



Valhalla Lodge, Perisher Valley

Development Application Assessment
DA 22/1254

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

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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

Executive Summary

This report provides an assessment of a Development Application (DA 22/1254) lodged by Kylie Langford, on behalf of Valhalla Perisher (hereafter referred to as the Applicant) seeking approval to undertake alterations at Valhalla Lodge, Perisher Range Alpine Resort, within Kosciuszko National Park (KNP).

The application seeks approval for alterations to an existing tourist accommodation building incorporating the replacement of external cladding on all elevations, removal of selected windows and internal removal of a total of 8 wall cisterns from bathrooms and installation of standard surface mounted toilet suites on ground and level one floors.

On 1 March 2022, the *State Environmental Planning Policy (Kosciuszko National Park-Alpine Resorts) 2007* (the Alpine SEPP) was consolidated into the *State Environmental Planning Policy (Precincts - Regional) 2021* (Precincts - Regional SEPP). The SEPP consolidation is administrative only. No policy changes have been made.

The Minister for Planning is the consent authority for development within a ski resort in KNP, administered by the Department of Planning and Environment (the Department). The proposal is permissible with consent under the provisions of the Precincts – Regional SEPP.

The Department exhibited the application between 24 February 2022 until 10 March 2022 in accordance with the Department's Community Participation Plan as the works include external alterations to an existing tourist accommodation building within fifty (50) metres of other tourist accommodation buildings. No submissions from the public were received.

The Department consulted and received comments from the National Parks and Wildlife Service (NPWS) pursuant to section 4.15 of Chapter 4 of the Precincts – Regional SEPP.

The development relates to tourist accommodation on bush fire prone land. The Department forwarded the application to the NSW Rural Fire Service (RFS) pursuant to section 4.46 of the EP&A Act (integrated development provisions) as a Bushfire Safety Authority (BFSA) under the *Rural Fires Act 1997* is required for the development to be carried out. The RFS issued a BFSA for the proposal.

The Department has assessed the proposal in accordance with relevant matters under section 4.15 and the objects of the *Environmental Planning and Assessment Act, 1979* (EP&A Act), the principles of Ecologically Sustainable Development, and issues raised in all submissions.

The Department considers the proposal is acceptable as:

- there will not be a significant impact on any threatened species, populations or ecological communities
- the addition of new cladding will improve the external appearance and longevity of the building, and the renovated bathroom facilities will benefit the occupants
- construction impacts on the surrounding environment would be minimised as the proposal will be contained within the existing building footprint and disturbed areas
- the works improve bushfire protection of the building

The Department's assessment concludes the application is in the public interest as it supports the ongoing operation of Valhalla Lodge which supports the Regional Plan for the locality and maintains consistency with Chapter 4 of the Precincts – Regional SEPP.

The Department therefore recommends the application be approved subject to conditions.

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1 Introduction

1.1 The Department's assessment

This report contains the Department's assessment of Development Application (DA 22/1254) at Valhalla Lodge (Lot 1 DP 1172991), 31 Candle Heath Road, Perisher Valley within KNP.

Kylie Langford (the Applicant), on behalf of Valhalla Lodge, is seeking development consent to undertake alterations to the existing tourist accommodation facility on the site (**Figure 1**) of external cladding, replacement of selected windows, internal removal of wall cisterns from bathrooms and the installation of standard surface mounted toilet suites.



Figure 1 | Location of site (highlighted) in context of other adjoining lodges (Source: SIX Maps 2022)

1.2 Site Location and Context

The subject site (Lot 1 DP 1172991) of approximately 1780.5m² is an irregular shaped parcel located on the eastern edge of Perisher Village within the Perisher Range Alpine Resort of KNP. A single free-standing tourist accommodation building is situated on the site, known as 'Valhalla Lodge', located at 31 Candle Heath Road, Perisher Valley (**Figure 2**).

Vehicular access to the site is available via an unsealed driveway off Candle Heath Road along the north-western boundary of the parcel to a double garage located on the basement floor level on the northern elevation. The Lodge building is a split-level, three- to four storey timber clad structure (upper levels), with

a ground level constructed from block work and faced with local granite (**Figure 3**), with internal stairs to the Ground Floor level.

The main guest building entry is located on the Ground Floor level on the eastern side of the building leading to an office reception area adjoining the Managers unit. Several staff quarters and service facilities are located on the Ground level, together with the Lodge commercial kitchen, dining room, lounge, games room and laundry/ ski room. Twelve (12) guest rooms with ensuite bathrooms are located on the first floor with an open gallery walkway overlooking the void to the lounge area below. Valhalla Lodge has a total of 30 beds allocated to the site under the KNP Plan of Management.



Figure 2 | Site (highlighted) in context of adjoining lodges (Source: Applicant's documentation)



Figure 3 | Photograph of existing Northern elevation of building (Source: Applicant's documentation)

2 Project

The application seeks approval for the following internal and external works (shown in **Figures 4 and 5**):

- Replacement of external timber cladding on all elevations with Custom Orb cladding, Jasper colour.
- All windows on the Ground-floor level and the majority of windows on the First-floor are to be replaced with new 'Nut Tree' coloured UPVC double-glazed windows.
- Removal of in-wall toilet cisterns from two (2) Ground floor staff ensuites and six (6) First floor guest ensuite bathrooms and reinstate the walls to match the existing surface. Replace with eight (8) new standard surface mounted toilet suites.

The proposed works to the exterior of the lodge will remain within the original footprint of the existing structure and will pose little impact on the surrounding character of the building. There are no proposed works below existing ground level.

In addition, and to meet RFS requirements, the Applicant has indicated that ember protection upgrades are proposed, including works such as sealing building gaps and roof penetrations, installation of low flammability-index sarking behind the cladding, and 2mm metal mesh to all external doors and openable windows.

The proposal has an estimated cost of works stated as \$200,182.80.

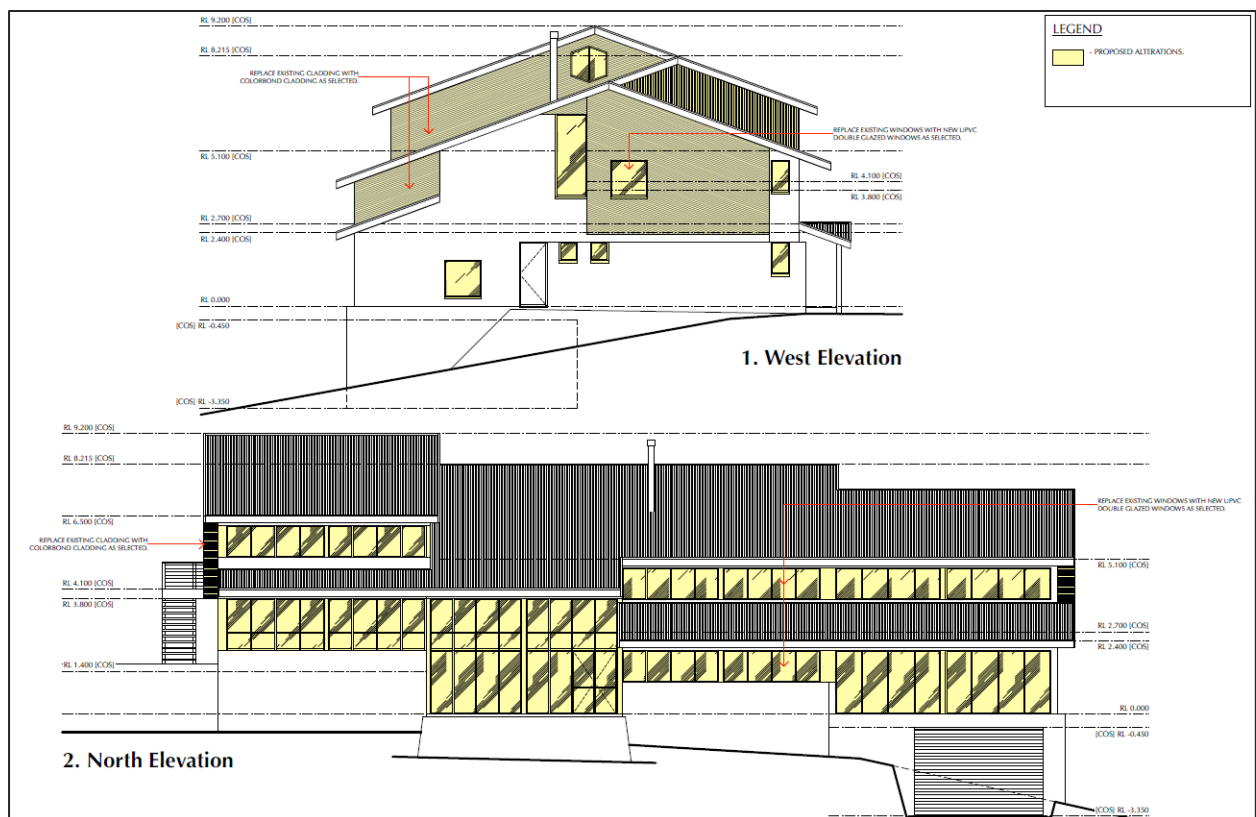


Figure 4 | Cladding and windows to be replaced on the West and North elevations (Source: Applicant's documentation)

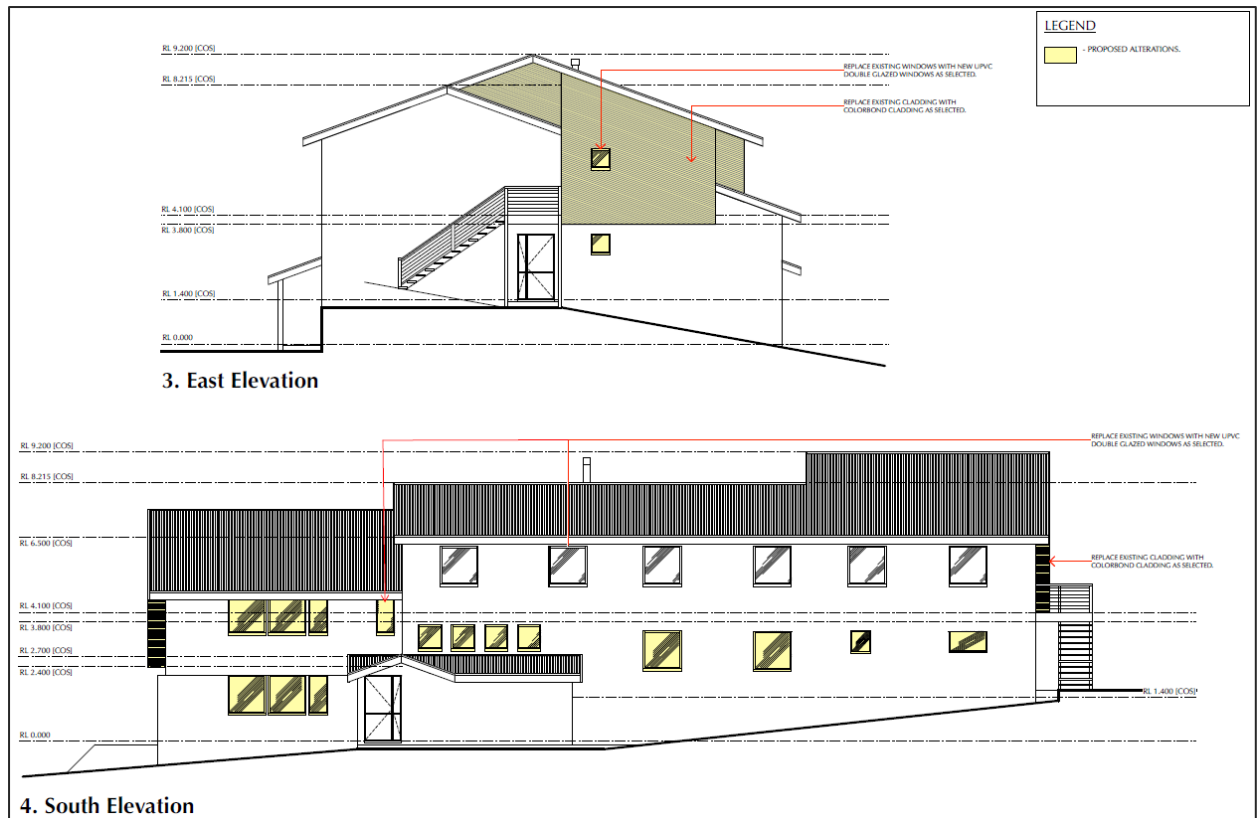


Figure 5 | Cladding and windows to be replaced on the East and South elevations (Source: Applicant's documentation)

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 is consistent with the Regional Plan as it improves the external appearance and reduces ongoing maintenance of the tourist accommodation, which maintains and supports visitation to 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 9.1.2 of the Master Plan relates to Perisher Range, where the subject parcel is identified as a development area within the Perisher Valley Structure Plan. The Department considers the proposal to be consistent with the Master Plan as it relates to supporting year-round visitor accommodation near the Perisher Centre while maintaining the environmental, cultural and landscape attributes of Perisher Valley.

Precincts – Regional SEPP

The Precincts – Regional SEPP governs development on land within the ski resort areas of KNP. Chapter 4 of the SEPP aims to protect the natural and cultural heritage of land within the resorts and to encourage environmentally sustainable development.

Under the provisions of section 4.15 of the Precincts – Regional SEPP, the NPWS have 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 broad range of values found in the park. The Department considers the proposal is consistent with Chapter 4 of the Precincts – Regional SEPP as the proposal appropriately minimises the potential impacts on the environment by restricting works to the existing building footprint area.

4 Statutory Context

4.1 Consent Authority

Under section 4.6 of the Precincts – Regional 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 15 public submissions that raise objections to the proposal, and
- the application is in relation to land to which Chapter 4 of the Precincts – Regional SEPP applies

4.2 Permissibility

The proposal includes internal and external alterations to a building while maintaining the use of the site consistent with the definition of 'tourist accommodation' as defined in the Precincts – Regional SEPP. Pursuant to section 4.9 of the Precincts – Regional SEPP, 'tourist accommodation' is permissible with consent within the Perisher Range 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 Bush Fire Safety Authority. Refer to **Section 5** for further discussion on this component.

4.4 Mandatory Matters for Consideration

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:

- there would not be an unacceptable impact on the environment, thus being ecologically sustainable development, with impacts upon native vegetation limited to implementation of the APZ plan.
- works are aimed at improving the existing building for the benefit of the lodge members and visitors, thereby supporting the orderly and economic use of the site without impacting on neighbouring properties.

- the application is capable of achieving compliance with relevant construction standards.
- 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 NSW Planning Portal website during the exhibition period.

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 by the Applicant 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 is not expected to adversely impact upon the health, diversity, or productivity of the environment for future generations
- the Applicant has recognised the value of the environment and restricted works to the existing building facade, with minimal vegetation management required to meet the NSW RFS requirements for an IPA area for the allotment only
- the proposal does not impact upon cultural heritage, including 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 effect threatened species or ecological communities, or their habitats; or
- the works are carried out in a declared area of outstanding biodiversity value.

The immediate site and adjoining areas contain a mix of managed land and intact vegetation. The Applicant comments that no vegetation is proposed to be removed (apart from removal of overhanging branches) to facilitate the improvements to the lodge. This management would not trigger the threshold requirement for the site of 0.25 ha.

The Department has reviewed the mapping and considers the site to be located partly within the BVM (refer **Figure 6**). The NPWS requested that the Applicant provide an APZ plan for the site to ensure that the area identified on the BVM is protected. No plan has been received, and following discussions with the NPWS, the Department is recommending the preparation of an APZ plan prior to the issue of the construction certificate.

The Department has formed the view, in discussions with NPWS, that as a result of the implementation of the future APZ, the proposal will not a significant effect on threatened species or ecological communities, or their habitats, given the works are only to the existing building footprint and not an extension of the building.

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



Figure 6 | Biodiversity Value area is shown in purple (site highlighted in yellow) (Source: <https://www.lmbc.nsw.gov.au>)

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.

Table 1 below presents a summary of the matters for which 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)	The Precincts – Regional SEPP is the principal EPI which applies to the site for this type of development. An

assessment against the requirements of the Precincts – Regional SEPP is provided in **Appendix B**.

The Department is satisfied the application is consistent with the requirements of Chapter 4 of the Precincts – Regional SEPP.

(a)(ii) any proposed instrument	Not applicable to the proposal.
(a)(iii) any development control plan	Not applicable to the proposal.
(a)(iia) any planning agreement	Not applicable to the proposal.
(a)(iv) the regulations	<p>The application satisfactorily meets the relevant requirements of the EP&A Regulation, particularly the procedures relating to development applications (Part 6) and fees (Part 15, Division 1) of the EP&A Regulation 2000 at the time of lodgement.</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 the proposal.
(b) the likely impacts of that development	<p>The Department has considered the likely impacts of the development. All environmental impacts can be appropriately managed and mitigated through conditions of consent.</p> <p>The proposal is considered to have positive economic and social impacts for visitors and guests of Valhalla Lodge and visitation to Perisher Range Alpine Resort.</p>
(c) the suitability of the site for the development,	The site is suitable for the development and supports the ongoing use of the building.
(d) any submissions made in accordance with this Act or the regulations,	Consideration has been given to agency submissions received during the exhibition period. See Section 5 of this report.
(e) the public interest.	The works are consistent with the aim and objectives of Chapter 4 of the Precincts – Regional SEPP, would be

compatible to the uses of the locality and there would not be an adverse impact on the environment. The proposal is consistent with the principles of ESD.

As such, the proposal is in the public interest.

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 seeking development consent to be exhibited for a period of fourteen (14) days. However, applications under Chapter 4 of the Precincts – Regional SEPP are not required to be publicly exhibited if the proposal relates to works which are wholly internal to a building or where the site is located more than fifty (50) metres away from a tourist accommodation building.

As part of the works include external alterations to an existing tourist accommodation building within 50 metres of other tourist accommodation buildings, the Department exhibited the application between 24 February 2022 until 10 March 2022 on the NSW Planning Portal website.

The application was exhibited to nearby lodges and forwarded to the NSW Rural Fire Service (RFS) pursuant to section 4.46 of the EP&A Act (integrated development) as a Bush Fire Safety Authority under the *Rural Fires Act 1997* is required for the development to be carried out.

The application was also referred to the NPWS pursuant to section 4.15 of Chapter 4 of the Precincts – Regional SEPP.

5.2 Summary of submissions

During the exhibition period, the Department received comments from the NPWS and RFS. No public submissions were received.

NPWS

The NPWS did not object to the proposal and provided comments and recommended conditions on leasing and the KNP Plan of Management, BC Act, protection of native vegetation fauna and fauna habitats, Aboriginal cultural heritage and plumbing and drainage. The NPWS sought the submission of a APZ plan to satisfy RFS bushfire requirements prior to undertaking any vegetation clearing.

The Department notes that no APZ plan has been provided during the assessment of the application. As mentioned above in **Section 4**, following discussions with the NPWS the Department is recommending the preparation of an APZ plan prior to the issue of the construction certificate.

RFS

The RFS did not object to the proposal and has issued a Bush Fire Safety Authority (BFSA) under section 100B of the *Rural Fires Act 1997*, that includes, but is not limited to:

- that all land within the subject leasehold site be managed as an IPA
- that all proposed external alterations to the existing building identified as repair and replace works: not comprise the making of, or an alteration to the size of, any opening in a wall or roof, such as a doorway, window or skylight; be adequately sealed or protected to prevent the entry of embers; and use equivalent or improved fire-resistant materials that do not affect any existing fire resisting components of the building

- the existing building is to be upgraded, where practical, to improve ember protection (if not already constructed to the Bushfire Attack Level under Australian Standard AS 3959)

In order to address the RFS requirements, implementation of the APZ plan is to occur prior to issue of the construction certificate for the building works. A condition is recommended to address this component.

6 Assessment

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

- design details and standards
- managing construction impacts

Each of these issues is discussed in the following sections of this report.

6.1 Design details and standards

The proposed works, when constructed, are to comply with the Building Code of Australia (BCA) and relevant Australian Standards. The Department has also considered whether any upgrades to the building are required as part of its assessment in accordance with section 94 of the EP&A Regulation 2000, as in force at the time of this assessment. The Department notes that compliance with relevant requirements is to be determined at the construction certificate stage by the certifier and in accordance with conditions of consent.

- All new work (or work as part of the DA) must comply with the BCA. The Department considers that compliance with the BCA is achievable, with documentation confirming compliance required to be provided at the Construction Certificate stage.
- 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.
- The EP&A Regulation 2000 (the Regulation) in place at the time of lodgement of this application continues to be the relevant version of the legislation applied to this application. Accordingly, section 94 of the Regulation 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 has considered the proposal and the existing building and has determined that no upgrades are required for this application.

- In relation to bushfire prevention measures, the BCA requires construction to comply with the BFSA issued by the RFS. The BFSA is incorporated into the conditions of the consent and compliance must be verified at the construction and occupation certificate stages.

The BFSA requires that:

- that all proposed external alterations to the existing building identified as repair and replace works: not comprise the making of, or an alteration to the size of, any opening in a wall or roof, such as a doorway, window or skylight; be adequately sealed or protected to prevent the entry of embers; and use equivalent or improved fire-resistant materials that do not affect any existing fire resisting components of the building.

- The existing buildings are required to be upgraded where practical to improve ember protection (if not already constructed to the relevant Bushfire Attack Level under Australian Standard AS3959). Improved ember protection can be achieved by undertaking some, or all of the following; enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any subfloor areas, openable windows, vents, weep holes and eaves. External doors are to be fitted with draft excluders. Details of proposed upgrades to improve ember protection shall be submitted with the application for the Construction Certificate.

Details of proposed upgrades to improve ember protection shall be submitted with the application for the Construction Certificate.

- Ensuring the proposal meets snow and wind loading requirements is a key consideration of the Department's assessment in the NSW Alpine environment. With adverse weather conditions at times, the fixing of the new structures to the existing building needs to be constructed appropriately. The Department has recommended that structural certification be provided prior to the issue of an occupation certificate for the works.

The Department concludes that subject to compliance with the conditions of consent, including references to the BCA which is to be addressed by the certifier at the Construction Certificate stage, the proposal is satisfactory and would improve the amenity of the building for its occupants.

6.2 Managing construction impacts

Given the scope of the works and that the site is predominantly previously disturbed, it is unlikely that the construction of the proposal will cause any adverse impact upon the natural environment. The proposal is in keeping with the use of the building for tourist accommodation and the construction activities will not generate any vegetation disturbance (outside of the areas to be managed to meet RFS APZ requirements).

Parking is available at the site during construction, and all construction activities will be required to be contained on the site. The NPWS commented that the development activities are to be contained solely within the Valhalla lease area, and that the carparks along the road are not appropriate stockpile sites as they are not part of the lease area and are adjacent to an endangered ecological community.

Construction impacts such as noise and vibration will be short term and managed in accordance with standard environmental conditions. The Applicant will be required to ensure the submitted Site Environmental Management Plan outlining waste management, dust and noise minimisation strategies as well as material storage, is implemented during the works. It is also noted that construction is to occur outside the ski season.

The Department has recommended standard construction conditions applied in the Alpine area, along with recommended conditions from NPWS and RFS. Subject to compliance with these conditions, the Department is of the view that the proposed works would not impact upon nearby buildings or the 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:

- there will not be a significant impact on any threatened species, populations or ecological communities.
- the addition of new cladding will improve the external appearance and longevity of the building, and the renovated bathroom facilities will benefit the occupants.
- construction impacts on the surrounding environment would be minimised as the proposal will be contained within the existing building footprint and disturbed areas.
- the works improve bushfire protection of the building.

Overall, the Department is satisfied that the proposal is suitable for the site and in 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 and Public Spaces:

- **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 22/1254, subject to the recommended conditions
- **signs** the attached Development Consent (**Appendix C**).

Prepared by:



Alexander Richard
Planning Officer
Alpine Resorts Team

Recommended by:



1 November 2022

Mark Brown
Senior Planner
Alpine Resorts Team

9 Determination

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



1 November 2022

Daniel James

Team Leader

Alpine Resorts Team

as delegate of the Minister for Planning

Appendices

Appendix A – List of referenced documents

The following supporting documents and supporting information to this assessment report can be found on the NSW Planning Portal website as follows.

1. Statement of Environmental Effects
2. Submissions

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,	<p>The proposal supports the ongoing use of the building through improving the existing structure.</p> <p>The construction impacts are maintained within the building's footprint, posing minimal impacts on biodiversity and the environment.</p>
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	<p>The proposal would not have an unacceptable impact on the environment thus being ecologically sustainable development. Mitigation measures during construction have been considered and rehabilitation of impacted areas is supported.</p>
(c) to promote the orderly and economic use and development of land,	<p>The development seeks approval for works that upgrade the maintenance and use of the site for 'tourist accommodation', thereby promoting the ongoing economic use of the land.</p>
(d) to promote the delivery and maintenance of affordable housing,	<p>Not applicable</p>
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	<p>The impacts upon the environment have been limited where possible, with works relating mainly to the replacement of existing cladding, windows and toilets.</p>

(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The proposed development is not anticipated to result in 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 will enhance the amenity of the occupants of the building without detracting from the built form, and conditions will be applied to minimise impacts upon the natural environment during construction.
(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 (Section 5), which included notifying the neighbouring lodges, and displaying the application on the NSW Planning Portal.

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 (Precincts - Regional) 2021 (Precincts - Regional SEPP) is the principal EPI applicable to the development. Consideration of Chapter 4 of the Precincts – Regional SEPP is provided below:

Section 4.12(1) - Matters to be considered by consent authority

(a) the aim and objectives of this policy, as set out in clause 4.1	The proposal is consistent with the aim and objectives of Chapter 4 of the Precincts – Regional SEPP in that it is consistent with the principles of ESD and
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supports the ongoing use of the site 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 proposal is appropriate as it allows alterations and additions to an existing building, while having an acceptable impact on the environment.

The land is not subject to flooding. The site is identified as bushfire prone land and relates to a Special Fire Protection Purpose, and a BFSA has been issued by the RFS. The land is identified as being in an area of geotechnical sensitivity, with geotechnical considerations discussed below.

Natural hazards have been adequately addressed.

(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 relates to the replacement of existing toilets and there will be not additional impact on the effluent management system, waste disposal facilities, transfer facilities or water supply. Transport systems are not expected to be impacted.

(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 the resort.

(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,

The site is within the G zone identified on the Department's Geotechnical Policy – Kosciuszko Alpine Resorts Perisher Map.

The Applicant comments that as there is no earthworks needed for the proposal, no geotechnical assessment was required for the application.

The Department has reviewed the proposed works and considers that the amendments to the existing building would not impact upon the existing load bearing capacity of the building.

The Department raises no concerns with the proposal.

(g) any sedimentation and erosion control measures,	No adverse impacts are expected due to the works being on the facade of the building.
(h) any stormwater drainage works proposed,	No negative impacts to stormwater or drainage are anticipated due to the nature of the proposed works.
(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 as the new cladding and windows are in keeping with the existing materials of the existing lodge and blends into the landscape.
(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,	The proposal has been considered against the criteria within the PRRMP and the Department concludes that the works to the building are supported and the continued use as a tourist accommodation building is consistent with the Plan.
(m) if the development is proposed to be carried out on land in a riparian corridor.	The site is not within a riparian corridor.

Section 4.13 – Additional matters to be considered for buildings

Building Height	The proposed works do not increase the height of the existing building.
Building Setback	The proposed works do not reduce existing setbacks.
Landscaped Area	<p>The proposal does not negatively impact existing native vegetation and therefore is appropriate.</p> <p>Separate APZ vegetation management of the site is to be facilitated under arrangements with NPWS, prior to commencement of works on the site, including any vegetation management.</p>

Section 4.15 – applications referred to the National Parks and Wildlife Service

The proposal was referred to the NPWS pursuant to section 4.15 of the Precincts – Regional SEPP. Refer to comments received at **Section 5** and as required, discussion on proposal at **Section 6**.

Section 4.24 – Heritage conservation

European heritage	The proposal would not impact on any European heritage items.
Aboriginal heritage	The NPWS raised no concerns, however recommended that should any Aboriginal objects be uncovered during construction, any works impacting the objects must cease immediately and the NPWS contacted for assessment of the site.

Appendix C – Recommended Instrument of Consent