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Key Information	Details
Application No:	PA1900648-1
Permit Allows:	Buildings and works for the development of two dwellings and removal of native vegetation
Land Address:	11 The Avenue, Mt Buller (Lease Site 17)
Amendment Received:	15 January 2026
Statutory Days:	137
Applicant:	Joe Grech c/- Human Habitats
Planning Scheme:	Alpine Resorts
s72 Proposal Summary:	Summary: The applicant proposes to amend the architectural plans to revise the building footprint, design and layout to include 5 dwellings (apartments) in lieu of the approved 2 dwellings. Includes at grade car parking in lieu of the approved car stackers. Includes the removal of one additional native tree (Tree No. 24). The applicant seeks the following changes to the endorsed plans/documents: Supersede: - Architectural plans, prepared by David Liddiard & Associates and endorsed on 11 March 2022 (28 sheets) - Bushfire Management Statement, prepared by Terramatrix and endorsed on 11 March 2022 (19 sheets) - Site Environmental Management Plan (SEMP), signed by Anthony William Peterson and endorsed on 11 March 2022 (12 sheets) - Arboricultural report, prepared by Oldmeadow Arboriculture and endorsed on 11 March 2022 (21 sheets). Endorse: - Architectural plans, prepared by Interlandi Mantesso Pty Ltd and dated October 2025 (19 sheets) - Bushfire Management Plan, prepared by Mountain Planning and dated 16 December 2025, Revision 1 (1 sheet) - Site Environmental Management Plan (SEMP), signed by Anthony Pintaudi on 30 April 2026 (13 sheets) - Construction Waste Management Plan (CWMP), prepared by Human Habitats and dated April 2026 (5 sheets) - Arboricultural report, prepared by Oldmeadow Arboriculture and dated 23 November 2025 (21 sheets). The Responsible Authority and relevant referral authorities seek the overall following changes to the permit: Permit changes: - Delete conditions 5, 6, 18, 19, 23, 24, 25 and 26. - Amend condition 1. - Amend conditions 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 30, 39, 41, 42, 43 and 47 and renumber as conditions 16, 17, 18, 19, 23, 24, 25, 26, 28, 29, 30, 34, 43, 45, 46, 49 and 53 respectively. - Insert 6 new conditions after condition 8 as conditions 9 to 14. - Insert 8 new conditions as conditions 20, 21, 22, 27, 47, 48, 54 and 55. - Subsequent renumbering of conditions.



- One new note from Mt Buller Alpine Resort.
- One amended note from Department of Energy, Environment and Climate Action.
- Replace 'Mt Buller and Mt Stirling Alpine Resort Management Board' with 'Mount Buller Alpine Resort Management' to reflect current structure and naming.
- Replace 'Department of Environment, Land Water and Planning – Hume Region' with 'Department of Energy, Environment and Climate Action (DEECA)' to reflect current structure and naming.

The above changes include:

- Alpine Resorts Victoria (ARV), in their capacity as a statutory referral authority, have requested conditions 10 and 16 be amended and renumbered. The ARV also requested the inclusion of 4 new conditions.
- Goulburn-Murray Water (GMW), in their capacity as a statutory referral authority, have requested conditions 41 and 42 be amended and inclusion of two new conditions.
- Country Fire Authority (CFA), in their capacity as a statutory referral authority, have requested condition 43 be amended to reflect the updated Bushfire Management Plan prepared by Mountain Planning and dated 16 December 2025.
- DEECA, in their capacity as a statutory referral authority, have requested conditions 23 to 26 be relocated from DEECA conditions into the Responsible Authority conditions. Furthermore, DEECA recommended that when condition 24 regarding offsets be included as a Responsible Authority condition, it be amended to reflect the offset for the removal of 0.134 hectares of native vegetation (taking into account offsets being for the additional native tree to be removed).
- Buller Gas, in their capacity as a statutory referral authority, have requested conditions 47 be amended and the inclusion of two new conditions.

Original Permit issued/History	Permit issued 28 July 2021. History The original permit was issued at the direction of the Victorian Civil and Administrative Tribunal (VCAT). The Tribunal ordered issue of a permit (VCAT Reference No. P1531/2020) following an appeal from representatives of Mawson Lodge.	
Conditions Compliance Summary:	• Plans were endorsed to comply with Conditions 1, 5, 6, 9, 19 and 43 on 11 March 2022.	
Previous Secondary Consents Summary:	• N/A	
Previous Section 72 Amendments:	• N/A	
Previous Section 71 Correction:	• N/A	
Previous Extension of Time (EoT):	• First EoT was issued on 11 May 2023, extending the time to commence and complete by 2 years. • Second EoT was issued on 5 August 2025, extending the time to commence and complete by 2 years.	
Development Value:	Approved value: \$2.3 m	Amended value: \$5 m
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).	
Planning Controls:	Clause 37.02	Comprehensive Development Zone 1 (CDZ1)
	Clause 43.02	Design and Development Overlay, Schedule 1, Area 1 (DDO1-A1)
	Clause 44.01	Erosion Management Overlay, Schedule 1 (EMO1)
	Clause 44.06	Bushfire Management Overlay, Schedule 1 (BMO1)



Particular Provisions:	Clause 52.17 Clause 58	Native vegetation Apartment developments
s.72 Planning Permit Triggers:	Clause 37.02-4 Clause 43.02-2 Clause 44.01-2 Clause 44.01-3 Clause 44.06-2 Clause 52.17-1	Comprehensive Development Zone 1 (CDZ1) for buildings and works Design and Development Overlay, Schedule 1 Area 1 (DDO1-A1) for buildings and works Erosion Management Overlay, Schedule 1 (EMO1) for buildings and works Erosion Management Overlay, Schedule 1 (EMO1) for vegetation removal Bushfire Management Overlay, Schedule 1 (BMO1) for buildings and works (associated with accommodation use) For native vegetation removal.
S72 Particular Provision Consideration:	Clause 58	No trigger, however must be considered.
Incorporated Document:	N/A	
Background Information:	Nil	
Referral Authorities:	Alpine Resorts Victoria, (ARV) (Clause 37.02, s55 – determining) Alpine Resorts Victoria, (ARV) (Clause 44.01, s55 – recommending) Elgas (Clause 37.02, s55 – determining) AusNet Services (Clause 37.02, s55 – determining) Goulburn-Murray Water (GMW) (Clause 66.02-5, s55 – determining) Country Fire Authority (CFA) (Clause 44.06-6, s55 – determining) Department of Energy, Environment and Climate Action (DEECA) (Clause 37.02, s55 – determining). DTP, Urban Design – informal	
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 BMO and the EMO of the Alpine Resorts Planning Scheme (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) and Clause 52.17 (Native vegetation) of the Scheme. Notice of the application was undertaken by the applicant at the direction of the Minister for Planning in the following manner: • Displaying 1 copy of the notice on site, (fronting The Avenue). • Displaying a copy of the notice at the Mt Buller Alpine Resort office. • Notice given to leaseholders and occupiers of the adjoining and nearby land. The Responsible Authority notified Buller Ski Lifts (BSL) of the application given the site adjoins ski fields that are leased by BSL. Two (2) objections have been received to date from the directly adjoining leaseholds, namely 9 The Avenue (University Ski Club) and 13 The Avenue (Mawson Lodge). Concerns raised include increased height, reduced setbacks, overshadowing, overlooking, inadequate car parking, increase in dwelling yield, view sharing, tree impacts and geotechnical concerns.	

Delegates List:

Not required, as directed by PDM on 9 September 2026.

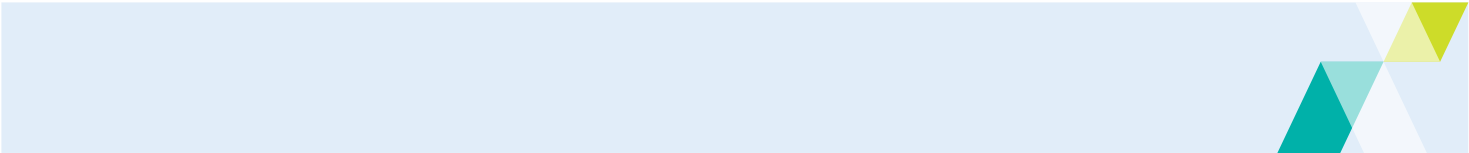
Recommendation:

The amendments to the permit are recommended for approval.



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

Milestone	Date
Pre-application meeting	N/A
Application lodgement	27 February 2026
Further information requested	6 March 2026
Further information received	1 May 2026
Decision Plans	Architectural plans prepared by Interlandi Mantesso Architects, dated October 2025 (19 sheets).
Other Assessment Documents	- Bushfire Management Plan, prepared by Biosis, dated 13 September 2024 (1 sheet) - Site Environmental Management Plan (SEMP), signed by Anthony Pintaudi on 30 April 2026 (13 sheets) - Construction Waste Management Plan (CWMP), prepared by Human Habitats and dated April 2026 (5 sheets) - Arboricultural report, prepared by Oldmeadow Arboriculture and dated 23 November 2025 (21 sheets). - Application cover letter, prepared by Mountain Planning, dated 15 January 2026 (2 sheets) - Geotechnical letter, prepared by Taylor Engineering and Design, dated 17 March 2026 (1 sheet). 'Planning Report', prepared by Mountain Planning, dated 15 January 2026 (58 sheets) - Native Vegetation Removal Report, prepared by DEECA and created on 20 April 2026 (12 sheets) - RFI letter of response, prepared by Human Habitats, dated 28 April 2026 (10 sheets) - Notification to landowner email, dated 30 March 2026 (1 sheet) - Title, (21 sheets) 'Application Form' (7 sheets).
Further plans submitted informally	Received on 30 June 2026 - Architectural plans prepared by Interlandi Mantesso Architects, DWG No's TP4.01 (Rev B), TP4.02 (Rev A), TP4.03 (Rev A), TP4.04 (Rev B), TP4.05 (Rev A), TP5.01 (Rev B) and dated 18 June 2026 (discussion plans), which show the following amendments to the plans: - Minimum setbacks to the eastern lease boundary (rear) - Reduced window size to the Rumpus Room for the Penthouse Apartment - Reduced ridge height of carport and angled form of the Penthouse Apartment - The ridge RL added to the carport roof - Privacy screens added to the Penthouse Apartment (Kitchen and Dining Room, Bedroom 2 and Bedroom 3) - Privacy screens added to Apartment 201 (Bedroom 1, Bedroom 2, Bedroom 3 and Kitchen).

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- Shadow diagrams, prepared by Interlandi Mantesso Architects, DWG No. TP3.09 and dated October 2025 (**shadow discussion plans**), which show the following:
 - Approved and proposed shadow at 22 June (9am, 12 noon and 3pm).
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2. The subject of this report is the decision plans (as described above).

3. Planning Permit PA1900648 allowed for 'Buildings and works for the development of two dwellings and removal of native vegetation' at 11 The Avenue, Mount Buller (Lease Site 17). The changes proposed are to amend the architectural plans, the permit preamble and permit conditions to reflect a revised building footprint, design and layout to comprise 5 dwellings (apartments) in lieu of the approved 2 dwellings. The revised plans also include at grade car parking (6 spaces proposed) and the removal of one additional native tree (nominated as Tree No. 24), located to the south/west corner of the revised building footprint. (Refer to Figure 1 for Level 3 Entry Level site plan).

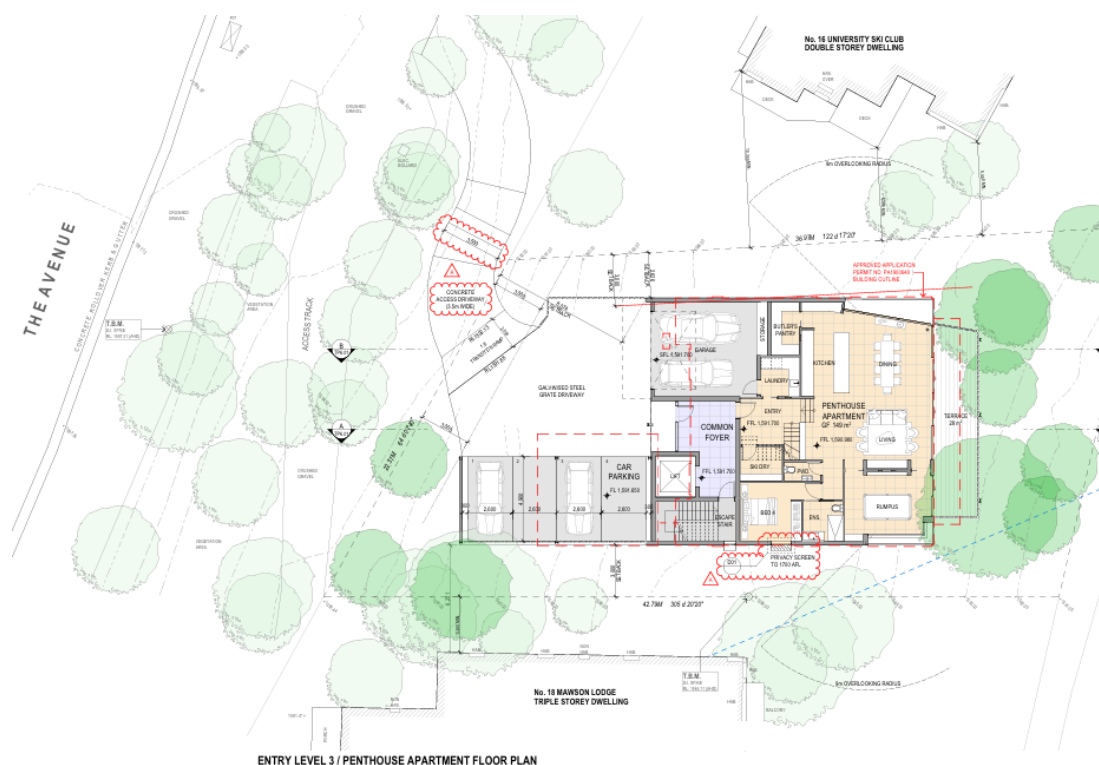


Figure 1: Site plan (Source: Application)

4. The main changes to the development include the redesign from 2 to 5 dwellings and removal of one additional native tree. A summary of the endorsed and proposed development is provided in Table 1 below.

Item	Endorsed (originally approved permit – Permit No. PA1900648)	Proposed (s.72 amended application – Application No. PA1900648-1)
Dwellings	2 dwellings	5 dwellings (apartments)
Building footprint	297 sqm	341 sqm
Site coverage	37%	42%
Maximum building height	12.5 m	12.5 m
% of roof above 11 m in height	<16%	16%
Height presentation (North – view from University Ski Club)	4 storeys	4 storeys
Height presentation (East – rear – view to ski-fields)	3 storeys	3 storeys
Height presentation (South – view from Mawson Lodge)	4 storeys	4 storeys
Height presentation West – The Avenue street frontage)	2 storeys	2 storeys

Tree removal	Tree No's 2, 9, 10, 12, 13, 25, 27 and 8 tree stems identified as G	Tree No's 2, 9, 10, 12, 13, 24 , 25, 27, 36 and 8 tree stems identified as G (additional tree in bold)
Car parking	X2 car stackers (4 car parking spaces)	X6 at grade car parking spaces
Setbacks (only listed for variations sought)	North (2.7 m, 300 mm variation approved)	North (2.618 m, 382 mm variation sought)
Materials	Timber look (cement sheet) cladding, natural stone and metal roofing	Timber look (composite) cladding, natural stone and metal roofing
Colours	Brown and grey tones	Brown and grey tones

Table 1: Summary of endorsed and proposed development (Source: Department of Transport and Planning)

5. A comparison of currently endorsed and proposed elevations is provided at Figures 2 to 5.

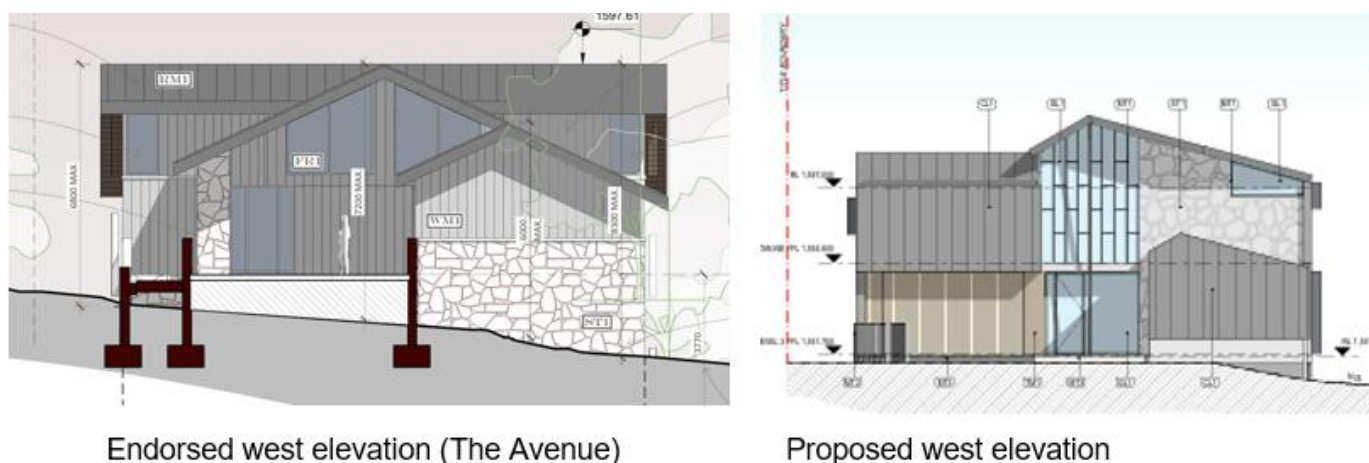


Figure 2: Currently endorsed and proposed west elevations (view from street frontage) (Source: Endorsed architectural plans & Application material)



Figure 3: Currently endorsed and proposed east elevations (view from ski-fields) (Source: Endorsed architectural plans & Application material)



Endorsed north elevation (view from University Ski Club) Proposed north elevation

Figure 4: Currently endorsed and proposed north elevations (view from University Ski Club) (Source: Endorsed architectural plans & Application material)



Endorsed south elevation (view from Mawsons) Proposed south elevation

Figure 5: Currently endorsed and proposed south elevations (view from Mawson) (Source: Endorsed architectural plans & Application material)

6. One additional tree is proposed to be removed, (as stated within the submitted planning report), namely Tree No. 24, located to the south/west corner of the proposed building footprint. (It is noted that the architectural plans identify two additional trees to be removed, namely Tree No's 12 and 36 however the submitted arboricultural report indicates these trees can be retained. As such, it is considered that this was an error and therefore a condition of any amended permit to issue will require the architectural plans to be amended to reflect retention of Tree No's 12 and 36. Refer to Figure 6 for tree removal plan.

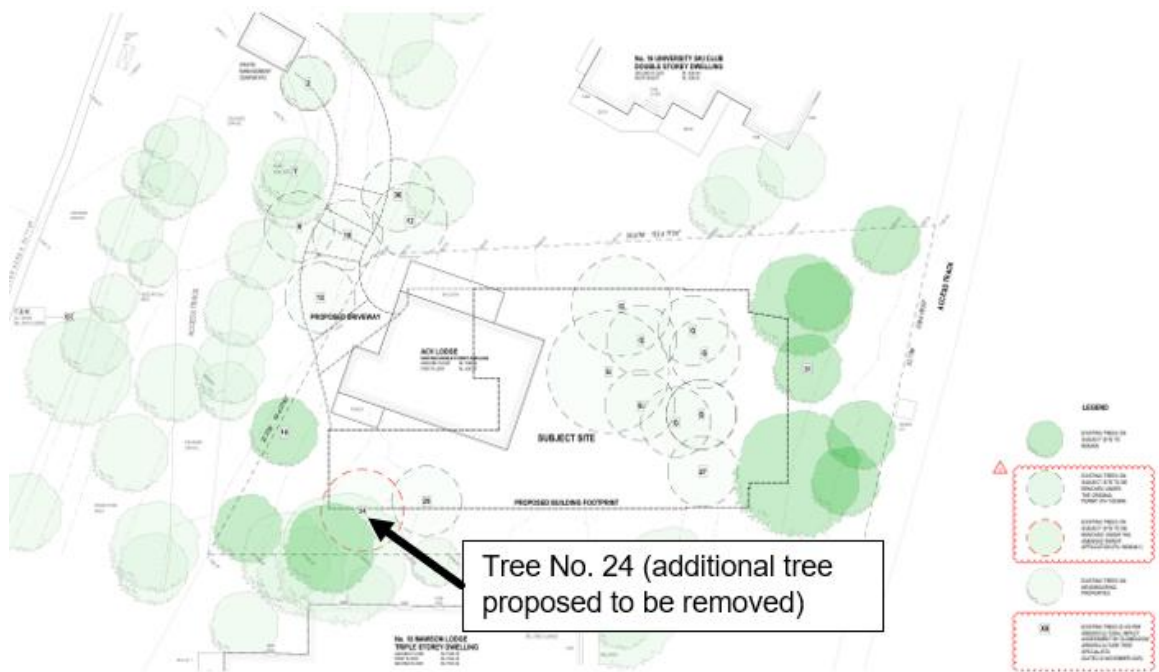


Figure 6: Plan of trees to be removed (Source: Application)

Subject Site and Surrounds



Site Description

- The subject site has a street address of 11 The Avenue, Mount Buller and a parcel description of Crown Allotment 17 Section A Parish of Changue East. Figure 7 illustrates the site (highlighted in red) and immediate surrounds.



Figure 7 – Site context plan – Subject site highlighted in ‘red’ (Source: Application)

- The site is parallelogram-shaped and has an area of 813 sqm. The site has a south easterly aspect with an uneven gradient that becomes progressively steeper on descent which has been modified in the past for the construction of the existing ski lodge building.
- The site is set back from The Avenue by approximately 15 m. Access to the site and adjoining properties to the west is provided via a track from The Avenue (illustrated in Figure 7 with a blue arrow).
- There is also a pedestrian path between the existing vehicular access track and the subject site. However, this path is not identified in the Road Register maintained by the Alpine Resorts Victoria (ARV), which identifies urban pathways and shared tracks and trails used by bikes, horse riders, walk/trail runners and cross-country skiers.

Site Surrounds

- The subject site is located within the Mount Buller alpine village approximately 250 m south of Buller Central and 200 m south/west of the village square.
- Existing trees within the site and surrounds are generally snow gums. Understorey vegetation generally comprises, Alpine Pepper, Alpine Podolobium and Alpine Rusty-pods. Ground cover is dominated by weeds although there are scattered occurrences of native grasses and herbs.
- Buildings within the surrounding area generally comprise multi-unit residential buildings accommodating tourists and ski clubs. These residential buildings generally vary in height from two to five storeys, noting that the slope of the land falling south east results in these buildings having varied heights across their footprint.
- To the **north/east** of the site: 9 The Avenue is occupied by a three storey timber residential building occupied by the University Ski Club.
- To the **south/west** of the site: 13 The Avenue is occupied by a three to four storey concrete and timber clad residential building identified as Mason Lodge.
- To the **south** and **south/east** of the site: Village Circuit Track generally abuts the site and beyond is ski fields.
- To the **north** of the site: Fronting the north side of The Avenue opposite the site, is occupied by a two-storey ski lodge, namely USC Lodge. Due to the slope of the land, falling north to south, this building sits well above the subject site.



Referrals

18. The application was referred to the following groups:

Provision / Clause	Organisation	Date Response Received
Section 55 Referral – Determining – Clause 7.0 of Schedule 1 to CDZ (Clause 37.02)	Alpine Resorts Victoria (ARV)	21 April 2026 and 6 May 2026. No objection subject to modifying some of the existing conditions.
Section 55 Referral – Recommending – Clause 5.0 of Schedule 1 to EMO (Clause 44.01)	Alpine Resorts Victoria (ARV)	21 April 2026 and 6 May 2026. No objection subject to modifying some of the existing conditions.
Section 55 Referral – Determining – Clause 7.0 of Schedule 1 to CDZ (Clause 37.02)	AusNet Services	No response received.
Section 55 Referral – Determining – Clause 7.0 of Schedule 1 to CDZ (Clause 37.02)	Buller Gas	2 April 2026. No objection subject to one new condition and modifying two existing conditions.
Section 55 Referral – Recommending – (Clause 44.06-6)	Country Fire Authority (CFA)	28 April 2026. No objection subject to amending condition 43 to reflect the revised Bushfire Management Plan, based on the amended design.
Section 55 Referral – Determining – (Clause 66.02-5)	Goulburn Murray Water (GMW)	30 March 2026. No objection subject to two new conditions and modifying one existing condition.
Section 55 Referral – Determining – Clause 7.0 of Schedule 1 to CDZ (Clause 37.02)	Department of Energy, Environment and Climate Action (DEECA)	28 May 2026. No objection subject to conditions 23 to 26 being relocated from DEECA conditions into the responsible authority conditions. The native vegetation removal does not trigger a formal referral to DEECA. Condition 24 to be amended.
Informal	DTP's Urban Design	18 March 2026 No objection and no conditions.

Notice

19. 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 BMO and EMO of the Scheme.
20. 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 Act pursuant to Clause 37.02 (CDZ1), Clause 43.02 (DDO1) and Clause 52.17 (Native vegetation) of the Scheme. of the Scheme.
21. 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.



22. Notice was provided to the ARV and Mansfield Shire Council on 21 April 2026 and 23 June 2026 respectively. On 21 April and 6 May the ARV responded advising no objection. Mansfield Shire Council responded on 23 June 2026 advising no objection.
23. The applicant was directed to give notice by way of displaying a copy of the notice at the Mt Buller Alpine Resort office and providing notice to adjoining and nearby leaseholders, including Buller Ski Lifts (BSL).
24. Two objections have been received to date from the directly adjoining leaseholds namely 9 The Avenue (University Ski Club) and 13 The Avenue (Mawson Lodge). Concerns raised include increased height, reduced setbacks, overshadowing, overlooking, inadequate car parking, increase in dwelling yield, view sharing, tree impacts and geotechnical concerns.



Section 72 amended application:

Planning Policy

25. 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.
26. 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 and to facilitate the development of commercial accommodation for short term visitors in the commercial areas of 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).
27. 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. A letter from a geotechnical expert confirmed that the endorsed geotechnical report endorsed as part of the original permit can still be applied to the proposed changes. A revised Bushfire Management Plan adopting the revised building footprint has been prepared and the Country Fire Authority (CFA) have confirmed its adequacy. The proposal will also be developed in accordance with the revised Site Environmental Management Plan (SEMP), which has been reviewed by the ARV and considered satisfactory.
28. 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. Furthermore, the proposed changes include a revised building footprint that includes the removal of only one new tree and offsets for the native vegetation loss that includes the additional tree can be secured.
29. The proposal has regard to safe snow shed through an altered roof design which dumps snow away from pedestrianised locations and continues to ensure it can be retained within the lease boundaries.



30. Furthermore, the development supports the Alpine Resorts as a major tourist and year-round destination by creating 5 dwellings in lieu of the approved two, thus ensuring the modified development continues to support the Alpine Resort as a major tourist destination by providing accommodation diversity and increased yield from what was originally approved. Furthermore, whilst some minor changes to colours and materials are included in the modified plans, these remain suitable, sympathetic and consistent within the Mount Buller resort.

Statutory Planning Controls

31. The zoning and overlay controls remain generally the same since the decision on the original application was made.
32. The proposed amendments will not compromise the objectives of the zone and overlays and the permitted development.

Amended Plans

33. Changes are proposed to the plans and assessed as follows:

Change / Comment											
Proposed Changes	Modify architectural plans to revise the building footprint, design and layout to include 5 dwellings (apartments) in lieu of the approved 2 dwellings. The design includes at grade car parking in lieu of the approved car stackers.										
Assessment	The appropriateness of the modified design to include the above-mentioned changes and how well the proposed design responds to the DDO1-A1 requirements must be considered. An assessment and response against the specified requirements will follow:										
	<table><tr><th>DDO1-A1</th><th>Requirement</th><th>Assessment</th></tr><tr><td>Maximum height</td><td> <i>The maximum height of any part of a building is 3 storeys or 11 m above natural ground level, whichever is the lesser height.</i> <i>A permit may be granted to increase the height of any rooftop structure or chimney by 1.5 m, provided no more than 20 per cent of the roof area exceeds 11 m in height.</i> <i>A permit may be granted to vary maximum heights.</i> </td><td> Variation sought: The maximum height to the amended plans is approximately 12 m, which is marginally higher than the approved plans of 11 m for the building plus chimney. However, approximately 16% of the roof area exceeds 11 m in height, which is within the permissible area. Refer to Figures 8 and 9 for a building height analysis and a cross-section showing the extent of area exceeding 11 m. The variation is minor and considered reasonable given the height variation is easily under the maximum permitted height of 12.5 m and the area exceeding 11 m is generally located towards the middle part of the building, thus results in minimal impact to neighbouring properties, given the setbacks to the adjoining properties exceed 4 m. </td></tr><tr><td>Minimum setback</td><td> <i>A building must be setback:</i> <i>6 m from the closest kerbside or constructed edge of a road abutting the frontage of the site and 3 m from the frontage of the site.</i> </td><td> Variation sought: - Complies – The proposed development is well setback from the kerbside or edge of The Avenue. The 3 m setback to the front lease boundaries is also met. </td></tr></table>	DDO1-A1	Requirement	Assessment	Maximum height	<i>The maximum height of any part of a building is 3 storeys or 11 m above natural ground level, whichever is the lesser height.</i> <i>A permit may be granted to increase the height of any rooftop structure or chimney by 1.5 m, provided no more than 20 per cent of the roof area exceeds 11 m in height.</i> <i>A permit may be granted to vary maximum heights.</i>	Variation sought: The maximum height to the amended plans is approximately 12 m, which is marginally higher than the approved plans of 11 m for the building plus chimney. However, approximately 16% of the roof area exceeds 11 m in height, which is within the permissible area. Refer to Figures 8 and 9 for a building height analysis and a cross-section showing the extent of area exceeding 11 m. The variation is minor and considered reasonable given the height variation is easily under the maximum permitted height of 12.5 m and the area exceeding 11 m is generally located towards the middle part of the building, thus results in minimal impact to neighbouring properties, given the setbacks to the adjoining properties exceed 4 m.	Minimum setback	<i>A building must be setback:</i> <i>6 m from the closest kerbside or constructed edge of a road abutting the frontage of the site and 3 m from the frontage of the site.</i>	Variation sought: Complies – The proposed development is well setback from the kerbside or edge of The Avenue. The 3 m setback to the front lease boundaries is also met.	
DDO1-A1	Requirement	Assessment									
Maximum height	<i>The maximum height of any part of a building is 3 storeys or 11 m above natural ground level, whichever is the lesser height.</i> <i>A permit may be granted to increase the height of any rooftop structure or chimney by 1.5 m, provided no more than 20 per cent of the roof area exceeds 11 m in height.</i> <i>A permit may be granted to vary maximum heights.</i>	Variation sought: The maximum height to the amended plans is approximately 12 m, which is marginally higher than the approved plans of 11 m for the building plus chimney. However, approximately 16% of the roof area exceeds 11 m in height, which is within the permissible area. Refer to Figures 8 and 9 for a building height analysis and a cross-section showing the extent of area exceeding 11 m. The variation is minor and considered reasonable given the height variation is easily under the maximum permitted height of 12.5 m and the area exceeding 11 m is generally located towards the middle part of the building, thus results in minimal impact to neighbouring properties, given the setbacks to the adjoining properties exceed 4 m.									
Minimum setback	<i>A building must be setback:</i> <i>6 m from the closest kerbside or constructed edge of a road abutting the frontage of the site and 3 m from the frontage of the site.</i>	Variation sought: Complies – The proposed development is well setback from the kerbside or edge of The Avenue. The 3 m setback to the front lease boundaries is also met.									



	• 3 m from any other site boundary. • An average of 4 m from any other building on the same site. • 6 m from any building on an adjoining site. <i>Where any part of an external wall measured above natural ground level exceeds 3.6 m in height, the minimum prescribed distance of the wall from a boundary shall be increased in the proportion of 100 mm for every 300 mm or part thereof by which that height of that part of the wall exceeds 3.6 m.</i> <i>A permit may be granted to vary setbacks</i>	• Variation sought: All side boundaries comply with the 3 m setback to lease boundaries, except to the northern boundary, where a minor variation is sought. Part of the building will be setback 2.618 m from its northern lease boundary, representing a 382 mm variation. The variation is considered reasonable, given the building will still be setback from its closest adjoining building (9 The Avenue) by at least 10 m. • Not applicable. • Complies: The closest adjoining buildings are to the north (9 The Avenue) and to the south (13 The Avenue). Setbacks to these buildings are greater than 10 m and greater than 6 m respectively. • Variations sought to north and south: With approximately 7.4 m of wall height exceeding 3.6 m in height to the north and south elevations, an additional 2.4 m setback would be required to both north and south. In this instance, the variations are considered reasonable, particularly given the proposed building is well setback from each of the adjoining dwellings. The proposed building will be setback at least 10 m from its northern adjoining building. The proposed building will be setback at least 6 m from the adjoining building to the south. These setbacks are reasonable and unlikely to result in unreasonable amenity impacts. Furthermore, it should be noted that the heights and setbacks approved under the current permit were similar and VCAT determined that the proposed setbacks were not unreasonable.
Maximum site coverage	60 per cent of the total site area.	Complies: The proposed development includes approximately 42% site coverage, well under the maximum of 60%. While the currently approved development includes 37%, the slight increase in site coverage for the proposed development results from the redesign of the building and the 4 space car



		parking area at the frontage, however this still meets the minimum 3 m street setback.
<i>Wall materials</i>	<i>Corrugated iron, profiled metal, timber, natural stone, (preferably weathered granite), plastered masonry.</i> <i>Natural stone should be used in new buildings and major extensions that add more than 20 per cent to existing floor area. A minimum of 15 per cent of all external facades visible from the road, public pedestrian route or ski fields should be constructed of natural stone.</i>	Variation sought (to extent of natural stone): The use of natural stone remains however the wall cladding 'Cemintel – woodlands' will be replaced with 'composite timber cladding' in a walnut colour. The proposed change is suitable and consistent with the character of the area. A variation is however sought to the amount of stone included to the street frontage (west) and the view from the ski fields (east). The west elevation includes 13.9% of natural stone and the east elevation includes 9.1% of natural stone. While these two elevations include less than the required 15% when considered separately, when combined, they will include 23% of natural stone. Nonetheless, the variation to each elevation is considered reasonable. The street frontage presents as a two storey building and includes a double garage (roller door) and glazed entry door. The east facing elevation includes minimal wall cladding and each dwelling has a sliding door accessing the respective dwelling.
<i>Roof materials</i>	<i>Profiled metal, corrugated iron (non-reflective and muted tones).</i>	Complies: The metal standing seam material for the roof will remain unchanged.
<i>Colours</i>	<i>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.</i>	Complies: The colours virtually remain unchanged except with the use of wall cladding colour to 'walnut', which is a brown tone. As such, the colours used remain in the grey and brown tones.
<i>Car parking</i>	<i>1 space per 140 sqm gross floor area.</i> <i>Setback a minimum of 3 m from all site boundaries.</i> <i>Access ways a minimum width of 3 m.</i>	Complies: The proposed development has access to a total of six car spaces on site (comprising a double garage and a covered space for an additional 4 cars. Based on a gross floor area (GFA) of 636 sqm, 4.5 spaces are required, thus easily complying. The driveway area is setback 3 m from the front lease boundary and the side boundaries. The accessway is 3.5 m wide.

By comparison, the currently approved plans include 4 spaces achieved through car stackers.

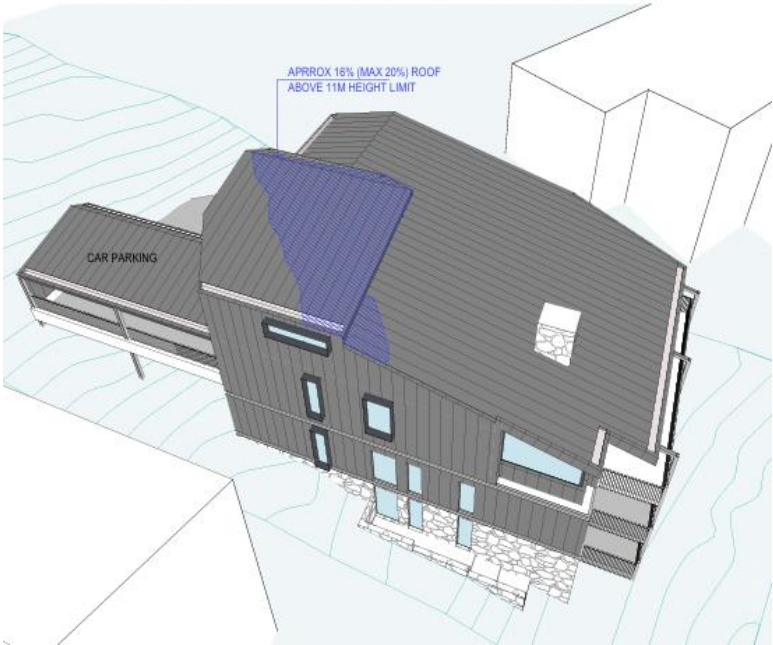


Figure 8 – Building height analysis showing area above 11 m height (Source: Application)

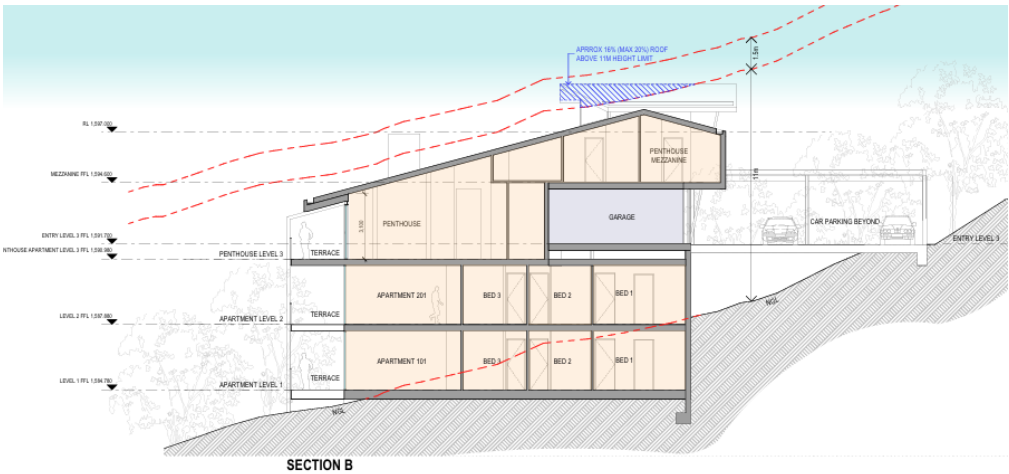


Figure 9 – Cross-section showing height and percentage above 11 m height (Source: Application)

Change / Comment	
Proposed Changes	Removal of one additional native tree
Assessment:	The removal of one additional tree, Tree No. 24 is considered acceptable given it is located within the revised building footprint of the proposed development. Tree No. 24 is located where the new 4 car space covered car park is located, to the south/west corner of the footprint. The submitted arboricultural report has assessed the tree as being 'dead' with low retention value. Even so, a planning permit is triggered for its removal pursuant to Clause 52.17 due to its size (and provides habitat value) and as such, appropriate offsets that incorporate the removal of Tree No. 24 will be added on to the relevant permit condition that have required offsets be secured for all other native trees already approved for removal through the original permit.



34. While the proposed architectural plans are generally considered satisfactory, even with the variations sought, some changes to the architectural plans will be required to be made as part of further amended plans. This will be discussed later in the report. As such, the submitted architectural plans will not be endorsed in their current form.

Changes to the supportive documents and new documents

35. As stated earlier, some changes to the submitted architectural plans will be required to be made before any amended plans are endorsed. When the revised architectural plans are submitted and considered satisfactory, they will be endorsed to form part of any amended permit to issue. At that time, the full set of architectural plans endorsed on 11 March 2022 (28 sheets) and the Materials and Finishes Board document endorsed on 11 March 2022 (to discharge condition 6) will be superseded.
36. The submitted BMP, prepared by Mountain Planning and dated 16 December 2025 (1 sheet) will be endorsed to form part of the approved documents forming part of any amended permit to issue. The Bushfire Management Statement (BMS) endorsed on 11 March 2022 (19 sheets) will be superseded.
37. The submitted Site Environmental Management Plan (SEMP), signed by Anthony Pintaudi on 30 April 2026 (13 sheets) will be endorsed to form part of the approved documents forming part of any amended permit to issue. The SEMP endorsed on 11 March 2022 (12 sheets) will be superseded.
38. The submitted Arboricultural report, prepared by Oldmeadow Arboriculture and dated 23 November 2025 (21 sheets) will be endorsed to form part of the approved documents forming part of any amended permit to issue. The Arboricultural report endorsed on 11 March 2022 (21 sheets) will be superseded. It should be noted that the revised report includes details and information that was relevant to the trees that were approved for removal as part of the original permit and thus the currently endorsed report can be superseded.
39. The submitted Preliminary Geotechnical Assessment report, endorsed on 11 March 2022 will be retained as is and is not required to be superseded, following receipt of a letter prepared by Taylor Engineering and Design and dated 17 March 2026 that confirms that the original (endorsed) geotechnical report remains appropriate for use in support of the amended planning permit application.
40. All the above-mentioned documents (except the geotechnical report) have been updated to reflect the proposed development and therefore the currently endorsed documents will be superseded and the revised documents will be endorsed to form part of any amended permit to issue.
41. It should be noted that a Construction Waste Management Plan (CWMP), prepared by Human Habitats and dated April 2026 (5 sheets) was submitted as part of the amended permit application. This is considered satisfactory and will be endorsed as part of any amended permit to issue. As such, a standard condition will need to be included in any amended permit to issue.

Changes to Permit

42. Numerous conditions will be amended, and these are briefly outlined and discussed below in numerical order:

Proposed change	Change / Comment
Amend condition 1	Condition 1 will be amended to include the following changes: • Reflect the plans submitted by Interlandi Mantesso Architects and dated October 2025 in lieu of David Liddiard & Associates and Bayside Civil. • Deletion of 1e) and 1g) • Include minimum setbacks to the eastern lease boundary (rear), reduced window size to the Rumpus Room for the Penthouse Apartment, reduced ridge height of carport and angled form of the Penthouse Apartment, the ridge RL added to the carport roof, privacy screens added to the Penthouse Apartment (Kitchen and Dining Room, Bedroom 2 and Bedroom 3) and privacy screens added to Apartment 201 (Bedroom 1, Bedroom 2, Bedroom 3 and Kitchen), as detailed in the discussion plans prepared by Interlandi Mantesso Architects in DWG No's TP4.01 (Rev

B), TP4.02 (Rev A), TP4.03 (Rev A), TP4.04 (Rev B), TP4.05 (Rev A), TP5.01 (Rev B) and dated 18 June 2026.

- Include new condition 1i to require the retention of Tree No's 12 and 36 and their protection during construction.

Assessment

- Reference to the plans submitted as part of this application, which were prepared by Interlandi Mantesso Architects, will be referenced in lieu of the currently endorsed plans which were prepared by David Liddiard & Associates and Bayside Civil. This will ensure any condition 1 changes to the plans required as part of this amended permit application are appropriately referenced.
- Conditions 1e) and 1g) refer to changes required to the car stacker car parking arrangement. Given the revised layout no longer incorporates car stacker car parking, these conditions are now redundant. The revised layout incorporates a 4 car space carport and a double garage and no changes to these car spaces or accessway is required.
- Revised architectural plans were informally received (referred to as discussion plans) and circulated to the objectors. The discussion plans included the following:
 - Setbacks to the eastern lease boundary (rear). The objectors raised concerns that the decision plans (advertised plans) did not include the minimum setbacks to the eastern lease boundary. As such, to ensure all setbacks to all lease boundaries are included in a full set of architectural plans that may be endorsed, the applicant included this in the discussion plans for all floor plans.
 - Reduced window size to the Rumpus Room for the Penthouse Apartment. To address some of the amenity (overlooking) concerns raised by objectors, the discussion plans include a reduction to the size of the Rumpus Room for the Penthouse Apartment. This window is located to the south/east corner of the building and has been reduced by about half the width to appease the adjoining property to the south, noting that this window is still greater than 9 m away.
 - Reduced ridge height of carport and angled form of the Penthouse Apartment and the ridge RL added to the carport roof. Concerns were raised by both objectors that the proposed development will result in unreasonable overshadowing. Due to the orientation of the site, the proposed development does not result in overshadowing towards the University Ski Lodge (to the north).
While some shadows will fall onto the objector property adjoining to the south (Mawson Lodge), any shadow will cast will be during the morning hours and there will be no impact during the afternoon hours. Even so, the applicant is willing to reduce the ridge height of the carport and the angled form of the Penthouse Apartment to further reduce the shadow impact. The shadow discussion plans demonstrate that the shadow cast to Mawson Lodge is minimal and confirms that no shadow will be cast from midday. As such, it is considered reasonable to include the further changes to the architectural plans so that the shadow impact is further reduced. Including the RL to the carport roof ensures the height of any development is constructed as intended and in accordance with any endorsed plans.
 - Condition 1i will require the retention of Tree No's 12 and 36 and their protection during construction. The architectural plans incorrectly identify that permission was already granted for their removal under the original permit, however this is incorrect. As such, a new condition will require their retention and protection during construction, as identified in the submitted arboricultural report.

New conditions 9, 10, 11 and 14

Condition 9 to read:

9. Before works start, the permit holder must advise all persons undertaking the vegetation removal and road works of all relevant conditions of this permit.

Condition 10 to read:

10. Before works start, a native vegetation protection fence must be erected around all patches of native vegetation and scattered trees to be retained on site. All tree protection zones must comply with AS 4970-2025 Protection of Trees on Development Sites, to the satisfaction of the Responsible Authority. Vegetation protection fences and other fences around restricted areas must be highly visible and remain in place until all construction activities are completed.

Condition 11 to read:

11. Within the area of native vegetation to be retained and any associated tree protection zone, the following are prohibited:

- a. Vehicular or pedestrian access
- b. Trenching or soil excavation
- c. Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products
- d. Entry and exit pits for underground services
- e. Any other actions or activities that may result in adverse impacts to retained native vegetation.

The responsible authority may consent in writing to vary these requirements.

Condition 14 to read:

14. In the event that a security agreement is entered into as per condition 12b, the applicant must provide the annual offset site report to the Responsible Authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

Assessment

Conditions 9, 10, 11 and 14 refer to native vegetation removal and protection of native vegetation to be retained. These are standard conditions usually included in a permit where native vegetation will be removed and/or retained. These conditions were included in the original permit in a similar form, however incorrectly included as DEECA conditions at that time, noting that DEECA are not a formal referral authority pursuant to Clause 52.17. As such, DEECA requested these conditions be included as conditions from the Responsible Authority instead of conditions by DEECA.

New condition 12 and 13.

Condition 12 to read:

12. In order to offset the removal of 0.134 hectares of native vegetation, as identified in Native Vegetation Removal Reports BIO_2019_095 and 384_20260420_WA9, the permit holder must secure a native vegetation offset, in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017) as specified below:

- a. A general offset of 0.75 general habitat units:
 - i. Located within the Goulburn Broken Catchment Management Authority boundary at Mount Buller/Mount Stirling Alpine Resort Boundary
 - ii. With a minimum strategic biodiversity score of at least 0.696 and include the protection of 3 large trees.

Condition 13 to read:

13. 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 is one or both of the following:

- a. Credit extract(s) allocated to the permit from the Native Vegetation Credit Register and/or
- b. An established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site.

A copy of the offset evidence must be endorsed by the Responsible Authority and will form part of the permit.

Assessment

Conditions 12 and 13 are standard conditions usually included when native vegetation removal is required and offsets are required to be secured. Similar worded conditions were included in the original permit, requiring offsets be secured for the native vegetation required to be removed at that time. The original permit assessed the removal of 0.064 hectares of remnant patch and required offsets that would contribute a gain of 0.055 general habitat units and have a biodiversity value score of at least 0.696 and include 2 large trees.

The amended permit application includes the removal of one additional/new tree (Tree No. 24) which was not assessed as being lots in the calculations to the original permit. DEECA provided informal comments regarding offsets required to be included in any amended permit to issue and



advised that the additional tree to be removed would require offsets for the removal of 0.134 hectares (instead of 0.064 hectares) and a general offset of 0.75 general habitat units with the same strategic biodiversity score however the protection of 3 large trees (instead of two). Offsets have not been secured to date in line with the existing permit conditions. As such, conditions 12 and 13 reflect offsets required that includes vegetation permitted to be removed as part of the original permit as well as the new vegetation to be removed as part of the amended permit application. Once again, DEECA are not a statutory referral authority and therefore these conditions have been included as conditions by the Responsible Authority.

Amend condition 10	Amend condition 10 (renumbered as condition 16) to read: 16. Prior to the commencement of any buildings and works, a site-specific services plan must be provided to the satisfaction of the Mount Buller Alpine Resort and include: - Drainage: A drainage design plan showing any proposed drain alignments and drip line drains and pits, to ensure surface run-off discharges to the legal point of discharge. - Stormwater: A Stormwater Management Plan must be submitted to and approved by Mount Buller Alpine Resort as per Clause 53.18 of the Alpine Resorts Planning Scheme. - Sewer: A below ground drainage plan showing the proposed drain alignments and the location of the inspection shaft where it connects to the Mount Buller Alpine Resort reticulated sewer. - Potable water: A notated plan showing the proposed location of the external mains isolation valve and the proposed location of the approved backflow prevention device. - Note: for Dual occupancies and attached dwellings: A separate service connection point for each dwelling is required.
Assessment	ARV, in their capacity as a statutory referral authority for services, have requested condition 10 be amended to require a Stormwater Management Plan to address the requirements of Clause 53.18 of the Scheme. This is considered reasonable.
Amend condition 11	Amend condition 11 (renumbered as condition 17) to read: 17. 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 relevant Mount Buller Alpine Resort representatives 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. This can be organised by contacting planning@alpineresorts.vic.gov.au.
Assessment	The amended condition reflects the same requirements as the original condition however is amended to reflect the current structure and naming.
Amend condition 12	Amend condition 12 (renumbered as condition 18) to read: 18. Connections to water, sewerage and gas services must be carried out at the expense of the permit holder or developer and be to the satisfaction of the Mount Buller Alpine Resort in accordance with the resorts Conditions of Connections.
Assessment	The amended condition reflects the same requirements as the original condition however is amended to reflect the current structure and naming.
Amend condition 13	Amend condition 13 (renumbered as condition 19) to read: 19. When carrying out any connection to water and/or sewerage and/or gas services, the permit holder or developer must 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 the Mount Buller Alpine Resort to allow notification to affected customers.
Assessment	The amended condition reflects the same requirements as the original condition however is amended to reflect the current structure and naming.
New conditions 20, 21 and 22 and amend condition 14	New condition 20 to read: 20. 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 by emailing planning@alpineresorts.vic.gov.au. New condition 21 to read: 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.

New condition 22 to read:

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.

Amend condition 14 (renumbered as condition 23) to read:

23. Damage to adjoining Mount Buller Alpine Resort assets, including roads, stormwater drains and vegetated areas, which results from construction works, must be reinstated by the permit holder or developer, to the satisfaction of and at no cost to the Mount Buller Alpine Resort.

Assessment	ARV, in their capacity as a statutory referral authority for services, have requested conditions regarding the protection of Mt Buller resort infrastructure and assets during construction. These are standard conditions that are usually included by the ARV for new permits or amended permits that are issued for a development of this scale. Condition 14 is amended to reflect the current structure and naming.
Amend condition 15	Amend condition 15 (renumbered as condition 24) to read: 24. Prior to the commencement of any buildings and works, the permit holder or developer must seek advice and arrange an on-site meeting with relevant Mount Buller Alpine Resort representatives to verify the exact location of the relocated rubbish hut. The rubbish hut must not be relocated until the new site location has been agreed to by the Mount Buller Alpine Resort representatives. All relocation works are to be carried out at the expense of the permit holder or developer and be to the satisfaction of the Mount Buller Alpine Resort.
Assessment	The amended condition reflects the same requirements as the original condition however is amended to reflect the current structure and naming.
Amend condition 16	Amend condition 16 (renumbered as condition 25) to read: 25. All external and internal 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 from Good Friday to Easter Monday; 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.
Assessment	Condition 16 in its current form excludes internal activity. Its inclusion is considered necessary because it is consistent with the most current 'shutdown' condition used and included in any permit issued. By including 'internal' activities to be excluded during those specified periods, it ensures that construction vehicles and waste bins, etc do not become a hazard during the snow season. Its modification is considered satisfactory.
Amend condition 17	Amend condition 17 (renumbered as condition 26) to read: 26. The site must be left in a clean and tidy condition at all times and prior to occupation and/or use of the building, 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.
Assessment	The amended condition reflects the same requirements as the original condition however is amended to reflect the current structure and naming.
New condition 27	New condition 27 to read: 27. 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.
Assessment	ARV, in their capacity as a statutory referral authority for services, have requested the condition to ensure resort infrastructure and/or a response to an emergency is not impacted or access obstructed. This is a standard condition that is usually included for a development of this scale.
Amend condition 20	Amend condition 20 (renumbered as condition 28) to read: 28. Any partial closure of vehicle access roads for construction works must be advised with a minimum two weeks' notice to planning@alpineresorts.vic.gov.au to allow for notification to relevant affected stakeholders and is subject to the approval of the Mount Buller Alpine Resort.



Assessment	The amended condition reflects the same requirements as the original condition however is amended to reflect the most current wording and contact details as well as the current structure and naming.
Amend conditions 21 and 22	Amend condition 21 (renumbered as condition 29) to read: 29. 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. Amend condition 22 (renumbered as condition 30) to read: 30. 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.
Assessment	The amended conditions reflect the same requirements as the original conditions however are amended to reflect the current structure and naming.
Amend condition 30	Amend condition 30 (renumbered as condition 34) to read: 34. All construction activity and site rehabilitation works must be undertaken in accordance with the endorsed Site Environmental Management Plan (SEMP) and Construction Waste Management Plan (CWMP), unless otherwise approved by the Responsible Authority in consultation with Alpine Resorts Victoria (ARV). All contractors working on the site must be provided with a copy of the endorsed SEMP and CWMP and a copy must be retained on-site at all times during the construction period.
Assessment	DEECA, in their capacity as a statutory referral authority, have requested the standard SEMP condition be amended to include reference to the submitted Construction Waste Management Plan (CWMP), which was submitted as a separate document and considered satisfactory. As such, the standard SEMP condition will be amended to incorporate the CWMP given they go hand in hand.
Amend condition 39	Amend condition 39 (renumbered as condition 43) to read: 43. Where fauna is encountered during construction, a suitably qualified person or consultant with management authorisation under the Wildlife Act 1975, should relocate the individual no more than 100 metres from the disturbance site and within the same or better-quality habitat, suitable for that species. Where no suitably qualified person is available to relocate fauna, works must cease in that location and advice sought from DEECA.
Assessment	The amended condition reflects the same requirements as the original condition however is amended to reflect the current structure and naming from DELWP to DEECA.
Amend condition 41	Amend condition 41 (renumbered as condition 45) to read: 45. All construction and ongoing activities must be in accordance with EPA Publication 1834.1 Civil Construction, Building and Demolition Guide (September 2023).
Assessment	The amended condition from Goulburn Murray Water reflects the same requirements as the original condition however is amended to reflect the updated EPA publication document.
Amend condition 42	Amend condition 42 (renumbered as condition 46) to read: 46. All wastewater from the dwellings must be disposed of via connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.
Assessment	The amended condition from Goulburn Murray Water reflects the same requirements as the original condition however is amended to change the wording from 'development' to dwellings'.
New condition 47	New condition 47 to read: 47. No buildings are to be constructed within 30 metres of any waterways or on any drainage lines.
Assessment	The new condition from Goulburn Murray Water is a standard condition typical for applications of this scale.
New condition 48	New condition 48 to read: 48. No Stormwater must be discharged to a legal point as nominated by the Responsible Authority. All infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority.
Assessment	The new condition from Goulburn Murray Water is a standard condition typical for applications of this scale.
Amend condition 43	Amend condition 43 (renumbered as condition 49) to read:



49. Before the development starts, the Bushfire Management Plan, 11 The Avenue, Mount Buller, prepared by Mountain Planning, dated 16/12/2026 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.

Assessment	The inclusion of the amended condition by the Country Fire Authority (CFA) is considered reasonable given the revised BMP (which reflects a slightly modified building footprint) should be endorsed to form part of any amended permit to issue. The amended conditions reflects the revised BMP.
Amend condition 47	Amend condition 47 (renumbered as condition 53) to read: 53. The applicant must enter into an agreement with Buller Gas for the existing gas service line to be relocated to a suitable location. The service line needs to be extended to the new property, and the gas meter enclosure must be in a location approved by Buller Gas, providing safe access and avoiding snowshed.
Assessment	The inclusion of the amended condition by Buller Gas is similar to the condition issued for the original permit, however amended to ensure the location of the gas metre is in a safe location and avoids snowshed.
New conditions 54 and 55	New condition 54 to read: 54. The existing high pressure gas line must be safely terminated clear of the construction zone by Buller Gas prior to construction commencing. Site works on the gas service and meter enclosure are at the applicant's expense and must not commence until the locations have been confirmed and approved by Buller Gas. New condition 55 to read: 55. The applicant must enter into an agreement with Buller Gas for the Connection of any new reticulated gas services required and any work on gas assets must be authorised by Buller Gas, prior to the assets being connected back to the Gas distribution network.
Assessment	The inclusion of the two new conditions by Buller Gas are typical conditions included to permits of this scale and require appropriate approvals by Buller Gas and agreements to entered into for the connection of new services.

43. Other changes to the permit include two changes to the 'Useful information', specifically:

Useful Information	
Mount Buller Alpine Resort Management	New note from ARV to read: Alpine Resorts Victoria (ARV) will require access to all manholes/ valve locations for future investigation and maintenance. Reasonable access cannot be restricted by built form, including proposed walkways.
Assessment	The above note, required by the ARV will ensure access to manholes /valve locations is accessible and not obstructed and is reasonable to include.
Department of Energy, Environment and Climate Action	New note from DEECA to read: Works or other activities on public land, which may affect protected native plants, may require a Protected Flora Permit under the Flora and Fauna Guarantee (FFG) Act 1988. All native vegetation likely to be affected should be checked against the most up to date Protected Flora List (DEECA) to determine whether FFG approvals are required. Protected Flora Permits can be obtained from the regional DEECA office hume_nep@deeca.vic.gov.au .
Assessment	The above note, required by DEECA, is similar to the note included in the original permit however is updated to include the latest wording and a generic email rather than an officer email and is reasonable to include.

44. Other changes included above include:

- Replace 'Mt Buller and Mt Stirling Alpine Resort Management Board' with 'Mount Buller Alpine Resort Management' throughout the permit – this change reflects the current name given it is no longer a 'Board'.
- Replace 'Department of Environment, Land, Water and Planning – Hume Region' with 'Department of Energy, Environment and Climate Action (DEECA)' – this change reflects the current name since it was formally changed.



Discussion

45. Overall, it is considered that the proposed changes raise no significant issues when considered against the Comprehensive Development Zone (CDZ), the Design and Development Overlay, Schedule 1 Area 1 (DDO1-A1), the Erosion Management Overlay, Schedule 1 (EMO1), the Bushfire Management Overlay, Schedule 1 (BMO1) and Clause 52.17 (Native vegetation) of the Scheme. Further discussion on the relevant planning controls will be discussed, including a response to the outstanding concerns raised by the objectors, demonstrating that the proposed changes as outlined in the amendment application are considered reasonable and generally comply with the relevant policies.

Height, setbacks and overshadowing:

46. The amended proposal is not dissimilar to the approved external built form for the site in terms of dimensions, layout, materiality and colours. The height increases slightly from the development approved however the DDO1 allows any encroachment above 11 m to not exceed by 1.5 m and must be limited to the rooftop structure or chimney and be to no more than 20% of the roof area. The new design demonstrates the roof structure above 11 m being limited to 16%, which is within the permissible requirements of the DDO1.
47. Notwithstanding that, concerns were raised by both objectors regarding the height and concerns that the increased height would result in unreasonable overshadowing to their respective properties. As outlined earlier, given the orientation of the site, the objector property to the north (University Ski Club), will not be impacted. The objector property to the south (Mawson Lodge) will be impacted somewhat, however the impact will be minimal and only during the morning hours, with no impact from 12 midday.
48. However, as discussed earlier, the applicant informally submitted 'discussion plans' that include minor changes to the roof pitch and angle which will have a slightly improved overshadowing outcome. The discussion plans were informally circulated to the objector parties for comment, however neither of the objections were withdrawn. Even so, it is considered reasonable to require the changes included in the discussion plans to be formalised in a revised set of architectural plans and this will be reflected in any amended permit to issue. This will ensure the overall height is reduced slightly from the height proposed which will reduce the shadow impact slightly to Mawson Lodge.
49. It should also be noted that, when the Tribunal assessed the appropriateness of the development in its originally approved form, it stated the following at Paragraph 53 'Mawson (Mt Buller) Pty Ltd v Minister for Planning [2021] VCAT 811' (referred to as the 'VCAT decision'):

'The height and side setback exceedances do not produce negative impacts in the streetscape or with respect to view corridors between buildings. Rather, the building is visually attractive, sits well and harmonises with the alpine landscape, and complements the scale and character of alpine development.'

'The proposed building is unobtrusive within the streetscape which contains buildings of varied height, including the University Ski Club and Mawson Lodge.'

50. Furthermore, the VCAT decision included the following statement at Paragraph 56:

'The proposed side setbacks maintain a rhythm that is evident. A number of buildings of a similar height as the proposal also have side setbacks of a similar depth.'

'The relationship with Mawson Lodge is acceptable even with the side setbacks and height varied from the DDO1 requirements.'

51. Given the proposed development and setbacks are similar to those approved, it is unlikely that the proposed height, built form and setbacks will result in any unreasonable impact to the objector properties. Importantly, the proposed amendment continues to achieve the preferred height outcomes of the DDO and does not result in a material change to the approved built form character of the development.
52. While some setback variations remain, similar to those approved under the original permit, the amended proposal continues to provide generous side and rear setbacks that are generally consistent with both the currently endorsed plans and the objectives of the DDO1. These setbacks remain appropriate having regard to the site's context and the architectural form of the building. Although the proposal includes minor encroachments beyond the previously approved building envelope, these changes are extremely modest in nature and do not compromise the design objectives of DDO1 or broader planning policy relating to building siting and neighbourhood character. The amended setbacks maintain appropriate separation from adjoining properties and do not give rise to any unreasonable amenity



impacts. It should also be noted that the site coverage has increased from 37% (approved under the current permit and plans) to 42% (proposed under the amended permit application). The change is minimal and remains well under the allowable maximum site coverage for the site of 60%.

Overlooking:

53. Both objections raised potential overlooking as a key concern, with the objection from University Ski Club stating that some overlooking screens that were previously endorsed on the currently approved plans have been deleted or not included in the amended development.
54. While the proposed development does include some screening to windows, the re-design does not include screening to all windows that were perhaps included in the currently endorsed plans. While it should be noted that screening views beyond 9 m is generally not required, the Tribunal in the 'VCAT decision' at Paragraph 154 confirmed that there is no need for screening measures beyond 9 m. Notwithstanding that, the 'discussion plans' include changes to the plans such as the reduction to the Rumpus Room window to the south/east corner of the Penthouse Apartment as well as additional screens added to some of the windows facing both objector properties. While it should be noted that the proposed development complies with the overlooking requirements of the Scheme, it is considered reasonable to require the additional screens to be included to the windows as shown in the 'discussion plans' and for those changes to be incorporated into any endorsed plans forming part of any amended permit to issue.

Clause 58:

55. Clause 58 applies given the amended layout creates 5 dwellings that meet the definition of 'apartment' pursuant to Clause 73.01, which is defined as *'a dwelling located above the ceiling level or below the floor level of another dwelling and is part of a building containing two or more dwellings'*.
56. The proposed development complies with the standard and objectives of Clause 58. A brief response to the relevant objectives are discussed below:

Clause 58.03 – Site layout

57. The development satisfies the relevant objectives, such as energy efficiency, safety, landscaping, access and parking. The development incorporates large double-glazed windows and the living rooms oriented towards the north and east where possible for the north facing dwellings. The proposed entrance to the apartment building is not obscured or isolated from the street with pedestrian access obtained from The Avenue, via the foyer, satisfying the safety objective. Retention of the large canopy trees towards the rear satisfies the landscaping objective. The access objective is satisfied through limiting vehicular entry points from the main road frontage with only one access point proposed. Parking objective is satisfied through the provision of a double garage for the penthouse apartment and the other dwellings are provided with a single car space in a carport.
58. While the development does not include a water tank to address the integrated water and stormwater management objective, this is not uncommon in the alpine resorts due to the extreme weather and the water freezing during winter. However, a condition will be included requiring a Stormwater Management Plan in accordance with the requirements of Clause 53.18 of the Scheme to be submitted and approved by the ARV.

Clause 58.04 – Amenity impacts

59. The development satisfies the relevant objectives such as building setback and internal view. The proposed development incorporates appropriate building setbacks and achieves high levels of daylight into new habitable rooms. Direct views have also been avoided to ensure there are no unreasonable internal or external amenity impacts. Windows and balconies have been located and orientated to prevent any potential overlooking. With the inclusion of additional screens on top of those already included, overlooking will be further reduced.

Clause 58.05 – On-site amenity and facilities

60. The development satisfies the relevant objectives such as accessibility and private open space. The floor layout plans demonstrate that each dwelling is designed with suitable dimensions to each room as required. Furthermore, each dwelling includes adequate open space through the provision of balconies.

Clause 58.06 – Detailed design



61. The development satisfies the relevant objectives such as waste and recycling and external walls and materials. The development site is conveniently located and within close proximity to a waste hut. This is typical and an appropriate method to dispose of waste within the alpine environment. In terms of materials, the development maintains the use of suitable materials that can tolerate the harsh alpine environment, such as the use of metal standing seam, natural stone, composite cladding and steel.

Clause 58.07 – Internal amenity

62. The development satisfies the relevant objectives such as functional layout, room depth and window objectives. Each dwelling complies with the dimensions specified in the relevant tables thus satisfying the functional layout, room depth and window standards.
63. Overall, the proposed development satisfies the relevant objectives and standards of Clause 58.

Carparking

64. Concerns by objectors were raised regarding the number of car parking spaces provided on site, stating it is insufficient. The DDO1 assessment table provided earlier in the report detailed that the number of car parking spaces required to be provided based on the gross floor area is 4.5 spaces. The proposed development includes a total of 6 spaces, comprising 2 spaces in a garage for occupants of the penthouse apartment and one car space each for the occupants to the other 4 dwellings provided within a 4-space carport. As such, the proposed development easily meets the car parking requirements of the DDO1.
65. While Clause 52.06 does not technically apply because the DDO1 car parking requirements takes precedence, if we were to apply the requirements of Clause 52.06, 1.2 car parking spaces would need to be provided per dwelling, which again would be met. Therefore, the carparking requirements have been adequately met.

Bushfire

66. To address the BMO requirements, the applicant submitted a revised BMP to reflect the building footprint changes proposed by the development. The CFA have requested their condition of permit be modified to reflect the revised version and that the revised BMP be endorsed to form part of the permit.

Geotechnical

67. Concerns were raised by the objectors about the extent of excavation and impacts on landslip and erosion. In response, the letter that accompanied the planning submission was prepared by a suitably qualified person confirming the revised proposal does not materially affect the geotechnical conditions or alter the recommendations set out within the original endorsed geotechnical report. As such, the geotechnical risk would not be increased and therefore the geotechnical requirements of the Erosion Management Overlay (EMO) have been adequately met.
68. Furthermore, it should be noted that Clause 44.01-7 of the EMO exempts the application from notice requirements and review rights of the Act.

Vegetation

69. The application documents clearly indicate that the proposed development will require the removal of one additional or new tree, that was not accounted for in trees permitted to be removed as part of the original permit and endorsed plans. The new tree proposed for removal is identified as Tree No. 24 and is located to the south/west corner of the revised building footprint. Offsets for the removal of the tree can be adequately included in any amended permit to issue by amending the offset condition that was issued on the original permit to add additional offsets, particularly given that offsets for the permitted vegetation have not been secured to date.
70. DEECA provided informal comments and advised that by adding the additional new tree into the offset equation, the offsets would need to account for a total of 0.134 hectares of native vegetation and include the protection of 3 large trees. This represents an increase to the offsets required under the current permit from 0.064 hectares and the protection of 2 large trees. As such, the relevant condition will be amended accordingly to take into account the additional tree.
71. However, a discrepancy appears on the architectural plans submitted with the application as the plans incorrectly show Tree No's 12 and 36 as trees previously approved under the original permit for their removal. This is incorrect because these two trees are clearly not identified as trees permitted to be removed. Figure 6 includes Tree No's 12 and 36 as

trees permitted to be removed under the original permit. Figure 10 below includes the trees permitted to be removed under the original permit. Figure 10 does not show Tree No's 12 and 36 and as such their removal has not been approved.

72. A review of the arboricultural report indicates that both trees in question can be considered as 'lost' however can be retained. The report recommended that with minimised excavation and installation of protective fencing during development, these trees can be retained. As such, a condition of any amended permit to issue will require Tree No's 12 and 36 be shown as retained and protected.

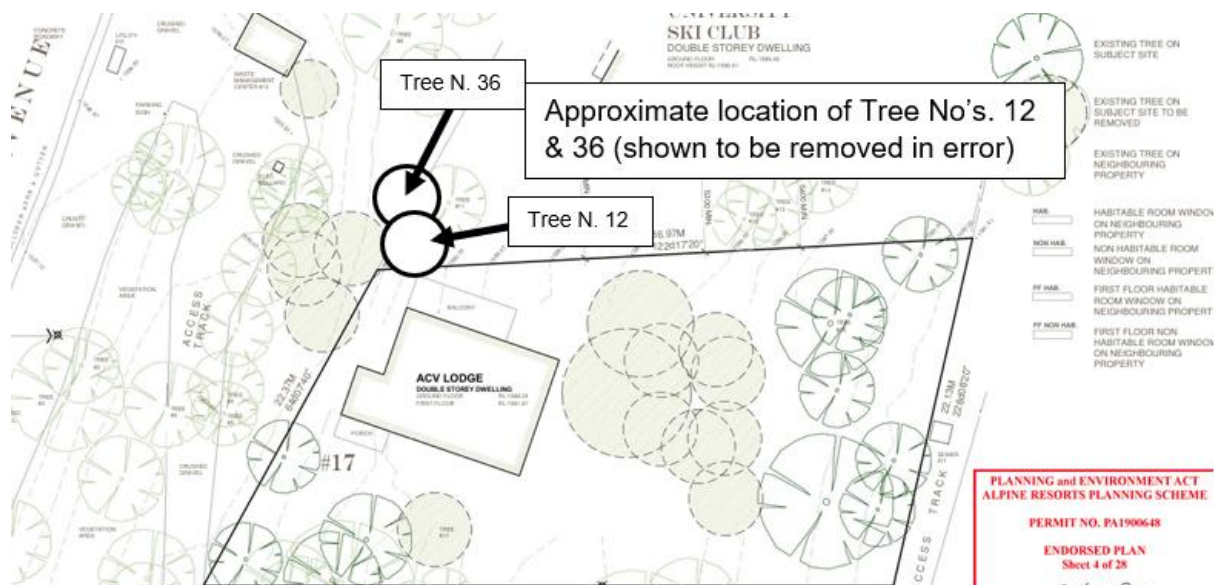


Figure 10 – Trees permitted to be removed under original permit (shown dashed) (Source: Endorsed architectural plans for PA1900648)

73. Furthermore, the objectors raised concerns that the revised building footprint will result in additional impacts to trees identified as trees to be retained. Apart from the discrepancy above, the arboricultural report indicates that a number of other trees within close proximity to the proposed development will be able to tolerate the encroachments and that they can be retained, subject to appropriate tree protection fencing. Permit conditions include tree protection fencing be erected before the commencement of the development.
74. All of the above measures demonstrate an adequate assessment against the Guidelines of Clause 52.17 which seeks to avoid, minimise and offset vegetation removal.

View sharing

75. The objectors raised concerns about the potential impacts upon views to the surrounding landscape and ski slopes to the east of the site due to the building form. In response, it is widely established that there is no legal right to a view, but rather an expectation that views are reasonably shared between properties.
76. As noted above, the proposed amendment is generally consistent with the approved built form outcome for the site in terms of dimensions, height, materiality and overall design response. While the proposal does include limited encroachment beyond the approved building envelope within the rear setback, this area is confined to balconies and a modest portion of roof form thus not unreasonably reducing view lines from either objector properties.
77. When considering the findings of the VCAT decision, the Member stated that the proposal provides for opportunities for view sharing and does not result in unreasonable loss of views from surrounding properties (paragraph 130 of VCAT decision).

Aboriginal cultural heritage

78. While the site is located within an area of Aboriginal cultural heritage sensitivity, the process of the original permit confirmed that a new cultural heritage management plan was not required for that application, given a Management Plan (MP) was approved for the site in 2009 (CHMP 10871). As part of the original application, advice was sought



from Aboriginal Victoria and at that time Aboriginal Victoria advised that a new MP was not required given the activity footprint is significantly disturbed. Similarly, given the building footprint remains essentially the same to what has been approved as part of the original permit, a new Management Plan is not required.

Other matters

79. All of the objector concerns have been addressed within the assessment section of this report. One additional matter raised by objectors was that the dwelling yield will increase from 2 to 5 dwellings and that this will result in an intensification of the use and occupancy of the site, beyond what was granted. In response, the intensification in dwelling yield only results in a minor building footprint increase, a minor site coverage, that remains well and truly under the maximum allowable and car parking spaces provided in accordance with what is required for the increased yield. It has been demonstrated during the assessment of this report that the proposed development, noting that a permit is not required to use the land for dwellings, is appropriate and generally compliant with the relevant planning controls.
80. All referral authorities support the proposal subject to inclusion of modified or new conditions.
81. The proposed amendments forming this application should be supported.

Recommendation



82. The proposed amendments are generally supported by the various formal referral agencies.
83. It is **recommended that** a Notice of Decision to Grant an Amended Permit to Application No. PA1900648-1 for Buildings and works for the development of 5 dwellings and removal of native vegetation on 11 The Avenue, Mount Buller (Lease Site 17) be issued.
84. It is recommended that the applicant, objectors and referral authorities be notified of the above in writing.

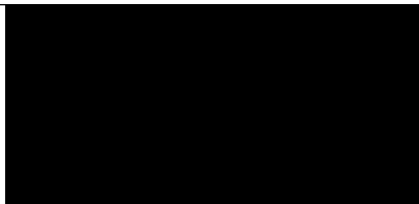


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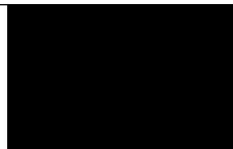
I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

- ☒ **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.
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Name:
Title:



Signed:



Phone:

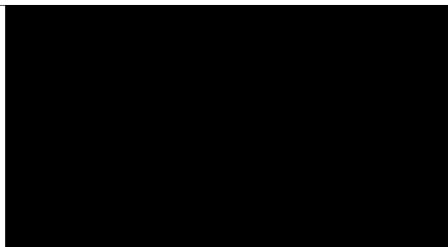
Dated: 15 September 2026

Reviewed by:

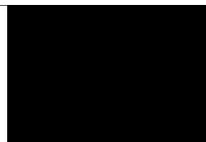
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Name:
Title:



Signed:



Phone:

Dated: 17/09/2026