removed does not include sensitive Wetlands or coastal areas.</p>

- Whether it includes sensitive wetlands or coastal areas.

For applications in the Detailed Assessment Pathway only – consider the impacts on habitat for rare or threatened species. Where native vegetation to be removed is habitat for rare or threatened species according to the Habitat importance maps, consider the following:

- **The total number of species' habitats.**
- **The species habitat(s) that require a species offset(s).**
- **The proportional impact of the native vegetation removal on the total habitat for each species, as calculated in section 5.3.1.**
- **The conservation status of the species (per the Advisory Lists maintained by DELWP).**
- **Whether the habitats are highly localised habitats, dispersed habitats, or important areas of habitat within a dispersed species habitat.**

The proposal is unlikely to have any impacts on rare or threatened species. Species Habitat Units (SHU) are required to be offset as outlined in the NVR report (Appendix 3 of FFA), these are:

- 0.128 species units of habitat for Mountain Pygmy Possum, *Burramys parvus*
- 0.137 species units of habitat for Alpine Bog Skink, *Pseudemoia cryodroma*
- 0.009 species units of habitat for Mount Stirling Stonefly, *Thaumatoperla flaveola*
- 0.127 species units of habitat for Snow Aciphyll, *Aciphylla glacialis*
- 0.127 species units of habitat for Gunn's Alpine Buttercup, *Ranunculus gunnianus*
- 0.127 species units of habitat for Subalpine Baeckea, *Baeckea latifolia*
- 0.127 species units of habitat for Dusty Daisy-bush, *Olearia phlogopappa* subsp. *flavescens*
- 0.127 species units of habitat for Alpine Phebalium, *Phebalium squamulosum* subsp. *alpinum*
- 0.127 species units of habitat for Alpine Bootlace Bush, *Pimelea axiflora* subsp. *alpina*

**ADVERTISED
PLAN**

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

7 Related Legislative Requirements

7.1 Environment and Protection and Biodiversity Conservation Act 1999 (Cth) EPBC Act)

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

Based on the FFA prepared for the project (see Attachment 3), the following implications for the project under the EPBC Act apply:

- Nine EPBC Act listed flora and 17 EPBC Act listed fauna species have been recorded or predicted to occur in the project search area. The likelihood of these species occurring in the study area is assessed in Appendix 1 (flora) and Appendix 2 (fauna) of the FFA (Attachment 3). Most of these species are not likely to occur and development unlikely to constitute a significant impact.
- The Mountain Pygmy-possum and its habitat (Alpine Coniferous Shrubland, especially in association with boulder fields and rocky outcrops) has been identified in the vicinity of the study area (Biosis 2022).
 - The Mountain Pygmy-possum is an EPBC and FFG-listed threatened species and its preferred habitat is classified into type and type habitats (Heinze and Harvey 2006). These habitats occur within the vicinity of the study area shown in Figure of the FFA (Attachment 3). The proposed extent of vegetation proposed for removal does not coincide with any areas of mapped Mountain Pygmy-possum habitat.
 - On the basis of criteria outlined in the relevant Significant Impact Guidelines, the FFA concluded that it is considered unlikely that a significant impact on the Mountain Pygmy-possum would result from the proposed action.
- White-throated Needletail is a predominantly aerial species and, while it may occupy airspace above the study area, is unlikely to be impacted by minor effects on terrestrial habitat within the study area. The proposal has no realistic capacity to cause a significant impact on the species.
- Alpine She-oak Skink may occasionally use modified habitats in the study area including regenerating native vegetation and introduced grasslands. A significant impact criteria assessment for the species is provided below in Table 5 of the FFA (Attachment 3).
- Broad-toothed Rat may occasionally forage within or move through modified ski-field vegetation throughout the study area. A significant impact criteria assessment for the species is provided below in Table 6 of the FFA (Attachment 3).
- Alpine Tree Frog species may be present in the study area. A significant impact criteria assessment for the species is provided below in Table 7 of the FFA (Attachment 3).

7.2 Flora and Fauna Guarantee Act 1988 (FFG Act)

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

Under the FFG Act a permit is required from DELWP to 'take' protected flora species. Permit exemptions under the FFG Act generally apply to the non-commercial removal of protected flora from private land, unless

there is 'critical habitat' that has been declared on the land. Authorisation under the FFG Act is required to collect, kill, injure or disturb listed fish on private or public land.

Based on the FFA prepared for the project (see Attachment 3), the following implications for the project under the FFG Act apply:

- The study area is on Crown Land or land owned by or vested in a public authority (MBMSRMB), and is therefore public land for the purposes of the FFG Act.
- As protected flora species are present within the study area (see Appendix 1 of FFA in Attachment 3), a protected flora permit from DELWP would be required if any of these species will be affected by the proposal.

7.3 Catchment and Land Protection Act 1994 (CaLP Act)

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

Based on the FFA prepared for the project (see Attachment 3), the following implications for the project under the CaLP Act apply:

- No noxious weeds were identified in the study area. However, MBMSRMB must take all reasonable steps to eradicate regionally prohibited weeds, prevent the growth and spread of regionally controlled weeds, and prevent the spread of and as far as possible eradicate established pest animals.

7.4 Aboriginal Heritage Regulations Act 2006

The *Aboriginal Heritage Regulations Act 2006* (AH Act) provides for the protection of Aboriginal cultural heritage in Victoria. The AH Act allows organizations, groups and bodies to enforce and preserve policies regarding Aboriginal Heritage.

The *Aboriginal Heritage Regulations 2018* (the Regulations) is the mechanism which gives effect to the AH Act. The Regulations set out the circumstances in which a Cultural Heritage Management Plan (CHMP) should be prepared.

A mandatory Cultural Heritage Management Plan (CHMP) under Section 46(a) of the AH Act when an activity meets the two-trigger threshold of being a high impact activity in an area of cultural heritage sensitivity (CHS).

As the project meets these two requirements, a mandatory CHMP is required. A mentioned throughout this report, a CHMP (i.e. CHMP 18340) (Attachment 6) has been prepared and approved for the project, therefore meeting the legislative requirements under the AH Act and the Regulations.

**ADVERTISED
PLAN**

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

8 Conclusion

This report has outlined the planning controls and considerations associated with an application to construct the project at Mt Buller.

Key considerations in seeking approval for this project have been identified and addressed, these include:

- Delivering a greater quality of walking trails and nature-based activities, particularly during the green season, in support of strategic objectives for the Mt Buller Alpine Resort all-year round.
- A site responsive design which takes into account the biodiversity values, bushfire risk, design and geotechnical considerations.
- Ensuring the strategic value of the proposal has been considered.
- Achieving a no net loss in the contribution made by native vegetation to Victoria's biodiversity through the risk-based approach: avoid, minimise and offset.
- Implementing best practice environmental standards for the construction process through requiring a project site environmental management plan, and appropriately excluding any adjacent native vegetation from construction activities through exclusion fencing.
- Incorporating construction techniques and environmental management actions in the Site Environment Management Plan to address threats of habitat degradation and fragmentation to the Mountain Pygmy-possum in accordance with state and federal policy requirements.

In summary the proposal 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 proposal is considered to be in accordance with Planning Policy Framework and the Alpine Resorts Planning Strategy.

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

**ADVERTISED
PLAN**

References

Biosis 2021. Mount Buller Summit trails. Report for Mount Buller and Mount Stirling Alpine Resort Management Board. Zacks, G. and Merlo, I. Biosis Pty Ltd. Wangaratta, VIC. Project no. 36074

Golder Associates 2021. Mt Buller Summit Trail: Geotechnical Assessment and Investigation prepared by Golder Associates Pty Ltd dated 10 November 2021.

Biosis 2022. Summit & McLaughlin's Shoulder Walk Mt Buller Cultural Heritage Management Plan 18340. Report for Mt Buller Mt Stirling Resort Management. D Carpenter, A Dalla-Vecchia, Z Carter, N Haysom, A van der Walt, L Prosser and L Amorosi. Biosis Pty Ltd. Port Melbourne, VIC. Project no 36075

ADVERTISED PLAN

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