



Southern Alps Ski Lodge, 4 Spencers Creek Road, Charlotte Pass

Development Application Assessment
DA 22/5961

March 2023

Published by the NSW Department of Planning and Environment

dpie.nsw.gov.au

Title: Southern Alps Ski Lodge, 4 Spencers Creek Road, Charlotte Pass

Subtitle: Development Application Assessment, DA 22/5961

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 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 outlines the assessment of Development Application (DA 22/5961) lodged by Mr Tim Moore (the Applicant) seeking approval to undertake external works to a tourist accommodation lodge and extend soil drainage works. Works include removal and replacement of roofing, balconies and external fire stairs, upgrading and extending soil drainage adjoining the lodge, extension of an existing stair landing, repainting existing timber cladding or removal of damaged timber cladding in areas and replacement with metal cladding, installation of new doors windows and window hoods, removing (filling in) a door and windows and various external works within the lease area of Southern Alps Ski Lodge, 4 Spencers Creek Road, Charlotte Pass within Kosciuszko National Park (KNP).

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).

Consistent with the Department's Community Participation Plan, the application was exhibited between 16 May 2022 and 30 May 2022 with the application made publicly available on the Department's Planning Portal website. The Department also notified tourist accommodation owners within fifty (50) metres of the development site and referred the application to relevant government agencies.

Referral to the Rural Fire Service (RFS) was undertaken in accordance with section 100B of the *Rural Fires Act 1997* as the development relates to tourist accommodation on bush fire prone land (BFPL). The Department also referred the application to the National Parks and Wildlife Service (NPWS) pursuant to section 4.15 of the Precincts - Regional SEPP.

The Department received comments from the NPWS and the RFS. No submissions from the public were received during the exhibition of the application.

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 community,
- the works improve the accommodation for the amenity and safety of visitors and staff at the lodge without resulting in adverse environmental, social or economic impacts on the locality, and
- construction impacts on the surrounding environment will be minimised given the nature of the proposal and recommended conditions of consent requiring effective site management during construction, as well as the rehabilitation of any disturbed areas following works.

Assessment of the application concludes the works are consistent with the aim and objectives of Chapter 4 of the Precincts - Regional SEPP and align with the South and East Tableland Regional Plan. Support for the application is considered to be consistent with the public interest. The Department 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 22/5961 lodged by Tim Moore (the Applicant) seeking approval for works to the Southern Alpine Ski Club Lodge located at 4 Spencers Creek Road, Charlotte Pass Alpine Resort within Kosciuszko National Park (KNP) (Lot 107 DP 1242013) (**Figure 1**).

The Applicant is seeking approval for external works to the lodge and grounds, including works to the Ground Level and First Floor balconies; drainage ground works; works to fire stairs and changes to the landing and roof; the painting of cladding or removal of damaged timber cladding and replacement with metal cladding and capping; new vent pipes and exhaust fans; infill of several windows and a door; replacement of other windows and doors including raising window sills and the installation new window hoods; roof realignment and new roofing over the wing joining Buildings 1 and 2 of the lodge; the installation of new insulation and sarking in accessible walls and the underside of roof areas; and the repair of external wall rendering.

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.

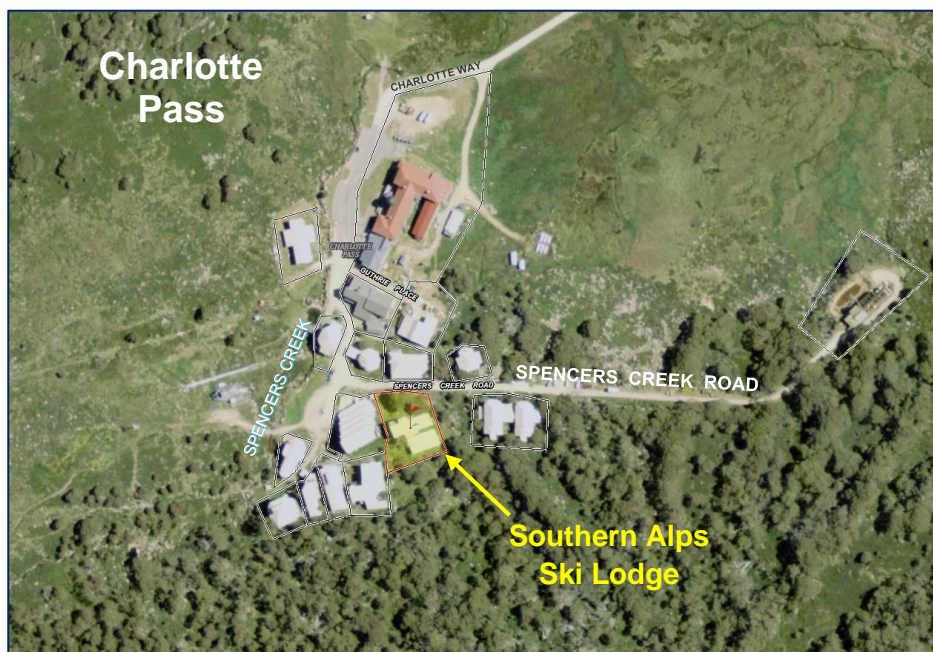


Figure 1 | Location of Southern Alps Ski Lodge within Charlotte Pass (Source: SIX Maps 2022)

1.2 Site Location and Context

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

The Southern Alps Ski Club lodge is situated on the southern side of Spencers Creek Road on an irregular shaped allotment (Lot 107 DP 1242013) of approximately 1630 square metres. The parcel is sloping land with a steep fall from the south-eastern corner of the parcel (rear of the site) to the northern boundary towards the Spencers Creek Road frontage. The lodge is a free-standing building comprising two adjacent building 'wings' that are joined by a fully enclosed annex (**Figure 2**).

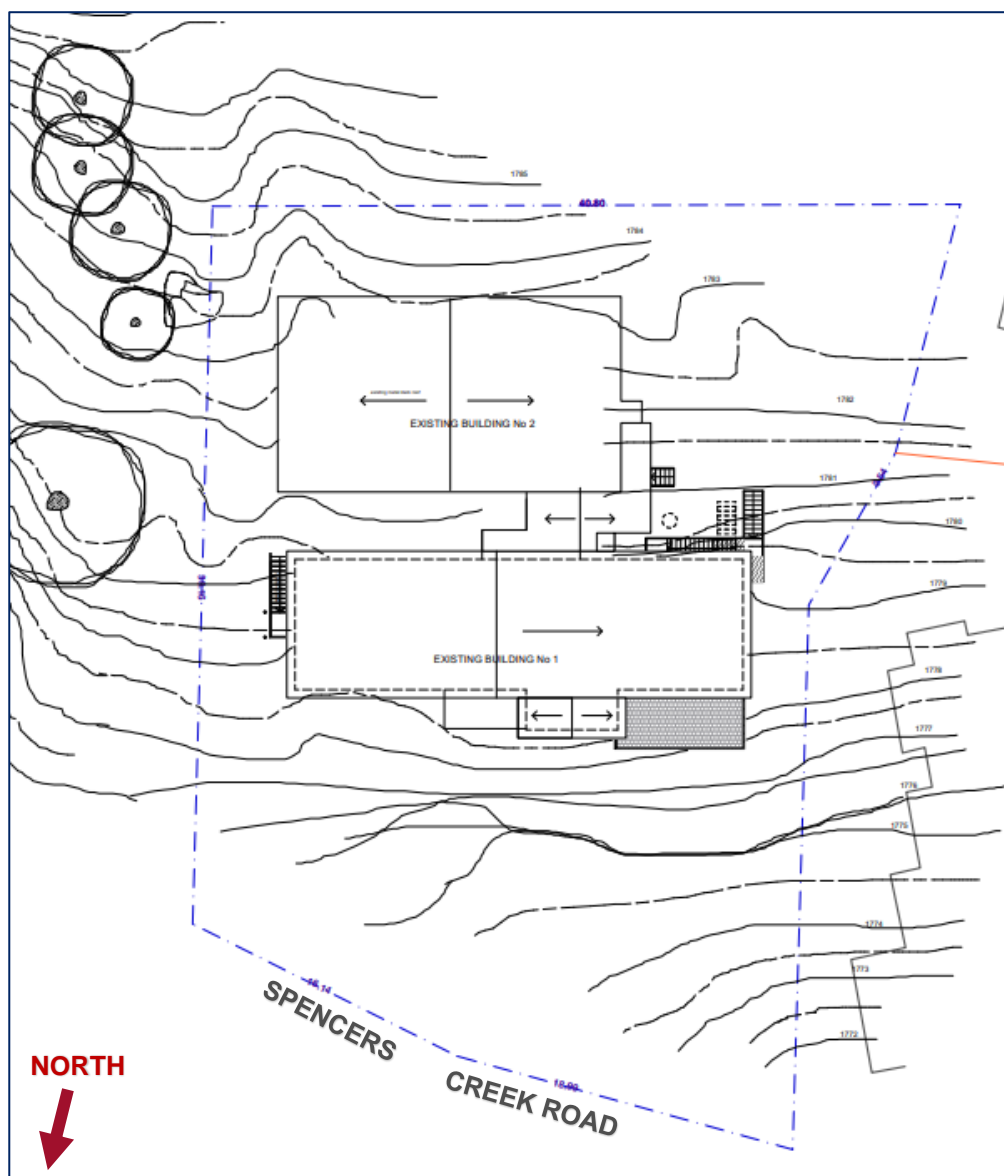


Figure 2| Site Plan Southern Alps Ski Lodge – (Source: Applicant's documentation, with annotations)

The northern wing of the lodge, referred to as Building 1, is a three-storey building of stone-clad construction on the ground level with timber-clad walls on the two upper levels. Building 1 contains ensuite bedrooms, a games room, lounge and dining areas, staff accommodation and two external balconies with views north over the road and village (**Figure 3**).



Figure 3| Building 1 Southern Alps Ski Lodge – from Spencers Creek Rd (Source: Department inspection 2022)

The stone finish extends along the base of the single-storey annex that connects the northern and southern wings of the lodge (Buildings 1 and 2). The annex contains a hallway enclosing a stairway from the first floor of Building 1 up a gentle gradient along the hall to the ground floor of Building 2. Within the annex there is also a kitchen store area and a cool room, and a separate hallway to boiler room (**Figure 4**).

The southern wing of the lodge, Building 2, is a single storey structure at the rear of the site. The lower skirt of the wing is similarly finished in stone, with an extended area of wall stonework on the western side of the building near an entry. There are three external exit stairs providing direct access from Building 2 to the lodge grounds. This southern wing of the lodge contains several ensuite bedrooms, a large boiler room and cleaners storage. The walls of Building 2 are similarly clad in timber that is painted a light-green colour with the same metal roof covering the lodge (**Figure 5**).



Figure 4| Eastern facade of the annex between Building 1 (right) and Building 2 (left) (Source: Department Inspection 2022)



Figure 5| Building 2 Southern Alps Ski Lodge – western facade (Source: Department inspection 2022)

The parcel has been largely cleared with isolated eucalypts on the northern side of the lodge between the lodge and the road. Vegetation communities comprising a Tall Alpine Herbfield abuts the parcel on the southern side (upslope to the rear of Building 2), and Tall Alpine Heath with Eucalypts on the eastern side of the parcel extending to the north adjoining the roadway. The site is identified as being within a designated bushfire prone area and as being located within an area of geotechnical instability. The land is not prone to flooding with the nearest waterway to the lodge being Spencers Creek approximately sixty (60) metres to the west.

There is no vehicular access from Spencers Creek Road to the lodge, other than oversnow capability in winter. An external pedestrian stairway extends from the road to the lodge entry (**Figure 3**).

2 Project

The application seeks approval for external works to the Southern Alps Ski Lodge tourist accommodation building comprising the following:

Works to Building 1:

- Install new insulation and sarking to underside of roof on Eastern slope (where access is available).
- Install tie down rods to structural engineers' details and install new roof sheeting over communal space referred to as the 'Quiet Room'.
- Works to first floor balcony including, removal of the existing tiling and substrate, install new fc sheeting, waterproof membrane, mortar bed and tiles, new steel handrail fixed to steel flat plate to perimeter of balcony, replace existing timber door with new aluminium glazed door.
- New steel columns in existing walls (to structural engineers' details).
- Remove (fill in) windows to Bedroom 1, 4, 5 and 8.
- New self-closing fire exit glazed door to fire stairs 1, 2, 3 (first level) and 3 (ground level).
- Fire Stair 1: Remove stairs to allow for the installation on new metal cladding, stairs will be reinstalled with new extended landing and handrail.
- Fire Stair 3: Remove existing fire stairs and adjoining steps, to be replaced with new steel stairs with steel stringer fixed to side walls, new steel handrail and steel support column.
- Balcony (ground level): Replace existing roof and timber framing above. Remove railing and replace with new steel railing. Remove existing tiling and replace; install new waterproof membranes.
- Removal of deteriorated timber cladding to be replaced with new metal cladding.

Works to Building 2:

- Replace damaged timber cladding over windows, install new sarking, flashing and new steel hoods over windows, adding insulated panels behind the metal cladding.
- Repaint existing cladding where retained.
- Install new metal cladding on lower portion of the building.

Works to the Annex between Buildings 1 and 2:

- Roof replacement between Building 1 and Building 2 (metal deck), which will include a change to the roof alignment over the entryway to avoid step down.
- New cladding to connecting area and around Kitchen and Storerooms.

Works to Lodge Grounds:

- On the southern side of the lodge undertake drainage works including the upgrade and extension of the subsoil drain to the recommended engineering detail (depth of 0.6 to 0.8 metres) and construct a new open dish drain adjoining the southern side of Building 2 with a new drain outlet to the west of the lodge.
- New concrete pit cover located over existing pit on the northern western corner of the lodge.

The proposed colour scheme of the walls of the lodge will change from light green to a mix of dark grey-tones with brown trim. This will include the painting of retained timber cladding and the new metal cladding, which will comprise wide pan metal deck cladding and custom orb with slight colour variance between the

floor levels. As depicted in the photomontage provided in **Figure 6**, the Applicant proposes that a darker cladding is to be used on the lower level of the building, with large pan 'Longline 305' cladding profile provided in the colour Colorbond 'Monument'. A lighter, smaller custom orb is proposed at the top of the building in Colorbond 'Woodland Grey'. Window and capping trims are in a brown Colorbond 'Terrain' or 'Headland' colour, with window hoods in 'Monument', and the new roofing material will match the existing profile in a matching tan colour (Colorbond 'Paperbark' or 'Smurfmist'). The Applicant advises that the use of colours and materials proposal is intended to help modulate the building and assist in breaking up the scale and bulk of the building. There will be no changes to the existing building footprint from the proposed works. The cost of works for the proposal is stated as \$970,929.



Figure 6| Concept plan indicating colour façade of lodge, north-western facade (Source: Applicant's documentation)

The Statement of Environmental Effects (SEE) that accompanies the application states that the proposed metal cladding will provide a more sustainable external cladding, which will secure the long-term resilience of the lodge. The new metal cladding will provide all weather protection and improve the thermal regulation of the lodge with new insulation proposed, whilst also protecting any internal structural timber from the damp. Steel cladding also provides greater bushfire protection to occupants. The use of stone and steel cladding is intended to create an aesthetically pleasing façade that complements the built environment and upgrade of lodges throughout the Kosciuszko National Park.

No vegetation removal is proposed as part of this development application. The Department notes that an Asset Protection Zone (APZ) Management Plan is already in place for the Southern Alps Ski Lodge, as approved by the NPWS in 2020, to provide a defensible space around the lodge building. The proposed works also allow for improved fire safety and egress for building occupants as well as increased bushfire protection with the use of non-combustible materials.

3 Strategic context

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

South East and Tableland Regional Plan 2036

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

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

The Department considers the proposal to be consistent with the Regional Plan as it intends to improve the amenity and safety of the subject lodge for visitors and thereby contribute to higher quality accommodation in the Charlotte Pass Alpine Resort. This enhances the utilisation, viability and maintenance of the Southern Alps Ski Lodge as tourist accommodation, supporting ongoing use of the accommodation and associated visitation of the NSW ski resorts.

Snowy Mountains Special Activation Precinct Master Plan

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

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

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 section 4.15 of the Precincts – Regional SEPP, the NPWS has 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 Chapter 4 of the Precincts - Regional SEPP as the proposal would not have an adverse impact on the environment or detract from the character of the building, whereas it will improve the accommodation for the benefit of users. It appropriately minimises the potential impacts on the environment, and will be subject to conditions of consent to ensure demolition waste is by appropriately managed during the construction phase of the project. The proposal relates to the enhancement of an existing tourist accommodation facility in the Charlotte Pass Alpine Resort, which contributes to the ongoing range of accommodation options available for visitors to KNP without resulting in adverse environmental, social or economic impacts on the natural or cultural environment.

4 Statutory Context

4.1 Consent Authority

Under section 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 fifteen (15) public submissions that raise objections to the proposal, and
- the application is in relation to land to which the Precincts - Regional SEPP applies.

4.2 Permissibility

The proposal includes external alterations to a building while maintaining the use of the site consistent with the definition of 'tourist accommodation' as defined in Chapter 4 of the Precincts - Regional SEPP. Pursuant to section 4.9 of the Precincts - Regional SEPP, 'tourist accommodation' is permissible with consent within the Charlotte Pass Alpine Resort.

4.3 Other Approvals

It is noted that the Southern Alps Ski Lodge accommodation building is located on bushfire prone land. As such, the development comprises integrated development and approval is requirement from the NSW Rural Fire Service (RFS) under s.100B of the *Rural Fires Act 1997* to obtain a Bush Fire Safety Authority.

As mentioned in **Section 3** of this report, the NPWS has a commenting role as the land manager under the provisions of section 4.15 of the Precincts – Regional SEPP.

4.4 Mandatory Matters for Consideration

Objects of the EP&A Act

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

- there would not be an unacceptable impact on the environment,
- works are aimed at improving the existing lodge accommodation, thereby supporting the orderly and economic use of the site without impacting on neighbouring properties,
- the works are capable of achieving compliance with relevant construction standards, and

- the Department provided opportunities for community participation in the assessment process, which included exhibiting the application by displaying the proposal on the NSW Planning Portal website.

Ecologically Sustainable Development (ESD)

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

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

- the proposal does not pose a threat of serious or irreversible environmental damage and potential impacts have been identified, with mitigation measures and environmental safeguards recommended,
- the proposal is not expected to adversely impact upon the health, diversity, or productivity of the environment for future generations,
- the Department's assessment has noted that the proposal is contained to works on land that is managed as part of an approved APZ plan. No removal of vegetation is proposed as part of this development application, and the works will not impact upon cultural heritage, including any known Aboriginal cultural heritage.

Biodiversity Conservation Act 2016

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

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

The information supporting the Application indicates that the proposal does not require the removal of any native vegetation. The Applicant concludes that works are confined to the building and areas immediately adjoining the lodge that are already disturbed, and that the proposal would not have a significant effect on threatened species, populations, ecological communities, or their habitats.

The Department notes that areas of the parcel adjoining the northern and south-western boundaries of the development site contains vegetation that is mapped on the BVM. Comments received from the NPWS during the assessment of the application and subsequent consideration of additional information provided raised no concern in relation to the development. NPWS indicate they do not consider the works, as proposed, will affect threatened species and does not trigger the BOS. The works are not considered likely to impact on the natural systems or diminish the biodiversity values of the locality. Accordingly, the proposal is unlikely to have an adverse effect on threatened species or ecological communities, or their habitats.

The Department also notes that there are currently no declared areas of outstanding biodiversity value within KNP.

Considerations under section 4.15 of the EP&A Act

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

Table 1 | Section 4.15(1) Matters for Consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument (EPI)	<p>The Precincts – Regional SEPP is the principal EPI that applies to the site for this type of 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. Adverse environmental impacts can be appropriately managed and mitigated through

conditions of consent. The proposal is considered to have positive economic and social impacts by enhancing resort accommodation which will help support ongoing visitation of the Charlotte Pass Alpine Resort.

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

The site is both suitable and desirable for continued use of the Southern Alps Ski Lodge for tourist accommodation as discussed in **Section 6** of this report. The NPWS note that there is an underground petroleum storage system in the lease area and the proposed works will not affect that system. The UPSS should not render the site unsuitable for the development, and it is noted that Parks indicate the Proponent is liaising with NPWS about decommissioning the UPSS.

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

Consideration has been given to comments received from the RFS and NPWS during the exhibition period. Refer to **Section 5** of this report.

(e) the public interest.

The works are consistent with the aim and objectives of section 4.1 of the Precincts - Regional SEPP. The development is compatible with adjoining land uses in the locality while maintaining the health and diversity of the natural environment, consistent with the principles of ESD.

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 (CPP), November 2019, prepared in accordance with Schedule 1 of the EP&A Act generally requires applications to be exhibited for a period of fourteen (14) days. Public exhibition is required in accordance with the CPP for proposals that relate to works which are not wholly internal to a building where works are within fifty (50) metres of other tourist accommodation buildings. The Department exhibited the application from 16 May 2022 until the 30 May 2022 with the application made publicly available on the Department's Planning Portal website. The Department also notified tourist accommodation owners within fifty (50) metres of the development site.

Pursuant to section 4.46 of the EP&A Act (integrated development) the application was referred to the NSW Rural Fire Service (RFS) as the site is identified as bushfire prone and a Bushfire Safety Authority (BFSa) is required under the *Rural Fires Act 1997*. The application was also referred to the NPWS pursuant to section 4.15 of the Precincts - Regional SEPP as the land is within an alpine resort within KNP.

5.2 Summary of Submissions

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

The NPWS did not object to the proposal subject to conditions being placed on the works relating to the following matters:

- NPWS Visitor Engagement & Revenue Branch (VERB) advised that the works proposed in the DA are permissible under the headlease for the Charlotte Pass Snow Resort. Both the NPWS (on behalf of the Head Lessor) and Charlotte Pass Snow Resort Pty Limited (as Head Lessee) have consented to the works under the relevant sublease for the Southern Alps Ski Lodge. The relevant provisions of the KNP PoM have been considered and the NPWS believe the proposed works are consistent with the management objectives for section 10.2 (Alpine Resorts Management Units), section 10.3 (Charlotte Pass Management Unit), section 11.6 (Environmental Quality) and chapter 8 (Recreation) under the lease for Lodge.
- The initial comments from the NPWS in relation to the requirement for an APZ Management Plan were reviewed and the Applicant provided further information. NPWS acknowledged that the proponent obtained an approved APZ management plan for the site in 2020. The proposal is not likely to affect threatened species and does not trigger the Biodiversity Offsets Scheme under the BC Act. Further Aboriginal Due Diligence reporting was also provided to the satisfaction of the NPWS.
- In order to minimise any impacts of the proposed development on the environmental values of Kosciuszko National Park, NPWS recommended that the following measures be implemented during completion of the works:
 - (i) To minimise weed vectors and other biosecurity issues, all vehicles, machinery and equipment used during construction must be cleaned to ensure the machinery is free of mud and vegetative propagules prior to entry into the Kosciuszko National Park, and prior to movement between sites in the Park.

- (ii) All vehicles must be parked in designated driveways or car parks.
 - (iii) All stockpile sites, including materials storage areas and waste management receptors (e.g. skip bins) must be placed so as not to impact on native vegetation.
 - (iv) All waste management receptors must be covered daily, or be emptied or removed from site each day, to ensure that waste cannot blow away or be disturbed by scavenging fauna.
 - (v) All building materials are to be tied down and secured at the end of the day to prevent noise or material being blown away during windy or storm conditions.
- Upon issue of the BFSA and General terms of Approval from the RFS, the requirements were referred to the NPWS for review relating to the establishment of the lease area as an Inner Protection Area (IPA). The NPWS commented that if any vegetation management beyond the approved APZ management plan is required then further consultation with, and application to, NPWS is required. Sensitive areas of vegetation are identified to be retained in the APZ Plan. The NPWS raised no objection to the RFS requirements.

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

- At the commencement of building works, and in perpetuity, all land within the subject leasehold site shall be managed as an inner protection area (IPA) in accordance with Appendix 4 of 'Planning for Bush Fire Protection 2019'.
- All proposed external alternations to the existing building identified as repair and replacement works shall:
 - 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.
- Any new construction that may be required does not generally meet the criteria of Condition 3 must comply with Sections 3 and 9 (BAL FZ) Australian Standard AS3959-2018 Construction of buildings in bushfire-prone areas or the relevant BAL FZ requirements of the NASH Standard - Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of Planning for Bush Fire Protection 2019.
- The provision of all new, and the modification of any existing water, electricity, and gas services must comply with Table 6.8c of Planning for Bush Fire Protection 2019. Landscaping Assessment.
- Landscaping within the required asset protection zone must comply with Appendix 4 of Planning for Bush Fire Protection 2019.

- A Bush Fire Emergency Management and Evacuation Plan must be prepared in accordance with Table 6.8d of Planning for Bush Fire Protection 2019 and be consistent with the following:
 - The NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan;
 - include planning for the early relocation of occupants and;
 - detailed plans of all emergency assembly areas, including on-site and off-site arrangements as stated in AS 3745 'Planning for emergencies in facilities', are clearly displayed.

Updated plans were supplied by the Applicant after the RFS issued the BFSA for the site, and the Department provided a copy of the updated plans to the RFS for their records.

The Department has considered the comments received from the NPWS and RFS 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 issue in the Department's assessment is to ensure the temporary construction impacts of the development are managed to protect the environment and public amenity during works, and to ensure compliance with design details and standards. These issues are discussed in the following sections of this report.

6.1 Temporary Construction Impacts

Environmental impacts

The Department has carefully considered the potential environmental impacts associated with the proposal given the location of the site within Charlotte Pass Ski Resort within KNP. Conditions will be placed on the works to ensure the location and management of stockpiled material, vehicle and machinery parking, hygiene and management of waste is appropriate to protect the environment. The design of the site drainage plan with need to be revised by the Applicant in consultation with the NPWS to ensure that all areas of environmental sensitivity are appropriately avoided during works and in relation to the appropriate discharge of water. Mitigation and management measures in accordance with an amended Site Environmental Management Plan (SEMP) will be supported by the implementation of conditions of consent to protect the natural environment.

Public amenity

Noise will be generated during the construction phase of the project which may cause disturbance to visitors in accommodation within the adjoining lodge buildings. The Department will require the implementation of construction hours to limit all work in connection with the proposal to being undertaken between 7.00am and 6.00pm on Monday to Friday inclusive, and 7:00am to 1.00pm on Saturdays, with no work allowed on Sunday or gazetted NSW public holidays.

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

The Department is therefore satisfied that measures are in place to ensure the development and works can be undertaken and managed to avoid significant loss of amenity to Park users.

6.2 Design Details and Standards

The proposed new works, when constructed, are to comply with the Building Code of Australia (BCA) and relevant Australian Standards. Section 64 of the EP&A Regulation also 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 notes the following:

- accessibility requirements and upgrades in accordance with the Access to Premises – Buildings standards are also to be considered by the Certifier determining the Construction Certificate.

- a structural engineer should inspect the property during the building work being carried out and upon removal/deconstruction works being carried out provide/nominate any upgrades required necessary in order to determine compliance with the BCA.
- any works at variance to recommendations contained in the geotechnical assessment report shall not be undertaken without prior written endorsement from the geotechnical engineer.
- the general terms of approval issued by the RFS requires the lodge to be upgraded where practical to improve ember protection (if not already constructed to the relevant Bushfire Attack Level under Australian Standard AS3959), and details of proposed upgrades to improve ember protection to be submitted with the application for the Construction Certificate. Repair and replacement works must use equivalent or improved fire-resistant materials that do not affect any existing fire resisting components of the building, and be adequately sealed to prevent the entry of embers. New construction must comply with the prescribed (BAL FZ) standards.

The Department concludes that subject to compliance with the recommended conditions of consent, including where they relate to building standards, the proposal is satisfactory and would ensure compliance with relevant standards for the amenity and safety of the building occupants. Further matters relating to BCA compliance need to be addressed by the Certifier at the Construction Certificate stage.

The Department has also had regard to the design details of the works as they relate to Heritage considerations. It is noted that Southern Alps Ski Lodge, built in 1965, is listed as a Schedule 2 heritage item of local significance in the *Ski Resorts Heritage Study*, prepared for the NPWS in 1998. The lodge was identified as being a building that was substantially intact (albeit with additions and alterations), and the original fabric and form is still evident.

The main change to the external appearance of the building relates to the colour scheme, infill of certain windows and the addition of window hoods. Significant changes will occur to the fabric of the building in the large-scale removal of the timber cladding and replacement with metal cladding. The NPWS have carriage of matters relating to European and Aboriginal cultural history in the KNP, and it is noted that no objection was raised by Parks to the proposed changes to the form or fabric of the lodge, and the requirement for a Statement of Heritage Impact (SoHI) was not raised.

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 community,
- the works improve the accommodation for the amenity and safety of visitors and staff at the lodge without resulting in adverse environmental, social or economic impacts on the locality, and
- construction impacts on the surrounding environment will be minimised given the nature of the proposal and recommended conditions of consent requiring effective site management during construction, as well as the rehabilitation of any disturbed areas following works.

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.

7 Recommendation

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

- **considers** the findings and recommendations of this report
- **accepts** and adopts all 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 22/5961 subject to the recommended conditions
- **signs** the attached Development Consent (**Appendix C**).

Recommended by:



Sandra Butler

Planning Officer

Alpine Resorts Team

8 Determination

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

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

Daniel James

Team Leader

Alpine Resorts Team

as delegate of the Minister for Planning

24 March 2023

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 follow.

1. Statement of Environmental Effects
2. Submissions

[State DA | Planning Portal - Department of Planning and Environment \(nsw.gov.au\)](https://www.nsw.gov.au/planning-portal)

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 proposal supports the ongoing use of the Southern Alps Ski Lodge as tourist accommodation through improving occupant amenity and ongoing viability of the apartment for its intended use, without negative impacts on the amenity of adjoining users or the environment.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal would not have an unacceptable impact on the environment and is consistent with ecologically sustainable development principles. Mitigation measures during construction have been considered and will be applied as conditions of consent.
(c) to promote the orderly and economic use and development of land,	The development seeks approval for works that are aimed at supporting the ongoing use of the site for 'tourist accommodation', thereby promoting the ongoing economic use of the land.
(d) to promote the delivery and maintenance of affordable housing,	Not applicable to this proposal.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The impacts upon the environment are limited to disturbed areas. Conditions of consent ensure the impact of the develop with be minor and appropriately contained, with no anticipated impact on threatened species.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The proposed development relates to a heritage building. However, loss of the original external fabric of the lodge (being timber cladding) enables use of fire resistant materials to help ensure the longevity of the structure and safety of the

occupants. The development does not include significant changes to the external form of the lodge. Any Aboriginal objects detected during earthworks will require further investigation and input from the NPWS. Subject to conditions, the proposal is consistent with ensuring the sustainable management of built and cultural heritage.

(g) to promote good design and amenity of the built environment,	The Department considers that the proposal will enhance the amenity of occupants without detracting from the built form of the development as it presents to the public domain.
(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 referred the application to the NPWS and considered their response (Section 5).
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal (Section 5) by 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 section 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
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ESD and 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 land is not identified as being subject to flooding. The site is identified as bushfire prone land and relates to a Special Fire Protection Purpose, for which a Bush Fire Safety Authority has been issued by the RFS. Geotechnical review has been undertaken by a geotechnical engineer who has provided an assessment that indicates that the proposed alterations were deemed to be minor and expected to cause minimal impacts from a geotechnical perspective on the site or related land. Accordingly, natural hazards have been considered and 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 increase in bed numbers is proposed at the lodge in relation to this development, and nor is any adverse cumulative impact from the proposal anticipated in relation to cumulative pressures on the services available to the development and locality.

(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 does not adversely alter the character of the resort.

(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,

As mentioned above, a geotechnical risk review was carried out by a geotechnical engineer who has considered the loadbearing capacity of the building and determined that the proposed works present no geotechnical impact on the site or related land. A Form 4 was also issued in accordance with the Geotechnical Policy to certify the proposed works are of minimal geotechnical impact. While minor updates have been made to site plans since the issue of the geotechnical documentation, these should not influence the geotechnical assessment provided. A condition has been applied requiring that, should any works be at variance to recommendations contained in

the geotechnical assessment report, those works shall not be undertaken without prior written endorsement from the Geotechnical Engineer. No further assessment on geotechnical matters is considered necessary for the proposal.

(g) any sedimentation and erosion control measures,

The Site Environmental Management Plan (SEMP) provided with the application is to be implemented during the works. Conditions will also require the adoption of measures prescribed by NPWS to ensure appropriate management of materials during works and to reduce impacts on the environment.

(h) any stormwater drainage works proposed,

No building stormwater drainage works are proposed, however ground works are proposed to divert stormwater around the southern side (upslope) of the lodge. The diversion works do not connect directly to a formal stormwater drainage system.

(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 on the building.

(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 subject land is not located within the PRRMP area.

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

The site is not within forty (40) metres of a watercourse identified in the Precincts-Regional SEPP maps or the Water management Regulation Hydroline spatial data map. The construction activities associated with the development will be managed so as not to cause an adverse impact on land or runoff that will eventually cause diminish from the quality of 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	Works are not proposed within the building setback.
Landscaped Area	Additional landscaping is not proposed or required in relation to the proposal.

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 discussion of the proposal at **Section 6**.

Section 4.24 – Heritage conservation

European heritage	The proposal will not impact on a European heritage item. The Chalet (circa 1939), located approximately sixty (60) metres from the Southern Alps Ski Lodge, is listed as of State Heritage significance as the oldest remaining accommodation building in any of the main ski resorts in NSW. The works to the lodge will not adversely impact views to or from The Chalet. As previously discussed, the Southern Alps Ski Lodge is of local heritage significance. The NPWS have not determined that any further heritage assessment of the proposal is necessary.
Aboriginal heritage	Ground disturbance is proposed as part of the development, and the NPWS are satisfied that due diligence has been satisfied in relation to the proposal and no adverse impact on any Aboriginal place or item is considered likely.

Appendix C – Recommended Instrument of Consent