

# Concept approval and Stage 1 works for alterations and additions to existing recreation facility (outdoor) -207 Barry Way, JINDABYNE

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Part 4 Development Application (DA 23/1635)

December 2023



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Title: Concept development and stage 1 works for alterations and additions to existing recreation facility (outdoor) - 207 Barry Way, JINDABYNE

Subtitle: DA23/1635

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# Glossary

Abbreviation	Definition
<b>Applicant</b>	NSW Biathlon Association
<b>Consent</b>	Development Consent
<b>Council</b>	Snowy Monaro Regional Council
<b>DA</b>	Development Application
<b>DCP</b>	Development Control Plan
<b>Department</b>	Department of Planning and Environment
<b>EPI</b>	Environmental Planning Instrument
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2021</i>
<b>EPBC Act</b>	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
<b>LEP</b>	Local Environmental Plan
<b>LGA</b>	Local Government Area
<b>Minister</b>	Minister for Planning and Public Spaces
<b>Secretary</b>	Secretary of the Department of Planning and Environment
<b>SEE</b>	Statement of Environmental Effects
<b>SEPP</b>	State Environmental Planning Policy
<b>Site</b>	207 Barry Way, Jindabyne

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# 1 Introduction

## 1.1 Background

This report provides an assessment of a Development Application (DA 23/1635) lodged by NSW Biathlon Association (the Applicant) under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The Applicant seeks consent for a concept development including stage 1 works for additions and alterations to the existing facilities at the Jindabyne Sport & Recreation Centre. The proposed project involves the construction of roller-ski and cycleway tracks, establishment of laser biathlon facilities, and installation of a sports administration office, storage facilities, and amenities at Jindabyne Sport & Recreation Centre located at 207 Barry Way, Jindabyne in the Snowy Monaro Regional Council (LGA).

## 1.2 The Site

The site is legally described as lot 101 in DP1019527 and includes the Jindabyne Sport and Recreation Centre, including, tennis, netball, sports ovals, cycling, running, as well as a number of other sporting activities and facilities including conference facilities, accommodation facilities, and function facilities.

The site has a total land area of 62 hectares is accessed via Barry Way. The site is undulating and slopes generally from the west to the south-east.

The Site contains a number of land based constraints and matters for further consideration:

- item of local heritage significance under the LEP and contained in Schedule 5 of the LEP described as I146 (Jindabyne Winter Sports Academy).
- partially bushfire prone land with the land identified as bushfire prone land (BFPL) in the BFPL Maps.
- Mapped as environmentally sensitive land containing areas of known biodiversity.





**Figure 1 |** Local context map (Source: Nearmaps)

### 1.3 Surrounding context

The site is adjoined to the east used to operate the Jindabyne sewage treatment facility and a quarry on the same site. Land to the south is generally undeveloped and incorporates a number of land use. The site is adjoined on the western property boundary by Barry Way, which extends north to south. Barry Way is a sealed, two lane road which, if followed to the north, connects back to Kosciusko Road in the Jindabyne township. Further west of the subject site is the Jindabyne airport accessed off Tinworth Drive and an industrial precinct accessed off Lee Avenue.

## 2 Project

### 2.1 Description of the Development

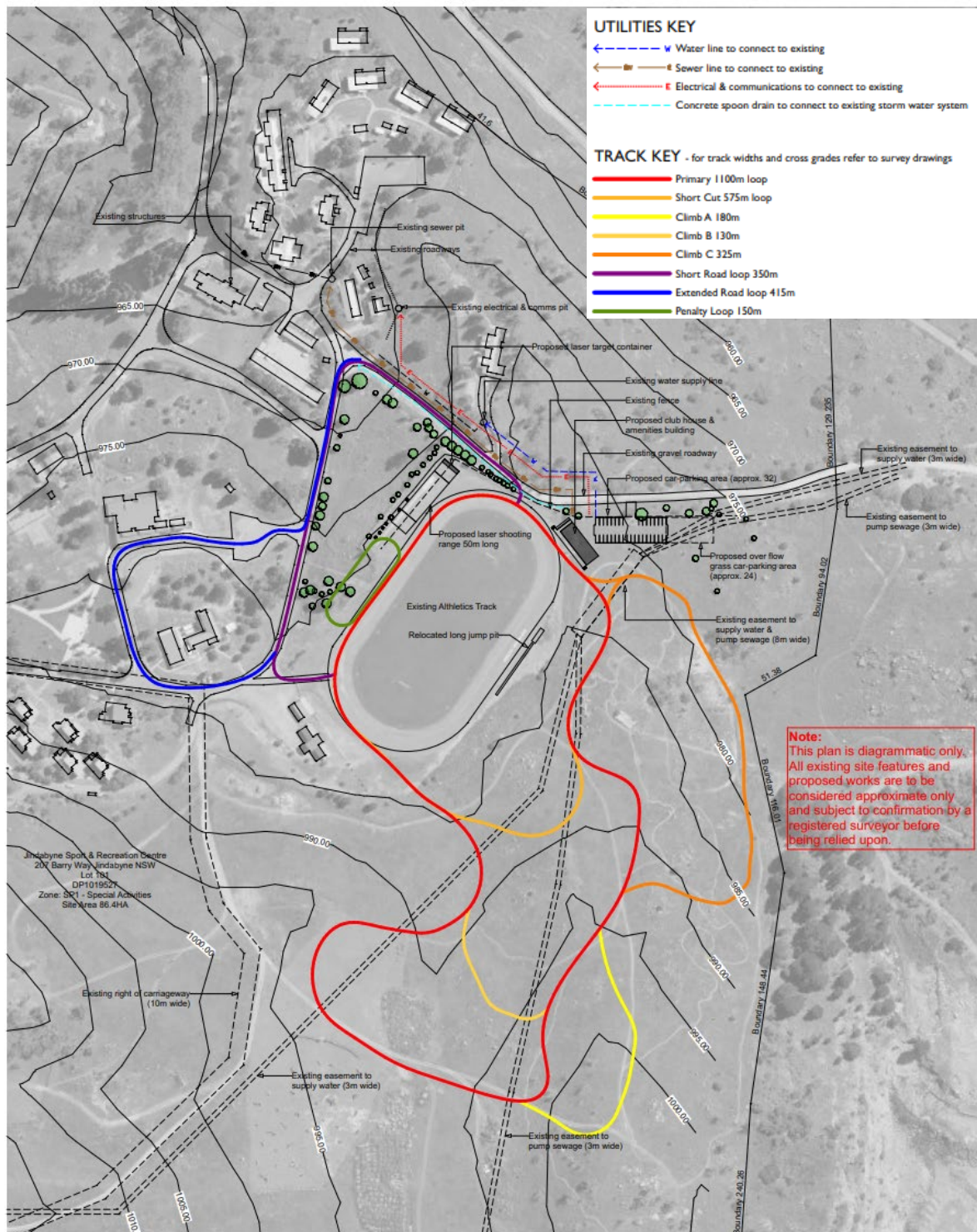
The proposed project involves the following works and uses of the site containing the Jindabyne Sport & Recreation Centre:

- construction of roller-ski and cycleway tracks, establishment of laser biathlon facilities, and installation of a sports administration office, storage facilities, and amenities.
- upgrade and provide new sporting summer cycling, roller-skiing and laser biathlon target facilities to Jindabyne Sport and Recreation Centre.
- development of a bitumen pathway which will service biathlon and cross-country roller-skiers, bike riders, roller-bladers across all levels and ages of the local cycling club, school and the local community.
- tracks to be constructed will have a 5.0-metre-wide bitumen surface with at least 1.5 metres clear either side to allow for any fill to be installed and taper off away from a path on a slope.
- an amenities and administration/storage space for Little Athletics, Cycling and Biathlon together with amenities.
- Lighting.

As part of this application, the entirety of Climb C of the proposal is applied for as concept only.

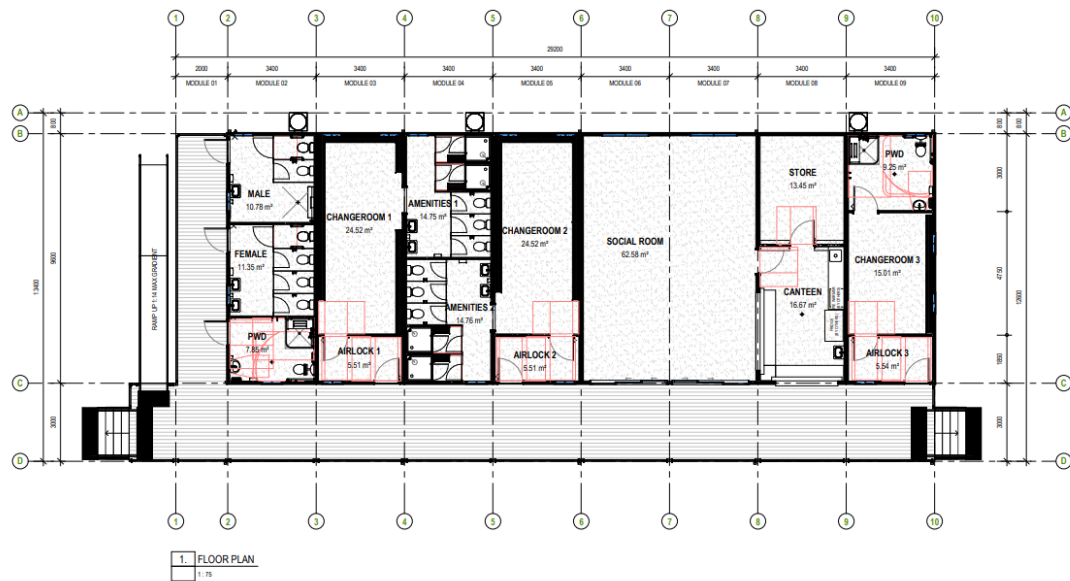
Trees immediately adjacent to the laser tag facility and associated penalty loop will not be removed as part of the development. The site plan, floor plan and elevations of the amenities building are provided in **Figure 2**.



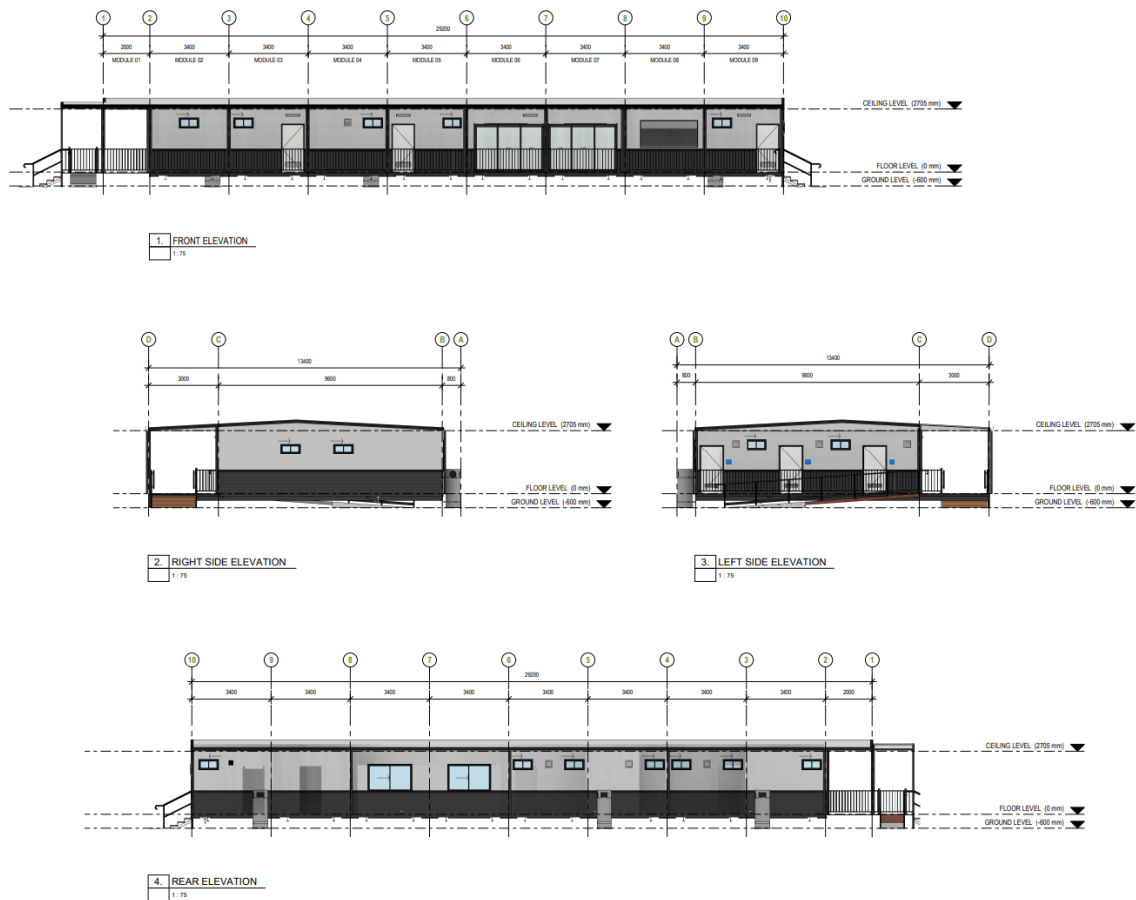


**Figure 2** Site plan of the proposed development (Source: Applicant's documentation and the Department)





**Figure 3 |** Floor plan of the amenities building (Source: Applicant's documentation and the Department)



**Figure 4 |** Elevations of the proposed amenities building (Source: Applicant's documentation)

## 3 Statutory context

### 3.1 Consent Authority

The proposal relates to alterations and additions to a recreation facility (outdoor) for land within the Snowy Mountains Activation Precinct (lodged as a concept application associated with Climb C track). The Planning Secretary is the consent authority for development on land in the Snowy Mountains Activation Precinct with a capital investment value of more than \$2 million.

The estimated cost of the proposed development is \$3,241,500.00.

As the estimated cost of the development exceeds \$2 million, in accordance with *State Environmental Planning Policy (Precincts - Regional) 2021* the application must be determined by the NSW Planning Secretary.

In accordance with the Minister's delegation dated 9 March 2022, the Director, Special activation precincts, may determine the application.

### 3.2 Permissibility

The site is zoned *SP1 - Special Activities* under *State Environmental Planning Policy (Precincts — Regional) 2021*: Snowy Mountains Activation Precinct.

The application is permissible with consent being a development for a recreation facility (outdoor) listed under item 3 of the SP1 Land use table in Schedule 1D of the Precincts-Regional SEPP.

### 3.3 Crown development

The application is not Crown development under Division 4.6 of the EP&A Act. The applicant is New South Wales Biathlon Association Incorporated is a registered state sporting organisation

### 3.4 Mandatory matters for consideration

The following are the relevant mandatory matters for consideration:

- the matters in Section 4.15(1) of the EP&A Act
- the matters in Section 4.22 of the EP&A Act relating to concept development applications
- relevant Environmental Planning Instruments (EPIs)
- objects of the EP&A Act
- Ecological Sustainable Development
- Environmental Planning and Assessment Regulation 2021 (EP&A Regulation).

The Department's consideration of these matters is set out below, in **Section 5** and in **Appendix B**.

### **Section 4.15 of the EP&A Act**

Under Section 4.15 of the EP&A Act, the consent authority, when determining a development application, must take into consideration the provisions of any EPI and draft EPI (that has been subject to public consultation and notified under the EP&A Act) that apply to the development.

### **Section 4.22 Concept Development Applications**

Climb C of the development (refer to **Figure 2**) is proposed as concept only and the construction of Climb C is not proposed to take place as part of this Development Application but will be part of a subsequent Development Application.

Climb C includes a roller ski track to be constructed of bitumen seal as a concept component only, meaning consideration of that loop will be as part of a subsequent Development Application.

Section 4.22(5) makes it clear that a consent authority need not consider the likely impact of development that may be the subject of subsequent development applications when determining a concept development application.

The concept proposal does not include physical works for climb C, the impact of those works can be deferred until a subsequent development application for those works. The Department considers it appropriate to consider construction impacts when the subsequent development application is made and is consistent with the Department of Planning, Industry and Environment – Planning Circular PS 21-024.

Note: The proposals for detailed development of the site will require further consideration under Section 4.15 when a subsequent development application is lodged (subject to subsection (2) of Section 4.55).

### **Environmental Planning Instruments**

The Department has considered the development against the relevant provisions of several key EPIs including:

- *State Environmental Planning Policy (Precincts – Regional) 2021* (Precincts-Regional SEPP)
- *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP);
- *State Environmental Planning Policy (Resilience and Hazards) 2021* (Resilience and Hazards SEPP); and
- *Snowy River Local Environmental Plan 2013* (LEP).

In accordance with Section 3.4 of the Precinct-Regional SEPP, A local environmental plan does not apply to land within an Activation Precinct. The *Snowy River Development Control Plan 2013* applies to all *land* to which the *Snowy River Local Environmental Plan 2013* applies.

In accordance with Section 3.8 of the Precinct-Regional SEPP a consent authority must have regard to the following when determining an application for development consent to carry out development on land within an Activation Precinct —

- (a) the master plan for the Activation Precinct,
- (b) any delivery plan that applies to the land on which the development is to be carried out,
- (c) any draft master plan or draft delivery plan that is published on the NSW planning portal.

### Objects of the EP&A Act

In determining the application, the consent authority should consider whether the development is consistent with the relevant objects of the EP&A Act. These objects are detailed in Section 1.3 of the EP&A Act.

The Department has considered the objects of the EP&A Act in its assessment of the application (see **Appendix B**) and is satisfied that the application meets the objects of the EP&A Act.

### Ecologically sustainable development

The EP&A Act adopts the definition of ecologically sustainable development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes.

The potential environmental impacts of the development have been assessed and, where potential impacts have been identified, mitigation measures and environmental safeguards have been recommended. As demonstrated by the Department's assessment in **Section 5** of this report, the development is not anticipated to have any adverse impacts on native flora or fauna, including threatened species, populations and ecological communities, and their habitats. Vegetation clearing proposed is limited to that of the biathlon track and existing disturbed areas surrounding the running track. As such, the Department considers that the development would not adversely impact on the environment and is consistent with the objectives of the EP&A Act and the principles of ESD.



## Environmental Planning and Assessment Regulation 2021 (EP&A Regulation)

Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for fees (Part 13, Division 3) have been complied with.

### 3.5 Other approvals

The Applicant has not indicated that the proposal is integrated development under section 4.46 of the EP&A Act. An advisory note has been recommended requiring appropriate approvals be sought including any required under section 58 of the *Heritage Act 1977* and section 138 of the *Roads Act 1993*.

Separate application to the Council for approvals under the *Local Government Act 1999* may be required for sewer and water connections

## 4 Engagement

### 4.1 Department's Engagement

In accordance with Section 2.22 and Schedule 1 Section 7 of the EP&A Act, Section 287 of the EP&A Regulation, the Department publicly exhibited the proposal from Thursday 12 October 2023 until Wednesday 25 October 2023 (14 days) on the NSW Planning Portal and notified relevant local and State authorities and owners in the vicinity of the development in writing.

The proposal was publicly exhibited for the minimum exhibition period (14 days) set out in the Department's Community Participation plan for a development application of this nature.

The application was exhibited on the Department's website, and the Department notified adjoining landholders, Snowy Monaro Regional Council, NSW Regional Growth Development Corporation

### 4.2 Submissions and Advice

During the exhibition period, the Department received no submissions.

#### Council Comments

Council have reviewed the proposal and had no comments.

Servicing the proposed amenities building (water, sewer, stormwater) would normally be subject to Section 68 (LG Act) applications.

#### Regional Growth Development Corporation

No comments received.

### 4.3 Response to submissions

N/A.

### 4.4 Request for Information

On 6 February 2023 the Department requested the Applicant to provide the following:

- a site plan, cross sections and structure details for containers used for laser target.
- Bushfire report;
- Lighting details; and

- Operational details.

In response to the RFI on 6 February 2023, the applicant submitted additional information on 27 March, 8 June, 12 July, 15 August and 5 September 2023

## 5 Assessment

The Department has considered the SEE, the additional information submitted in response to the RFI, Council comments in its assessment of the development. The Department considers the key issues associated with the proposal are:

- site suitability
- bush fire
- biodiversity
- heritage

Each of these matters are addressed separately below.

### 5.1 Site suitability

The proposal seeks approval for the additions and alterations to the existing facilities at the Jindabyne Sport & Recreation Centre. The proposed project involves the construction of roller-ski and cycleway tracks, establishment of laser biathlon facilities, and installation of a sports administration office, storage facilities, and amenities at Jindabyne Sport & Recreation Centre.

The Department considers the design, location and use of the land to be suitable for the following reasons:

- the development will have no adverse impacts on the existing or future character of land uses surrounding the existing facility.

The structures and use are consistent with the existing low scale of structures and the use is wholly consistent with the outdoor recreation role that the facility will continue to play.

The Department is therefore satisfied the proposed scale and design is appropriately suited to the site and the character of the area more broadly.

### 5.2 Bushfire

The site has bushfire prone Category 3 vegetation and associated buffers. Bushfire prone land maps provide a trigger for the development assessment provisions and consideration of sites that are bushfire prone land (refer to Figure 5). For the purposes of Section 10.3 of the EP&A Act, the site is 'bushfire prone land' and consideration in accordance with Section 4.14 of the EP&A Act is required.

The development application is supported by a Bushfire Risk Assessment prepared by Blackash Bushfire Consulting.



The proposal is for sporting tracks which are exempt under Planning for Bushfire Protection 2019. The proposed overflow car park is non-combustible and is managed land. The proposed clubhouse and amenities building is considered “other” development by PBP and must meet the aim and objective of PBP.

The Department has reviewed the Bushfire Risk Assessment and considers the proposed development and considers that the development complies with the requirements of PBP. The following conditions are recommended to manage bushfire hazards:

- At the commencement of building works and in perpetuity, the area around the building is managed as an Asset Protection Zone. The APZ shall be established and maintained as an inner protection area as outlined within Planning for Bushfire Protection 2019 and the NSW RFS document ‘Standards for Asset Protection Zones’. The APZ is East 12m, South 11m, West 10m.
- Fire hydrants is located near the amenity building for fire fighting purposes.
- The building is constructed in accordance with BAL-29 of *Australian Standard AS 3959-2009* Construction of buildings in bushfire-prone areas (AS 3959-2018).

The Department is therefore satisfied the design, location and bushfire construction standards and management arrangements the development conforms to the relevant specifications and requirements of *Planning for Bush Fire Protection 2019*.

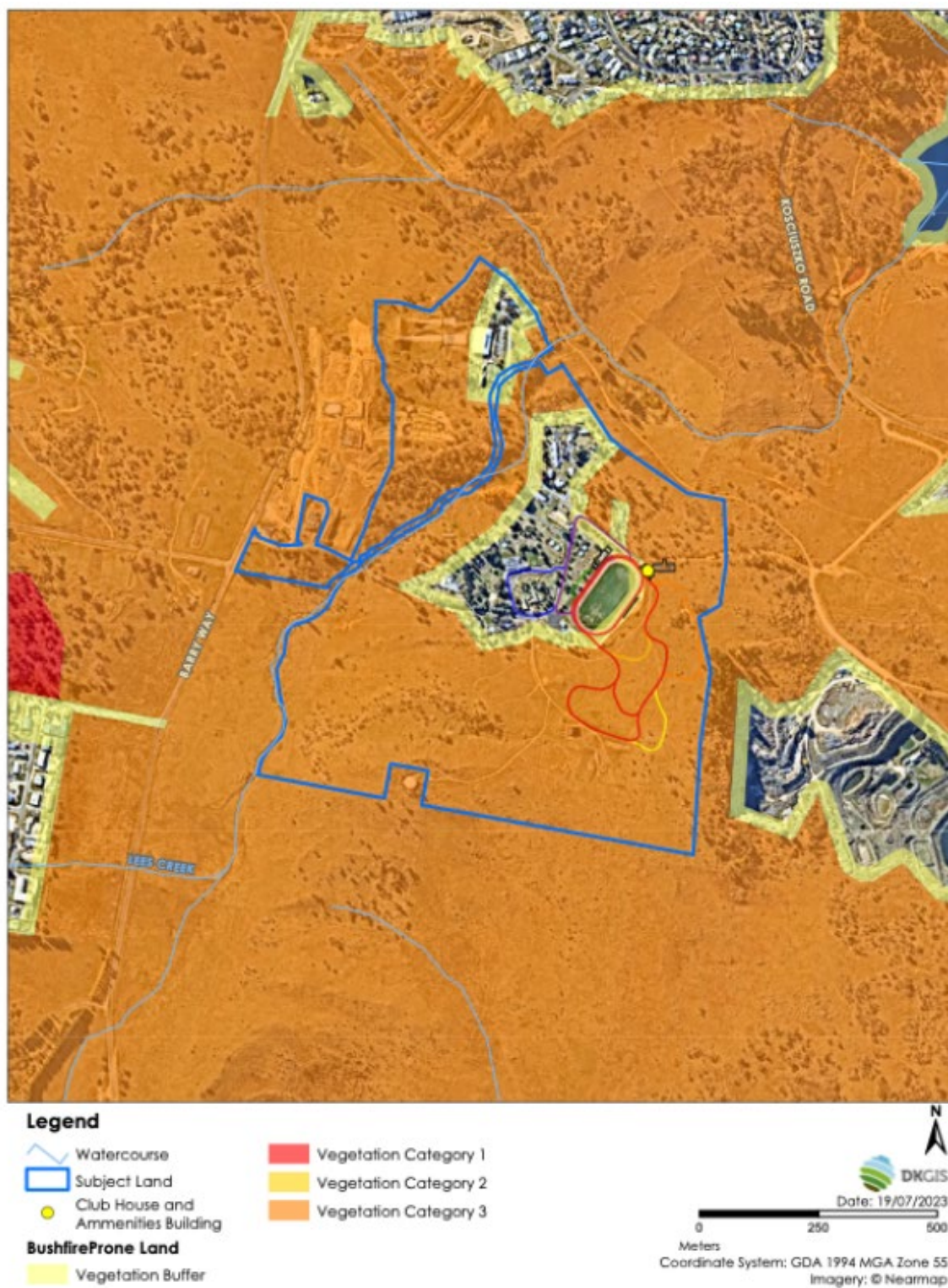
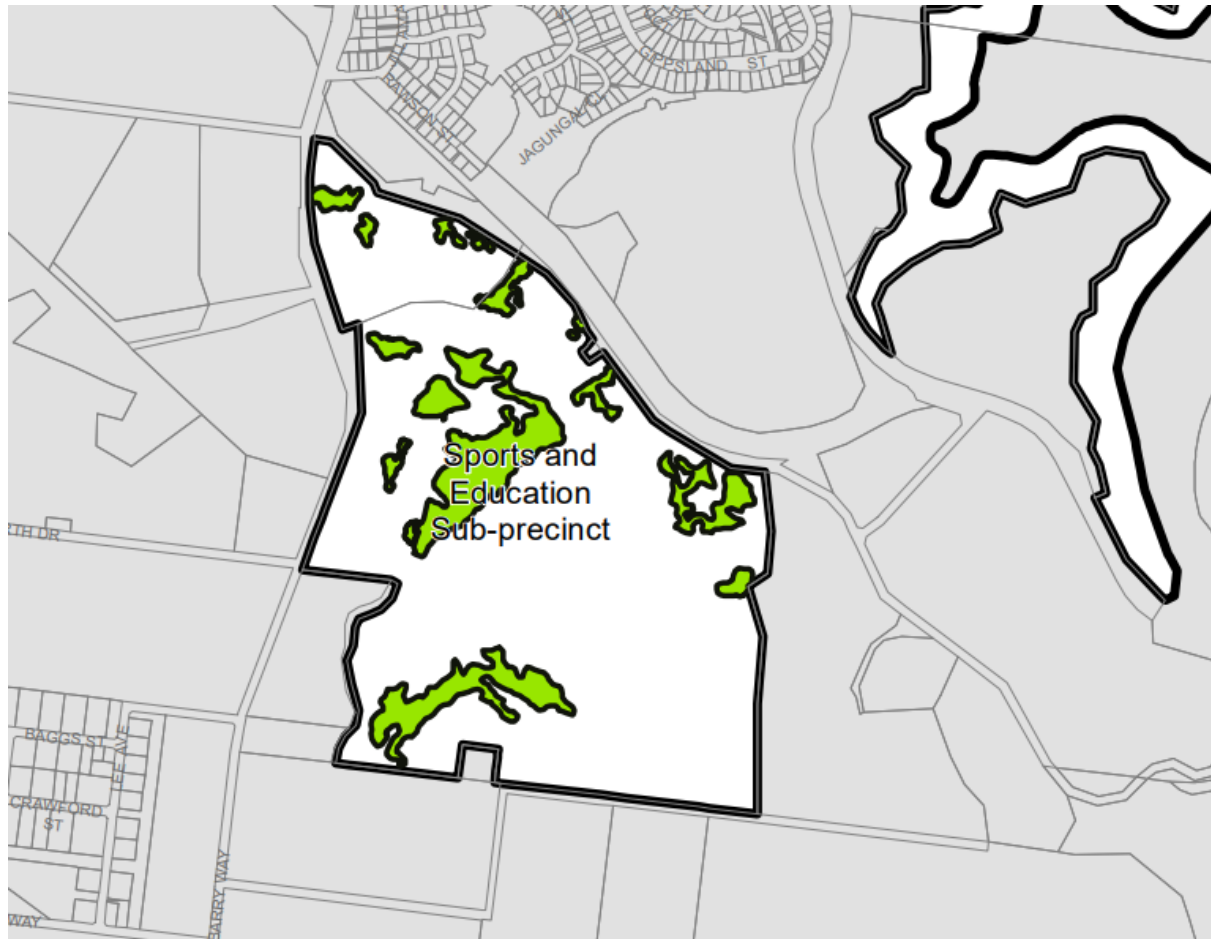


Figure 5 | Bushfire prone land map (Source: Applicant's documentation).

### 5.3 Biodiversity

The proposed development will impact on vegetation through site works and the location of tracks on the eastern and southern portions of the site. The Site is identified as within an environmentally sensitive area on the [Environmentally Sensitive Areas Map](#) under the Precincts-regional SEPP.



**Figure 6** | land identified as within an environmentally sensitive area on the Environmentally Sensitive Areas Map -

The Snowy Mountain Special Activation Precinct Master Plan (the Master Plan), the technical study “*Snowy Strategic Activation Precinct Biodiversity Assessment of Catalyst Sub-Precincts, June 2022*” (Biodiversity Assessment) was prepared in support of the Master Plan.

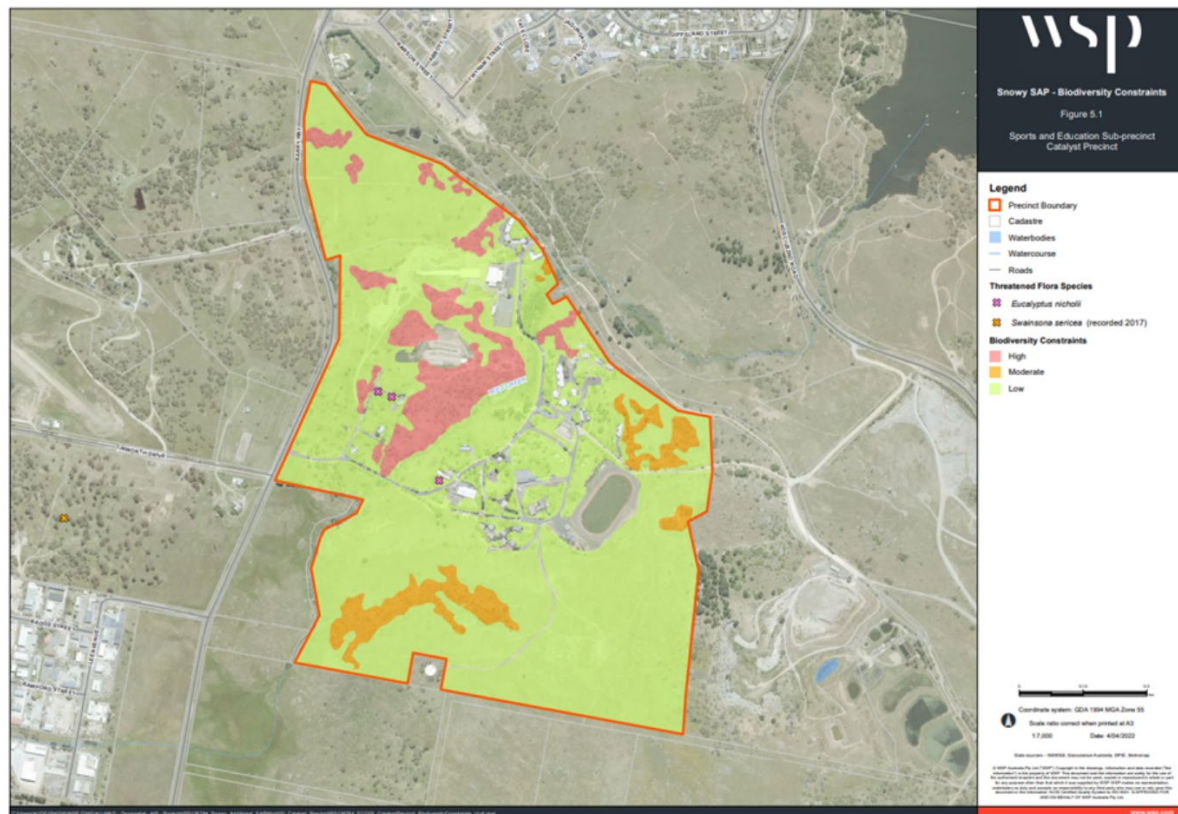
Figure 7 maps the areas of high, medium and low biodiversity constraint. The proposed development is limited to the areas of low biodiversity constraint.

Figure 8 (extract from Figure C.2) displays the areas containing PCT 1191 within the development site and confirms the area contains rocky outcrop, exotic dominant grassland, and poor quality environment.



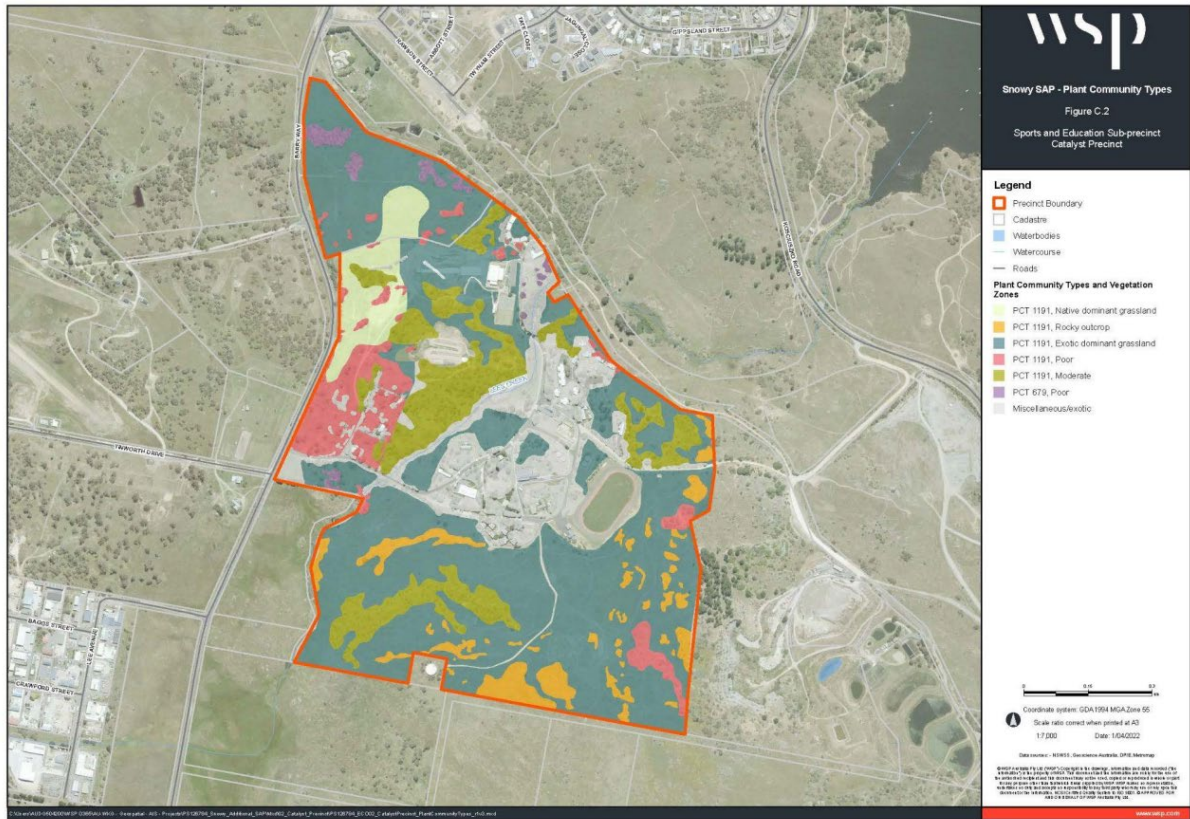
The development has been designed to limit disturbance to areas containing grassland described in PCT 1191 and not any other environment. This approach is consistent with the Section 5.4 of the Biodiversity Assessment which identifies the opportunities to develop on the PCT 1191 grassland.

Given the categorisation of the area to be developed as low in quality and avoids detrimental biodiversity impacts, the proposed development is consistent with the outcomes of the Biodiversity Assessment. Conditions are recommended to ensure that site works and construction activities avoid and mitigate environmental impact through construction environmental management plan.



**Figure 7** | Figure 5.1 - WSP Snowy SAP - Biodiversity Constraints (Source: Applicant's documentation).





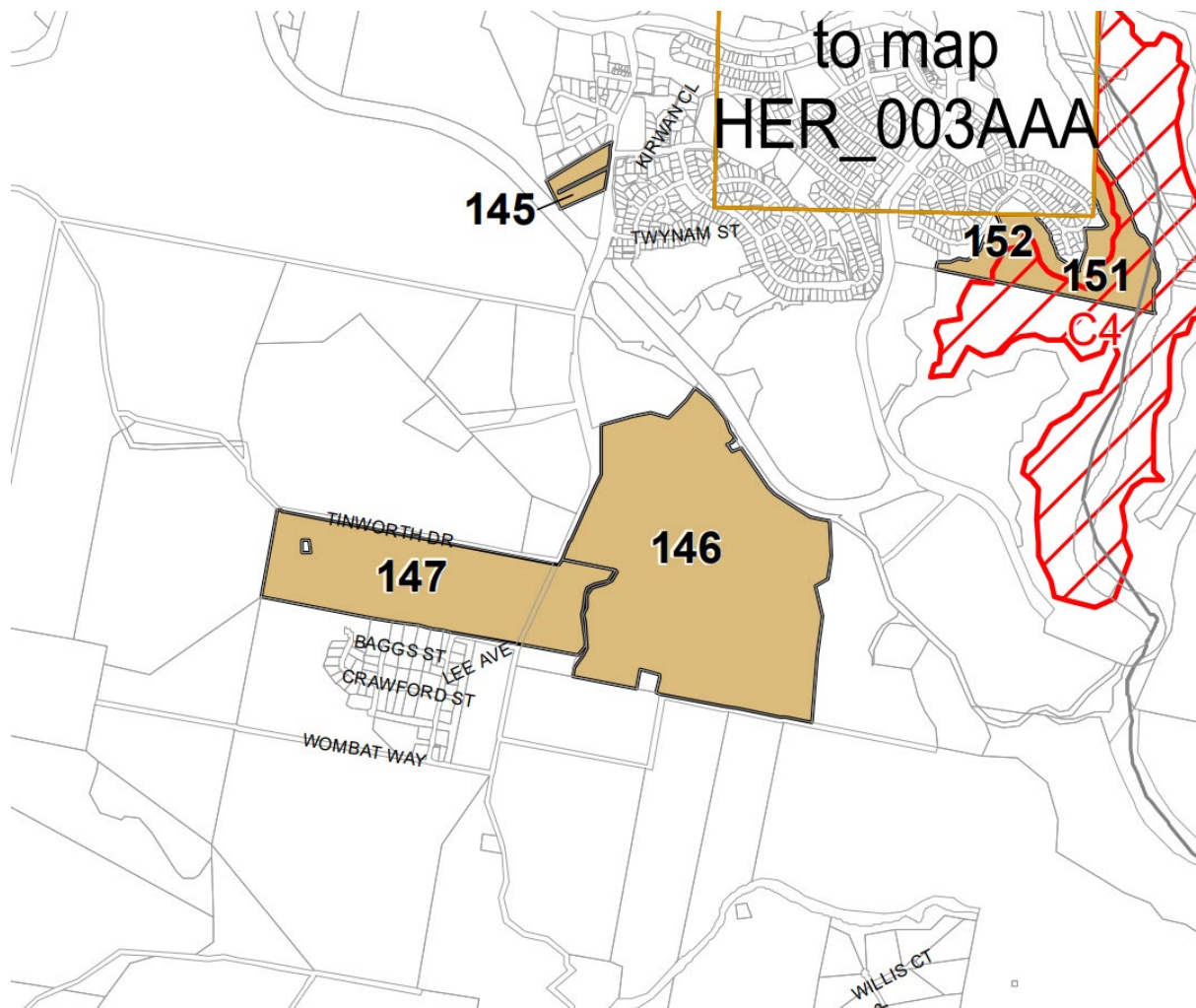
**Figure 8 | Extract of Figure C.2 - Sports and Education Sub-precinct Catalyst Precinct.** Source: Snowy Strategic Activation (Source: Applicant's documentation).

The Department considers the Applicant's proposed illumination levels to be acceptable as the proposal is compliant with the Guidelines, has demonstrated compliance with the relevant Australian Standards and would not result in any adverse illumination impacts. To ensure the signs operate within acceptable illumination levels, the Department has recommended conditions to ensure the signs operate within limits outlined in **Table 2**.

## 5.4 Heritage – Local and Indigenous Cultural Heritage

### Local Heritage

The site contains an item of mapped local heritage significance under Schedule 5 of the LEP described as I146 (Jindabyne Winter Sports Academy). The site is adjoined to the west by an additional item of local heritage significance I147 (Leesville Hotel). Refer to Figure 8 below)



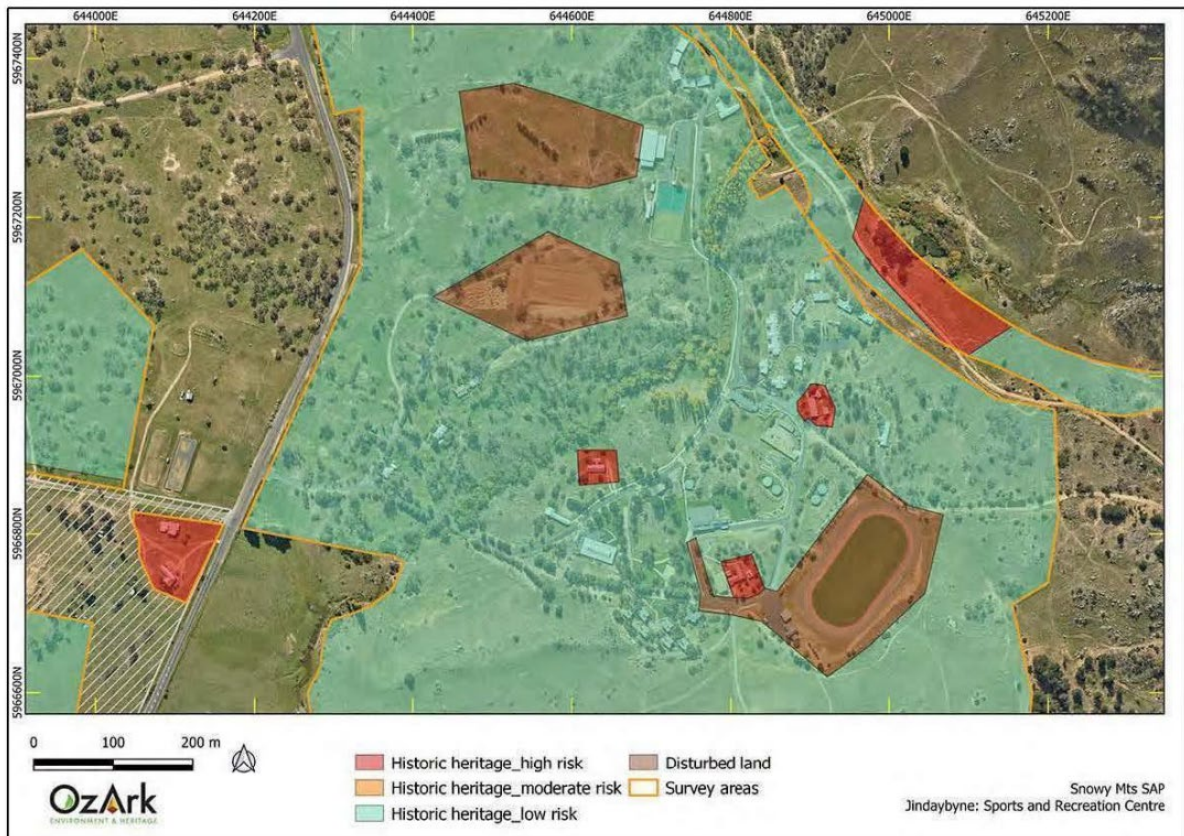
**Figure 9 |** extract from Snowy River Local Environmental Plan 2013 Heritage Map - Sheet HER\_003A

The majority of the facility is located in an area that is identified in the figure 9, extracted from the historic Heritage Assessment prepared by OzArk as a technical report for the Master Plan, identified as low risk and some of the development in disturbed land in a heritage context.

The scale of the development and the proposed use would affect the heritage significance of the heritage item concerned.

The development is consistent with Clause 5.10 of the LEP and the Department does not consider that a site specific without a site specific heritage conservation management plan.



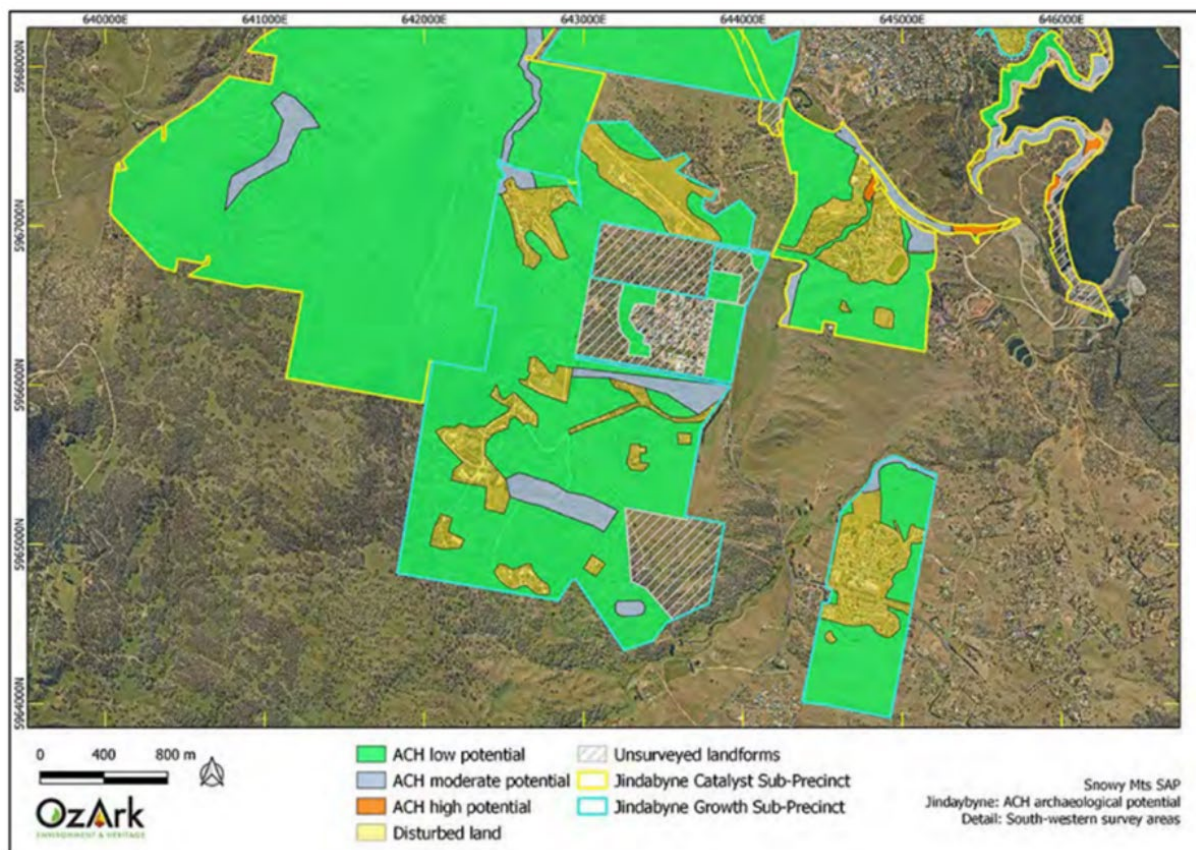


**Figure 10 | Jindabyne Sport & Recreation Centre Historic Heritage Constraints.** Source: Revised Historic Heritage Assessment Snowy Mountains Special Activation Precinct, page 115.

## Indigenous Cultural Heritage

An Aboriginal Cultural Heritage Assessment prepared by OzArk was completed in preparation of the Master Plan. The subject site is disturbed land that has low potential to contain any items of Aboriginal heritage significance and, accordingly, no further investigation is required

The Department is satisfied the proposal will not have an adverse impact on Aboriginal Cultural Heritage. Conditions are recommended to ensure protection of cultural heritage through an unexpected finds protocol.



**Figure 11 |** Aboriginal Cultural Heritage potential. Source: OzArk Revised Aboriginal Cultural Heritage Assessment Report Snowy Mountains Special Activation Precinct June 2022.

## 5.5 Other issues

Other issues the Department has concerns with include the following:

- waste
- construction management
- earthworks

The assessment of other issues is provided in the below table.

**Table 1 |** Other Issues

Issue	Findings	Recommendations
<b>Waste</b>	Conditions are recommended to ensure management of waste during construction	The Department has recommended that the development be undertaken in



accordance a waste  
management plan

---

### **Construction Management**

Given the location the construction phase of the development is not expected to result in the unacceptable disturbance in the locality. However, there could be some minor impacts to traffic, erosion, noise and dust due to construction of the digital advertising sign and associated structures.

To minimise construction impacts, conditions are recommended to limit the hours of construction, manage noise impacts, and include erosion and sediment control measures. The Applicant is also required to submit a Construction Management Plan.

Any impacts from the development during its construction can be effectively managed through conditions of development consent.

The Department is satisfied that, subject to the recommended conditions, construction management will be suitable.

The Department has recommended conditions for prior to and during construction.

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### **Earthworks**

The development will involve minor earthworks due to the excavation for one footings and construction of tracks..

A recommended condition of consent will require the development to incorporate appropriate sediment and erosion control measures during construction.

As a result, it is considered unlikely that there will be any unacceptable impacts on the amenity of adjoining properties due to earthworks.

The Department has recommended a condition of consent that, during works, appropriate sediment and erosion control methods be in place. The Department has also recommended conditions of consent that require a CMP.

The Department is satisfied that, subject to the recommended conditions the proposal earthworks are satisfactory.

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## 6 Evaluation

The Department's assessment of the application has considered all relevant matters under Section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development. The Department has considered the development on its merits, the EPIs that apply to the development and advice received from the relevant public authorities, including Council.

No objections from State government agencies or Council to the development have been received and the Department has sought to address any issues raised in consultation with the Applicant.

The Department's assessment of the development identified site suitability, biodiversity, heritage and bush fire the key issues for consideration.

Overall, the Department considers the proposal to be acceptable for the following reasons:

- The proposal is permissible development within the SP1 zone and is consistent with the objectives of the zone
- The proposal meets the relevant statutory requirements and is consistent with the Precincts-Regional SEPP
- The proposal will not have significant physical or visual impacts on heritage items in the area, subject to the recommended conditions of consent
- The proposal is consistent with PBP 2019 and conditions are recommended to manage the threat of bushfire
- The proposal is will not adversely impact on biodiversity values and conditions are recommended to manage site works to limit biodiversity impacts.

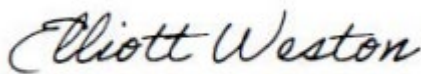
The Department concludes the impacts of the development are acceptable and the proposal is in the public interest. The Department recommends the application be approved, subject to conditions (**Appendix C**).

## 7 Recommendation

It is recommended that the Deputy Secretary, Development Assessments, as delegate for 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 approve the application;
- **agrees** with the key reasons for approval listed in the notice of decision;
- **grants consent** for the application in respect of DA 23/1635, subject to the conditions in the attached development consent;
- **signs** the attached development consent and recommended conditions of consent.

Recommended by:

A handwritten signature in black ink that reads "Elliott Weston". The signature is written in a cursive style. To the right of the signature is a vertical line.

Elliott Weston

Principal Planning Officer

Precinct Planning and Assessments

Regions, Industry and Key Sites

## 8 Determination

The recommendation is **Adopted** by:

A handwritten signature in black ink that reads "Tristan Kell". The script is cursive and fluid.

Tristan Kell

Director Precinct Planning and Assessments

Regions, Industry and Key Sites

as delegate of the Minister for Planning

## 9 Appendices



## Appendix A – Statutory Considerations

In line with the requirements of section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act), the Department's assessment of the proposal has included detailed consideration of a number of statutory requirements. These include:

- the objects found in section 1.3 of the EP&A Act; and
- the matters listed under section 4.15(1) of the EP&A Act, including applicable environmental planning instruments and regulations.

The Department has considered all of these matters in its assessment and has provided a summary below.

**Table 2 | Considerations Against the Objects of the EP&A Act**

Object	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 seeks to maximise the use of the site and provides social and economic benefits. The proposal would not adversely impact on the State's natural or other resources.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The Department has considered ecologically sustainable development (ESD) in its assessment of the development (see <b>Section 5</b> ). The Department is satisfied the development can be carried out in a manner that is consistent with the principles of ESD.
(c) to promote the orderly and economic use and development of land,	The proposal involves the orderly and economic use of land through the utilisation of land within an existing recreational facility.
(d) to protect the environment, including the conservation of threatened and other species of	The Department considers the proposal would not result in unacceptable environmental impacts.

<p>native animals and plants, ecological communities,</p>	
<p>(e) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</p>	<p>The proposal will be in the immediate vicinity of two heritage items, however the proposal will not visually dominate the surrounding area, and the ability for the public to view and appreciate the heritage value of the items will not change, and no impacts to built and cultural heritage have been identified due to the historical disturbance of the site and locality.</p>
<p>(f) to promote good design and amenity of the built environment,</p>	<p>The Department considers the proposal would not result in unacceptable built form impacts.</p>
<p>(g) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</p>	<p>The proposal is not for an occupiable building.</p>
<p>(h) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</p>	<p>The Department referred the development to relevant government agencies and Council during the exhibition period and invited them to comment. The Department has given due consideration to their advice.</p>
<p>(i) to provide increased opportunity for community participation in environmental planning and assessment.</p>	<p>The Department exhibited the application as outlined in <b>Section 4.</b></p>

**Table 3 | Matters for Consideration under Section 4.15 of the EP&A Act**

Matter	Consideration
(a) the provisions of:  (i) any environmental planning instrument, and	The Department has considered the relevant environmental planning instruments in its assessment of the development. Details of the assessment are provided further below in <b>Appendix C.</b>
(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	The Department has considered the relevant draft environmental planning instruments in its assessment of the development. Details of the assessment are provided further below in <b>Appendix C.</b>
(iii) any development control plan, and	The Department notes that this DA is not required to comply with the Snowy Monaro DCP in accordance with the Precincts-Regional SEPP.
(iii) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	The Applicant has not entered into a planning agreement under Section 7.4 of the EP&A Act.
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,	The Department has assessed the development in accordance with all relevant matters prescribed by the regulations, the findings of which are contained in this report.

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department has considered the likely impacts of the development in detail in <b>Section 5</b> of this report. The Department concludes that all environmental impacts can be appropriately managed and mitigated through the recommended conditions of consent.
(c) the suitability of the site for the development,	The development is permissible with consent and the site is suitable for occupation by the development as it is located on land zoned SP1 and does not adversely impact on surrounding uses.
(d) any submissions made in accordance with this Act or the regulations,	All matters raised in submissions have been summarised in <b>Section 4</b> of this report and given due consideration as part of the assessment of the development in <b>Section 5</b> of this report.
(e) the public interest.	The Department considers the proposal to be in the public interest (refer to <b>Section 5</b> ).

## Appendix B – Environmental Planning Instruments

To satisfy the requirements of section 4.15(1) of the EP&A Act, the following EPIs, DCP and guidelines were considered as part of the assessment of this proposal:

- *State Environmental Planning Policy (Precincts – Regional) 2021* (Precincts-Regional SEPP)
- *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP);
- *State Environmental Planning Policy (Resilience and Hazards) 2021* (Resilience and Hazards SEPP); and
- *Snowy River Local Environmental Plan 2013* (LEP).

**Table 4 |** Matters for consideration under Precincts-Regional SEPP - Compliance Assessment

Note: The development application does not require the issuance of an Activation Precinct Certificate

Assessment Criteria	Comments	Compliance
<b>Part 3.2 Master Plan and Delivery Plans</b>		
The subject land is within a special activation precinct and is in a catalyst sub-precinct area, meaning the provisions of the Precincts SEPP apply.		
The application is consistent with the aims and objectives of the Master plan.		
The application is consistent with Section 4.3 Sports and Education Precinct aims and performance criteria.		
<b>Schedule 1D Snowy Mountains Activation Precinct</b>		
<b>Section 11 Preservation of trees and vegetation</b>		
(1) The objectives of this section are as follows—	The application has been amended to ensure the amenity of the SAP is maintained and native vegetation is conserved, and impacts minimised.	Yes.
(a) to preserve the amenity of the Snowy Mountains Activation Precinct through the preservation of trees and vegetation,		

Assessment Criteria	Comments	Compliance
<p>(b) to promote the conservation of native vegetation,</p> <p>(c) to minimise the impact of development on native vegetation.</p>		
<p>(2) This section applies to land identified as within an environmentally sensitive area on the <a href="#">Environmentally Sensitive Areas Map</a>.</p>	<p>The land subject site is identified as within an environmentally sensitive area on the Environmentally Sensitive Areas Map</p>	Yes.
<p>(3) A person must not clear native vegetation on land to which this section applies without development consent.</p>	<p>Development consent is sought for clearing of native vegetation.</p>	Yes.
<p>(4) Development consent under subsection (3) must not be granted unless the consent authority is satisfied that, in relation to the disturbance of native vegetation caused by the clearing —</p> <p>(a) there is no reasonable alternative available to the disturbance of the native vegetation, and</p> <p>(b) any impact of the proposed clearing on biodiversity values is avoided or minimised, and</p> <p>(c) the disturbance of the native vegetation will not increase salinity, and</p> <p>(d) native vegetation inadvertently disturbed for the purposes of</p>	<p>The Department has considered the application which includes the clearing of native vegetation (PCT 1191 grassland) of low biodiversity value.</p> <p>The clearing associated with the development is unavoidable with the tracks required to support the facility required to be meander through the south eastern portion of the site (only area that is significantly undeveloped and suitable for use for tracks of this nature).</p> <p>The proposed clearing has been minimised through the location of tracks to avoid high and medium areas of biodiversity value and location of amenities and car parking in existing disturbed areas.</p>	Yes.



Assessment Criteria	Comments	Compliance
<p>construction will be reinstated where possible on completion of construction, and</p> <p>(e) the loss of remnant native vegetation caused by the disturbance will be compensated by revegetation on or near the land to avoid a net loss of remnant native vegetation, and</p> <p>(f) the clearing of the vegetation is unlikely to cause or increase soil erosion, salination, land slip, flooding, pollution or other adverse land or water impacts.</p>	<p>The sediment and erosion plan and construction environmental plan is to include conditions requiring the replanting of native grasses in disturbed areas.</p> <p>The development does not include removal of remanent native vegetation, disturbance is limited to grasslands and disturbed exotic grasslands.</p> <p>Conditions are recommended to ensure erosion and construction management measures are in place during construction and managed for the life of the development.</p>	
<p><a href="#"><u>State Environmental Planning Policy (Biodiversity and Conservation) 2021</u></a>, Chapter 2 does not apply to land to which this section applies.</p>	Noted.	Noted.
<b>12 Heritage conservation</b>		
<p>(1) <a href="#"><u>Snowy River Local Environmental Plan 2013</u></a>, clause 5.10 applies to the heritage items specified in the following table in the same way as it applies to heritage items under that Plan —</p>	<p>The subject site contains an item of local heritage significance (Item No. 146 - Jindabyne Winter Sports Academy).</p> <p>The application has been assessed in accordance with the relevant subsections having regard to the Revised Historic Heritage Assessment prepared by OzArk (June 2022).</p> <p>The Jindabyne Sports and Education Centre listing includes lodges that are significant because of their association with the Snowy Mountains Scheme. The lodges are noted as being tangible</p>	Yes.

Assessment Criteria	Comments	Compliance
	<p>evidence of post-World War II temporary workers' single accommodation. The 'Love Shack' is noted as being particularly significant as it was used by Sir William Hudson when visiting the Snowy Mountains Scheme. These older buildings are dotted around the current Sports and Education Centre.</p> <p>The Department has consider the effect of the scale, location (relative to the items), separation of the proposed development and separation of the development from the heritage lodges on the heritage significance of the item.</p>	
<p>(2) A reference in <a href="#">Snowy River Local Environmental Plan 2013</a>, clause 5.10 to the consent authority is to be read as a reference to the consent authority for the Snowy Mountains Activation Precinct.</p>	Noted.	Noted.
<b>13 Application of <a href="#">Snowy River Local Environmental Plan 2013</a></b>		
<p><a href="#">Snowy River Local Environmental Plan 2013</a>, clauses 2.6–2.8, 5.1, 5.2, 5.8, 5.11, 5.13 and Schedule 4 apply to land in the Snowy Mountains Activation Precinct in the same way as they apply to land to which that Plan applies.</p>	Section 5.10 has been considered and the development is compliant. The referenced provisions are not otherwise relevant to the development application	Yes.
<b>14 Application of <a href="#">State Environmental Planning Policy (Transport and Infrastructure) 2021</a>, Chapter 2</b>		

Assessment Criteria	Comments	Compliance
(1) <u>State Environmental Planning Policy (Transport and Infrastructure) 2021</u> , Chapter 2 applies to land in the Snowy Mountains Activation Precinct, subject to the modifications set out in this section.	Noted	Noted.

## State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* (the Resilience and Hazards SEPP) contains the provisions of the former SEPP 55. The chapter aims to provide a State-wide approach to the remediation of contaminated land. In particular, it aims to promote the remediation of contaminated land to reduce the risk of harm to human health and the environment by specifying:

- under what circumstances consent is required?
- the relevant considerations for consent to carry out remediation work.
- the remediation works undertaken that meet certain standards and notification requirements.

Under the framework of the R&H SEPP (2021), the proposed development is acceptable given the site is previously developed, is in keeping with the existing coastal environment, and there would be controls and conditions of consent regarding the display of unsuitable advertisements. As such, coastal management, land contamination and hazardous development have been considered during this assessment.

## State Environmental Planning Policy (Transport and Infrastructure) 2021

The Transport and Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

Clause 2.119(2) of the Transport and Infrastructure SEPP requires the consent authority to be satisfied that the development with frontage to a classified road would not adversely affect the

safety, efficiency and ongoing operation of the road. The proposed development the proposal would not compromise the operation and function of the road.

The Department is satisfied the proposal meets the relevant sections and complies with the Transport and Infrastructure SEPP, subject to conditions of consent.

## Appendix C – Recommended Instrument of Consent

DA23 1635 - 207 Barry Way Jindabyne - Draft Conditions of Consent