

Assessment Officer Report

6 Falls Creek Road and unleased Crown
land abutting Falls Creek Road, Falls Creek
PA2403179



Officer Assessment Report Development Assessment

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Department
of Transport
and Planning

OFFICIAL

Executive Summary



Key information	Details		
Application No:	PA2403179		
Received:	6 September 2024		
Statutory Days:	136 (as of 28 May 2025)		
Applicant:	Richard Hoxley c/- Crowther & Sadler Pty Ltd		
Planning Scheme:	Alpine Resorts		
Land Address:	6 Falls Creek Road and unleased Crown land abutting Falls Creek Road, Falls Creek		
Proposal:	Buildings and works to construct a four-storey apartment building, removal of native vegetation and reduction in car parking spaces		
Development Value:	\$10,000,000.00		
Why is the Minister responsible?	In accordance with the schedule to Clause 72.01 of the Planning Scheme, the Minister for Planning is the Responsible Authority for administering and enforcing the Alpine Resorts Planning Scheme (the Scheme).		
Why is a permit required?	Clause	Control	Trigger
Zone:	Clause 37.02-4	Comprehensive Development Zone Schedule 1 (CDZ1)	Construct a building or construct or carry out works
Overlays:	Clause 43.02-2	Design and Development Overlay Schedule 2, (DDO2-A1)	Construct a building or construct or carry out works
	Clause 44.06-2	Bushfire Management Overlay Schedule 1 (BMO1)	Construct a building or construct or carry out works associated with accommodation use
Particular Provisions:	Clause 52.06-3	Car parking	Reduce the number of car parking spaces required under Clause 52.06-5
Cultural Heritage:	The site is not located within an area of cultural heritage sensitivity.		
Total Site Area:	1,388 sqm		
Gross Floor Area:	660 sqm		
Height:	4 Storeys		
	13.9 metres		
Parking:	Cars	Motorcycles	Bicycles
	3	N/A	More than 3 spaces
Referral Authorities:	Alpine Resorts Victoria (s55 – determining), Clause 7.0 of Schedule 1 to the CDZ (Clause 37.02)		
	Department of Energy, Environment and Climate Action (s55 – determining), Clause 7.0 of Schedule 1 to the CDZ (Clause 37.02)		
	AusNet Services (s55 – determining), Clause 7.0 of Schedule 1 to the CDZ (Clause 37.02)		
	Elgas (s55 – determining), Clause 7.0 of Schedule 1 to the CDZ (Clause 37.02)		
	Goulburn Murray Water (s55 – determining), Clause 66.02-5		



	North East Water (s55 – determining), Clause 66.02-5
	Country Fire Authority (CFA) (s55 – determining), Clause 44.06-6
Public Notice:	<p>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 Bushfire Management Overlay (BMO) of the Scheme.</p> <p>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 (DDO2), Clause 52.06 (Car parking) and Clause 52.17 (Native vegetation) of the Scheme.</p> <p>One objection has been received to date.</p>
Delegation:	Confirmation to determine under officer delegation received by Director at PDM on 8 May 2025.
Site inspection:	Undertaken on 15 May 2025.



Application Process

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

Milestone	Date
Pre-application meeting	PRE24000085
Application lodgement	6 September 2024
Further information requested	18 September 2024
Further information received	26 November 2024.
Decision Plans	Architectural plans prepared by Sendit.archi and dated 24 July and 20 November 2024 (36 pages)
Other Assessment Documents	<ul style="list-style-type: none">• Site Environmental Management Plan (SEMP) prepared by Biosis and signed by Andy Mero on 25 November 2024 (65 pages).• Planning Report, prepared by Crowther & Sadler Pty Ltd and dated September 2024 (58 pages).• 'Flora and Fauna Assessment' report, prepared by Biosis and dated 25 June 2024.• Section 48, notification to owner email, dated 27 August 2024 (1 page).• Bushfire Management Plan, (Version 3), prepared by Crowther & Sadler Pty Ltd, Drawn 14 August 2024 (1 page).• Bushfire Hazard Assessment, (Version 1), prepared by Crowther & Sadler Pty Ltd, and not dated (1 page).• Shadow drawings, prepared by Sendit.archi and received on 10 April 2025 (7 sheets)

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

Proposal Summary

3. The proposal can be summarised as follows:

- The demolition (no permit required) of an existing 3 storey lodge (known as Diana Lodge) used for accommodation and the construction of a 4 storey apartment building, removal of native vegetation and reduction in car parking spaces. (Refer to Figures 1 – 6 for elevations and perspectives).
- New development incorporates 10 apartments and a dwelling (the single dwelling is referred to as Apartment 11 in the architecture plans).

Ground floor comprises:

- Ground floor of Apartments 1-5 each containing open plan kitchen, living and dining and powder room, laundry and dry room and a ski storeroom.
- Apartment 1 to contain 61sqm and Apartments 2-5 to contain 54sqm.
- Private open space (porch) on north side to Apartments 1-5 (25sqm).

- Plant room and bicycle storage (enclosed).
- Lift and stairwell.

Level 1 comprises:

- First floor of Apartments 1-5 each containing three bedrooms one with ensuite and a second bathroom.
- Apartment 1 to contain 60sqm and Apartments 2-5 to contain 65sqm.
- Balcony on north side to Apartments 1-5 (12sqm).
- Ground floor of dwelling (referred to as Apartment 11) containing two bedrooms, one bathroom, laundry, dry room and a ski storeroom (53sqm).
- Lift and stairwell.

Level 2 (street level) comprises:

- Ground floor of Apartments 6-10 each containing two bedrooms, combined bathroom and laundry, storage and dry room (69sqm).
- Level 1 of dwelling (Apartment 11) containing kitchen, living/dining, powder room (44sqm) and eastern balcony (9sqm).
- 3 non-covered car parking spaces (used as summer car parking or drop-off zone during winter).
- Lift and stairwell.

Level 3 comprises:

- First floor of Apartments 6-10 each containing one bedroom with ensuite, an open plan kitchen, living and dining room (68sqm) and a north facing balcony (14sqm).
- Lift and stairwell.

Setbacks:

- 6m (all levels) to southern lease boundary (Falls Creek Road, street frontage).
- 2.74m (at Levels 1, 2 and 3) and increasing to 4m (Ground level) to the eastern lease boundary (side boundary).
- 3m (Ground floor) and increasing to 5.3m at Levels 1, 2 and 3 to the northern lease boundary (side boundary).
- 3m setback (all levels) to the western lease boundary (side boundary).
- Approximately 10m setback to closest (adjoining) building (The Hub – 8 Falls Creek Road) located to the west.

Heights:

- 13.9m (from the north elevation).

Site coverage:

- 40%

Vegetation removal:

- A total of 6 trees to be removed, specifically nominated as Tree No's 2, 4, 6, 8, 14 and 15, all of which are located to the eastern section of the site. (Refer to Figures 7 and 8 for vegetation to be removed and retained).
- The tree removal equates to the removal of 0.015 hectares of native vegetation, including two large trees.

General:

- Landscape plan comprising low scale planting incorporating medium shrubs (1 plant per sqm) and tussock grass and other ground cover (4-6 plants per sqm).
- Constructed from a range of materials including precast concrete (wall cladding) and stone walls, timber cladding, metal cladding, clear glazing, metal roof decking and stone gabions will be used for retaining walls.
- Pitched roof design incorporating a 6 degree pitch falling towards the east and west.
- Snowshed will be directed to the east and west, away from entranceways and pedestrian paths and shown to be contained within the lease boundaries.
- Secure bicycle storage area comprising 11sqm.

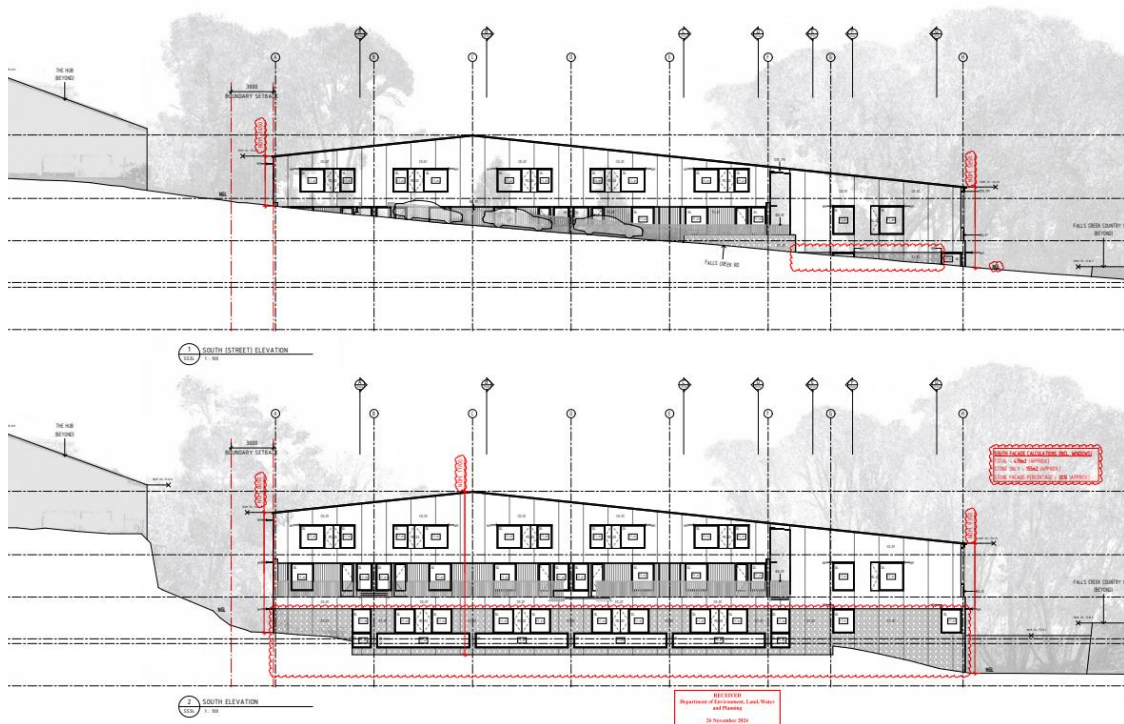


Figure 1 – Falls Creek Road elevation (street frontage) – (Source: Application)

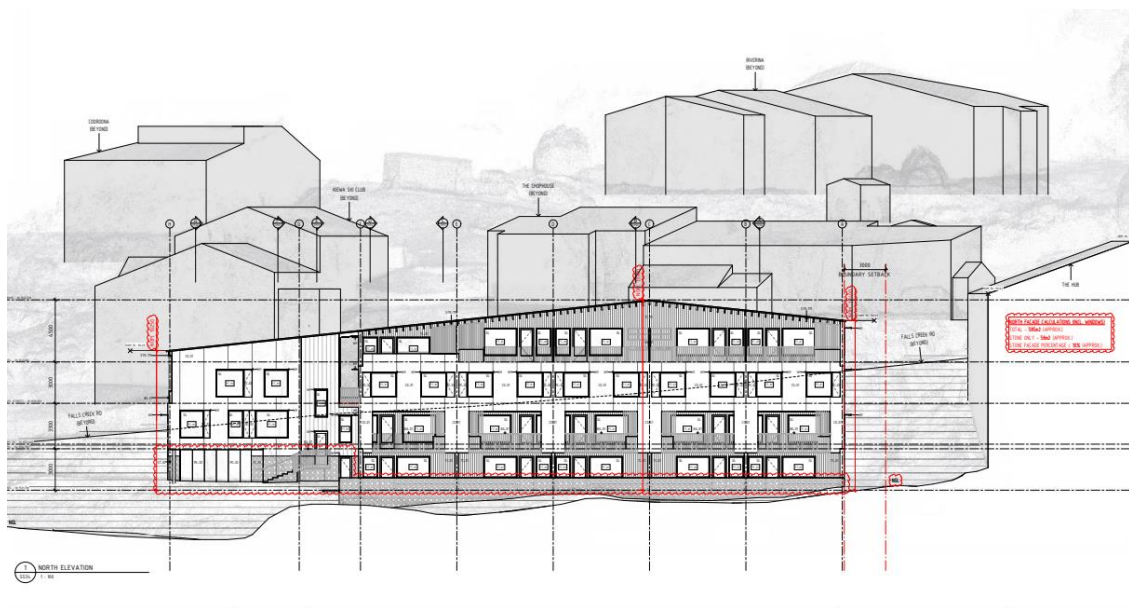


Figure 2 – North elevation (rear) – (Source: Application)

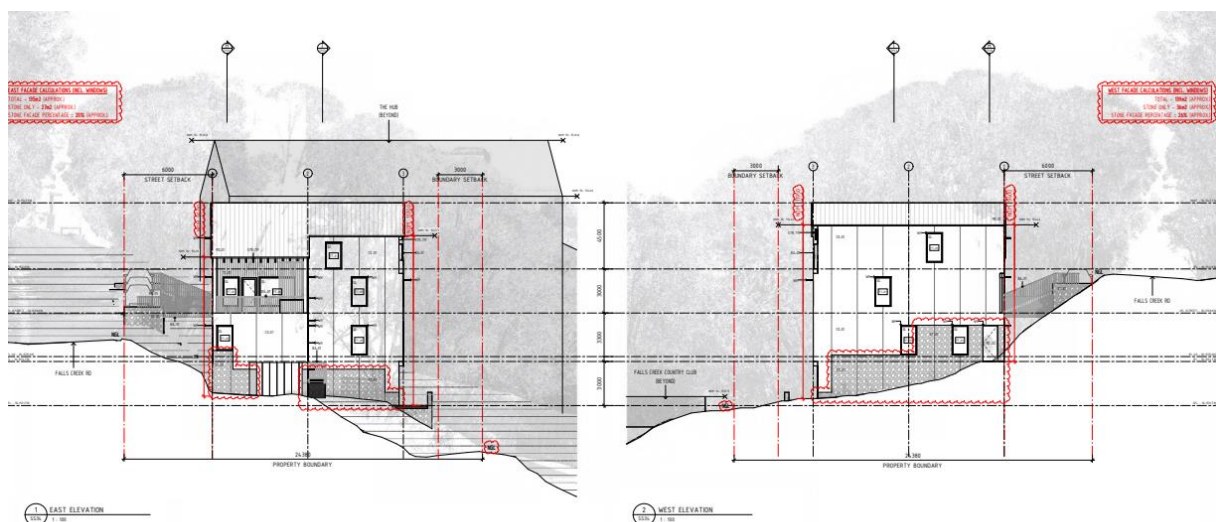


Figure 3 – East and West elevations (sides) – (Source: Application)



Figure 4 – Perspective – View from Falls Creek Road looking north through entry – (Source: Application)



Figure 5 – Perspective – View from Falls Creek Road looking north/east – (Source: Application)



Figure 6 – Perspective – View from the rear, looking south – (Source: Application)



Figure 7 – Vegetation removal (and retention) plan – (Source: Application)

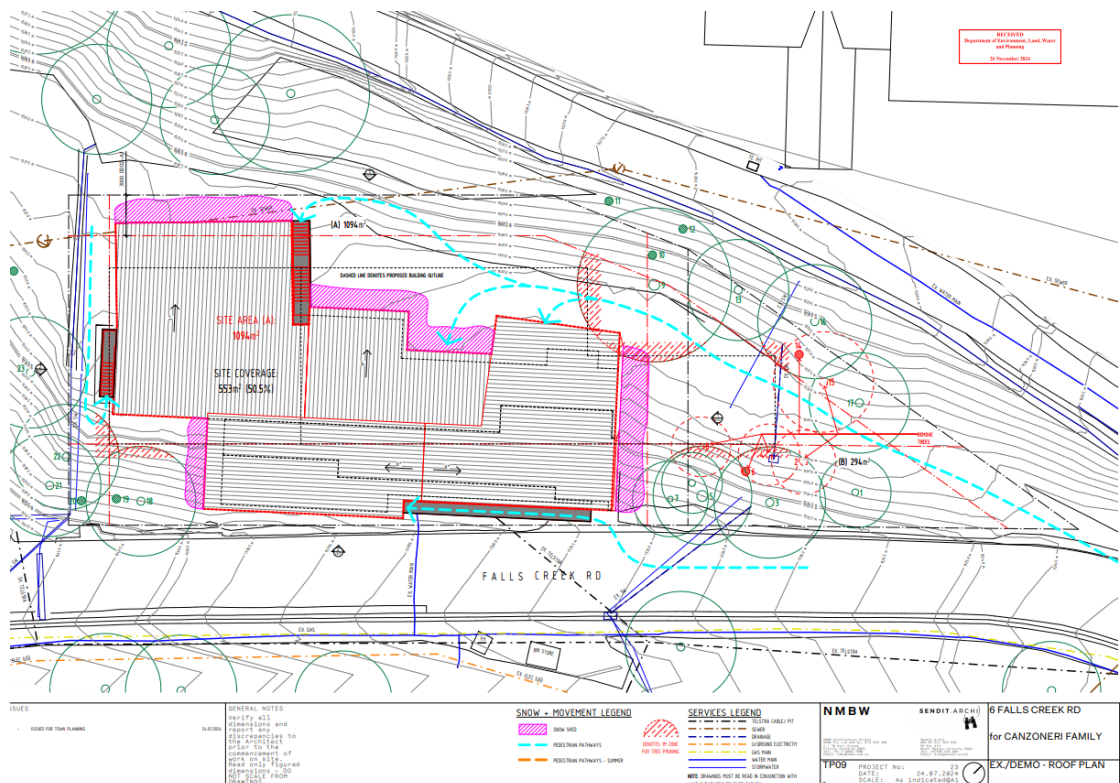


Figure 8 – Existing building roof plan showing vegetation to be removed – (Source: Application)

Subject Site and Surrounds

Site Description

4. The subject site is located to the north/west side of Falls Creek Road, Falls Creek. The site comprises two parcels of land, namely 6 Falls Creek Road (Crown Allotment 25, Section A, Parish of Darbalang), which is occupied by an existing apartment building called Diana Lodge. The other parcel of land consists of unallocated or unleased Crown land and is best described as 'unleased Crown land abutting Falls Creek Road'. (Refer to Figures 9 and 10).

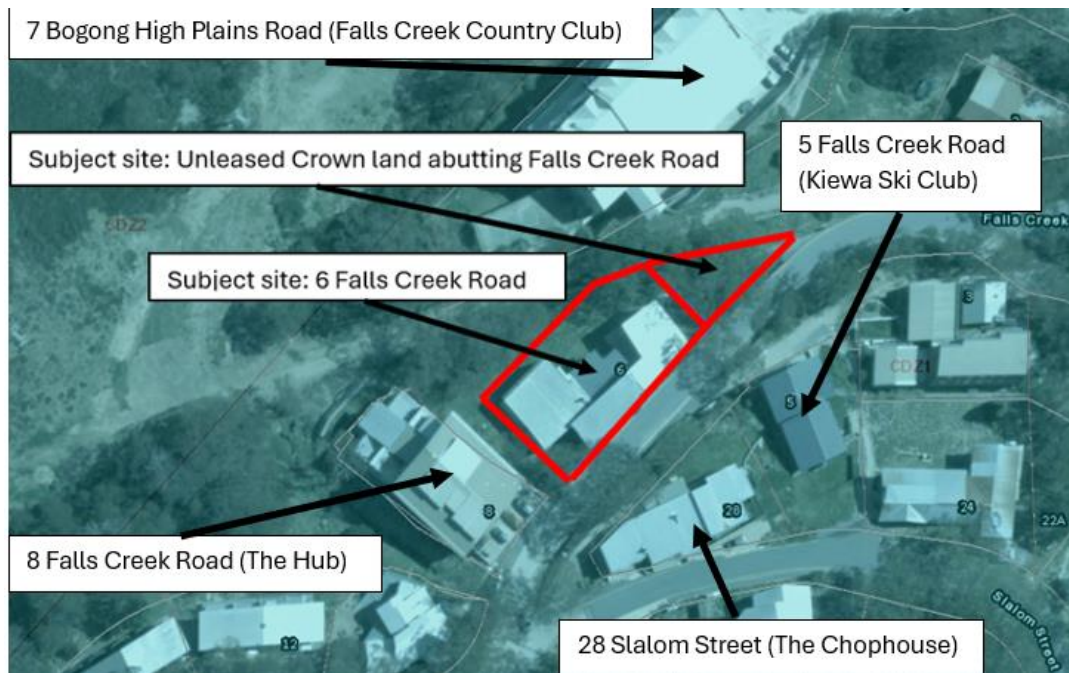


Figure 9 – Subject site (outlined in red) and adjoining/nearby properties – (Source: VicPlan – modified by DTP)

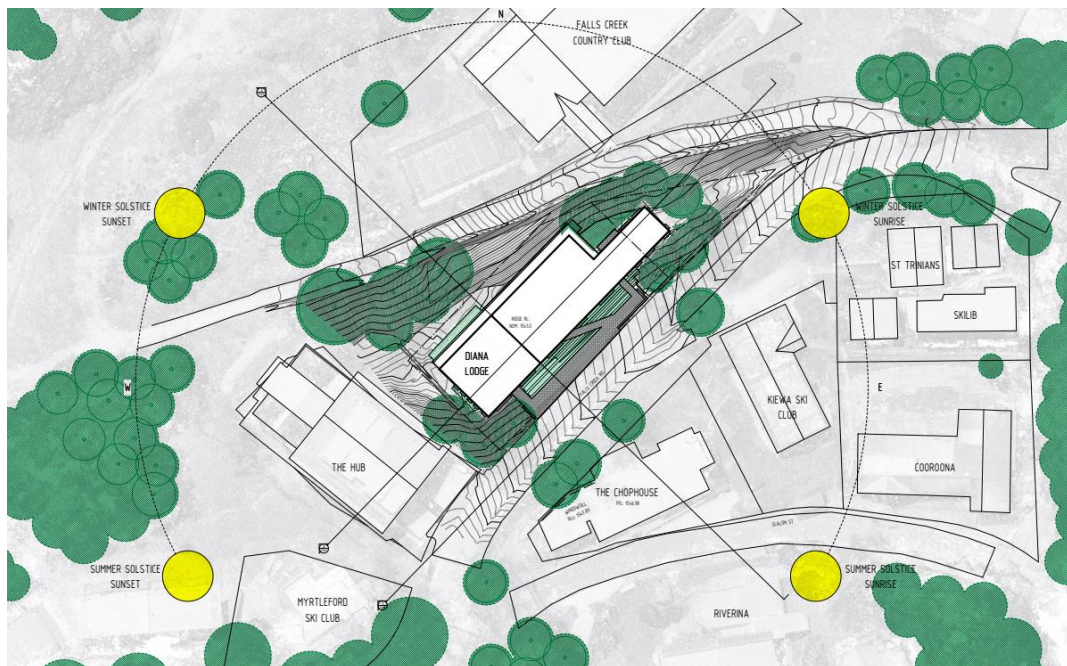
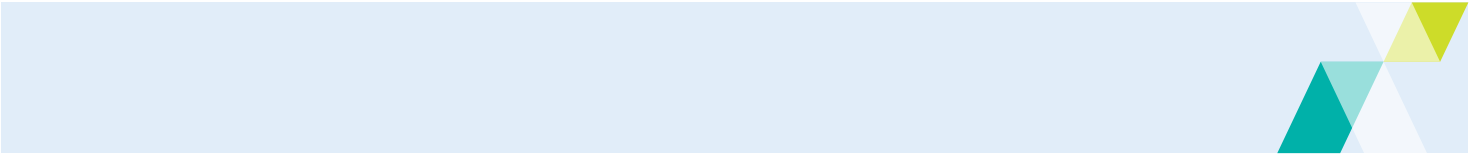


Figure 10 – Site context – Proposed building footprint (Diana Lodge) and surrounds – (Source: Application)



5. The site is irregular in shape and has the following attributes:

- Contains a total area of 1,388sqm (6 Falls Creek Road contains 1,094sqm and unleased Crown land contains 294sqm).
- The land is centrally located within the Falls Creek Village.
- 6 Falls Creek Road currently contains an accommodation building over 3 levels (Diana Lodge).
- The site falls from the south to the north. The existing building is cut into the site to provide for a flat construction pad.
- Pedestrian access to the site is obtained from Falls Creek Road.

Site Surrounds

6. The subject site abuts or is nearby the following:

- Directly adjoins 8 Falls Creek Road to the south/west and is occupied by 'The Hub'. The Hub contains 5 storeys and has a mixed use building providing for accommodation and a convenience store.
- Directly adjoins 7 Bogong High Plains Road to the north and is occupied by 'Falls Creek Country Club' and is used for accommodation purposes.
- Directly to the south, on the opposite side of Falls Creek Road at 5 Falls Creek Road, the site is occupied by 'Kiewa Ski Club' and is a 3 storey building providing accommodation.
- Directly to the south, on the opposite side of Falls Creek Road at 28 Slalom Street, the site is occupied by 'The Chophouse' and is a mixed use building providing for accommodation, ski hire and a restaurant.



Planning Policy Framework

8. 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.
9. The following policies are considered relevant to this application:

Clause	Description
02.03-5	Built Environment
12.01-1S	Protection of Biodiversity
12.01-2S	Native Vegetation Management
13.02-1S	Bushfire Planning
12.04-1S	Sustainable Development in Alpine Areas
13.02-1S	Bushfire Planning
15.01-2S	Building Design
17.04-1S	Facilitating Tourism

Local Planning Policy Framework

10. 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.
11. The MSS within the Alpine Resorts Planning Scheme identifies the objectives and strategies for the Falls Creek alpine resort.
12. The following policies are considered relevant to this application:

Clause 11	Settlement
11.01-1L	Alpine Villages
11.01-1L	Falls Creek Village
Clause 12	Environmental and Landscape Values
12.01-1L	Protection of biodiversity in alpine resorts
Clause 15	Built Environment and Heritage
15.01-2L	Built form in alpine resorts
Clause 17	Economic Development
17.04-1L	Alpine tourism
17.04-1L	Falls Creek Tourism
18.02-4L	Car Parking – Falls Creek
19.03-2L	Infrastructure Design and Provision in Alpine Resorts

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



Zoning and Overlays

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

14. A planning permit is triggered to construct a building or construct or carry out works pursuant to the CDZ1. The purpose of the CDZ1 is:
- *To encourage development and the year round use of land for a commercially orientated, alpine resort.*
 - *To provide for residential development in a variety of forms in an alpine environment.*
 - *To encourage development and the use of the land which is in accordance with sound environmental management and land capability practices, and which takes into account the significance of the environmental resources.*
 - *To provide for the integrated development of land in accordance with a comprehensive development plan incorporated in this scheme.*
15. The CDZ1 includes application requirements and decision guidelines for consideration of the site's context, including a Site Environmental Management Plan (SEMP).
16. The following sections include a discussion of how the proposal responds to these requirements.

Clause 43.02 – Design and Development Overlay, Schedule 2, Area 1 (DDO2-A1)

17. A planning permit is triggered to construct a building or construct or carry out works pursuant to the DDO2.
18. The DDO includes three separate areas where specific requirements should be met for proposed developments. The subject site is located within the Area 1 (A1) where specific requirements are included in relation to maximum height, minimum setbacks and maximum site coverage.
19. The relevant design objectives of the DDO2 include:
- *To ensure that the Falls Creek Village presents an identifiable, memorable and unique image at an appropriate scale and density.*
 - *To ensure that new development in the Falls Creek Village is sympathetic in scale and location to the landscape, trees, and views.*
 - *To ensure that the scale, height and setbacks of development reinforce Village Plaza precinct as the Village Centre and focal point of Falls Creek.*
 - *To ensure view corridors between buildings provide opportunities for view sharing.*
 - *To encourage the retention of indigenous vegetation.*
 - *To provide safe pedestrian and skier linkages within the Village.*


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

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

Particular and General Provisions

Provisions that Require, Enable or Exempt a Permit

Clause 52.06 – Car parking



22. Clause 52.06-5 sets out the requirements of car parking for a dwelling. Based on the provision of 3 bedrooms to each of the apartments for Apartments 1 -10, a total of 20 car spaces are required to be provided on site. Apartment 11 requires one space to be provided (based on the provision of two bedrooms). Therefore 21 spaces are required to be provided on site for all 11 apartments, 2 additional spaces are required to be provided for visitors, making it a total of 23 spaces.

23. A reduction in car parking spaces (20 spaces) is sought by the applicant given 3 car spaces are provided on site.

Clause 52.17 – Native vegetation

24. The proposed development includes the removal of native vegetation. A permit is required to remove, destroy or lop native vegetation, including dead vegetation.

25. This policy seeks to ensure there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is applied by applying the following three step approach in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017)* (the Guidelines):

- Avoid the removal, destruction or lopping of native vegetation.
- Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
- Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.

Clause 52.34 – Bicycle facilities

26. This policy applies to a dwelling development comprising four or more stories.

27. The proposed development is four storeys and contains eleven dwellings. In accordance with Clause 32.34-5 bicycle parking is required for residents at a rate of 1 space to each 5 dwellings and for visitors at a rate of 1 to each 10 dwellings. The sum of the requirements of columns 2 and 3 of Table 1 is 3.3 bicycle spaces, or 3 rounded down to the nearest whole number. A secure bicycle storage area is provided below apartment 11 at Ground floor level, easily complying with the requirements. As such, a planning permit is not triggered.

Clause 58 – Apartment developments

28. This provision applies for an apartment development that is in a Comprehensive Development Zone. This provision states that a development must meet all of the objectives of the clause and should meet all of the standards of the clause.

29. While a permit is not triggered pursuant to this provision, an assessment of the proposed development against all relevant objectives and standards will be undertaken.

Clause 65.01 – Approval of an application or plan

30. 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

31. 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

32. The application was referred to the following groups:

Provision / Clause	Organisation	Response and date received
Section 55 Referral – Determining – Clause 7.0 of Schedule 1 to CDZ (37.02) for ‘any use or development which requires connection to reticulated services’.	Alpine Resorts Victoria, (ARV)	No objection subject to conditions. Received 16 October 2024.
Section 55 Referral – Determining – Clause 7.0 of Schedule 1 to CDZ (37.02) for ‘any use or development which requires connection to reticulated services’.	AusNet Services	No response to date.
Section 55 Referral – Determining – Clause 7.0 of Schedule 1 to CDZ (37.02) for ‘any use or development which requires connection to reticulated services’.	Elgas	No response to date.
Section 55 Referral – Determining – Clause 66.02-5 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’.	Goulburn Murray Water	No objection subject to conditions. Received 16 October 2024.
Section 55 Referral – Determining – Clause 66.02-5 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’.	North East Water	No objection and no conditions. Received 16 October 2024.
Section 55 Referral – Determining – Clause 7.0 of Schedule 1 to CDZ (37.02) for ‘any use or development that involves alteration to the topography including native vegetation removal.’	Department of Energy, Environment and Climate Action (DEECA)	No objection subject to conditions. Received 14 October 2024.
Section 55 Referral – Determining – Clause 44.06-6 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.’	Country Fire Authority (CFA)	No objection subject to conditions. Received 30 October 2024.



Informal advice

33. The application was informally referred to DEECA to provide comments in relation to offsets required for the proposed native vegetation removal. The native vegetation removal follows the 'intermediate assessment pathway' and as such is not a formal referral to DEECA. The comments include standard conditions around the protection of native vegetation to be retained as well as conditions on offsets to be secured which includes offsets for the removal of 0.015 hectares of native vegetation and the removal of 2 large trees. Suggested conditions include the following:

The securing of native vegetation offsets that meet the following:

- I. A general offset of 0.007 general habitat units:
- II. located within the Northeast Catchment Management boundary or Falls Creek Alpine Resort (Unincorporated) municipal area
- III. with a minimum strategic biodiversity value of at least 0.216
- IV. The offsets secured must also protect 2 large trees.

Notice

34. The application is not exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the *Planning and Environment Act 1987* pursuant to the following provisions:
- Clause 37.02 of the CDZ
 - Clause 43.02 of the DDO
 - Clause 52.06 of Car parking.
35. 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.
36. Notice was provided to the ARV on 18 September 2024 and on 16 October 2024 the ARV responded advising no objection subject to inclusion of conditions.
37. Notice was provided to the Alpine Shire Council on 3 December 2024 however no response has been received to date.
38. The application was advertised by giving notice to the leaseholders of adjoining and nearby properties, erection of one sign on site and the display of a copy of the notice at the Falls Creek Alpine Resort management office.
39. One submission has been received from the adjoining property to the west (The Hub at 8 Falls Creek Road) with concerns raised about excessive overshadowing.



Consistency with State and Local Planning Policies

40. 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.
41. The specific policies relevant to Falls Creek that apply, and a response to them, is provided as follows:
- Ensuring that the design, scale, height and materials of development are sympathetic to the existing natural and built form character of the resorts and maintaining the unique 'village' atmosphere by siting buildings within the alpine landscape, retention of trees and maintaining the compactness of the developed area (Clause 02.03-5).
 - To develop Falls Creek Village as an attractive and safe place for permanent and visitor populations (Clause 11.01-1L).
 - To protect and enhance 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 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 facilitate sustainable use and development of Alpine areas for year-round use and activity (Clause 12.04-1S).
 - 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 achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development (Clause 15.01-2S) and ensure that the scale, intensity, bulk and appearance of any development enhances the character of the villages and is compatible with surrounding development (Clause 15.01-2L).
 - 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) and to provide for year-round recreation, having regard to environmental, social, ecological, economic, aesthetic and safety considerations (Clause 17.04-1L).
 - To limit the provision of private car parking and vehicle access to the Village (Clause 18.02-4L).
 - To ensure development in resort villages is connected to reticulated services where possible (Clause 19.03-2L).
42. The proposal is consistent with the relevant policies. The proposal development is designed, incorporates a scale, height and uses materials that are sympathetic to the existing natural and built form character of Falls Creek resort and will provide a new building to be used to provide accommodation, thus continuing to provide development of the area for year-round use and activity.
43. The proposal provides reasonable setbacks and heights ensuring the scale, intensity and bulk of the building remains reasonable and in line with the character of the village and surrounding development.
44. The proposal will also be developed in accordance with the submitted Site Environmental Management Plan (SEMP).
45. The proposal has considered the protection of biodiversity by restricting vegetation removal to 6 trees and retaining much of the existing vegetation on site.
46. The new building will be constructed to a Bushfire Attack Level 40 ensuring regard to the protection of human life from bushfire has been appropriately considered.
47. The proposal has regard to safe snow shed through a roof design which dumps snow away from pedestrianised locations and retains it within the site boundaries.



48. The proposal will provide limited car parking on site for use during summer months thus limiting the provision of car parking and vehicle access to the Village during winter months, in accordance with local policies.
49. The following section of this report will detail the key issues in this matter considering relevant planning policy and controls.

Zoning and overlays

50. The zoning and overlay provisions have been considered in the application.
51. The proposal meets the purpose of the CDZ1 which include (as relevant):
- *To encourage development and the year-round use of land for a commercially orientated, alpine resort.*
 - *To provide for residential development in a variety of forms in an alpine environment.*
 - *To encourage development and the use of the land which is in accordance with sound environmental management and land capability practices, and which takes into account the significance of the environmental resources.*
52. The proposal includes the knockdown of an existing building used for accommodation and the rebuilding of the site to construct a 4 storey apartment building comprising 10 apartments and a dwelling (referred to as 11 apartments). The proposed building will make use of existing infrastructure and services provided to the existing lodge by connecting to all available reticulated services including sewerage.
53. The proposed development has been designed to respect and integrate into the surrounding landscape and incorporates varying heights and articulation. The development also utilises colours and finishes that will complement the alpine resort environment.
54. A SEMP has been provided, generally consistent with the requirements of Clause 4.3-3 of Schedule 1 to the CDZ and the ARV have reviewed it and advised that it is to their satisfaction.
55. In response to the relevant decision guidelines of the CDZ, it should be noted that:
- The proposal will result in minimal vegetation loss, with only trees that will be directly impacted by the building footprint as assessed by an arborist.
 - The proposed external materials, finishes, cladding and colours are suitable to the alpine environment and common within Falls Creek village.
 - Snowshed from the proposed development has been designed to fall within the lease site boundaries clear from entry/exist doorways.

Built Form

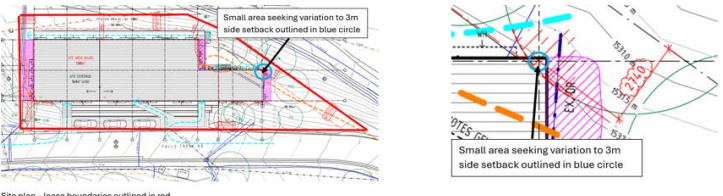
56. The site is subject to the Design and Development Overlay, Schedule 2, Area 1 (Falls Creek Alpine Resort Village). Relevant design objectives include ensuring that the Falls Creek Village presents an identifiable, memorable and unique image at an appropriate scale and density and new development is sympathetic in scale and location to the landscape, trees and views.
57. The proposed development is considered to satisfy the Design objectives of the DDO2. A brief response to each objective is tabled below.

Design objective	Response
To ensure that the Falls Creek Village presents an identifiable, memorable and unique image at an appropriate scale and density.	The proposed redevelopment of the site will provide for an improved visual appearance within the Falls Creek village. The proposed apartments will contribute to the identity of Falls Creek village at a size and scale appropriate and comparable to established development.
To ensure that new development in the	The proposed scale of the apartment building is sympathetic with the



Falls Creek Village is sympathetic in scale and location to the landscape, trees, and views.	scale of built form within the village and with surrounding buildings in particular The Hub and Falls Creek Country Club. The building height has generally been kept to 11 metres with a minor increase of roof space to assist with snowshed. Use of the existing site cut, designing the building to step down west to east and strong horizontal building lines all assist the building height to respectfully sit within the landscape context.
To ensure buildings are articulated and fragmented in form and are sited in response to topography.	<p>The building provides for an articulated form through the use of porches, balconies, large opening sizes and use of varied materials.</p> <p>The design of the building has utilised the existing levelled area with the intention to minimise further earthworks and avoid extending down the slope and to help minimise vegetation removal.</p>
To ensure development is not visually intrusive when viewed from key public vantage points within the Village and adjoining ski fields.	<p>The proposed development will not compete with the Village Plaza precinct as the village centre and focal point for Falls Creek. Through a combination of setbacks, articulated building façades and use of stepped form will not undermine the strong architectural presence of the village centre.</p> <p>The proposed development will not be visually intrusive when viewed from key vantage points within the village. Views from Bogong High Plains Road, Slalom Plaza Precinct and Gully Precinct towards the development will be obscured by surrounding buildings and the existing snow gum canopy.</p>
To ensure that the scale, height and setbacks of development reinforce Village Plaza precinct as the Village Centre and focal point of Falls Creek.	The size and scale of the proposed development is comparable to other accommodation buildings outside the Village Centre precinct. There are examples of numerous buildings within the A1 precinct at four or more levels. The setbacks will maintain appropriate separation from buildings on adjoining and other properties at 6 metres or greater. The building is setback 6 metres from the street frontage.
To ensure building design provides a visually attractive interface with the public domain, particularly within the Village Plaza and Village Bowl precincts and along Bogong High Plains Road.	The design of the building offers a contemporary design that will be sympathetic with surrounding buildings in terms of height, scale and form. The site is not located within the Village Plaza, Village Bowl or along the Bogong High Plains Road.
To ensure view corridors between buildings provide opportunities for view sharing.	<p>View corridors will be maintained with the incorporation of setbacks from the lease site boundaries. The opportunity to site the apartment building on the existing pad and utilising the crossfall on the land with reduced height at the eastern part of the building will minimise the building height when viewed from Falls Creek Road.</p> <p>View corridors are maintained at either end of the site and existing buildings on the south-east side of Falls Creek Road are elevated and will retain views over the proposed building.</p>
To encourage the retention of indigenous vegetation.	The design and layout of the development seeks to retain significant trees and trees adjacent to boundaries, where possible, resulting with minimal tree removal.
To provide safe pedestrian and skier linkages within the Village.	Pedestrian and skier linkages within the village will not be impeded by the proposed development.

58. The DDO2-A1 includes preferred maximum height, minimum setbacks and maximum site coverage. A response on how the proposed development meets these requirements is tabled below:

DDO2-A1	Requirement	Response
Maximum Height	The maximum height of any part of a building is 11 metres above natural ground level. A permit may be granted to increase the height of any roof structure to 15 metres, provided not more than 33% of the roof area exceeds 11 metres in height.	<p>Complies:</p> <p>The subject land has been previously subject to earthworks that have altered natural ground levels. The calculation of the building height has been made based on the projection of natural ground levels across the excavated area. A detailed analysis of the building height has been prepared and depicted on Drawing No. TP11 with 2-D and 3-D diagrams. Some aspects of the roof will exceed 11 metre in height above natural ground level however the proportion of the development greater than 11 metres in height is limited only to roof area. The roof area greater than 11m in height is limited to 32.97% of the total roof area (which complies with the 33% allowable) and the height is required to provide for appropriate snow shed.</p>
Minimum setbacks	<ul style="list-style-type: none"> 6 metres from a boundary with a road frontage 3 metres from any other site boundary Average of 4.5 metres from any building on the same site 6 metres from any other building on an adjoining site 	<p>Partially complies:</p> <ul style="list-style-type: none"> The setback from the Falls Creek street frontage is 6m. Generally compliant by providing a 3m setback to all side boundaries, with the exception to a very minor encroachment to the north/east of the site associated with Apartment 11.  <p>Figure 11 – Side setback encroachment – (Source: Application and modified by DTP)</p> <ul style="list-style-type: none"> Not applicable. Only one building is proposed within the site. Easily complies with the minimum 6m setback of the proposed building to other buildings on an adjoining site.
Maximum site coverage	40% of the total site area	<p>Complies:</p> <p>The development site has an area of 1,388sqm. With the addition of the additional lease site, the proposed development results in a total site coverage of 40% of the site area.</p>

59. The DDO2 also encourages the use of not less than 25% of the total façade of the building with local stone. The plans incorporate a significant area of local stone. The plans have incorporated Hornfels Rock Mawsons Quarry within the façade of the building façade at ground level along the building and natural stone has also been incorporated into the eastern and southern walls. The front façade (south elevation) equates to 32%, easily complying with the 25% requirement.



60. Clause 58 Apartment developments, applies for the development of land within the CDZ. A brief response in relation to the relevant areas is tabled below:

Clause	Response
Clause 58.01 – Urban context report and design response	<p>Complies:</p> <p>The architectural plans provide a context plan, photographs that demonstrate an accurate description of the requirements specified.</p>
Clause 58.02 – Urban context	<p>Complies:</p> <p>The subject site has a landform that falls away from Falls Creek Road and utilises an existing cut to allow the height of the building to respect the Falls Creek Road interface. When viewed from the north, the building height will remain below the tree canopy and be partially obscured by existing trees.</p> <p>The scale and form would be consistent with other buildings in the area, such as the adjoining building to the west (The Hub) and to the north/east (Falls Creek Country Club). The building will provide an active street frontage to Falls Creek Road through the development of shared access and transitional spaces, use of varied materials and finishes provides a positive response respectful of the alpine influences in Falls Creek.</p> <p>Dwelling diversity has been achieved by providing 5 apartments that contain 3 bedrooms and another 5 apartments can be either two or 3 bedrooms with Apartment 11 containing 2 bedrooms.</p> <p>The proposed development will be connected to reticulated water, sewer, electricity and telecommunications.</p> <p>The proposed development has been oriented to front the existing street network with active interfaces. Care has been given to ensure the prominence of the building while also respecting Falls Creek Road through the use of setbacks, raised access, easily identifiable entries, large glazed areas and porch development which will provide passive surveillance of the street.</p>
Clause 58.03 – Site layout	<p>Complies:</p> <p>The building achieves appropriate energy efficiency by orientating the living areas and balconies to the north and north/west, providing good natural lighting. Double glazed windows are incorporated into the build to reduce heat loss in winter and reduce heat absorption in summer.</p> <p>Communal open space is provided in the ground level on the north/west corner of the site with an area of 43sqm. The communal open space is accessible to all residents via the lift, stairs and external pathway, it is a</p>



	<p>useable size, shape and dimensions, is located on level ground and able to be managed efficiently. Notwithstanding the extent of onsite open space, the development benefits from immediate proximity to the surrounding ski fields and trails.</p> <p>Entrances to the dwellings via communal access stairwell and lift is clearly delineated through the variation in building materials. The entry is not isolated or obscured from Falls Creek Road, ensuring the layout provides for the safety and security of residents and property.</p> <p>The existing native vegetation to be retained on site provides for effective canopy cover. In addition, a landscape plan has been provided providing suitable native species of medium shrubs, grasses and ground covers.</p> <p>In terms of access, the local planning policy for Falls Creek seeks to limit on-site parking to lease sites that are not located on Bogong High Plains Road. Nonetheless, 3 car spaces will be provided on site.</p> <p>Stormwater management incorporates drainage to be constructed along the eastern, western and southern sides of the building and on-site drainage will be undertaken in consultation with Falls Creek Alpine Resort management.</p>
Clause 58.04 – Amenity impacts	<p>Complies:</p> <p>Reasonable setbacks have been provided generally in accordance with the DDO2 (as outlined earlier) which will allow adequate daylight into the apartments.</p> <p>In terms of internal views, the design of the building has been carefully considered to ensure that internal views into habitable room windows is avoided and no more than 50 per cent of private open space of a lower-level dwelling directly below can take place.</p> <p>The property is not subject to any noise influence areas as detailed at Table D5 of Clause 58.04-3 of the Scheme. Noise sensitive rooms are located distant from the lifts and stairwells which are contained in a separate part of the building.</p> <p>The development is less than 5 storeys thus reducing the potential of generating unacceptable wind impacts within the site or on surrounding land.</p>
Clause 58.05 – On-site amenity and facilities	<p>Generally complies:</p> <p>The individual apartments meet the needs of people with limited mobility by providing a minimum 850mm at the entrance to each apartment. The apartments provide a minimum width of 1.2m that connects the apartment entrance to the main living areas or main bedroom and</p>



	<p>adaptable bathrooms have been provided.</p> <p>Individual entries to each apartment will be easily identifiable.</p> <p>Each apartment provides adequate private open space areas however the minimum dimensions are not entirely achieved. However, the slight departure from the specified standard dimensions is considered acceptable given there is suitable area of communal open space and the wider environment provides ski fields.</p> <p>Adequate storage areas are provided for within each apartment.</p>
Clause 58.06 – Detailed design	<p>In terms of common property areas, all areas retained within communal areas are functional and are clearly delineated from private apartments. Ongoing management will be facilitated by the head lease holder.</p> <p>Site services have been accommodated within the building and screened from public view. The services are enclosed, easily accessible and have been designed to be waterproof. However, mailboxes are not provided as the apartments are used for shorter stay accommodation and providing mailboxes in the alpine resorts is not required and their absence is supported by the ARV.</p> <p>Waste and recycling within all alpine resorts, including Falls Creek use existing waste and recycling enclosures strategically located on the street to facilitate waste collection.</p> <p>The proposed external walls use materials appropriate to the preferred future character of the area influenced by the Design and Development Overlay 2. The materials will endure and retain their attractiveness. Materials have been selected for durability and resilience to the extreme weather conditions. The materials are also dictated by the need for a BAL-40 construction standard (non-combustible materials).</p>
Clause 58.07 – Internal amenity	<p>Complies:</p> <p>Each apartment contains bedrooms that meet the minimum width and depth outlined in Table D11 of the Scheme. Living areas meet the minimum width and area specified in Table D12 of the Scheme.</p> <p>Each apartment allows adequate daylight into single aspect habitable rooms and similarly adequate daylight is provided into new habitable room windows.</p>



Snow shedding

61. In terms of snow shedding, the CDZ and the DDO require snow shed from the development to be retained within the site boundaries and to ensure snow dump is clear from entrances and pedestrian paths. The architectural plans submitted show that snow dump will be maintained within the subject site and directed away from the building entrances and pedestrian path. This is achievable given the reasonable setbacks to the lease boundaries.

Overshadowing

62. One objection was received from the adjoining property to the west (The Hub located at 8 Falls Creek Road) raising concerns that the proposed development will cause unreasonable overshadowing to the lower level apartments and to the staircases of The Hub building. The objection describes the perceived effects of overshadowing including ice hazards forming on the east side stair case as a result of reduced sunlight, increased energy costs and reduced solar access to the land on the east side of the building that is often used by children for sledding.
63. While it is acknowledged that the proposed development may result in some overshadowing, there is limited policy to consider overshadowing in this situation. The DDO2 includes a statement seeking to 'avoid overshadowing of public spaces'. This is not relevant as the development will not result in overshadowing to public spaces.
64. Furthermore, overshadowing is not included under the provisions of Clause 58 – Apartment developments as a consideration of amenity impacts. Similarly, the Energy efficiency objectives at Clause 58.03-1 only seek to ensure energy efficiency of dwellings and small second dwellings on adjoining lots are not unreasonably reduced. In this case, there are only apartments on the adjoining land and no dwellings on small second dwellings. Furthermore, the land between the proposed development and The Hub is not a designated recreational area, communal open space or private open space. The setback between both buildings is at least 10m, thus more than the 6m preferred to be achieved pursuant to the DDO2-A1 requirements.
65. Notwithstanding the above, in response to the concerns raised, the applicant prepared shadow diagrams (autumn/spring equinox and the winter solstice) to demonstrate the extent of overshadowing expected from the proposed development. The shadows indicate that The Hub will be mostly affected at 9am on the winter solstice. (Refer to Figure 12). At 12 noon, there will only be a small amount of overshadowing predominantly at the external stairs.
66. While overshadowing is not required to be taken into consideration under the objectives and standards to Clause 58, and again in a limited capacity within DDO2, it is considered that the shadow diagrams demonstrate apartments on the east side of The Hub and the land between the two sites will continue to receive adequate sunlight for most of the day and the extent of overshadowing expected to occur cannot be considered as having an unreasonable impact to the adjoining apartments.

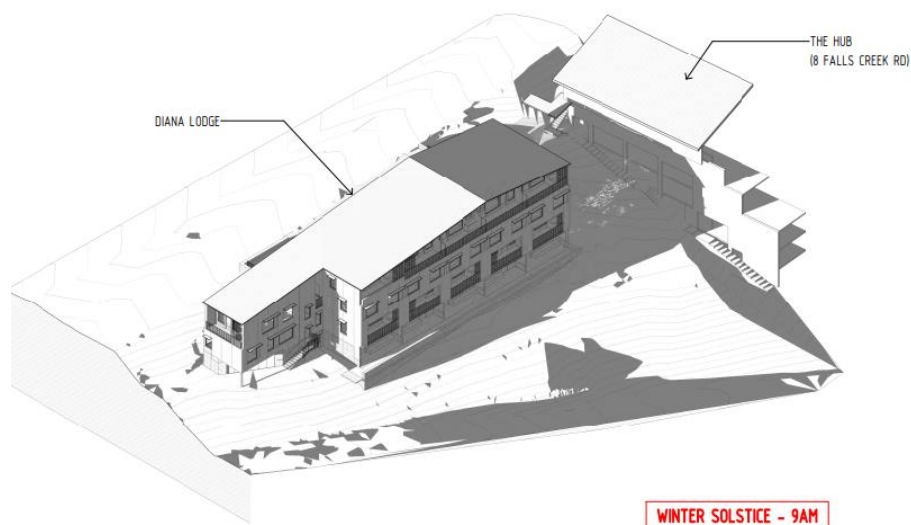


Figure 12 – Overshadowing impact to The Hub at 9am (winter solstice) – (Source: Application)

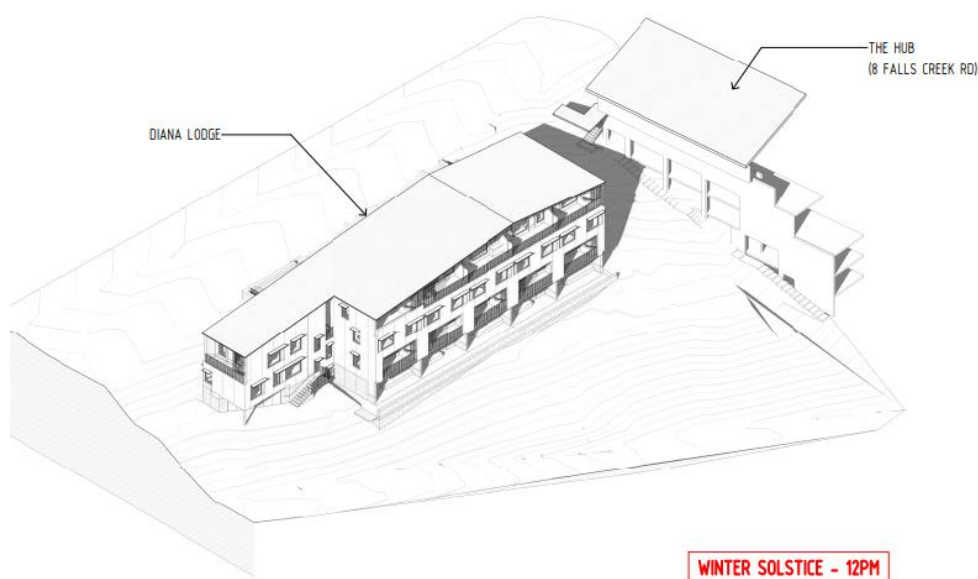


Figure 13 – Overshadowing impact to The Hub at 12 noon (winter solstice) – (Source: Application)

Car Parking

71. Clause 52.06 of the Scheme applies and sets out the requirements of car parking for a dwelling. As stated earlier, based on the proposed development, 23 car spaces would normally be required to be provided on site. The proposed development includes 3 car spaces, thus seeking a reduction of 20 spaces.
72. In accordance with Clause 52.06-7 of the Scheme, an application to reduce car parking must be accompanied by a Car Parking Demand Assessment.

73. The applicant provided a Car Parking Demand Assessment to demonstrate that the reduction in car parking spaces is reasonable. In response, it is considered that the reduction should be supported for the following reasons:

- Falls Creek (and other Victorian alpine resorts) is an unusual environment as opposed to other urban areas. During the winter period the village is closed to vehicle traffic to provide for skier and pedestrian safety and promote the village for ski in and ski out experiences. As such the ARV has invested significant resources in providing public car parking areas along and north side of Bogong High Plains Road to facilitate village visitor parking. (Refer to Figure 14). It is therefore considered that the shortfall of onsite car parking can be accommodated within the public car parking areas and as is encouraged by resort management.



Figure 14 – Public parking locations within 400m of the site – (Source: Application)

- Being within an alpine environment, car parking demand varies significantly with colder months having the most demand and least demand seen during warmer months. The greatest demand for car parking resulting from the development will be during colder months when the village is closed to traffic.
 - The development will see no on-site manager and as such there is no long stay car parking demand.
 - Short stay car parking demand is required when visitors attend the building for holiday breaks. It is considered that the extensive car parking areas developed throughout the village and only a short distance from the subject land, can satisfactorily accommodate this demand.
 - Falls Creek resort provides for transfers to accommodation from public car parking areas in the winter period reducing the need for onsite car parking.
 - Provision for a drop-off and pick-up area on-site allows for visitors to be transferred to accommodation without the need to rely on on-site car parking.
 - The public car parking at Falls Creek resort is located within close proximity to the subject site allowing for easy pedestrian access to the building.
 - Falls Creek resort is able to be accessed via the Falls Creek Coach Service which includes pick-up and return from major centres such as Melbourne and Albury.
 - Falls Creek resort is a compact village and is pedestrian and skier friendly reducing the need to provide for on-site car parking.
74. Clause 52.06-8 of the Scheme has a requirement for a car parking to be prepared to the satisfaction of the responsible authority. The plan set at TP14 and TP31 shows as appropriate, three car parking spaces to be provided on site with dimensions being 2.3 metres in width and 6.7 metres in length, satisfying the minimum dimensions.



Vegetation

75. The proposed development will result in the removal of native vegetation which requires planning approval in accordance with Clause 52.17-1 of the scheme. The removal of native vegetation will not result in the net loss to biodiversity. This has been achieved by applying the three-step approach in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning 2017) (the Guidelines). The assessment concludes that the proposed development will require the removal of 0.015 hectares of native vegetation, including two large trees, within a patch. This includes a total of 6 trees to be removed, specifically nominated as Tree No's 2, 4, 6, 8, 14 and 15, all of which are located to the eastern section of the site.
76. The extent of vegetation removal is limited to one section of the site only and retains vegetation to the south/west ND south/east, ensuring the existing vegetation softens the built form.
77. The application was referred to DEECA informally to provide comments in relation to the native vegetation removal, noting that the native vegetation removal follows the 'intermediate assessment pathway' and as such is not a formal referral to DEECA. The comments include standard conditions relating to the provision of offsets to be secured for the removal of 0.015 hectares including 2 large trees. The offset requirements will be 0.007 general habitat units with a minimum strategic biodiversity score of 0.216.
78. Standard conditions around the protection of any vegetation to be retained will be included on any permit issued as well as ensuring offsets are secured and include the protection of at least two large trees,

Bushfire

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

Infrastructure and Services

81. The CDZ1 requires the application to be referred to utility providers and requires the land to be adequately serviced.
82. In response to referrals to service authorities, no objections were received.
83. The ARV, as part of their section 55 referral response, requested a number of conditions to be included, relating to the provision of appropriate stormwater, other services and damage to the resort infrastructure. The ARV's conditions will be included in any permit issued. A number of permit notes including to 'dial before you dig' and consulting with the resort to ensure compliance with all relevant resort policies and procedures will also be included. An additional note regarding requiring that Ministerial Approval over the new Lease (namely the unallocated Crown land to the east of 6 Falls Creek Road) is required to be formalised prior to the commencement of works. This will be included as a note however a condition on any permit issued will also specifically require the appropriate permissions be obtained.
84. Goulburn Murray Water required three standard conditions to be included relating to ongoing activities to be in accordance with the current EPA publication, all works be in accordance with the submitted SEMP and all wastewater to be disposed of to the existing Falls Creek Wastewater Treatment Facility.
85. Additionally, given the site is in an established area of the Falls Creek Village, all necessary electricity, gas, water and sewerage can be connected. However, an additional condition will be included on any permit issued that would require any relocation of any services to be done at the expense of the permit holder or developer to the satisfaction of the utility service provider.



Referral Authority Conditions

86. DEECA have requested conditions in relation to the buildings and works being conducted and carried out in accordance with the endorsed SEMP and Site Construction Management Plan.
87. The CFA requested a standard condition be placed on the permit to endorse the Bushfire Management Plan submitted as part of the application.
88. All the conditions are considered acceptable and should be included on any permit that issues.

Section 52 notice comments

89. The ARV were required to be notified of the application pursuant to section 52 of the Planning and Environment Act 1987 (the Act). They recommended various standard conditions be included on any permit that may be issued relating to shutdown, site condition, the SEMP, site induction, car parking, road closures, snow confinement and snow management.
90. The ARV has also recommended a waste management plan be submitted for approval by the Responsible Authority in consultation with the Falls Creek Alpine Resort that demonstrates how different construction waste types will be separated and legally disposed off mountain. While the applicant has submitted a SEMP plan that shows the location of the waste skip and stockpile, more detail is required on the type of waste, method to reduce, reuse and recycle waste, a contingency plan for unexpected types of wastes being discovered and an acknowledgement that all waste must be removed from the site is required to be provided.
91. All the conditions are considered acceptable and should be included on any permit that issues.

Aboriginal Cultural Heritage Management Plan

92. The site is not within an area of cultural heritage sensitivity.

Recommendation



93. The development is generally consistent with the relevant planning policies of the Alpine Resorts Planning Scheme and will improve the site with the provision of a new 4 storey apartment building providing for 11 new apartments.
94. The proposal is generally supported by the ARV and other referral authorities, subject to conditions.
95. **It is recommended that** a Notice of Decision to Grant a Permit be issued for Application No. PA2403179 being for Buildings and works to construct a four-storey apartment building, removal of native vegetation and reduction in car parking spaces at the land known as 6 Falls Creek Road and unleased Crown land abutting Falls Creek Road, Falls Creek.



Prepared & approved by:

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

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

Name:	[Redacted]	Signed:	[Redacted]
Title:	[Redacted]		
Phone:	[Redacted]	Dated:	28 May 2025

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:	28/05/2025