

## ADVERTISED PLAN

### Planning Report

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Buildings and Works (Apartment Building), Removal  
of Native Vegetation & Reduction in Car Parking  
6 Falls Creek Road, Falls Creek

Our reference – 20732

September 2024

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*Note: Applicable Planning Application fee is \$10,320.50*

## 1. Introduction

This Planning Report is prepared in support of proposed buildings and works (apartment building), removal of native vegetation and reduction in car parking at 6 Falls Creek Road, Falls Creek. The Report addresses the provisions of the Comprehensive Development Zone 1, Design and Development Overlay 2, Bushfire Management Overlay 1, Erosion Management Overlay 1 and Clause 52.17 Native Vegetation as contained within the Alpine Resorts Planning Scheme.



*Aerial image of the subject land and immediate surrounds (Source: Google Earth)*

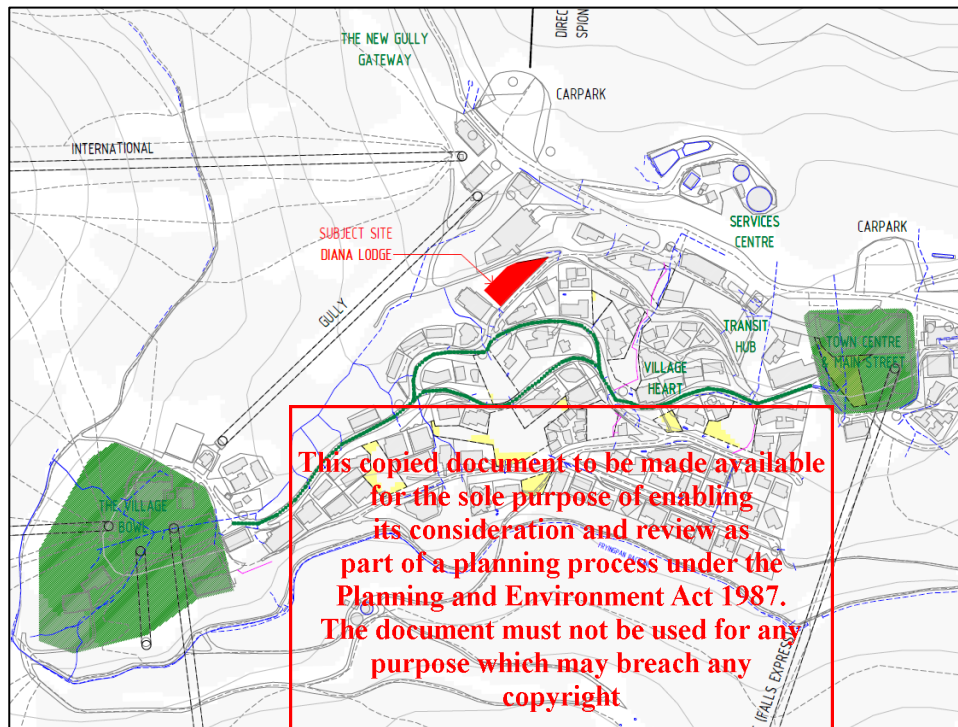
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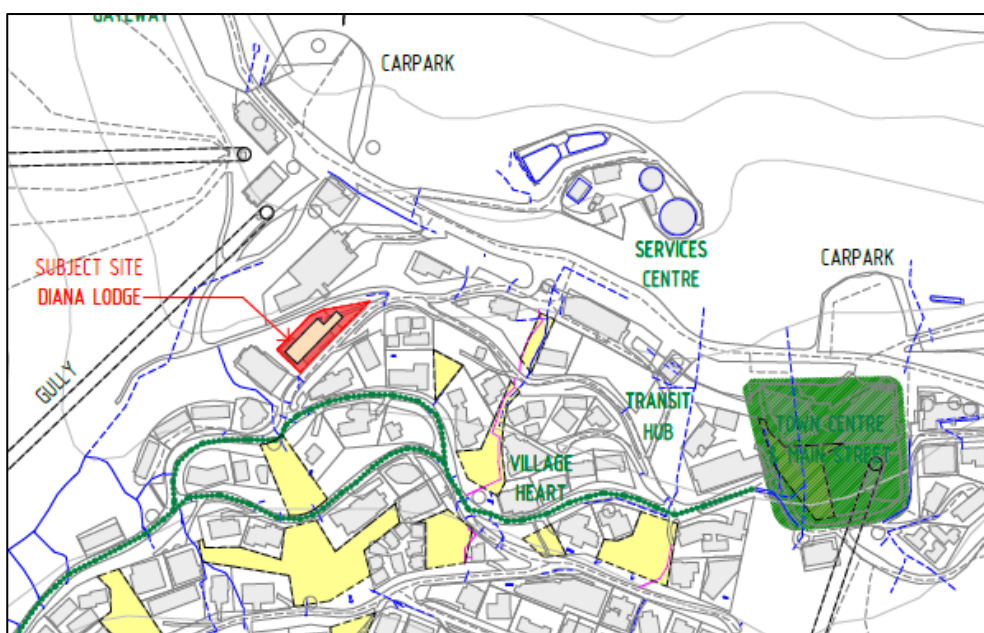
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### 2. Urban Context Report

The subject site is located in the north-western part of the Falls Creek Village approximately centrally positioned between the Town Centre and The Village Bowl. Closer to the subject land to the north of the lease site is the Falls Creek Ambulance, Gelbi's Ski Hire and apartments, Gateway Café & Bar and the Gully and International ski lifts.



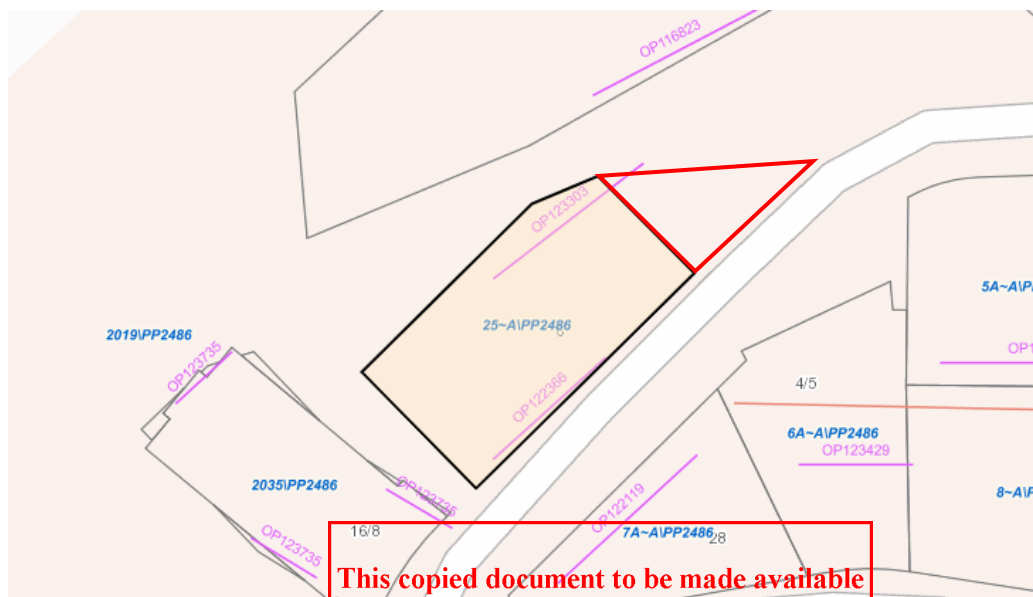
Extract of locational plan of the subject site and Falls Creek Village  
(Source: NMBW & Sendit. Archi)



Extract of the Location Plan showing pedestrian linkages to the closest nodes  
(Source: NMBW & Sendit. Archi)



The subject land is comprised of Crown Allotment 25, Section A, Parish of Darbalang together with an additional leasehold area of 294<sup>2</sup> is to be created adjacent to the north-east boundary of Crown Allotment 25. The subject land is an irregular shaped site having a total area of 1388m<sup>2</sup>.



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Crown Allotment 25 contains an established accommodation building known as Diana Lodge and is situated adjacent to Falls Creek Road. Diana Lodge is a three storey building consisting of 1094 square metres. The building is cut into the site to provide for a flat construction pad. The building has been subject to a series of alterations and additions over time and is constructed from a variety of materials and finishes.



North-east corner of Diana Lodge from Falls Creek Road

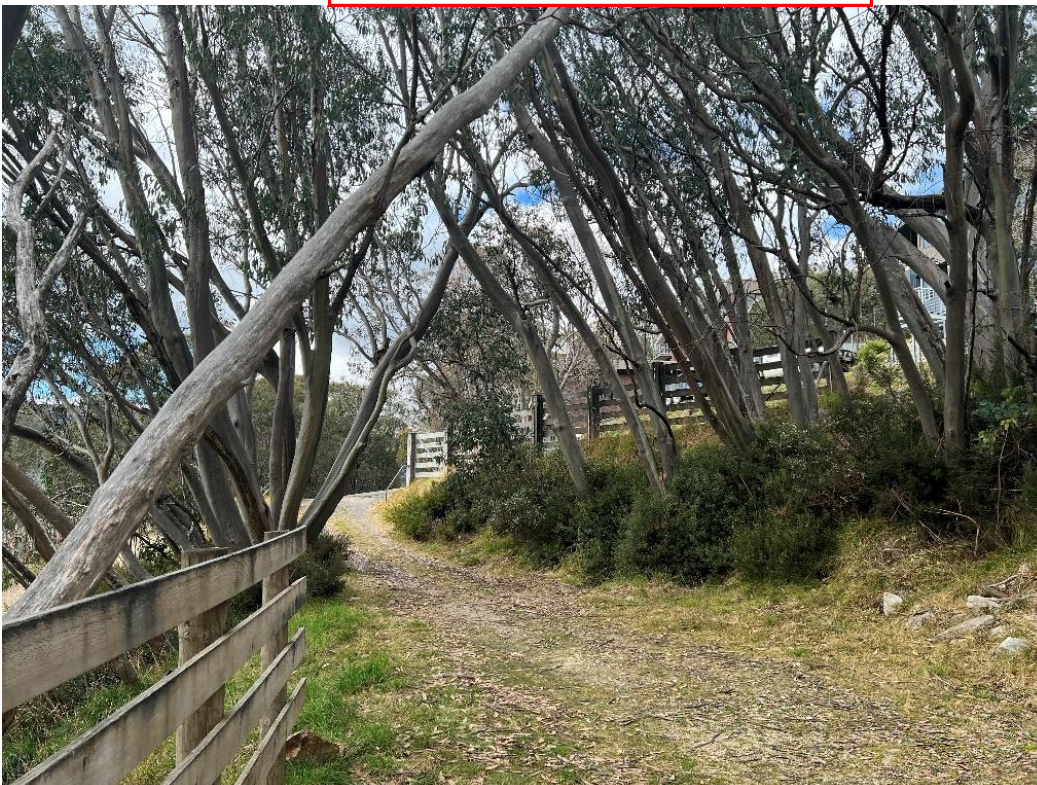
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View south across rear of subject and

Pedestrian access to the subject land is obtained from Falls Creek Road. Vehicle access is available to the rear of the site from Falls Creek Road north east of the site and across Crown Land. Access is only available for servicing and maintenance.





*Image of the access to the lodge looking east*

Generally, the building form within this part of the Village is larger buildings in terms of height and scale on the west side of Falls Creek Road.

South of the subject land is an apartment building named The Hub developed over four and five levels and constructed from masonry. The building has a mixed use with accommodation apartments and a convenience store fronting Falls Creek Road.



*View of The Hub from southern end of the subject land*

Properties opposite the subject land on the east side of Falls Creek Road include two buildings named The Chophouse and Kiewa Ski Club. The Chophouse is of timber and stone construction and is a mixed use building providing for accommodation, ski hire and a restaurant. Kiewa Ski Club is a larger three storey building of metal and stone construction and provides accommodation.



*View east side of Falls Creek Road opposite subject land*

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North of the subject land is the Falls Creek Country Club which is a substantial five storey building of masonry and metal construction used for accommodation purposes.



*Falls Creek Country Club looking north from the subject land*



*Image of Falls Creek Country Club and Diana Lodge from The Gully*

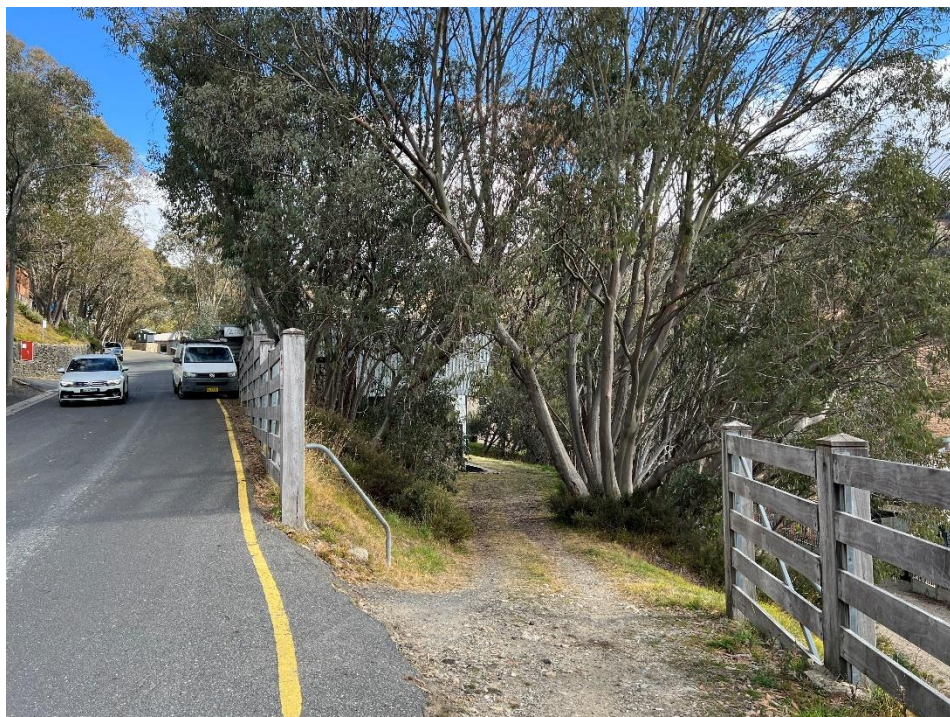
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Native vegetation is a common element within the Falls Creek Village. Remnant vegetation is often retained within building setbacks and between lease sites. The retention of trees serves to reduce the visibility of buildings particularly when viewed from roads and prominent public view points. Redevelopment of the subject land should seek to retain established trees where possible particularly where vegetation serves to obscure views of the site from prominent view points.



*Patch of native trees adjacent to south-west corner of the subject land*



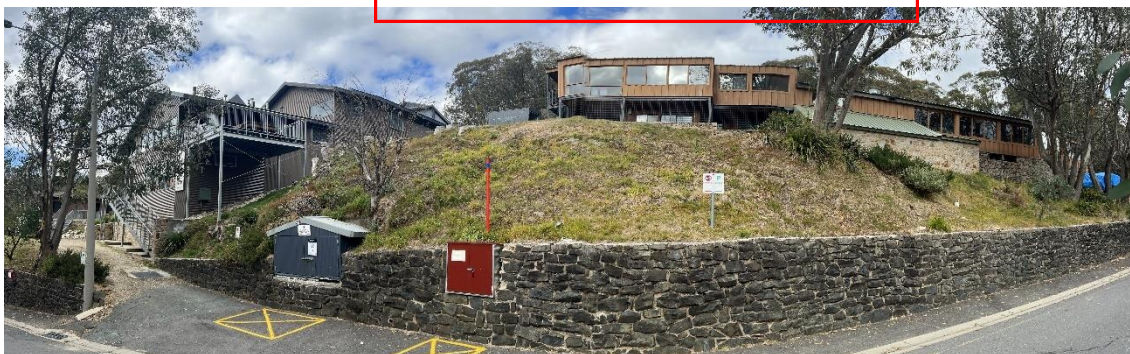
*View of remnant vegetation on north side of subject land*





Example of native vegetation with Falls Creek Village in front of FCCC.

View sharing is an integral element to be considered for development within the village. Established buildings on the east side of Falls Creek Road opposite the subject land are on an elevated position with westerly views over the subject land. Development of the subject land with an increased building height must be sure to maintain reasonable views from the established buildings.



View east side of Falls Creek Road opposite the subject land



View over Diana Lodge from Falls Creek Road



### 3. The Application & Proposal

It is proposed to demolish the existing building and replace the lodge with an apartment building constructed over four levels containing 11 apartments. Approval is also sought for the removal of native vegetation and reduction in car parking.

Planning approval is required pursuant to the following Clauses of the Alpine Resorts Planning Scheme:

Planning Scheme Clause No.	Description of what is Proposed
37.02-4 Comprehensive Development Zone 1	Buildings and works
43.02-2 Design and Development Overlay 2	Buildings and works
44.01-2 Erosion Management Overlay	Buildings and works
44.01-3 Erosion Management Overlay	Remove vegetation
44.06-2 Bushfire Management Overlay	Construct a building associated with accommodation
52.17-1 Native Vegetation	Remove native vegetation

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#### Building Composition

The proposed new apartment building is to be centrally positioned on the site with a 6 metre setback from the southern boundary and a 3 metre setback from the north, east and west boundaries. The apartment building will have a site coverage of 549 square metres being 40 percent of the site area.

The ground floor comprises:

- Plant room and bike storage
- Ground floor of Apartments 1-5 comprising open plan kitchen living and dining, powder room.
- Apartment 1 61m<sup>2</sup>, Apartments 2-5, 54m<sup>2</sup>
- Private open space(porch) on west side to apartments 1-5
- Common area east side for apartment entries
- Lift and stairwell

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Level 1 comprises:

- First floor of Apartments 1-5 each containing three bedrooms, three bathrooms
- Apartment 1 60m<sup>2</sup>, Apartments 2-5, 65m<sup>2</sup>
- Balcony on north side to apartments 1-5
- Ground floor of Apartment 11 containing bedroom, bathroom, laundry and additional bedroom/living room (53m<sup>2</sup>)
- Lift and stairwell

Level 2 comprises:

- Entry porch east side for apartment entries
- Car parking deck
- Ground floor of Apartments 6-10 containing bedroom, combined bathroom and laundry, storage and drying cupboard adaptable living/bedroom (69m<sup>2</sup>)
- Lift and stairwell
- Level 2 Apartment 11 containing kitchen, living/dining, powder room (44m<sup>2</sup>) and northern balcony

Level 3 comprises:

- First floor of Apartments 6-10 each containing bedroom, bathroom, W/C and open plan kitchen, dining and living room (68m<sup>2</sup>)
- Balcony on west side to apartments 6-10
- Lift and stairwell

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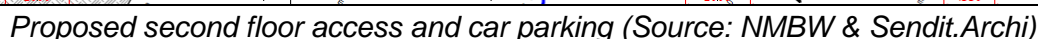
The proposed building will be constructed from a range of materials including precast concrete, timber cladding, stone walls, metal cladding, clear glazing, metal roof decking and stone gabions will be used for retaining walls.

### Car parking

The development of 11 apartments requires provision of 21 car parking spaces.

The existing building does not include any car parking and the existing lease site does not have vehicle access from a road. Adopting a 6 metre setback from the street affords the opportunity to provide 3 car parking spaces to be provided on the site. The steel mesh bridging system will provide for three car spaces over warmer months and over-snow transport drop off zone during the ski season when vehicle access throughout the Village is restricted. Approval is required for the reduction in car parking.

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The design of the new building results in a longer building and extends north outside the current lease area. The lease area is to be extended however the additional length of the building will impact some native vegetation.

the vegetation which includes two large  
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As part of the design process a detailed tree assessment was undertaken by an arborist. All trees on the site were inspected including site constraints that could impact the survival of trees (i.e. soil compaction). The assessment determined that trees 2, 4, 8 and 15 would be impacted by the building within structural root zones as well as create a larger than acceptable incursion into the TPZ. Tree 6 would need to be removed due to the TPZ incursion of 34.6% and removal of tree 14 if it was to impact construction should be removed as the tree is dead and with a DBH of 21cm holds minimal habitat value.





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### 3.1 Design Response

A comprehensive site analysis approach has informed the proposed design with the desire to achieve a high quality development of a size and scale appropriate to the precinct which will make a positive contribution to the Falls Creek alpine resort.

The design of the proposed development has been informed by the site slope, the existing site cut, native vegetation on the land, site orientation, scale and form of surrounding development and snow shedding objectives.

A key principle of the proposed buildings and works was to ensure that vegetation losses on the site were minimised. To prevent the need to unreasonably remove native vegetation part of the previous building footprint will be utilised to avoid vegetation removal. An arborist was engaged early in the design process to determine potential impacts to Snow Gums on the site and to produce a design that minimises vegetation losses.

The design of the building utilises the existing levelled pad avoiding the need for any additional substantial earthworks, minimise vegetation removal and achieve the appropriate setbacks from lease boundaries.

Presentation of the building from the street has been a key consideration. While the existing building was constructed immediately adjacent to Falls Creek Road, the design of the proposed apartment building has adopted a 6 metre setback as prescribed by the Design and Development Overlay.

The increased setback is considered to provide an opportunity for an increase in building height. The existing building presents a single floor level at Falls Creek Road, with part of the existing third level below street level at the southern end of the building. The slope of the land and road results in the existing roof being highly visible and the dominant visually element when seen from the road at the southern end of the site.



*View north from Falls Creek Road with existing building in foreground.*

The increased height of the proposed building is considered an appropriate response by enhancing the streetscape, removing the dominant view of the roof. The additional wall height is considered appropriate and in keeping with the height and scale of adjacent buildings. The increased setback from the street avoids any sense of enclosure at street level and also offers enhancement to landscaping across the front of the building.

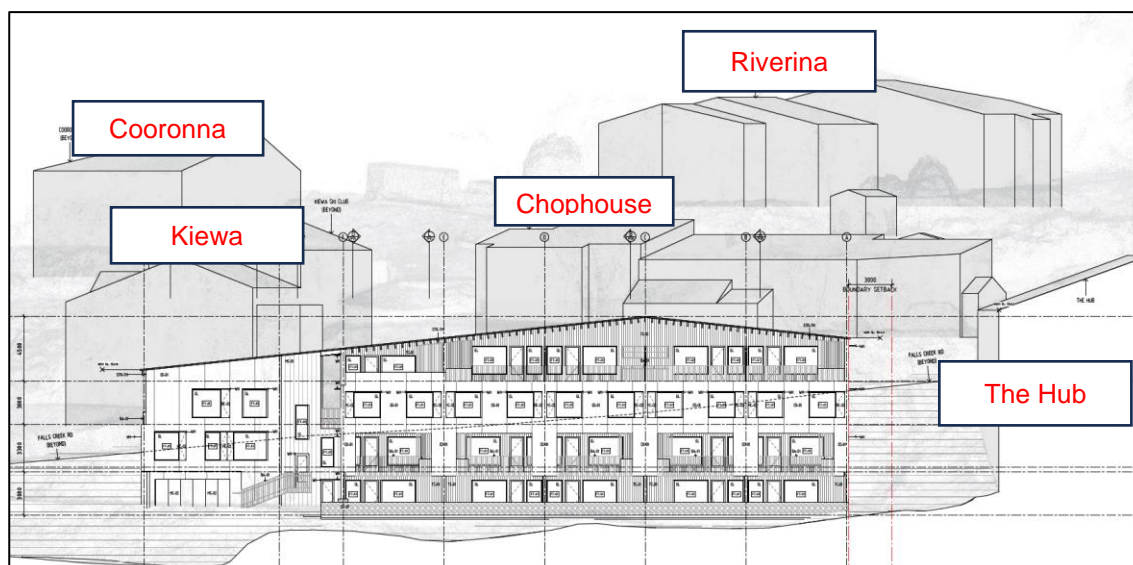


Expected southern view from Falls Creek Road

Existing development within the precinct sees large and high buildings on the west side of Falls Creek Road including The Hub and Falls Creek Country Club (FCCC), while on the eastern side of Falls Creek Road close to the subject land is Kiewa Ski Club and Chophouse developments that are lower in scale and height but elevated above street level. The visibility of the four storey design when viewed from the west remains proportionally lower and of lesser scale than the adjoining buildings, The Hub and FCCC.

View corridors from nearby buildings and views from the site have also been a key consideration in the building design. A comprehensive analysis of views from surrounding buildings has been undertaken to inform the building height and orientation. The design of the apartment building is considered to offer an appropriate response to ensure the outward westerly views enjoyed by existing buildings are not impeded. The design also seeks to ensure all apartments benefit from westerly views.

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*Proposed north elevation demonstrating view sharing opportunities  
(Source: NMBW and Sendit.Archi)*

Strong horizontal building lines punctuated with porches, balconies and glazing reduces the visual height of the building and provides for an articulated and recessive form when viewed from the north and south.

The north-westerly aspect of the building has provided the opportunity to achieve solar gains to habitable rooms and secluded private open space areas.

Provision of entry and car park bridging provides practical access to the building from Falls Creek Road, allows the cut embankment to be reinforced with rock gabion walls, allows for winter drop-off and pick-up and provides for an entry statement that integrates the building with Falls Creek Road and allows for a sense of address.

The proposed roof design will incorporate a six degree fall allowing for snow shed to be managed within the site and be directed away from winter exits and entries providing for occupant safety.

Proposed materials and colours will reflect the alpine character of Falls Creek village. Utilising a colour palate that reflects the darker landscape of alpine areas will allow the building to be visually recessive.

It is considered the proposed design has responded positively to the site constraints and opportunities and has had appropriate regard for surrounding development.

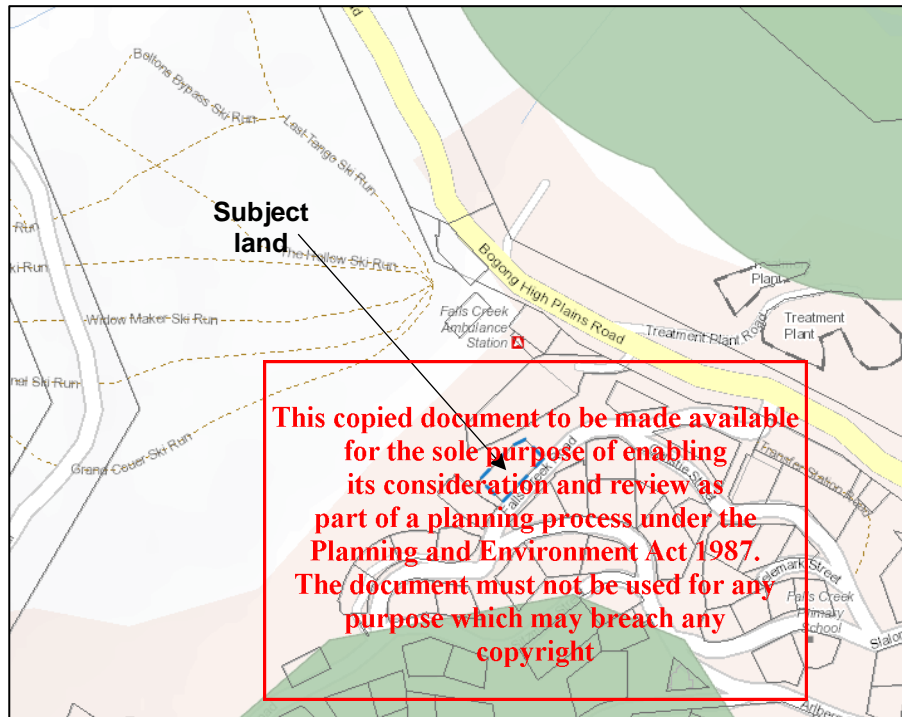
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#### 4. Cultural Heritage

Pursuant to Regulation 7 of the *Aboriginal Heritage Regulations 2018*, a CHMP is required for an activity if:

- (a) *all or part of the activity area for the activity is in an area of cultural heritage sensitivity; and*
- (b) *all or part of the activity is a high impact activity*



*Cultural Heritage Sensitivity Mapping with cultural heritage sensitive areas shown in green (Source: VicPlan)*

Although being a high impact activity, the subject land is not within an area of cultural heritage sensitivity and the land has been the subject of significant ground disturbance through the development of the existing building on the land, as such a CHMP is not required for the proposed building construction.

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## 5. Planning Policy

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### 5.1 Planning Policy Framework

Clause 11.01-1S Settlement contains the objective to facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

The proposed apartment building will further this objective and related strategies as it will provide for population growth and provision of facilities within the Falls Creek Village settlement boundary. The form and density of the Falls Creek Village will be complemented by the proposal and will support healthy, active and sustainable transport. Development of an apartment building providing accommodation will provide for urban renewal, it will assist to limit urban sprawl and is located close to the Falls Creek Activity Areas which provide for an array of services, facilities and some employment opportunities.

Consistent with Clause 11.01-1L Alpine villages the proposed development will:

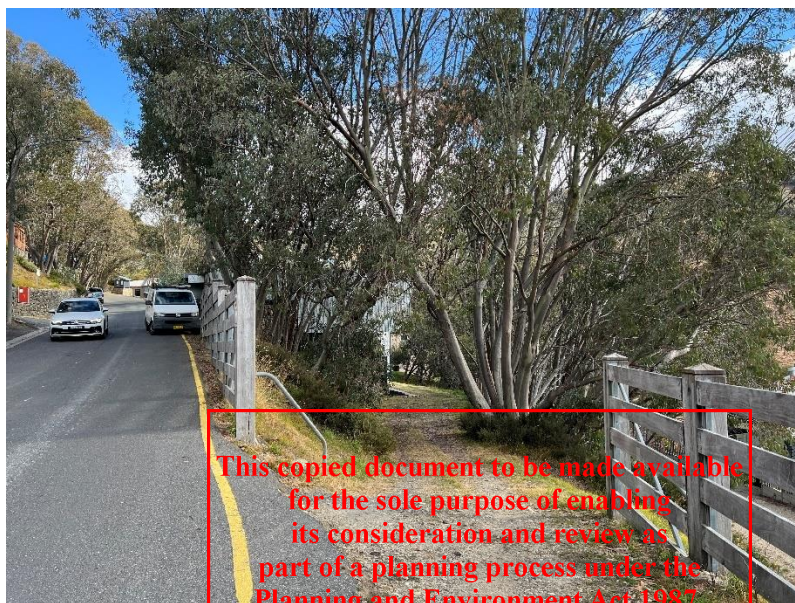
- Consolidate growth within the existing Falls Creek Village boundary allowing accessibility and infrastructure use to be maximised.
- There will be no intrusion into ski fields by the development and minimal adverse environmental impacts will occur.
- Development within the village on an existing lease site will promote the consolidation of the settlement.
- A range of apartment types is proposed to cater for the needs of the visitor population.
- The land is already connected to servicing infrastructure and any upgrades of services required can be undertaken.

As sought within Clause 11.01-1L Falls Creek Village the proposed apartment building will provide for high density residential accommodation, the site is located a short distance from Gully Portal where accommodation is encouraged and the redevelopment will promote the attractiveness of the village.

The landscape character of the area will be maintained through the development of an attractive building, utilising a horizontal building form incorporating building elements such as balconies, porches and pitched roofing that respects the built form character of the village and minimises visual intrusion when viewed from the surrounding landscape and ski fields as per Clause 11.03-5S Distinctive areas and landscapes.

Retaining vegetation as part of the development was a key objective in the design of the proposed building. Care has been taken to retain as much vegetation on site and to minimise vegetation loss. It is considered that the balance between vegetation loss and development has been struck as sought within Clause 12.01-1L Protection of biodiversity in alpine resorts.

The three step approach to the removal of native vegetation has been applied to the development of this site. The majority of native vegetation within the southern, northern and western part of the lease site has been retained through the positioning of the building on the existing pad. Vegetation proposed to be removed will be offset in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* consistent with Clause 12.01-2S Native vegetation management.



Native vegetation within the eastern part of the site looking west

Clause 12.04-1L Sustainable development, alpine resorts, has been respected by the building's design. The scale of the building responds to the features and constraints of the site. The building has been setback from site boundaries in particular Falls Creek Road and utilises the existing building's construction pad resulting in the building having a two storey height above Falls Creek Road. The increased building height ensures established buildings opposite the subject land on the south-east side of Falls Creek Road maintain views of the snow fields and mountains to the north-west. Mature trees adjacent to the western corner and northern corner of the lease area will continue to offer screening and obscure the building when viewed from the west.

Contained within the Bushfire Management Overlay Clause 13.02-1S Bushfire planning is relevant to the application. The application has had serious regard to the protection of human life from bushfire risk. It is respected that the terrain of the village and landscape conditions can create a significant bushfire risk. In response to this risk the building will be constructed to a Bushfire Attack Level 40, and the proposal is supported by the *Falls Creek Alpine Resort Municipal Emergency Management Plan Version 3.0*.

Clauses 13.04-2S and 13.04-2L Erosion and landslip in alpine resorts is addressed by the application with the submission of a preliminary geotechnical report that demonstrates the risk of erosion hazard is low.

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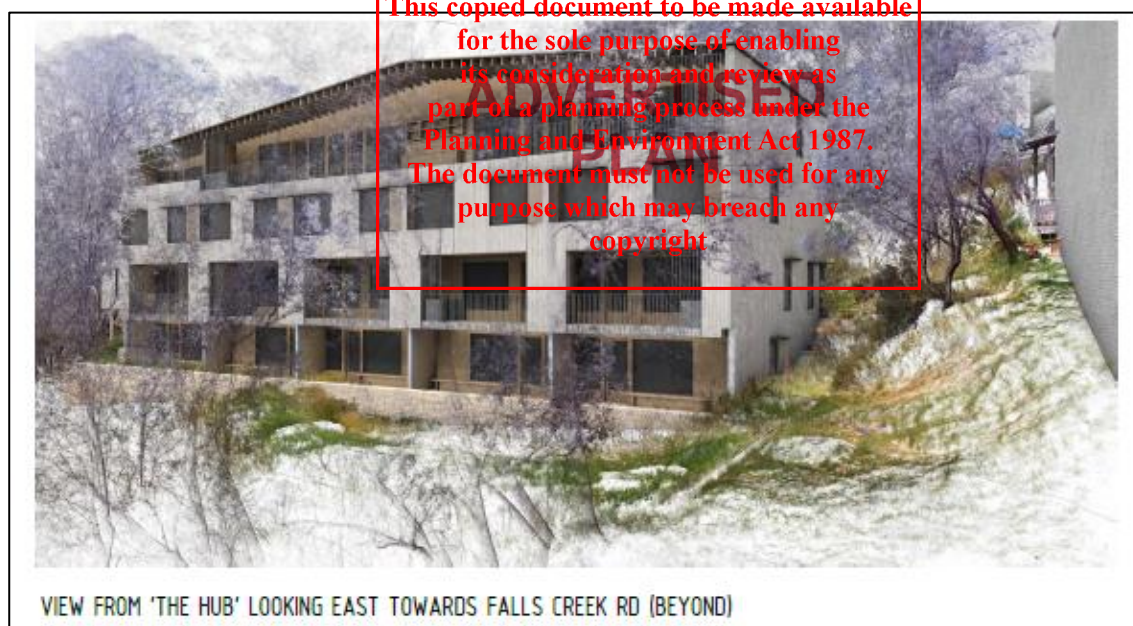
It is considered that Clause 15.01-2L Built form in alpine resorts is positively responded to through the design of the proposed apartment building:

- Vistas to the ski fields to the north of the subject land will be maintained through the sensitive siting of the building which respects the landform sloping away from Falls Creek Road minimising building height at the Falls Creek road frontage and allowing views to be obtained over the building.
- Limiting the impact of development on the environment has been achieved by minimising the loss of native vegetation. Given the existing development on the lease site, excavations to be undertaken are minimal and a Site Environmental Management Plan will be implemented.
- The proposed apartment building is in keeping with the scale and appearance of many of the lodges and buildings within the Village. The building includes common elements with other built form within the Village including use of balconies and covered areas, provision of a horizontal form rather than vertical, provision of appropriate opening sizes, incorporation of a pitched roof and use of materials and colours commonly seen within the Village built form.
- Site coverage of the proposed building has been reduced from the site coverage of the existing building allowing for additional landscaping to be undertaken.
- Intensity of development proposed responds to the resort's reticulated services and will not overburden available services.
- The proposed apartment building will take advantage of the existing site cut, allowing the building to read as a modest built form and height from Falls Creek Road and represents higher built form when viewed from the north consistent with other built form of the area.
- View corridors to ski slopes and mountain terrain from publicly accessible areas will be maintained.
- Skier and pedestrian movement on the site is easily achieved and there will be minimal conflict with vehicles during the summer months.
- Setting back, the proposed building from Falls Creek Road and introducing elevated pedestrian access from Falls Creek Road will provide for a sense of address.
- Incorporating setbacks from site boundaries will result in no unreasonable loss of solar access to public spaces.
- The height of the building will sit below the Snow Gum canopy on the lease site and will be below the Snow Gum canopy further to the south (given the rising landform to the south).
- Snow shedding will take place from the building within the site as a result of setbacks proposed.
- Snow shedding will not block winter pathways and access to the building.

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- Building entries are clearly visible from Falls Creek Road, a sense of personal address, practical shelter and transition will be achieved with the use of shared porches, lift area and stairwell access.
- Service areas on the ground floor will form part of the overall building design allowing plant to be obscured from external viewing.
- The building does not incorporate hidden spaces avoiding personal safety concerns.
- Fenestration across the front and rear of the building with the incorporation of porches, balconies, appropriate window sizes and a combination of materials and colours provides visual interest and reduces building mass and bulk.
- The building design avoids, plant and elevator shafts from protruding above the roof.
- Materials, finishes and colours to be used will blend with the natural environment with a combination of profiled metal, manufactured timber (modwood) and stone along building facades and roofing will be metal as encouraged.



*Image of the proposed apartment building from the south – emphasising the strong horizontal lines within the design (Source: NMBW & Sendit.Archi)*

The proposal will facilitate and promote tourism as sought by Clause 17.04-1S Facilitating tourism. The apartment building will provide for additional accommodation within the Falls Creek Village, it will assist to meet the demand for accommodation and supports growth in year-round tourism.

Clause 18.02-4L Car parking – Falls Creek seeks to limit the provision of private car parking and vehicle access to the Village during winter months, the proposal will provide some limited car parking onsite for use during summer months which

is an improvement from the current situation with no car parking presently provided on the site.

In accordance with Clause 19.03-2L Infrastructure design and provision in alpine resorts the proposed development will be connected to all available reticulated services.

## 5.2 Alpine Resorts Planning Strategy

Clause 02.03-1 Settlement and housing strategic directions will be positively forwarded by the proposed apartment building. The proposed development is to be located on an existing lease site within the Falls Creek Village, there will be no intrusion into the ski fields and limits environmental impacts by minimising vegetation removal.

The building will provide for accommodation that can service visitors year-round. Provision of winter services such as ski storage and drying rooms are provided for and bike storage for summer use has been included within the design.

Careful regard for the strategic directions contained within Clause 02.03-2 Environmental and landscape values has been undertaken. Early in the design process trees within both sites were assessed by an arborist with the view to minimise the loss of trees and ensure development would minimise the extent of vegetation removal.

Strategic directions contained within Clause 02.03-3 Environmental risks and amenity have been positively addressed:

- Utilising the advantageous orientation of the lease site has allowed the apartment design to incorporate passive energy efficient design by ensuring that northern exposure to apartments and associated open space, reducing heating requirements and reducing greenhouse gas emissions.
- Bushfire risk has been minimised through detailed design to ensure a Bushfire Attack Level of 40 will be achieved, and access around the building has been accommodated to allow for effective firefighting and asset protection.
- Vegetation clearance has been balanced with the need to provide adequate protection from a bushfire hazard. Constructing the building to BAL-40 standard reduces the separation from vegetation and consequential vegetation losses.
- As part of the application a preliminary geotechnical risk assessment has been undertaken and advises that the risk of erosion hazard is low.

The proposed apartment building will be connected to reticulated sewerage and is well setback from waterways as sought within the strategic directions contained in Clause 02.03-4 Natural resource management – waterways and water quality.

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Strategic directions within Clause 02.03-5 Built environment and heritage are achieved:

- The height of the building is consistent with the built form character of the area. The site is characterised by a steep batter on the southern side of the property as a result of previous earthworks for the construction of the existing building. The existing pad allows the proposed building to read as a modest height from Falls Creek Road being single to double storey. The building when viewed from the north will be consistent with the higher form of The Hub and Falls Creek Country Club and is softened by surrounding vegetation.
- Scale of the proposed building has been reduced from the existing building having a with a reduced site coverage. The horizontal lines through the building structure have been emphasised in the design through the use of porches, balconies and glazed elements visually reducing the building's scale.
- Materials and colours to be used will complement the natural environment with the use of metal cladding, timber cladding, textured concrete and stone, avoiding the use of hard painted masonry materials/finishes.
- Although a small number of trees on the site are required to be removed retaining the majority of the trees on the site and the presence of native vegetation to the north and east will soften the built form and assists the building to sit comfortably within the alpine landscape.



*Image of the proposed apartment building from the south noting the strong horizontal form of the building design (Source: Sendit.Archi)*

Development of an apartment building within the Village will provide for needed accommodation and a new contemporary building assisting to promote all season visitation as sought within the strategic directions of Clause 02.03-6 Economic development.

Clause 02.03-7 Transport – Falls Creek advises that pedestrians and skiers have priority over vehicles and vehicle access in the Village is restricted during the declared snow season allowing ski in/ ski out access throughout the Village.

It is proposed to accommodate vehicles on the site during summer months only. This will promote skier and pedestrian safety in the winter months as per the strategic directions contained within Clause 02.03-7 Transport.

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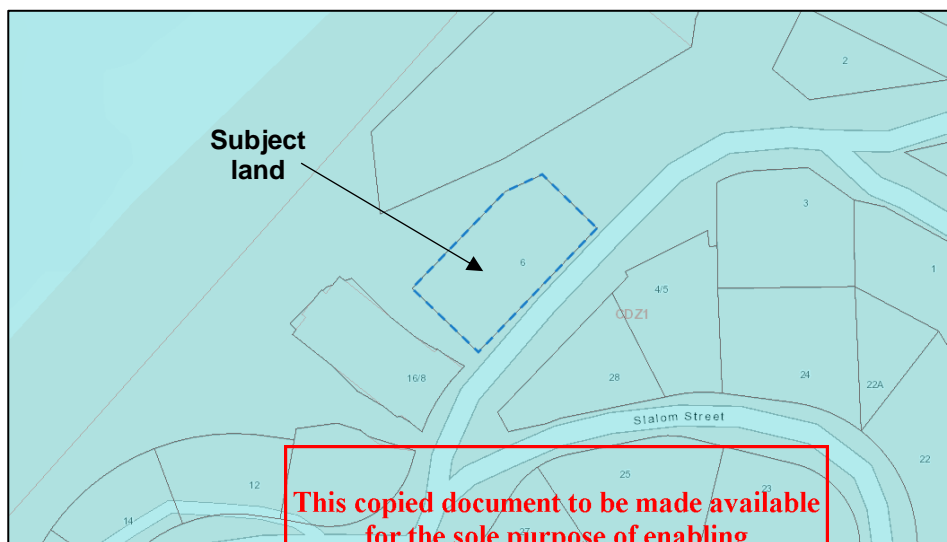


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### 6. Planning Elements

#### 6.1 Comprehensive Development Zone 1

The subject land is zoned Comprehensive Development Zone 1 in accordance with the Alpine Resorts Planning Scheme.



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The purposes of Schedule 1, Alpine Village Environment Act 1987.

- To encourage development and the use of the 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.

Schedule 1 to the Zone is Alpine Village, the relevant purposes of the Schedule 1 are positively advanced as the proposed apartment building will provide for residential development in an alpine environment. The development will be undertaken in accordance with sound environmental management practices and respects the significance of the environmental resources. The proposed building will be connected to all available reticulated services including sewerage. The design of the building provides for passive solar energy gains and the removal of native vegetation has been minimised.

In accordance with sub-clause 2.1 of the Schedule a lot may be used for accommodation provided certain requirements are met. The proposed apartment building meets these requirements:

- Each accommodation unit will be connected to reticulated sewerage.

- Each accommodation unit will be connected to a reticulated potable water supply.
- Each accommodation unit will be connected to a reticulated electricity supply.
- All services will be provided underground.

A permit is required to carry out buildings and works pursuant to sub-clause 4.1 of the Schedule. A planning permit application to construct a building (including the removal of native vegetation) must be accompanied by the information requirements in sections 4.3-1 to 4.3-3 as appropriate.

In accordance with sub-clause 4.3-1 the application is supported with a plan set drawn to scale that shows:

- The boundaries and dimensions of the site.
- Existing conditions (existing Diana Lodge).
- Adjoining Falls Creek Road.
- Location, height and purpose of buildings on adjoining land (please note that the use of the buildings is also described in this report – refer to Section 2 of this report).
- Relevant ground levels.
- The layout of proposed buildings and works including existing vegetation and a landscape plan.
- The access path is noted on the landscape plan.
- No external storage or waste treatment areas are proposed.
- The location of services.
- Elevation drawings are included to scale showing the colour and material of all buildings and works (to be read in conjunction with the schedule of materials).
- Details of the site setbacks, height of the building and relationship with adjoining areas is included.
- Details of exterior finishes, materials and treatment of walls and roofs.
- Roof plans and snow dump areas have been provided.
- A preliminary geotechnical assessment is included within the application.
- The site is not considered to be potentially contaminated land.

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Meeting the requirements of sub-clause 4.3-2 the plan set shows:

- All native vegetation on the site and the native vegetation to be retained on the site.
- The location of vegetation to be removed is shown on the existing demolition – roof plan. A tree assessment report is included with the application material.
- A written explanation of the steps taken to avoid, minimise and offset the native vegetation.
- An assessment of the effect of the development against Victoria's Native Vegetation Management – A Framework for Action is included within the application.

Sub-clause 4.3-3 a site environmental management plan is required for all applications for buildings and works including native vegetation removal. A site environmental management plan has been prepared and is included with the application.

Pursuant to Clause 37.02-4 of the Overlay an apartment development must meet the requirements of Clause 58 of the planning scheme available

#### Clause 58 Apartment Developments

The proposed development has been assessed against the objectives and standards of Clause 58 Apartment Developments. The following commentary provides an assessment against the objectives and standards, and is provided in the following table.

Objective	Response
<b>58.01-1 Application Requirements</b>	<b>Complies</b> An urban context report forms part of the Planning Report. A Design Response prepared by project Architects, NMBW & Sendit.Archi addresses this requirement.
<b>58.01-2 Urban Context Report</b>	<b>Complies</b> The Urban Context Report contained within this Planning Report responds to this requirement.
<b>58.01-3 Design Response</b>	<b>Complies</b> The NMBW & Sendit.Archi design response and other development plans are provided with respect to the development of the building and response to the surrounds. The planning submission addresses the relevant planning provisions.

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Objective	Response
<b>58.02-1</b> <b>Urban Context</b>	<p><b>Complies</b></p> <p>The subject land is located within the Falls Creek Village on an existing lease site developed by a lodge (Diana Lodge). Planning policy for the Falls Creek Village seeks to maximise opportunity and consolidate the village for a mix of residential and commercial development.</p> <p>The subject land has a landform that falls away from Falls Creek Road and has a significant cut resulting from the current building's construction. The landform and cut will allow the height of the building to respect Falls Creek Road interface. When viewed from the north the building height will remain below the tree canopy and partially obscured by existing trees.</p> <p>The scale and form is consistent with larger buildings in the precinct (The Hub, 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>
<b>58.02-2</b> <b>Residential Policy</b>	<p><b>Complies</b></p> <p>Detailed comment with respect to policies relating to housing is provided at Section 5 of this report.</p>
<b>58.02-3</b> <b>Dwelling Diversity</b>	<p><b>Complies</b></p> <p>It is proposed to develop 11 apartments of which 5 are three bedrooms, 5 can be either two or three bedrooms and 1 is a one or two bedroom dwelling.</p> <p>The internal layouts of 1-5 apartments and 6-11 differ and allow for different living arrangements.</p>
<b>58.02-4</b> <b>Infrastructure</b>	<p><b>Complies</b></p> <p>The proposed development will be connected to reticulated water, sewer, electricity and telecommunications. The site will be drained in accordance with the responsible authority requirements.</p>
<b>58.02-5</b> <b>Integration with the Street</b>	<p><b>Complies</b></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>

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Objective	Response
<b>58.03-1</b> <b>Energy Efficiency</b>	<b>Complies</b> <p>All of the apartments are oriented to make the best use of solar energy with living room and private open space areas located on the north-west side of the development.</p> <p>Good natural lighting is provided from northern windows and southern windows.</p> <p>The buildings outer envelope is predominately insulated concrete panel creating a thermally sound 300mm structural skin.</p> <p>Double glazing will be utilised to reduce heat loss in winter and reduce heat absorption in summer.</p>
<b>58.03-2</b> <b>Communal Open Space</b>	<b>Complies</b> <p>Communal open space is provided on the ground level on the north-west corner of the building with an area of 43m<sup>2</sup>. The communal open space provides passive surveillance opportunities of the surrounding public open space. The communal open space is accessible to all residents via the lift, stairs and external pathway, it is a useable size, shape and dimensions, is located on level ground and able to be managed efficiently.</p> <p>Accessed by a lift and a stairwell the communal open space is accessible for all and surrounded by the adjoining natural environment.</p> <p>Now with standing monument extent of on-site open space, the development benefits from a close proximity to the surrounding ski design trails.</p>
<b>58.03-3</b> <b>Solar Access to Communal Outdoor Open Space</b>	<b>Complies</b> <p>The communal open space is an adequate size and has good northern solar orientation.</p>
<b>58.03-4</b> <b>Safety</b>	<b>Complies</b> <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.</p>
<b>58.03-5</b> <b>Landscaping</b>	<b>Complies</b> <p>The existing native vegetation on the site provides for the effective canopy cover, deep soil, canopy diameter and minimum height at maturity,</p> <p>There are landscaping themes within the area being an alpine native landscape and the subject land contains remnant native vegetation.</p> <p>Landscaping on site will utilise native alpine species to assist with survival rates and reduce the maintenance burden of future lease holders.</p> <p>It is expected that the requirement for detailed landscape plan would form a condition of the permit.</p>

Objective	Response
58.03-6 Access	<p><b>Complies</b></p> <p>Local planning policy for Falls Creek seeks to limit on site car parking to lease sites that are not located on Bogong High Plains Road, indeed during the snow season and peak holiday periods vehicles are excluded from the Village to promote skier and pedestrian safety.</p> <p>Proposed on side car parking will be available at any other time of the year and access is practical and convenient.</p>
58.03-7 Parking Location	<p><b>Complies</b></p> <p>Car parking for residents and visitors to lease sites not adjoining Bogong High Plains Road is provided by public car parking to the north of the Village during winter months.</p> <p>It is intended to use this car parking which is not distant from the subject land during winter months. Summer carparking is close and convenient to all the apartments and well ventilated.</p>
58.03-8 Integrated Water and Stormwater Management	<p><b>Complies</b></p> <p>Located within an alpine village integrated water and stormwater management objectives are primarily related to the management of snow shed and drainage around buildings to reduce the risk of geotechnical issues.</p> <p>Snow shed will occur within the lease site avoiding risks to building occupants and the public. Drainage is proposed to be constructed along the eastern, western and southern sides of the building to reduce risk of geotechnical hazard. On-site drainage will be undertaken in consultation with FCRM.</p>
58.04-1 Building Setback	<p><b>Complies</b></p> <p>Located within the Design and Development Overlay 2, setbacks have been incorporated to all sides of the lease site so as to be sympathetic with the character of the Village.</p> <p>The setbacks will allow daylight into the proposed apartments, assists for private open space to be provided and allows for view sharing opportunities.</p>
58.04-2 Internal Views	<p><b>Complies</b></p> <p>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>
58.04-3 Noise Impacts	<p><b>Complies</b></p> <p>The property is not subject to any noise influence areas as detailed at Table D5. Noise sources, being the mechanical plant, are located on the ground floor and has been designed to form part of the building. Noise sensitive rooms are located distant from the lifts and stairwells which are contained in a separate part of the building.</p>



Objective	Response
<b>58.04-4</b> <b>Wind Impacts</b>	<b>Complies</b> <p>The proposal is less than five storeys reducing the potential of generating unacceptable wind impacts within the site or on surrounding land.</p> <p>The proposed building is setback from all boundaries which will reduce the likelihood of wind tunnelling.</p>
<b>58.05-1</b> <b>Accessibility</b>	<b>Complies</b> <p>All dwellings have a minimum of 850mm at the entrance to the dwellings. The majority of apartments provide a clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main living areas or main bedroom and adaptable bathrooms have been provided. The adaptable bathrooms will meet Design Option B.</p>
<b>58.05-2</b> <b>Building Entry and Circulation</b>	<b>Complies</b> <p>Individual entries to dwellings will be easily identifiable. Visible, safe and spacious communal stairs and lift will be provided to the communal accessway at entry level from Falls Creek Road. Common areas and corridors include at least one source of natural light, avoid obstruction from building services and clear sight lines can be maintained.</p>
<b>58.05-3</b> <b>Private Open Space</b>	<p><b>Complies with objective and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright</b></p> <p>Apartment 1-5 will provide for a porch area of 25m<sup>2</sup> at ground floor which will be complemented by first floor balconies of 12 m<sup>2</sup> however, the minimum dimension of the balconies does not meet the minimum dimension of 2.4m.</p> <p>Apartment 6-10 will provide for a balcony of 14 square metres each however, the minimum dimension of the balconies is not achieved.</p> <p>Apartment 11 will be provided with 9m<sup>2</sup> although the minimum dimension cannot be met.</p> <p>The apartments balcony areas, complemented by communal open space and the wider environment and in this case it is considered that a departure from the standard dimensions is acceptable.</p>
<b>58.05-4</b> <b>Storage</b>	<b>Complies</b> <p>Storage capacity of the apartments meets the requirements of Table D10.</p> <p>Apartment 1-10 will be provided with 37 or 27 cubic metres and apartment 11 will have 26 cubic metres of storage. Within the apartments storage will be provided through the provision of dry stores, laundries, benching and wall robes.</p>
<b>58.06-1</b> <b>Common property</b>	<b>Complies</b> <p>All areas retained within communal areas are functional yet attractive, and are clearly delineated from private apartments. Ongoing management will be facilitated by the head lease holder.</p>

Objective	Response
58.06-2 Site Services	<b>Complies</b> 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.
58.06-3 Waste and Recycling	<b>Complies</b> Like all Alpine Villages waste and recycling enclosures are contained within purpose built waste enclosures on the street to facilitate waste collection.
58.06-4 External Walls and Materials	<b>Complies</b> 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).
58.07-1 Functional Layout	<b>Complies</b> All dwellings contain bedrooms that meet the minimum width and depth outlined in Table D11. Living areas meet the minimum width and area specified in Table D12. (Refer plans TP30 and TP31, Compliance Diagrams)
58.07-2 Room Depth	<b>Complies</b> In the cases where there are single aspect habitable rooms, they do not exceed a room depth of 2.5 times the ceiling height and open plan living and dining areas have a depth less than 9.0m with the kitchen the furthest from the window. (Refer plans TP30 and TP31, Compliance Diagrams)
58.07-3 Windows	<b>Complies</b> All habitable rooms have adequate daylight. Generally, there is no reliance on smaller secondary windows.
58.07-4 Natural Ventilation	<b>Complies</b> The design of the development maximises openable windows and doors, within reason given the need to treat openings carefully given the climatic conditions. The maximum breeze path through the dwellings are less than 18m.

### Decision Guidelines

The proposed development positively advances the decision guidelines of the zone:

- Strong support for the proposal is found within the Alpine Resorts Planning Strategy and the Planning Policy Framework.
- The proposed development assist to deliver key elements of the Alpine Resorts Strategic Plan 2020-2025 including the delivery of the plan through the provision of accommodation for residents and visitors,



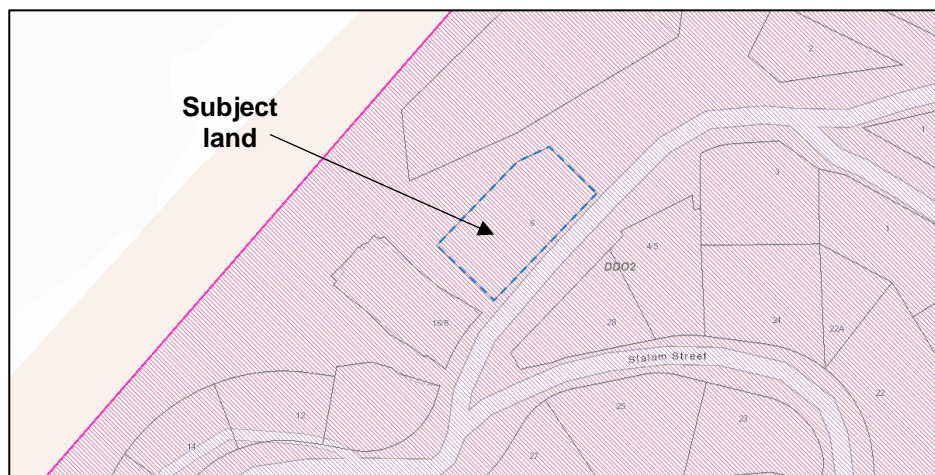
minimising the building's environmental footprint and assisting to grow tourism.

- Through the provision of Site Environmental Management Plan and Preliminary Geotechnical Assessment the application is consistent with the Falls Creek Environmental Management Plan.
- The development directly relates to alpine land use through the provision of accommodation for residents and/or visitors linked to the tourist economy.
- The proposed building will be connected to reticulated sewerage, water, electricity and telecommunications.
- Native vegetation losses will be minimised to only those trees that will be directly impacted by the development as assessed by an arborist and to ensure adequate separation for bushfire protection. Landscaping will be undertaken on the land and offsets provided to reduce the environmental impacts.
- A preliminary geotechnical risk assessment has been carried out that advise the risk of geotechnical hazard as low.
- The building has been respectfully sited on the available site providing setbacks from lease boundaries allowing a respectful streetscape scale and appearance. The building design has incorporated colours and materials that respects the natural landscape and the emerging built form of the Village.
- As part of the design process regard has been had to minimising adverse amenity impacts such as overshadowing, overlooking, building massing and snow shed.
- Generally, residents and visitors to the development will utilise public car parking along the Bogong High Plains Road as encouraged by planning policy.
- Improved pedestrian access to the building from Falls Creek Road will be constructed allowing for good pedestrian connectivity and safe movement.
- The building has been designed so that all appurtenances and plant will be internalised within the building at ground floor level.
- All buildings and landscaping will be maintained by the lease holders.
- Snowshed has been designed to fall within the lease site boundaries clear from entry/exit doorways.
- Skier entry and exit pathways have been provided to Falls Creek Road.

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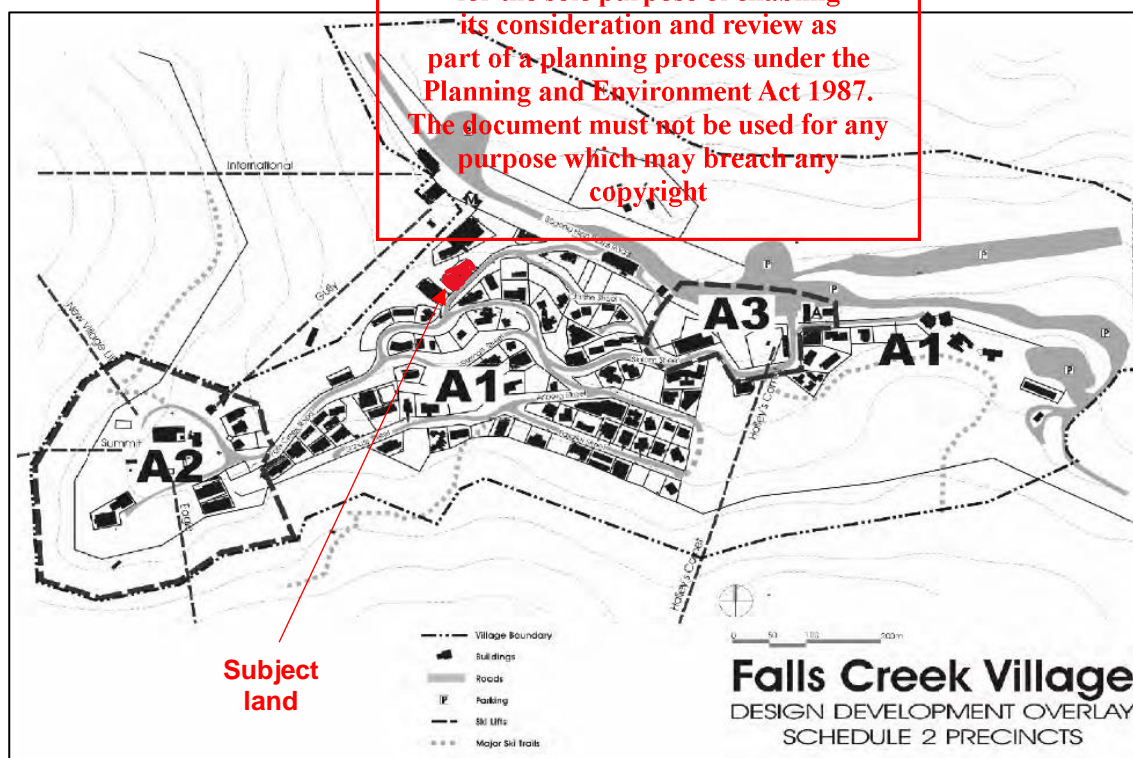
## 6.2 Design and Development Overlay 2

The subject land is contained within the Design and Development Overlay 2.



Planning scheme overlay mapping (Source: VicPlan)

Schedule 2 to the Overlay is the Falls Creek Alpine Resort Village and the subject site is located in Precinct A1.



Design and Development Overlay Schedule 2 Precincts (Source: DoTP)

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The proposed development is considered to satisfy the Design objectives of the Schedule. The following response is provided to the Design Objectives:

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 lodge at 6 Falls Creek Road will provide for an improved visual appearance within the 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 Falls Creek Village is sympathetic in scale and location to the landscape, trees, and views.	The proposed scale of the apartment building is sympathetic with the 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><b>This copied document to be made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright</b></p> <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.</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 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 stories. The setbacks will maintain appropriate separation from buildings on adjoining other properties at 6 metres or greater. The building is setback 6 metres from the street.

Design Objective	Response
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.	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.  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.
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.
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.

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Planning approval is being sought to vary the height and setback requirements as specified within the Overlay provisions.

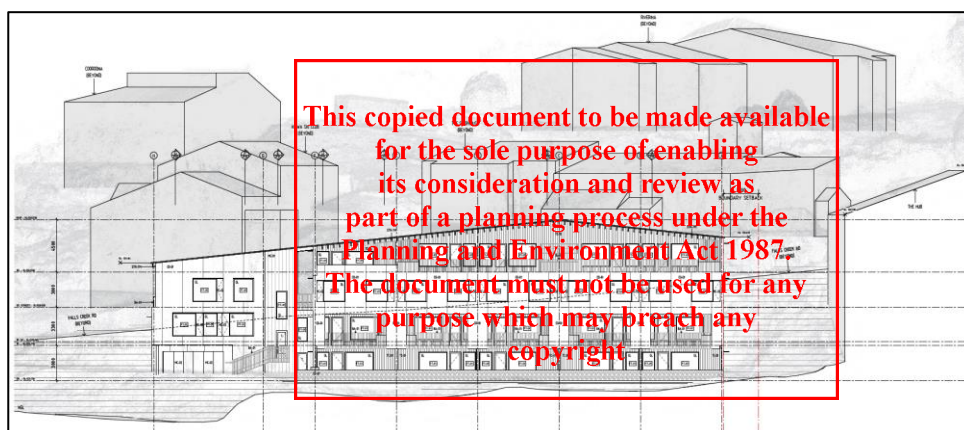
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### 2.1 Building and Design Requirements

It is considered that the requirements of Clause 2 of the Schedule has been met. It is considered that the development plan set demonstrates how the requirements of sub-clause 2.1 are achieved:

- The scale of development is comparable with surrounding development. Buildings to the south are located on elevated lease sites which visually reduces the scale of the proposed building when viewed from the west. Building's such as The Hub and Falls Creek Country Club are significantly higher than the proposed development and are also developed on elevated sites exacerbating the scale of the buildings, allowing the new building to sit comfortably within the context of the area.
- Setbacks from the lease boundaries have been adopted to allow for improved amenity impacts on surrounding lease sites.

- View corridors have been maintained either side of the site. North-west views from existing buildings on the south-east side of Falls Creek Road (Kiewa Ski Club and Chop Shop) will be retained.
- The building will be constructed at the existing ground level which ensures the height of the building remains below the tree canopy.
- The building will utilise a combination of porches, balconies and strong horizontal lines providing for articulated facades.
- The proposed building will not intrude into the skyline and the impact on the streetscape is much improved than existing with the use of a six metre setback to provide for visual relief and a human scale of height.
- Snow shed will be maintained within the lease site and directed away from winter month pedestrian exits.
- Construction of a bridge to the building will ensure a positive street appeal and allows for appropriate pedestrian and skier movement.




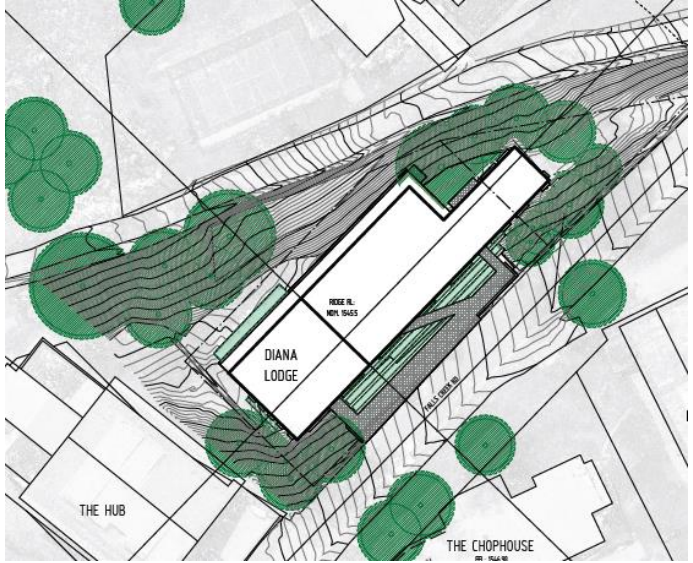
*Proposed northern elevation demonstrating the scale of the building is comparable with adjoining development (Source: Sendit.Archi)*

## 2.2 Native Vegetation Retention

Below is a response to each of the requirements that should be met for the construction of a building or construction or carrying out of works:

Requirement	Response
The construction of buildings should not result in a net loss of indigenous vegetation. Compensatory planting will be required in alternative locations if it cannot be contained on site, in accordance with the key principles of the Native Vegetation Framework.	Removal of some native vegetation is necessary to accommodate the development on the site. Current native vegetation controls do not enable an offset to be provided on site meaning a third party offsets will be purchased to compensate for the vegetation losses.  <b>ADVERTISED PLAN</b>



Requirement	Response
<p><b>Removal of vegetation along the frontage to Bogong High Plains Road should be minimised.</b></p>	<p>The subject land does not adjoin the Bogong high Plains Road.</p>
<p><b>Development should be constructed so that is it generally level with, or below, the top of the tree line.</b></p>	<p>The land is situated on a north-west facing slope. Canopy trees are established on the north side of the subject land, on the site and within the southern road reserve. The proposed building will not extend above the canopy trees located on the site and immediately adjoining the property.</p>  <p><i>View toward the subject land and from The Gully</i></p>
<p><b>Where possible, development should retain all vegetation on site that performs a screening function.</b></p>	<p>Vegetation that preforms a screening function and provides a backdrop of vegetation is proposed to be retained.</p>  <p><i>Extract from Site Response (Plan TP04) highlighting existing trees to be retained</i></p>

Requirement	Response
Visual interruptions to the treed skyline should be minimised.	The development will not cause an interruption to the skyline.
Vehicle and pedestrian access points should be combined where possible to minimise vegetation removal and visual impact on the street frontage.	Vehicle and pedestrian access points are combined and does not result in native vegetation removal.

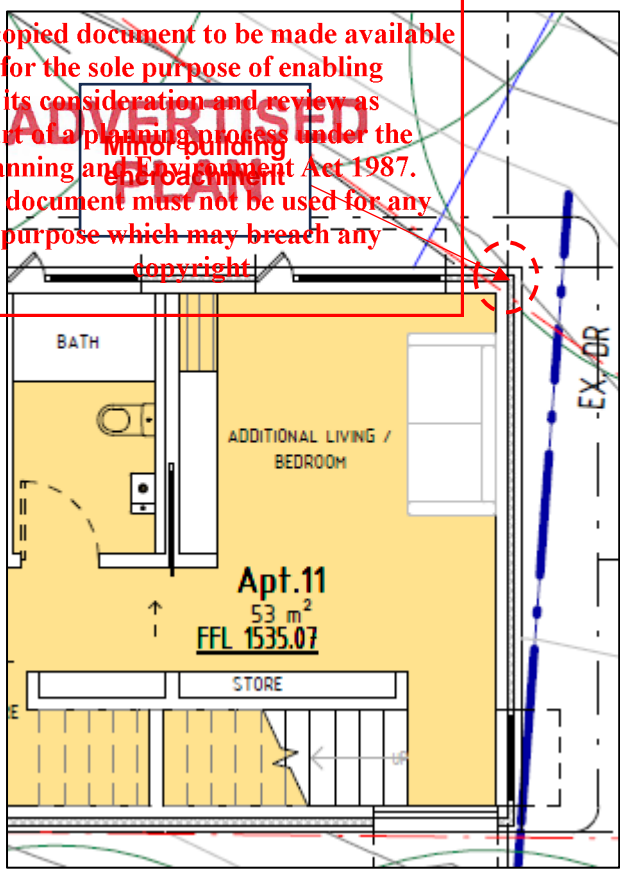
Sub-clause 2.3 Materials and Finishes is respected by the proposed development:

- Wall materials will be textured concrete panels, timber cladding, stone and metal cladding.
- The roof is proposed to be constructed from profiled metal.
- Colours of materials to be used will complement the natural alpine colour tones.

#### Decision Guidelines

The decision guidelines of the Overlay are respected by the proposed development:

- The existing streetscape character of the locality will be improved by the development of a contemporary building that is well setback into the lease site, has a modest streetscape height and provides an interactive building with Falls Creek Road.
- Amenity of adjacent buildings and public places have been maintained with no unreasonable overlooking to occur, no unreasonable overshadowing will take place and setbacks reduce massing of building form.
- Snow shed will be retained in the lease boundaries and will be directed away from pedestrian entrances.
- Care has been taken to maximise the retention of native vegetation on the subject land, with the removal of vegetation minimised to those trees necessary to facilitate the development.
- Visual intrusion within the landscape is minimised through the use of the land topography and cut to reduce scale, use of strong horizontal lines disrupts vertical building elements and development of porches, balconies, varied materials breaks down building massing.
- Free movement of skiers and pedestrians into and around the site will be provided and will allow for access to the Village and ski fields.

DDO2-A1	Response
<p><b>Maximum Height</b></p> <p><b>Requirement:</b></p> <p>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>	<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.</p> <p>A detailed analysis of the building height has been prepared and depicted on Drawing No. TP11 with 2-D and 3-D diagrams.</p> <p>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 and is required to provide for snow shed.</p>
<p><b>Minimum Setbacks</b></p> <p><b>Requirement:</b></p> <p>6 metres from a boundary with a road frontage</p> <p>3 metres from any other site boundary</p> <p>Average of 4.5 metres from any building on the same site</p> <p>6 metres from any other building on an adjoining site</p>	<p>The setback from the street is 6m from the southern lease boundary.</p> <p>Generally 3 metre setbacks are achieved from other site boundaries, with the exception of a very minor encroachment to the north east of the site associated with apartment 11.</p> <div data-bbox="523 952 1228 1848"> <p>This copied document to be made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright</p>  </div> <p>Extract of the proposed first floor plan for apartment 11 (Source: NMBW &amp; Sendit.Archi)</p> <p>The minor encroachment within the setback will not result in a loss of amenity for adjoining lease sites or public land.</p>

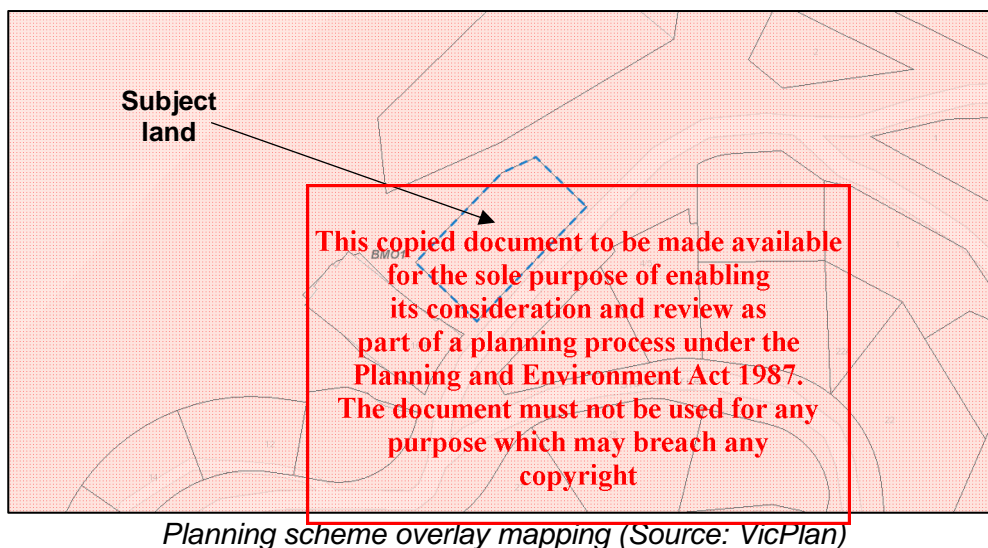


Requirement	Response
<b>Maximum Site Coverage Requirement</b>  <b>40% of the total site area</b>	<p>The development site has an area of 1388m<sup>2</sup>. With the addition of the additional lease site, the proposed development results in a total site coverage of 40% of the site area.</p> <p>We note the current negotiations with Alpine Resorts Victoria are being undertaken to secure the eastern site.</p>

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### 6.3 Bushfire Management Overlay 1

The site is subject to the Bushfire Management Overlay 1.



Schedule 1 to the Overlay advises that the schedule has been developed to be tailored for bushfire protection measures unique to Victoria's alpine resorts.

#### Landscape Risk

Bushfire risk from the broader landscape beyond the site is considered to be significant due to the vast areas of forested and mountainous Crown Land. The wider landscape has the potential for long uncontrolled fire runs that may approach the village from several directions (Broader Landscape Type 4).

Falls Creek Alpine Resort contains many areas of land where vegetation has been cleared for the establishment of ski runs and installation of infrastructure including roads, car parks and ski lifts. Development of the Village has also significantly modified vegetation. In addition, the Rocky Valley Storage Dam provides some protection from a significant bushfire approaching from the south-east.

Recent bushfire history in 2003 and 2006 that impacted significant areas of Victoria's High Country also posed a significant threat to the Village.

The *Falls Creek Alpine Resort Municipal Emergency Management Plan (Version 4.1) May 2021* advises that the Falls Creek Management Board have treatment plans and operational plans to mitigate the risk from bushfire and other potential hazards.

Treatment Plans for a bushfire event include the Municipal Fire Management Plan, National Construction Code Policy, Bushfire Risk Assessment Policy and Design and Siting Guidelines.

Operational prevention measures for a bushfire event include targeted vegetation management program for public land high risk areas and key infrastructure sites, maintenance of fire access roads, lease area inspections and maintenance/testing of water supply, plant and equipment.

In addition, the Board supports community resilience through providing information and support and aiding recovery and preparation. Furthermore, the plan lists activities that Management will undertake during the response phase of the emergency including the provision of resources, facilities for emergency services, facilitating delivery warnings, provision of public information, coordinating emergency relief and clearing blocked infrastructure.

A combination of the Municipal Emergency Management Plan and modified vegetation within the surrounds of the village combine to offer protection to Falls Creek Resort in a event of a bushfire.

#### Bushfire Hazard Site Assessment

A bushfire hazard site assessment has been prepared and identifies that vegetation surrounding the subject land is generally modified with a small area of woodland and shrubland vegetation to the north and west within 150 metres of the subject land.

The area of modified vegetation has been determined due to vegetation being within small patches, small in size or has very little to no understorey.

Terrain within the 150 metre assessment area sees upslope within the east, south and west of the site with a smaller area of downslope >10-15 degrees to the immediate north of the lease site.

The subject site is located a short distance from the Bogong High Plains Road that provides access to Mount Beauty to the north-west and during the warmer months of the year Bogong High Plains Road allows for access to the east to the Omeo Highway and Omeo.

#### Bushfire Management Statement

A bushfire management statement has been prepared advising as to how the proposal responds to the requirements within Clause 53.02 of the planning scheme.

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### CLAUSE 53.02-4-2.1 LANDSCAPE, SITING & DESIGN OBJECTIVES

#### Objective

Development is appropriate having regard to the nature of the bushfire risk arising from the surrounding landscape.

Development is sited to minimise the risk from bushfire.

Development is sited to provide safe access for vehicles, including emergency vehicles.

Building design minimises vulnerability to bushfire attack.

#### Approved Measures

##### AM 2.1

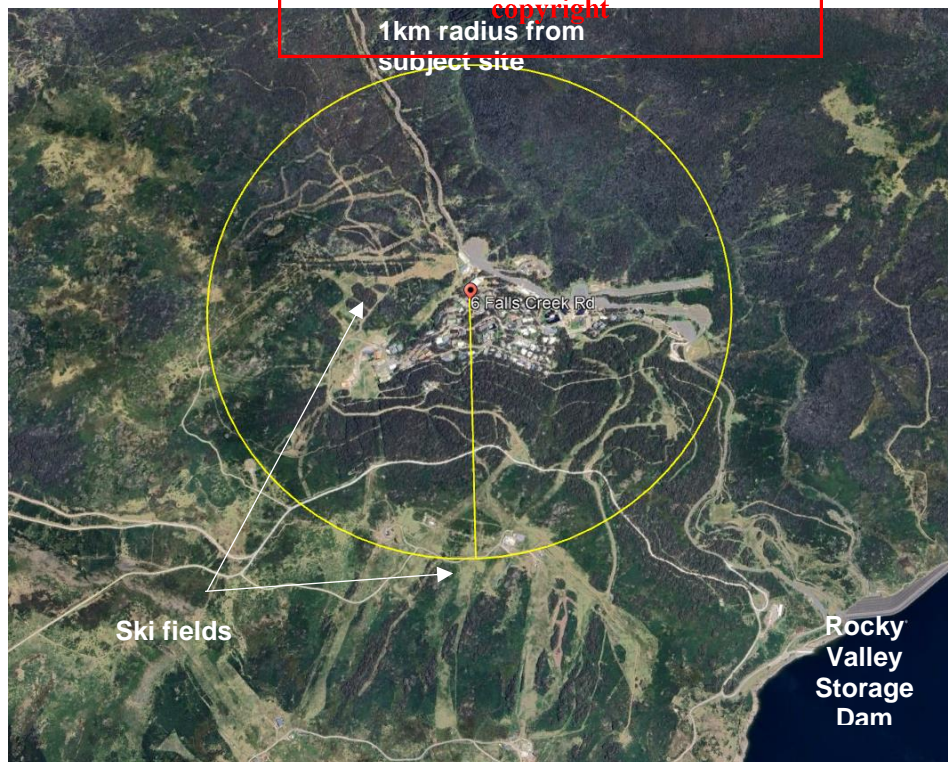
The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level.

#### Response:

The subject land is situated within a Falls Creek Village with the wider landscape characterised by vast areas of mountain terrain which has the potential for a bushfire to generate long uninterrupted fire runs. Falls Creek Village has been developed with a known threat from bushfire.

Fires generating within the Alpine National Park have the ability to approach the subject land from multiple directions.

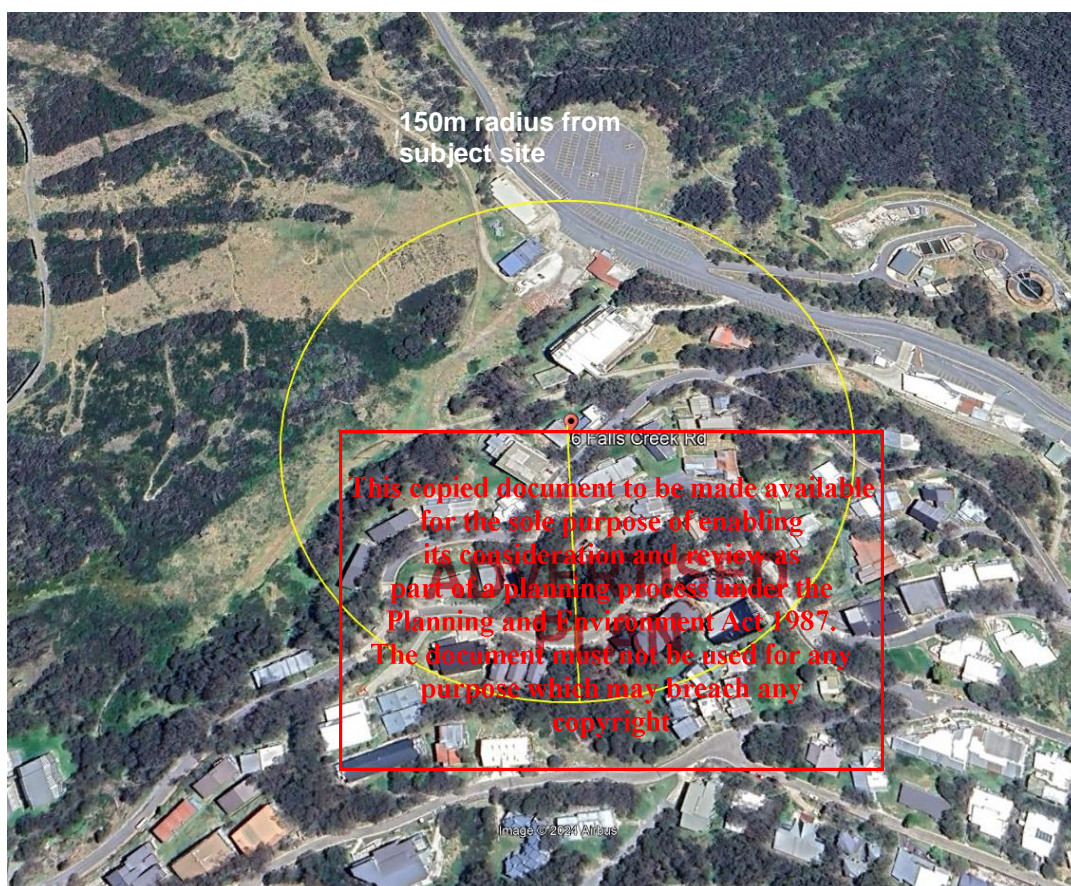
The area available for development is restricted to the village precinct. Re-development of the land for accommodation is considered appropriate having regard to the bushfire risk arising from the surrounding landscape.





Fires generated within areas of Crown Land to the north, east and west are unlikely to directly impact the subject land due to the substantial areas of fragmented vegetation between the subject land and the Alpine National Park.

Immediately surrounding the subject land vegetation has been substantially modified as a result of development relatively small patches of remnant vegetation are scattered throughout the Village.



*View of subject land and immediate surrounds*

Egress from the Village to safe places is limited the townships of Mount Beauty and Tawonga South (approx. 30km) via the Bogong High Plains Road with the route traversing heavily vegetated.

The subject land is accessible with established fully constructed and sealed roads throughout the Village.

#### **AM 2.2**

A building is sited to ensure the site best achieves the following:

- The maximum separation distance between the building and the bushfire hazard.
- The building is in close proximity to a public road.
- Access can be provided to the building for emergency service vehicles.

#### **Response:**

Siting options for the building are limited due to the constrain site area. The subject land is set within the Village precinct which offers substantial separation distances from areas of classifiable vegetation.





**AM 2.3**

A building is designed to be responsive to the landscape risk and reduce the impact of bushfire on the building.

**Response:**

**The proposed building (given the climatic conditions) will be constructed of fire resistant materials allowing the building to be more resilient to a bushfire than the current building.**

**The building is proposed to be constructed on a concrete slab and external walls. Non-combustible materials will also be applied to the external walls and roof. Overall the building is a simple rectangular shape minimising re-entrant corners where leaf litter and embers can accumulate. The roof has a low pitch and single ridgeline.**



*Image of the proposed building looking south-east (Source: NMBW and Sendit.Archi)*

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**CLAUSE 53.02-4.2 DEFENDABLE SPACE & CONSTRUCTION OBJECTIVES****Objective**

Defendable space and building construction mitigate the effect of flame contact, radiant heat and embers on buildings.

**Approved Measures****AM 3.1**

A building used for a dwelling (including an extension or alteration to a dwelling), a dependant person's unit, industry, office or retail premises is provided with defendable space in accordance with:

- Column A, B or C of Table 2 to Clause 53.02-5 wholly within the title boundaries of the land; or
- If there are significant siting constraints, Column D of Table 2 to Clause 53.02-5.

The building is constructed to the bushfire attack level that corresponds to the defendable space provided in accordance with Table 2 to Clause 53.02-5.

**Response:**

**N/A The application seeks approval for an accommodation building (Group accommodation) and AM 3.2 applies.**

**AM 3.2**

A building used for accommodation (other than a dwelling or dependent person's unit), a child care centre, an education centre, a hospital, leisure and recreation or a place of assembly is:

- Provided with defendable space in accordance with Table 5 and Table 6 to Clause 53.02-5 wholly within the title boundaries of the land.
- Constructed to a bushfire attack level of BAL-125.

**Response:**

**Table 3 prescribes the separation distance required from the bushfire hazard to the proposed accommodation building. The western aspect has a downslope and then an upslope, given the predominant vegetation along this aspect is Woodland the separation distance prescribed for this vegetation type on an upslope is 40 metres. The separation distance from the site is achieved.**

**Table 3 does not include provisions for Modified vegetation however it is considered Modified vegetation is present adjacent to the site and throughout the Village.**

**Further it is proposed to construct the building to a BAL-40 standard with external non-combustible materials providing a resilient building in accordance with Schedule 1 to the Bushfire Management Overlay.**

**Defendable space is to be provided for the entire site although variations to the requirements of Table 6 are proposed in order to maintain existing trees and not require canopy separation to 5 metres. All other standard vegetation management requirements in Table 6 apply.**

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### CLAUSE 53.02-4.3 WATER SUPPLY & ACCESS OBJECTIVES

#### Clause 52.47-2.3 Objective

A static water supply is provided to assist in protecting property.

Vehicle access is designed and constructed to enhance safety in the event of a bushfire

#### Approved Measures

##### AM 4.1

A building used for a dwelling (including an extension or alteration to a dwelling), a dependant person's unit, industry, office or retail premises is provided with:

- A static water supply for fire fighting and property protection purposes specified in Table 4 to Clause 53.02-5.
- Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5.

The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for fire fighting water supplies.

**Response: N/A**

##### AM 4.2

A building used for accommodation (other than a dwelling or dependent person's unit), childcare centre, education centre, hospital, leisure and recreation or place of assembly is provided with:

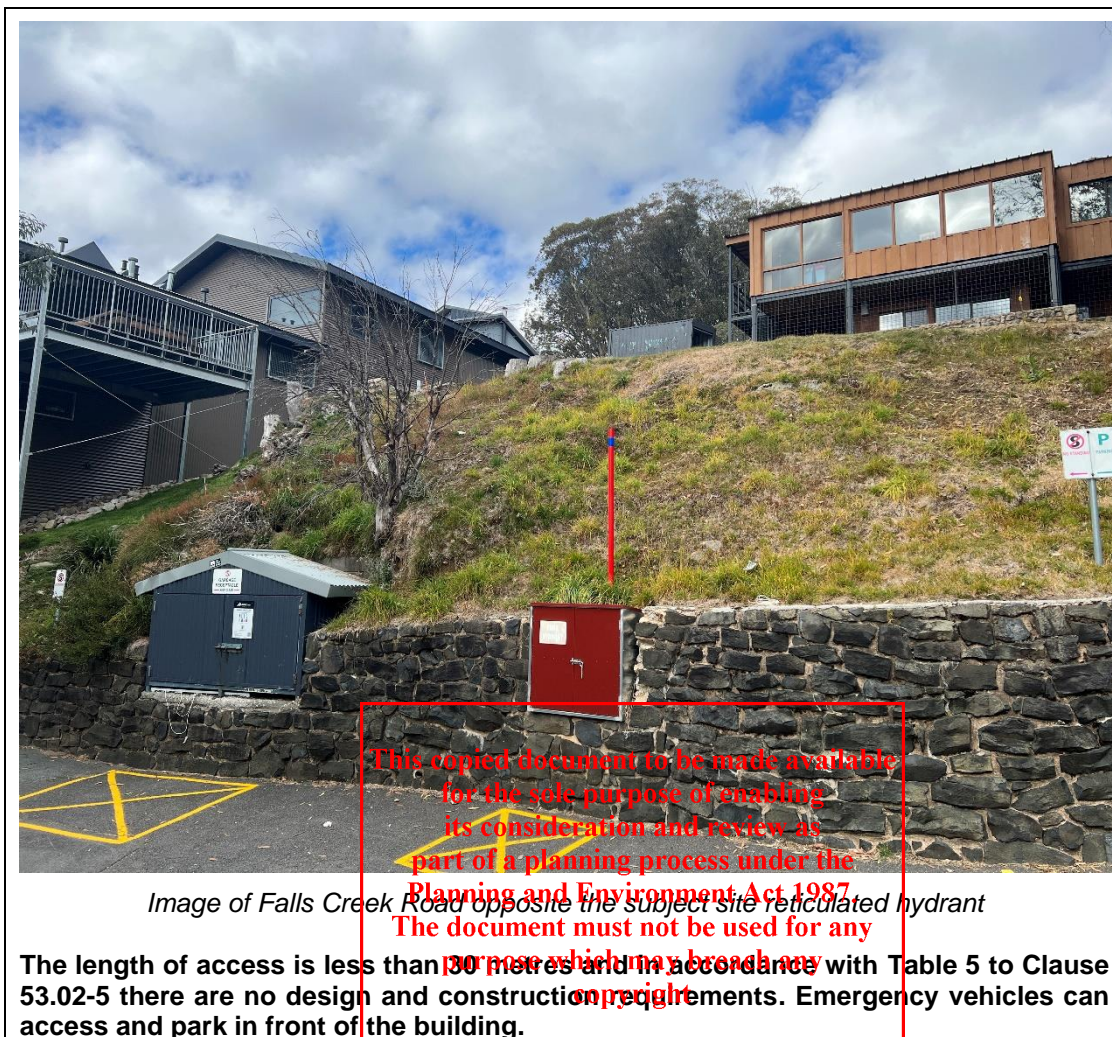
- A static water supply for fire fighting and property protection purposes of 10,000 litres per 1,500 square metres of floor space up to 40,000 litres.
- Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5.
- An integrated approach to risk management that ensures the water supply and access arrangements will be effective based on the characteristics of the likely future occupants including their age, mobility and capacity to evacuate during a bushfire emergency.

The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for fire fighting water supplies.

**Response:**

The total combined floor area of the accommodation building is 1,620m<sup>2</sup>. However, substitute approved measure AM4.2 in the BMO1 does not require a static water supply. Nevertheless, Falls Creek provides a reticulated hydrant system for fire fighting purposes and it is proposed to utilise the hydrant system given access to static water supply can be difficult for emergency services given the topography of lease sites.

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### Bushfire Management Plan

The application has been supported with a Bushfire Management Plan which specifies the minimum bushfire attack level of 40 and provides for defendable space and management of vegetation.

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## 6.4 Erosion Management Overlay 1

The lease site is contained within an Erosion Management Overlay 1.

The Schedule to the Overlay is management of geotechnical hazard.

Sub-clause 4.0 of the Overlay requires an application for a planning permit to be accompanied by a Preliminary Geotechnical Assessment prepared by a qualified and experienced geotechnical practitioner.

Erosion management objectives to be achieved	Response
To ensure that applications for development are supported by adequate investigation and documentation of geotechnical and related structural matters.	<p>In accordance with Sub-clause 4.0 the application is supported with a preliminary geotechnical assessment.</p> <p>A Preliminary Geotechnical Risk Assessment (PGRA) has been prepared by GHD (31 May 2024) and addresses the application requirement prescribed by the part 4.1 of the Schedule.</p> <p>The PGRA includes a site assessment based on an inspection of the site, review of regional geology, previous subsurface investigations on the site and in the vicinity of the site, and/or other geotechnical investigations, determining potential site hazards, preparing a qualitative risk assessment and outlining risk control measures</p>
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.	<p>The assessment confirmed that the residual risk rating was "Low" provided risk control measures are put into place prior to and during the building construction.</p>
To ensure that development is only carried out if identified geotechnical and related structural engineering risks are effectively addressed.	<p>The PGRA includes measures to control and reduce all hazards in order to maintain a low risk rating (refer 3.6 Risk control measure, page 27).</p>

The qualitative risk assessment determined that with appropriate control measures being undertaken the residual risk rating is low, as such a quantitative or semi quantitative risk assessment is not required pursuant to sub-clause 4.2 of the Overlay schedule.

Accordingly, it is considered that that by providing recommended erosion mitigation measures and construction requirements, the proposed development can achieve an acceptable outcome.

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## 6.5 Car Parking

The use of the land currently use for accommodation. The proposed development will change the use to dwellings. Clause 52.06-2 advises before that the a new use commences the number of car spaces required under Clause 52.06-5 must be provided on the land.

Clause 52.06-3 requires a permit to reduce the number of car spaces required under Clause 52.06-5. Pursuant to Clause 52.06-5 the number of car spaces required for a one or two bedroom dwelling is 1 car space, for a three or more bedroom dwelling is 2 car spaces and 1 car space for visitors to every five dwellings.

We have taken a conservative approach with respect to the number of bedrooms per dwelling as apartments 6 – 10 can accommodate an additional bedroom (additional living/bedroom) above those rooms nominated as a bedroom. As such we have adopted these apartments as having three bedrooms. Similarly, apartment 11 can accommodate two bedrooms.

Proposed apartments 1 – 10 being three bedroom dwellings have a car parking requirement of 20 car spaces and apartment 11 being a two bedroom dwelling has a requirement of 1 car space. Having 11 apartments there is a requirement for 2 visitor spaces and the overall car parking requirement for the development is 23 car parking spaces.

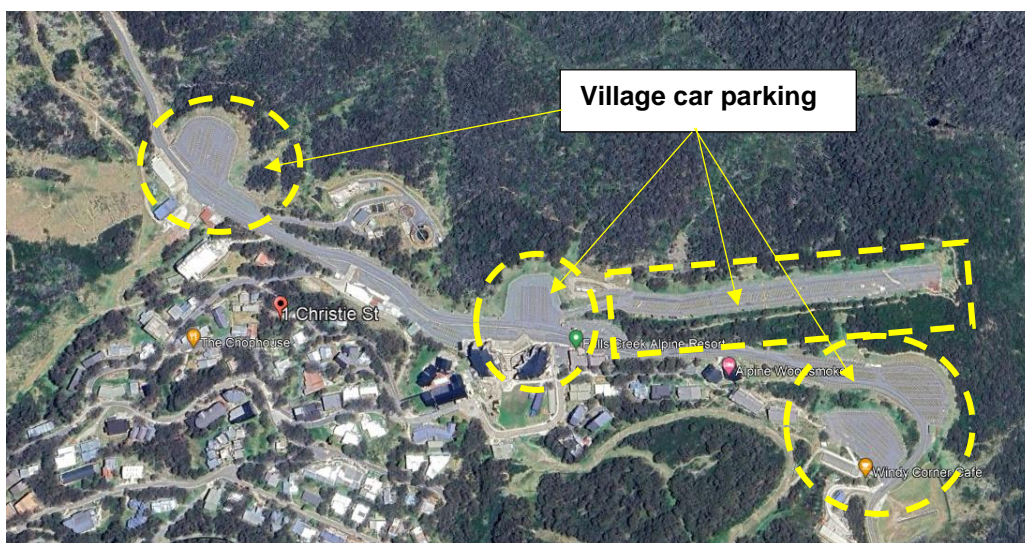
Three car parking spaces are to be provided onsite leaving a car parking demand shortfall of 20 car parking spaces.

In accordance with Clause 52.06-7 an application to reduce car parking must be accompanied by a Car Parking Demand Assessment.

### Car Parking Demand Assessment

- Falls Creek 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 resort has invested significant resources in providing public car parking areas along and north side of Bogong High Plains Road to facilitate village visitor parking. 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.

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Public car parking within 400 metres of the subject site (Source: Google Earth)

- 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 onsite 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, will can accommodate this demand.
- Falls Creek 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 onsite allows for visitors to be transferred to accommodation without the need to rely on onsite car parking.
- The public car parking at Falls Creek is located within close proximity to the subject site allowing for easy pedestrian access to the building.
- Falls Creek 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 is a compact village and is pedestrian and skier friendly reducing the need to provide for onsite car parking.

Clause 52.06-8 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, car parking spaces to be provided on site and dimensions being 2.3 metres in width and 6.7 metres in length.

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### 6.6 Clause 52.17 Native Vegetation

The proposed development will result in the removal of native vegetation which requires planning approval in accordance with Clause 52.17-1 of the planning 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. The strategic biodiversity value score of the native vegetation proposed to be removed is 0.27 and the offset requirements will be 0.007 general habitat units with a minimum strategic biodiversity score of 0.216.

#### Application Requirements

The Application complies with the Application Requirements specified within the *Guidelines for the Removal, Destruction or Lopping of Native Vegetation*, December 2017 ('the Guidelines').

Accompanying the Application is a Native Vegetation Removal Report as generated from the Native Vegetation Information Management System which confirms the assessment pathway, details of the vegetation that is to be lost, mapping and offset requirements along with other details as triggered within Table 4 of the Guidelines. The vegetation being considered under the provisions of Clause 52.17 is the proposed removal of four trees, two large trees and understorey vegetation.



Tree #2 to be removed



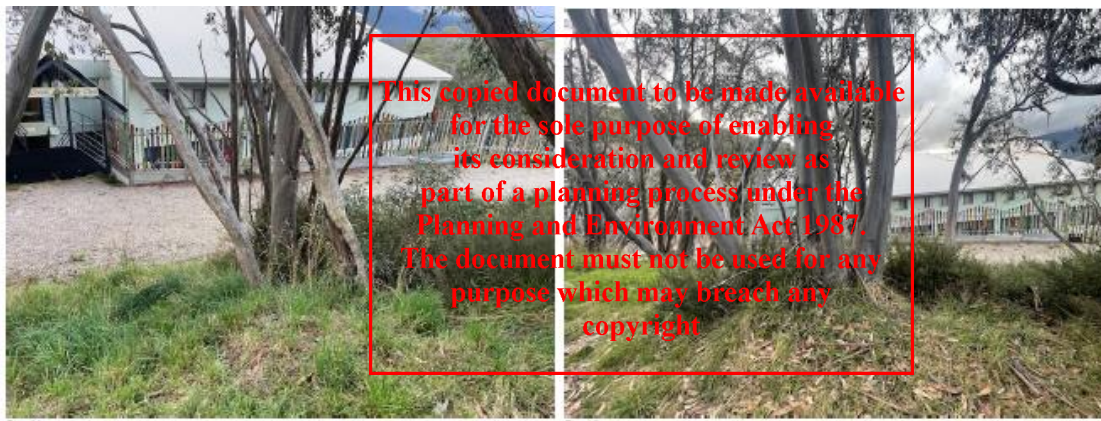
Tree #4 to be removed



*Tree #6 to be removed behind tree #5*



*Tree #8 to be removed*



*Tree #14 to be removed*

*Tree #15 to be removed*

To compensate for the loss of vegetation, a third-party offset will be secured to ensure no net loss of biodiversity, in accordance with the requirements of Clause 52.17-5. Please note that the native vegetation credit register search advises that the necessary offsets are available.

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In response to the application requirements specified at Table 4 of the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP, 2017) ('the Guidelines') we offer the following comments.

	Application Requirement	Response/Comment
1.	Vegetation to be removed	The accompanying Native Vegetation Removal Report includes adequate information to address this Application Requirement. (Refer <i>Flora and fauna assessment, Biosis, 25 June 2024</i> )
2.	Topographic and land information	<p>The landform within proximity to the proposed vegetation removal is on a steeper grade.</p> <p>There are no water courses located within proximity to the vegetation earmarked for removal. However, there is a drainage line to the south of the trees proposed to be removed and within the vegetation proposed to be removed to the east of the site.</p> <p>Care will need to be taken to ensure that erosion and infrastructure damage is avoided during the tree removal process.</p>
3.	Photographs	Photographs of the existing vegetation included within this report are recent having been taken April 2024. (Refer <i>Flora and fauna assessment, Biosis, 25 June 2024</i> )
4.	Past Removal	We are unaware of any past native vegetation removal.
5.	Avoid and minimise statement	<p>All efforts have been undertaken to avoid the need to remove vegetation and minimising vegetation removal by utilising the existing building footprint as much as possible, commissioning an arborist to provide advice on the avoidance of impacts to large trees surrounding the building footprint, ensuring the design and construction utilises a smaller building footprint to avoid vegetation removal and potential earthworks that could be detrimental to surrounding vegetation. A SEMP has been prepared to ensure construction methods and site management avoid impacts to vegetation.</p>
6.	Property Vegetation Plan	Not applicable.
7.	Defendable space statement	Vegetation management for bushfire protection is necessary. Vegetation removal has been limited to the removal of any tree canopy directly overhanging the building. Less than one third of any tree canopy will be required to be removed to satisfy proposed bushfire mitigation measures under the Bushfire Management Plan.
8.	Native Vegetation Precinct Plan	The Application is not being made under the provisions of Clause 52.16.
9.	Offset statement	<p>It is anticipated that the standard Conditions will be imposed on Permit which specify the offset requirement and the timing to secure the offset.</p> <p>There is no ability to provide vegetation offsets on site given the context of the area. It is therefore anticipated that vegetation offsets will be achieved through third party arrangements.</p>

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In response to the decision guidelines specified at Table 6 of the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP, 2017) ('the Guidelines') we offer the following response.

	Decision Guidelines	Response/Comment
1.	Efforts to avoid and minimise vegetation removal to be commensurate with the biodiversity and other values.	<p>To facilitate the development of the subject site some native vegetation is required to be removed.</p> <p>All efforts have been undertaken to avoid the need to remove vegetation and minimising vegetation removal by utilising the existing building footprint as much as possible. Expert advice has also been sought from an arborist to provide advice on the avoid impacts to trees surrounding the building footprint, A SEMP will be enacted to ensure construction methods are utilised to avoid impacts to vegetation.</p> <p>The actual vegetation losses are minimal and are limited to two large trees within a small patch. Whilst vegetation losses will be incurred, it is expected that they will be offset accordingly to ensure there is no net loss to biodiversity as a result of the project.</p>
2.	Water courses, land degradation and groundwater.	<p>The vegetation in question is considered to play a minimal role in protecting water quality and preventing land degradation given the vegetated landform of the area, minimal vegetation to be removed and no water courses on the land.</p>
3.	Identified landscape values.	<p>Whilst the vegetation has some aesthetic value it is not considered to have a high environmental value having regard for the NVIM mapping and associated scores.</p> <p>The native vegetation is not in an area mapped as an endangered Ecological Vegetation Class, sensitive wetland or coastal area and has an EVC status of least concern.</p>
4.	Aboriginal Heritage Act 2006.	<p>The vegetation earmarked for removal is not identified as being protected under the <i>Aboriginal Heritage Act 2006</i>.</p>
5.	Defendable space.	<p>The vegetation is not being removed for the purpose of defendable space.</p>
6.	Property Management Plan.	<p>There is no Property Management Plan applying to the subject land.</p>
7.	Offsets	<p>There is the ability to obtain and secure vegetation offsets which meet the offset requirements in accordance with the Guidelines. This has been demonstrated through a native vegetation credit register search.</p>
8.	Clause 52.16	<p>N/A</p> <p>The Application is not being made under the provisions of Clause 52.16.</p>
9.	Impacts on biodiversity	<p>The vegetation being considered under Clause 52.17 is not contained in an area mapped as an endangered Ecological Vegetation Class, sensitive wetland or coastal area. As outlined on the accompanying Native Vegetation Removal Report and the Flora and Fauna Assessment the vegetation loss will not have a significant impact on any habitat for rare or threatened species.</p>

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### Avoid & Minimise Statement

The subject land is contained within the Comprehensive Development Zone which development of the land as part of the Falls Creek Alpine Resort similarly to that established within the surrounding context. It is also affected by the provisions of the Erosion Management Overlay, Design and Development Overlay and Bushfire management Overlay of the *Alpine Resorts Planning Scheme*.

There are no Environment Significance Overlays applying to the site or immediate surrounds

Strategies for Falls Creek anticipate the area for development. The zoning of the land and the presence of servicing within the area including power, water and telecommunications further enhances this expectation.

Vegetation removal cannot be avoided entirely having regard to the limited site area. The design of the proposed development has attempted to minimise vegetation removal. The design of the development has prioritised the protection to trees and retains trees in the south-east and north east of the site. The development also avoids impacts to trees outside the lease boundaries.

Being within the Bushfire Management Overlay, the management of vegetation is necessary to protect human life and property. The proposed bushfire mitigation measures have sought alternative requirements from the standard vegetation management requirements prescribed in Table 6 under Clause 53.02-5. A number of trees are proposed to be retained despite not having a canopy separation of 5 metres.

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### **6.7 Bicycle facilities**

The provisions of Clause 52.34 apply to a dwelling development comprising four or more stories.

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 visitor/shopper/student at a rate of 1 to each 10 dwellings. The sum of the requirements of columns 2 and 3 of Table 1 is 3.2 bicycle facilities, or 3 rounded down to the nearest whole number.

Secure and lockable bicycle facilities are provided at ground level below apartment 11 with generous storage areas provided and consistent with the requirements for the design of bicycle spaces prescribed in Clause 52.34-6.

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## 6.8 Stormwater Management

The purpose of Clause 53.18 Stormwater Management in Urban Development is:

*To ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.*

Although this provision is well meaning within urban environments, given the climatic conditions of alpine areas and the wider non-urban environment, stormwater management is difficult to achieve.

In alpine environments stormwater management generally relates to snow shed safety and drainage diversion to avoid potential geotechnical related issues.

The proposed development has been designed with a high roof structure and with 6 degree angled roofing to ensure snow shed is contained within the lease site and directed away from winter building entrances.

Drainage is proposed to be installed along the eastern, southern and western sides of the building to divert stormwater away from the structure and reduce the risk of geotechnical risk.

Stormwater will be diverted to vegetated areas and snowfields allowing for the natural penetration of stormwater within the soil structure and the greater alpine areas.

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## 7. Conclusion

The proposed buildings and works (apartment building) and removal of native vegetation at 6 Falls Creek Road, Falls Creek is considered to accord with all relevant provisions of the Comprehensive Development Zone 1, Design and Development Overlay 2, Bushfire Management Overlay 1, Erosion Management Overlay 1, and Clause 52.17 of the Alpine Resorts Planning Scheme. The proposal is consistent with the Planning Policy Framework and Alpine Resorts Planning Strategy, has been designed to complement the Village and provide for a resilient and safe development.

For these reasons we respectfully request that Council consider the merits of the application favourably and resolve to issue a Planning Permit.

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