

Assessment Officer Report

7 Goal Post Road, Mount
Buller
PA2302397



Officer Assessment Report
Development Approvals & Design

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Department
of Transport
and Planning

OFFICIAL

Executive Summary



Key information	Details		
Application No:	PA2302397		
Received:	31 July 2023		
Statutory Days:	88		
Applicant:	[REDACTED]		
Planning Scheme:	Alpine Resorts		
Land Address:	7 Goal Post Road, Mount Buller		
Proposal:	Buildings and works for the construction of five dwellings, the removal of native vegetation and the reduction of car parking spaces		
Development Value:	\$3.5m		
Why is the Minister responsible?	In accordance with the schedule to Clause 72.01 of the Planning Scheme, the Minister for Planning is the Responsible Authority for administering and enforcing the Alpine Resorts Planning Scheme (the Scheme).		
Why is a permit required?	Clause	Control	Trigger
Zone:	Clause 37.02-4	Comprehensive Development Zone Schedule 1 (CDZ1)	<i>Construct a building or construct or carry out works</i>
Overlays:	Clause 44.06-2	Bushfire Management Overlay Schedule 1 (BMO1)	<i>Construct a building or construct or carry out works for buildings associated with accommodation use</i>
	Clause 44.01-2	Erosion Management Overlay Schedule 1 (EMO1)	<i>Construct a building or construct or carry out works</i>
	Clause 43.02-2	Design and Development Overlay Schedule 1, Area 1 (DDO1-A1)	<i>Construct a building or construct or carry out works</i>
Particular Provisions:	Clause 52.06-3	Car parking	<i>Reduce the number of car parking spaces required under Clause 52.06-5</i>
	Clause 52.17-1	Native vegetation	<i>Remove, destroy or lop native vegetation, including dead vegetation.</i>
Cultural Heritage:	The site is within an area of cultural heritage sensitivity. A Notice of Approval has been obtained for approval of Cultural Heritage Management Plan 18620 on 30 August 2022.		
Total Site Area:	1,044sqm		
Gross Floor Area:	1,115sqm		
Height:	3 Storeys		
	10.9 metres		
Parking:	Cars	Motorcycles	Bicycles
	12	N/A	N/A
Referral Authorities:	Alpine Resorts Victoria (s55 – determining), Clause 7.0 of Schedule 1 to the CDZ (Clause 37.02)		
	Alpine Resorts Victoria (s55 – determining), Clause 7.0 of Schedule 1 to EMO (Clause 44.01)		



Department of Energy, Environment and Climate Action (s55 – determining), Clause 7.0 of Schedule 1 to the CDZ (Clause 37.02)

Country Fire Authority (s55 – recommending), Clause 44.06-6

AusNet Services (s55 – determining), Clause 7.0 of Schedule 1 to the CDZ (Clause 37.02)

Buller Gas (s55 – determining), Clause 7.0 of Schedule 1 to the CDZ (Clause 37.02)

Goulburn Murray Water (s55 – determining), Clause 66.02-5

Public Notice:

The 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 Planning and Environment Act 1987 (the Act) pursuant to the Erosion Management Overlay (EMO) and the Bushfire Management Overlay (BMO) of the Scheme.

The application **is not 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 Planning and Environment Act 1987 (the Act) pursuant to Clause 37.02 (CDZ1), Clause 43.02 (DDO1), Clause 52.17 (Native vegetation) and Clause 52.06 (Car parking) of the Scheme.

The application has attracted 19 submissions with the main concerns include overdevelopment, excessive vegetation removal, inadequate car parking and unreasonable amenity impacts including loss of views and loss of natural light.

Delegates List:

Approval to determine under officer delegation received at Project Discussion Meeting on 30 November 2023.



History

1. A previous application for the construction of 6 dwellings (lodges) was lodged as part of PA2201612 in May 2022 and subsequently withdrawn in June 2023. PA2201612 attracted 33 submissions, predominantly from the adjoining property to the south (Aeski Lodge) at 5 Goal Post Road. The previous application included a maximum height of 11.7m and a site coverage of 45%. The application was withdrawn so that a new application could be lodged that included a redesign to address the main concerns raised by submitters, particularly regarding height and loss of views.

Application Process

2. The key milestones in the application process were as follows:

Milestone	Date
Pre-application meeting	N/A
Application lodgement	31 July 2023
Further information requested	3 August 2023
Further information received	13 September and 3 October 2023.
Decision Plans	Architectural plans prepared by Rosenthal Munckton & Shields Architects and dated May and August 2023 (TP.01 to TP.12) (12 pages)
Other Assessment Documents	<ul style="list-style-type: none">• 'Flora and Fauna Assessment' report, prepared by Biosis and dated 7 June 2022, (58 pages).• 'Native Vegetation Removal Report', prepared by DEECA and date of issue 3 June 2022 (7 pages).• 'Vegetation Link' (offset availability document), prepared by DEECA and dated 15 February 2022, (3 pages).• Site Environmental Management Plan (SEMP), prepared by Mountain Planning and dated & signed 3 August 2023, (15 pages).• Site Environmental Management Plan (SEMP) and Rehabilitation and Revegetation Plan, prepared by Mountain Planning and dated & signed 3 August 2023, (2 pages).• Bushfire Management Plan, prepared by Mountain Planning, Revision A and dated 17 July 2023, (1 page).• Planning Report, prepared by Mountain Planning and dated July 2023, (36 pages).• 'Preliminary Geotechnical Assessment' report, prepared by Phil Styles & Associates and dated 25 June 2022, (21 pages).• Geotechnical Letter (Addendum), prepared by Phil Styles & Associates and dated 5 June 2023, (2 pages).• 'Cultural Heritage Management Plan No. 18620, prepared by AKWP Heritage Advisers Pty Ltd and dated 29 August 2023, (110 pages).• 'Notice of Approval' document and dated 30 August 2022, (1 page).• 'Evaluation of Cultural Heritage Management Plan' letter, prepared by Taungurung Land and Waters Council and dated 30 August 2022, (1 page).

3. The subject of this report is the decision plans (as described above).

Proposal Summary

4. The proposal can be summarised as follows:

- The knockdown of an existing two storey building used for accommodation and the construction of five, self-contained dwellings (referred to as lodges). Lodge 1 will contain three storeys, Lodge 2 will contain 4 storeys and Lodges 3, 4 and 5 will contain two storeys.
- A single garage is provided to Lodges 1, 3 and 4 and a double garage is provided to Lodges 2 and 5. Lodge 3 is provided with two additional uncovered car spaces in tandem, Lodge 4 is provided with an additional uncovered tandem car space and Lodge 5 is provided with an additional two uncovered car spaces in tandem.
- Lodges 2 and 3 will each contain 3 bedrooms while Lodge 1 will contain 3 bedrooms and a study. Lodges 4 and 5 will contain 4 bedrooms each.
- Minimum setbacks to the lease boundaries include:
 - 2.88m (roofline for Lodge 1) and increasing to 4m, to the Goal Post Road (frontage) lease boundary.
 - 3m (roofline) increasing to 3.7m (Lodge 2) to the southern lease boundary (adjoining 5 Goal Post Road).
 - 2.4m (roofline for Lodge 5) increasing to 3.5m to the western lease boundary (adjoining 3 Delatite Lane).
 - 3m minimum (Lodge 5) and increasing to 5m to the northern lease boundary (adjoining 1 and 1A Delatite Lane).
- Minimum setbacks from the proposed development to adjoining building include:
 - 7.1m to the adjoining building to the north (1 Delatite Lane).
 - 6.7m to the adjoining building to the west (3 Delatite Lane).
 - 6m to the adjoining building to the south (5 Goal Post Road).
- The maximum overall heights for each lodge are as follows:
 - Lodge 1 – 10.9m
 - Lodge 2 – 10.5m
 - Lodge 3 – 6.7m
 - Lodge 4 – 7.4m
 - Lodge 5 – 7.2m.
- Site coverage of 43%.
- Materials for the lodges include Colorbond roof (Monument and Basalt). Wall cladding includes a variety materials and colours including Colorbond vertical wall sheeting (Dune colour), James Hardie linea boards (Basalt and Windspray colours), James Hardie expressed joint cladding (Monument colour), Corten sleet cladding in a natural rust finish and fibre cement in whitewash colour. Natural stone will be included to the east elevations for Lodges 1 and 2 (19%).
- Snow dump will be directed to all sides with snow dump zones demonstrating it can be contained within the leasehold boundaries. It also shows that it is directed away from access and pedestrian areas. Snow retention guards are incorporated into the design.
- The proposed development will include the removal of most vegetation within the site, assessed as being 0.081ha of native vegetation including 5 large trees.

5. Elevations of the plans are as follows:

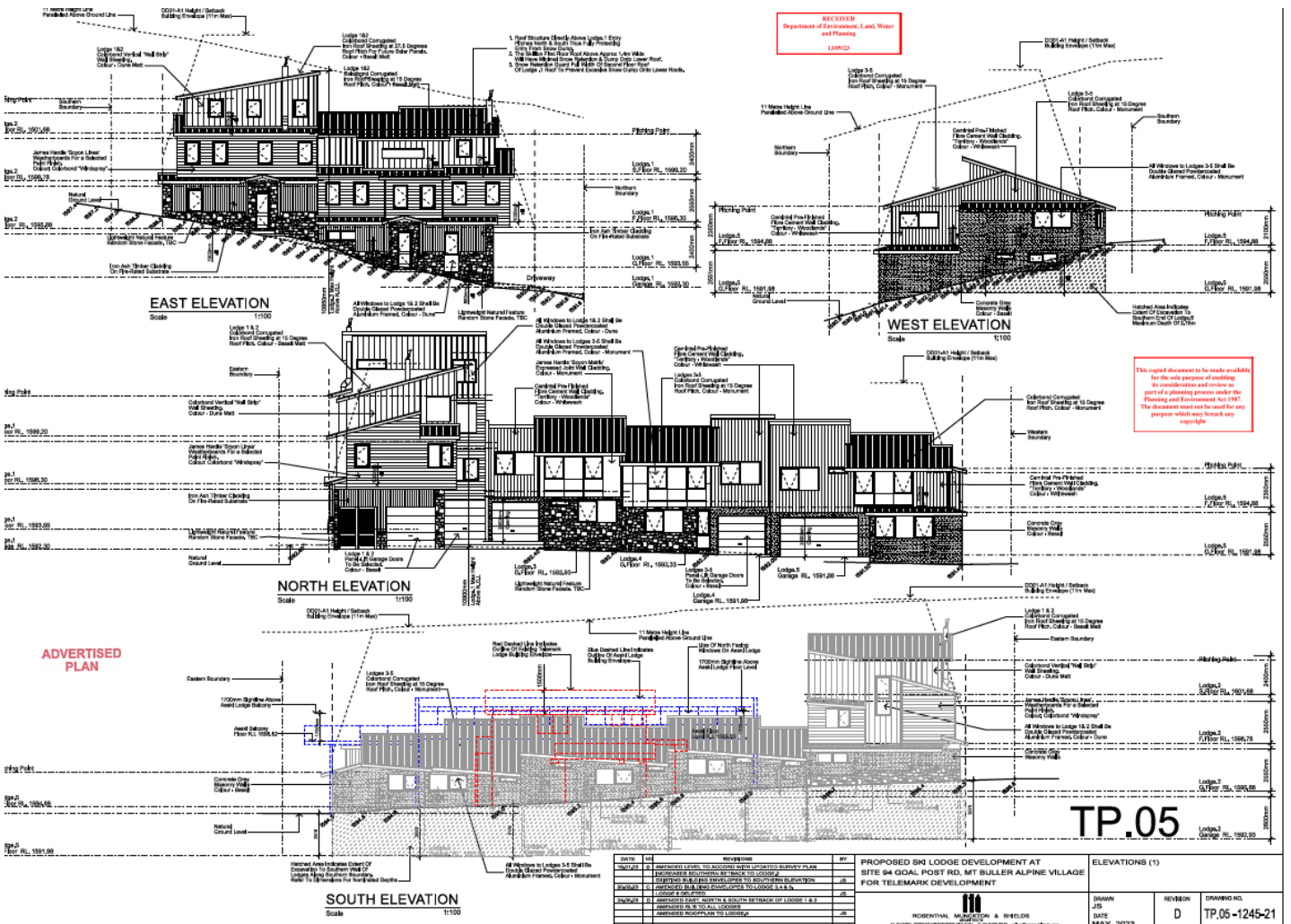


Figure 1 – Elevations – (Source: Application)

Subject Site and Surrounds

Site Description

- The site is located on the western side of Goal Post Road. The site is formally described as Crown Allotment 94, Section A, Parish of Changue East.

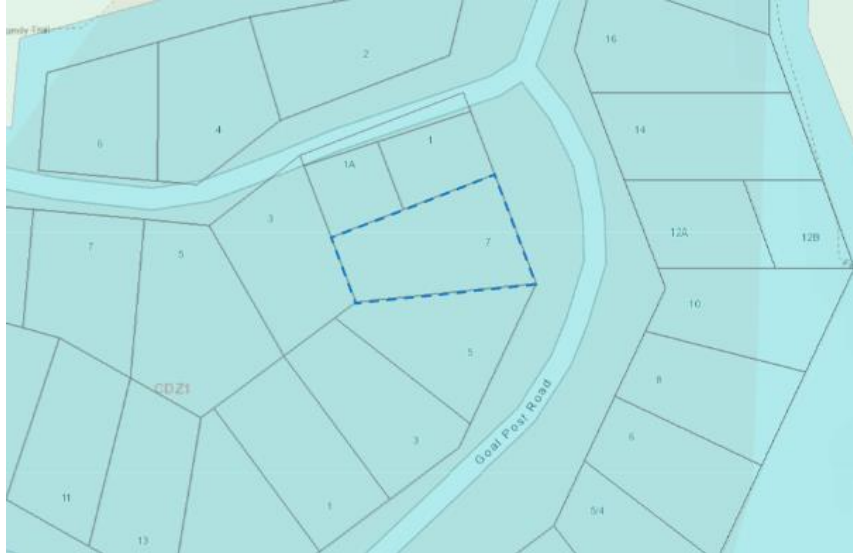


Figure 2 – Subject site (blue outline) and surrounds – (Source: VicPlan)

- The site is irregular in shape and has the following attributes:
 - Contains an area of 1,044sqm, comprising a frontage to Goal Post Road of 29.49m and a depth of 44.4m along the northern lease boundary.
 - The land slopes from the north up to the south and there is a total rise of approximately 6m.
 - Located approximately centrally on the allotment is 'Telemark lodge' which is a two-storey lodge clad with timber weatherboards. (Refer to Figure 3).
 - Access to the existing lodge is via an unsealed driveway accessed directly off Goal Post Road.
 - The site contains scattered Snow Gums, native grasses and shrubs.



Figure 3 – Existing conditions – (Source: Application)



Site Surrounds

8. The site is bound by two properties to the north (1 Delatite Lane contains a lodge known as Blue Eyes Ski Lodge and 1A Delatite Lane is vacant). There is one property to the west (3 Delatite Lane and contains a lodge known as Snowdown Ski Lodge). There is one property to the south (5 Goal Post Road and contains a lodge known as Aeski Lodge). The site is also adjacent to 4 other properties directly opposite Goal Post Road to the east (10, 12A, 14 and 16 Goal Post Road).
9. Photographs of the existing east and west elevations are provided in Figure 4.



Figure 3.10: Existing east elevation



Figure 3.11: Existing west elevation

Figure 4 – Existing east and west elevations – (Source: Application)



Planning Policy Framework

11. The Planning Policy Framework (PPF) provides the broad policy direction within the Victoria Planning Provisions. The planning principles set out under the PPF are to be used to guide decision making on planning proposals across the state.
12. The following policies are considered relevant to this application:

Clause	Description
02.03-5	Built Environment
02.03-6	Vision
12.01-1S	Protection of Biodiversity
12.04-1S	Sustainable Development in Alpine Areas
13.02-1S	Bushfire Planning
13.04-2S	Erosion and Landslip
15.01-2S	Building Design
15.03-2S	Aboriginal Cultural Heritage
17.04-1S	Facilitating Tourism

Local Planning Policy Framework

13. The Municipal Strategic Statement (MSS) and Local Planning Policy Framework (LPPF) within Planning Schemes across Victoria outline principal characteristics of a given municipality (municipal profile) and provide specific visions, goals, objectives, strategies and implementation plans.
14. The MSS within the Alpine Resorts Planning Scheme identifies the objectives and strategies for the Mount Buller alpine resort.
15. The following policies are considered relevant to this application:

Clause 11	Settlement
11.01-1L	Alpine Villages
11.01-1L	Mt Buller Village
Clause 12	Environmental and Landscape Values
12.01-1L	Protection of biodiversity in alpine resorts
12.04-1L	Sustainable development – alpine resorts
Clause 13	Environmental Risks and Amenity
13.02-1L	Bushfire planning – alpine resorts
13.04-2L	Erosion and landslip in alpine resorts
Clause 15	Built Environment and Heritage
15.01-2L	Built form in alpine resorts
15.01-2L	Building design in Mt Buller

16. The assessment section of this report provides an assessment of the relevant planning policies.



Zoning and Overlays

Clause 37.02 – Comprehensive Development Zone, Schedule 1 (CDZ1)

17. A planning permit is not required for the use of the land for a dwelling(s) given the requirements of the Clause 2.1 (connection to services) are met.
18. A planning permit is triggered to construct a building or construct or carry out works pursuant to the CDZ1. The purpose of the CDZ1 is:
 - *To encourage development and the year round use of land for a commercially orientated, alpine resort.*
 - *To provide for residential development in a variety of forms in an alpine environment.*
 - *To encourage development and the use of the land which is in accordance with sound environmental management and land capability 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.*
19. The CDZ1 includes application requirements and decision guidelines for consideration of the site's context, including a Site Environmental Management Plan (SEMP).
20. The following sections include a discussion of how the proposal responds to these requirements.

Clause 43.02 – Design and Development Overlay, Schedule 1, Area 1 (DDO1-A1)

21. A planning permit is triggered to construct a building or construct or carry out works pursuant to the DDO1.
22. The DDO includes three separate areas where specific requirements should be met for proposed developments. The subject site is located within the Area 1 (A1) where specific requirements are included in relation to height, setbacks, maximum site coverage and car parking. Other specific requirements apply in relation to wall and roof materials and colours.
50. The design objectives of the DDO1 include:
 - *To ensure that development within the Mt Buller Village creates and enhances an identifiable individual resort character.*
 - *To ensure building design provides a visually attractive and functionally effective interface with the public domain, particularly within the Village Square and adjacent to the Bourke Street ski run.*
 - *To ensure view corridors are protected between buildings and provide opportunities for view sharing.*
 - *To provide safe pedestrian and skier access and linkages within the Village and to the ski fields.*

Clause 44.01 – Erosion Management Overlay, Schedule 1 (EMO1)

23. A planning permit is triggered to construct a building or construct or carry out works pursuant to the EMO1.
24. The EMO1 includes application requirements and decision guidelines that require a Preliminary Geotechnical Assessment be provided, prepared by a suitably qualified and experienced geotechnical practitioner. The following sections include discussion of how the proposal responds to these requirements.

Clause 44.06 – Bushfire Management Overlay, Schedule 1 (BMO1)

25. A planning permit is triggered to construct a building or construct or carry out works associated with accommodation (dwelling).
26. The Schedule to the overlay specifies substitute approved measures, additional alternative measures and additional or substitute decision guidelines.



Particular and General Provisions

Provisions that Require, Enable or Exempt a Permit

Clause 52.06 – Car parking

27. Clause 52.06-5 sets out the requirements of car parking for a dwelling. Given the number of bedrooms, each lodge is required to provide for 2 car spaces. One visitor car space is also required.
28. A reduction in car parking spaces is sought by the applicant given Lodge 1 contains only one dedicated car space. Furthermore, a usable 'visitor' space is not provided. Therefore, a permit is triggered for the reduction of two car spaces.

Clause 52.17 – Native vegetation

29. The proposed development includes the removal of native vegetation. A permit is required to remove, destroy or lop native vegetation, including dead vegetation.
30. This policy seeks to ensure there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is applied by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):
 - Avoid the removal, destruction or lopping of native vegetation.
 - Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
 - Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.

Operational Provisions

Clause 65.01 – Approval of an application or plan

31. Clause 65 sets out the decision guidelines that the responsible authority must consider before deciding on an application, including the proposal's effect on the amenity of the area.

Clause 71.02-3 – Integrated decision making

32. Clause 71.02-3 outlines that planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.



Referrals

33. The application was referred to the following groups:

Provision / Clause	Organisation	Response and date received
Section 55 Referral – Determining (Clause 37.02, CDZ)	Alpine Resorts Victoria, Mt Buller Mt Stirling Alpine Resort (ARV)	No objection subject to conditions. Received 30 October 2023
Section 55 Referral – Determining (Clause 44.01, EMO)	Alpine Resorts Victoria, Mt Buller Mt Stirling Alpine Resort (ARV)	No objection subject to conditions. Received 30 October 2023
Section 55 Referral – Determining (Clause 37.02, CDZ)	AusNet Services	No objection subject to a note. Received 7 August 2023
Section 55 Referral – Determining (Clause 37.02, CDZ)	Buller Gas	No objection subject to conditions. Received 24 August 2023
Section 55 Referral – Determining (Clause 66.02-5)	Goulburn Murray Water	No objection subject to conditions and a note. Received 14 August 2023
Section 55 Referral – Determining (Clause 37.02, CDZ)	Department of Energy, Environment and Climate Action (DEECA)	No objection subject to conditions. Received 25 October 2023
Section 55 Referral – Recommending (Clause 44.06-6, BMO)	Country Fire Authority (CFA)	No objection subject to conditions. Received 25 August 2023.

Other advice

51. The application was informally referred to DEECA Hume Region (HR) to provide comments in relation to offsets required for the proposed native vegetation removal. The native vegetation removal follows the ‘intermediate assessment pathway’ and as such is not a formal referral to DEECA HR. The comments include standard conditions around the protection of native vegetation to be retained as well as conditions on offsets to be secured which includes offsets for the removal of 0.079 hectares of native vegetation and the removal of 5 large trees. Suggested conditions include 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.

Notice

34. The 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 *Planning and Environment Act 1987* pursuant to the following provisions:

- Clause 44.01-7 of the EMO
- Clause 44.06-7 of the BMO.



35. The application is not 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 *Planning and Environment Act 1987* pursuant to the following provisions:
- Clause 37.02 of the CDZ
 - Clause 43.02 of the DDO
 - Clause 52.17 of Native vegetation
 - Clause 52.06 of Car parking.
36. Clause 8.0 of Schedule 1 to CDZ (Clause 37.02) requires notice be given to the 'relevant Resort Management Board and relevant adjoining Municipal Council' for any use or development.
37. Notice was provided to the ARV on 3 October 2023 and on 30 October 2023 the ARV responded advising no objection subject to inclusion of conditions.
38. Notice was provided to the Mansfield Shire Council on 17 October 2023 responded advising no objection and no conditions.
39. The application was advertised by giving notice to the leaseholders and sub-lessees of adjoining and nearby properties, erection of one sign on site and the display of a copy of the notice at the Mt Buller Mt Stirling Alpine Resort office.
40. A total of 19 submissions have been received. At least 12 were received from the adjoining lodge to the south (Aeski Lodge at 5 Goal Post Road), one submission was received from the adjoining property to the north (1 Delatite Lane) and the remaining 6 submissions did not declare their interest or address.
41. Concerns raised include overdevelopment, excessive vegetation removal, inadequate car parking and unreasonable amenity impacts including loss of views and loss of natural light.



Consistency with State and Local Planning Policies

42. Broadly, the planning policies relevant to this proposal encourage the sustainable use and development of the Alpine areas for year round use and activity, encourage tourism development, seek to protect areas prone to erosion and landslip and environmentally sensitive areas, and ensure that development respects the Alpine character.
43. The specific policies relevant to Mt Buller that apply, and a response to them, is provided as follows:
- To ensure that the design, scale, height and materials of development are sympathetic to the existing natural and built form character of the resorts (Clause 02.03-5).
 - To maintain the unique 'village' atmosphere by siting buildings within the alpine landscape, retain trees and maintain the compactness of the developed area (Clause 02.03-5).
 - To facilitate the right mix of commercial, retail, accommodation, entertainment, community and service facilities for the ongoing viability of resorts as year round destinations (Clause 02.03-6).
 - To consolidate development within the Village (Clause 11.01-1L).
 - To assist the protection and conservation of Victoria's biodiversity (Clause 12.01-1S) and to preserve and enhance the habitat of threatened species and communities within the alpine resorts (Clause 12.01-1L).
 - To facilitate sustainable use and development of Alpine areas for year-round use and activity (Clause 12.04-1S) and to maintain the character of the resort and its relationship to the broader natural and cultural landscape of Mt Buller and Mt Stirling (Clause 12.04-1L).
 - To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life (Clauses 13.02-1S and 13.02-1L).
 - To protect areas prone to erosion, landslip or other land degradation processes (Clause 13.04-2S) and to ensure that geotechnical hazards are managed throughout the resorts so as to minimise risk to property and persons (Clause 13.04-2L).
 - To achieve building design outcomes that contribute positively to the local context and enhance the public realm (Clause 15.01-2S) and to utilise materials such as the natural stone and timber to provide strong design elements, resulting in a cohesive design language for Mt Buller (Clause 15.01-2L).
 - To ensure the protection and conservation of places of Aboriginal cultural heritage significance (Clause 15.03-2S).
 - Encourage the development of a range of well-designed and sited tourist facilities, including integrated resorts, accommodation, host farm, bed and breakfast and retail opportunities (Clause 17.04-1S).
44. The proposal is consistent with the relevant policies. The proposal has appropriately considered the geotechnical and bushfire requirements to reduce the risk to life and property. The proposal will also be developed in accordance with the submitted Site Environmental Management Plan (SEMP).
45. The proposal has considered the protection of biodiversity by ensuring the site coverage remains well under the maximum allowable under the DDO1 and ensuring most of the minimum setback requirements are met. Offsets for the native vegetation loss of 0.81ha can be secured.
46. The proposal has regard to safe snow shed through a roof design which dumps snow away from pedestrianised locations and retains it within the site boundaries.
47. Furthermore, the development supports the Alpine Resorts as a major tourist destination by creating 5 new lodges that provides for 3 and 4 bedrooms and utilises materials and finishes which are responsive to the Alpine character.
48. The following section of this report will detail the key issues in this matter considering relevant planning policy and controls.



Zoning

49. The zoning and overlay provisions have been considered in the application.
50. The proposal meets the purpose of the CDZ1 which include (as relevant):
- *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.*
52. The proposal includes the construction of 5 new dwellings (lodges) that will add to the diversity of housing choice at Mt Buller. The existing lodge contains a small footprint for a leasehold lot that is more than 1,000sqm and therefore the land is currently underutilised. The proposed lodges will make use of existing infrastructure and services currently provided to the existing lodge.
53. The proposed development has been designed to respect and integrate into the surrounding landscape and incorporates varying heights and articulation. The development also utilises colours and finishes that will complement the alpine resort environment.
54. A SEMP has been provided, generally consistent with the requirements of Clause 4.3-3 of Schedule 1 to the CDZ and the ARV have reviewed it and advised that it is to their satisfaction.
55. In response to the relevant decision guidelines of the CDZ, it should be noted that:
- The proposal will result in the loss of native vegetation however complete avoidance on site is not feasible without undermining the objectives of the project due to the size of the site, the position and extent of native vegetation.
 - The proposed external material, finishes, cladding and colours are suitable to the alpine environment and common within Mt Buller village.
 - Snowshed from the proposed development will incorporate snow guards on the roof and all snow shed will be managed to ensure it is contained within the existing leasehold boundaries.

Built Form

56. The site is subject to the Design and Development Overlay, Schedule 1 (Mt Buller Alpine Resort Village). Relevant design objectives include ensuring that the Mt Buller Village creates and enhances an identifiable individual resort character and to ensure building design provides a visually attractive and functionally effective interface with the public domain, particularly within the Village Square and adjacent to the Bourke Street ski run.
57. The proposed development, to construct 5 new self-contained dwellings is generally considered appropriate as it will replace an existing lodge resulting in a positive net change to the number of lodges provided on the land. The provision of 5 new lodges will enhance the Mt Buller village by providing additional accommodation in a variety of form as each lodge differs in design and materials from the other.
58. There are several requirements stated in the table to schedule 1 of the DDO and the subject site is located within A1 area, referred to as DDO1-A1. In assessing the appropriateness of the built form of the proposed development, consideration of the DDO1-A1 requirements is necessary. An assessment will now follow and a response to the objector concerns will be addressed.
59. The DDO1-A1 includes a requirement for the maximum height of any part of a building to not exceed 3 storeys or 11m above natural ground level. The development has generally been designed to follow the contours of the land. While the ground floor level will be excavated into the land, this has been designed purposely to minimise the overall height of the development. The maximum overall height to each lodge will vary, ranging from 10.9m for Lodge 1 (as the maximum for the whole development) and 6.7m for Lodge 3 (as the lowest). The proposed development therefore complies with the maximum height requirement of the DDO1-A1.



60. It should also be noted that the re-designed proposal forming part of this application, was purposely modified from the earlier application for the development of the site as part of PA2201612, by reducing the overall height of the proposed lodges that were directly in the line of sight from the adjoining lodge (Aeski Lodge) to the south at 5 Goal Post Road. Refer to Figures 5 and 6 respectively for the proposed south elevation and the south elevation of the 'withdrawn' application.

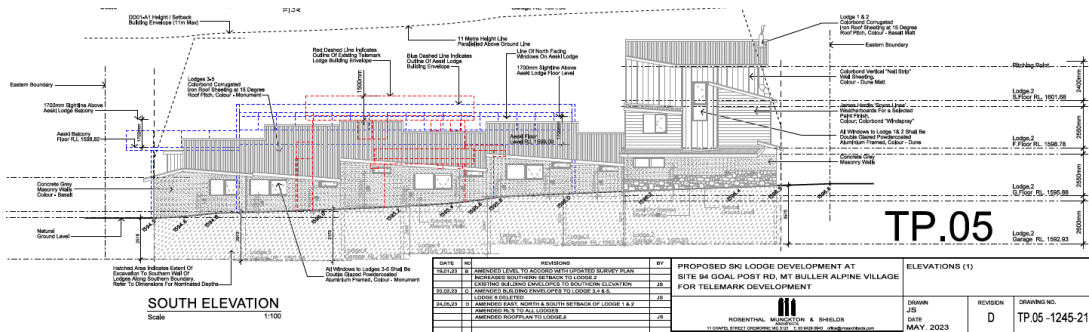


Figure 5 – South elevation – proposed development (Source: Application)

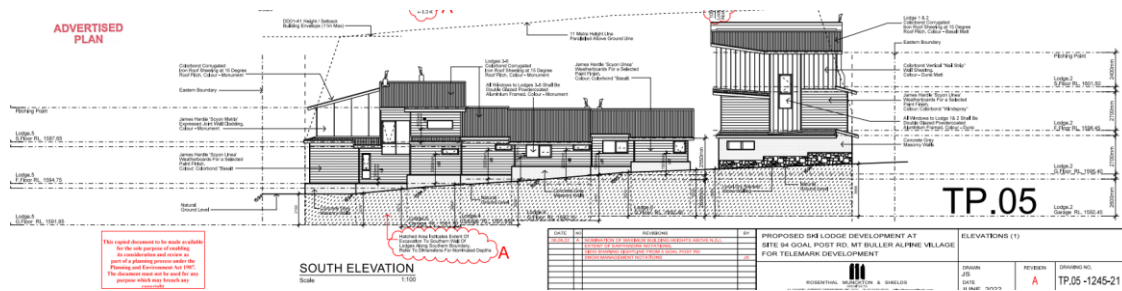


Figure 6 – South elevation – 'withdrawn' application for PA2201612 (Source: PA2201612)

61. The proposed plans also demonstrate that proposed Lodges 3-5 will have a maximum overall height that is approximately 1m lower than the height of the existing lodge on site. Furthermore, the plans show that the proposed Lodges 3-5 will also be lower in height than the existing Aeski Lodge to the south. This will enable views from the Aeski Lodge be retained to at least what is considered reasonable, or at least not totally obstructed as a result of the new development.
62. The DDO1 specifies minimum building setbacks to be complied with, or a permit can be issued to vary. A building must be setback 6m from the closest kerbside or constructed edge of a road abutting the frontage of the Site (Goal Post Road) and 3m from the frontage (front lease boundary) of the site. The proposed development will be located approximately 20m from the closest kerbside or constructed edge of Goal Post Road, thus easily meeting the requirement. Lodge 1, fronting Goal Post Road, will be located 2.88m from the Goal Post Road lease boundary, however this is from the roofline and given the wide road reserve area, considered reasonable. It should also be noted that the setback to the Goal Post Road lease boundary increases to 3.3m for most of the development facing the frontage.
63. The DDO1-A1 requires 3m setbacks to any other site boundary. The proposed development meets this requirement to the northern and southern lease boundaries as the development provides a 3m minimum setback to these sides. A minor variation is sought to the western lease boundary as the proposed development is setback 2.4m minimum from the roofline for Lodge 5. The setback to the western lease boundary increases to 3.5m for most of the western wall. The variation sought is considered reasonable as it is to the southern most part of the proposed building and thus further away from the closest adjoining lodge (3 Delatite Lane).
64. Developments should be located a minimum 6m from any building on an adjoining site. A number of submitters claim that the proposed development distance to the adjoining building does not meet the 6m minimum setback requirement and instead achieves 4m. This is incorrect. The proposed development complies with this requirement as it is located 6m from the adjoining building to the south (5 Goal Post Road), 6.7m from the adjoining building to the west (3 Delatite Lane) and 7.1m from the adjoining building to the north (1 Delatite Lane).



65. Some minor setback variations are sought in relation to the external wall height that exceeds 3.6m. The DDO1-A1 requires that for any part of an external wall measured above natural ground level exceeds 3.6m in height, the minimum prescribed distance of the wall from a boundary shall be increased in the proportion of 100mm for every 300mm or part thereof by which that height of that part of the wall exceeds 3.6m. As such, for the proposed development, the following variations are sought:

ELEVATION	PROPOSED WALL SETBACK	DDO1-A1 REQUIRED WALL SETBACK	VARIATION SOUGHT	IS VARIATION SOUGHT REASONABLE
East (Lodge 2)	3.3m	4.2m	0.9m	Yes
South (Lodge 2)	3.1m	4.4m	1.3m	Yes
West (Lodge 5)	3m	3.3m	0.3m	Yes

66. The wall height setback variation sought to the east (Goal Post Road) from Lodge 2) is considered reasonable given there is a wide road reserve and the setback to the actual road kerb or constructed road edge is approximately 20m.
67. The wall height setback variation sought to the south (from Lodge 2) is considered reasonable given it is only to a small area of the development and that section of building is not directly in front of the adjoining building to the south (Aeski Lodge). The wall height setbacks to the south are achieved for Lodges 3-5, which is important given these lodges are directly in front of the adjoining lodge to the south. Therefore, the direct line of sight for the adjoining southern lodge should not be unreasonably impacted.
68. The wall height setback variation sought to the west (from Lodge 5) is considered reasonable given it is only 300mm and the variation is only to the southern part of the building. This section is also not directly adjacent to the existing lodge to the west therefore should not unreasonably impact the adjoining property.
69. Overall, the variations to the wall height sought are considered reasonable as they are only to small areas of the proposed development and not across the whole wall on the respective elevation. Secondly, the section where the variations are sought are not directly in front of the existing buildings on the adjoining respective properties. Thirdly, it appears greater consideration has been applied by the applicant in submitting plans that are significantly improved from the plans that formed part of the withdrawn application, hence making a genuine attempt to address concerns that were raised as part of that earlier application.
70. The DDO1-A1 requires buildings to be setback 6m from any building on an adjoining site. This setback is achieved and a variation to this requirement is not required. The proposed development will be setback 6m from the adjoining building to the south (5 Goal Post Road), 6.7m from the adjoining building to the west (3 Delatite Lane) and 7.1m from the adjoining building to the north (1 Delatite Lane).
71. Therefore, overall, it is considered that the setbacks provided from all lease boundaries to the proposed development are appropriate for the following reasons:
- The proposed development is well articulated with varying heights and varying roof forms with the lodges ranging between 2 and 4 storeys.
 - The areas of noncompliance are limited to small sections of the proposed development and are generally to the east and west. The variations are minor and will not have any unreasonable impacts to the relevant adjoining properties.
 - The overall height of the proposed development is lower than the adjoining lodge to the south for Lodges 3-5. Where the development is higher is for Lodges 1 and 2 which are the eastern lodges, and these are not in direct view line of the adjoining lodge to the south.
 - The setbacks of the existing lodges to the north, west and south do not meet the minimum 3m setback to their respective lease boundary.
 - There are no significant views which require protection in this location.



- As outlined above the proposed development will not present as unreasonably bulky or obtrusive as it is comparable in scale and massing of surrounding residential development and is well articulated. The materials, colours and finishes result in an integrated built form presentation that sits comfortably within the alpine landscape.
72. The site coverage requirement of the DDO1-A1 is 60%. The proposed development will have a site coverage of 43% thus easily meeting the 60% maximum site coverage of the DDO1-A1. Several the objectors claim that the proposed development is an overdevelopment for the site, however the proposal is well under the maximum requirement, and this is largely achieved by designing the development to meet most of the setback requirements of the DDO. The site coverage of 45% is not an overdevelopment.
73. Other requirements of the DDO1-A1 include car parking of 1 space per 140sqm of gross floor area (GFA), a minimum setback of 3m from all site boundaries and a minimum 3m wide access way. The development has a GFA of 1,115sqm. Based on the rate, 8 car spaces are required to be provided. The proposed development provides for 7 covered (garage) car spaces and 5 additional car spaces in tandem. As such, compliance with the number of car spaces is achieved. Furthermore, the garages for each lodge are setback a minimum of 3m from all lease boundaries and the accessway provided achieves the minimum 3m width. Additional comments in relation to car parking requirements of Clause 52.06 will be provided later in this report.
74. The DDO1-A1 specifies materials and colours to be utilised. The proposed development incorporates Colorbond roofing and wall cladding to comprise of a mixture of materials including stone to the Goal Post Road frontage (Lodges 1 and 2), Colorbond vertical sheeting, corten steel and fibre cement sheeting. The development will incorporate 19% of natural stone to the east façade, facing Goal Post Road, hence meeting the minimum 15% requirement of stone to all external facades visible from the road. All of these materials are suitable and common within the alpine environment.
75. Colours proposed include 'Basalt' and 'Monument' for the roof, which are suitable grey tones. Furthermore, all other wall and window colours will be in either grey or brown tones, which allow the development to blend into the backdrop of the surrounding environment.
76. Furthermore, a minimum of 32% of the facades facing Stirling Road and Chamois Road are stone clad, which exceeds the 15% minimum requirement of the DDO1.
77. The development has been designed to provide visual interest from all sides. This is achieved through the use of different external materials, varying roof profiles and small protrusions to articulate facades. The protruding window shrouds, overhanging balconies, recessed entries protruding walls and small, irregularly placed windows, all assist to create visual interest and to break up the built form, achieving a development that enhances the Mt Buller village and its character. Furthermore, the development provides a visually attractive and functional interface within the surrounding area.

Amenity Impacts

78. The proposal was widely advertised and attracted a number of submissions as outlined earlier. Some of the concerns have been addressed above, however a number of the objector concerns was in relation to amenity impacts.
79. A number of the submissions received were from the Aeski Lodge, which is located directly south of the subject site at 5 Goal Post Road. Many of the submitters claim that they will be directly impacted due to losing their views. View corridors for the Aeski Lodge are to the north and the east, where they look out to the ski fields and mountains.
80. The relevant planning controls around views is to ensure view corridors are protected between buildings and provide opportunities for view sharing. It should also be noted many of the submitters who raise this as an issue, raise it in a general sense without stating specifically how they would be impacted. Nonetheless, in response to this issue, it is noted that the Aeski Lodge will sit above the roofline of the proposed development. Furthermore, the proposed development, while it will have a much greater site coverage across the site than the existing lodge (Telemark Ski Club), the part of the proposed development that sits directly in front of the Aeski Lodge (which is predominantly Lodges 3-5) will be approximately 1.5m lower than the existing lodge on the site. The applicant has provided a section of the west elevation for Lodge 4 with the Aeski Lodge which demonstrates that view lines from the Aeski Lodge can still be obtained as the Aeski Lodge sits higher than the proposed development. (Refer to Figure 7).

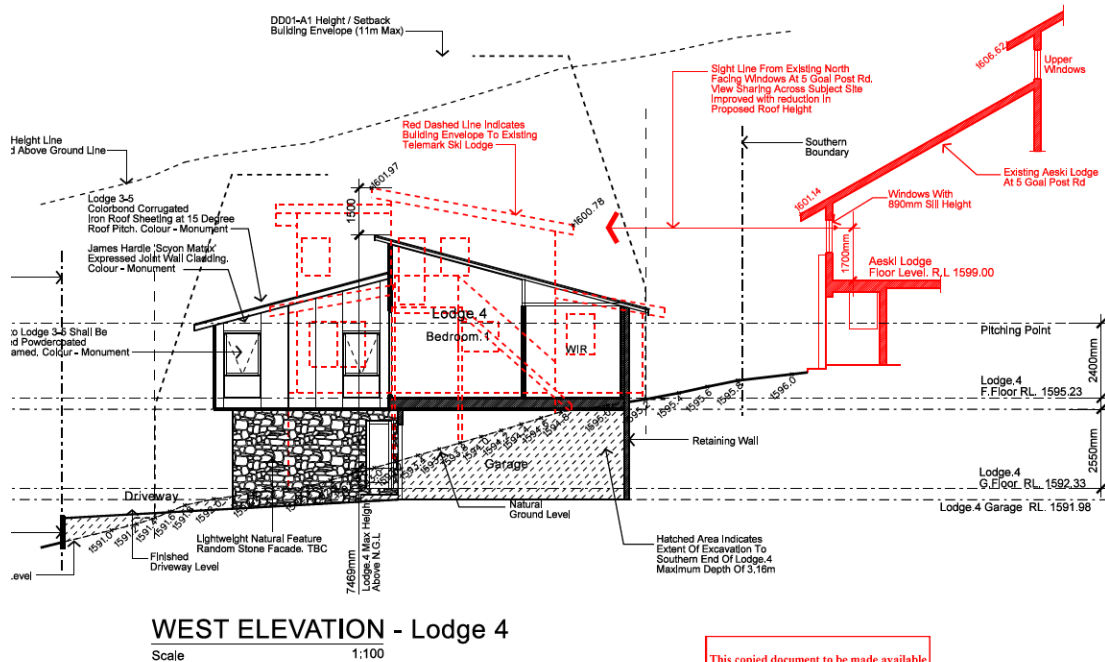



Figure 7 – West elevation – Lodge 4 and Aeski Lodge to the south showing view lines (Source: Application)

81. While there may be some impact or loss of views from the lower levels of the Aeski Lodge, on balance, a reasonable level of view lines will be retained, thus achieving the protection of view corridors between buildings, as required by the Scheme.
82. It should be noted that the plans submitted as part of the earlier application (PA2201612) included a development that was higher than the proposed development forming part of this application. The leaseholder, purposely revised the plans to ensure that the concerns raised regarding the loss of view lines would be appropriately addressed as part of the current application. This was achieved by reducing the height and effectively removing a storey to intentionally ensure that the current application achieves a reasonable level of view sharing. With the maximum overall heights of Lodges 3, 4 and 5 being 6.7m, 7.4m and 7.2m respectively, it is considered that the proposed development is site responsive and designed to minimise impacts on views from the Aeski Lodge and to ensure that views can still be obtained over the proposed lodges.
83. Other amenity related concerns raised by numerous submitters, predominantly from the Aeski Lodge adjoining to the south include the loss of natural light. While it is acknowledged that a variation to the wall height is sought for the setback to the Aeski Lodge and the wall for Lodge 2, Lodge 2 is to the eastern section of the land and not directly in front of the Aeski Lodge. Furthermore, the minimum 6m setback between the proposed development and the Aeski Lodge is achieved. However, in response to the submitters that raise concerns on the loss of natural light, it is considered that any loss resulting would not be unreasonable given the setbacks between the buildings. The applicant includes shadow diagrams as part of the architectural plans submitted which demonstrate that the proposed development will not result in any unreasonable shadows cast on the Aeski Lodge, with the impact generally being restricted to the area between the actual Aeski lodge building and their respective northern (or mutual) leasehold boundary.

Snow shedding

84. In terms of snow shedding, the CDZ and the DDO require snow shed from the development to be retained within the site boundaries and to ensure snow dump is clear from entrances and pedestrian paths. The architectural plans submitted include snow dump zones to demonstrate the areas on the ground where snow from the roof will fall. The snow dump zones are clear of pedestrian paths and entrances. Furthermore, the plans demonstrate that snow shed will be contained totally within the lease boundaries of the site. This is considered achievable, given the reasonable setbacks proposed between the proposed development and the lease boundaries. Furthermore, the full width on the



second floor roof of lodge 1 will include snow retention guard. This will prevent excessive snow dump onto lower roofs.

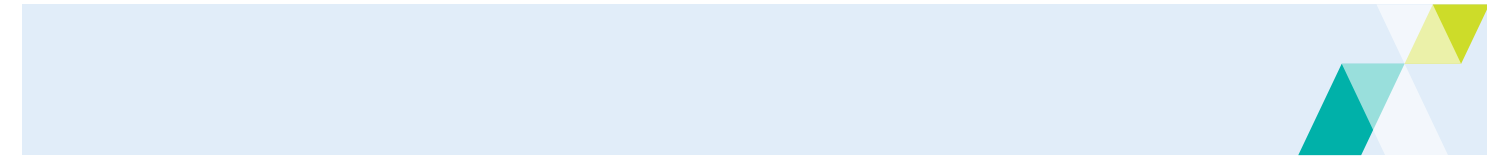
85. One submitter raised concerns that the proposed development will cause issues with built up snow between the lodges, making it dangerous for children who often play around the lodges. In response, it has been demonstrated that snow shed will be appropriately managed and the risk to persons is low given snow shed will be clear of entranceways and furthermore, snow shed will be contained within the existing lease boundaries.

Geotechnical Risks

50. The subject site is within an Erosion Management Overlay (EMO1). Accordingly, a Preliminary Geotechnical Assessment prepared by Phil Styles and Associates, dated 25 June 2022 was submitted as part of the earlier application that was withdrawn. Given the plans have since been revised, a letter (referred to as Addendum) from Phil Styles and Associates, dated 5 June 2023 was submitted which confirms that the assessment of the 25 June 2022 can be applied to the current permit application. As such, both documents (geotechnical report and Addendum letter) must be considered in conjunction with each other.
51. The 25 June 2022 geotechnical report identified the slope risk to the property and life as 'very low'. The Addendum letter confirmed that the hazards and associated risks (identified as 'very low') as outlined in the original report are still considered applicable.
52. Provided that the recommendations of the original report (and the Addendum letter) are adhered to, the geotechnical and landslip hazards associated with the proposal will be appropriately managed.
53. The ARV, pursuant to the EMO as a section 55 determining referral authority have requested a condition be included requiring the development be constructed in accordance with the recommendations described in the original geotechnical report (25 June 2022) and the supporting letter (Addendum) dated 5 June 2023, both prepared by Phil Styles and Associates. Both documents will be endorsed to form part of any permit issued.
54. Two submitters from the Aeski Lodge, raised concerns that the excavation required for the proposed development will compromise the foundations and the structural integrity of the Aeski Lodge. In response, the preliminary geotechnical assessment, prepared by a qualified geotechnical engineer, confirms that the risk to property will be 'very low'.

Vegetation

55. A native vegetation assessment report, prepared by Biosis Pty Ltd and dated 7 June 2022 was submitted. The report identified that 0.081 hectares and three large trees within patches is proposed for removal. A further two large patch trees outside of the direct construction area are considered lost due to Tree Protection Zone (TPZ) encroachment.
56. Most of the vegetation on site will be removed, with vegetation predominantly around the eastern (frontage), western and southern perimeter to be retained. A number of submitters raise concerns that the vegetation removal is excessive and represents an overdevelopment of the site. While the proposed development will require most of the vegetation on site to be removed, it was stated earlier that the maximum site coverage for this area is 60% and the proposed development includes a site coverage of 45%. This represents 15% lower than the permissible maximum site coverage for this area. Furthermore, the submission received from the Aeski Ski Lodge provided an arboricultural report, prepared by DK Tree Care and dated 20 October 2023. The arboricultural report assessed 21 trees and stated that the trees marked to be retained will be deemed lost due to major encroachments within the TPZ's or Structural Root Zones (SRZ's) due to the excavation required.
57. In response, it should be noted that all trees within the site have correctly been deemed 'lost' and this has been stated in the submitted native vegetation removal report prepared by Biosis. As such, offsets will be required to be secured for the removal of 0.081ha of native vegetation and the removal of 5 large trees. Even so, while offsets will be secured for all trees on site, every effort should be made to retain trees marked as trees to be retained. It should also be noted that the Biosis report recommends that 'retained vegetation should be fenced off and treated as 'no-go' zones, by delineating the works area to avoid accidental damage to retained native vegetation.

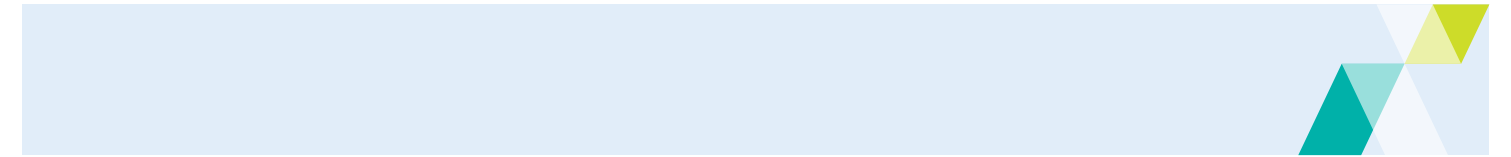
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58. The submitters correctly identify that tree protection zones have not been included in the submitted plans to demonstrate a genuine attempt to retain these trees. As such, a condition of any permit issued will require amended plans to be provided that protect these trees through a defined 'No Go Zone', effectively providing fencing around these trees to ensure they are protected during construction, consistent with the recommendations of the Biosis report. This will ensure that trees shown as trees to be retained stand a chance to be retained even through offsets for their removal have been accounted for.
59. While it is acknowledged that the proposed development will result in native vegetation removal that may be considered as being excessive by some, it should be put in perspective by also acknowledging that the existing lodge on site represents an under-development of the site with a very small building footprint or site coverage. Due to the site's size, the position and extent of native vegetation and the size and nature of the proposed development, complete avoidance of all native vegetation on site is not feasible without undermining the objectives of the development. Furthermore, the site is located in an area of the Mount Buller village where one of the main purposes of the CDZ is to 'provide for residential development in a variety of forms in an alpine environment'. Given the underdevelopment of the site to date, there should be an expectation that change in the area will occur at some stage and the change will result in the loss of native vegetation. Having said that, the proposed development has been designed in a sensitive manner by proposing a development that is well under the permissible site coverage area, is generally well under the permissible maximum height of 11m for Lodges 3-5 and the dwellings have been designed with visual interest, articulation and suitable alpine colours and materials. Therefore, on balance, the removal of vegetation is considered acceptable.
60. The application was referred to DEECA informally to provide comments in relation to the native vegetation removal, noting that the native vegetation removal follows the 'intermediate assessment pathway' and as such is not a formal referral to DEECA. The comments include standard conditions relating to the provision of offsets to be secured for the removal of 0.081 hectares including 5 large trees.
61. Standard conditions around the protection of any vegetation to be retained will be included on any permit issued as well as ensuring offsets are secured and include the protection of at least five large trees.

Bushfire Hazard

62. The application requires consideration under Clause 44.06 (Bushfire Management Overlay). The proposal meets the relevant bushfire objectives and decision guidelines as it does not increase risk to life, property and infrastructure if the bushfire mitigation measures as recommended in the submitted Bushfire Management Plan are implemented.
63. The application was referred to the Country Fire Authority (CFA) raised no objection with the application subject to a condition to endorse the Bushfire Management Plan to form part of the permit. Clause 44.06-5 also requires a standard condition be placed on the permit in relation to ongoing bushfire protection measures. This mandatory condition, along with the CFA condition, will be included in any permit issued.

Car Parking

64. It was stated earlier that the car parking requirements pursuant to the DDO are met, however Clause 52.06 of the Scheme also applies.
65. Clause 52.06-5 sets out the requirements of car parking for a dwelling. Given the number of bedrooms, each lodge is required to provide for 2 car spaces. One visitor car space is also required.
66. It was also stated earlier that a reduction in car parking spaces is sought by the applicant given Lodge 1 contains only one dedicated car space. Furthermore, a usable 'visitor' space is not provided. Therefore, a permit is triggered for the reduction of two car spaces.
67. While a reduction is being sought for two car spaces, this is considered very reasonable within the alpine context. Mt Buller alpine resort provided numerous public car park areas where visitors park their vehicles and use the resort shuttle to transport them to or nearby their lodges. As such, providing less cars on site is generally acceptable within the resorts.

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68. It should be noted that about four of the submitters raised inadequate car parking provision and traffic safety as an issue, however for the reasons stated above, the reduction of two car parking spaces is considered reasonable. Furthermore, the architectural plans include sweep path diagrams that demonstrate that vehicles can enter each car space safely with adequate turning manoeuvres.

Infrastructure and Services

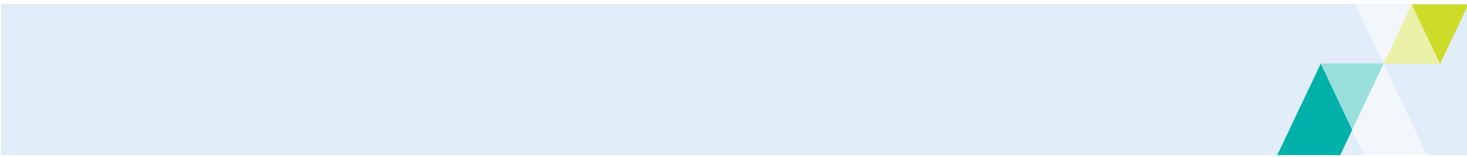
69. The CDZ1 requires the application to be referred to utility providers and requires the land to be adequately serviced.
70. In response to referrals to service authorities, no objections were received.
71. The ARV, as part of their section 55 referral response, requested a number of conditions to be included, relating to services and damage to the resort infrastructure. The ARV's conditions will be included on any permit issued. Two notes relating to 'dial before you dig' and consulting with the resort to ensure compliance with all relevant resort policies and procedures will also be included.
72. AusNet Services also required a note be included relating to 'dial before you dig'. The note will be included on any permit issued.
73. Buller Gas requested 4 conditions be included relating to the permit holder entering into agreements with Buller Gas for service connections and the like.
74. Goulburn Murray Water required two conditions to be included relating to ongoing activities to be in accordance with sediment control principles and wastewater to be disposed of to the existing Mount Buller wastewater treatment facility.
75. Additionally, given the site is in an established area of the Mount Buller Village, all necessary electricity, gas, water and sewerage can be connected. However, an additional condition will be included on any permit issued that that would require any relocation of any services to be done at the expense of the permit holder or developer to the satisfaction of the utility service provider and the Mt Buller Alpine Resort.

Referral Authority Conditions

86. The ARV have recommended various standard conditions be included on any permit that may be issued, including the endorsement of the geotechnical assessment report and Addendum letter. Other conditions relate to shutdown, site condition, the SEMP, site induction, car parking, road closures snow confinement and snow management.
87. The ARV has also recommended a construction waste management plan be submitted for approval by the Responsible Authority and the ARV that demonstrates how different construction waste types will be separated and legally disposed off mountain. While the applicant has submitted a SEMP plan that shows the location of the waste skip and stockpile, more detail is on the type of waste, method to reduce, reuse and recycle waste, a contingency plan for unexpected types of wastes being discovered and an acknowledgement that all waste must be removed from the site is required to be provided.
88. The CFA have requested the Bushfire Management Plan be endorsed. The CFA also requested the mandatory condition specified within the Scheme to be included.
89. DEECA have requested conditions in relation to the SEMP being revised to include measures to protect native wildlife during construction works and the extent of native vegetation removal to be consistent with the approved Native Vegetation Removal report.
90. All the conditions are considered acceptable and should be included on any permit that issues.

Aboriginal Cultural Heritage Management Plan

50. The site is within an area of cultural heritage sensitivity. A Notice of Approval has been obtained for approval of Cultural Heritage Management Plan 18620 on 30 August 2022. As such a note will be included in any permit issued to acknowledge the Cultural Heritage Management Plan 18620.





91. The development is generally consistent with the relevant planning policies of the Alpine Resorts Planning Scheme and will improve the site with the provision of 5 new lodges.
92. The proposal is generally supported by the ARV and other referral authorities, subject to conditions.
93. **It is recommended that** a Notice of Decision to Grant a Permit be issued for Application No. PA2302397 being for buildings and works for the construction of five dwellings, the removal of native vegetation and the reduction of car parking spaces at the land known 7 Goal Post Road, Mount Buller.



Prepared & approved by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

- No Conflict**
- Conflict and have therefore undertaken the following actions:
 - Completed the **Statutory Planning Services declaration of Conflict/Interest form.**
 - Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.
 - Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

Name:	[Redacted]	Signed:	[Redacted]
Title:	[Redacted]		
Phone:	[Redacted]	Dated:	12 December 2023

Reviewed by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

- No Conflict**
- Conflict and have therefore undertaken the following actions:
 - Completed the **Statutory Planning Services declaration of Conflict/Interest form.**
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Name:	[Redacted]	Signed:	[Redacted]
Title:	[Redacted]		
Phone:	[Redacted]	Dated:	14 December 2023
