

PLANNING PERMIT

Permit No.:	PA2302397
Planning scheme:	Alpine Resorts Planning Scheme
Responsible authority:	Minister for Planning
ADDRESS OF THE LAND:	7 Goal Post Road, Mount Buller

THE PERMIT ALLOWS:

Planning scheme clause No.	Description of what is allowed
	Buildings and works for the construction of five dwellings, the removal of native vegetation and the reduction of car parking spaces.
37.02-4	Construct a building or construct or carry out works
44.06-2	Construct a building or construct or carry out works for buildings associated with accommodation use
44.01-2	Construct a building or construct or carry out works
44.01-3	Remove, destroy or lop any vegetation
43.02-2	Construct a building or construct or carry out works
52.06-3	Reduce the number of car parking spaces required under Clause 52.06-5
52.17-1	Remove, destroy or lop native vegetation, including dead vegetation.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended plans

1. Before the development starts, amended plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans prepared by Rosenthal Munckton & Shields Architects and dated May 2024 and June 2024, Revisions E, F and G, but modified to show the following:
 - a) Trees to be retained must be marked with vegetation protection fencing to define a 'No Go Zone', to ensure vegetation to be retained is protected during construction, to the satisfaction of the Responsible Authority.

Waste management

2. Prior to the commencement of any works on the site, the permit holder or developer must submit for approval by the Responsible Authority and the Mount Buller Alpine Resort a Construction Waste Management Plan demonstrating how different construction waste types (including

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demolition, construction and excavated material), will be separated and legally disposed off mountain. The Construction Waste Management Plan must include the following:

- I. Identification of expected types of waste.
- II. Methods proposed to reduce, reuse and recycle where possible.
- III. Any proposed contingency plans if unexpected types of waste are discovered.
- IV. Acknowledgement that all waste must be removed from the Alpine Resort.

Amended Site Environmental Management Plan (SEMP)

3. Before the commencement of any buildings and works, a revised Site Environmental Management Plan (SEMP) must be submitted to and be approved by the Responsible Authority and Hume Region DEECA, in accordance with the requirements of condition 30.

Compliance with documents approved under this permit

4. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.
5. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Commencement

6. This permit will operate from the issued date of this permit.

Site Environmental Management Plan (SEMP)

7. All construction activity and site rehabilitation works must be undertaken in accordance with the endorsed Site Environmental Management Plan (SEMP), unless otherwise approved by the Responsible Authority in consultation with Mount Buller Alpine Resort. All persons working on the site must be provided with a copy of the endorsed SEMP and must adhere to and retain a copy of the plans on site at all times during the construction period.

Tree protection fencing

8. Prior to the commencement of buildings and works approved by this permit, protection fencing must be erected around all vegetation to be retained as per the endorsed plans to define a Vegetation Protection Zone (VPZ), to the satisfaction of the Responsible Authority. The VPZ's must comply with the following:
 - a) The fencing must be maintained and remain in place until all buildings and or/or works are completed.
 - b) The fencing must be constructed of 1.8 metre star pickets and brightly coloured plastic meshing.
 - c) No vehicular or pedestrian access, excavation, placement of fill, storage of materials or soil disturbance of any kind are to occur within the vegetation protection zone.
 - d) Once erected the vegetation protection fencing may only be moved or otherwise altered with the written consent of the Responsible Authority.

Site induction

9. The permit holder or developer must arrange an on-site meeting with relevant Mount Buller Alpine Resort representatives for a site induction prior to the commencement of any buildings and works at the site.

Car parking

10. Vehicles under the control of the permit holder or developer must be parked on the site during construction in accordance with an agreement with Mount Buller Alpine Resort and must never impact access to critical resort infrastructure and/or emergency response.

Road closures

11. Any full or partial closure of vehicle access roads for construction works must be advised with a minimum two weeks' notice to the Mount Buller Alpine Resort representatives to allow for

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notification to relevant affected stakeholders and is subject to the approval of the Mount Buller Alpine Resort.

Site clean and tidy

12. The site must be left in a clean and tidy condition at all times and prior to occupation and/or use of the building(s), all waste must be completely removed from the site, to the satisfaction of the Mount Buller Alpine Resort. Any waste or litter must be immediately removed from the site and surrounding area at the direction of the Mount Buller Alpine Resort.

Shutdown

13. All external activity must cease, unless the Responsible Authority consents in writing to another date after consultation with the Mount Buller Alpine Resort during:
- a) The period between Christmas Day and New Year's Day inclusive;
 - b) The Easter holiday period;
 - c) Any major event in the resort as may be notified by the Mount Buller Alpine Resort; and
 - d) The period between 15 May and the end of the declared snow season.

Snow management

14. Snow shed must be managed to ensure that entries to buildings, habitable room windows, ski ways, pedestrian paths and public open spaces are kept clear of snow shed at all times to the satisfaction of the Responsible Authority, in consultation with the Mount Buller Alpine Resort.

Snow confinement

15. Snow shed from the development must be confined within the site at all times to the satisfaction of the Responsible Authority, in consultation with the Mount Buller Alpine Resort.

Relocation of Services

16. The relocation of and the connection to any water, sewerage, drainage, gas, electricity, telecommunication or other utility service must be done at the expense of the permit holder or developer to the satisfaction of the utility service provider and the Mount Buller Alpine Resort.

Notification of permit conditions

17. Before works start, the permit holder must advise all persons undertaking the vegetation removal works on site of all permit conditions pertaining to native vegetation protection.

Native vegetation offsets

18. The total area of native vegetation permitted to be removed is 0.079 hectares, comprised of 5 large trees.
- a) To offset the removal of 0.079 hectares of native vegetation the permit holder must secure a native vegetation offset(s) that meets all the following:
 - I. a general offset of 0.0052 general habitat units located within the Goulburn Broken Catchment Management Authority (CMA) or Mount Buller Alpine Resort (Unincorporated) municipal district.
 - II. have a Strategic Biodiversity Value score of at least 0.665.
 - III. Provide protection for at least 5 large trees.

Offset evidence

19. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the responsible authority. This evidence must be:
- a) an established first party offset site. This must include:
 - a security agreement signed by both parties, and

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- a management plan detailing the 10-year management actions and ongoing management of the site.
 - b) to the satisfaction of the Department of Energy, Environment, and Climate Action and approved by the Responsible Authority.
 - c) Every year, for ten years, after the responsible authority has approved the offset management plan, the applicant must provide notification of the management actions undertaken towards implementing the offset management plan, to the department. An offset site condition statement, including photographs must be included in this notification. and/or
 - d) credit extract(s) allocated to meet the requirements of the permit from the Native Vegetation Credit Register.
20. A copy of the offset evidence must be endorsed by the responsible authority and form part of this permit.
21. Within 30 days of endorsement of the offset evidence by the responsible authority, the permit holder must provide a copy of the endorsed offset evidence to the Department of Energy, Environment, and Climate Action at pe.assessment@delwp.vic.gov.au

Bushfire Mandatory condition

22. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

Country Fire Authority

23. Before the development starts, the Bushfire Management Plan – 7 Goal Post Road, Mount Buller Prepared by Mountain Planning, Rev A dated 17 July 2023 must be endorsed by the Responsible Authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority.

Mount Buller Alpine Resort

Geotechnical

24. All buildings and works must be carried out in accordance with the geotechnical recommendations described in the preliminary geotechnical assessment report "Preliminary Geotechnical Assessment for Proposed New Ski Lodge at 7 Goal Post Road" prepared by Phil Styles & Associates and dated 25 June 2022, and the supporting letter, prepared by Phil Styles and Associates and dated 5 June 2023.

Services

25. Prior to the commencement of any excavation works at the site, the permit holder or developer must seek advice and arrange an on-site meeting with a Mount Buller Alpine Resort representative for a site induction and to verify service locations and no works are to be undertaken until all service locations have been identified and verified.
26. When carrying out any connection to water, sewerage and gas services, the permit holder or developer shall ensure that continuity of supply is always maintained to the downstream reticulation network. Any disruption to supply must be with a minimum two weeks' notice to Mount Buller Alpine Resort to allow notification to affected customers.

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Damage to Mount Buller Alpine Resort Infrastructure

27. Prior to the commencement of any works covered by this permit an asset protection report, including documentation, video, and photos (as necessary) of the existing condition of roads, stormwater drains, and vegetated areas must be submitted to, and approved by Mount Buller Alpine Resort.
28. The condition of roads, stormwater drains, and vegetated areas must be monitored for the duration of the works and any defects made safe or repaired within 24 hours of being identified to the satisfaction of Mount Buller Alpine Resort.
29. At the completion of the works a final condition report for roads, stormwater drains, and vegetated areas must be submitted, and any defects rectified at the cost of the permit holder or the developer to the satisfaction of Mount Buller Alpine Resort.

Department of Energy, Environment and Climate Action (DEECA)

30. A revised Site Environmental Management Plan (SEMP) must be prepared to the satisfaction of the Responsible Authority and Hume Region DEECA. The SEMP must be revised to include:
 - a) Measures to protect native wildlife during construction works, including incidental trapping in excavation areas and appropriate measures to mitigate risk.
 - b) Extent of native vegetation removal consistent with approved Native Vegetation removal report.

Buller Gas

31. A high-pressure gas service line cannot go under buildings or infrastructure, so the applicant must enter into an agreement with Buller Gas for any modification to the existing gas service line to the development.
32. The gas meter enclosure must be in a location approved by Buller Gas, providing safe access and avoiding snowshed. This needs to be in an enclosure away from any possible points of ignition (e.g. electrical meters).
33. Site works on the gas service and meter enclosure must not commence until the locations have been confirmed and works coordinated with Buller Gas.
34. The applicant must enter into an agreement with Buller Gas, and any work on gas assets must be authorised by Buller Gas, prior to the assets being connected back to the Gas distribution network.

Goulburn Murray Water

35. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
36. All wastewater from the site must be disposed of to the existing Mount Buller Wastewater treatment facility, in accordance with the requirements of the relevant authority.

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Expiry

37. The development component of this permit will expire if:

- The development is not started within two (2) years of the date of this permit; or
- The development is not completed within four (4) years of the date of this permit.

Pursuant to Section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend:

- The commencement date referred to if a request is made in writing before the permit expires or within six (6) months afterwards.
- The completion date referred to if a request is made in writing within twelve (12) months after the permit expires and the development started lawfully before the permit expired.

USEFUL INFORMATION:

(the following information does not form part of this permit)

Department of Transport and Planning

- Cultural Heritage Management Plan No. 18620, prepared by Keith Patton, dated 29 August 2022 applies to the project.

Mount Buller Alpine Resort

- The permit holder or developer must seek “Dial before you Dig” advice or direct advice from service authorities prior to commencement of any excavation works at the site.
- Prior to the commencement of any works on the site, the Mount Buller Alpine Resort must be consulted to ensure compliance with all relevant resort policies and procedures.

Goulburn Murray Water

- The subject property is located within an area of Cultural Heritage Sensitivity. Should the activity associated with proposed development require a Cultural Heritage Management Plan (CHMP), planning permits, licences and work authorities cannot be issued unless a CHMP has been approved for the activity.

AusNet Services

- The builder will need to undertake a Dial before you dig and also complete an online application for “**No Go Zone**” for working near our assets. To access our new online Electricity Connection Applications and for further information on connecting to the AusNet Services’ electricity distribution network please visit:

<https://www.ausnetservices.com.au/electricity/connections/energyconnect-application>

- Alternatively, you can contact Extec who can assist you with your No Go Zone requirements. Their details can be obtained by clicking on the following link:

<https://www.ausnetservices.com.au/safety/working-near-lines>

- For all enquiries please email subdivisions@ausnetservices.com.au

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IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit.

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

The responsible authority may amend this permit under Division 1A of Part 4 of the **Planning and Environment Act 1987**.

WHEN DOES A PERMIT BEGIN?

A permit operates:

- from the date specified in the permit; or
- if no date is specified, from—
 - i. the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
 - ii. the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
 - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation, within five years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
 - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
 - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
 - the use or development of any stage is to be taken to have started when the plan is certified; and
 - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must also be served on the responsible authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

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