

# ADVERTISED PLAN



7 July 2023

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**07/07/2023**

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## **Application To Amend Planning Application PA2201982 – 30 The Avenue, Mt Buller** **Our ref: Matter 38776**

Biosis Pty Ltd has been engaged by Winterbrook Ski Lodge Pty Ltd (Winterbrook) (the 'applicant') in relation to the above planning application (PA2201982) for land at 30 The Avenue, Mount Buller ('site').

### **Planning permit application history**

The planning permit application was initially submitted to the Minister for Planning on 5 December 2022. Pursuant to section 54(1) of the Planning and Environment Act 1987 (the Act), the Department of Transport and Planning (DTP) issued a Request for Further Information (RFI) letter dated 23 December 2022.

The applicant provided a response to DTP's RFI, however upon review of this DTP provided further advice via email correspondence, dated 5 May 2023, that DTP hold concerns that the development will set a precedent for the area with the carparks not meeting the minimum setback requirements of the Design and Development Overlay (DDO1-A1).

### **Application to amend planning application PA2201982**

Based on discussions with DTP, the applicant seeks to amend the planning permit application pursuant to section 50 of the Act by removing the carparks and retain the proposed car parking spaces and storeroom.

Description of proposed changes are outline in Table 1 below. The following documents have been updated or prepared to address the project's RFI requirements:

- Attachment 1 – Updated architectural plans (dated June 2023)
- Attachment 2 – Site Environmental Management Plan (prepared by Biosis, 7 July 2023)
- Attachment 3 – Flora and Fauna Assessment (prepared by Biosis, 7 July 2023)
- Attachment 4 - Preliminary geotechnical assessment letter of advice prepared by Taylor Consulting Engineers Pty Ltd (dated 24 May 2023).
- Attachment 5 - Preliminary Geotechnical and Foundation Assessment For Winterbrook Lodge, Mt Buller (PSA0266-01\_Winterbrook Lodge, Mt Buller, 16 November 2022)
- Attachment 6 – Car Parking AS 2890.5:2020 advice (Traffic Works, 22 May 2023)

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**Table 1 Application amendment summary**

S.50 Application item	Description	Comment
1	Proposal	<ul style="list-style-type: none"> <li>The proponent seeks to amend the application under section 50 of the Act to obtain a planning permit for:                             <ul style="list-style-type: none"> <li><i>Buildings and works associated with the construction of three (3) carparks and a storeroom, variation to DDO1-A1 minimum setback requirements and the removal of native vegetation.</i></li> </ul> </li> <li>Amended architectural plans have been prepared to delete the carports but retain the carparks as recommended by DTP via email correspondence on 5 May 2023.</li> <li>The architectural plans have been updated to:                             <ul style="list-style-type: none"> <li>Delete the carports previously proposed.</li> <li>Reconfigure the alignment of carparking along the frontage to the adjacent road.</li> <li>Show the proposed native vegetation removal required as part of the works.</li> <li>Setbacks between existing buildings and the proposed works.</li> <li>Dimensions of adjoining roads.</li> </ul> </li> </ul>
2	Site Environmental Management Plan (SEMP)	<p>A SEMP including all details required under Clause 4.3-3 of Schedule 1 to the Comprehensive Development Zone (CDZ1) is provided in Attachment 2.</p>
3	Proposed removal of vegetation	<p>A Flora and Fauna Assessment (FFA) (Attachment 3) has been prepared to assess the proposed works.</p> <ul style="list-style-type: none"> <li>The FFA has been prepared in accordance with the <i>Guidelines for the removal, destruction or lopping of native vegetation</i> ('the Guidelines') as required the Clause 52.17 of the Planning Scheme.                             <ul style="list-style-type: none"> <li>It is proposed to remove 0.008 hectares of native vegetation including 2 large trees in patches from within location category 1. The application for removal of this native vegetation must meet the requirements of, and be assessed in, the Intermediate Assessment Pathway. These requirements are provided in Appendix 2 of the FFA.</li> <li>Under the Guidelines any losses of vegetation within sites that are assessed under the basic/intermediate assessment pathway can be offset by the provision of a 'general offset'.</li> <li>The general offset requirements are 0.007 general habitat units (GHU). A summary of the offset requirements are provided in Appendix 2 and summarized in Table 6 of the FFA (Attachment 3).</li> </ul> </li> <li>The steps that have been taken during the design of the development to ensure that impacts on biodiversity from the removal of native vegetation have been minimised include:                             <ul style="list-style-type: none"> <li>Retention of large patch trees in the east of the study area through design alterations.</li> <li>Construction of the storeroom inside the existing footprint of the Winterbrook Chalet building.</li> </ul> </li> </ul>

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		<ul style="list-style-type: none"> <li>- Native vegetation to be retained designated as no-go zones and protected during construction (all native vegetation not to be removed).</li> <li>- Locating temporary site storage and compounds on existing disturbed land to minimise impacts to native vegetation.</li> </ul>
4	Geotechnical assessment	<ul style="list-style-type: none"> <li>• A letter of advice regarding the construction of the proposed retaining wall has been prepared and is provided in Attachment 4.</li> <li>• The previous Geotechnical report prepared for the storeroom still remains relevant to this application and is provided in Attachment 5.</li> </ul>
6	Car parking	<ul style="list-style-type: none"> <li>• A total of three (3) car parking spaces will be delivered as part of the project. A permit is not required for the proposed parking as it meets the statutory requirements under Clause 52.06.</li> <li>• Advice from Traffic Works (Attachment 6) confirms that the proposed:             <ul style="list-style-type: none"> <li>- Parking space width complies with Table 3.1 of AS 2890.5 and includes the 0.5 m safety buffer.</li> <li>- Parking space lengths comply with Figure 2.5 of AS/NZS 2890.1 for an aisle width of at least 3.6 m.</li> </ul> </li> </ul>

## Planning permit triggers

### Planning controls

The following provides a summary of the planning controls and associated permit requirements that apply to the site and proposed works under the Planning Scheme:

- Clause 37.02 Comprehensive Development Zone Schedule 1 (CDZ1):
  - Under Clause 4.1 of CDZ1, a permit is required to construct a building or construct or carry out works. Note: A comprehensive development plan (CDP) does not apply to the site.
  - A SEMP (Attachment 2) has been prepared to meet the application requirements under CDZ1.
- Clause 43.02 Design and Development Overlay schedule 1, precinct A1 (DDO1-A1):
  - Under Clause 2.0 of DDO1, a permit is required for building and works and to vary the DDO1-A1 minimum setback requirements.
  - The proposed car parks utilise materials that are in keeping with the surrounding built form and provides a visually attractive and functionally effective interface to the road frontage.
  - The proposed designs and materials complement the existing character of the Winterbrook Chalet and therefore is consistent with the requirements and objectives of the DDO1.
  - By deleting the carports initially proposed, the application ensures that no precedent is set for building structures to no meet the minimum setback requirements in the area.
- Clause 44.01 Erosion Management Overlay schedule 1 (EMO1):
  - Under the EMO1, a permit is required for building and works and to remove, destroy or lop any vegetation.

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- Minor earthworks involving excavations or fill in excess of one metre (height/depth) is required as part of the project. Therefore the proposal is not exempt from building and works permit requirements under Clause 3 of EMO1.
- Two preliminary geotechnical assessments have been prepared to address the EMO1 requirements for both the storeroom and retaining wall.
- Clause 52.06 Car Parking: A total of three (3) car parking spaces will be delivered as part of the project. A permit is not required for the proposed parking as it meets the statutory requirements under Clause 52.06.
- Clause 52.17 Native Vegetation:
  - Under Clause 52.17-1, a permit is required to remove, destroy or lop native vegetation, including dead native vegetation.
  - Application requirements of Clause 52.17 have been adequately addressed by the FFA provided in Attachment 3.

## Conclusion

I trust the above information is considered satisfactory and addresses the required information as part of this application.

Please contact me if you have any enquiries.

Yours sincerely,



Gabi Head-Gray  
Environmental Planner

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