

ALL DENOMINATIONAL ALPINE CHURCH & COMMUNITY CENTRE

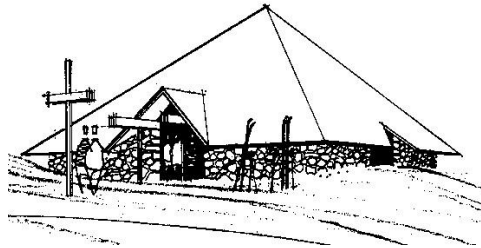
26 BURRAMYS ROAD PERISHER VALLEY NSW 2624

KOSCIUSZKO NATIONAL PARK

PO Box 331, Sutherland NSW 1499

Chairman of Trustees:

Julian Thompson



Trustees:

Les Thompson
Alan Branch
Peter Rochaix
Ian de Jersey

NSW Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Dear Sir/Madam,

Re: DA21/11288 (PAN-122525) Proposed Perisher View Ski Lodge

I am writing on behalf of the trustees of the All Denominational Alpine Church and Community Centre located at 26 Burraramys Rd, Perisher Valley to object to the above proposed development. Despite beneficial modifications to the original proposal, it will have unavoidable impacts on the Alpine Church which is located immediately adjacent and downslope of the development.

The trustees of the Alpine Church object to the proposal on the following grounds:

1. Loss of solar access

Clause 15(1)(b) of State Environmental Planning Policy [Kosciuszko National Park – Alpine Resorts] 2007 (“the SEPP”) requires the Department to take into account the building height where it “limits solar access to places in the public domain where members of the public gather...” The Alpine Church is a multid denominational church and community centre which is open to all and is clearly a place in the public domain where people gather. The Church’s busiest time of the year is during the peak winter season when the sun is lowest in the sky and solar access is very important.

This proposal will partially overshadow the Church on winter Sunday afternoons when people gather to worship. This limits the 100% solar access the church currently enjoys – at a time when church services or use of the building as a community centre is likely to be in progress. This is a significant impact which the SEPP is designed to control.

It is implied in the proponents Response to Submissions Report (Geoanalysis, June 2022) that the church building is only used between 12-1pm on Sundays during winter and that solar access considerations should only apply during this time. Whilst it is true that church

services occur between 12-1pm on Sundays (in winter), the building is in use between 11am and at least 2pm to prepare for and pack up following a service. There are also a multitude of other uses that the building is put to at other times of the day, week and year. For example, weddings, christenings, meetings and private functions occur throughout the year at different times.

The trustees ask that consideration be given during the decision-making process to preserve solar access (which is currently unimpeded) for the church building as a whole across the year, rather than merely focus on service times (12-1pm Sundays).

2. Visual impacts - size and bulk of the building out of character

The proposed building is higher and bulkier than nearby buildings and will be out of character for this area of front valley. It dwarfs and overshadows the church building, the ski patrol building and Celmisia lodge.

The proposed building will be the most prominent building in view from Front Valley when looking northwards. The Alpine Church site was designated due to its prominence above Front Valley, so that it would be a visible gathering place for the community. This proposal will undermine that objective.

Thank you for the opportunity to make a submission.

Yours sincerely

[REDACTED]

[REDACTED]

The Alpine Church & Community Centre - Perisher Valley

26 June 2022

Mark Brown
 Senior Planning Officer
 Alpine Resorts Assessment Team, NSW DPIE
 Made via NSW Planning Portal

28 June 2022

Dear Mark,

OBJECTION TO DA 21/11288 – PERISHER VIEW SKI LODGE

Further to our submission from August 2021, we provide the below objection to the proposed 'Perisher View Lodge' and the revised documentation package.

I have been engaged by the Ku-Ring-Gai Alpine Lodge (KAL), which is the adjoining neighbour to the northeast of the subject site. KAL was built in 1961 and has a thriving member base and community group.

While the applicant has revised much of the documentation from their original DA submission, no modification to the gross floor area of the proposal (and resultantly the overall size and impact of the proposal) has been revised. Refer below table for further information.

Areas of Non-Compliance

Perisher Range Resorts Masterplan. Schedule 2 – Development Guidelines and Controls for Guthega, Smiggins Holes and Perisher Valley Outer Precincts

Section	Control	Non-Compliance
1 - Permitted Land Use and Floor Space	Floor space permitted to be 25m ² per bed. 24 beds x 25m ² equates to 600m ²	The proposal is for a building of 879m ² (36.6m ² per bed). The application disputes the definition of GFA and relies on the standard LEP template definition of GFA – which is not applicable to this project. The development is considered to be over scale.
3 – Building Height	Height of buildings in the area is restricted to two storeys	The proposal is for a 3-storey building which in some locations is created by excavation, however the southern side of the building will present as 3-storeys as the basement or lower ground level is above existing natural ground level.

Perisher Range Resorts Master Plan. Schedule 1 – Ecological Sustainability and Environmental Performance

Section	Control	Non-Compliance
5 – Development Bed Ratio	Energy efficiency in construction and operation will be maximised through limiting the overall volume of the development. 25m ² / bed Floor Space is permitted.	The proposal exceeds the GFA. This is a non-compliance and has flow of impacts to bulk and scale and the proposed development.

Discussion

GFA

As discussed in our 2021 submission, the proposal is considered an overdevelopment of the site as it exceeds the Floor Space provision controls. The applicant has provided no further discussion/ justification for the non-compliance in their revised submission. The SEPP (KAP-AR) 2007, which plays the statutory instrument role in this instance, contains the GFA definition matching that of the Masterplan. Pursuant to the SEPP and the Masterplan, the proposal is 32% over the permissible floor area for the lodge size.

The applicant argues that 9.6m² per bed over the control is acceptable, however this additional area adds to the bulk and scale of the development.

The resultant impact of the bulk and scale non-compliance is that the building will be overbearing to pedestrians, experienced not only from KAL but also from the Burramys road and the half pipe ski area. This is contrary to the intent of the masterplan for new lodge developments on the resort.

Conclusion

The applicant should be required to revise the development to reduce its size, bulk and scale and bring it in line with the controls for the site. The development is considered to have a deleterious impact on the enjoyment of KAL users and surrounding sites. The development is considered to not reflect the anticipated character of the site.

If the applicant requires 24 beds on the site to balance the commercial investment, it is considered that the site size is too small for this use and inappropriate in this instance.

The proposal is contrary to Cl 4.15(1)(e) of the EP&A Act 1979 in its current form and should not be approved.

Please contact me should you wish to discuss.

Regards



Kate Lyons

Consultant Planner

SUB-2580

Premises: Perisher View Lodge, Perisher Valley
Proposal: Construction of 24 bed commercial lodge
DA No: 21/11288 (PAN-122525)

Dear Sir/Madam

I write as a chaplain for Perisher Resort and Team Leader for The All-Denominational Alpine Church Perisher Valley.

I want to commence by thanking the applicant for acting on many of the concerns made in earlier submissions. However, there are other concerns that have not been fully addressed or indeed not addressed at all. I list these below:

1. The size and bulk of the proposed building, with its proposed positioning, will dwarf the Alpine Church, a significant community and heritage building on the Perisher range, opened in 1962 by the Chief Justice of Australia and dedicated by the Governor of NSW.

The building is extensively used throughout the year with an average yearly attendance of some 1000 people. The services advertised throughout winter at 12.30 pm are but some of the gatherings that are held on the premises. Baptisms, funerals, and weddings are also held in the building. It cannot be overstated enough that this significant structure holds a prominent place in the hearts of the Perisher community. It remains the highest church building in Australia. People delight to enter its doors and to join in its services.

This usage can only increase over the years to come especially with the Snowy SAP developments and the recommendation to the NSW Government by Vail Resorts for a village type development on the existing Perisher carpark.

The location of the building was determined in the early 1960s to give it a position that would make it stand and be a prominent feature on Front Valley. The size and bulk of the proposed building has been scaled back but its location on the uphill side of the church 3 storeys in height and only a maximum of 11 metres from the church will detract from the simple elegance of the church pyramidal shape.

There is opportunity to move the building even further to the north slightly higher up the hill towards the lease boundary marked 16.51 on the surveyed lease drawings. I ask that this be done or even more appropriately, to move the present lease area itself slightly further uphill.

2. Overshadowing: At the winter solstice at 2pm the building will be shadow and the entire building in shadow at 3pm. This effectively means that the large western window where most of the light enters the building will be darkened, changing the ambient light in the building during services. This would be a significant loss of amenity to the church and must be rectified. As mentioned, regular services in winter are currently scheduled for 12.30 pm but these may change at any time and baptisms, weddings and funerals occur at other times of the day.

I refute any claim that numbers of visitors are least in number around the winter solstice of 21 June, so overshadowing in effect is insignificant. As an example, the Queen's Birthday weekend in 2022 had a great number of visitors to the area. On this and subsequent weekends, entry to

the National Park was closed because capacity was exceeded. There were two well attended services on 11 and 12 June, one being the Opening of the Snow Season Service with the Perisher community making up the congregation. The comment made that the overshadowing around this date is "not a concern" is simply not true.

3. The entrance driveway: I note that the hard surfaced driveway is drawn to provide access outside of the lease area and travel somewhat east/west across the area immediately in front of the church. It should be noted that this area is regularly used by children/adults for snow play in winter, creating considerable danger to children and to skiers. This was advised in a previous submission. Any suggestion to limit the movement of vehicles in and out of the building for 30 minutes either side of the church services is both impracticable and totally non-enforceable. Who is to oversee this?

Access to the building should be directed to the closest point on Burramys Road rather than a totally new driveway/road across a non-leased area. This is an extraordinary feature of the proposed DA. Why is a new road being built effectively parallel to Burramys Road albeit for a short distance rather than entering Burramys Road at the closest point to the garage/entry of the proposed building?

4. Runoff: Owing to the slope of Front Valley with the proposed structure immediately above the church there must be greater attention to snow melt and storm water runoff. The current lease area as is composed of soft ground. Changing this to a built hard surface with paving and roofs will greatly increase the water flow downhill. The basement of the church already suffers from significant egress of water which can only increase when the additional building is developed. The proposal is to construct earthworks at least 300 mm high. This must be revised to provide redirection of higher than usual flows in heavy snow years or heavy rainfall years as has been recently experienced. If this is not considered, significant water undermining of the church will occur. Even without the proposed building development, I have seen a flood of water enter the front porch undermining the stonework on the eastern front entrance.

5. Other matters:

a) Construction is being allowed in summer on Sundays and Public Holidays between 8-3pm. There are some services held during summer at around noon. Construction occurring when services are held would be a significant impost on the atmosphere.

b) Gas storage. I note that the gas storage will have a solid stone/brick wall to protect it from view on Front Valley but its proximity just over the minimum 6000mm is cause for concern. This large storage of gas will be immediately above the main body of the church building where the majority of people inside the building are sitting.

Thank you for your consideration of these matters. We all stand as trustees of this beautiful area and any changes to this, and other significant locations must be measured and well thought out. To do otherwise is to leave a deleterious legacy for others to lament when we are gone.

Sincerely

Graham Morrison (Rev)
Chaplain Perisher and District

[REDACTED]
[REDACTED]

SUB-2581

The Chairman
Yaraandoo Ski Club Co-operative Limited
106 Burramys Road
Perisher Valley
NSW 2624
30 June 2022

OBJECTION TO DA 21/11288 PERISHER VIEWS SKI LODGE

Yaraandoo Ski Club Co-operative Limited board is in receipt of the DPIE/NPWS email of 15 June 2022 notifying of an 'update' to DA 21/11288 Perisher Views Ski Lodge. This 'update' is titled "Response to Public Submissions DA 21/11288" author of which is Geoanalysis Pty Ltd (lessee of lease AK755506B).

Firstly, the 'update' says that DA 21/11288 was on exhibition until 'Fri 19 August 2021'. Yaraandoo lodged its objection to DA 21/11288 on Friday 20 August 2021 on behalf of its 70-plus members.

As well as technical issues in respect of Lease AK755506B (upon which DA 21/11288 relies) Yaraandoo's objections are in respect of risks created by DA 21/11288, including:

- Risk to safety of oversnow (private, commercial and emergency) operations and of winter residents of Sundeck Hill introduced by destruction with a 6.5M excavation of the existing historical oversnow route that follows the fall-line up and down the village side of Sundeck Hill.
- This route has served the 530- winter residents of Sundeck Hill safely for 61 years since Ken Murray rebuilt Sundeck Hotel for the 1960 season (after it burnt down) and purchased two weasels to service its needs.
- It has further supported the commercial oversnow operation for 45 years (commenced 1976) the scale of which includes changeover of some 530 Sundeck Hill guests each winter weekend – ie approximately 1060 passenger and luggage movements each weekend.

The Yaraandoo board considers these risks to be unacceptable and unchanged in the light of the recent 'update' and Yaraandoo's objection of 20 August 2021 which has stood for 10 months continues to stand unchanged.

Additionally we wish to draw the attention of DPIE/NPWS to Lease AK755506B Part B Additional Covenants Part B(11)(ii) and (iii) wherein it is clearly stated that the parcel of land ("the Premises the subject of this lease") is adjacent to The Stables.

The Lessee referred to in Part B(11) was Deanes (Suzanne & Ronald) from whom Geoanalysis Pty Ltd purchased Lease AK755506B (on an unspecified date).

The Yaraandoo board wishes to assure DPIE/NPWS and the proponent of DA 21/11288 that it would consider the construction of Perisher Views Ski Lodge upon the site specified by its lease (AK755506B) adjacent to The Stables to be a worthy addition to Perisher Resort village.

Thank you,
Martin French
Chairman

SUB-2582

I object to NPWS granting the site without any community consultation, yet it seems we are past that point and there will be development on the site.

I object to the size of the building - 35 square metres per bed is too large. There has been a history in the valley of large developments with minimum beds. This leads to more people being accommodated than the lease allows and developments not paying their fair share of MSU charges. Compare the size of this lodge with similar properties in the valley before approval.

There was a report done many years ago by Price Waterhouse that found that it was uneconomic for a commercial lodge to have less than 50 beds.

SUB-2585

Firstly my objection of 20 August 2021 remains in place and unchanged by the Response to Public Submissions DA 21/11288 Geoanalysis Pty Ltd June 2022.

Secondly I find the tone of Chapter 2 of the Response to Public Submissions DA 21/11288 Geoanalysis Pty Ltd June 2022 to be disquieting in its discarding of the 'few seconds saved' as unimportant – which would in fact be of critical importance to someone whose lodge is burning down or to someone undergoing a medical emergency.

The significance of the 'historical fall-line oversnow route' lies in its alignment with the direction of the fall of the slope for optimum safety – it can be negotiated without having to traverse the slope – a fundamental physical attribute (related to gravity) of any alpine resort!

Thirdly, I wish to address content of Chapter 2 of the Response to Public Submissions DA 21/11288 Geoanalysis Pty Ltd June 2022:

Chapter 2 relies on no objective data at all.

Chapter 2 refers to and relies on the document (referenced below) to assert the legality of the oversnow route as following Burrumys Road:

Alpine Resorts Winter Access Kosciuszko National Park (Office of Environment and Heritage, 2018), Appendix A

I wish to draw attention to the Disclaimer by the publisher at the beginning of this document:

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Oversnow routes are determined by the Minister (Lessor) and relevant agencies.

Fourthly I wish to address Crown Lease A755506B.

1. Lease AK755506B is a Crown Lease in KNP – the Lessor is the NSW Minister responsible for KNP.

2. The Lessee (Geoanalysis Pty Ltd) acknowledges that it has the power to enter into and observe its obligations under this lease (Clause 2.3 Representations).

3. Clause 14.2.1 defines the Essential Terms of the Lease – breach of which results in repudiation of the lease.

4. Clause 14.2.1 requires the Lessee to operate the lease with safety (Clause 14.2.1(h) and (i)) – Clause 5.3 and Clause 5.30.

5. Clause 5.3 requires compliance with Statutory Requirements;

5.3.1(a) requires compliance with all laws and of any relevant authority;

5.3.1(d) requires compliance with any Plan of Management for the park

Perisher Range Resorts Management Plan Section 6 specifies "no new development in Perisher North Outer Perisher Valley open valley areas".

6. Clause 5.30.1 requires compliance with the Commonwealth Work Health and Safety Act (2011).

7. Geoanalysis Pty Ltd (the Lessee) is a single director company.

8. The director is the PCBU (Person Controlling a Business or Undertaking) for Geoanalysis Pty Ltd as required by the Cwlth WHS Act (2011).
9. The PCBU is responsible and accountable for the risks associated with operation of the company.
10. A decision by the Geoanalysis Pty Ltd board to issue a contract for construction of Perisher Views Ski Lodge on the front valley site creates risk for the Sundeck Hill winter community (more than 530 beds).
11. That risk results from destruction of the historical oversnow route that follows the fall-line of the slope up and down Sundeck Hill by digging a 6.5M deep excavation to contain the three-level Perisher Views Ski Lodge building.
12. The historical fall-line oversnow route has demonstrated 61 years of safe and reliable oversnow operations (private, commercial and emergency vehicles) since Ken Murray rebuilt Sundeck Hotel (after being burnt down) in 1960 and purchased two weasels for its needs.
13. By forcing oversnow operations away from the fall-line and recognising the nature of those risks (a function of weather, snow conditions and laden tracked vehicle behaviour – up to 5 tonnes) the PCBU has created new risks that are impossible to mitigate as required by (Cwlth) WHS Act 2011 – thereby breaching Clause 5.30.1 (an Essential Term of Lease AK755506B).
14. Schedule 3 Additional Covenants Part B Clause 11 History of Grant of This Lease Sub Clauses (ii) and (iii) specify unequivocally that the parcel of land adjacent to The Stables is the “Premises the subject of this lease”.
15. DA 21/11288 cannot be approved on the front valley site.
16. If construction of Perisher Views Ski Lodge were to proceed on the site specified in Lease AK755506B - Schedule 3 Part B(11)(ii)(iii) adjacent to The Stables I would withdraw this objection.

James Holder
30 June 2022



Peter Murray
Kalymaro Director

Mark Cahill
Kalymaro Director and President

Kalymaro Alpine Sports Club (Co-Op Ltd)
Registered Office C/O Mark Cahill



Tuesday 21 June 2022

Jennifer Stevenson
Administrative Officer
Alpine Resorts Team
Regional Assessments
Regions, Industry, and Key Sites
NSW Department of Planning, Industry, and Environment

Shop 5A, 19 Snowy River Avenue
PO Box 36
Jindabyne NSW 2627

Re: Submission to DA21/11288 Perisher View Ski Lodge – Revision B

Dear Jennifer,

We write to make a submission on DA21/11288 Revision B. The proposed lodge is a relatively short distance from our own club lodge, and if developed, will impact our member's safety and amenity. **We object to the proposal, due to significant siting, safety, and amenity concerns.**

We write on behalf of the 118 members of Kalymaro Alpine Sports Club. This cooperative organisation is based in Perisher Valley and has been operated by a volunteer board of directors since 1962. Our club enables its members to pursue alpine sports regularly and affordably by providing family-friendly communal lodge accommodation. Our club members' commitment to year-round alpine sports makes us keen stakeholders in the future of Perisher Valley.

We object to the Development Application on the following grounds:

1. Siting – the proposed development site is an inappropriate location for a new ski lodge.

The proposal is inconsistent with the *Perisher Range Resorts Master Plan 2001* strategy for the Outer Perisher Area where development is limited to "replacement, extension, or refurbishment" of existing buildings only. We understand SLOPES have raised concerns about the potential development on this site, and have suggested that the site should never have been created. We continue to support SLOPES' ongoing objections to this development.

2. Safety – the proposed development will create safety risks for pedestrians, cyclists, skiers, snowboarders, and motorised vehicles on Burramys Road.

Our members, who include families with children as well as the elderly, often walk or ski along Burramys Road. This unsealed and uncleared road is shared with vehicles, and has no footpath.



This DA should be reviewed with the above public access and public safety considerations in mind. (1) There is a relatively steep and narrow slope on this section of Burramys Road, making it difficult for skiers and snowboarders (especially beginners) to moderate their speed. (2) The road corner to the north-west of the subject site is where skiers and snowboarders may discover that there is a snowmobile or oversnow vehicle ascending the road towards them (noting that some vehicles such as groomers are very wide, and can carry large plows and blades), in which case evasive action will be required to prevent a head-on collision. However, if the proposed development occurs, then both ascending and descending people and vehicles will be forced to travel in the limited space (3) between Celmesia Lodge and the new building. Therefore, the proposed development must be designed to ensure that if any skiers or snowboarders descending Burramys Road were to lose control and head towards the building (4), then there would be minimal risk of injury if they were to collide with any part of the building.

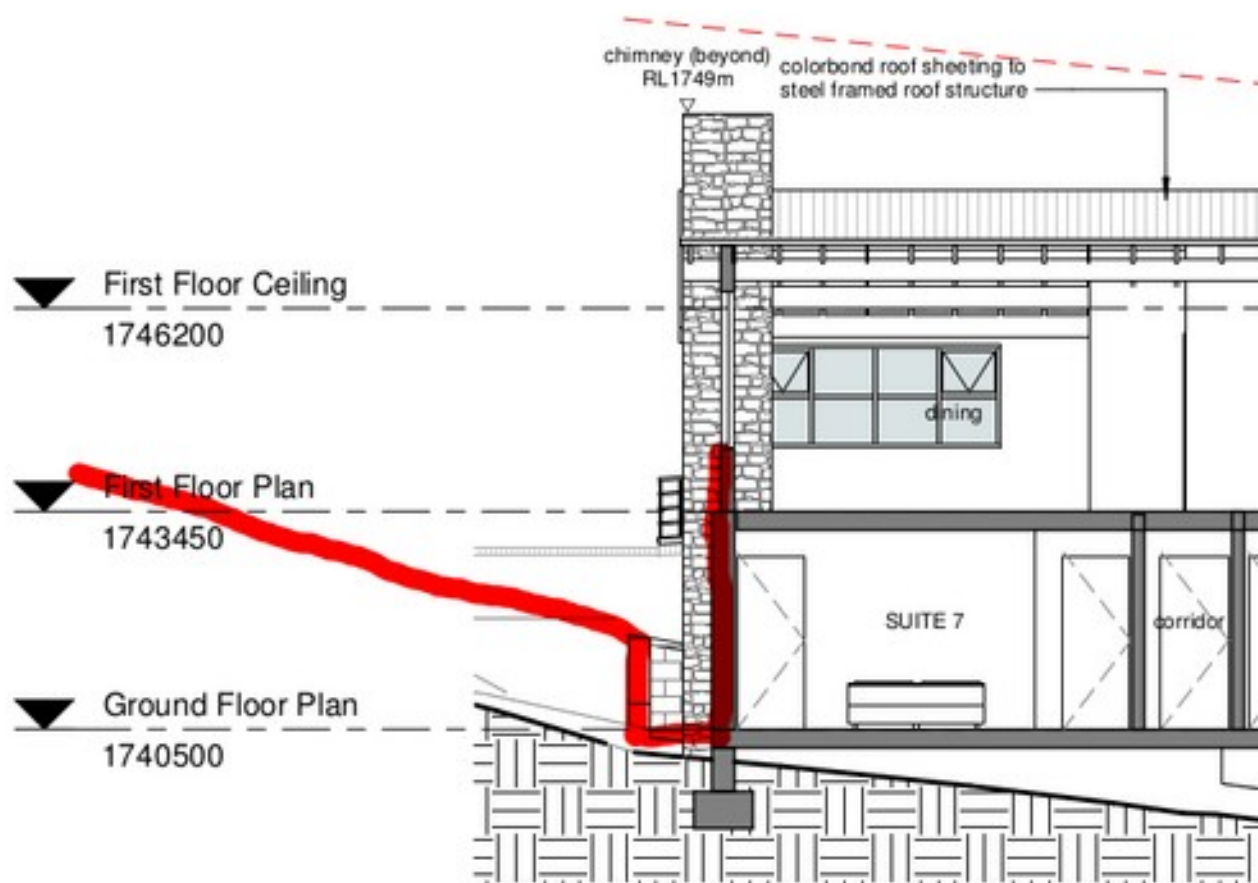
Limitations to the consideration of safety in the proposal

The Response to Public Submissions Report June 2022, (“RPSR”) the “Burramys Road Oversnow Transport” section on pages 3-8 is limited in focus upon motorised vehicles, and neglects to recognise the safety concerns for pedestrians, cyclists, skiers, and snowboarders who use this road in summer and winter. In particular, it is concerning that the proposed development fails to consider the increased risk and severity of wintertime collisions between people and motorised vehicles on this road (because even though this road is outside the boundary of the subject site, skiers and snowboarders are not limited by the 30km/h speed limit of this road, and require space and time to slide to a stop).

The RSPR also states that “It is common throughout Perisher for oversnow vehicles to share oversnow routes with skiers, indeed this occurs for the length of Burramys Road uphill of Perisher Views.” While this is true, it should also be recognised that no other buildings are sited in such close proximity to the downhill side of this road.

The RSPR shows that the subject site was roped off in winter 2020 to test the operation of the road in a more confined space. However, the proposed development should not rely on ski patrol safety fencing being strung up around the building, because orange poles and ropes would not prevent a collision with the building, and because any permanent or temporary “danger” fencing or signage would detract from the amenity of the environment. It would also create an unnecessary and perpetual burden on ski patrol resources to maintain the poles and ropes in this location throughout the winter.

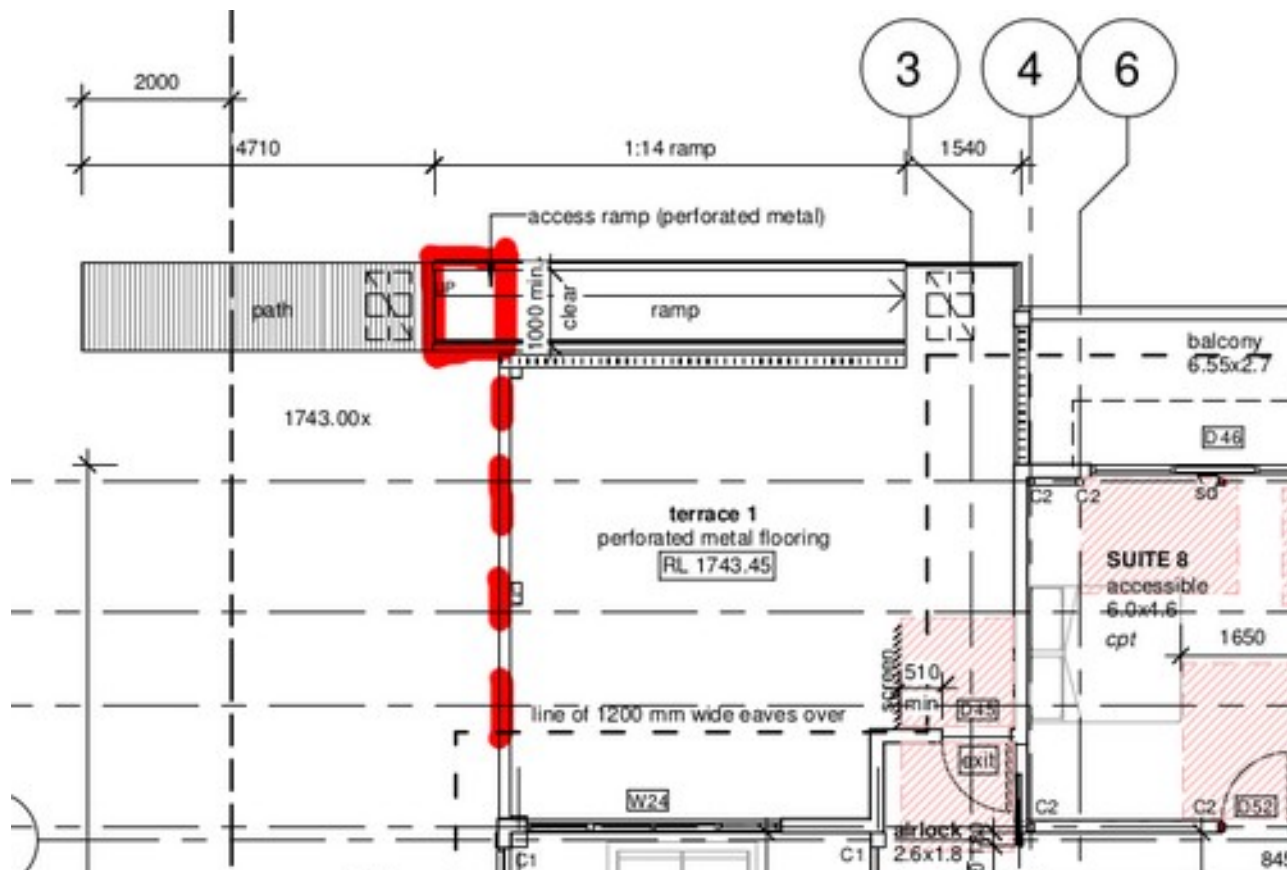
We recognise that Revision B increases the setback from the western boundary to Burramys Road, and we applaud the applicant for improving the safety of this arrangement relative to the 0m setback of the original plan. However, it is misleading for the current drawings to state that the new minimum setback to the boundary is 3m when there is both a proposed retaining wall and a ramp balustrade located within this 3m zone. Both of these features would have serious safety risks for the public in the event of a collision. Furthermore, there is no valid reason why the setback to the western boundary should be any less than the 5m setback proposed to the northern boundary.



Retaining wall safety hazard

Section BB – if it were drawn with the section cut further to the north through the building – would show the ground line similar to what has been approximated in red in the sketch above. The deep void between the western facade of the building and the retaining wall at the ground floor level is likely to create a hole at the bottom edge of the slope down towards the building from Burramys Road. In any wintertime conditions when there is insufficient snow to fill this hole (or if the owner of the proposed building were to keep this

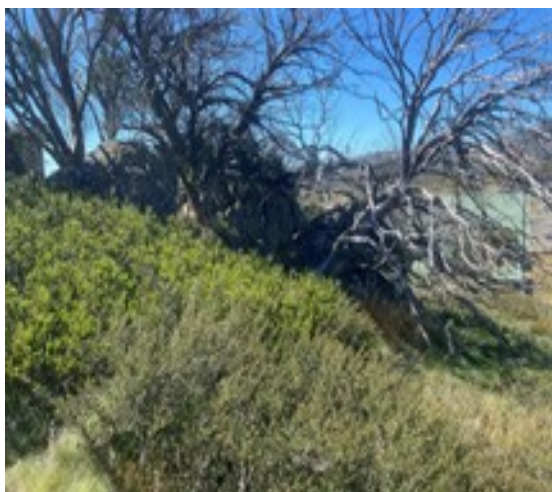
void cleared of snow for maintenance reasons), then there would be a significant risk that a skier or snowboarder could fall into the hole and be injured.



Ramp balustrade safety hazard

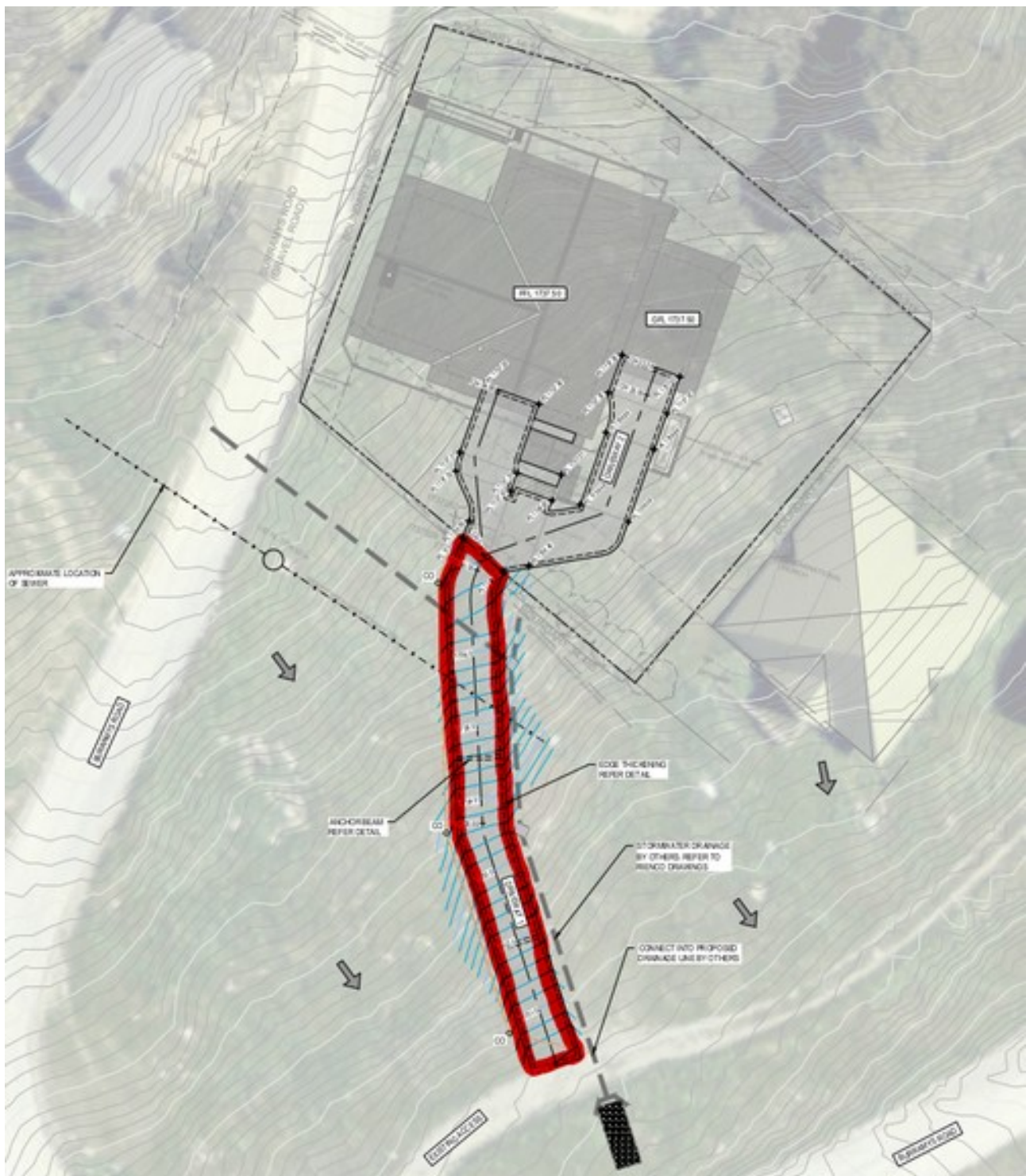
The first floor plan shows the access ramp and balustrade (red box area above) protruding westward beyond the alignment of the edge of the terrace (red dash line above). This projection of these built elements towards the road creates an additional safety hazard for skiers and snowboarders descending down Burrarnys Road. The thin size of these elements would make them more difficult to see than the outline of the building itself – particularly in limited visibility situations which are common in winter – presenting an unwelcome risk of collision for a skier or snowboarder descending the slope. Again, the proposed development should not rely upon any permanent or temporary signage or fencing for safety.

3. Public amenity – the proposed development will negatively impact upon the National Park environment well beyond the site boundary.



Undue impacts upon tree canopy

The DA is predicated upon the assumption that the nearby stands of snowgums that are affected by dieback can be removed and not replaced. This is an unacceptable impact upon the alpine environment, because even while snowgum dieback is being actively investigated by a research team at ANU, this Asset Protection Zone proposal could prevent snowgums from ever being reestablished in this space. It is possible that dieback may be slowed or reversed in the future (either by natural changes or human intervention), so any development of this site should not include an APZ that will prevent snowgum regrowth from occurring in this location.



Undue public space, visual, ecological, and drainage impacts

It is quite unreasonable for the proposal to position its driveway on the southern boundary of the site so that the alignment of the driveway is a relatively long path through public space. This unacceptably long driveway would be an unsightly visual scar on the otherwise green slope, and it would be highly visible from a long distance away. It would also increase the hard surface area of the development, and increase runoff onto an unsealed road (or into drainage “by others”). This could likely increase turbidity and pollution in Perisher Creek. In a National Park environment, any driveway (if included in the plans at all) should take a minimal impact approach. The current proposal is vehemently opposed for pushing such a large impact from a private development onto the public domain.



Undue visual impact to neighbours

The proposed siting of a very large gas tank enclosure adjacent to and above the church is a highly antisocial gesture, and will detract from the visual amenity of the church in its alpine setting. With the visual and overshadowing impacts of the proposed building on the church an issue of high concern, it is inconceivable that a gas tank could be placed in such an unsympathetic location. A new more obscured location should be found, including with more appropriate materials to be selected for the enclosure (granite cladding would be much more appropriate than the brick wall that is proposed in the plans).

In summary, although the removal of the terrace alongside Burrarmys Road is welcomed, the current proposal has a number of significant design flaws that should prevent the approval of these plans until they are adequately addressed. A minimum impact approach on neighbouring roads and public spaces, neighbouring buildings, and the alpine environment is required. Most importantly, it is essential that an additional setback to Burrarmys Road is provided in combination with a passively safe design of the western facade to minimise the risk and severity of any collisions on the road or any collisions with the building. We hope that the assessment of DA will address these concerns.

Yours sincerely,

Peter Murray & Mark Cahill

Directors on behalf of Kalymaro
Alpine Sports Club

SUB-2588

I wish to record Merriment Alpine Club's formal request to the Department of Planning on 1 July 2022 for an extension of time to make a submission relation to the response to submissions for this DA. Merriment Alpine Club has not been able to download or view the updated documents until today, 1 July 2022 by email to Daniel James.

On initial review, it appears the applicant has made an attempt to improve the design which is appreciated, however the key issues identified in Merriment's original submission do not appear to have been properly addressed, specifically:

- The response has not specifically addressed the query relating to the legitimacy of the recently created lot and legislative process followed in its creation
- The response has not addressed the query relating to the validity of Lease AK7555506B and subsequent Transfer of Lease AP961333G
- The response has not specifically addressed the queries relating to the inconsistency with relevant planning instruments, specifically the State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007 (SEPP) and Perisher Range Resorts Master Plan (PRRMP) which limits development in Outer Perisher Valley to "replacement, extension or refurbishment of existing premises"

Merriment Alpine Club will provide a formal submission in due course, in accordance with the request for an extension of time mentioned above.

Regards

Warwick Read
Merriment Alpine Club

SUB-2595

Mark Brown
Senior Planning Officer
Regional Assessments Department of Planning and Environment
Made via NSW Planning Portal

Dear Mark,
RE: OBJECTION TO DA 21/11288 – PERISHER VIEW SKI LODGE

I am a member of Ku-Ring-Gai Alpine Lodge of over 20 years. Our Lodge is a member-based ski lodge with an active membership. The Ku-Ring-Gai Alpine Lodge is directly to the northeast of the development of the proposed Perisher View Ski Lodge. I wish to lodge my objection to the proposal on the following basis:

- The building significantly exceeds the permissible size (gross floor area and height limit) for such developments; and
- Adverse impact on visual amenity and safety of users of Ku-Ring-Gai Alpine Lodge, surrounding lodges and Perisher Valley

The Perisher Range Resorts Masterplan - Schedule 2 – Development Guidelines and Controls for Guthega, Smiggin Holes and Perisher Valley Outer Precincts permits developments of 2 storeys with a floor space of 25m² per bed (which equates to 600m² for this project). The proposal exceeds the building storey height limit (at 3 storeys) and significantly exceeds the floor space for the site at 879m² (36.6m² per bed). Such a departure from the controls is non-compliant with the planning policy and completely ignores the underlying intent of the controls – to create developments which respond to the landscape and have a minimal environmental impact on the valley.

This proposal is contrary to the intent of the masterplan for new lodge developments on the resort. The building will tower over pedestrians and skiers on Burramys Road and is incompatible with the size of developments in the vicinity.

This proposal has the potential for causing safety issues with skiers and oncoming vehicle traffic along Burramys Road with loss of adequate line of sight and the building's close proximity to the road, for example for skiers departing Ku-Ring-Gai Alpine Lodge and from Burramys Road towards Front Valley.

Due to its significant height and size the building will significantly detract from the visual amenity of Front Valley as viewed from Perisher Village. The development is considered to have a deleterious impact on the enjoyment of Ku-Ring-Gai users and surrounding sites including the church and is considered to not reflect the anticipated character of the site.

In summary, it is considered the development is inappropriate for the site and does not comply with the planning controls developed for the Perisher Outer Precincts. I strongly oppose the proposal.

Yours Sincerely

[REDACTED]

[REDACTED]

6th July 2022
Jeff. R. Jonas B. Arch.

[REDACTED]
[REDACTED]

The following is my OBJECTION to DA 21/11288 (PAN 122525) lodged by GEOANALYSIS Pty Ltd for the construction of a proposed Commercial Lodge adjacent to the Alpine Church and the Ku-ring-gai Alpine Lodge at Perisher Valley.

I am dismayed and concerned that the site in question at Perisher Valley is again being offered to the public for the development and long term leasehold possession in the year 2022 at a time when the endless increase in human population so clearly indicates the vital necessity to preserve from commercial development all the limited unbuilt -on crowded Front Valley area of Perisher at the base of the T- Bars, Chair Lifts, Poma Tows, Beginners Slope, Beginners Ski Classes area, Snow Board and Ski Pipes facilities and future ski needs.

I was one of the members and the architect for the design and construction of the Ku-ring-gai Alpine Lodge 60+ years ago in 1961, and I am still a member of Ku-ring-gai Alpine Lodge, so I believe that I have some knowledge of the detrimental impact that the construction and location of the proposed commercial lodge will have on Perisher Valley's current and future needs for open space in that location.

In 1961 I was immensely fortunate to have had the opportunity to develop such a site as the " Ku-ging-gai Site No 1 in the Sundeck Area" as it was defined in those early days of skiing, but even so I was concerned then that the site boundaries were such that I believed that any building on the allocated site would be a visual encroachment onto the pristine Perisher Valley skiing slope, so was able to convince Neville Gare the Kosciusko State Park Superintendent and Jim Govern the KSP Ranger that it would be beneficial to those experiencing the enjoyment of skiing then, and in the future, if we were to move the allocated site down below the ridge of the spur, rather than on the position allocated by the site boundaries.

It was to the great credit and the foresight of those two KSP authorities that they agreed with my proposed site amendment, and it was agreed that I would survey and peg out my recommended building location and that the boundaries of the site would be adjusted to suit that location.

So you can understand my concern and dismay that the site location and size of the currently proposed Perisher Vlew Commercial Lodge being proposed to be developed now in 2022 is the very antithesis of everything desirable.

That this lease should be proposed now to encroach upon the vitally needed open space in Perisher's Front Valley, at a time when the disastrous expansion of our human race has pushed world population from Three Billion as it was in 1961 when I designed the Ku-ring-gai Ski Club to today's Eight Billion human population

I must ask is this a logical and wise decision to crowd the only remaining open space in Perisher's Front Valley with the obstruction of a new Commercial Ski Lodge Building that was never originally proposed for this site ?? I think NOT.

I recommend that this vital site area in question be clearly defined as OPEN SPACE reserved for the enjoyment of all the present and ever increasing future generations of Australians wishing to enjoy the alpine splendor of Perisher Valley and the Kosciusko State Park.

As requested, I declare that I have made no reportable political donations in the past 2 years.

Sincerely

Jeff. R, Jonas.

SUB-2600

It is (i) too tall (3 storeys South elevation referred to as Basement Level | Ground Level | First Level in the rev 2 plans and other material versus a 2 storey limit) and (ii) too big (about 900sqm as I've added it up, more than 600sqm based on the 25 sqm x 24 beds limit).

The commercial development no longer appears to block the view of front valley from Ku-Ring-Gai Co-Op Lodge (constructed in 1961) as much as before. However, for all skiers on the mountain it alters the open space vista of the area below Sundeck / half-pipe / ski school to the Alpine Church and Ski Patrol. This change in visual amenity for all Perisher visitors is a poor outcome.

OBJECTION – DA 21/11288
PERISHER VIEWS SKI LODGE

The proponent of DA 21/11288 is Geoanalysis Pty Ltd (ACN: 088 987 982) – a single-director, \$2 company.

This company is currently the subject of a NSW Parliamentary Enquiry (Hansard Minute below):

LEGISLATIVE COUNCIL
FIRST SESSION OF THE FIFTY-SEVENTH PARLIAMENT
MINUTES OF PROCEEDINGS
No. 105
WEDNESDAY 17 NOVEMBER 2021

11 ORDER FOR PAPERS—GEOANALYSIS PTY LTD (Formal Business)

Mr Field, by leave, amended private members' business item no. 1523 by:

- (a) omitting "21 days" and insert instead "28 days".
- (b) omitting "the Department of Transport" and insert instead "Transport for NSW".

Mr Field moved, as formal business, as by leave amended: That, under standing order 52, there be laid upon the table of the House within 28 days of the date of the passing of this resolution the following documents, created since 1 January 2000, in the possession, custody or control of the Minister for Energy and Environment, the Minister for Planning and Public Spaces, the Minister for Transport and Roads, the Department of Planning, Industry and Environment and Transport for NSW:

- (a) any contracts, agreements, tender documents or letters of engagement between Geoanalysis Pty Ltd and the NSW Government,
- (b) any reports, briefs or other documents produced by Geoanalysis Pty Ltd as a result of engagement of Geoanalysis Pty Ltd by the NSW Government,
- (c) any proposals made by Geoanalysis Pty Ltd to the NSW Government,
- (d) any correspondence with Geoanalysis Pty Ltd or its director, Steven House,
- (e) any other documents containing the company name Geoanalysis Pty Ltd,
- (f) any documents relating to the lease held by Geoanalysis Pty Ltd in Kosciuszko National Park, and
- (g) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

Question put and passed.

The DA 21/11288 determination process must be suspended pending conclusion of the NSW Upper House Enquiry and its findings published.

James Holder
11 July 2022

Merriment Alpine Club Co-Operative Ltd

[REDACTED]
Marrickville NSW 1475
[REDACTED]

11 July 2022

Minister for Planning and Public Spaces / Independent Planning Commission
C/-Department of Planning and Environment
Email: alpineresorts@planning.nsw.gov.au

Dear Sir / Madam,

RE: DA 21/11288 Perisher View Ski Lodge, Perisher valley - Construction of a 24 bed commercial ski lodge

1. Summary

This submission has been written on behalf of Merriment Alpine Club Co-operative Limited and outlines our objection to the above-mentioned Development Application (DA) for the construction of a new commercial lodge which has been re-exhibited over the period 05/07/2022 - 11/07/2022. We have reviewed the additional information provided by the applicant and considered its response to public submissions report dated June 2022 (**RtS Report**). This submission is to be read in conjunction with our earlier objection submission dated 20 August 2021 (**Earlier Submission**).

Key issues raised in this submission are summarised below:

1. **Traffic, Access and Safety** – the applicant has not prepared an expert health and safety assessment, assessing the impact that the development will have on the current routes of oversnow vehicles, these impacts will result in changes to the routes that will lead to increase health and safety risks to users of the ski resort.
2. **Subdivision** – there has been no consideration of the subdivision issues that were raised in our Earlier Submission.
3. **Validity of Lease and subsequent Transfer** - there has been no consideration of the granting and transferring of the lease issues that were raised in our Earlier Submission.

As a general comment, we reiterate the content of our Earlier Submission that we are of the opinion that the development cannot be supported on planning grounds as it is inconsistent with the State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007 (**SEPP**) and Perisher Range Resorts Master Plan (**PRRMP**), and that the DA must be refused.

2. Traffic, Access and Safety

The location of the proposed lodge is adjacent to Burramys Road which leads to a series of more than 20 lodges on the northern arm of Perisher Valley. Sole access to these lodges in winter is via snowcat. The snowcats have difficulty negotiating the steep road in front of the proposed

development site and generally will cut the corner across land which will be part of the development site. In practice, and based on our operational/user knowledge, at least at certain times, the new development will prevent snowcats accessing Burramys Road.

There would also be a significant health and safety issue that may result in serious injury or worse. The new development will likely obscure the view that a snowcat would have as it travels up Burramys Road. The road is used by many skiers and boarders coming down the hill in the opposite direction at speed. At present this is not an issue given the clear sightlines. This presents unacceptable levels of risk and public liability issues that should be of significant concern to the consent authority.

The only alternative route to the 20 lodges on the northern arm of Perisher Valley is via Perisher Creek Road which is significantly longer (probably triple the distance). The additional cost to occupants of these lodges would be significant and it would add considerable time to get to these lodges. It would also increase the risk of collisions between skiers, boarders and pedestrians (who are using the ski run between Telemark and Pipers T-bars, the ski run between the Pretty Valley chairlift and Telemark/Pipers T-bars, and the top of the lift line for the Telemark T-bar) when the snowcats are forced onto this alternative route.

In relation to the commentary provided in section 2 of the RtS Report, it suggests that there were no issues with Front Valley lodge access in 2020 when the site was apparently roped off (and snowcats were presumably restricted to the formed road). This may be true, but the resort was almost empty in 2020 due to Covid restrictions and so traffic was much reduced.

Again, in practice and based on our operational/user knowledge, snowcats don't cut the corner to save a few seconds, but rather do so to pick the best line up the hill. Occasionally they need to reverse back down the hill and start again on a different line. In most snow seasons to date the location of the formed road is not apparent as the snow cover hides it. The Hans Oversnow submission prepared and lodged by its Director Ralph Zollinger in response to the original exhibition, would be more authoritative on this point. However, we point out that Hans Oversnow had no reason to object to the DA if it did not believe there were genuine health and safety concerns.

We again recommend that Hans Oversnow and Vail Resorts (Perisher) are consulted on the proposal to ensure they are satisfied that the positioning of the building will not cause a health and safety risk to users of the ski resort, or indeed a requirement to alter or cancel the usual oversnow route up Burramys Road. Alternatively, we recommend that the applicant prepare an expert health and safety assessment, assessing the impact that the development will have on the current routes of oversnow vehicles.

The consent authority needs this information before it can adequately assess the merits of the DA and so it can ensure it has discharged the lawful requirement to assess risk to skiers and the public.

3. Subdivision

We reiterate the issues around the creation of the subdivision that we raised in our Earlier Submission. We seek clarification on what assessment was carried out to allow approval given its clear inconsistency with the SEPP and PRRMP which "allow for some relocation of existing

premises where suitable sites are identified through the development assessment process" (page 56 of PRRMP).

The DA is silent on the subdivision process, and the applicant appears to misunderstand our concerns when it responds in section 1 of its RtS Report.

4. Validity of Lease and subsequent Transfer of Lease

We reiterate the issues around the granting of Lease AK755506B and subsequent Transfer of Lease AP961333G that we raised in our Earlier Submission.

The applicant has not addressed these issues in its RtS Report nor has it provided in the additional information documentation it has provided that satisfies these issues.

We again request that the assessment of the current proposal be put on hold whilst the applicant and the OEH demonstrate how the requirements of section 151B the *National Parks and Wildlife Act 1974* (NSW) have been satisfied.

5. Conclusion

Notwithstanding the additional information and RtS Report provided by the applicant, we still believe the issues raised in this submission provide valid grounds to refuse the DA, and we request that the consent authority refuse the DA.

We would appreciate if you could keep us informed.

Yours Sincerely,

Merriment Alpine Club Cooperative Ltd



Warwick Read

President

11 July 2022

Minister for Planning and Public Spaces / Independent Planning Commission
C/-Department of Planning and Environment
Email: alpineresorts@planning.nsw.gov.au

Dear Sir / Madam,

**RE: DA 21/11288 Perisher View Ski Lodge, Perisher Valley
- Construction of a 24 bed commercial ski lodge**

Summary

This is a personal submission by Philip Woodman.

I write to object to the above-mentioned Development Application (DA) for the construction of a new commercial lodge which has been re-exhibited over the period 05/07/2022 - 11/07/2022.

Background

I have enjoyed Perisher Valley almost annually for 66 years, first at Merriment lodge and later at Ku-ring-gai Alpine Lodge as a foundation member 1962 and active in its construction and management. I have been President of the NSW Ski Association, Vice-President of the Australian Ski Association and President of the Perisher Ski Association.

My continuous involvement with the area leaves me well versed in the development and history of the area and its management by a variety of authorities.

Primary Concern – the Site itself

1. Unannounced appearance of the site.

I am unaware of any process that invoked this position as a development site.

As a member of the neighbouring building (Ku-ring-gai Alpine Lodge) I am certain that the club would have protested most vigorously had this site been suggested using normal practice.

2. No cogent reason for the position of this site.

- a. It is plonked right above the historic All Denominational Church, and which the proposed development will effectively smother and dominate.
- b. It disturbs an important ski throughfare, generates high risk to life and limb in its interaction with skiers, foot-traffic and motorised vehicles.
- c. It is incongruous to the general scene.

3. I am well aware that the NPWS is a law unto itself; however, to date the Service has usually displayed a sensitivity to such items that I have suggested.

Relocation of Perisher View lease

I am aware that when NPWS in their wisdom deemed that the physical location of Perisher View in the middle of the plain south of Perisher Creek was not sustainable the leaseholders were offered their choice of available development sites. It is my understanding that the leaseholders opted not to proceed with any at that time and the 22 “beds” were held by NPWS to be allocated once a choice was made.

I question why this site has been unnecessarily created.

There are numerous sites defined for development.

Ben Bullen site has appeared – it is in a pristine location with an extraordinarily beautiful view).

Domination of the All Denominational Church and Community Centre

This site was selected and defined by Neville Gare, the first Superintendent of Kosciusko National Park together with Keith Line MBE. It was positioned in this prominent and relatively isolated

location as a place of significance for the community. The building was subscribed by public donation, and gratis provision of goods and services by many companies and built by voluntary labour. It has occupied a place of significance for the community ever since.

That this place of recent historical significance should be overshadowed and dominated by a structure is an abomination. It diminishes the sanctity and purity of the form, diminishing it to the status of a misplace and inappropriate form.

I wonder at the location of the site given the spacing universally applied to structures in the Perisher Valley area. Shoehorning a site into this position displays a lack of aesthetic sympathy.

That the proposed Perisher View structure be permitted in this location is wrong, its dominant form will reduce the importance of the All Denominational Church to an incongruous non-descript building and is a travesty.

Disturbance and risk created to thoroughfare of ski, foot and motorised traffic.

In plonking this site at this location it appears that little or insufficient consideration has been given to the significantly altered winter landform with regard to the road contour, reduced road width, road condition and the mix of usage. All of which adversely impact this important high use thoroughfare to a point of critical risk to all user types.

There have been numerous submissions on this subject which highlight this conundrum and with which I concur. I suggest that the points raised in and of themselves render the siting of the lease as fatuous and leaves the NPWS open to litigation in the event of tragedy.

Conclusion

I view the whole exercise involving the delineation of the development site in question, its patently inappropriate location and the subsequent tortured assignment of the moribund 22 beds, once assigned to the demolished Perisher View building, as strange. To the casual observer, the manner and sequence of events, the apparent lack of a transparency, is unfortunate.

The proposed development:

- a. Is on an entirely inappropriate location, no site should be located in this position.
- b. It belittles the scenic value of the slope on which it lies.
- c. It dominates the All Denominational Church diminishing its sanctity and purpose.
- d. The effect on the important thoroughfare of Burrumys Road is fraught with risk and an impediment to users of all types.

Yours faithfully,

Philip Woodman