



Bushfire Recovery Rebuild, Selwyn Sewage Treatment Plant, Selwyn Snow Resort

Development Application Assessment
DA 22/5248

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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 2021</i>
EP&A (DCFS) Regulation	<i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</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 22/5248) seeking approval for the installation of a Sewage Treatment Plant (STP) as part of the bushfire recovery rebuilding of Selwyn Snow Resort within Kosciuszko National Park (KNP). The application only provides for the removal from the site of either untreated or treated effluent via tanker trucks. The effluent must then be disposed of at an appropriately licensed and authorised facility. The Applicant is Selwyn Snow Resort Pty Ltd.

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 State Environmental Planning Policy (Precincts – Regional) 2021 (Precincts – Regional SEPP).

In accordance with the Department's Community Participation Plan, the application was not required to be exhibited. However, the Department made the application publicly available on the NSW Planning Portal website. No submissions from the public were received.

The Department consulted and received comments from the National Parks and Wildlife Service (NPWS) pursuant to clause 4.15 of Chapter 4 of the Precincts – Regional SEPP. Essential Energy were also consulted due to the proximity of overhead powerlines to the proposed STP. The development is located on bush fire prone land. However, an STP is not development for a special fire protection purpose and a bush fire safety authority (BFSA) from the NSW Rural Fire Service (the RFS) is not required.

The Department has assessed the proposal in accordance with relevant matters under Section 4.15(1) and the objects of the EP&A Act, the principles of Ecologically Sustainable Development (ESD), and items 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 and the natural environment and cultural values associated with KNP are protected
- the potential impacts on the natural environment and cultural heritage have been mitigated through careful site selection that utilises existing disturbed areas and adheres to avoid and minimise principles
- there are no adverse impacts to Aboriginal cultural heritage and natural hazards including bushfire and geotechnical risks have been adequately mitigated
- effluent will be removed from the site and disposed of at an appropriately licensed and authorised facility outside of KNP

The Department's assessment concludes the application is in the public interest as the STP is necessary as part of the bushfire recovery rebuilding of Selwyn Snow Resort which will support positive social and economic welfare in the region. Surrounding towns will benefit once the resort is operational and visitors will once again have the choice of a unique low-cost option for families to experience snow. Accordingly, the proposed development is consistent with the objectives of the Regional Plan for the locality and 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 details the Department's assessment of the Development Application (DA 22/5248) for the installation of a STP as part of the bushfire recovery rebuilding of Selwyn Snow Resort within KNP. The application has been lodged by Selwyn Snow Resort Pty Ltd (the Applicant) under Part 4 of the EP&A Act.

Due to the construction timing constraints and the proposed resort reopening in July 2022, the application only provides for the removal from the site of either untreated or treated effluent via tanker trucks. The effluent must then be disposed of at an appropriately licensed and authorised facility. A separate application will be lodged for onsite discharge once the applicant has completed a detailed analysis of the receiving environment and prepared supporting technical reports.

The Department's assessment has considered all documentation submitted by the Applicant, including the Statement of Environmental Effects (SEE) and accompanying 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.

1.2 Site location and context

Selwyn Snow Resort is located on the spine of the Great Dividing Range approximately 200 kilometres south of Canberra in the mid to northern section of the KNP and approximately 18 kilometres to the northeast of the Snowy Hydro township Cabramurra (**Figure 1**). The resort is legally described as Lot 36 DP 46316, 213A Kings Cross Road, Kiandra NSW. The resort can be accessed by vehicle from the Link Road (off Snowy Mountains Highway) and then on to Kings Cross Road.

The resort is the most northerly of Australia's ski resorts with a base elevation of 1,492 metres and a top elevation of 1,614 metres Australian Height Datum (AHD). The resort is managed under a lease to the Applicant from NPWS which covers an area of about 203 hectares.

The primary focus of Selwyn Snow Resort is to provide day visitors with opportunities for skiing and snow activities catering predominantly for beginners, novices and intermediate skiers. The resort provides important economic activity and recreational resources for the communities of Adaminaby, Tumut and Tumbarumba.

The resort was established in the 1980s however all of the buildings at the site experienced extensive damage during the 2020 bushfires and were removed. It is currently a construction zone with the bush fire recovery rebuilding of the staff accommodation (DA 10639), a visitor centre (DA 10644), a resort operations centre (DA 10647) along with other necessary infrastructure required to support ski resorts activity and visitor experience.

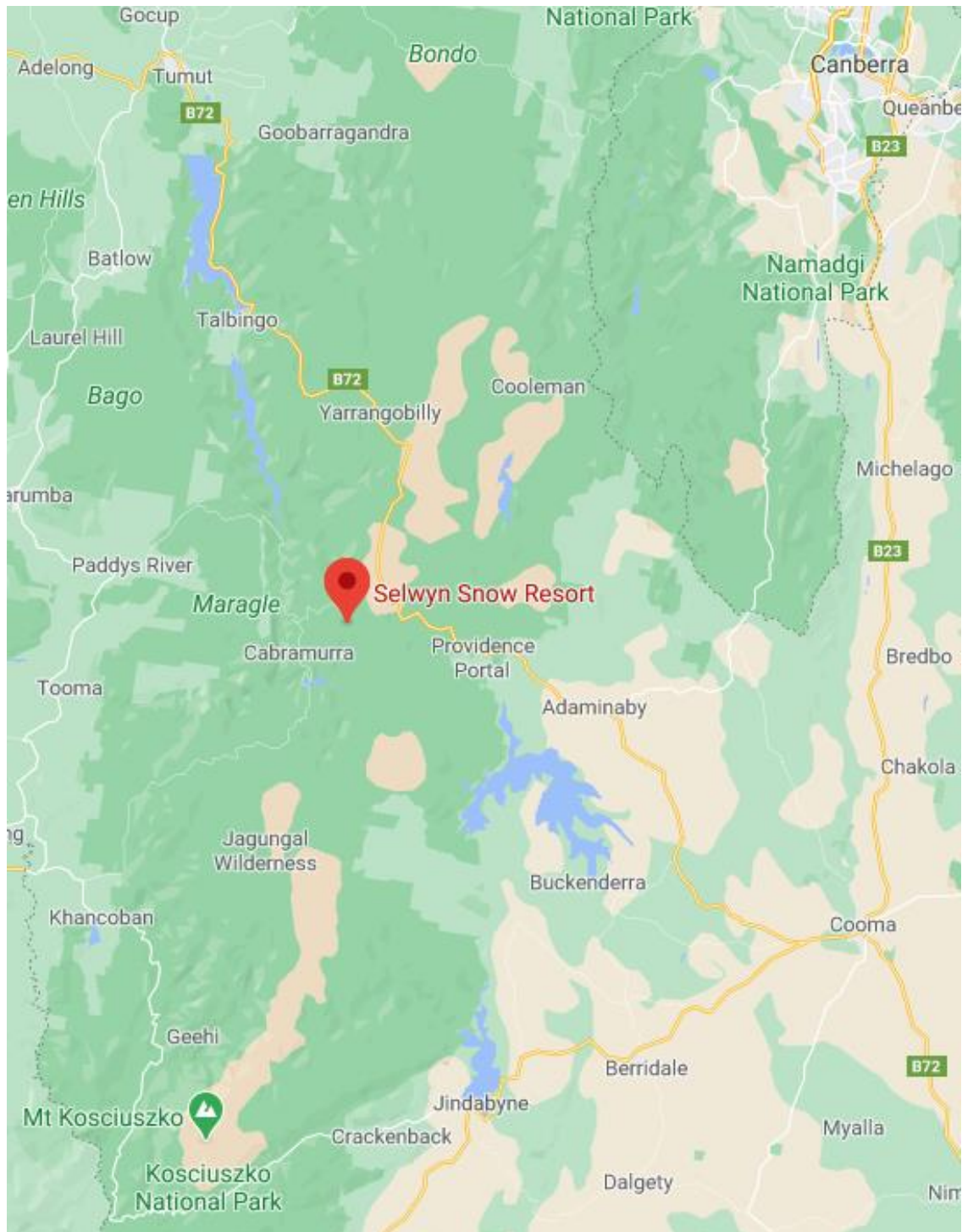


Figure 1 | Locality (Source: Google Maps 2020)

The development site of the proposed STP has an area of approximately 750 square metres and is located on the north western side of the resort (**Figure 2**) immediately to the north of the visitor centre and resort operations centre. The site also contains a large gas tank, recently installed Essential Energy powerlines and an NPWS services track. Historically, this part of the resort contained effluent absorption trenches for the previous facilities.

An area of contaminated land that has been partly remediated is located approximately 30 metres to the east of the site. An underground petroleum storage system (UPSS) was located adjacent to the former workshop. Any remaining potential contamination is at least 2 metres below the ground surface.

More than 200 metres the south of the proposed STP is an Aboriginal site. In 2010, two stone Aboriginal artefacts were found by Dr. Sue Feary on the ground surface. The artefacts are no longer visible however there is a 40 metre buffer area around the site.

The nearest waterway to the site is that unnamed drainage line to the north which forms part of the Bullocks Head Creek catchment. This drainage line includes a 40 metre riparian buffer. The STP site is more than 20 metres away from the edge of the buffer.

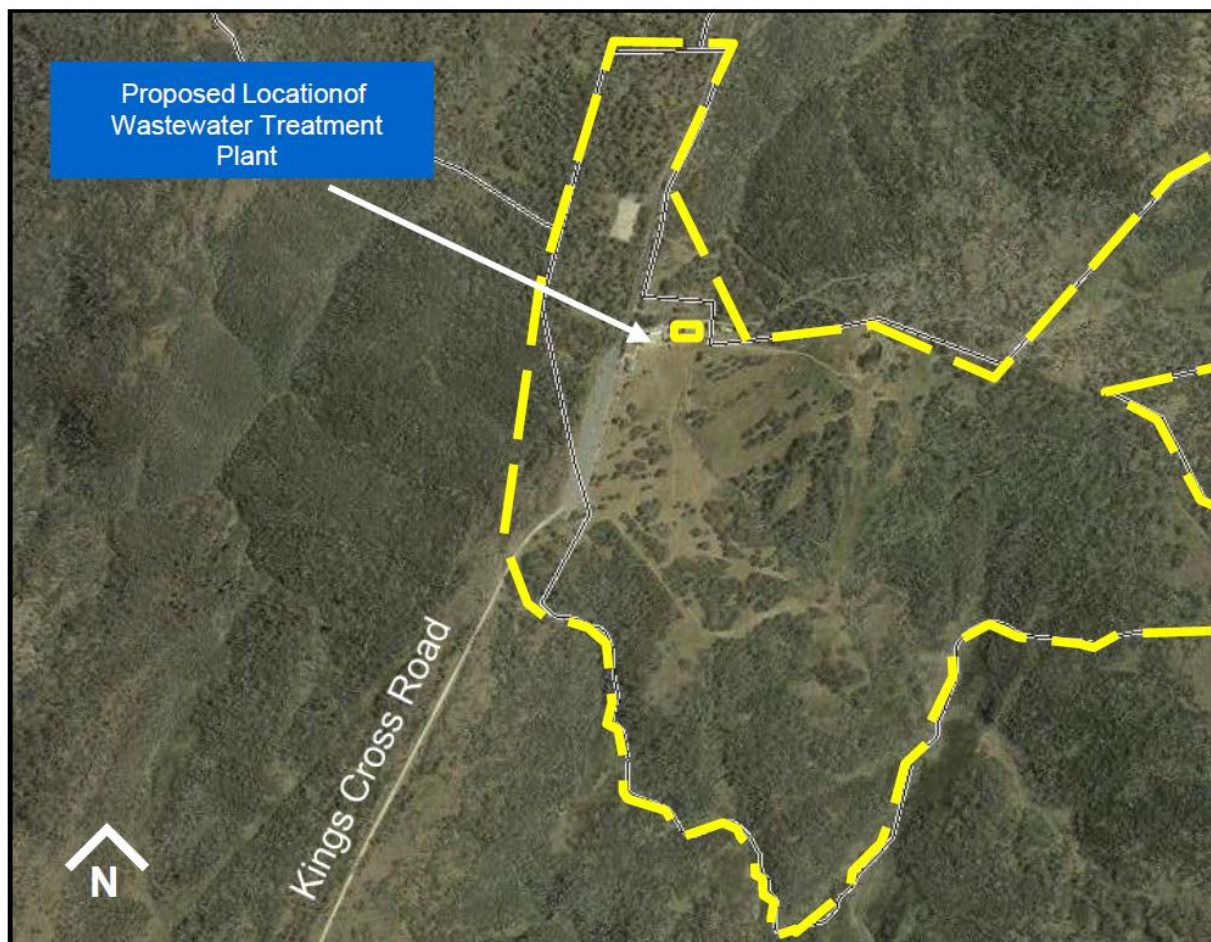


Figure 2 | Site in context of Resort (Source: Applicant's documentation)

2 Project

The key components of the development are summarised below and shown in **Figures 3 to 6**.

- Installation of infrastructure to house the STP including:
 - Concrete pad measuring 22.5 metres by 12.5 metres with a 150mm thick slab
 - Blockwork walls around the edge of the pad a minimum of 0.9 metres high to act as bunding to contain spills and approximately 3 metres high at the rear for retaining wall purposes
 - Roof structure with heights of 7.3 metres to roof ridge and 5.4 metres to gutter with Unicote metal roof cladding coloured “Monolith”
 - Perimeter security fence 1.8 metres high made of chain wire
- Installation of a package sewage treatment plant including:
 - Four tanks coloured “Monument”
 - Two 46.4 kilolitre balance tanks measuring 3.16 metres high and 4.6 metre in diameter
 - One 22.5 kilolitre waste sludge tank measuring 2.56 metres high and 3.78 metres in diameter
 - One 46.4 kilolitre permeate tank measuring 3.16 metres high and 4.6 metre in diameter
 - Two shipping containers with dimension of 2.43 metres by 12.18 metres coloured “Monument”
 - One with space for the pumps / blowers & UV room and a chemical dosing room
 - One for the bioreactor tanks and associated equipment
 - A range of pipes and pumps
 - A range of treatment equipment including screens, filters, mixers, blowers and heating elements
- Other aspects include:
 - Vehicle turning area designed for a 12.5 metre heavy ridged vehicle (approx. 11 metre x 18 metres) to the east of the STP pad.
 - Tanker parking area measuring 3 metres in width and 12.5 metres in length to the north of the STP pad
 - Stormwater drainage swales
 - A trench and piping / services connections from the rear of the Visitor Centre and the STP pad.
- Access to the facility is via the NPWS services track known as the Selwyn Trail.

- Removal of untreated or treated effluent
 - The largest tanker available is a 20,000L tank. Selwyn Snow Resort would require a maximum of 2 tanker trips if a busiest estimated day of 2,000 guests was achieved.

The cost of works for the proposal is estimated at \$1,258,379.

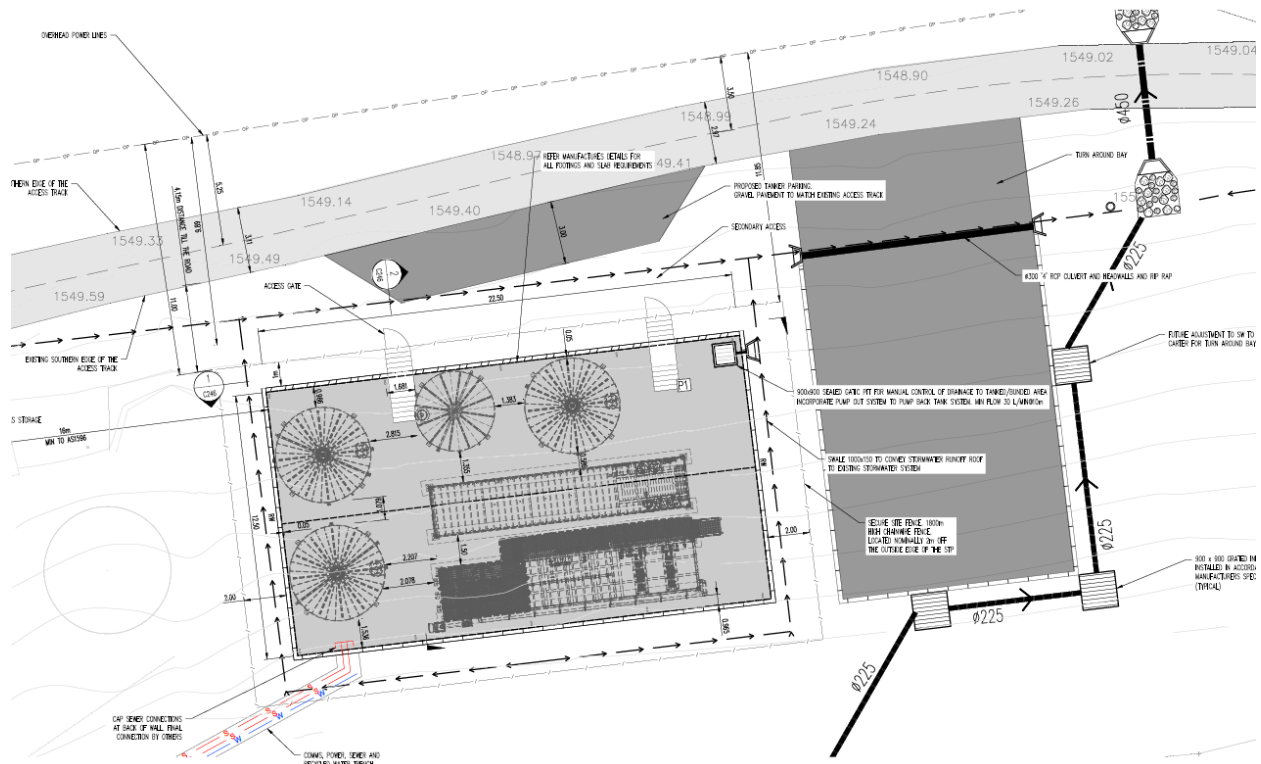


Figure 3 | STP pad locality (Source: Applicant's documentation)

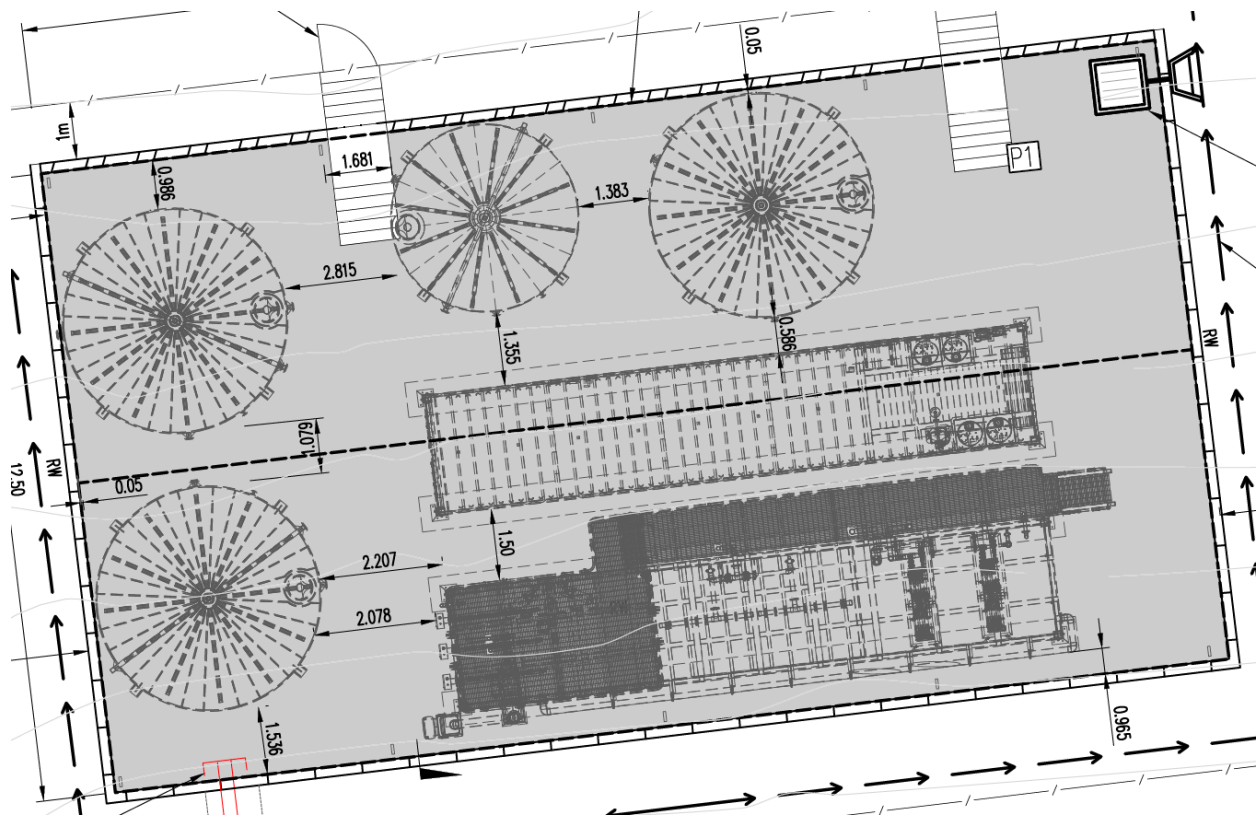


Figure 4 | STP infrastructure (Source: Applicant's documentation)

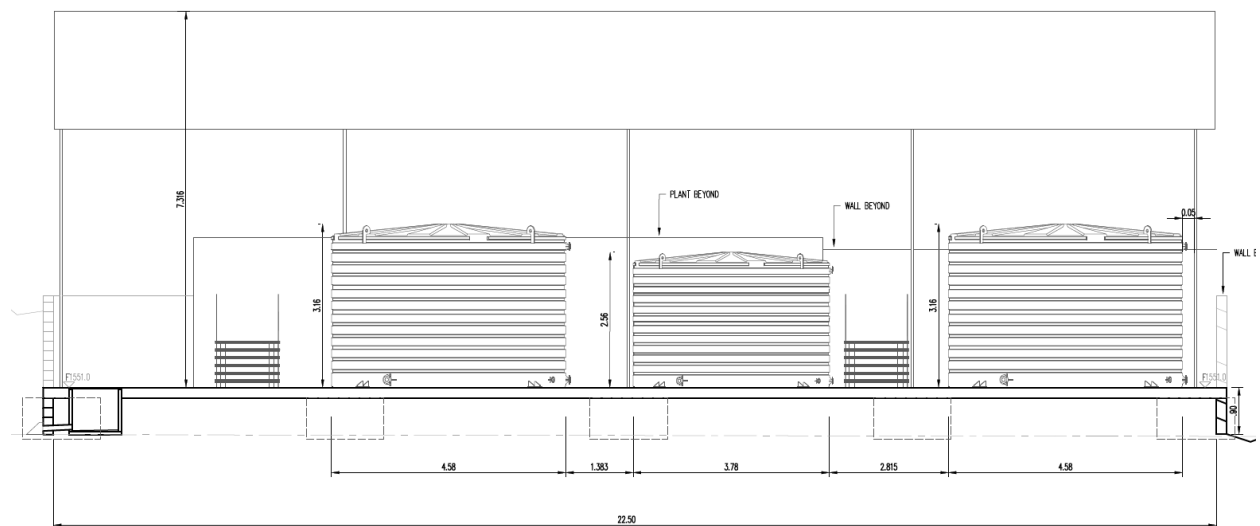


Figure 5 | STP roof structure (Source: Applicant's documentation)

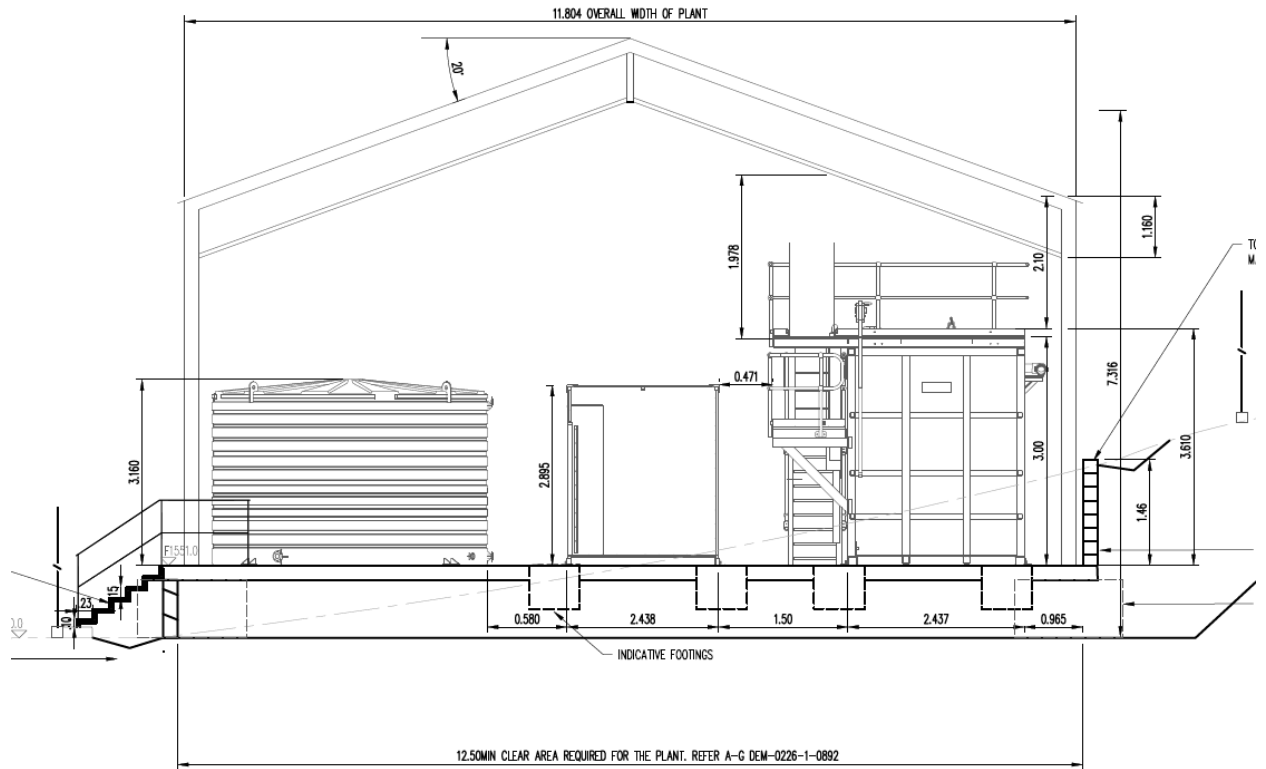


Figure 6 | STP roof structure (Source: Applicant's documentation)

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 two main documents that support the strategic context of the alpine resorts are the *South East and Tableland Regional Plan 2036* 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 is aimed at re-establishing the use of Selwyn Snow Resort as an important winter tourism and recreational facility which in turn supports positive social and economic welfare in the region. The design of the facilities seeks to protect the natural environment and cultural values associated with KNP. Either untreated or treated effluent will be removed from the site and disposed of at an appropriately licensed and authorised facility.

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 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 Clause 4.15 of the 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 Park.

The Department considers the proposal is consistent with the Precincts – Regional SEPP as the potential impacts on the natural environment and cultural heritage have been mitigated through careful site selection that utilises an existing disturbed area and the off-site disposal of effluent. Visitation of the NSW Alpine Resorts will be promoted again once the resort is operational giving tourists the choice of a unique low-cost option for families to experience snow.

4 Statutory Context

4.1 Consent Authority

Under Clause 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 Clause 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 Director, Regional Assessments 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 Precincts – Regional SEPP applies.

4.2 Permissibility

The proposal includes the installation of a sewage treatment plan with the definition of 'infrastructure facilities' as defined in Chapter 4 of the Precincts – Regional SEPP. Pursuant to Clause 4.9 of the Precincts – Regional SEPP, 'infrastructure facilities' which includes sewage treatment works, are permissible with consent within the Mount Selwyn Alpine Resort.

4.3 Other approvals

Rural Fires Act 1997

The development is located on bush fire prone land. However, an STP not development for a special fire protection purpose and a bush fire safety authority (BFSA) from the NSW Rural Fire Service (the RFS) is not required. The Applicant has BFSA from the RFS dated 11 December 2020 (DA20201126004480-Original-1) of the staff accommodation (DA 10639), a visitor centre (DA 10644), a resort operations centre (DA 10647) which remains current for the site.

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:

- it supports the bushfire recovery and rebuilding efforts that re-establish the orderly and economic use of the site
- careful site selection has ensured that there are no impacts upon built and cultural heritage, including Aboriginal cultural heritage

- there would not be a significant impact on the environment, in accordance with the principles of ecologically sustainable development.

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 is aimed at re-establishing the use of Selwyn Snow Resort as an important winter tourism and recreational facility which in turn supports positive social and economic welfare in the region
- there would not be a significant impact on the environment
- 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 affect threatened species or ecological communities, or their habitats; or
- the works are carried out in a declared area of outstanding biodiversity value.

The Applicant's environmental assessment confirms that the proposed native vegetation clearing is below the threshold of 1 hectare of clearing for lot sizes between 40 hectares and 1000 hectares. The STP is located on previously disturbed land largely devoid of any native vegetation and historically used as effluent absorption trenches for the previous facilities. No intact native vegetation removal is required to facilitate the works. The total ground disturbance proposed is less than 750 square metres. The site is also located outside of an area mapped on the BVM. The Applicant provided an ecologist report that found there will be no significant impact on threatened species or ecological communities, or their habitats. The NPWS concurs with the Applicant's assessment. There is currently no declared area of outstanding biodiversity value within KNP.

The Department is satisfied that the provisions of the BC Act have been duly considered by the Applicant and in this case the BOS does not apply to the development.

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 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 Precincts – Regional SEPP is the only EPI which 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 Chapter 4 of the Precincts – Regional SEPP.</p>
(a)(ii) any proposed instrument	Not applicable to proposal.
(a)(iii) any development control plan	Not applicable to proposal.
(a)(iia) any planning agreement	Not applicable to proposal.
(a)(iv) the regulations	<p>The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to development applications (Part 3 and Part 4) and fees (Part 13 and Schedule 4).</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 in Section 6 of this report and considers that no environmental impacts are likely to occur as a result of the proposal.

Bushfire and geotechnical risks have been adequately mitigated. There are no adverse impacts on the natural environment or upon built and cultural heritage, including Aboriginal cultural heritage. The proposal is considered to have positive economic and social impacts. It also supports the bushfire recovery and rebuilding efforts.

Conditions are recommended to ensure impacts during construction are minimised and that rehabilitation and stabilisation occurs post construction.

(c) the suitability of the site for the development,

The site is suitable for the proposed development as discussed in **Sections 3** and **6** of this report.

The potential impacts on the natural environment and cultural heritage have been mitigated through careful site selection that utilises existing disturbed areas and the off-site disposal of effluent. A 40 metre radius buffer area protects the site of previously observed Aboriginal artefacts that are more than 200 metres away from the excavation for the STP pad.. There are no impacts on any threatened species, populations or ecological communities. To further mitigate environmental impacts, the effluent will be disposed of at an appropriately licensed and authorised facility

(d) any submissions made in accordance with this Act or the regulations,

Consideration has been given to an agency submission and Essential Energy submission. No public submissions were received. Refer to **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. The development is necessary to support the adjoining land uses and assists to re-establish Selwyn Snow Resort without an adverse impact on the environment. The proposal is consistent with the principles of ESD.

As such, the proposal is believed to be consistent with 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 of development consent to be exhibited for a period of fourteen (14) days. Applications under the Precincts – Regional 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.

Due to the works being located more than 50 metres from a tourist accommodation building, the Department did not exhibit the application. The application was made publicly available on the NSW Planning Portal website. No submissions from the public were received.

The application was also referred to the NPWS pursuant to Clause 4.5 of the Precincts - Regional SEPP.

Essential Energy were also consulted due to the proximity of the STP site to recently installed overhead powerlines.

5.2 Summary of submissions

During the exhibition period, the Department received comments from the NPWS.

The NPWS did not object to the proposal and provided comments and recommended conditions on leasing and KNP Plan of Management, BC Act, protection of native vegetation, Rehabilitation, Aboriginal cultural heritage and visual impacts. NPWS also concurred that the proposed works are not likely to affect threatened species and do not trigger the Biodiversity Offsets Scheme under the BC Act.

The Department has considered the comments received from the NPWS and the public 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:

- Biodiversity
- Design and locational considerations
- Vehicle access
- Operation of STP

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

6.1 Biodiversity

The provisions of the BC Act have been duly considered by the Applicant and in this case the BOS does not apply to the development. However, the location of the site and the sensitive nature of the flora and fauna within the KNP, create other potential natural environmental impacts that need to be carefully considered by the Department.

The vegetation surrounding the site comprises modified grassland cleared from subalpine woodland with bushfire affected juvenile snowgums and some remnant mature snowgums. The grassland is characterised by a mix of native and exotic species. The proposal involves potential ground disturbances areas of approximately 750 square metres for the various components of the development.

The Applicant engaged an ecologist to prepare a flora and fauna assessment for all areas of the proposed development. The report concluded that no threatened flora was detected and habitat potential for most threatened species was absent or greatly diminished. The proposed redevelopment and associated activities pose no risk to threatened species or threatened ecological communities. Therefore, no 'Test of Significance' under the BC Act or the Commonwealth's 'Significant Impact Criteria' under the EPBC Act was required.

The NPWS support the Applicant's assessment. In addition, they have made a range of recommendations for protection of native vegetation, fauna and fauna habitats both during construction and for the ongoing use of the site.

The Department accepts that the Applicant has taken the appropriate steps to avoid and minimise the proposal's biodiversity impacts through careful site selection, construction techniques and precautionary measures during works to protect fauna and flora. The proposal is consistent with the aim of the Precincts – Regional SEPP to protect and enhance the natural environment.

6.2 Locational considerations

The Department has assessed the location of the proposed STP in proximity to other buildings, infrastructure and potential hazards as follows:

- Essential Energy (EE) have recently installed an 11KV high voltage overhead powerline on the northern side of the NPWS services track as part of the bush fire recovery rebuilding efforts. An easement, measured 10 metres either side of the centre line of the poles, is in the process of being finalised between NPWS and EE. The Department has received comments from EE that if the Applicant's security fence (around the STP) is located a minimum of 10 metres from the centre line of the poles then no additional EE approvals would be required as it will be outside the easement.

The Department has included a condition of consent that requires the security fence to be setback a minimum of 11 metres from the centre line of the power poles to ensure an adequate buffer to the proposed Essential Energy easement and sufficient room for the future upgrading of the NPWS services track. The northern bunding wall of the STP pad will be setback a further 1 metre from the security fence.

- The Selwyn Snow Resort fuel storage area (currently under construction) will be located approximately 20 metres to the south and uphill from the STP site. Two above ground double bunded tanks (4,500 litre diesel tank and a 500 litre unleaded petrol tank) will be located on an external pad adjacent to the Resort Operations Centre building.

The applicant provided details of the chemicals required for STP operations and their storage locations within the facility. The Department considers that there is adequate separation between the STP and the fuel storage area to mitigate any risks. Both facilities also have their own firefighting equipment to enable an appropriate emergency response.

- The Selwyn Snow Resort gas storage area (existing facility not damaged in the bush fire) is located approximately 16 metres to the east of the security fence around the STP site. The Applicant has confirmed that gas is stored in a 29 kilolitre tank and in accordance with Australian Standard AS 1596 requires a setback of 15.6 metres to a protected place (which would include an STP) and 9.28 metres to a public place.

The Department considers the separation distance of 16 metres to the security fence and approximately 18 metres to the STP pad to be adequate to mitigate any risks to staff working at the STP.

- The excavation for the STP pad and tanker turning / parking area is proposed in the location of the Applicant's historic effluent disposal system which comprised numerous underground absorption trenches. The Applicant engaged K2 Consulting Group to prepare an Environmental Site Assessment of the proposed excavation area to determine if any contamination exists. Soils samples were collected from ten test pit locations (**Figure 7**).

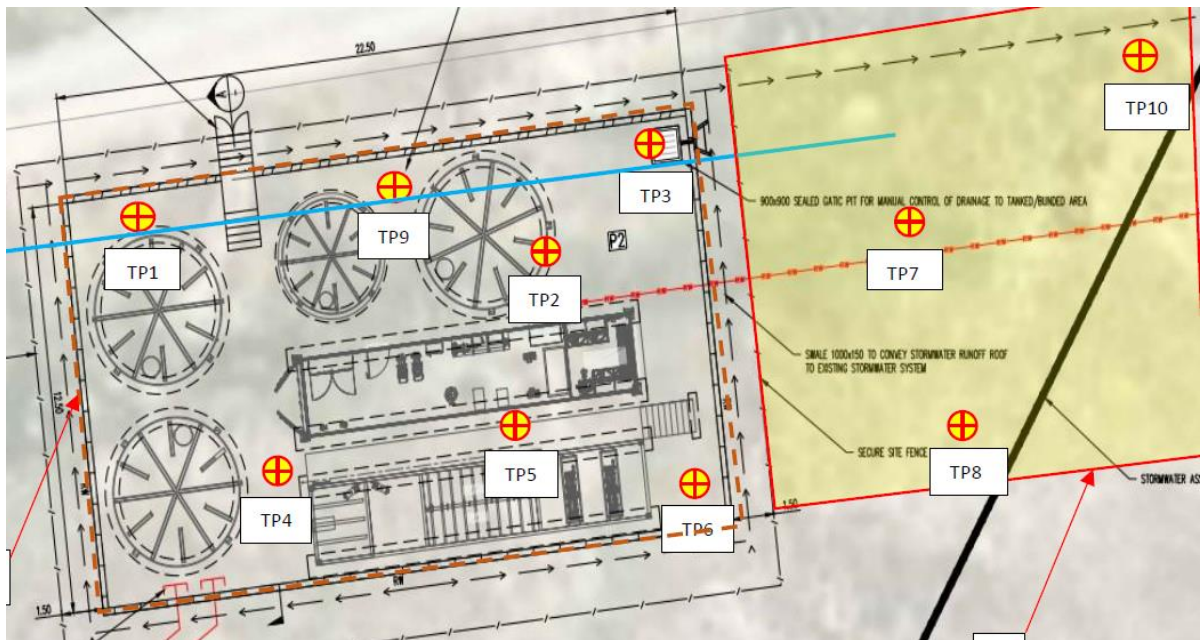


Figure 7 | Test pit (TP) locations (Source: Applicant's documentation)

The soil samples analysed were below the adopted site assessment criteria for public open spaces for metals, hydrocarbons and pesticides. The concentration of total coliforms in soil samples analysed indicates the presence of microbes (faecal coliforms) in the soils located in the vicinity of the effluent trenches. Soil samples collected at TP4 and TP5 recorded concentrations > 24,000 MPN/g. The concentration of nutrients were below the laboratory's limit of reporting (LOR). However, Total Kjeldahl Nitrogen and Phosphorus exceeded the LOR in all the samples analysed. No asbestos was detected.

The site assessment recommended stockpiling and onsite treatment of the excavated material with chlorine. Then upon completion the soil could be applied to a suitable area within the site away from potential for direct human contact or any potential surface runoff leading to a local waterbody.

The Department consulted NPWS in relation to the levels of contamination and the recommendation to treat the materials on site. The report recommendation was not supported. Stockpiling anywhere within the site or wider park increases the risk of contaminating other areas of the site and National Park. Therefore, the Department include a condition of consent that all contaminated excavated material must be immediately placed into a truck and taken away for disposal at an appropriately licensed and authorised facility.

6.3 Compliance with the Building Code of Australia (BCA) and relevant Australian Standards

The STP and associated infrastructure, when constructed, are to comply with the Building Code of Australia (BCA) and relevant Australian Standards. Some key aspects of the Departments assessment are as follows:

- The Department considers that the building or facility is a Class 8 or at least part Class 8. This will require a greater level of BCA compliance and in particular, greater fire safety requirements and consideration of Part G4 Construction in Alpine Areas of in Volume 1 of the BCA.

The Applicant has confirmed that a building code compliance report is being obtained for the STP. The report will assess the construction documentation and specifications to demonstrating compliance with the building code.

- The head height on the platform above the shipping container is 2.1 metres. This platform that will be accessed by staff has been appropriately spaced between two of the structure supports that hold up the roof to avoid any head height or safety issues. The supports are approximately 5.6 metres apart and protrude downwards from the underside of the roof by about 800mm. The Department is satisfied with this aspect of the design.
- The STP roof structure will have snow stoppers protecting the entry / access stairs from falling snow off the roof or from the building up of snow at the base. The Department is satisfied with this aspect of the design and has include a condition of consent to address the matter.
- Ensuring the proposal meets snow and wind loading requirements is a key consideration of the Department's assessment of development in an alpine environment. Due to adverse weather events, the buildings need to be constructed appropriately. The Applicant has provided preliminary structural plans and details to demonstrate that the design is capable of meeting the requirements of the BCA and the relevant Australian Standards. The Department is satisfied with this documentation for DA assessment purposes and has recommended structural related conditions at the CC and occupation certificate (OC) stages.
- A trench and piping connection is proposed between the rear of the Visitor Centre and the STP pad is included as part of the DA. The trench contains communications, power, sewer and a recycled water pipe. The recycled water piping can be installed but the DA will not allow recycled water options to be implemented. Those details will be held over to the next DA and consultation with NSW Health. This DA only allows trucking away of treated or untreated effluent.
- NPWS raised the issue that a manually operated valve, in the pit in the north eastern corner of the STP pad, would allow the discharge of liquid from the bunded area of the STP compound to the stormwater swale drain adjacent to the services track. NPWS recommended that the STP design include piping and pumping of liquid in the bunded area to the 'head of the works'. Namely, directing all liquid in the bunded area through the STP rather than potential contaminants entering the stormwater.

The Department has considered the Applicant's building code compliance report, and several key BCA and Australian Standards requirements specific to alpine environments. 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 CC stage, the proposal is satisfactory and will provide appropriate facilities that are fit for purpose in a ski resort.

6.4 Vehicle access

The Applicant has proposed that access to the STP site is obtained via the NPWS services track off Kings Cross Road. This track, known as Selwyn Trail, is managed by NPWS as a single vehicle width access way with a gravel surface. It is currently snowbound in winter and primarily used during the summer months. In addition to NPWS staff, the track is also utilised by telecommunications and utility providers and as a fire trail in the event of an emergency.

The key access considerations associated with the STP are:

- The ability to achieve forward entry and exit of Kings Cross Road
- Ensuring STP operational vehicles don't not block or restrict access along the track
- Clearing the track of snow during the winter months to allow a tanker to have direct access to the STP

There is no ability to turn a vehicle around once it has entered the track. For this reason, the Applicant is proposing to reverse heavy vehicles along the track for a distance of approximately 80 metres from Kings Cross Road to the STP site. This has the potential to cause conflicts with Kings Cross Road traffic when heavy vehicles stop on the road to commence their reversing movement into the track. The Department and NPWS did not consider that this was a safe and sustainable long-term approach to accessing, maintaining and servicing/pumping out the STP.

NPWS recommended that in the initial winter season of operation, the STP could be constructed and operated with a traffic management plan prepared for endorsement by NPWS. The intent of the plan is to address proposed heavy vehicle movements around the STP (on the Selwyn Trail and Kings Cross Road), provide arrangements for traffic control on the Kings Cross Road and provide lighting/way marking to allow trucks to reverse in low light, at night-time or during periods of poor visibility.

For ongoing operation beyond the initial winter season, NPWS requires the track to be upgraded to ensure heavy vehicle entry and exit between the Selwyn Trail and Kings Cross Road in a forward direction. In response, the Applicant has agreed to prepare a traffic management plan and has amended the design to show the provision of a future turning / parking area to the east of the STP with dimensions of approximately 11 metres by 18 metres. This area is a suitable turning area for a 12.5 metre heavy ridged vehicle. The Department has included a condition of consent that requires the construction of the vehicle turning area prior to the second year of operation of the STP. This also includes a stormwater line being relocated to the south east so that it is not impacted by the excavation for the turning area.

The Applicant's original STP design consisted of the perimeter security fence being setback 1 metre from the NPWS services track. In the absences of any designated vehicle parking area this meant that STP operational vehicle would park on the track directly in front of the STP.

Safe access and egress by service and maintenance vehicles along the track without any obstacles in the event of an emergency is an important consideration. The Department and NPWS required the Applicant to demonstrate that heavy and light vehicles could be parked adjacent to the STP without blocking the Selwyn Trail or forcing passing traffic onto roadside vegetation. This resulted in design being amended so that the proposed security fence surrounding the STP is sufficiently setback from NPWS services track to allow for a 3 metre wide and 12.5 metre long vehicle parking space between the fence and the track. This parking area will be adequate for standard resort vehicles and tankers involved in the collection and disposal of effluent. The Department is satisfied that no vehicles associated with operational aspects at the STP will block or restrict access along the track.

To successfully operate the STP during the winter months and ensure vehicle access to the site, the Applicant is proposing to clear the track of snow. NPWS are in support of the proposed snow clearing, however there are a number of erosion and sedimentation challenges associated with snow clearing along gravel roads. The Department has included a condition of consent that requires the preparation of a snow clearing plan in consultation with NPWS to ensure the protection of the surrounding environment during clearing activities.

Beyond the first season of use, it will be necessary for the Applicant to upgrade the track to a more appropriate standard. This will include consideration of a suitable increased width, suitable finished surface material, clearances for above ground infrastructures and protection of underground service installation from heavy vehicles. The Department has included a condition of consent that requires the preparation of a track upgrade plan in consultation with NPWS and then implementation of the plan.

6.5 Operation of sewage treatment plant (STP)

The Applicant has estimated the through put and operational requirements of a STP and provided the following data:

- Maximum guest population of 2,000 people.
- The resort is a day use facility open from 8am till 4pm between June – October. Daily peak flows are likely to occur at 9am (guest arrival), lunch time and late afternoon (guest departure).
- Guest water usage is based on one full flush per person (6 litres). However, pans also have half flush ability (3 litres) and urinals are only 0.8 litres per flush.
- In the evenings:
 - only Selwyn staff (approximately 30 employees during the season – the plant has been designed to cater for 50) who would be showering and using toilet facilities in the Staff Accommodation; and
 - laundry is done in the Visitors Centre to launder the used hired snow clothing.

The Applicant has engaged De.mem-Akwa, Water & Waste Water Solutions, to design the STP which will be a 40 kilolitre per day system in conjunction with two 50 kilolitre balance tanks for adequate coverage of the maximum peak flow. The plant process design is a Modified Ludzack-Ettinger process with a membrane bioreactor polishing and disinfection using UV and liquid chlorine to achieve the required pathogen log reduction.

De.mem-Akwa advised that a full review has been completed by the De.mem-Akwa Engineering Team in relation to the modelling and performance criteria of the STP plant and they can assure and confidently advise that this plant will meet all performance design parameters required.

The NPWS reviewed the design documentation and commented that given the cold environment and seasonal fluctuations in demand for an STP at the Selwyn Snow Resort, planning around the operation and maintenance of the STP will be extremely important. Particularly in relation to:

- the feed-up program necessary to prepare the STP for periods of high demand and sustain it through periods of low demand;
- the arrangements for biosolid sludge removal and disposal outside of KNP; and
- processes for use of the ultraviolet and chlorine dosing capabilities of the proposed STP (noting that chloring dosing is not appropriate where discharge is proposed into the environment and this should be considered further when the proponent is identifying a permanent disposal solution).

The Department engaged an external STP Specialist to undertake a technical review the proposal and provide conditions of consent to help manage risks associated with the STP. The review focused on STP

design issues relevant to tanker disposal of effluent, including risks to the health and safety of the public. Recommendations were provided in relation to:

- the STP being operated in accordance with the designer and manufacturers' design and operating instructions.
- keeping at Selwyn Snow Resort installed standby equipment, uninstalled standby ("boxed spare") equipment, critical spare parts and consumables to maintain proper operation of the STP with regards to the intended effluent use or disposal method.
- hazardous or dangerous goods storage and handled in accordance with the relevant Australian Standards
- heating such as immersion heaters, heating jackets or heat tracing being provided as needed to prevent the freezing or crystallization of chemicals or water within tanks, equipment, pipes and fittings.
- safety showers and eyewashes being suitable for use in alpine conditions climate, for example including insulation and water heating.
- preparing tanking plans and contingency plans
- having written agreements in place with effluent removalist companies and operators of the disposal locations
- record keeping

The Department has assessed the Applicants information, the De.mem-Akwa design advice, the NPWS comments and the recommendations from the external STP Specialist and considers that proposed facility will be sufficient to manage, treat and dispose of off-site, the wastewater generated during Selwyn Snow Resort operations. A range of conditions of consent have been included to ensure management plans and practices are in place to protect the environment and to ensure that the effluent will be disposed of at an appropriately licensed and authorised facility.

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 and the natural environment and cultural values associated with KNP are protected
- the potential impacts on the natural environment and cultural heritage have been mitigated through careful site selection that utilises existing disturbed areas and adheres to avoid and minimise principles
- there are no adverse impacts to Aboriginal cultural heritage and natural hazards including bushfire and geotechnical risks have been adequately mitigated
- effluent will be removed from the site and disposed of at an appropriately licensed and authorised facility outside of KNP
- the STP is essential infrastructure aimed at re-establishing the use of Selwyn Snow Resort as an important winter tourism and recreational facility which promotes visitation of the NSW Alpine Resorts
- it is consistent the regional plan for the locality and the Precincts – Regional SEPP and supports bushfire recovery and rebuilding efforts

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 Director, Regional Assessments, 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 22/5248, subject to the recommended conditions
- **signs** the attached Development Consent (**Appendix C**).

Recommended by:



Daniel James

Team Leader

Alpine Resorts Team

27 May 2022

9 Determination

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

A handwritten signature in blue ink, consisting of the letters 'K' and 'T' followed by a long horizontal stroke.

Keiran Thomas
Director
Regional Assessments

as delegate of the Minister for Planning

27 May 2022

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/publications/exhibitions-and-publications/development-applications-exhibition>

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,	The bushfire recovery rebuilding of Selwyn Snow Resort will support positive social and economic welfare in the region. The STP is essential infrastructure for the proper management of the resort for its use as an important recreational area and to ensure protection of the natural environment. Surrounding towns will benefit once the resort is operational and visitors will once again have the choice of a unique low-cost option for families to experience snow.
(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 thus being ecologically sustainable development. Site selection and construction techniques seek to avoid and minimise ground disturbance. Conditions of consent have been included to manage the excavation of contaminated soil associated with the historic absorption trenches. Post construction, rehabilitation of impacted areas will be undertaken. To further mitigate environmental impacts, the effluent will be disposed of at an appropriately licensed and authorised facility
(c) to promote the orderly and economic use and development of land,	The development seeks approval for a STP which is essential supporting infrastructure for re-establishing the use of Selwyn Snow Resort as an important winter tourism and recreational facility.
(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,	The impacts upon the environment are negligible and site selection for the proposed development has adhered to avoid and minimise principles. The application is supported by an ecologist report that concludes no flora or fauna groups identified in the assessment are likely to be at risk as a result of the proposed development. See discussion in Section 6.1
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	<p>There are no heritage items located at Mount Selwyn and there are no observed historic gold mine sites, water races or sluicing scars from the Kiandra gold mining era of the late 1800s.</p> <p>Aboriginal artefacts were observed in 2010 more than 200 metres to the south of the STP. The previously approved DAs established a 40 metre radius buffer area around the site. The artefacts are no longer visible, but the buffer ensures protection of any other subsurface artefacts. No impacts are anticipated upon built and cultural heritage, including Aboriginal cultural heritage.</p>
(g) 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 the natural environment.
(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 consulted with government agencies and consideration of their responses.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The application was not required to be exhibited. However, the Department made the application publicly available on the NSW Planning Portal website. No submissions from the public were received.

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 only EPI applicable to the development. Consideration of Chapter 4 of the Precincts – Regional SEPP is provided below:

CI 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 re-establishes the use of Selwyn Snow Resort as an important winter tourism and recreational facility.

The STP is essential supporting infrastructure. Visitation of the NSW Alpine Resorts will be promoted again once the resort is operational giving tourists the choice of a unique low-cost option for families to experience snow.

To mitigate environmental impacts, the effluent will be disposed of at an appropriately licensed and authorised facility

(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 occurs in previously disturbed parts of the resort with no impact on the natural environment. Geotechnical and bush fire implications have also been considered. The site is not affected by flooding.

Conditions of consent have been included to manage the excavation of contaminated soil associated with the historic absorption trenches.

See discussion in **Section 6.0**.

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 is essential supporting infrastructure for re-establishing the use of Selwyn Snow Resort

	The effluent will be removed from the site and disposed of at an appropriately licensed and authorised facility.
(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 Department supports the Applicants geotechnical assessment and is satisfied that the objectives of the Policy have been met.
(g) any sedimentation and erosion control measures,	<p>The proposed development has the potential for a disturbance footprint of approximately 750 square metres. A limited Site Environmental Management Plan (SEMP) is provided in section 8 of the Applicant's SEE.</p> <p>Given the limited information from the Applicant, the Department has imposed conditions of consent that require the preparation of a detailed SEMP, and a landscape and rehabilitation plan.</p> <p>The Department is satisfied that sedimentation and erosion impacts can be appropriately mitigated during construction. Post construction, any disturbed areas will be landscaped and rehabilitated to ensure the site is stabilised and erosion resistant.</p>
(h) any stormwater drainage works proposed,	The Department generally supports the Applicant's proposed stormwater drainage concept which includes overland flow drainage paths via open grass and or gravel swales. Conditions of consent have been included to ensure further stormwater design detail is submitted at CC stage.
(i) any visual impact of the proposed development, particularly when viewed from the Main Range,	Given the location of the STP facility away from the main public areas of the resort and the fact that it is being excavated into the site, 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 seek to alter the use of Selwyn Snow Resort which is only a winter destination for tourists. Outside the snow season hikers can access the walking trails that traverse the resort area however this occurs in limited numbers. It is estimated that five staff will remain at the resort during summer for management and maintenance purposes.
(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. The proposal does not include works within 40 metres of a creek or waterway.

CI 4.13 – Additional matters to be considered for buildings

Building Height	Roof structure has a maximum height of approximately of 7.3 metres to roof ridge which is considered acceptable given the location is away from the main public areas.
Building Setback	<p>The proposed setbacks to other buildings, infrastructure and potential hazards are considered acceptable.</p> <p>The Department has included a condition of consent that requires the security fence to be setback a minimum of 11 metres from the centre line of the power poles to ensure an adequate buffer to the proposed Essential Energy easement and sufficient room for the future upgrading of the NPWS services track. The northern bunding wall of the STP pad will be setback a further 1 metre from the security fence.</p>

Landscaped Area

On completion of the works the disturbed areas around the facility will be appropriately rehabilitated.

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

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

CI 4.24 – Heritage conservation

European heritage

The proposal would not impact on any European heritage items. There are no heritage items list in the Precincts – Regional SEPP that are located at Mount Selwyn Alpine Resort. There are no known historic gold mine sites, water races or sluicing scars from the Kiandra mining era of the late 1800s..

Aboriginal heritage

The Applicant's Aboriginal cultural heritage assessment and proposed 40 metre radius buffer area around the site of previously observed artefacts is acceptable.

The NPWS advised that the Applicant has followed a suitable process and due diligence in determining that the proposed works are unlikely to harm Aboriginal objects.

NPWS recommends 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.

A condition of consent has been included to address the recommendation from NPWS. The Department does not anticipate any adverse impacts on Aboriginal cultural heritage.

Appendix C – Recommended Instrument of Consent