



Kosciusko Alpine Club, Charlotte Pass

Development Application Assessment
DA 21/18285

December 2023

Published by the NSW Department of Planning and Environment

dpie.nsw.gov.au

Title: Kosciusko Alpine Club

Subtitle: Development Application Assessment DA 21/18285

Cover image: Main Range, Kosciuszko National Park (Source: Alpine Resorts Team)

© State of New South Wales through Department of Planning and Environment 2023. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (December 2023) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Glossary

Abbreviation	Definition
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
BC Regulation	<i>Biodiversity Conservation Regulation 2017</i>
BVM	Biodiversity Values Map
Consent	Development Consent
CPP	Community Participation Plan
Department	Department of Planning and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
KNP	Kosciuszko National Park
Minister	Minister for Planning
NPWS	National Parks and Wildlife Service
Planning Secretary	Secretary of the Department of Planning and Environment
RFS	NSW Rural Fire Service
SEPP	State Environmental Planning Policy

Contents

1	Introduction	1
1.1	The Department's Assessment	1
1.2	Site location and context	2
2	Project.....	3
3	Strategic context.....	5
4	Statutory Context.....	7
4.1	Consent Authority.....	7
4.2	Permissibility	7
4.3	Other approvals.....	7
4.4	Mandatory Matters for Consideration.....	7
5	Engagement.....	11
5.1	Department's Engagement	11
5.2	Summary of submissions	11
6	Assessment	12
6.1	Compliance with the Building Code of Australia	12
6.2	Compliance with the Bush Fire Safety Authority.....	12
6.3	Protecting the environment and public amenity	13
7	Evaluation.....	14
8	Recommendation.....	15
9	Determination.....	16
	Appendices	17
	Appendix A – List of referenced documents	17
	Appendix B – Statutory Considerations	18
	Appendix C – Recommended Instrument of Consent	23

1 Introduction

1.1 The Department's Assessment

This report contains the Department's assessment of Development Application DA 21/18285 seeking approval to undertake works to the Kosciusko Alpine Club (KAC) Lodge at 2 Guthrie Place (Lot 112 DP 1242013), Charlotte Pass Alpine Resort within Kosciuszko National Park - **Figure 1**.

The Applicant, Kosciusko Alpine Club Limited, is seeking development consent to undertake external alterations to the lodge building proposing the replacement of all timber cladding on the exterior of the Lodge with metal cladding as well as replacement of several timber-framed windows with aluminium windows.

The Department's assessment has considered all documentation submitted by the Applicant, including the Statement of Environmental Effects (SEE) and accompanying information, the Applicant's response to requests for information, and submissions from government authorities. The Department's assessment also considers the legislation and planning instruments relevant to the site and the development, including broader planning principles relating to ecologically sustainable development.

This report describes the development, surrounding environment, relevant strategic and statutory planning provisions and the items raised in submissions. The report evaluates the issues and impacts associated with the development and concludes that the development is in the public interest and should be approved, subject to conditions.

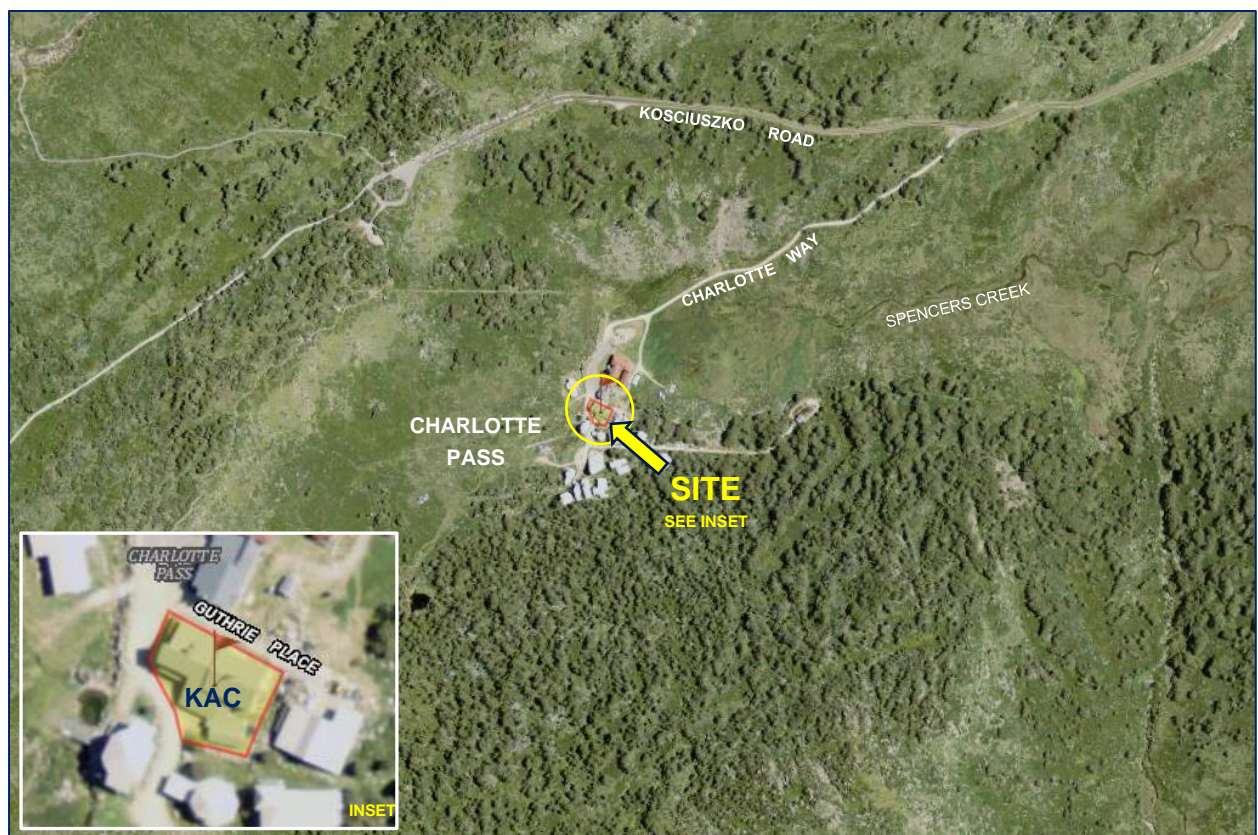


Figure 1 | Kosciusko Alpine Club Lodge within Charlotte Pass Village (Source: SIX Maps 2023)

1.2 Site location and context

Charlotte Pass is a small tourist accommodation village located within the Charlotte Pass Alpine Resort in KNP. Charlotte Pass is principally a winter destination providing services and accommodation for visitors accessing the resort's ski slopes and cross-country ski trails. It also provides an accommodation and visitor base throughout the year for non-snow activities, particularly hiking and mountain bike riding during the summer months as the resort is the closest village to Mount Kosciuszko. The Resort can only be accessed via over-snow transport from the Perisher Skitube Terminal in winter, and in warmer months access by road is via Charlotte Way near the western terminus of Kosciuszko Road.

Kosciuszko Alpine Club Lodge (the Lodge) is located on a corner parcel south of Guthrie Place on the eastern side of Charlotte Way centrally with the Village of Charlotte Pass. A tourist accommodation building was constructed on the site in the early-1960's followed by significant rebuilding and extension works carried out in the late 1980's. Previous works included demolition of the northern accommodation wing of the building and construction of a new accommodation wing which was linked to the existing Manager's Flat located near the southern boundary of the site.

The building is a single, double, and triple-storey structure, in part, clad with a stone on the ground floor of variable height. The Lodge is otherwise of timber clad construction on the remainder of the building, apart from charcoal-coloured corrugated metal wall cladding around the attached, single-storey Manager's Flat. The skillion roof is a corrugated metal roofing in dark grey. A return balcony extends around the north-most corner of the building, with the main access to the Lodge via the western frontage to Charlotte Way, and other access via each of the northern, eastern and southern frontages – **Figure 2**.

The Lodge contains guest bedrooms, a commercial kitchen and dining, recreation areas and amenities, staff accommodation and staff lounge as well as the linked Manager's Flat.



Figure 2 | Photograph of northern corner of KAC (Source: Department inspection November 2023)

2 Project

The application seeks approval for works to the KAC Lodge comprising:

- replacement of the timber windows on the northern, western and southern sides of the Lodge due to their deterioration. The application originally sought to replace eleven (11) windows, however, amendment to the proposal was sought in September 2023 to remove Window 8 (W8) from the intended works and to only replace ten (10) timber windows with natural anodized Aluminium-framed double-glazed windows.
- removal of all timber cladding on all elevations of the Lodge and replacement with metal cladding. Where vertical timber cladding is removed will be reclad with vertical nail strip-profile cladding in the light grey Colorbond colour Wallaby, whilst the boxed-out sections around the windows will be replaced with horizontal corrugated cladding in the darker grey Colorbond colour Woodland Grey. The Manager's Flat will also be finished in vertical Woodland Grey - **Figure 3** colour finishes and **Figure 4** and **Figure 5** elevations.

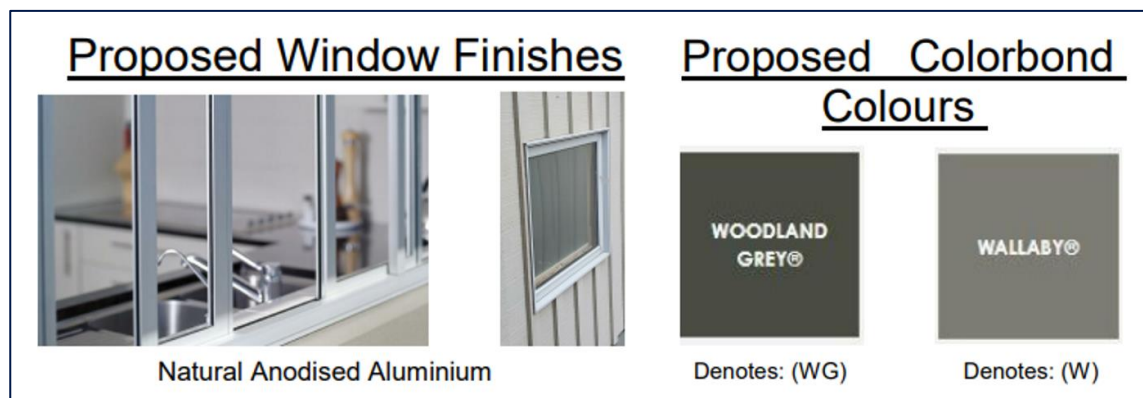


Figure 3 | Proposed colour finishes (Source: Applicant's documentation)

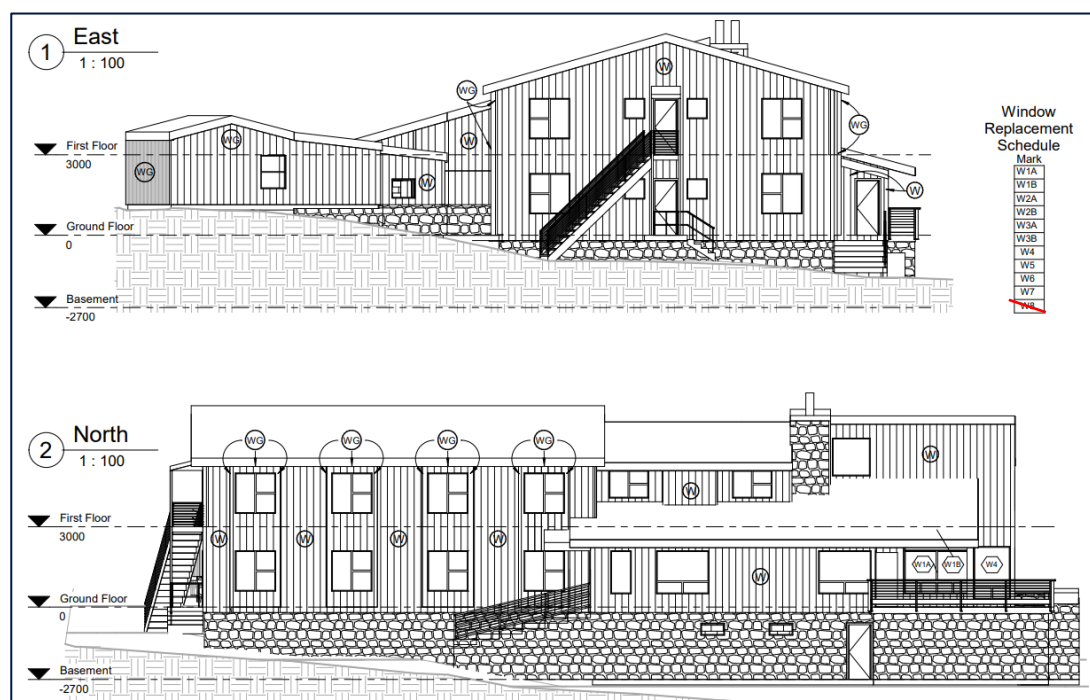


Figure 4 | Proposed works east and north elevations (Source: Applicant's documentation with annotation)

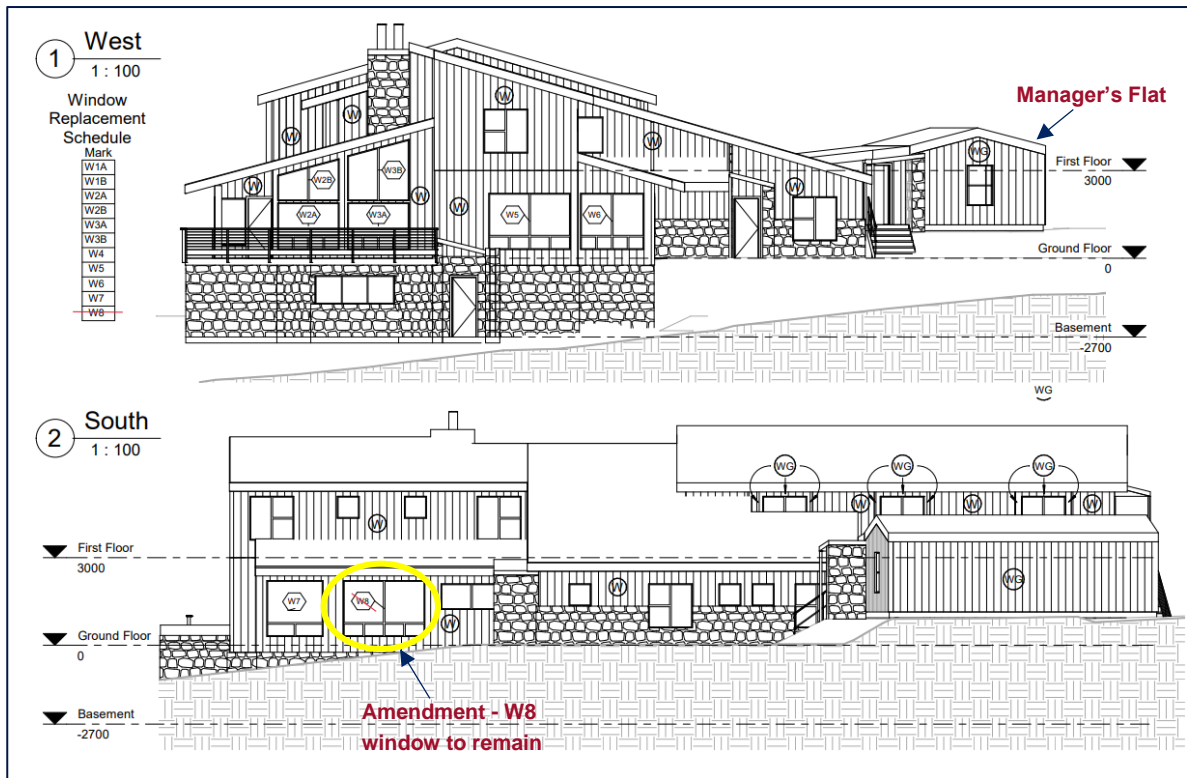


Figure 5 | Proposed works west and south elevations (Source: Applicant's documentation with annotations)

The application outlines that the works are proposed in response to the need to improve the weather protection and longevity of the external components of the Lodge from light, wind, ice and snow. The application also states that the works will result in improved bushfire protection with the use of non-combustible materials replacing timber materials.

All proposed works are within the existing building footprint and no groundworks or vegetation clearing are proposed.

The cost of works for the proposal is stated as \$731,280.

3 Strategic context

The Snowy Mountains region offers a diverse and unique mix of visitor destinations including the KNP, the alpine resorts, the iconic Snowy River and the highest mountains on the Australian continent. A strong tourism economy is driven mainly by skiing and related winter sport experiences during the peak winter season. The Region, including the alpine resorts, also provides opportunities for a range of other recreational activities during the warmer months such as hiking, fishing, kayaking and mountain-biking. The resorts are important to NSW due to their economic and social contribution as well as their location within a unique alpine environment. The three main documents that support the strategic context of the alpine resorts are the *South East and Tableland Regional Plan 2036*, the *Snowy Mountains Special Activation Precinct Master Plan* and the *Precincts - Regional SEPP*.

South East and Tableland Regional Plan 2036

The South East and Tableland Regional Plan 2036 describes the vision, goals and actions that will deliver greater prosperity for those who live, work and visit the region. The plan provides an overarching framework to guide more detailed land use plans, development proposals and infrastructure funding decisions.

In relation to the alpine resorts, the Regional Plan seeks to promote more diverse tourism opportunities in the Snowy Mountains that will strengthen long-term resilience while acknowledging the environmental and cultural significance of the locality.

The Department considers the proposal to be consistent with the Regional Plan as it improves the Lodge for the amenity and safety of the occupants, and improves the presentation of the building which enhances its utilisation, viability and maintenance as tourist accommodation, supporting ongoing use of the lodge and associated visitation of the NSW ski resorts.

Snowy Mountains Special Activation Precinct Master Plan

The Snowy Mountains Special Activation Precinct Master Plan outlines the 40-year vision for the Snowy Mountains as a year-round tourist destination with new business opportunities, services and community infrastructure for the people that live, work and visit the region. Section 9.1.3 of the Master Plan relates to Charlotte Pass, where the desired future character of the resort is for it to become a year-round destination and continue to grow its profile as a high-altitude winter destination while increasingly becoming a key summer node for visitors to the Kosciuszko Summit Walk and Snowies Alpine Walk.

The Department considers the proposal to be consistent with the Master Plan as it relates to maintaining and improving existing visitor accommodation and amenity while maintaining the environmental, cultural and landscape attributes of the setting and character of Charlotte Pass.

State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007 (Alpine SEPP)

The Alpine SEPP (in place at the time of lodgement of this application) governs development on land within the ski resort areas of KNP. The SEPP aims to protect and enhance the natural environment, to protect cultural heritage within the resorts and to ensure that development in the resorts is managed in a way that is compatible with the principles of ecologically sustainable development. Under the provisions of the Alpine SEPP, the NPWS had a commenting role as the land manager, which includes administering the

Plan of Management framework for KNP that incorporates objectives, principles and policies to guide the long-term management of the Park.

The Department considers the proposal is consistent with the Alpine SEPP as the proposal relates to the enhancement of tourist accommodation at Charlotte Pass while appropriately minimising the potential impacts on the environment. An Asset Protection Zone (APZ) plan has also been applied which will ensure the land is managed to reduce bushfire risks in compliance with the RFS construction requirements. The proposal contributes to improving the range of accommodation options available for visitors to KNP without resulting in adverse environmental, social or economic impacts on the natural or cultural environment.

4 Statutory Context

4.1 Consent Authority

Under section 7 of the Alpine SEPP, the Minister for Planning is the consent authority for the application as the development takes place within a ski resort area as referred to in section 32C (2)(a) of Schedule 1 to the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017*.

In accordance with the Minister's delegation of 9 March 2022, the Team Leader, Alpine Resorts Team may determine the application as:

- no reportable political donation has been disclosed
- there are less than fifteen (15) public submissions that raise objections to the proposal
- the application is in relation to land to which the Alpine SEPP applies.

4.2 Permissibility

The proposal includes external alterations to a building while maintaining the use of the site consistent with the definition of 'tourist accommodation' as defined in the Alpine SEPP. Pursuant to section 11 of the Alpine SEPP, 'tourist accommodation' is permissible with consent within the Charlotte Pass Alpine Resort.

4.3 Other approvals

Rural Fires Act 1997

As the works include external alterations to a tourist accommodation building located on bushfire prone land, an approval is required from the NSW Rural Fire Service (RFS) under section 100B of the *Rural Fires Act 1997* in the form of a Bushfire Safety Authority (BFSA). Refer to **Section 5** for further discussion on this component.

4.4 Mandatory Matters for Consideration

Objects of the EP&A Act

In determining the application, the consent authority is to consider whether the proposal is consistent with the relevant objects of the EP&A Act. The Department has considered the proposal against the relevant objects of the EP&A Act in **Appendix B**. The Department is satisfied the proposal is consistent with the objects as:

- works are aimed at improving the existing lodge accommodation, thereby supporting the orderly and economic use of the site without impacting on neighbouring properties,
- there would not be an unacceptable impact on the environment, with impacts upon native vegetation limited to maintenance of the existing vegetation within the lease boundary as an APZ,

- the application is capable of achieving compliance with relevant construction standards,
- the proposal does not impact upon cultural heritage, including Aboriginal cultural heritage, and
- the Department provided opportunities for community participation in the assessment process, which included exhibiting the application, notifying adjoining landowners, and displaying the proposal on the Department's website during the exhibition period. The Department has considered all submissions received in relation to the development in **Section 6**.

Ecologically Sustainable Development (ESD)

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. ESD initiatives and sustainability have been adequately considered in the application, and mitigation measures are proposed to be incorporated into the design.

The proposal is consistent with the ESD principles and the Department is satisfied the proposed works have been developed having regard to the ESD principles, in accordance with the objects of the EP&A Act as follows:

- the proposal does not pose a threat of serious or irreversible environmental damage and potential impacts have been identified, with mitigation measures and environmental safeguards recommended,
- the proposal is not expected to adversely impact upon the health, diversity, or productivity of the environment for future generations,
- the Department's assessment has noted that the proposal is contained to existing disturbed areas. No further vegetation management is required to meet the NSW RFS requirements,
- the proposal does not impact upon cultural heritage, including any known Aboriginal cultural heritage.

Biodiversity Conservation Act 2016

Section 1.7 of the EP&A Act requires the application of the *Biodiversity Conservation Act 2016* (BC Act) in connection with the terrestrial environment. The BC Act introduced a Biodiversity Offsets Scheme (BOS) that applies when:

- the amount of native vegetation being cleared exceeds a certain threshold area; or
- the impacts occur within an area mapped on the Biodiversity Values Map (BVM) published by the Minister for Environment; or
- the 'test of significance', in section 7.3 of the BC Act identifies that the development or activity is likely to significantly affect threatened species or ecological communities, or their habitats; or
- the works are carried out in a declared area of outstanding biodiversity value.

The information supporting the Application indicates that the proposal does not require the removal of any additional native vegetation to implement the APZ requirements, and that the site is not located within an area mapped on the BVM. The Applicant concludes that the proposal would not have a significant effect on threatened species, populations, ecological communities, or their habitats.

Comments received from the NPWS during the assessment of the application concur that the development, as proposed, is not likely to affect threatened species and does not trigger the BOS. The NPWS did not object to the APZ plan for the site. They commented that while no vegetation clearance is proposed, if clearance of native vegetation is required (e.g. for the establishment of an asset protection zone to satisfy RFS requirements) then further consultation with NPWS is required prior to any clearance works commencing.

The Department notes that there is currently no declared area of outstanding biodiversity value within KNP.

Considerations under section 4.15 of the EP&A Act

In determining a development application under section 4.15 of the EP&A Act, a consent authority is required to take a number of matters into consideration in relation to the proposed development. The Department has given due consideration to the matters prescribed under section 4.15(1). **Table 1** below presents a summary of the matters for consideration outlined further in **Section 6** (Assessment) of this report and references other relevant appendices and sections outlined in this report.

Table 1 | Section 4.15(1) Matters for Consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument (EPI)	<p>The Alpine SEPP is the principal EPI that applies to the site for this development. An assessment against the requirements of the SEPP is provided in Appendix B.</p> <p>The Department is satisfied that the Application is consistent with the requirements of the SEPP.</p>
(a)(ii) any proposed instrument	Not applicable to proposal.
(a)(iii) any development control plan	Not applicable to proposal.
(a)(iiia) any planning agreement	Not applicable to proposal.
(a)(iv) the regulations	<p>The application satisfactorily meets the relevant requirements of the EP&A Regulation 2000, in place at the time of lodging the application, including the procedures relating to development applications (Part 6) and fees (Part 15, Division 1).</p> <p>The Department has undertaken its assessment in accordance with all relevant matters as prescribed by the Regulations, the findings of which are contained within this report.</p>

(a)(v) any coastal zone management plan	Not applicable to proposal.
(b) the likely impacts of that development	The Department has considered the likely impacts of the development. Adverse environmental impacts can be appropriately managed and mitigated through conditions of consent. Matters relating to the provision of the APZ are discussed above in Section 4.4 . The proposal is considered to have positive economic and social impacts by enhancing resort accommodation facilities which will help support ongoing visitation of the Charlotte Pass Alpine Resort.
(c) the suitability of the site for the development,	The site is both suitable and desirable for continued use as tourist accommodation as discussed in Section 6 of this report.
(d) any submissions made in accordance with this Act or the regulations,	Consideration has been given to RFS and NPWS submissions received during the exhibition period. Refer to Section 5 of this report.
(e) the public interest.	<p>The works are consistent with the aim and objectives of the Alpine SEPP. The development is compatible with adjoining land uses in the locality while maintaining the health and diversity of the natural environment, consistent with the principles of ESD.</p> <p>As such, the proposal is believed to be consistent with the public interest.</p>

5 Engagement

5.1 Department's Engagement

The Department's Community Participation Plan, November 2019, prepared in accordance with Schedule 1 of the EP&A Act requires applications of development consent to be exhibited for a period of fourteen (14) days. Applications under the SEPP are required to be publicly exhibited if the proposal relates to works that are not wholly internal to a building or where the site is located within fifty (50) metres from a tourist accommodation building. The proposal includes external alterations to an existing tourist accommodation building within fifty (50) metres of other tourist accommodation buildings. As such, the Department exhibited the application from 10 January 2022 to 28 January 2022 with the application made publicly available on the NSW Planning Portal website, and also notified tourist accommodation owners within fifty (50) metres of the development site.

The Department received an application to amend the proposal in September 2023, seeking to reduce the proposed number of timber-framed windows to be replaced from eleven (11) to a total of ten (10). The location and minor nature of the amendment to the proposed works was not considered to require further exhibition or notification to neighbouring lodges.

Pursuant to section 4.46 of the EP&A Act (integrated development) the application was referred to the NSW Rural Fire Service (RFS) as the site is identified as bushfire prone and a Bushfire Safety Authority (BFSA) is required under the *Rural Fires Act 1997*. Amendment to the application occurred before the referral of the application to the RFS, and so no further referral to the RFS was required.

The application was also referred to the NPWS pursuant to section 17 of the Alpine SEPP, in force at the time of referral, as the land is within an alpine resort within KNP. Referral back to the NPWS occurred when the Department received the amended development application for their consideration of the Bushfire Protection Assessment report prepared for referral to the RFS.

5.2 Summary of submissions

The Department received comments from the RFS and NPWS. No public submissions were received.

The RFS did not object to the proposal, and issued a BFSA under section 100B of the *Rural Fires Act 1997*, subject to conditions that included (but not limited to):

- management of the leasehold site as an inner protection area (IPA) in accordance with Appendix 4 of *Planning for Bush Fire Protection 2019* (PBP 2019),
- all proposed external alterations to the existing building identified as repair and replacement works to use equivalent or improved fire-resistant materials and be adequately sealed, protected or upgraded where practical to improve ember protection, and
- development of a Bush Fire Emergency and Evacuation Plan in accordance with specified documentation and standards.

The NPWS did not object to the proposal and provided comments and recommended conditions on the protection of native vegetation and the environment during the construction process.

The Department has considered the comments received from the RFS and NPWS in **Section 6** or through recommended conditions in the instrument of consent at **Appendix C**.

6 Assessment

The Department has considered the relevant matters for consideration under section 4.15 of the EP&A Act, the SEE and supporting information in its assessment of the proposal. The key issues in the Department's assessment are relate to:

- compliance with the Building Code of Australia (BCA),
- compliance with the Bush Fire Safety Authority (BFSA), and
- protecting the environment and public amenity.

These issues are discussed in the following sections of this report.

6.1 Compliance with the Building Code of Australia

Works are required to comply with the BCA and relevant Australian Standards. Some key aspects of the Department's consideration include access and egress provisions, fire safety (section 94 of the EP&A Regulation 2000, in force at the time of lodging the application) and construction standards for the new works (i.e. structural integrity of the existing building). Each of these matters are discussed below:

- *Compliance with the Disability Discrimination Act 1992 (DDA)*, and therefore the Access to Premises Standards prepared under the DDA, is triggered at Construction Certificate stage. Ensuring compliance with the DDA is the responsibility of the building owner, manager and certifier. The Department has recommended an Advisory Note to ensure the building owner, manager and certifier are aware of the obligations.
- Section 94 of the EP&A Regulation 2000 requires a consent authority to review a building and consider whether upgrades are warranted to bring the existing building into total or partial compliance with the BCA. The Department inspected the building and identified some minor BCA / fire upgrades to be undertaken as part of the subject application. Also, an accurate and up-to-date fire safety schedule that references measures outlined in a 1997 building upgrade report will be required.
- Ensuring the structural integrity of the building is a key consideration of the Departments assessment in the NSW Alpine environment. With adverse weather conditions at times, including snow and wind loading requirements, the Department has recommended that structural certification of the works be provided prior to occupation certificate.

The Department concludes that subject to compliance with the conditions of consent, including references to the BCA which is to be addressed by the certifying authority at the construction certificate stage, the recladding and window upgrades, would improve the durability of the lodge to withstand adverse weather events.

6.2 Compliance with the Bush Fire Safety Authority

The development is proposed on land identified as bushfire prone and the RFS has issued a BFSA for the proposed works. The Department notes that the existing site is predominantly disturbed land, with minimal native vegetation. While no further vegetation removal is proposed as part of this development application, the Department has recommended a condition requiring the Applicant to discuss any required vegetation removal to comply with the BFSA with the NPWS.

The Department notes that the proposed removal of the deteriorated external timber cladding and replacement with metal cladding improves the capacity of the building to withstand bushfire. The BFSAs issued by the NSW RFS also require that the existing building be upgraded where practical to improve ember protection. This can be achieved by undertaking some or all of the following; enclosing all openings or covering openings with a non-corrosive metal screen mesh with a maximum aperture of two (2) millimetres. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders. Details of the proposed upgrades to improve ember protection shall be submitted with the application for the construction certificate.

6.3 Protecting the environment and public amenity

The Department has carefully considered the potential environmental impacts associated with the proposal given the location of the site within Charlotte Pass Ski Resort within KNP. No excavation works are proposed as part of the proposal, however site activities during the removal and replacement of the cladding and windows need to be considered. Conditions will be placed on the works to ensure the location and management of stockpiled material, vehicle and machinery parking, hygiene and management of waste is appropriate to protect the environment. Mitigation and management measures in accordance with an amended Site Environmental Management Plan (SEMP) will be supported by the implementation of conditions of consent to protect the natural environment.

In considering public amenity during the works, the stockpile of demolition materials removed from the lodge and the storage of replacement construction materials will be required to be appropriately contained on the development site. The works are likely to have a minimal impact upon the amenity of adjoining properties, except during demolition and construction, however these will only be short term. Adjoining properties were notified of the proposal and raised no concerns regarding the proposed works. Some noise may be generated during the construction phase of the project which may cause disturbance to visitors in accommodation within the adjoining lodge buildings. The Department will require the implementation of construction hours to limit all work in connection with the proposal to being undertaken between 7.00am and 6.00pm on Monday to Friday inclusive, and 7:00am to 1.00pm on Saturdays, with no work allowed on Sunday or gazetted NSW public holidays.

The nature of works proposed including the materials and colours to be used will not have an adverse impact on the built form and appearance of the lodge building when viewed from surrounding vantage points in the locality.

The Department is therefore satisfied that measures are in place to ensure the development and works can be undertaken and managed to avoid significant loss of amenity to surrounding lodge occupants and Park users. Subject to compliance with the recommended conditions, the Department concludes that the proposal is acceptable and increases the overall amenity of the building without adverse impacts on the natural environment.

7 Evaluation

The Department has assessed the merits of the proposal in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes the proposal is acceptable as:

The Department considers the proposal is acceptable as:

- there will not be a significant impact on any threatened species, populations or ecological communities,
- the works provide added amenity, improved bushfire resistance and ongoing accommodation viability for the benefit of Lodge members without impacting adversely on adjoining properties or resulting in adverse environmental, social or economic impacts on the locality, and
- construction impacts on the surrounding environment will be minimised given the nature of the proposal and recommended conditions of consent requiring construction impacts to be minimised during construction as well as any disturbed areas to be rehabilitated following construction.

Overall, the Department is satisfied that the proposal is suitable for the site and compatible with the public interest. The Department therefore recommends that the application be approved subject to recommended conditions.

8 Recommendation

It is recommended that the Team Leader, Alpine Resorts Team, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **accepts** and adopts all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants** consent for the application in respect of DA 21/18285, subject to the recommended conditions
- **signs** the attached Development Consent (**Appendix C**).

Recommended by:

A handwritten signature in black ink, appearing to read 'Sandra Butler', is positioned above the printed name.

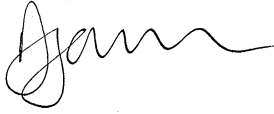
Sandra Butler

Senior Planning Officer

Alpine Resorts Team

9 Determination

The recommendation is **Adopted / Not-adopted** by:

A handwritten signature in black ink, appearing to read 'Dan', with a stylized, wavy line extending from the end.

Daniel James

Team Leader

Alpine Resorts Team

as delegate of the Minister for Planning

19 December 2023

Appendices

Appendix A – List of referenced documents

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows.

1. Statement of Environmental Effects
2. Submissions

<https://www.planningportal.nsw.gov.au/development-assessment/state-significant-applications/projects/state-development-applications>

Appendix B – Statutory Considerations

OBJECTS OF THE EP&A ACT

The objects of the EP&A Act are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant consent/ approval) are to be understood as powers to advance the objects of the legislation, and limits on those powers are set by reference to those objects.

Therefore, in making an assessment, the objects set out in section 1.3 of the EP&A Act should be considered to the extent they are relevant. A response to the objects is provided in the table below.

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	Removal of the deteriorated external cladding and windows and replacement with new weather-tight and bushfire resistant materials will prevent weather damage to the lodge and reduce bushfire vulnerability. The proposed works can be undertaken without negative impacts on the amenity of adjoining users or the environment. The intended works to maintain and upgrade the exterior of the Lodge will sustain the ongoing use of the building as tourist accommodation. The proposal is considered to have positive economic and social impacts.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal would not have an unacceptable impact on the environment and is consistent with ecologically sustainable development principles. Adverse impacts on the natural environment are not expected to occur, whereas the socioeconomic outcomes of the works are generally expected to be positive. Mitigation measures during construction have been included in the recommended conditions of consent.
(c) to promote the orderly and economic use and development of land,	The development seeks approval for works that are aimed at supporting the ongoing use of the site for 'tourist accommodation'. The maintenance of lodge accommodation enhances the Alpine Resort experience and supports visitation for winter snow sports and tourism, thereby promoting the ongoing economic use of the land.
(d) to promote the delivery and maintenance of affordable housing,	Not applicable to this proposal.

(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	Adverse impacts upon the environment are limited due to the contained nature of the works within the existing building footprint and management of related construction activities within a previously disturbed area, including the implementation of the APZ plan. No areas identified on the Biodiversity Values Map are impacted and no impact on a threatened species, community or habitat are anticipated.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The development is unlikely to involve ground disturbance and is considered to be unlikely to result in any adverse impacts upon built and cultural heritage, including Aboriginal cultural heritage.
(g) to promote good design and amenity of the built environment,	The Department considers that the proposal responds to its existing setting, built form and minimises impacts upon natural environment. The colour and profile of the new cladding is in neutral colours and timber-like profile, compatible with the surrounding buildings. The works are expected to enhance the appearance of the Lodge.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The Department has recommended conditions of consent to ensure the construction of the proposal is undertaken in accordance with legislation, guidelines, policies and procedures (refer to Appendix C).
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the proposal (Section 5), which included consultation with government agencies and consideration of their responses.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal in accordance with the Department's Community Participation Plan (Section 5), which included displaying the application on the NSW Planning Portal and notifying the neighbouring lodges.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

To satisfy the requirements of section 4.15(a)(i) of the EP&A Act, this report includes references to the provisions of the EPIs that govern the carrying out of the project and have been taken into consideration in the Department's environmental assessment.

State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007 (the Alpine SEPP) is the principal EPI applicable to the development, as in force at the time of lodgement. Consideration of the Alpine SEPP is provided below:

Section 14(1) - Matters to be considered by consent authority

(a) the aim and objectives of this policy, as set out in section 2.	The proposal is consistent with the aim and objectives of the Alpine SEPP in that it is consistent with the principles of ESD and supports the ongoing use of the lodge for 'tourist accommodation'.
(b) the conservation of the natural environment and any measures to mitigate environmental hazards (including geotechnical hazards, bush fires and flooding),	The site is identified as bushfire prone land and a BFSAs has been issued for the works, subject to conditions. No excavation works or significant changes to drainage or structural loads are proposed in relation to geotechnical risks. The land is not subject to flooding. Natural hazards have been considered and adequately addressed. The proposal is appropriate as it allows for improvements to the existing building while having an acceptable impact on the environment.
(c) the cumulative impacts of development on existing transport, effluent management systems, waste disposal facilities or transfer facilities, and existing water supply,	No adverse cumulative impacts are anticipated as the proposal will not result in any changes to existing transport, effluent management systems, waste disposal facilities, transfer facilities or water supply.
(d) any statement of environmental effects,	The SEE and information supplied are considered adequate to enable a proper assessment of the works.
(e) the character of the alpine resort,	The proposal would not adversely alter the character of Charlotte Pass Alpine Resort.
(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,	<p>The development relates to works that are on the exterior of the building and within the existing building envelope and no earthworks are proposed.</p> <p>The building is predominantly outside the area identified as 'G' high geotechnical risk. The application is supported by an assessment by a</p>

structural engineer that the works are minor and non-structural in nature. The Department has formed the view that the removal of timber cladding from the building and replacement with metal cladding together with the replacement of several timber-framed windows with aluminium-framed windows is not likely to increase existing loads at the site. No further assessment on geotechnical matters is considered necessary for the development.

(g) any sedimentation and erosion control measures,

A Site Environmental Management Plan (SEMP) is provided within the Statement of Environmental Effects, which is to be implemented during the works. A condition is recommended to ensure the adoption of the SEMP provisions.

(h) any stormwater drainage works proposed,

No changes to the existing stormwater or drainage system are anticipated.

(i) any visual impact of the proposed development, particularly when viewed from the Main Range,

The proposal will not result in an unacceptable visual impact.

(j) any significant increase in activities, outside of the ski season,

The proposal does not result in an increase in activities outside the ski season.

(k) if the development involves the installation of ski lifting facilities,

The proposal does not involve the installation of any new ski lifting facilities.

(l) if the development is proposed to be carried out in Perisher Range Alpine Resort: the document entitled Perisher Range Resorts Master Plan (PRRMP) and the document entitled Perisher Blue Ski Slope Master Plan,

Not applicable to proposal.

(m) if the development is proposed to be carried out on land in a riparian corridor.

Not applicable to proposal.

Section 15 – Additional matters to be considered for buildings

Building Height

The proposed works do not increase the height of the existing building.

Building Setback	The works would not alter setback distances.
------------------	--

Landscaped Area	The proposal does not negatively impact existing native vegetation and therefore is appropriate.
-----------------	--

Section 17 – applications referred to the National Parks and Wildlife Service

The proposal was referred to section 17 of the Alpine SEPP. Refer to comments received at **Section 5** and discussion of the proposal at **Section 6**.

Section 26 – Heritage conservation

European heritage	The proposal is not considered to impact on any European heritage items.
-------------------	--

Aboriginal heritage	No ground disturbance is proposed and the NPWS raised no concerns in relation to the proposal.
---------------------	--

Appendix C – Recommended Instrument of Consent