

Mt Buller Mt Stirling Resort Management Board and its obligations under the *Alpine Resorts (Management) Act 1997*

The *Alpine Resorts (Management) Act 1997* provides the management framework for all Victorian alpine resorts.

In short, the *Alpine Resorts (Management) Act 1997* specifies that Victoria's alpine resorts are primarily to be used for alpine recreation and tourism in all seasons of the year. The Mt Buller Mt Stirling Resort Management Board (RMB) are required to promote alpine resorts, attract investment, perform its functions in an environmentally sound way, prepare and implement a Strategic Management Plan (refer Mt Buller and Mt Stirling Management Plan 2013-2018) and to provide water supply, fire protection and snow making services. A Minister and public authority must take all reasonable steps to give effect to the Strategic Management Plans.

The Mt Buller Sustainable Water Security Project – Off Stream Storage Project stems from the *Mt Buller and Mt Stirling Management Plan 2013-2018* and its realisation should be understood within the context of the RMB's requirement to provide water, fire protection and snow making services to the mountain, operate in an environmentally sound way and develop and promote Mt Buller.

Alpine Resorts (Management) Act 1997

The following provisions of the *Alpine Resorts (Management) Act 1997* are considered relevant:

Pursuant to Section 1A the Object of the Act is to make provision in respect of alpine resorts (emphasis added):

(a) *for the development, promotion, management and use of the resorts on a sustainable basis and in a manner that is compatible with the alpine environment, having regard to—*

- i. environmental and ecological considerations, in particular, climate change; and*
- ii. economic considerations; and*
- iii. cultural heritage considerations, in particular, Indigenous cultural heritage considerations; and*

(b) *for the use of the resorts—*

- i. primarily for alpine recreation and tourism; and*
- ii. in all seasons of the year; and*
- iii. by persons from varied cultural and economic groups.*

S. 14-16 of the *Alpine Resorts (Management) Act 1997* establish there is a Council to be called the "Alpine Resorts Co-Ordinating Council" and that in carrying out its functions and powers the Council acts on behalf of the Crown and is subject to the general direction and control of the Minister (Minister for Environment and Climate Change).

S.33A and s.33F of the *Alpine Resorts (Management) Act 1997* requires the preparation of an Alpine Resort Strategic Plan and that the strategy be updated after five years. The Alpine Resorts Strategic Plan 2012 is the five year update of the Victorian Alpine Resorts 2020 Strategy. The Alpine Resorts Strategic Plan 2012 has been endorsed by the Victorian Government as published within the Government Gazette on 13 December 2012.

The Alpine Resorts Strategic Plan 2012 identifies the following key objectives:

Objective 1 – Enhancing the visitor experience and developing resorts

Objective 2 – Delivering resort services and infrastructure efficiently and accountably

Objective 4 – Respecting the alpine environment

Objective 5 – Broadening access opportunities

Objective 6 – Regulatory reform

The strategy articulates that one of the key barriers or constraints for Mt Buller is the lack of water, both potable and for snow-making.

Pursuant to s. 34 of *Alpine Resorts (Management) Act 1997* the Mt Buller Mt Stirling Resort Management Board (RMB) is established. Pursuant to s. 35 in carrying out its functions and powers the RMB acts on behalf of the Crown. Pursuant to s.38 of the functions of the Boards are as follows (emphasis added):

“Functions of Boards

The functions of each Board, in respect of each alpine resort for which the Board is established, are-

(aa) to plan for the development, promotion, management and use, of each such alpine resort in accordance with the object of this Act;

(ab) to—

(i) develop and promote; or

(ii) facilitate the development or promotion by others of—

the use of each such alpine resort in accordance with the object of this Act;

...

(ac) to manage each such alpine resort in accordance with the object of this Act;

...

(ag) to prepare and implement a Strategic Management Plan for each such resort;

....

(a) to act as a committee of management of any Crown land deemed to be permanently reserved under the Crown Land (Reserves) Act 1978 in each such alpine resort;

(b) to contribute, together with Tourism Victoria, established under the Tourism Victoria Act 1992 , and the Council, to the overall promotion of alpine resorts;

c) to develop a tourism and marketing strategy for and to promote each such alpine resort and to collect and expend voluntary contributions from commercial undertakings in each such alpine resort for this purpose;

(d) to provide services in the nature of

...

(ii) water supply:

...

(viii) fire protection:

...

(ix) snowmaking:

...

-for each such alpine resort and to charge contributions for the provision of those services;”

(g) to attract investment for the improvement of each such alpine resort in respect of which the Board is established;

(h) to carry out any other function conferred on the Board by or under this or any other Act.

(2) A Board must perform its functions in an environmentally sound way.

(3) In relation to Mount Stirling Alpine Resort, the Mount Buller and Mount Stirling Alpine Resort Management Board must exercise its functions under subsection (1) subject to the following principles—

(a) that the resort must be planned for, developed, promoted and managed as a nature based tourist, recreational and educational resource for all seasons of the year; and

(b) that there are not to be any ski lifts in the resort.

Pursuant to s. 56H of the *Alpine Resorts (Management) Act 1997* (emphasis added):

“Land managers and other Authorities to take Strategic Management Plan into account

In carrying out a function involving land management or land use planning—

(a) on behalf of the Crown; or

(b) under an Act—

a Minister, public authority, committee of management of reserved Crown land, municipal council or the Council must take all reasonable steps to give effect to the Strategic Management Plan for an alpine resort.”

Mt Buller and Mt Stirling Management Plan 2013-2018

The *Strategic Management Plan 2013-2018* (SMP 2013-2018) by the Mt Buller and Mt Stirling Alpine Resort Management Board articulates the direction provided by the *Alpine Resorts Strategic Plan 2012* for Mt Buller and Mt Stirling, in accordance with the requirements of s.56 of the *Alpine Resorts (Management) Act 1997*, noting it builds upon the direction of the Alpine Resorts Strategic Plan.

The SMP 2013-2018 was developed through a comprehensive consultation process which included consultation workshops with key stakeholder groups, key support agencies, Government

Departments and essential services organisations. The SMP 2013-2018 was endorsed by the Minister for Environment and Climate Change and gazetted on 13 November 2013.

It is noted that the SMP 2013-2018 identifies that a key objective is to provide safe and reliable water and waste water, and waste removal facilities and services.

A Key Commitment of this Management plan is to 'develop an additional water storage facility for snowmaking and potable water supply as detailed within the Resort's Water Supply Demand Strategy'. This project contributes to the realisation of that commitment.

The *Water Supply Demand Strategy for Mt Buller, Mt Stirling and Mirrimbah (May 2013)* (Water Supply Demand Strategy 2013) states that an additional raw water storage size of minimum 50 to 60 ML would be required to improve the summer period reliability and additional raw water storage capacity of between 100 to 150ML is ultimately required as well as additional supply sources to meet the medium term future demands. In this regard, the proposed 100ML water storage facility would meet the requirements for summer storage and the lower requirement for the winter period as outlined within the Water Supply Demand Strategy 2013.

Given the gazetted SMP 2013-2018 specifies commitment to develop an additional water storage facility in accordance with the Water Supply Demand Strategy 2013 and that the Water Supply Demand Strategy 2013 specifies a water storage facility of 100-150ML would be required to meet Summer and Winter demand, developing a water storage facility of 100ML for Mt Buller should be recognised as an endorsed position of the Victorian Government.