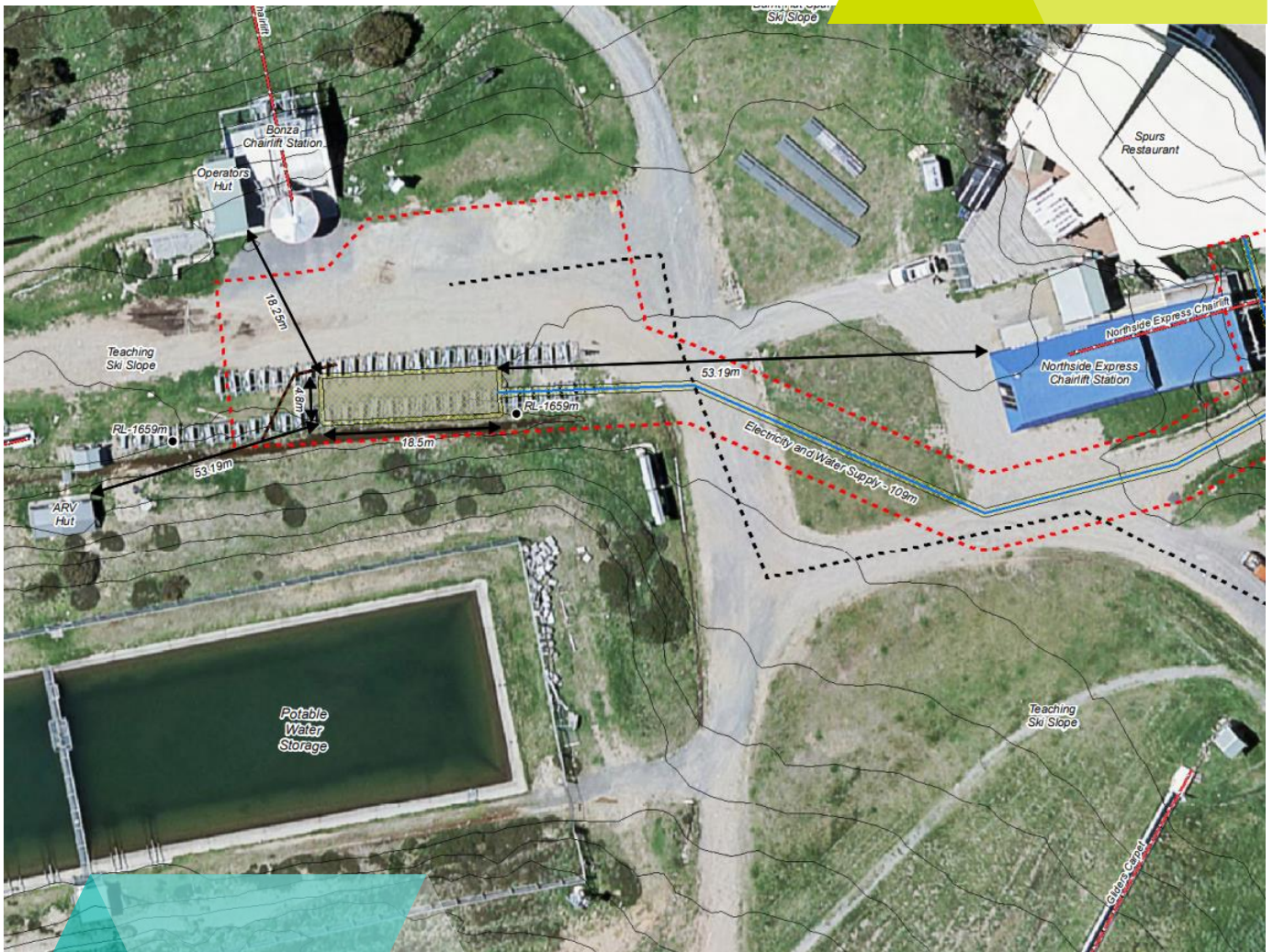


# Northside/Spurs Area, Mt Buller Ski Field, Mt Buller



Officer Assessment Report  
Development Approvals & Design



Department  
of Transport  
and Planning

OFFICIAL

# Executive Summary

Key information	Details		
<b>Application No.:</b>	PA2302644		
<b>Received:</b>	7 December 2023		
<b>Statutory Days:</b>	77		
<b>Applicant:</b>	[REDACTED]		
<b>Planning Scheme:</b>	Alpine Resorts		
<b>Land Address:</b>	Northside/Spurs Area, Mt Buller Ski Field, Mt Buller		
<b>Proposal:</b>	Buildings and works for the installation of a snow making building and associated vegetation removal		
<b>Development value:</b>	\$150,000.00		
<b>Why is the Minister responsible?</b>	In accordance with the schedule to Clause 72.01 of the Alpine Resorts Planning Scheme (the Scheme), the Minister for Planning is the Responsible Authority for administering and enforcing the Alpine Resorts Planning Scheme		
<b>Why is a permit required?</b>	<b>Control</b>	<b>Clause</b>	<b>Trigger</b>
<b>Zone:</b>	Comprehensive Development Zone Schedule 2 (CDZ)	Clause 37.02-4	<i>Construct a building or construct or carry out works</i>
<b>Overlays:</b>	Environmental Significance Overlay Schedule (ESO1)	Clause 42.01-2	<i>Construct a building or construct or carry out works</i>
	Environmental Significance Overlay Schedule 1 (ESO1)	Clause 42.01-2	<i>Remove, destroy or lop any vegetation, including dead vegetation</i>
	Design and Development Overlay Schedule 3 (DDO3)	Clause 43.02-2	<i>Construct a building or construct or carry out works</i>
	Erosion Management Overlay Schedule 1 (EMO1)	Clause 44.01-2	<i>Construct a building or construct or carry out works</i>
	Erosion Management Overlay Schedule 1 (EMO1)	Clause 44.01-2	<i>Remove, destroy or lop any vegetation</i>
	Bushfire Management Overlay Schedule 1 (BMO1)	Clause 44.06-2	<i>Construct a building or construct or carry out works for buildings associated with leisure and recreation use.</i>
<b>Particular Provisions:</b>	N/A		
<b>Cultural Heritage</b>	Satisfactory evidence has been provided to suggest that a CHMP is not required because the land has been subject to significant ground disturbance.		

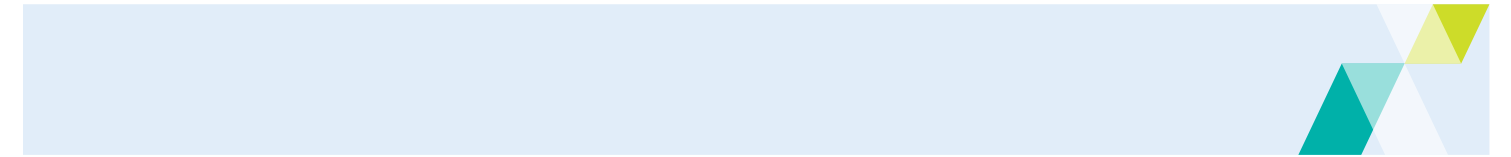


Key information	Details
<b>Total site area:</b>	90m <sup>2</sup>
<b>Gross Floor Area:</b>	30m <sup>2</sup>
<b>Height</b>	8.53m
<b>Land Uses:</b>	<b>Leisure and Recreation</b> No permit required
<b>Referral authorities</b>	Alpine Resorts Victoria (ARV) (s.55 – determining, pursuant to Clause 7.0 of Schedule 2 to CDZ) Alpine Resorts Victoria (ARV) (s.55 – determining, pursuant to Clause 7.0 of Schedule 1 to EMO) Department of Energy, Environment and Climate Action (DEECA) (s.55 – determining, pursuant to Clause 4.0 of Schedule 1 to ESO) Country Fire Authority (CFA) (s.55 – determining, pursuant to Clause 44.06) Goulburn Murray Water (GMW) (s.55 – determining, pursuant to Clause 66.02-5) AusNet Services (s.55 – determining, pursuant to Clause 7.0 of Schedule 2 to CDZ)
<b>Notice</b>	ARV (s.52 notice, pursuant to Clause 8.0 of Schedule 2 to CDZ) DEECA (s.52 notice, pursuant to Clause 5.0 of Schedule 3 to DDO and Clause 8.0 of Schedule 2 to CDZ) Mansfield Shire Council (s.52 notice, pursuant to Clause 8.0 of Schedule 2 to CDZ)
<b>Public Notice</b>	Notice of the application was undertaken by the applicant at the direction of the Department in the following manner: <ul style="list-style-type: none"><li>To give notice under section 53(1) of the Act by mail or email to the leaseholders and sub-lessees of Spurs Restaurant</li><li>To display a copy of the notice on site</li><li>To display a copy of the notice at Mt Buller Alpine Resort office.</li></ul> No objections have been received to date.
<b>Delegates List</b>	Approval to determine under delegation received on 21 March 2024.



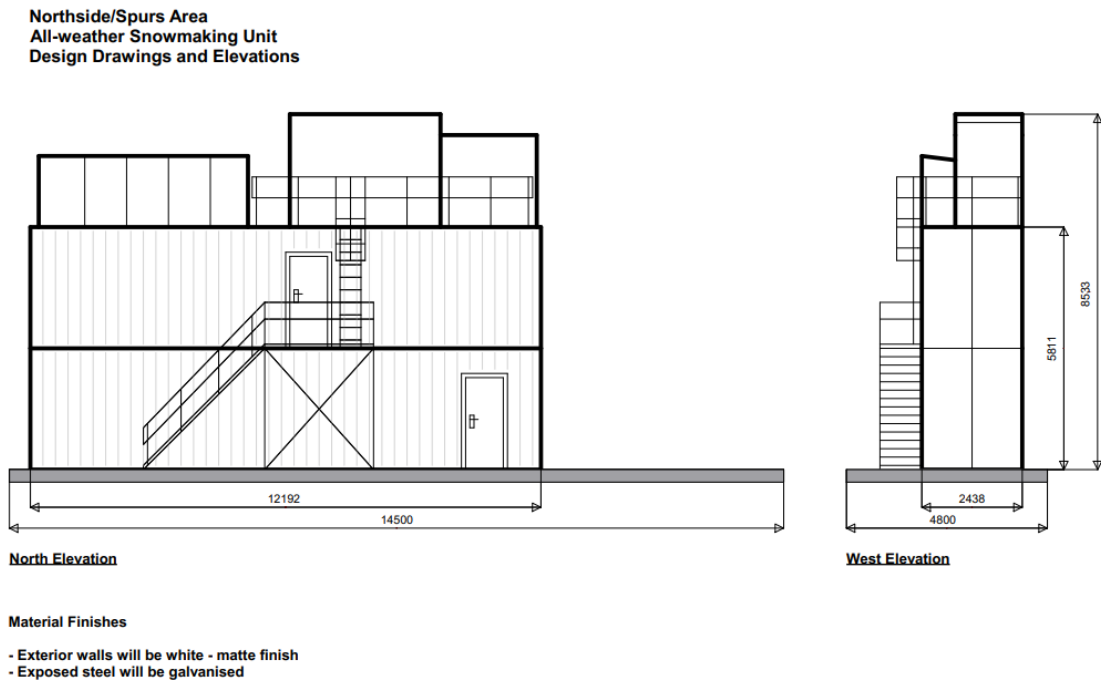
1. The key milestones in the process of the application were as follows:

Milestone	Date
Pre-application meeting	N/A
Application lodgement	7 December 2023
Further information requested	14 December 2023
Further information received	16 January 2024
Further plans submitted (formally under section 50 of the Act)	N/A
Further informally substituted sketch plans submitted (date)	N/A
Decision Plans	<ul style="list-style-type: none"> <li>• ‘Elevation plans’, prepared by Buller Ski Lifts, titled ‘Northside/Spurs Area, All-weather Snowmaking Unit Design Drawings and Elevations’ and dated 20 December 2023 (2 pages).</li> <li>• ‘Property Location and Site Plan’, prepared by Buller Ski lifts and dated 15 November 2023 and 20 December 2023 (2 pages).</li> <li>• ‘Cover letter’, prepared by Buller Ski Lifts and dated 5 December 2023 (2 pages).</li> <li>• ‘RFI response’ letter, prepared by Buller Ski Lifts and dated 16 January 2024 (2 pages).</li> <li>• ‘Bushfire Management Statement’, prepared by Buller Ski Lifts and not dated (21 pages).</li> <li>• ‘Preliminary Geotechnical Risk and Foundation Assessment’ and ‘Addendum to Preliminary Geotechnical Risk and Foundation Assessment’, prepared by Taylor Consulting Engineers and dated 21 November 2023 and 8 January 2024 respectively (54 pages).</li> <li>• ‘Site Environmental Management Plan’ (SEMP), prepared by Edward Mahon, dated and signed 16 January 2024 (13 pages).</li> <li>• ‘Site Environmental Management Plan Appendix’, prepared by Edward Mahon and not dated 2024 (4 pages).</li> <li>• ‘Site Environmental Management Plan Construction Program’, prepared by Edward Mahon and not dated 2024 (1 page).</li> <li>• ‘Site Construction Management Plan’, prepared by Buller Ski Lifts and dated 15 and 16 November 2023 (12 pages).</li> <li>• ‘Vegetation Management Plan’, prepared by Buller Ski Lifts and dated 3 May 2021, 11 August 2023 and 14 September 2023 (5 pages).</li> <li>• ‘Waste Management Plan’ prepared by Buller Ski Lifts and not dated (2 pages).</li> <li>• ‘Site and Lease Area’ plan, prepared by Buller Ski Lifts and not dated (2 pages).</li> <li>• ‘DDO3 response’, prepared by Buller Ski Lifts and not dated (2 pages).</li> </ul>

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- 'Significant Ground Disturbance Practice Note Response', prepared by Buller Ski Lifts and not dated (4 pages).
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2. The subject of this report is the decision plans (as described above).

3. The proposal can be summarised as follows:
  - Buildings and works for the installation of a snow making building.
  - The removal of exotic vegetation (grasses) within the concrete pad and services trenching line areas.
4. Specific details of the application (referred to as 'the Project') include:
  - The installation of a snow making building comprising of a 12.19m length and a 2.43m width with a maximum overall height of 8.5m. (Refer to Figure 1).
  - The building will be installed on a concrete pad measuring 18.5m by 4.8m.
  - The building will be constructed comprising of metal walls in a white matte finish and exposed galvanised steel.
  - Trenching for electricity and water services will run from the eastern side of the snow making building and connect to the existing services located to the northern side of the Northside Express Chairlift building, (for an approximate length of 109m). (Refer to Figure 2).
  - The removal of exotic vegetation (grasses) within the concrete pad and services trenching line areas. (Refer to Figure 2).
5. The applicant has provided the following concept image/s of the proposal:



**Figure 1: Snow making building elevations (Source: Application)**



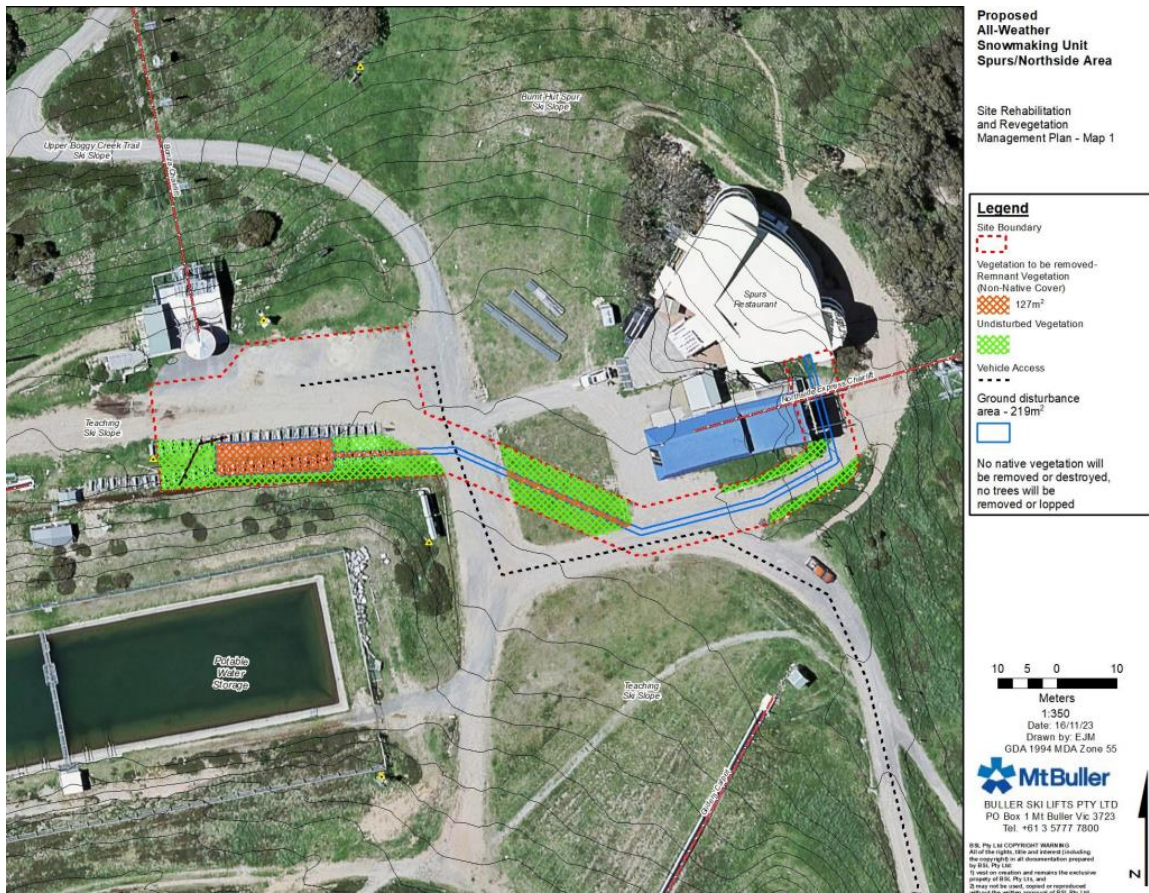


Figure 2: Trenching for services and exotic vegetation (grasses) to be removed (Source: Application)

# Subject Site and Surrounds

## Site Description

- The site is located within the Mount Buller ski fields, referred to as the Northside/Spurs area and is located approximately 600m north west of Mount Buller Village. (Refer to Figure 3).



Figure 3: Location of site (Source: Application)

- The site is directly north of the existing Burnt Hut Spur potable water storage facility and approximately 53m and 60m west from the Northside Express Chairlift Station and Spurs Restaurant respectively. (Refer to Figure 4).



Figure 4: Location of site (close-up) (Source: Application)

- The land tenure is Crown land which is leased by Buller Ski Lifts (the permit applicant).
- The site is on flat land and no earthworks are required or proposed. The land, which has previously been disturbed, is clear of native vegetation and trees however has some exotic grass coverage.





## Site Surrounds

10. The surrounding development consists mainly of buildings used for commercial and ski field infrastructure.
11. Development surrounding the site can be described as follows:
  - To the **north** of the site: Bonza Chairlift Station, Operators Hut and open ski fields.
  - To the **south** of the site: Burnt Hut Spur potable water storage facility and open ski fields.
  - To the **east** of the site: Northside Express Chairlift Station, Spurs Restaurant and open ski fields.
  - To the **west** of the site: Open ski fields.



## Planning Policy Framework

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

Clause no.	Description
12.01-1S	Protection of biodiversity
12.01-2S	Native vegetation management
12.04-1S	Sustainable development in alpine areas
13.02-1S	Bushfire planning
13.04-2S	Erosion and landslip
15.03-2S	Aboriginal cultural heritage
17.04-1S	Facilitating tourism

## Local Planning Policy Framework

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

Clause no.	Description
12.01-1L	Protection of biodiversity in alpine resorts
12.04-1L	Sustainable development – alpine resorts
12.04-1L	Sustainable development – Mt Buller Alpine Resort
13.04-2L	Erosion and landslip in alpine resorts
17.04-1L	Alpine tourism

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

## Statutory Planning Controls

### Clause 37.02 – Comprehensive Development Zone, Schedule 2 (CDZ2)

- The land is affected by the CDZ2.
- The relevant purposes of the CDZ2 are to develop and use land in alpine resorts for passive and active recreation and to minimise impacts on areas of significant vegetation.
- A planning permit is not required for the use of the land for 'leisure and recreation'.
- A planning permit is triggered to construct a building or construct or carry out works pursuant to the CDZ2.
- The CDZ2 includes application requirements and decision guidelines for consideration of the site's context, including a Site Environmental Management Plan (SEMP). The following sections include discussion of how the Project responds to these requirements.



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

23. A planning permit is required to construct a building or construct or carry out works pursuant to the EMO1.
24. A planning permit is required to remove, destroy or lop any vegetation pursuant to the EMO1.
25. The objectives of the EMO1 include:
  - *To ensure that applications for development are supported by adequate investigation and documentation of geotechnical and related structural matters.*
  - *To ensure that development is appropriate to be carried out either conditionally or unconditionally, having regard to the results of those geotechnical and related structural investigations.*
  - *To ensure that development is only carried out if identified geotechnical and related structural engineering risks are effectively addressed.*
26. The EMO1 includes application requirements to include a Preliminary Geotechnical Assessment. The following sections include discussion of how the Project responds to these requirements.

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

27. A planning permit is required to construct a building or construct or carry out works associated with 'leisure and recreation', pursuant to the BMO1.
28. The relevant purposes of the BMO include:
  - *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
  - *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*
  - *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*
29. Clause 44.06-3 specifies that an application under the BMO must be accompanied by:
  - A bushfire hazard site assessment
  - A bushfire hazard landscape assessment
  - A bushfire management statement.
30. The clause states that if these requirements are not deemed relevant to the assessment of an application, the responsible authority may waive, vary or reduce the requirement.

#### **Clause 43.02 – Design and Development Overlay, Schedule 3 (DDO3)**

31. A planning permit is required to construct a building or construct or carry out works pursuant to the DDO3.
32. The objectives of the DDO3 include:
  - *To ensure that development within the Mt Buller ski fields creates and enhances an identifiable individual resort character.*
  - *To ensure development is not visually intrusive when viewed from key public vantage points within the Village, from Mt Buller Access Road and surrounding ski fields.*
  - *To ensure development within the ski fields is visually attractive and functionally effective all year round, particularly at key interfaces with the Village such as the Village Square, Helicopter Flat and lease sites having frontage to the ski fields.*
  - *To minimise the visual impact of snowfield infrastructure and facilities upon the landscape values of the Resort.*
  - *To ensure development is sited and designed to avoid and minimise impacts to indigenous vegetation, fauna and natural features.*



33. The DDO3 decision guidelines include requirements for consideration, including whether the proposal meets the objectives of the overlay, the appropriateness of the siting, the appropriateness of materials, finishes and colours and how well they respond to year-round climatic conditions.

**Clause 42.01 – Environmental Significance Overlay, Schedule 1 (ESO1)**

34. A planning permit is triggered to construct a building or construct or carry out works and to remove, destroy or lop any vegetation, including dead vegetation.
35. The environmental objectives aim to preserve, enhance and prevent the destruction of the Mountain Pygmy-possum (*Burramys parvus*) habitat.

**Particular provisions**

36. Not applicable.

**Operational Provisions**

**Clause 65.01 – Approval of an application or plan**

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

**Clause 71.02-3 – Integrated decision making**

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



## Referrals

39. The application was referred to the following groups:

Provision/ Clause	Organisation	Response Received (date)
<i>Section 55 Referral - Determining (Clause 7 of Schedule 1 to the EMO (44.01) for 'all applications.'</i>	Alpine Resorts Victoria, (ARV)	<u>19 February 2024</u> No objection subject to conditions.
<i>Section 55 Referral - Determining (Clause 7 of Schedule 2 to the CDZ (37.02) for 'any use or development which requires connection to reticulated services.'</i>	Alpine Resorts Victoria, (ARV)	<u>19 February 2024</u> No objection subject to conditions.
<i>Section 55 Referral - Determining (Clause 4.0 of Schedule 1 to ESO (42.01) for 'all applications.'</i>	Department of Energy, Environment and Climate Action (DEECA)	<u>12 January 2024</u> No objection and no conditions.
<i>Section 55 Referral - Determining (Clause 44.06-6 (BMO) for 'an application under the overlay other than an application to construct a building or carry out works associated with a dwelling or an application to subdivide land.'</i>	Country Fire Authority (CFA)	<u>12 January 2024</u> No objection and no conditions.
<i>Section 55 Referral - Determining (Clause 7 of Schedule 2 to the CDZ (37.02) for 'any use or development which requires connection to reticulated services.'</i>	AusNet Services	<u>22 December 2023</u> No objection subject to one note.
<i>Section 55 Referral - Determining (Clause 66.02-5) for 'To use, subdivide or consolidate land, to construct a building or construct or carry out works, or to demolish a building or works that are within a Special Water Supply Catchment Area listed in Schedule 5 of the Catchment and Land Protection Act 1994 and which provides water to a domestic supply.'</i>	Goulburn Murray Water (GMW)	<u>4 January 2024</u> No objection subject to conditions.

## Notice

40. The application is not exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Planning and Environment Act 1987 pursuant to the following provisions:

- Schedule 2 to Clause 37.02 (CDZ)
- Schedule 1 to Clause 42.01 (ESO)
- Schedule 3 to Clause 43.02 (DDO).

41. The application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Planning and Environment Act 1987 pursuant to the following provisions:



- Schedule 1 to Clause 44.01 (EMO)
  - Schedule 1 to Clause 44.06 (BMO).
42. Clause 8.0 of Schedule 2 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. Clause 5.0 of Schedule 3 to the DDO (Clause 43.02) also requires notice be given to the Secretary to the Department of Environment, Land, Water and Planning (DEECA) for 'any development.'
43. Notice was provided to the ARV on 15 December 2023 and on 19 February 2024 the ARV responded advising no objection subject to conditions. Notice was provided to Mansfield Shire Council on 24 January 2024 and on 25 January 2024 the Council responded advising no objection and no conditions. Notice was provided to DEECA on 15 December 2023 who advised on 15 January 2024 that they have no objection and no conditions.
44. The applicant was asked to undertake advertising of the application by:
- Displaying one sign on site.
  - Mail or email to:
    - the leaseholders and sub-lessees of Spurs Restaurant.
  - Displaying one copy of the notice at the Mount Buller Alpine Resort Management Office.
45. No objections have been received to date.

## Planning Policy

### Consistency with State and Local Planning Policies

46. Broadly, the planning policies relevant to this Project 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.
47. The specific policies relevant to Mount Buller that apply, and a response to them, is provided as follows:
- To assist the protection and conservation of Victoria's biodiversity (Clause 12.01-1S).
  - Avoid impacts of land use and development on important areas of biodiversity (Clause 12.01-1S).
  - To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation (Clause 12.01-2S).
  - 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)
  - Minimise the environmental and visual impact of lift stations and associated infrastructure in the ski fields by careful siting and design (Clause 12.04-1L).
  - 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 (Clause 13.02-1S).
  - To protect areas prone to erosion, landslip or other land degradation processes (Clause 13.04-2S).
  - To ensure that geotechnical hazards are managed throughout the resorts so as to minimise risk to property and persons (Clause 13.04-2L).
  - To ensure the protection and conservation of places of Aboriginal cultural heritage significance (Clause 15.03-2S).
  - To encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination (Clause 17.04-1S).
  - To provide for year-round recreation, having regard to environmental, social, ecological, economic, aesthetic and safety considerations (Clause 17.04-1L).
48. The Project is consistent with the relevant policies. The Project will contribute to the sustainable development of Mount Buller by installing an all-weather snowmaking building that will contribute towards ensuring snow can be provided as needed which will promote tourism during the snow season.
49. The Project footprint has been designed to ensure the potential adverse impacts to the environment have been avoided and minimised where possible by locating it in a previously disturbed area where the removal of native vegetation removal can be fully avoided. Furthermore, the building will not result in any loss of usable ski slope give it will be located in an area next to the Burnt Hut Spur potable storage facility and other nearby skiing infrastructure.
50. A preliminary geotechnical assessment has been submitted and the recommendations will be adopted to ensure the geotechnical risks associated with the Project will remain at a low level. The Project will not increase the risk to life or property from bushfire. The ski field area already exists and is utilised largely in the winter season when bushfire risk is low. The Project will be undertaken in accordance with the submitted SEMP, which will be endorsed and form part of the permit, ensuring that construction is undertaken appropriately.



## Zoning and land use

51. The relevant purposes of the CDZ2 are to develop and use land in alpine resorts for passive and active recreation in accordance with sound environmental management and land capacity practices. The CDZ2 encourages minimising impacts on significant landscapes, vegetation and on habitat.
52. The Project's 'leisure and recreation' land use does not trigger a planning permit.
53. The Project is consistent with the purposes of CDZ2 given it seeks to develop infrastructure that supports the resort as a skiing destination and encourages active recreation associated with the use of the resort. The area where the proposed development will occur is on a highly disturbed ski slope that has experienced extensive human activity for over 55 years. The development will be adjacent to the existing potable water storage facility which was constructed in 1965. Furthermore, the building and the associated trenching for services will be in an area that avoids the removal of native vegetation, with only some exotic grasses being removed. The construction area is also outside the Mountain Pygmy Possum habitat area, thereby ensuring no impact to the habitat.
54. Construction will be undertaken in accordance with an approved Site Environmental Management Plan (SEMP) and Construction Management Plan (CMP) to protect waterbodies from sediment discharge and minimise impacts to biodiversity during construction. A Waste Management Plan (WMP) has been submitted which addresses how materials and waste will be appropriately disposed of, off the mountain. These measures will ensure the development is undertaken in accordance with sound environmental management and land capability practices that take into account the environmental significance of the area.
55. The SEMP is generally consistent with the requirements of Clause 4.3-3 of CDZ2. The SEMP includes a construction program as well as a CMP. A detailed landscape and rehabilitation plan is provided that includes the species of plants to be used to rehabilitate the disturbed areas and how this will be done. DEECA reviewed the SEMP and related documents and did not raise any concerns or require any changes and therefore a condition of permit will require all buildings and works to be undertaken in accordance with the endorsed SEMP and the landscape and rehabilitation plan.

## Buildings and works

56. The proposed development should meet the design objectives of the DDO3, which essentially seek to minimise the visual impact of snowfield infrastructure and facilities upon the landscape values of the resort. It also seeks to ensure development within the skifields is visually attractive and functionally effective all year round. The DDO3 objectives seek to ensure development is sited and designed to avoid and minimise impacts to indigenous vegetation, fauna and natural features. The DDO3 also includes design requirements in relation to building height, colours and materials.
57. The proposed snow making building complies with the height requirements specified in the DDO3. The building will have a maximum height of approximately 8.5m, which is well under the maximum permitted height of 15m for skifield related buildings. In terms of wall and roof materials, the DDO3 criteria includes corrugated iron and profiled metal in its list of supported materials. The proposed cladding of the snow making building will be constructed using metal with exposed galvanized steel in a matte white colour. The material selected is suitable within the alpine landscape in terms of lasting and being able to withstand the harsh alpine weather and conditions.
58. Colours should utilise natural alpine colour tones. While the material proposed is suitable, the use of white colour may not typically be considered a suitable alpine colour tone. However, in this instance, the use of white colour is considered suitable given:
  - Matte white is commonly used for ski field equipment, locally and internationally. At Mount Buller, the top and bottom stations of the Abom Express chairlift and the Bourke Street Express chairlift both use matte white finishes over extensive parts of their structure.
  - Using a matte white finish to a snow making building means that the building doesn't get as warm inside, making it more energy efficient to fulfill its purpose, which is to produce the snow.
  - Matte white is the colour the unit is manufactured and delivered in, which is a similar colour to the snow making building which was approved at the top of the Bourke Street ski slope.






- The proposed colour is not a reflective white and is not glaring to look at.
  - The location where the building will be sited is a flat area next to the potable water storage facility at Burnt Hut Spur and amongst other snowmaking infrastructure and a ski lift terminal station and is naturally hidden from vantage points across the mountain. The proposed building cannot be sighted from the Mt Buller Access Road or the Mount Buller Village.
59. As such, the proposed building satisfies the design objectives of the DDO3 as the visual impact upon the landscape will be minimal. The development will not be visible from key vantage points within the Mt Buller Village or surrounding skifields and the building will be sited to avoid impact to native vegetation.

### **Geotechnical risks**

60. The site is within an area identified as prone to erosion and landslip. A preliminary geotechnical assessment report was initially provided with the application which indicated that some of the proposed works had a risk to property that was greater than 'low', specifically when considering the failure of the reservoir (Burnt Hut Spur potable water storage facility). When the risk is greater than 'low', the EMO requires a Quantitative or Semi Quantitative Risk Assessment be prepared and submitted that contains all items in Section 4.1 of Schedule 1 to the EMO and examines risks to property in accordance with the general methodology set out in the AGS Guidelines to be provided. The applicant submitted an Addendum to the preliminary geotechnical assessment report, which addressed the hazard that was identified as having a risk to property greater than 'low'. The Addendum indicated that the risk to property for the failure of the reservoir could be reduced to 'low' provided that the recommendations of the Addendum report were also adhered to. The recommendations include:
- Undertake annual reservoir condition inspections, review construction and monitoring records and undertake recommended repair works as nominated.
  - Undertake monthly checks of flow rates within the open drain. Consider installation of a flow meter or 'v' notch weir within open drain to monitor and quantify flow rates and turbidity (suspended solids) to check for increased flows plotted against rainfall to determine change in conditions. Above average flow rates to be escalated for further review or action, such as a structural inspection for cracking of the concrete lining.
61. The Burnt Hut Spur potable water storage facility (reservoir) is located within the ski fields which is leased by Buller Ski Lifts. All reservoirs, including the Burnt Hut Spur potable water storage facility, are ARV assets. ARV undertake annual inspections to all reservoirs. The ARV, as a statutory referral authority pursuant to the EMO, have reviewed the submitted geotechnical report and the Addendum report and have requested a standard condition requiring all buildings and works be undertaken in accordance with the recommendations of the endorsed geotechnical report and Addendum report, as part of any permit issued. Furthermore, the ARV have provided an email response dated 28 March 2024 which confirms that the ARV will inspect Burnt Hut Spur reservoir annually, in line with their other reservoirs, as recommended in the Addendum geotechnical report. Buller Ski Lifts have agreed to instal a flow metre or 'v' notch weir within the open drain to the Burnt Hut Spur reservoir, (as recommended in the Addendum geotechnical report), to help monitor and quantify flow rates and turbidity of the reservoir. The installation of the flow metre or 'v'; notch weir within the open drain will enable Buller Ski Lifts to monitor the flow rates monthly within the open drain. Buller Ski Lifts have agreed to undertaking the monthly checks in an email to ARV dated 28 March 2024. As such, it is considered appropriate to include a condition to require Buller Ski Lifts to instal a flow meter or 'v' notch weir within the open drain to the Burnt Hut Spur reservoir and to also include a permit note acknowledging that Buller Ski Lifts, in conjunction with Alpine Resorts Victoria, will undertake the additional monthly checks to the reservoir, as recommended in the Addendum geotechnical report.
62. Therefore, provided that the recommendations of the original geotechnical report and the Addendum report are adhered to, the risk to property will be 'low' and therefore proposed works will be able to be appropriately managed.

### **Bushfire hazard**

63. The application was referred to the CFA as a statutory referral authority. The CFA responded advising that given the type of application, no conditions are required to be included in any permit issued. Notwithstanding that, the mandatory condition as per Clause 44.06-5 of the Scheme will be included in any permit issued.

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64. Furthermore, the proposed building will not detrimentally impact the resilience of the existing buildings within close proximity of the development site and therefore it is not considered that there will be a net increase in risk from bushfire.

### **Vegetation removal**

65. The applicant submits that no native vegetation is required to be removed, given the development site is in an area which was previously disturbed and that only exotic species of grasses are required to be removed. A planning permit is triggered for the removal of any vegetation pursuant to the EMO and the ESO.
66. Given the removal of vegetation is limited to exotic grasses, the geotechnical risk for their removal is low.
67. The ESO1 refers to the Mountain pygmy-possum and the overlay seeks to ensure its habitat is preserved and enhanced and not destroyed or fragmented. The Project is located outside the Mountain pygmy-possum habitat area and therefore the Project will not result in any impact to the pygmy-possum habitat.
68. The application was referred to DEECA who are a determining referral authority pursuant to the ESO who did not raise any concerns or require any conditions to be included in any permit issued.

### **Infrastructure and services**

69. The CDZ2 requires the application to be referred to utility providers and requires the land to be adequately serviced. As such, given the proposed snow making building will be connected to electricity and water, it was referred to AusNet Services and Goulburn Murray Water respectively. AusNet Services required one note be included regarding underground power lines and Goulburn Murray Water required one condition be included relating to construction being undertaken in accordance with EPA Publication 1834.1 Civil Construction, Building and Demolition Guide (September 2023).
70. The application did require referral to DEECA (through the ESO1), the CFA (through the BMO1) and the ARV (through the CDZ2 and the EMO1).
71. In response, DEECA and the CFA did not require any conditions.
72. The ARV did provide standard conditions be included relating to the endorsement of the geotechnical report and Addendum as well as conditions on services and damage to Mount Buller Alpine Resort infrastructure.
73. All the conditions and notes are considered acceptable and should be included on any permit that issues.

### **Aboriginal Cultural Heritage Management Plan (CHMP)**

74. The development site is in an area which was previously disturbed and therefore a CHMP is not required to be submitted. The applicant provided information that the development site was exposed to ground disturbance since 1965 when the nearby Burnt Hut Spur potable water storage facility was constructed. A map was provided that shows the areas of previously disturbed ground. (Refer to Figure 5).

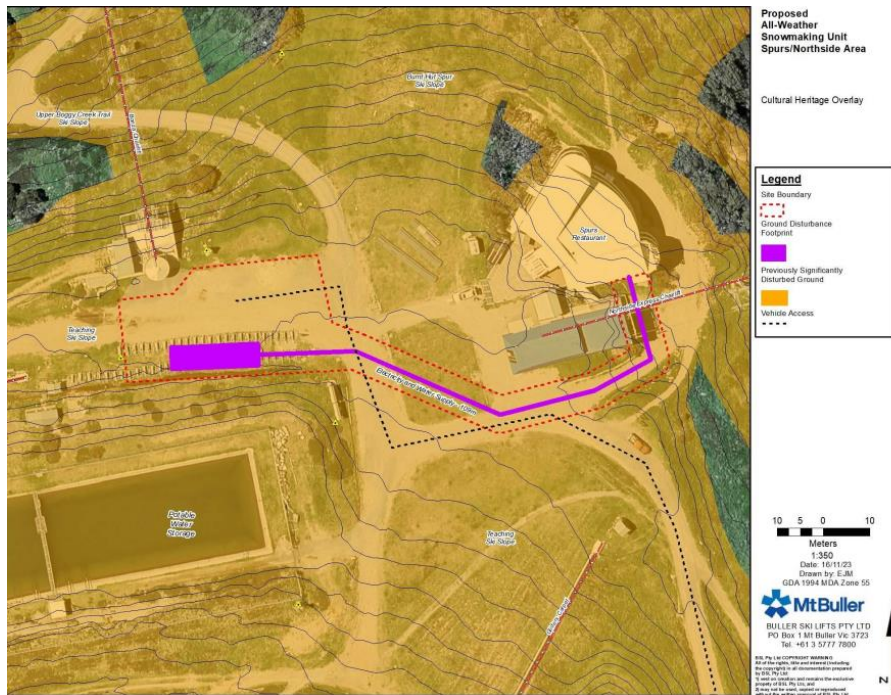


Figure 5: Area of previously significantly disturbed ground (Source: Application)

# Conclusion



## Recommendation

75. **It is recommended that a Delegate of the Minister for Planning** issue Planning Permit No. PA2302644 for the buildings and works for the installation of a snow making building and associated vegetation removal at Northside/Spurs Area, Mt Buller Ski Field, Mt Buller, subject to conditions.

## Conclusion

76. The development is generally consistent with the relevant planning policies of the Alpine Resorts Planning Scheme and will improve the ability to provide snow when required.
77. The proposal is generally supported by referral authorities, subject to conditions.
78. **It is recommended that a Permit be issued** for Application No. PA2302644 being for buildings and works for the installation of a snow making building and associated vegetation removal at the land known as Northside/Spurs Area, Mt Buller Ski Field, Mt Buller.

### Prepared approved by:

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

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

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Name:	[Redacted]	Signed:	[Redacted]
Title:	[Redacted]		
Phone:	[Redacted]	Dated:	28 March 2024

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### Reviewed by:

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

- No Conflict**
- Conflict and have therefore undertaken the following actions:
- Completed the **Statutory Planning Services declaration of Conflict/Interest form.**
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Name:	[Redacted]	Signed:	[Redacted]
Title:	[Redacted]		
Phone:	[Redacted]	Dated:	28 March 2024

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