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Signed S Butler

Sheet No 1 of 13

## STATEMENT OF ENVIRONMENTAL EFFECTS

### REPAIRS AND REPLACEMENT WORKS (EXTERNAL ALTERATIONS) KOSCIUSZKO ALPINE CLUB, CHARLOTTE PASS KOSCIUSZKO NATIONAL PARK



JUNE 2021  
Project: 26-20

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This report has been prepared by:

A handwritten signature in black ink, appearing to read 'I. Pasalich', with a small mark above the final 's'.

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Ivan Pasalich  
Principal  
Dabyne Planning Pty Ltd

**JUNE 2021**  
Project: 26-20

# CONTENTS

<b>1</b>	<b>Introduction</b>	<b>2</b>
1.1	Executive Summary	2
<b>2</b>	<b>The Locality and The Site</b>	<b>3</b>
2.1	The Locality	3
2.2	The Site	4
<b>3</b>	<b>Description of the Development</b>	<b>12</b>
3.1	General Description	12
<b>4</b>	<b>Environmental and Planning Legislation</b>	<b>13</b>
4.1	Environmental Planning and Assessment Act, 1979	13
4.1.1	Section 4.15(1)(a)(i) – Environmental Planning Instruments	13
4.1.2	Section 4.15(1)(a)(ii) – Draft Environmental Planning Instruments	16
4.1.3	Section 4.15(1)(a)(iii) – Development Control Plans	16
4.1.4	Section 4.15(1)(a)(iiia) – Planning Agreements	16
4.1.5	Section 4.15(1)(a)(iv) – Regulations	16
4.1.6	Section 4.15(1)(b)– Likely Impacts	16
4.1.7	Section 4.15(1)(c)– Suitability of the Site	17
4.1.8	Section 4.15(1)(d)– Submissions	17
4.1.9	Section 4.15(1)(e)– Public Interest	17
4.1.10	Section 4.46 – Integrated Development	17
4.2	Biodiversity Conservation Act, 2016	18
<b>5</b>	<b>Conclusion</b>	<b>20</b>
	APPENDIX A Site Environmental Management Plan	

# 1. INTRODUCTION

## 1.1 Executive Summary

Dabyne Planning Pty Ltd has been engaged to prepare a Statement of Environmental Effects to accompany a Development Application (DA) to the NSW Department of Planning, Industry & Environment (DPIE).

The application relates to the Kosciuszko Alpine Club (KAC) Lodge, a club lodge located within the Charlotte Pass Snow Resort. The property is legally described as Lot 12 DP 1242013.

The proposal seeks consent to undertake external alterations comprising of repairs and replacement work including the replacement of all the external timber cladding with metal cladding and replacement of some timber windows on the western side of the lodge with aluminium windows.

All the proposed works are external to the building and within the existing building footprint.

A detailed description of the proposal is provided in Section 3 of the report.

The purpose of this SEE is to:

- describe the land to which the DA relates.
- describe the form of the proposed works.
- define the statutory planning framework within which the DA is to be assessed and determined; and
- assess the proposed development against the matters for consideration listed under Section 4.15(1) of the Environmental Planning and Assessment Act, 1979 (EP&A Act, 1979).

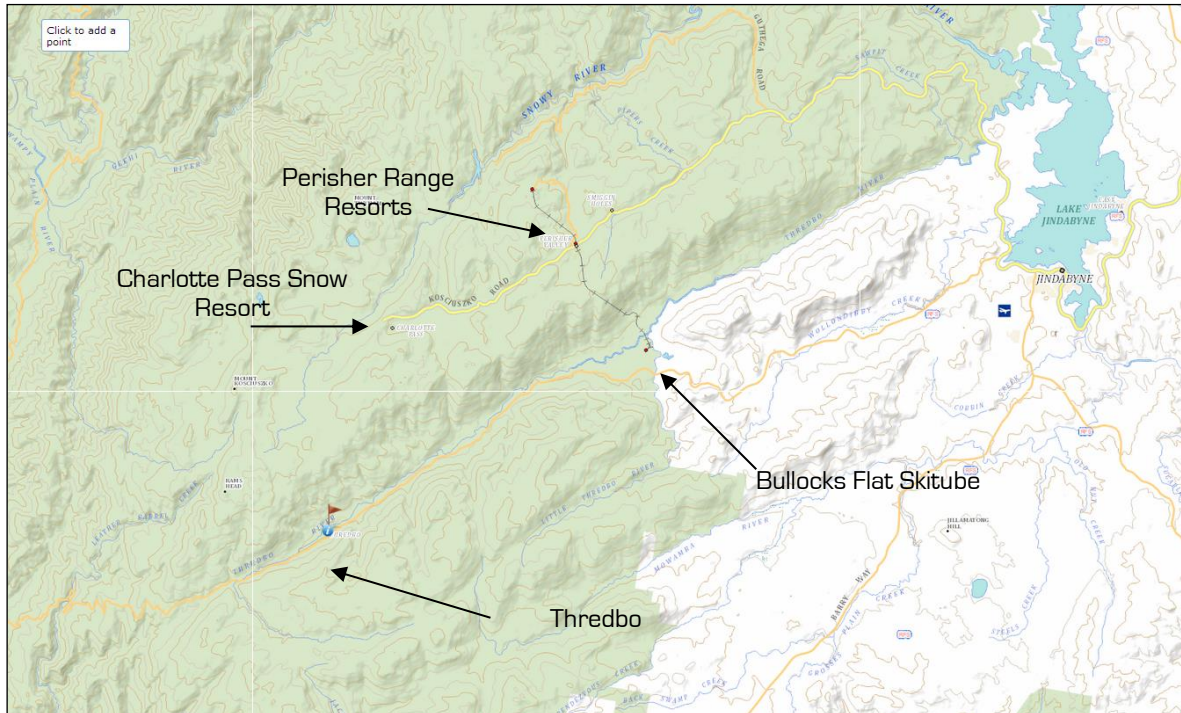
The report has been prepared in accordance with the requirements of Schedule 1 of the Environmental Planning and Assessment Regulations 2000.

## 2. THE SITE AND LOCALITY

### 2.1 Locality

The subject site is located within the Charlotte Pass Snow Resort, approximately 40kms from Jindabyne. Access to the resort is achieved via the Kosciuszko Road.

The location of Charlotte Pass Snow Resort is illustrated in context with the regional locality below:



*Figure 1: Context of the site within the Region*

The location of the site in context with the locality is illustrated in figure 2 below:





*Figure 2: Context of the site within the locality*

## 2.2 The Site

The KAC lodge is a club lodge located in the centre of the Charlotte Pass village, to the south of Guthrie Place as identified in figure's 3 & 4 below:



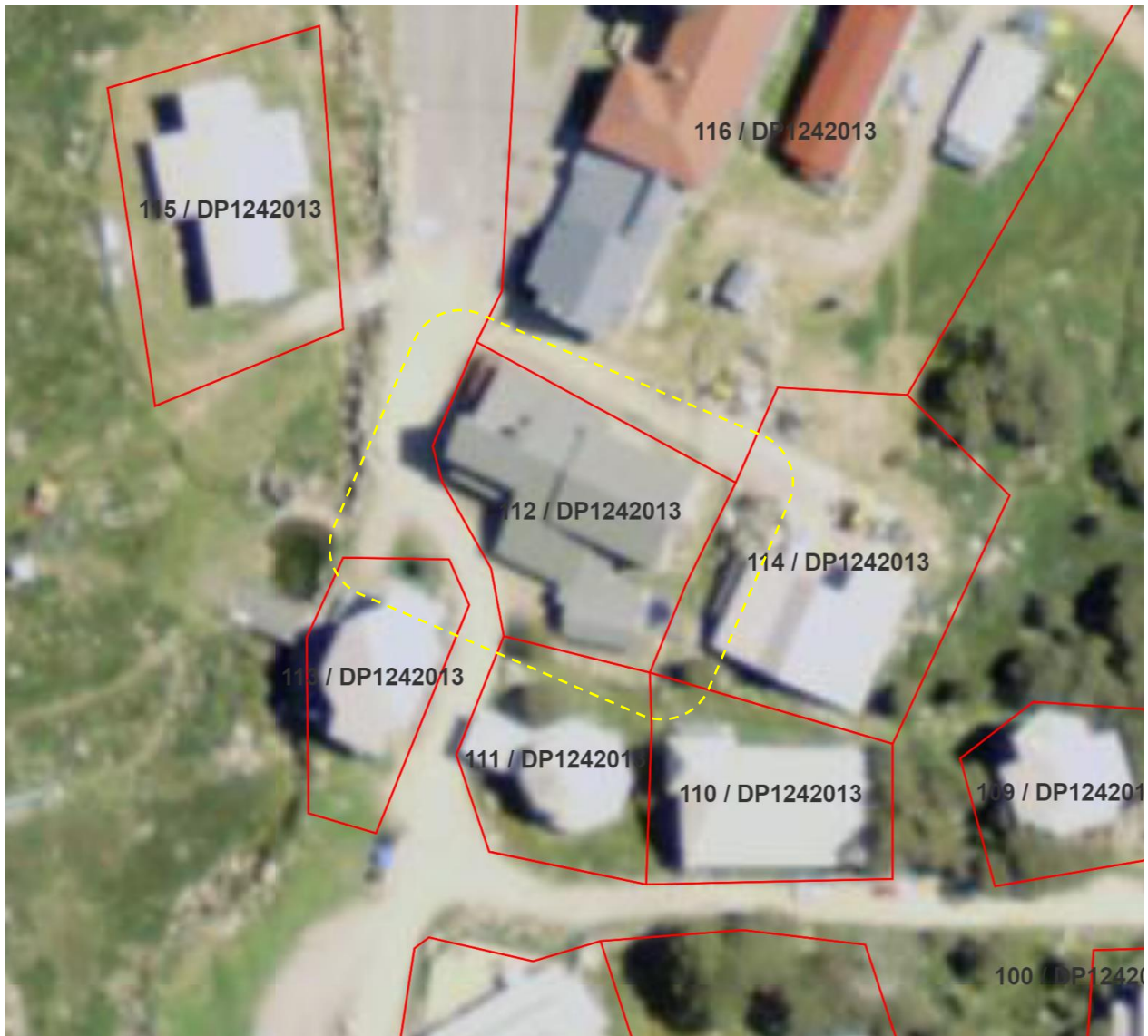
Figure 3: Aerial map of the subject site



*Figure 4: Topographic map of the subject site*

The lodge is located between the Kosciuszko Chalet to the north, the workshop to the east, and Tar-gan-gil lodge to the south, as shown below.





*Figure 5: Location of the lodge*

The following photos identify the existing building:



*Figure 6: Photo of the western elevation of the lodge*



*Figure 7: Photo of the northern elevation of the lodge*



*Figure 8: Photo of the northern elevation of the lodge*





*Figure 9: Photo of the eastern elevation of the lodge*



*Figure 10: Photo of the eastern and part of the southern elevation of the lodge*



*Figure 11: Photo of the eastern and southern elevations of the lodge*



*Figure 12: Photo of the eastern elevation*



*Figure 13: Photo of the southern elevation*



*Figure 14: Photo of the southern elevation*





*Figure 15: Photo of the southern elevation*



*Figure 16: Photo of the western elevation*



*Figure 17: Photo of the southern elevation*

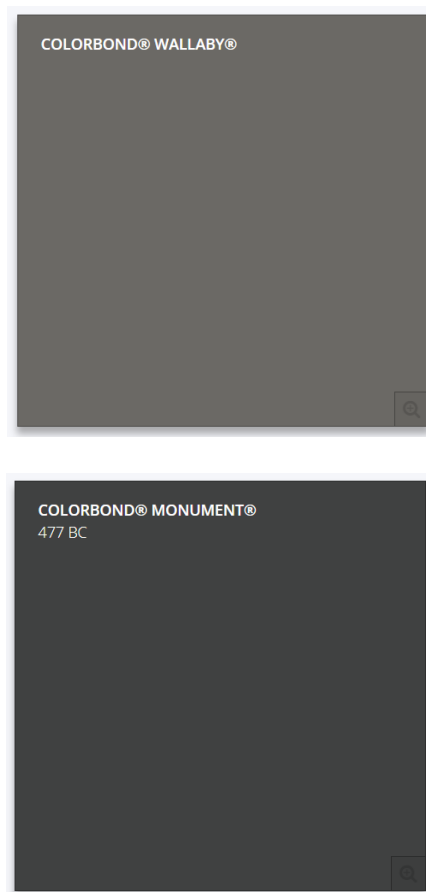


### 3. DESCRIPTION OF THE DEVELOPMENT

#### 3.1 General Description

The proposed development comprises of repairs and replacement works to the external fabric of the lodge as follows:

- Replacement of the timber windows on the western side of the lodge due to their deterioration facing the extreme westerly weather. Eight (8) windows to be replaced with Aluminium framed double glazed windows. Window frames to be natural anodised.
- Replacement of timber cladding on all elevations of the lodge. All replacement cladding to be metal with either a corrugated or nail strip profile. The main façade with vertical timber cladding will be replaced with metal vertical cladding to match existing, whilst the boxed-out sections around the windows will be replaced with horizontal cladding and a different colour to match existing.
- New colours to be mixture of Woodland Grey and Wallaby as shown below, natural tone recessive colours suitable for the alpine and built environment at Charlotte Pass village.



*Figure 18: Proposed colour scheme*

The proposed works are in response to the need to improve the weather protection and longevity of the external components of the lodge from UV, wind, ice and snow.

The works also result in improved bushfire protection with the use of non-combustible materials replacing timber materials.

## 4. ENVIRONMENTAL AND PLANNING LEGISLATION

### 4.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

#### 4.1.1 SECTION 4.15(1)(a)(i) – ENVIRONMENTAL PLANNING INSTRUMENTS

The only applicable Environmental Planning Instrument to the proposed development and site is State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007 (SEPP Alpine Resorts). The relevant clauses contained within SEPP Alpine Resorts are addressed below:

#### Clause 11 - Land Use Table:

The land use table for the Charlotte Pass specifies that 'Tourist accommodation' is permitted with consent.

This is defined as:

*'tourist accommodation means:*

- (a) a building or buildings used for the accommodation of visitors, including apartments, serviced apartments and lodges that may have facilities for the convenience of those visitors, such as conference facilities, entertainment facilities, recreation facilities and restaurants, or*
- (b) staff accommodation, or*
- (c) a hotel'.*

The proposed development is for alterations to a lodge.

The proposed works are therefore permissible with consent.

#### Clause 14 - Matters for consideration:

Matter for Consideration	Response
Cl.14 (1) In determining a development application that relates to land to which this Policy applies, the consent authority must take into consideration any of the following matters that are of relevance to the proposed development:	
(a) the aim and objectives of this Policy, as set out in clause 2,	<i>The proposed alterations have been designed to ensure impacts on the natural and built environment are minimal. The proposed works are considered to result in a development that is consistent with the aims and objectives set out in clause 2 of the SEPP.</i>
(b) the extent to which the development will achieve an appropriate balance between the conservation of the natural environment and any measures to mitigate environmental hazards (including geotechnical hazards, bush fires and flooding),	<i>The proposed alterations do not require any measures to mitigate environmental hazards that would impact on the conservation of the natural environment.</i>

<p>c) having regard to the nature and scale of the development proposed, the impacts of the development (including the cumulative impacts of development) on the following:</p> <p>(i) the capacity of existing transport to cater for peak days and the suitability of access to the alpine resorts to accommodate the development,</p> <p>(ii) the capacity of the reticulated effluent management system of the land to which this Policy applies to cater for peak loads generated by the development,</p> <p>(iii) the capacity of existing waste disposal facilities or transfer facilities to cater for peak loads generated by the development,</p> <p>(iv) the capacity of any existing water supply to cater for peak loads generated by the development,</p>	<p><i>The proposed alterations will result in improvements to the lodge regarding repairs and maintenance.</i></p> <p><i>These works will not result in the existing transport, reticulated effluent management, waste disposal and water supply infrastructure to be required to be upgraded or expanded.</i></p>
<p>(d) any statement of environmental effects required to accompany the development application for the development,</p>	<p><i>This Statement of Environmental Effects satisfies this sub-clause.</i></p>
<p>(e) if the consent authority is of the opinion that the development would significantly alter the character of the alpine resort—an analysis of the existing character of the site and immediate surroundings to assist in understanding how the development will relate to the alpine resort,</p>	<p><i>The proposed alterations will not alter the character of the resort and has been designed to improve the external fabric of the lodge.</i></p>
<p>(f) the Geotechnical Policy—Kosciuszko Alpine Resorts (2003, Department of Infrastructure, Planning and Natural Resources) and any measures proposed to address any geotechnical issues arising in relation to the development</p>	<p><i>The proposed external alterations are contained within the existing building footprint and will result in replacement materials.</i></p> <p><i>With no earthworks or excavations proposed, no Geotechnical Risk assessment is required.</i></p>
<p>(g) if earthworks or excavation works are proposed—any sedimentation and erosion control measures proposed to mitigate any adverse impacts associated with those works,</p>	<p><i>No earthworks or excavation works are proposed.</i></p>
<p>(h) if stormwater drainage works are proposed—any measures proposed to mitigate any adverse impacts associated with those works,</p>	<p><i>Not applicable.</i></p>
<p>(i) any visual impact of the proposed development, particularly when viewed from the Main Range,</p>	<p><i>The proposed alterations have been designed to be compatible with the existing building, surrounding built form with no additional visual impacts generated.</i></p>

(j) the extent to which the development may be connected with a significant increase in activities, outside of the ski season, in the alpine resort in which the development is proposed to be carried out,	<i>The proposed alterations will not result in an increase in activities outside of the ski season.</i>
(k) if the development involves the installation of ski lifting facilities and a development control plan does not apply to the alpine resort:  (i) the capacity of existing infrastructure facilities, and  (ii) any adverse impact of the development on access to, from or in the alpine resort,	<i>The development does not involve the installation of a ski lift.</i>
(l) if the development is proposed to be carried out in Perisher Range Alpine Resort:  (i) the document entitled Perisher Range Resorts Master Plan, as current at the commencement of this Policy, that is deposited in the head office of the Department, and  (ii) the document entitled Perisher Blue Ski Resort Ski Slope Master Plan, as current at the commencement of this Policy, that is deposited in the head office of the Department,	<i>Not applicable.</i>
(m) if the development is proposed to be carried out on land in a riparian corridor:  (i) the long term management goals for riparian land, and  (ii) whether measures should be adopted in the carrying out of the development to assist in meeting those goals.	<i>Not applicable.</i>
(2) The long term management goals for riparian land are as follows:	
(a) to maximise the protection of terrestrial and aquatic habitats of native flora and native fauna and ensure the provision of linkages, where possible, between such habitats on that land.	<i>Not applicable.</i>
(b) to ensure that the integrity of areas of conservation value and terrestrial and aquatic habitats of native flora and native fauna is maintained,	

(c) to minimise soil erosion and enhance the stability of the banks of watercourses where the banks have been degraded, the watercourses have been channelised, pipes have been laid and the like has occurred.	
(3) A reference in this clause to land in a riparian corridor is a reference to land identified as being in such a corridor on a map referred to in clause 5.	

#### **4.1.2 SECTION 4.15(1)(a)(ii) – DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS**

There are no draft Environmental Planning Instruments that are applicable to the site or proposed development.

#### **4.1.3 SECTION 4.15(1)(a)(iii) – DEVELOPMENT CONTROL PLANS**

There are no Development Control Plans applicable to the Kosciuszko Alpine Resorts under State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007.

#### **4.1.4 SECTION 4.15(1)(a)(iiia) – PLANNING AGREEMENTS**

There are no Planning Agreements applicable to the Kosciuszko Alpine Resorts under State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007.

#### **4.1.5 SECTION 4.15(1)(a)(iv) – REGULATIONS**

The development application has been made in accordance with the requirements contained in Clause 50(1A) of the Environmental Planning and Assessment Regulation 2000.

In accordance with Clause 54(4) of the same regulations, the information that is required for a Construction Certificate, is not required to be provided for a DA in relation to either building or subdivision work. This is to ensure that the consent authority does not oblige the applicant to provide construction details up-front where the applicant may prefer to test the waters first and delay applying for a construction certificate until, or if, development consent is granted.

#### **4.1.6 SECTION 4.15(1)(b) – LIKELY IMPACTS**

##### **Natural Environment:**

The proposed external alterations are wholly contained within the existing building footprint and will therefore have minimal impact on the natural environment.

##### **Built Environment:**

The proposed external alterations are being undertaken to improve the maintenance of the building and update its appearance.



The alterations will not change the building footprint or form of the building and the overall changes to the built environment by the proposed external alterations are considered positive.

#### **Social and Economic impacts in the locality:**

The proposed external alterations will result in the lodge being improved, requiring less maintenance and resulting in a positive economic impact with a number of short-term construction jobs being generated.

#### **4.1.7 SECTION 4.15(1)(c) – SUITABILITY OF THE SITE**

The subject site is considered suitable to accommodate the proposed external alterations.

#### **4.1.8 SECTION 4.15(1)(d) – SUBMISSIONS**

The Department's Community Participation Plan (CPP) includes notification provisions for the Kosciuszko Alpine Resorts which were not included in the draft CPP and were not consulted with relevant stakeholders. Accordingly, this policy, being absent of any proper community participation would be considered to have very little, if any determinative weight.

#### **4.1.9 SECTION 4.15(1)(e) – THE PUBLIC INTEREST**

The proposed external alterations are considered to be within the interest of the public, as they will result in an improvement to the building, reduce ongoing maintenance requirements without generating any negative impacts on the environment.

#### **4.1.10 SECTION 4.46 – INTEGRATED DEVELOPMENT**

Although the subject site is located within bushfire prone land, the Development Application is not an Integrated Development under the provisions of S.4.46 of the EP&A Act, 1979 as a Bushfire Safety Authority is not required under S.100B of the NSW Rural Fire Service Act, 1997, even though the subject works relate to a 'special fire protection purpose'. This is due to the exemption afforded under clause 45(1)(o) of the Rural Fires Regulations, 2013 which states:

#### ***45 Development excluded from requirements for bush fire safety authority***

*(1) Pursuant to section 100B(5)(a1) of the Act, the following development is excluded from the operation of section 100B—*

*(o) development of a minor nature that relates to an existing building that is for special fire protection purpose.*

The proposed repairs and replacement works are therefore deemed a development of a minor nature to an existing building that is for special fire protection purpose.

This is consistent with the RFS position outlined in section 6.5 of PBP, 2019, whereby the RFS advise that repairs and replacement works comprising of non-structural building (external) alterations '*do not have any influence on potential bush fire impacts and the bush fire protection of the building*'.

If these works do not have any influence on potential bushfire impacts and the bushfire protection of the building and therefore do not require a BFS under S.100B of the Rural Fires Act, 2007 then they are not able to be referred under S.4.14(1) of the EP&A Act, 1979 and do not require any conditions of consent to be recommended by the NSW RFS.

Development consent can therefore be granted for development for a special fire protection purpose on bush fire prone land without being satisfied that the development complies with PBP, 2019 or has been provided with a certificate stating that the development complies.

Consideration under S.4.14 of the EP&A Act, 1979 is specifically excluded for a 'special fire protection purpose' development, as underlined in the extract below:

**4.14 Consultation and development consent—certain bush fire prone land**  
*[cf previous s 79BA]*

*(1) Development consent cannot be granted for the carrying out of development for any purpose (other than a subdivision of land that could lawfully be used for residential or rural residential purposes or development for a special fire protection purpose) on bush fire prone land (being land for the time being recorded as bush fire prone land on a relevant map certified under section 10.3(2)) unless the consent authority—*

*(a) is satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection prepared by the NSW Rural Fire Service in co-operation with the Department (or, if another document is prescribed by the regulations for the purposes of this paragraph, that document) that are relevant to the development (the relevant specifications and requirements), or*

*(b) has been provided with a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements.*

Notwithstanding the above, the NSW RFS has an expectation that a better bush fire outcome is achieved where new development is proposed in association with existing facilities.

The proposed repairs and replacement of the timber windows cladding with non-combustible windows frames and cladding will result in a better bush fire outcome.

## 4.2 BIODIVERSITY CONSERVATION ACT, 2016

The Biodiversity Conservation Act 2016 and Local Land Services Amendment Act 2016 together with the Biodiversity Conservation Regulations 2017 were enacted on the 25 August 2017 and came into effect on the 25 February 2018.

A review of the subject site in relation to the latest Biodiversity Values Map shows that the subject site is not mapped as comprising high biodiversity value, see below.



*Figure 19: The subject site in relation to the Biodiversity Values Map*

Regarding the clearing threshold, the site is located within a National Park and is zoned E1 – National Park under the Snowy River Local Environmental Plan, 2013 (SR LEP, 2013).

Consequently, the site does not have a minimum lot size, under the SR LEP 2013.

Therefore, the clearing threshold is predicated on the lot size of the subject site.

With a lot size of approximately 1000m<sup>2</sup>, the clearing threshold is 0.25ha (2500m<sup>2</sup>) of clearing of native vegetation without having to undertake a Biodiversity Assessment Method (BAM) assessment and therefore triggering the Biodiversity Offsets Scheme (BOS).

Accordingly, the threshold provisions cannot be triggered.

Given the highly disturbed nature of the site and the proposed alterations only being for repairs and replacement works, the proposal is highly unlikely to have any impacts on biodiversity including any Threatened Species or Ecological Communities or their habitat.

## 5. CONCLUSION

The proposed development has been considered in regard Section 4.15 of the EP&A Act, 1979 and State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007.

The proposal has been found to be consistent with the above legislation and Environmental Planning Instrument, as detailed in the above report.

The proposed development will allow for repairs and replacement work to external elements of the building, which will reduce maintenance and improve the longevity of the building to withstand the harsh weather associated with the locality. This also improves the aesthetics and bushfire protection of the building.

The proposed works are considered to reduce maintenance and update the overall appearance of the lodge without generating any negative environmental or social impacts and are considered to complement the existing built environment.

## APPENDIX A

### SITE ENVIRONMENTAL MANAGEMENT PLAN



## APPENDIX A SITE ENVIRONMENTAL MANAGEMENT PLAN Kosciuszko Alpine Club, Charlotte Pass

### 1. Introduction

As detailed in the Statement of Environmental Effects, the proposed alterations are wholly located within the building footprint.

Therefore, the works do not involve excavations or earthworks and therefore there is no requirement for erosion and sediment controls.

The following plan has been provided to identify the appropriate location for construction vehicle parking and material storage to assist in minimising any impacts arising from the construction works.

### 2. Access & Vehicle Parking

Access to the site will be achieved via Charlotte Way with parking for construction vehicles available on the southern side of the lodge within the existing driveway and parking areas as identified in Figure 1 below.



*Figure 1: Construction vehicle parking*

### 3. Material Storage

Material storage for the construction works can be placed within the area identified below in figure 2 below.



*Figure 2: Material storage locations*

### 4. Waste Management

To ensure that waste is managed, the following controls and measures are to be adhered to:

- All litter generated on site is to be disposed of in appropriate bin provided on site and disposed at Jindabyne tip.
- All employees shall be informed of the need to maintain a clean worksite.
- Site generated waste including garbage, concrete and excess materials shall be collected within the waste bin and removed from the site to landfill located in Jindabyne.
- All loads of rubbish removed shall be securely covered to ensure no spillage.
- To the furthest extent possible efforts shall be made to reduce, reuse and recycle materials used onsite.
- The worksite shall be left in a tidy and rubbish free state upon completion of the project.

## 5. Noise and vibration pollution

The intended hours of operation is from 7am to 5pm from October through to May of each year. No construction is to take place from June through to September.

Noise pollution is not expected to be an issue from the construction of the proposed works.

## 6. Air pollution

The construction of the proposed development is not expected to create any unnecessary air pollution.

## 7. Fuels and Chemicals

The proposed development will not require the storage of fuels or chemicals on site.

## 8. Emergency Procedures

In case of an emergency, the following key emergency response contacts are provided below:

### Key Emergency Response Contacts

Organisation	Emergency Phone	Non Emergency Phone
NSW Police	000	Jindabyne: 6456 2244
NSW Fire and Rescue	000	Perisher: 6457 5037 Jindabyne: 6456 2476
NSW Ambulance	000	Perisher: 131 233
Medical Centres	Perisher (Winter Only): 6457 5266 Jindabyne: 6457 1221	
National Parks and Wildlife Service (NPWS)/OEH	1800 629 104	Perisher: 6457 4444 Jindabyne 6450 5555
Roads and Maritime Services	Traffic incidents & road conditions: 131 700 Road closures and special events: 132 701	
Environment Protection Authority Environment Line	131 555	
NRMA Road Service	Jindabyne: 6456 1159	