

# STATEMENT OF ENVIRONMENTAL EFFECTS

## REPLACEMENT OF WINDOWS 'HOLMWOOD', 13 CRACKENBACK DRIVE THREDBO ALPINE RESORT



**JUNE 2022**  
Project: 21-22

# STATEMENT OF ENVIRONMENTAL EFFECTS

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## REPLACEMENT OF WINDOWS 'HOLMWOOD', 13 CRACKENBACK DRIVE THREDBO ALPINE RESORT

This report has been prepared by:

A handwritten signature in black ink, appearing to read 'I. Pasalich'.

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Ivan Pasalich  
Principal  
Dabyne Planning Pty Ltd

**JUNE 2022**  
Project: 21-22

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# 1. INTRODUCTION

## 1.1 Executive Summary

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

The application relates to a residential dwelling used for tourist and visitor accommodation at 13 Crackenback Drive, Crackenback Ridge, Thredbo Alpine Resort. The property is known as 'Holmwood' and is legally described as Lot 521 DP 1118419.

The proposal seeks consent to undertake external alterations comprising of the replacement of three (3) fixed windows on the western elevation of the building.

The existing aluminium composite framed windows are to be replaced with double glazed aluminium composite framed windows with the same size and shape as the existing.

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

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

The purpose of this SEE is to:

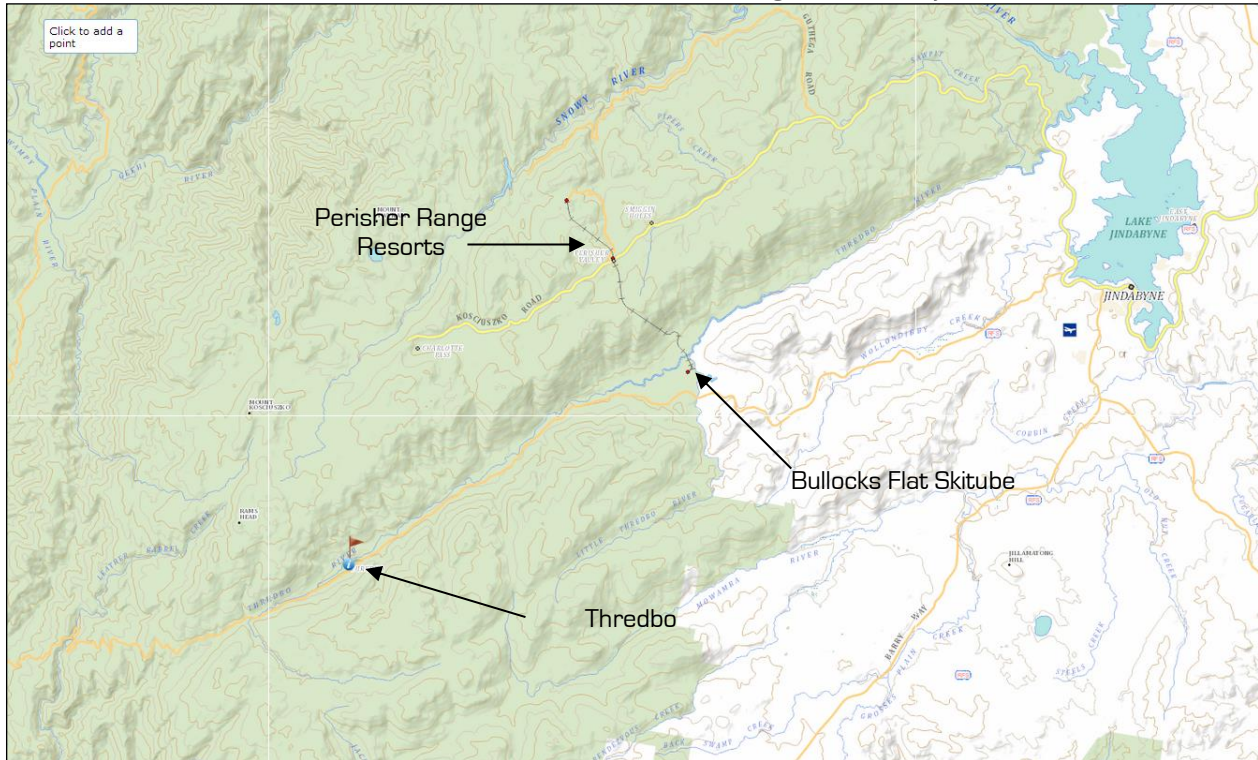
- describe the land to which the DA relates.
- describe the form of the proposed works.
- define the statutory planning framework within which the DA is to be assessed and determined; and
- assess the proposed development against the matters for consideration listed under Section 4.15(1) of the Environmental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

## 2. THE SITE AND LOCALITY

### 2.1 Locality

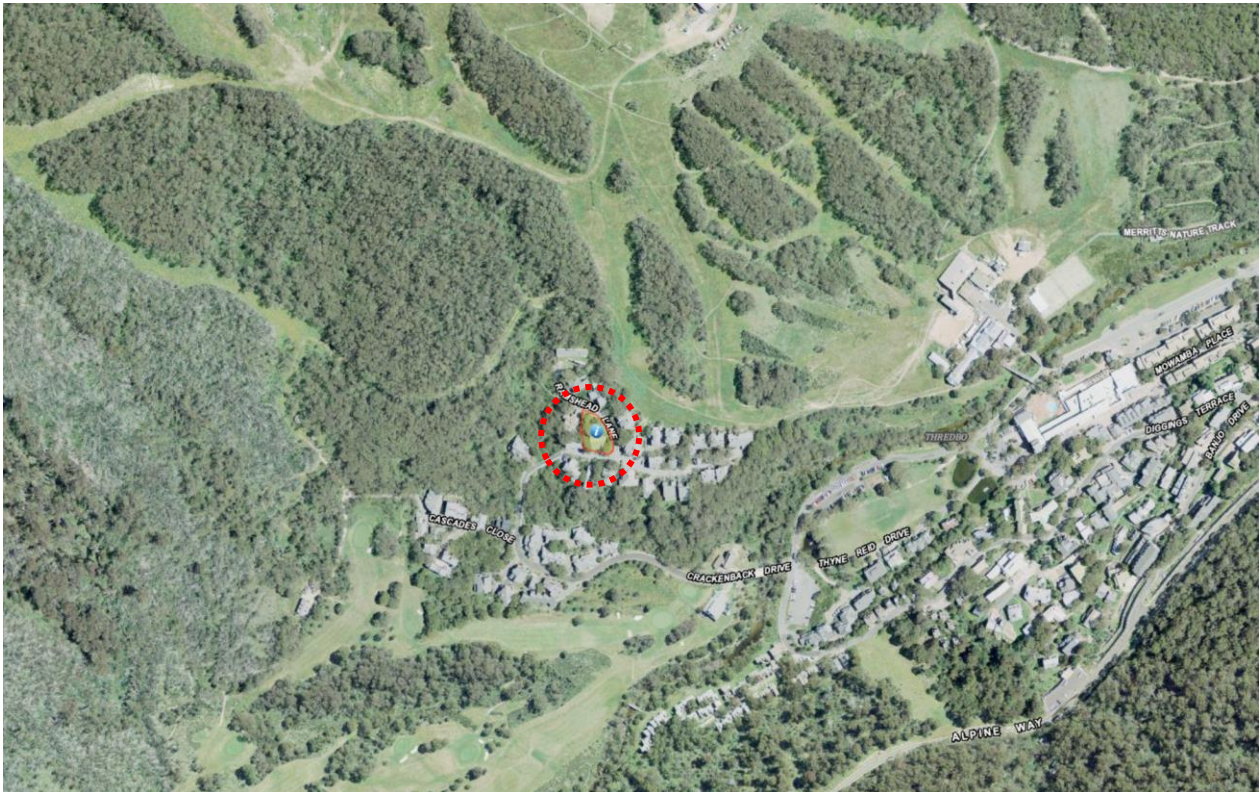
The subject site is located within the Thredbo Alpine Resort, approximately 35kms from Jindabyne. Access to the resort is achieved via the Alpine Way.

The location of Thredbo is illustrated in context with the regional locality below:



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

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

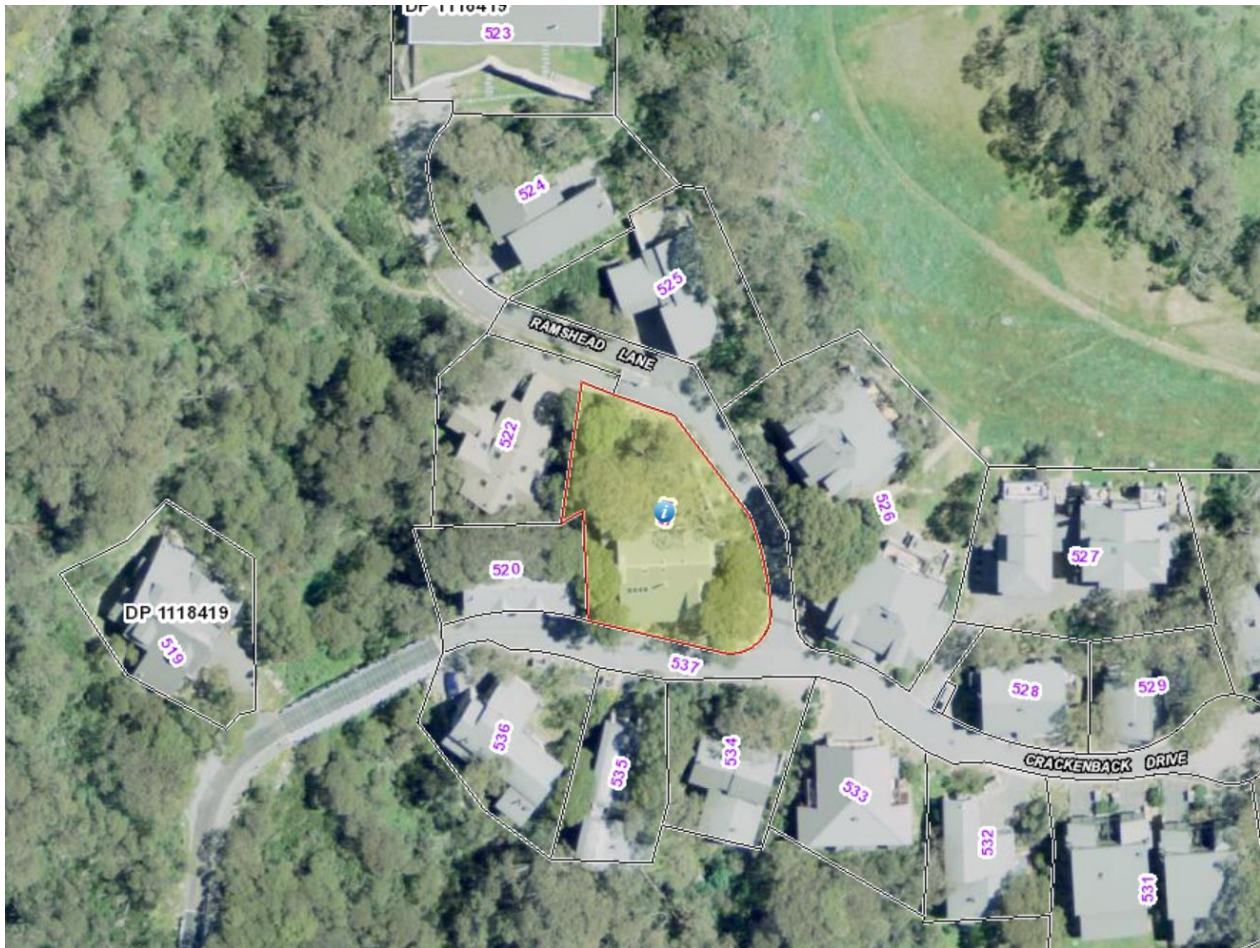


*Figure 2: Context of the site within the locality*

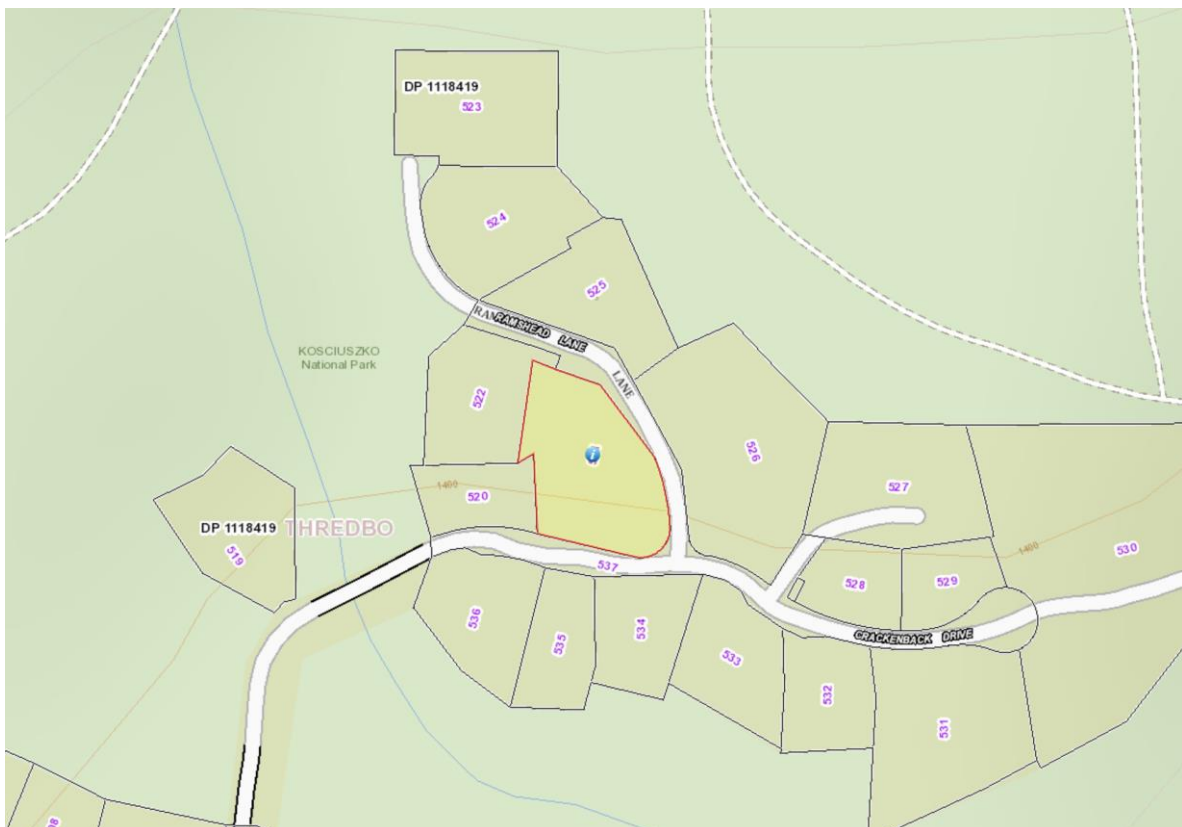
## 2.2 The Site

The site comprises of a single dwelling used for tourist accommodation and is located at 13 Crackenback Drive, Crackenback Ridge, within the Thredbo Alpine Resort. The site is known as 'Holmwood' and is legally described as Lot 521 DP 1118419.

The subject site is identified in figure's 3 & 4 below:

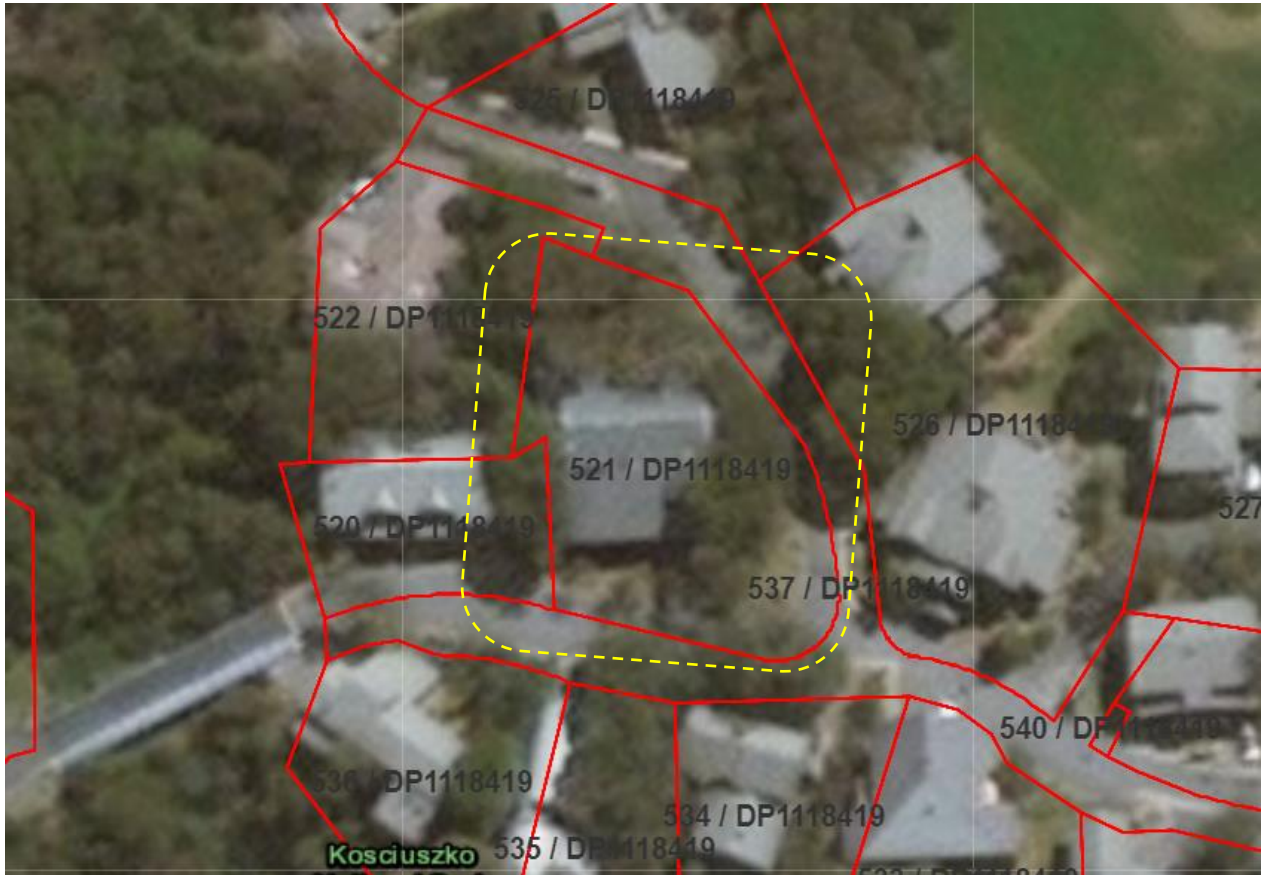


*Figure 3: Aerial map of the subject site*



*Figure 4: Topographic map of the subject site*

The building is located on the corner of Crackenback Drive and Ramshead Lane and is located adjacent to Ridge Creek chalets and Tussock to the west, as shown below.



*Figure 5: Location of the lodge*

The following photos identify the existing building:



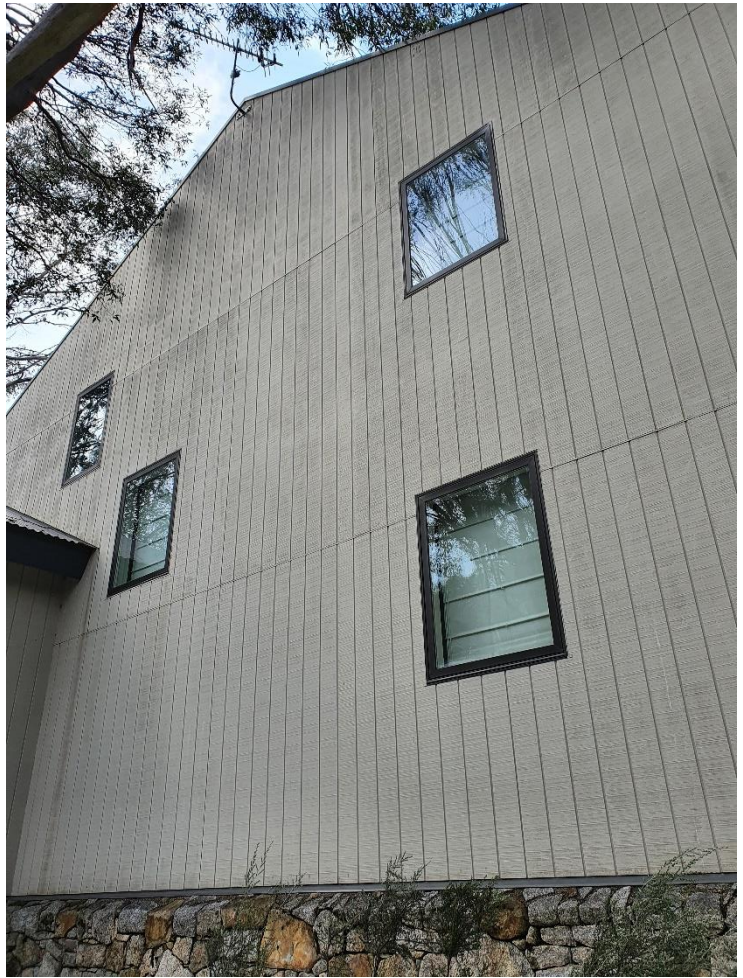
*Figure 6: Photo of the front southern elevation of the dwelling*



*Figure 7: Photo of the front southern elevation of the dwelling*



*Figure 8: Photo of the western elevation and 3 windows to be replaced*



*Figure 9: Photo of the western elevation and 3 windows to be replaced*

## **3. DESCRIPTION OF THE DEVELOPMENT**

### **3.1 General Description**

The proposed development comprises of replacement of three (3) windows on the western elevation of the building.

The existing windows are black powder coated aluminium composite frame fixed windows.

The proposed replacement windows will be same, with double glazing.

The proposed works are in response to the need to improve the weather protection and longevity of the western elevation windows, which are subject to UV, wind, ice and snow.

## 4. ENVIRONMENTAL AND PLANNING LEGISLATION

### 4.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

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

The only applicable Environmental Planning Instrument to the proposed development and site is State Environmental Planning Policy (Precincts – Regional) 2021 (SEPP Regional Precincts). The relevant clauses contained within SEPP Regional Precincts and Chapter 4 Kosciuszko National Park and alpine resorts are addressed below:

#### Section 4.9 - Land Use Table:

The land use table for Thredbo Alpine Resort specifies that 'Tourist accommodation' is permitted with consent.

This is defined as:

*'tourist accommodation means:*

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

The proposed development is for alterations to a dwelling used for tourist accommodation.

The proposed works are therefore permissible with consent.

#### Section 4.12 - Matters for consideration:

Matter for Consideration	Response
S.4.12 (1) In determining a development application that relates to land to which this Chapter applies, the consent authority must take into consideration any of the following matters that are of relevance to the proposed development—	
(a) the aim and objectives of this Chapter, as set out in section 4.1,	<i>The proposed alterations have been designed to ensure impacts on the natural and built environment are minimal. The proposed works are considered to result in a development that is consistent with the aims and objectives set out in clause 2 of the SEPP.</i>
(b) the extent to which the development will achieve an appropriate balance between the conservation of the natural environment and any measures to mitigate environmental hazards (including geotechnical hazards, bush fires and flooding),	<i>The proposed alterations do not require any measures to mitigate environmental hazards that would impact on the conservation of the natural environment.</i>

<p>(c) having regard to the nature and scale of the development proposed, the impacts of the development (including the cumulative impacts of development) on the following—</p> <ul style="list-style-type: none"> <li>(i) the capacity of existing transport to cater for peak days and the suitability of access to the alpine resorts to accommodate the development,</li> <li>(ii) the capacity of the reticulated effluent management system of the land to which this Chapter applies to cater for peak loads generated by the development,</li> <li>(iii) the capacity of existing waste disposal facilities or transfer facilities to cater for peak loads generated by the development,</li> <li>(iv) the capacity of any existing water supply to cater for peak loads generated by the development,</li> </ul>	<p><i>The proposed alterations will result in improvements to the building.</i></p> <p><i>These works will not result in the existing transport, reticulated effluent management, waste disposal and water supply infrastructure to be required to be upgraded or expanded.</i></p>
<p>(d) any statement of environmental effects required to accompany the development application for the development,</p>	<p><i>This Statement of Environmental Effects satisfies this sub-clause.</i></p>
<p>(e) if the consent authority is of the opinion that the development would significantly alter the character of the alpine resort—an analysis of the existing character of the site and immediate surroundings to assist in understanding how the development will relate to the alpine resort,</p>	<p><i>The proposed alterations will not alter the character of the resort and has been designed to improve the building by replacing windows.</i></p>
<p>(f) the Geotechnical Policy—Kosciuszko Alpine Resorts (2003, Department of Infrastructure, Planning and Natural Resources) and any measures proposed to address any geotechnical issues arising in relation to the development</p>	<p><i>The proposed external alterations are contained within the existing building footprint and will result in the replacement of three windows.</i></p> <p><i>With no earthworks or excavations proposed, no Geotechnical Risk assessment is required.</i></p>
<p>(g) if earthworks or excavation works are proposed—any sedimentation and erosion control measures proposed to mitigate any adverse impacts associated with those works,</p>	<p><i>No earthworks or excavation works are proposed.</i></p>
<p>(h) if stormwater drainage works are proposed—any measures proposed to mitigate any adverse impacts associated with those works,</p>	<p><i>Not applicable.</i></p>

(i) any visual impact of the proposed development, particularly when viewed from the Main Range,	<i>The proposed alterations have been designed to be compatible with the existing building, surrounding built form with no additional visual impacts generated.</i>
(j) the extent to which the development may be connected with a significant increase in activities, outside of the ski season, in the alpine resort in which the development is proposed to be carried out,	<i>The proposed alterations will not result in an increase in activities outside of the ski season.</i>
(k) if the development involves the installation of ski lifting facilities and a development control plan does not apply to the alpine resort:  (i) the capacity of existing infrastructure facilities, and  (ii) any adverse impact of the development on access to, from or in the alpine resort,	<i>The development does not involve the installation of a ski lift.</i>
(l) if the development is proposed to be carried out in Perisher Range Alpine Resort:  (i) the document entitled Perisher Range Resorts Master Plan, as current at the commencement of this Policy, that is deposited in the head office of the Department, and  (ii) the document entitled Perisher Blue Ski Resort Ski Slope Master Plan, as current at the commencement of this Policy, that is deposited in the head office of the Department,	<i>Not applicable.</i>
(m) if the development is proposed to be carried out on land in a riparian corridor:  (i) the long term management goals for riparian land, and  (ii) whether measures should be adopted in the carrying out of the development to assist in meeting those goals.	<i>Not applicable.</i>
(2) The long term management goals for riparian land are as follows:	

(a) to maximise the protection of terrestrial and aquatic habitats of native flora and native fauna and ensure the provision of linkages, where possible, between such habitats on that land.	<i>Not applicable.</i>
(b) to ensure that the integrity of areas of conservation value and terrestrial and aquatic habitats of native flora and native fauna is maintained,	
(c) to minimise soil erosion and enhance the stability of the banks of watercourses where the banks have been degraded, the watercourses have been channelised, pipes have been laid and the like has occurred.	
(3) A reference in this clause to land in a riparian corridor is a reference to land identified as being in such a corridor on a map referred to in section 4.4.	

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

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

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

There are no Development Control Plans applicable to the Kosciuszko Alpine Resorts under the SEPP Regional Precincts.

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

There are no Planning Agreements applicable to the Kosciuszko Alpine Resorts under the SEPP Regional Precincts.

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

The development application has been made in accordance with the requirements contained in the Environmental Planning and Assessment Regulation 2021.

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

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

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

### **Built Environment:**

The proposed external alterations are being undertaken to improve the maintenance of the building by replacing windows.

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

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

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

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

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

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

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

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

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

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

Although the subject site is located within bushfire prone land, the Development Application is not an Integrated Development under the provisions of S.4.46 of the EP&A Act, 1979 as a Bushfire Safety Authority is not required under S.100B of the NSW Rural Fire Service Act, 1997, even though the subject works relate to a 'special fire protection purpose' development.

This is due to the exemption afforded under clause 45(1)(o) of the Rural Fires Regulations, 2013 which states:

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

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

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

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

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

Section 6.5 of PBP, 2019 specifically outlines that minor development includes the replacement of an external window, glazing areas or a door, noting that the opening and/or external glazed area of the window or door must not be increased in size:

### 6.5 Minor development in SFPP facilities

Minor development includes the following:

- Internal works;
- Flag poles;
- Aerials and antennas;
- Satellite dishes;
- Paved areas;
- Earth works and draining;
- Class 10a structures located further than 6m from a habitable building; and
- Minor non-structural building alterations (external) such as the following:
  - painting, plastering, cement rendering, cladding, attaching fittings or decorative work;
  - the replacement of an external window, glazing areas or a door (however, the opening and/or external glazed area of the window or door must not be increased in size);
  - the repair to or replacement of a non-structural wall or roof cladding;
  - the installation of a security screen or grill to a door or window or a security door;
  - the repair to or replacement of a balustrade; and
  - re-stumping or repairing structure foundations without increasing the height of the structure.

The development types listed above do not have any influence on potential bush fire impacts and the bush fire protection of the building. For this reason, the NSW RFS does not consider that a BFSa is necessary for the development types listed above. Wherever applicable, the building elements concerned will need to comply with the requirements of AS 3959 or NASH Standard under the NCC.

The proposed works involve the replacement of three windows, all of the same size.

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

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

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

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

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

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

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

The NSW Rural Fire Service Manager of Development and Policy has confirmed this in writing and a copy is provided in Appendix B.

## **4.2 BIODIVERSITY CONSERVATION ACT, 2016**

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

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



*Figure 10: The subject site in relation to the Biodiversity Values Map*

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

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

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

With a lot size of approximately 1050m<sup>2</sup>, the clearing threshold is 0.25ha (2500m<sup>2</sup>) of clearing of native vegetation without having to undertake a Biodiversity Assessment Method (BAM) assessment and therefore triggering the Biodiversity Offsets Scheme (BOS).

Given that the proposed alterations are only for the replacement of windows, the proposal will not have any impacts on biodiversity including any Threatened Species or Ecological Communities or their habitat. No further assessment is therefore warranted.

## 5. CONCLUSION

The proposed development has been considered in regard Section 4.15 of the EP&A Act, 1979 and Chapter 4 of the State Environmental Planning Policy (Precincts – Regional) 2021.

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

The proposed development will allow for the replacement of windows in the same location and size as the existing windows. This will reduce maintenance and improve the longevity of the building to withstand the harsh weather associated with the locality.

The proposed works are development of a minor nature that relates to an existing building that is for special fire protection purpose and therefore are exempt from requiring a Bushfire Safety Authority under S.100B of the Rural Fires Act, 2013. Accordingly, the DA is not Integrated Development.

The proposed works will reduce maintenance and update the western elevation windows with the dwelling without generating any negative environmental or social impacts and are considered to complement the existing built environment.

## APPENDIX A

### SITE ENVIRONMENTAL MANAGEMENT PLAN

## APPENDIX A

### SITE ENVIRONMENTAL MANAGEMENT PLAN

#### 13 Crackenback Dr, Crackenback Ridge, Thredbo

## 1. Introduction

As detailed in the Statement of Environmental Effects, the proposal is for the replacement of windows.

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

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

## 2. Access & Vehicle Parking

Access to the site will be achieved via Crackenback Drive. Construction vehicles will be able to park within the designated parking area identified in Figure 1 below.



*Figure 1: Designated vehicle parking*

## 3. Material Storage

Material storage for the construction works can be placed temporarily in the adjacent parking area in front of the garage.

## **4. Waste Management**

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

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

## **5. Noise and vibration pollution**

The intended hours of construction is from 7am to 6pm Monday to Friday, 8am – 5pm on Saturday with no work on Sundays or Public Holidays from October through to May of each year. No construction is to take place from June through to September.

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

## **6. Air pollution**

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

## **7. Fuels and Chemicals**

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

## **8. Emergency Procedures**

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

### Key Emergency Response Contacts

Organisation	Emergency Phone	Non Emergency Phone
NSW Police	000	Jindabyne: 6456 2244
NSW Fire Brigade	000	Jindabyne: 6456 2476
NSW Ambulance	000	
Medical Centres	Thredbo: Jindabyne: 6457 1221	
National Parks and Wildlife Service (NPWS)	1800 629 104	Jindabyne 6450 5555
Roads and Traffic Authority	Traffic incidents & road conditions: 131 700 Road closures and special events: 132 701	
Environment Protection Authority Environment Line	131 555	

## APPENDIX B

### CORRESPONDENCE FROM THE NSW RURAL FIRE SERVICE

## Ivan Pasalich

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**From:** David Boverman <David.Boverman@rfs.nsw.gov.au>  
**Sent:** Tuesday, 7 December 2021 11:42 AM  
**To:** Ivan Pasalich  
**Subject:** RE: Exemptions for a BFSa for Repairs and Replacement Works to an SFPP?  
**Attachments:** Planning for Bush Fire Protection 2019 Minor development excluded from Bush Fire Safety Authority.pdf; Rural Fires Regulation 2013 - NSW Legislation BFSa Exclusions.pdf

Hi Ivan,

Please find the below email advice I just sent to the Alpine Team at the NSW Department of Planning, Industry and Environment regarding the questions you asked previously in the email trail below.

I have chosen to share this since it would be available in terms of the criteria for GIPA.

*'Thank you for your email and question, and for your patience, as you are probably aware we've been quite busy of late.*

*I've had a look at previous emails on this matter and note that the last one I received from Ivan was on the 13<sup>th</sup> November 2021.*

*I have responded to him acknowledging the exclusions he has identified which are clearly stated in both Planning for Bush Fire Protection 2019 (PBP-2019) and the current Rural Fires Regulation (which had been amended to specifically address the types of 'Minor development in SFPP facilities' Ivan and you are referring to, by identifying 'minor external non-structural building alterations carried out in accordance with Planning for Bush Fire Protection').*

*As you would be aware, PBP-2019 states in section 6.5 (page 53):*

*'Minor non-structural building alterations (external) such as the following:*

*...*

*cladding, attaching fittings or decorative work;*

- the replacement of an external window, glazing areas or a door (however, the opening and/or external glazed area of the window or door must not be increased in size);*
- the repair to or replacement of a non-structural wall or roof cladding;*
- re-stumping or repairing structure foundations without increasing the height of the structure.'*

*The section goes on to state that 'The development types listed above do not have any influence on potential bush fire impacts and the bush fire protection of the building. For this reason, the NSW RFS does not consider that a BFSa is necessary for the development types listed above. Wherever applicable, the building elements concerned will need to comply with the requirements of AS 3959 or NASH Standard under the NCC'.*

*It is noted that the last sentence above can be a bit confusing since literally taken one could be led to the conclusion that asset protection zones and/or construction of windows and/or cladding would need to literally comply with AS3959 or NASH.*

*PBP-2019 also states in section 6.4 (page 52) 'The intention for any building work occurring within an existing SFPP development is to achieve a better bush fire outcome than if the development did not proceed'.*

*For situations where the only work is in accordance with the above exclusions and the proposal will achieve a better bush fire outcome than if the development did not proceed (e.g. replacing combustible external wall cladding that is less combustible or non-combustible, replacing normal float glass external windows with tempered glass, and/or similar types of improved fire resistant characteristics), compliance with PBP-2019 would be achieved.*

*Please note that since the above types of work would not be considered as falling under section 100B of the Rural Fires Act as discussed above, the same logic would apply for the above types of minor works within the context of section 4.14 of the Environment Planning & Assessment Act (which I understand will not apply in the Alpine Areas).*

*Please find both excerpts attached for your reference and information, noting that 'cladding' is specifically identified as one of the categories in the stated exclusions.*

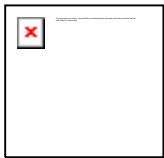
*I hope this clarifies everything.*

*If you have any questions and/or would like to discuss please let me know immediately by reply email, noting that I have taken the liberty of copying Martha Dotter and Michael Gray (A/Manager Planning & Environment Services Centre South) in on this email, and will share the above with Ivan as well since he initiated the inquiry originally with me.*

Thank you, with kind regards,  
David'

If you have any questions and/or would like to discuss just let me know.

Thank you, with kind regards,  
David



**David Boverman** | Manager | Development Planning & Policy  
**NSW RURAL FIRE SERVICE**  
Headquarters 4 Murray Rose Avenue Olympic Park 2127 | Locked Bag 17 Granville NSW 2142  
**P** 02 8741 5445 **F** 02 8741 5433 **M** 0458 715 952 **E** [david.boverman@rfs.nsw.gov.au](mailto:david.boverman@rfs.nsw.gov.au)  
**24 Hour Media Enquires** 02 9898 1855  
[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au) | [www.facebook.com/nswrfs](https://www.facebook.com/nswrfs) | [www.twitter.com/nswrfs](https://www.twitter.com/nswrfs)  
**PREPARE. ACT. SURVIVE.**

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**From:** David Boverman

**Sent:** Saturday, 13 November 2021 6:56 AM

**To:** Ivan Pasalich <[ivan@dabyneplanning.com.au](mailto:ivan@dabyneplanning.com.au)>

**Cc:** Michael Gray <[Michael.Gray@rfs.nsw.gov.au](mailto:Michael.Gray@rfs.nsw.gov.au)>; Martha Dotter <[Martha.Dotter@rfs.nsw.gov.au](mailto:Martha.Dotter@rfs.nsw.gov.au)>; Mathew Smith <[Mathew.Smith@rfs.nsw.gov.au](mailto:Mathew.Smith@rfs.nsw.gov.au)>; Lisa Chiu <[Lisa.Chiu@rfs.nsw.gov.au](mailto:Lisa.Chiu@rfs.nsw.gov.au)>; Stephen Woodham <[Stephen.Woodham@rfs.nsw.gov.au](mailto:Stephen.Woodham@rfs.nsw.gov.au)>; Anna Jones <[Anna.Jones@rfs.nsw.gov.au](mailto:Anna.Jones@rfs.nsw.gov.au)>

**Subject:** RE: Exemptions for a BFSA for Repairs and Replacement Works to an SFPP?

Hi Ivan,

Apologies for the fact that I'm just getting back to you on this.

Thank you for your question.

To answer, it would be helpful if you wouldn't mind please providing some specific examples.

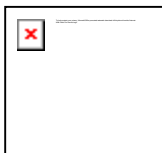
As you're probably aware, there are other SEPPs for things like 'replacing timber cladding with metal cladding' that the NSW RFS Policy Team can use to justify considering the same under the 'Minor Development' sections of the *Rural Fires Regulations* and *Planning for Bush Fire Protection 2019* (the clause you've copied below), even though 'technically' those SEPPs would not prescriptively apply from a direct perspective.

Because this has been a re-occurring problem and theme, I would encourage a meeting between myself, yourself, the DPIE Team referring these to us, and PES South Management as soon as possible so that we can understand everyone's points of view and move forward to hopefully resolve things in the best fashion accordingly.

It might be of interest to note that Michael Gray will be joining our Directorate as of this Monday as the A/Manager PES South so I've copied him in on this email also.

Once again, my apologies and thanks for your reaching out again.

Kind regards,  
David



**David Boverman** | Manager | Development Planning & Policy  
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**PREPARE. ACT. SURVIVE.**

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**From:** Ivan Pasalich <[ivan@dabyneplanning.com.au](mailto:ivan@dabyneplanning.com.au)>  
**Sent:** Wednesday, 3 November 2021 5:08 PM  
**To:** David Boverman <[David.Boverman@rfs.nsw.gov.au](mailto:David.Boverman@rfs.nsw.gov.au)>  
**Cc:** Nika Fomin <[Nika.Fomin@rfs.nsw.gov.au](mailto:Nika.Fomin@rfs.nsw.gov.au)>; Martha Dotter <[Martha.Dotter@rfs.nsw.gov.au](mailto:Martha.Dotter@rfs.nsw.gov.au)>; Lisa Chiu <[Lisa.Chiu@rfs.nsw.gov.au](mailto:Lisa.Chiu@rfs.nsw.gov.au)>; Mathew Smith <[Mathew.Smith@rfs.nsw.gov.au](mailto:Mathew.Smith@rfs.nsw.gov.au)>  
**Subject:** FW: Exemptions for a BFSA for Repairs and Replacement Works to an SFPP?

David,

Just following up on this email for a response as I now have 3 projects waiting to commence.

If they cannot proceed as exempt from a BFSA as being development of a minor nature, then they will not be pursuing the repairs and replacement works, being replacement of timber cladding and windows with non-combustible materials or minor upgrade works.

I look forward to your response.

Regards.

Ivan

**Ivan Pasalich** | Principal  
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**From:** Ivan Pasalich  
**Sent:** Wednesday, 6 October 2021 8:49 AM  
**To:** David Boverman <[David.Boverman@rfs.nsw.gov.au](mailto:David.Boverman@rfs.nsw.gov.au)>  
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**Subject:** RE: Exemptions for a BFSa for Repairs and Replacement Works to an SFPP?

David,

Thanks for the response.

To be clear, I am seeking the RFS advice as to the changes made in July 2020 to the Rural Fires Regulation 2013.

These changes were made as part of the Rural Fires Amendment Regulation 2020 (attached).

The changes included the following additional exemptions from a BFSa:

**[32] Clause 45(1)(j)–(o)**

Insert after clause 45(1)(i)—

- (j) the construction or installation of a flagpole dish,
- (k) the construction or installation of a driveway area,
- (l) the carrying out of earthworks or drainage works,
- (m) construction of a class 10a building that is a dwelling,
- (n) minor external non-structural building alterations in accordance with *Planning for Bush Fire* 2019,
- (o) development of a minor nature that relates to a building for special fire protection purpose.

The RFS must have had in mind why these exemptions were included and what for.

Usually when Regulations are made, supporting policy is required to be provided to Parliamentary Counsel.

Does the RFS have advice or a policy position as to what constitutes ‘minor external non-structural building alterations’ and ‘development of a minor nature’?

Can you advise whether these exemptions apply to repairs and replacement works? For example, replacing timber cladding with metal cladding?



