

# 2018 4WD/AWD VILLAGE PERMIT CONDITIONS

## FOR MT BULLER ALPINE RESORT

### 1 Definitions

In this Permit:

- (a) "Act" means the Alpine Resorts (Management) Act 1997.
- (b) "Allocated Parking Space" means a hard standing area in the Village which is allocated specifically for the parking of the Permitted Vehicles and includes an area which may be wholly contained in a lease or licence; an area partly contained in a lease or licence or an area which is not contained in a lease or licence;
- (c) "Areas Outside the Village" includes any area outside the Village;
- (d) "Board" means the Mount Buller & Mount Stirling Alpine Resort Management Board, its employees, agents, representatives & contractors;
- (e) "Car Parks" means the areas for parking cars shown on the Plan;
- (f) "Conditions" means these Permit Conditions;
- (g) "4WD/AWD Vehicle" means a vehicle with the capacity to transmit drive to all four wheels of the vehicle and fitting the vehicle criteria as specified by the Board;
- (h) "Hell Corner Car Park" means the Car Park shown "HCCP" on the Plan;
- (i) "Mt Buller" means the Mount Buller Alpine Resort;
- (j) "Mt Stirling" means the Mount Stirling Alpine Resort;
- (k) "Permit" means a category of permit for a 4WD/AWD Vehicle issued under the Regulations and which includes, without limitation, a Village Access Permit, Village Parking Permit or Transferable Parking Permit;
- (l) "Permit Holder" means the person holding a valid Permit
- (m) "Permitted Vehicle" means the 4WD/AWD Vehicle for which a Permit has been issued. One registration number only can be nominated per Permit;
- (n) "Plan" means the Plan or Plans of Mt Buller showing Car Parks and which is kept at the administration office of the Board;
- (o) "Regulations" means the Alpine Resorts (Management) Regulations 2009 and any reference to "Regulation" refers to these Regulations;
- (p) "Transferable Parking Permit" means a Village Parking Permit which is transferable between 4WD/AWD Vehicles and for which the fee determined by the Board under the Regulations has been paid;
- (q) "Tip Corner Car Park" means the Car Park shown "TCCP" on the Plan;
- (r) "Village" means the area bordered in thick lines on the Plan;
- (s) "Village Access Permit" means a Permit allowing access for a Permitted Vehicle to enter but not park in the Village and for which a fee determined by the Board under the Regulations has been paid;
- (t) "Village Parking Permit" means a Permit allowing access for a Permitted Vehicle to enter and park in an Allocated Parking Space in the Village and for which the fee determined by the Board under the Regulations has been paid;
- (u) Unless defined in this Permit, expressions have the same meaning as in the Regulations.

### 2. Authority

The Conditions are made under the Regulations.

### 3. Snow Season

The Conditions apply for the snow season specified on the Permit.

### 4. Acknowledgements by Permit Holder

- (a) No representation, warranty or assurance is given that the Permit will be issued for any further snow season.
- (b) No right, title, interest or legitimate expectation is embodied in the issue of the Permit.
- (c) Property in the Permit vests with the Board who may in its discretion, mark, endorse, invalidate, vary, confiscate or cancel the Permit and/or restrict entry into Mt Buller, Mt Stirling and/or the Village.
- (d) The Board is not responsible for clearing and keeping clear the Allocated Parking Space of snow.
- (e) The Plan has been inspected and the location of Car Parks in relation to the Village and other areas within Mt Buller is understood.
- (f) Breach of the Conditions is an offence under the Regulations carrying a maximum penalty of 2 penalty units and/or Permit cancellation.

### 5. Positive Obligations of Permit Holder

- (a) Permit Holder must comply with directions of the Board given at any time or from time to time in the interests of safety or for the management, protection or control of traffic at Mt Buller & Mt. Stirling.
- (b) Permit Holder must comply with any additional Conditions for access to, unloading and parking of Permitted Vehicle as specified by the Board.
- (c) Permit Holder must affix the Permit to the Permitted Vehicle permanently to the bottom right hand side of the vehicle windscreen, under the sweep of the windscreen wiper blades. Any other location is a breach of Vicroads regulations. Permit cannot be altered in any way.
- (d) Permit Holder must comply with the Regulations and the directions of the Board relating to wheel chains and ensure that the Permitted Vehicle is suitably equipped to drive on a declared Hazardous Road and on icy and snow covered roads.

### 6. Negative Obligations of Permit Holder

- (a) Permit Holder must not transport people or luggage from:
  - (i) Car Parks to the Village;
  - (ii) Village to the Car Parks;
  - (iii) Areas Outside the Village to the Village in association with a business;
  - (iv) Village to Areas Outside the Village in association with a business.
- (b) Permit Holder must not obstruct or hinder the flow of traffic and snow clearing machinery.
- (c) Permit Holder must not display on the Permitted Vehicle permits for Mt Buller & Mt. Stirling which do not relate to the current snow season.
- (d) Conditions 6(a) (iii) and (iv) may be varied with the prior written approval of the Board.
- (e) **If the Permitted vehicle is unable to park in the allocated space for any reason, the Permitted vehicle must exit the Village and park in the Tip Corner Car Park or Hell Corner Car Park. If either or both of these Car Parks are full, the vehicle must park as directed by Board Staff.**
- (f) The Permitted Vehicle must proceed directly from the Allocated Parking Space to Areas outside the Village.

### 7. Conditions Applicable to Village Access Permits

- (a) Permitted Vehicle must proceed directly to the Allocated Parking Space in order to load or unload passengers and luggage.
- (b) **The maximum period allowed for loading or unloading of Permitted Vehicle is 30 minutes.**
- (c) Whilst loading or unloading, Permitted Vehicle must not obstruct or hinder the flow of traffic or snow clearing machinery.
- (d) When loading or unloading is completed, Permitted Vehicle must be parked in the first available parking space in the Tip Corner Car Park or Hell Corner Car Park. If either or both of these Car Parks are full, the vehicle must park as directed by Board staff.

### 8. Conditions Applicable to Village Parking Permits

- (a) Permitted Vehicle must proceed directly to park in the Allocated Parking Space, which shall be On-site or Road side.
- (b) The Permitted Vehicle must be contained entirely within the Allocated Parking Space so that it does not obstruct or hinder the flow of traffic or snow clearing machinery.
- (c) Regarding the rotational condition on a Village Parking Permit: It is the Apartment Owners/ Lodge Members' responsibility to ensure the correct number of Permitted vehicles is parked in the allocated parking spaces at any time. If the number of Permitted vehicles parked at the site exceeds the allocated parking spaces, parking infringements will be issued to all vehicles, and may result in future loss of this privilege.

### 9. Conditions Applicable to Transferable Parking Permits

- (a) A Vehicle with a Transferable Parking Permit must be parked within a designated and self contained car park with a managed system of entry and exit which has been approved by the Board.
- (b) Transferable Parking Permits must be displayed on the left hand side of the vehicle windscreen of the Vehicle at all times whilst the Vehicle is within Mt Buller &/or Mt. Stirling.

**(c) The transfer of Transferable Parking Permits between 4WD/AWD Vehicles will be the sole responsibility of the Permit Holder and it is the Permit Holders responsibility to ensure all vehicles comply with the Permit Conditions and vehicle criteria as set by the Board.**

### 10. Indemnity

The Permit Holder must indemnify and keep indemnified the Board from and against any and all claims, losses, damage and liability (with civil or criminal) including any injury or death which is incurred by the Board as a result of the use of the Permitted Vehicle at Mt Buller & Mt. Stirling whether at the suit of the Permit Holder, any person claiming under the Permit Holder or at the suit of any third party.

### 11. Release

The Permit Holder and any person claiming under the Permit Holder releases the Board from and against any claim, loss, damage or liability (whether civil or criminal) including injury or death as a result of the use of the Permitted Vehicle at Mt Buller & Mt. Stirling.

### 12. Permit Replacement

If a Permit Holder sells Permitted Vehicle or requires a replacement permit for the Permitted Vehicle the permit must be removed and must be returned to Mt. Buller & Mt. Stirling Resort Management Administration in order to receive a replacement permit. The Permit Holder will be charged an administration fee of \$30.