



### ***Distance from the Development:***

To determine a Bushfire Attack Level (BAL), the distance between the development and the risk (i.e. vegetation) is measured in accordance with the FFDI and slope category.

The closest native vegetation to the proposed development, is located to the north above the subject works, therefore upslope.

This vegetation is categorised as Sub-Alpine Woodland. This is not a Forest, as Forests do not grow at this elevation (upper limit is 1500m ASL) and at 1760m ASL, this is at the very physiological limit for Sub-Alpine Woodland which only extends to an upper limit of 1800m ASL. The RFS Planning for Bushfire Protection Guidelines, 2019 (PBP, 2019) however incorrectly identifies Sub-Alpine Woodland as Forest vegetation. This is a significant policy departure from PBP, 2016 and AS 3959.

The distance between the proposed development and the Sub-Alpine Woodland vegetation to the north is 24m.

Below the road is a Valley Bog Wetland. This is identified as an Alpine Complex under PBP, 2019.

The distance between the proposed development and the Alpine Complex vegetation is 30m. The Alpine Complex vegetation is located downslope of the subject site at 5-10 degrees downslope.

These distances are shown in the endorsed APZ plan provided in Attachment A.

In accordance with Table A1.12.7 of PBP, 2019, the following BAL is required for the proposed development:

Direction from Proposed Development	Vegetation	Slope	Distance from Proposed Development	Required BAL:
North	Sub-Alpine Woodland	Upslope	24m	BAL-19
South-west	Alpine Complex	Downslope 5-10	30m	BAL-12.5

Accordingly, the construction standard condition is sought to be revised to BAL-19.

### ***Relevance of Lease Boundary:***

The lease boundary is a nominal boundary line, created by NPWS via a Surveyor with no development assessment or approval process with no regard to any physical or natural constraints, including bushfire, topography, biodiversity.

These boundaries are simply boxes drawn around buildings and do not represent future development opportunity as they have not been subject to a traditional subdivision process.

Therefore, it is not appropriate to use these lease boundaries to determine bushfire risk. Lessees have no right to clear native vegetation either within their respective lease boundaries, or outside of their lease boundaries.

To demonstrate that lease boundaries should not be used to determine bushfire risk, some examples of current leases within the Perisher Range are provided in Attachment 2.

Accordingly, applying a BAL-FZ construction standard to the proposed works, because the lease boundary was drawn close to the lodge building is not reasonable or appropriate.

For this reason, PBP, 2006 did not require an Asset Protection Zone in relation to SFPP developments within the Alpine Resorts and the BAL was determined by measuring the risk to vegetation, not the lease boundary.

This basic principle should be applied as a variation within the Alpine Resorts, under PBP, 2019.

***Section 6.6 of PBP, 2019:***

Section 6.6 of PBP, 2019 provides a discussion and objectives in relation to the Alpine Resorts.

It is noted that the key stakeholders within the Alpine Resorts, including the Resort Operators, Chamber of Commerce, representatives of Commercial and Club lodges (i.e. SLOPES), were not directly consulted on the draft provisions within PBP, 2018 or the final provisions within Section 6.6 of PBP, 2019.

Furthermore, PBP 2019 does not provide any performance criteria, alternate solutions or variations for the Alpine Resorts, despite its unique characteristics and challenges.

The specific objectives that apply to SFPP infill development in the alpine resort areas under Section 6.6 of PBP are nonetheless provided below with a response.

Section 6.6 - PBP, 2019		
Objective	Can Comply?	Response
➤ provide an appropriate defensible space;	✓	<p>The area around the lodge predominantly comprises of exotic grasses and a road, as illustrated in the photos provided in Appendix A of the Bushfire Report submitted with the DA.</p> <p>This vegetation does not require to be managed and never has. The exotic grass dies off each winter season.</p> <p>Therefore, an appropriate defensible space is provided, when the site is not covered in snow.</p>

➤provide a better bush fire protection outcome for existing structures (e.g. via ember protection measures);	✓	<p>Condition 3 of the BFSA outlines how the existing building must be upgraded to improve ember protection by undertaking some or all of the following: enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm.</p> <p>This will be undertaken commensurate with the very minor scale of the proposed works recognising the development does not increase the size or footprint of the building, does not increase the capacity for accommodation and that the cost of large-scale upgrades would not be viable.</p>
➤ensure new building work complies with the construction standards set out in AS 3959;	✓	<p>The new external work is very minor and is recommended to achieve a BAL-19 construction standard, as set out in the discussion above.</p> <p>Given that the new external works contribute less than 5% of the total facade of the lodge, any higher BAL rating would not result in improved bushfire risk for the building, with more than 95% of the lodge remaining the same.</p>
➤to ensure ongoing management and maintenance responsibilities are in place where APZs are proposed outside of the sub lease or leasehold area;	✓	<p>The lease area and area around the lodge does not require any additional maintenance responsibilities in relation to an Asset Protection Zone, with no more additional clearing required.</p> <p>The APZ Plan provided in Attachment A has been endorsed by NPWS.</p>
➤written consent from the land managers is provided for all proposed works outside of the sub lease or leasehold area; ➤proposed APZs outside of the sub lease or leasehold area are supported by a suitable legal mechanism to ensure APZs are managed under a binding legal agreement in perpetuity;	✓	<p>No additional works (i.e., clearing) outside of the lease area are required and the lease boundary has no relevance to bushfire risk as discussed above.</p> <p>The APZ Plan provided in Attachment A has been endorsed by NPWS.</p>
➤ensure building design and construction standards enhance the chances of occupant and building survival; and	✓	New building work to comply with BAL-19 under AS 3959.

➤ provide safe emergency evacuation procedures.	✓	<p>Condition 5 of the BFSA requires that a Bush Fire Emergency Management and Evacuation Plan must be prepared.</p> <p>It is noted that NPWS is responsible for Bushfire Evacuation and that it would be prudent and more effective if Bushfire Evacuation was handled on a resort by resort or precinct by precinct coordinated basis, rather than each individual lodge/lessee be responsible for their own Evacuation Plan.</p>
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Any additional construction requirements should be commensurate with the following:

- *the scope of the proposed works, including any increase in size and footprint of the building;*
- *any additional capacity for the accommodation of guests and/or staff on site;*
- *and the cost associated with the proposed upgrade of any building.*

The imposition of a BAL-FZ condition does not appropriately consider these objectives. As outlined above, a BAL-19 construction requirement is more appropriate given that the development does not increase the size or footprint of the building, does not increase the capacity for accommodation and that the cost of a higher BAL, would likely make the external works and therefore the entire development unviable.

In accordance with Condition 3 of the BFSA, the development will result in a better bushfire outcome by way of upgraded ember protection and by way of the new external alterations achieving a BAL-19 construction standard, when the existing lodge was built prior to any bushfire standard requirement.

As for the last provision:

*'As the bulk of existing structures in alpine areas are not constructed to appropriate bush fire standards, longer term plans should be developed to pro-actively enhance the overall bush fire protection'.*

Longer term plans would be welcomed so that each individual development that comprises of minor scale development is not subjected to this drawn out complicated and expensive process.

The longer term plans could include:

- Applying the exempt provisions from a BFSA under clause 45 of the Rural Fires Regulation for development of a minor nature that relates to an existing building that is for special fire protection purpose or minor external non-structural building alterations carried out in accordance with PBP, 2019.
- NPWS prepare and implement Community Protection Plans for each of the Alpine Resorts so that APZ are managed on a precinct by precinct basis, rather than an individual lease by lease basis.
- NPWS prepare resort wide or precinct-based Evacuation Plans.
- The Dept of Planning and RFS undertake proper strategic planning within the Alpine Resorts under the Snowy Mountains Special Activation Precinct, as the draft Master

Plan and the Bushfire Strategic Strategy placed on public exhibition are not sufficient or comprehensive to adequately address these issues.

- PBP, 2019 be amended to provided variations to the Alpine Resorts and/or develop a specific standalone Alpine Resorts policy that better manages these issues.

Should you wish to discuss this matter further, please contact me on the details provided.

Regards

A handwritten signature in black ink, appearing to read 'I. Pasalich', with a small flourish at the end.

**Ivan Pasalich**  
Principal

18 November 2021

## Attachment A

Australian Golf Ski Club  
C/- Ms Tracy Thew  
25 Porcupine Road  
Perisher Valley, NSW 2624  
By email: [tracythew@bigpond.com](mailto:tracythew@bigpond.com)

Copy to: Ivan Pasalich, [ivan@dabyneplanning.com.au](mailto:ivan@dabyneplanning.com.au)

Dear Tracy,

**Asset Protection Zone Plan – Australian Golf Ski Club, Perisher Valley**

I refer to your application to the NSW National Parks and Wildlife Service (NPWS) to undertake vegetation management works for the establishment and ongoing maintenance of an asset protection zone (APZ) for Australian Golf Ski Club, Perisher Valley (Lot 605 DP 1158020) as per the attached APZ plan.

I understand that the proposed works are required to provide an APZ for the building and will comprise:

- removal of all fine fuels such as leaves, twigs, bark etc surrounding the building;
- removal of any trees or branches that are overhanging the building whether live or dead;
- removal of trees to provide a defendable space within the lease area for Australian Golf Ski Club and extending beyond the lease area as per the attachment; and
- trimming/mowing of ground cover within the APZ space.

In undertaking the works, I request that the minimum amount of removal is conducted to achieve compliance with the guidance issued by the NSW Rural Fire Service (RFS). In this regard, I note the following provisions of the *Planning for Bushfire Protection 2019* guide adopted under the *Environmental Planning and Assessment Regulation 2000* (NSW) which may be relevant to the works:

- native tree canopies will not exceed 15% of the APZ area;
- understorey vegetation will not exceed 10% of the APZ area;
- tree canopies will not be continuous from hazard to asset/building;
- lower branches will be pruned up to 2m above the ground;
- tree canopies will not overhang the asset/building; and
- no understorey vegetation to be located below trees.

A full copy of the guide is available online at the following URL:

<https://www.rfs.nsw.gov.au/plan-and-prepare/building-in-a-bush-fire-area/planning-for-bush-fire-protection>

Based on the information provided to NPWS, the proposed works are considered likely to have minimal environmental impact and are required to provide an APZ for



Australian Golf Ski Club, Perisher Valley. Approval is hereby given under clause 21(2) of the *National Parks and Wildlife Regulation 2019* (NSW) for the proposed works.

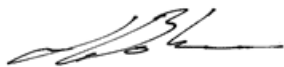
This approval is granted subject to conditions which are set out below:

1. All vegetation must be checked to ensure that there are no fauna or fauna habitats present prior to felling. If fauna or evidence of fauna is found then further consultation with NPWS is required.
2. All works must be conducted by handheld equipment (e.g. chainsaw, brush cutter, push mower).
3. All cut vegetation must be moved away from the building so that it does not add to the fuel load around the building.
4. Tree removal must be undertaken by dismantling piece by piece rather than cutting down whole. If suitable placement areas are not available in the immediate vicinity of the works or if the cut timber would become a hazard then the timber must either be removed from Kosciuszko National Park or cut up and stacked appropriately for use as firewood.
5. Tree stumps are to be cut to ground level only. Stumps are not permitted for removal (i.e. no soil disturbance).
6. All works must be in accordance with RFS guidance and standards, and performed according to law by experienced and (where necessary) licensed persons.

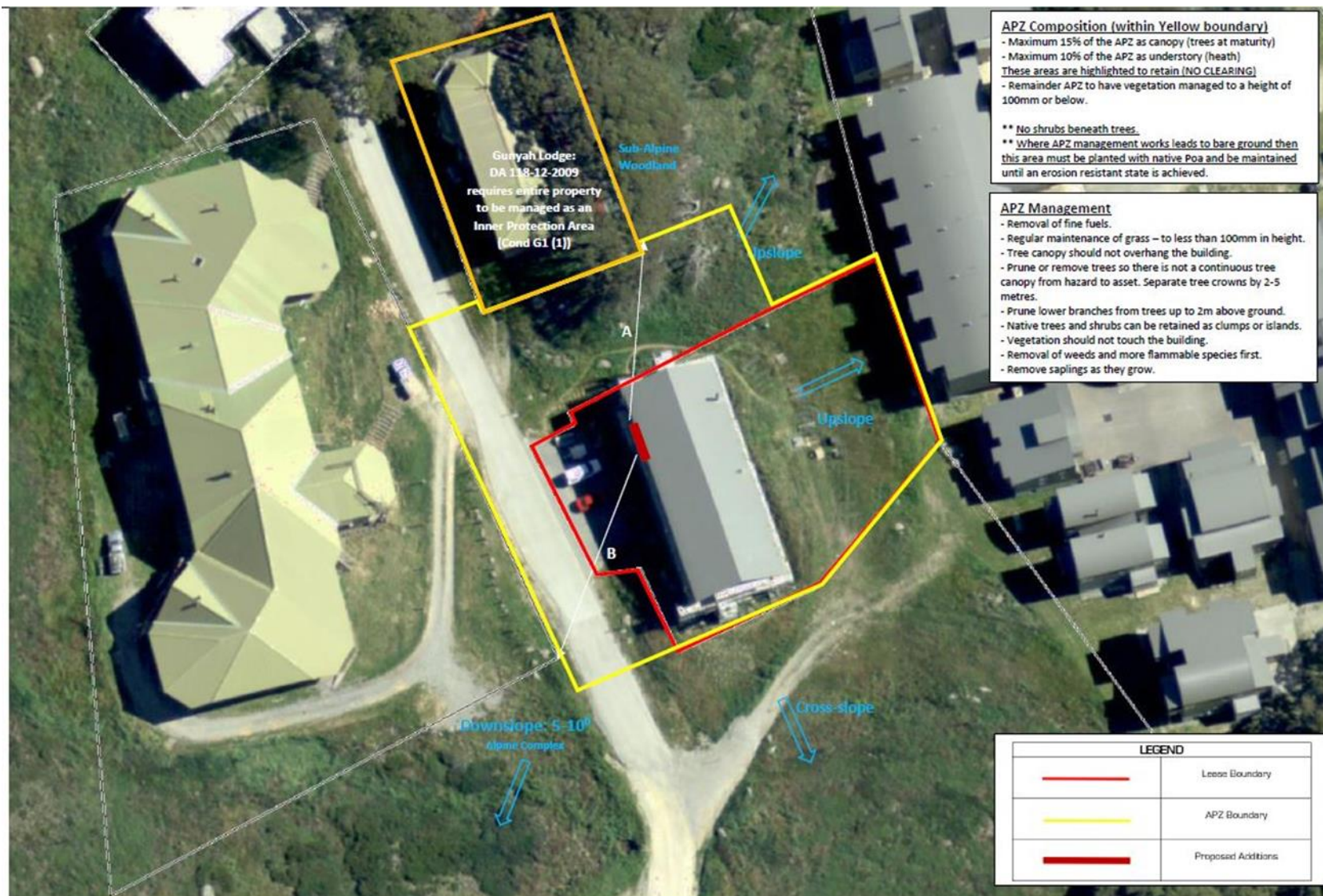
This approval is granted for the current term of the lease for Australian Golf Ski Club and is for both the implementation of the APZ plan as well as vegetation management required to maintain the APZ. The effect of this approval is to revoke and replace our previous approval for APZ management works issued on 5 October 2021.

If you have any enquires regarding this matter, please contact Marion Battishall, Resorts Environmental Liaison Officer, on 02 6451 3719.

Yours sincerely



**Kelsey Boreham**  
**Team Leader, REST**  
**Southern Ranges Branch, NPWS**  
16 November 2021



APZ Plan

Australian Golf Ski Club - Perisher Valley

20.10.2021



Attachment B



