

Development Application

Statement of Environmental Effects



Department of Planning
and Environment

Issued under the Environmental Planning and Assessment Act 1979
Approved Application No: DA 23/1635

Approved on: 19 December 2023

Signed: AW Sheet No: 1 of 1



VISION
PROPERTY DEVELOPMENT HUB

Statement of Environmental Effects

Proposed Development: Alterations and additions to existing recreation facility (outdoor)

Subject Land: Lot 101 DP 1019527, 207 Barry Way, JINDABYNE 2627

Client: NSW Biathlon

Version 1	09/12/2022	Superseded
Version 2	15/12/2022	Superseded
Version 3	12/07/2023	Superseded
Version 4	05/12/2023	Current

This Statement of Environmental Effects (SEE) was prepared based on the following plan and document versions:

Author	Plan	Page	Date	Job
Building Code & Bushfire Hazard Solutions Pty Limited	Bushfire Management Plan	1-51	04/04/11	100431-1
OzArk	Aboriginal Cultural Heritage Assessment Report	1-344	June 2022	
OzArk	Historic Heritage Assessment	1-248	June 2022	
Project Surveyors	Survey Plan	1	Oct 2010	
WSP	Biodiversity Assessment of Catalyst Sub-Precincts	1-266	June 2022	
Vision Property Development Hub	Site Plan	A001	12/07/23	132/22
Vision Property Development Hub	Typical Track Cross Sections	A002	12/07/23	132/22
Jack Atkinson Surveying	Survey Plan - Tracks		09/06/23	JAS601
Jack Atkinson Surveying	Survey Plan - Carpark		09/06/23	JAS601

Prepared by:



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Town Planner, Managing Director
VISION Town Planning Consultants Pty Ltd

Statement of Environmental Effects

Abbreviations

The Act – Environmental Planning and Assessment Act 1979

The Master Plan - Snowy Mountains Special Activation Precinct Master Plan July 2022

EPI – Environmental Planning Instrument

SEE - Statement of Environmental Effects

(Precincts SEPP) - State Environmental Planning Policy (Precincts - Regional) 2021

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1. Executive Summary

NSW Biathlon Association has commissioned Vision Town Planning Consultants to prepare this Statement of Environmental Effects (SEE) to consider the design of a multi-sport facility which includes bitumen tracks for roller-skiing and cycling and a laser biathlon facility at the existing Jindabyne Sport and Recreation Centre against the applicable planning controls and environmental context.

The operators of the NSW Biathlon Association have received a grant to construct a multi-sport training facility at the Jindabyne Sport and Recreation operated by the NSW Office of Sport. The proposal includes construction of an office/club house building and nearby car parking area, installation of a laser biathlon facility, and construction of multiple roller skiing and cycleway tracks.

Consideration of the development proposal confirms all components of the development proposed are consistent with all the applicable planning controls without variation.

It is considered the proposed development can be approved without alteration to the proposed design.

2. Proposed Development

The development involves 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 project will upgrade and provide new sporting summer cycling, roller-skiing and laser biathlon target facilities to Jindabyne Sport and Recreation Centre.

Included in the proposal is the 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.

The proposed 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.

The proposed development also includes an amenities and administration/storage space for Little Athletics, Cycling and Biathlon together with amenities constructed from suitable manufactured materials, the plans for which are submitted with the development application.

The development also proposes lighting to conform to the *Australian Standard - Sports Lighting (AS2560)* as follows:

TRACK LIGHTING:

These figures are approx. only and subject to final design by a qualified lighting consultant

Energy Efficient LED

Main Oval 200-250 Lux

Other tracks & Laser Shooting Range 15-20 Lux

Pole height: 4.5m

Pole spacing: 13.5m

APPROX. NUMBER OF LIGHTS:

Primary Loop: 81

Short Cut : 42

Climb A: 13

Climb B: 37

Climb C: 24

Short Road Loop: N/A

Extended Road Loop: N/A

Penalty Loop: 2 (secondary light heads on Main Oval light poles)

Laser Shooting Range: 2 (secondary light heads on Main Oval light poles)

Source: A001 Site Plan 12-07-23, Vision Property Development Hub.

The development has been designed to link to the existing sports track and oval as well as be constructed in an area within the sport and Recreation Centre with the least amount of environmental impact.

Lastly, the development incorporates one concept component which is Climb C, as displayed on the plans submitted with the Development Application depicting the location of the proposed loops.

The client has confirmed that the trees immediately adjacent to the laser tag facility and associated penalty loop will not be removed as part of the development.

3. Site Description and Surrounding Land Use

The site, which contains the Jindabyne Sport and Recreation Centre, has facilities which cater for 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 area chosen for the construction of the proposed biathlon facility incorporating multi-purpose tracks adjoins an existing running track and oval that is accessed using sealed internal roadways which extend through the sports facility and connect to Barry Way. The overall allotment adjoins land to the east used to operate the Jindabyne sewage treatment facility and a quarry on the same site. Land to the south is relatively undeveloped and incorporates a number of land use zones including R5 Large Lot Residential and RU1 Primary Production. 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 and an industrial precinct.

The development site contains a number of substantial existing buildings and large sporting facilities. Comparatively, the proposed multi-purpose tracks, amenities building, and laser biathlon container are small in scale in the built form. The proposed development is consistent with the character of the land use of the site, which already contributes to the land use character of the area.

4. Pre-Development Consultation

The site is identified as a catalyst precinct in the Snowy Mountains Special Activation Precinct Master Plan July 2022 (the Master Plan). Furthermore, the site is specifically identified in Section 4.3 as being a sub-precinct to be developed into a sports and education hub which caters for multiple user groups. Section 1.4 of the Master Plan confirms that development of sub-precincts will be facilitated by the Regional Growth NSW Development Corporation (the Corporation).

Accordingly, a Pre-Development Application consultation was completed directly with the Corporation who informed us they had also forwarded the Pre-Development Application documents to Council's town planning department for input.

The result of the Pre-Development Application consultation was that the existing reporting discussed below, which relates directly to the sport and education precinct of the Master Plan, could be utilised in preparation of this Development Application.

Pre-Development Application consultation/discussion also confirmed that the Corporation is happy for this Development Application to be submitted ahead of the adoption of delivery plans which are referred to in the Master Plan.

Lastly, it was agreed through the Pre-Development Application consultation that the proposed biathlon and multi-track sports facilities are appropriate in the sub-precinct aimed at growth towards sports and education.

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 and will be submitted to NSW Department of Planning & Environment directly.

5. Existing Reports

Through preparation of the Master Plan, a great number of studies were undertaken and have been considered in preparation of the design of the proposed biathlon and multi-track facilities.

The reports, which have been utilised to contribute to the consideration of the proposed development design against the applicable planning controls, are listed below and have been addressed in the relevant sections throughout this SEE. Most specifically, they include:

1. Revised Aboriginal Cultural Heritage Assessment Report
2. Snowy Strategic Activation Precinct Biodiversity Assessment of Catalyst Sub-Precincts
3. Revised Historic Heritage Assessment
4. Bushfire Strategic Study, Snowy Mountains Special Activation Precinct

6. Snowy Mountains Special Activation Precinct Master Plan July 2022

Section 4 of the *Snowy Mountains Special Activation Precinct Master Plan July 2022* (the Master Plan) identifies a number of catalyst sub-precincts which are areas that will incorporate future development and consideration has been given in the Master Plan of the environmental, social and economic considerations within these precincts and the technical reports accompanying it. The sports and education precinct incorporates the Jindabyne Sport & Recreation Centre, which is described in the Master Plan as covering 96 hectares of land, incorporating some area of Crown Land. The Master Plan describes the use of the Jindabyne Sport & Recreation Centre on page 57, and extract of which is included below:

'The Sports and Education structure plan supports the redevelopment of the existing Jindabyne Sport and Recreation Centre site and adjacent Crown land into a hub that caters for multiple user groups, balancing the needs of high-performance athletes, school groups and the broader Jindabyne community.'

Chapter 4 continues to include a number of aims and performance criteria that relate to the development of this sub-precinct, which would be produced into a delivery plan. The delivery plan is a strategic plan that would ensure and govern the orderly and efficient development of the sub-precinct.

A technical study titled "*Sports and Education Sub-Precinct Design Investigations 02 July 2021*" was prepared to provide the aims and performance criteria for the sports and education sub-precinct at the Jindabyne Sport & Recreation Centre. Section 4, "*Initial Sub-Precinct ideas & Drivers*" of this technical report, includes a diagram on page 27 of the report which includes proposed zones for various land use within the Jindabyne Sports & Recreation Centre. This image depicts the subject area proposed to be used for a biathlon facility as an area to be used for sports field and programs, consistent with the proposal. An extract of this image is included below:



*Image 1: the subject area proposed to be used for a biathlon facility as an area to be used for sports field & programs.
Source: Sports & Education Sub-Precinct Design Investigations 02 July 2021, page 27.*

Chapter 7 of the Sports and Education Sub-Precinct Technical Study includes a Master Plan layout on page 43 that identifies the area proposed for development as item number 31, 32 and 33 to be used for biathlon laser shooting range, biathlon and criterium club building and biathlon roller-ski and criterium track. This area is the area proposed to be used for the biathlon facility consistent with the Master Plan of the detailed investigation report. An extract of the Master Plan image is included below:



Image 2: Jindabyne Sports & Education sub-precinct design investigations.

Source: Sports & Education Sub-Precinct Design Investigations 02 July 2021, page 43.

Page 56 of the detailed investigation plan, the development of the biathlon laser shooting range and roller-ski track loop is listed in Stage 1 of the delivery of the expanded facilities at the Sport & Recreation Centre, being works to be completed within 0-5 years, and as short term. The proposal is therefore consistent with the suggested delivery staging incorporated in the technical study.

Given the above studies, consultation was completed with the Regional Growth NSW Development Corporation who encouraged the proposed development application ahead of the delivery plan mentioned in the Master Plan.

7. NSW Environmental Planning and Assessment Act 1979

Section 1.7 of the Act - Part 7 of the Biodiversity Conservation Act 2016

As part of the preparation of the Master Plan, the technical study “*Snowy Strategic Activation Precinct Biodiversity Assessment of Catalyst Sub-Precincts, June 2022*” was prepared to inform its preparation.

Section 1.4 of the Biodiversity Assessment states the purpose of the report to be as per the extract below:

“This study has been undertaken to support the SAP in its multidisciplinary approach for strategic planning in ensuring biodiversity constraints and opportunities are realised early in the planning stage to achieve the desired outcomes.

The purpose of this report is to provide detailed analysis of the biodiversity present within each of the catalyst sub-precinct to guide decisions on developable areas and offset requirements as well as provide performance criteria/standards for development in each sub-precinct.”

Section 5.4 of the Biodiversity Assessment identifies opportunities and constraints for the development of the sub-precinct in consideration of the native environment present on the site. Figure 5.1 included on page 50 of the Biodiversity Assessment displays areas of low, moderate and high biodiversity constraint. An extract of this figure is included below:

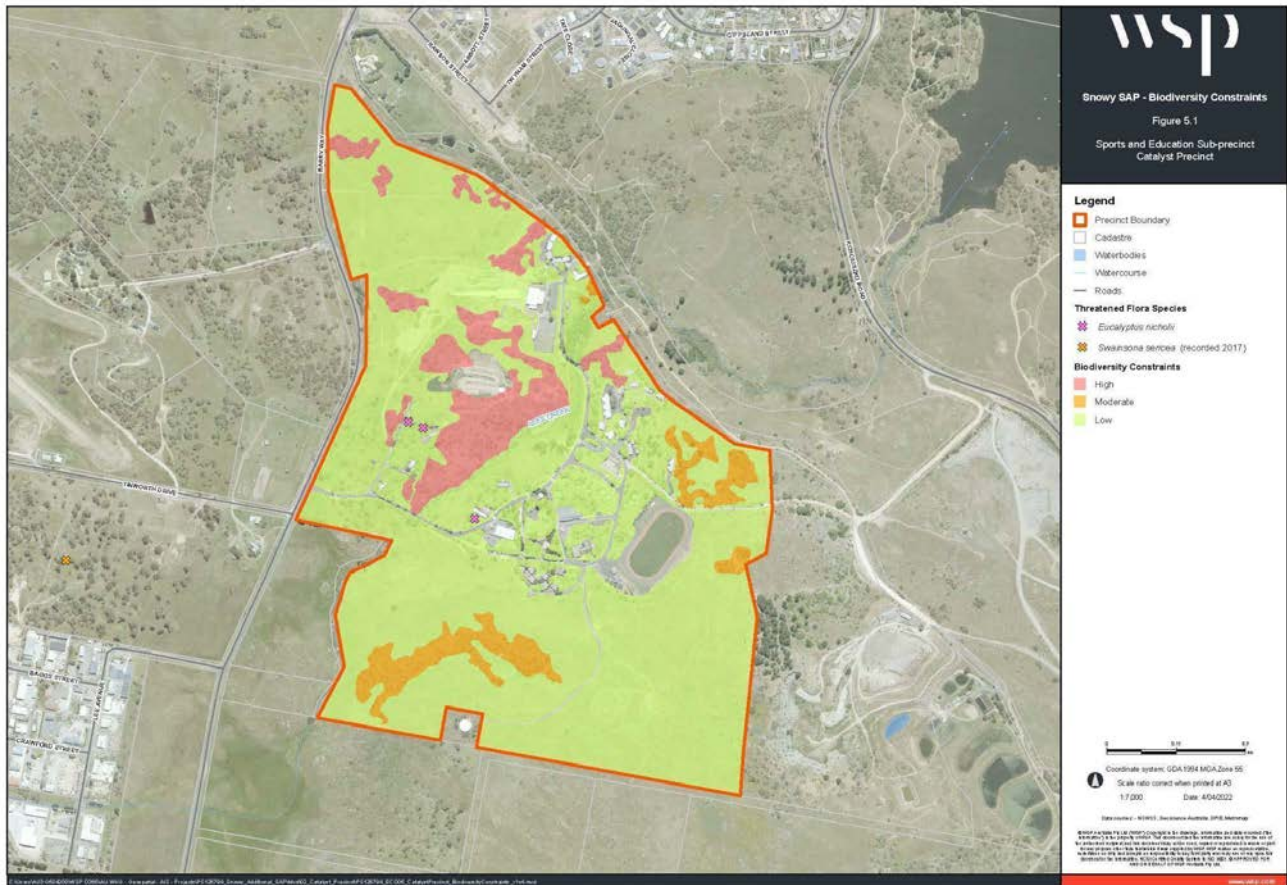


Image 3: Extract of Figure 5.1 - Constraints mapping for the sub-precinct. Source: Snowy Strategic Activation Precinct Biodiversity Assessment of Catalyst Sub-Precincts, June 2022, page 50

Section 5.4 identifies areas of grassland as the areas of opportunities that would “pose little constraint to development”. Figure 5.1 above identifies the area of the proposed development including the climbs and roller-ski loops to be within the area of low biodiversity constraint, with the exception of Climb C. As part of this application, the entirety of Climb C of the proposal is applied for as concept only, as addressed later in this report. Concept applications do not require consideration of the environmental impact at the time of the application, but assessment of that environmental impact takes place as part of a subsequent development application as included as a condition of any development consent.

Given the results of the Biodiversity Assessment, and the recommendations of Section 5.4 and the accompanying Figure 5.1, no further investigation into biodiversity constraint is considered required.

Section 4.14 Consultation and development consent—certain bush fire prone land

(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.

(1A) If the consent authority is satisfied that the development does not conform to the relevant specifications and requirements, the consent authority may, despite subsection (1), grant consent to the carrying out of the development but only if it has consulted with the Commissioner of the NSW Rural Fire Service concerning measures to be taken with respect to the development to protect persons, property and the environment from danger that may arise from a bush fire.

(1B) This section does not apply to State significant development.

(1C) The regulations may exclude development from the application of this section subject to compliance with any requirements of the regulations. The regulations may (without limiting the requirements that may be made)—

(a) require the issue of a certificate by the Commissioner of the NSW Rural Fire Service or other qualified person in relation to the bush fire risk of the land concerned, and

(b) authorise the payment of a fee for the issue of any such certificate.

(2) In this section—

special fire protection purpose has the same meaning as it has in section 100B of the Rural Fires Act 1997.

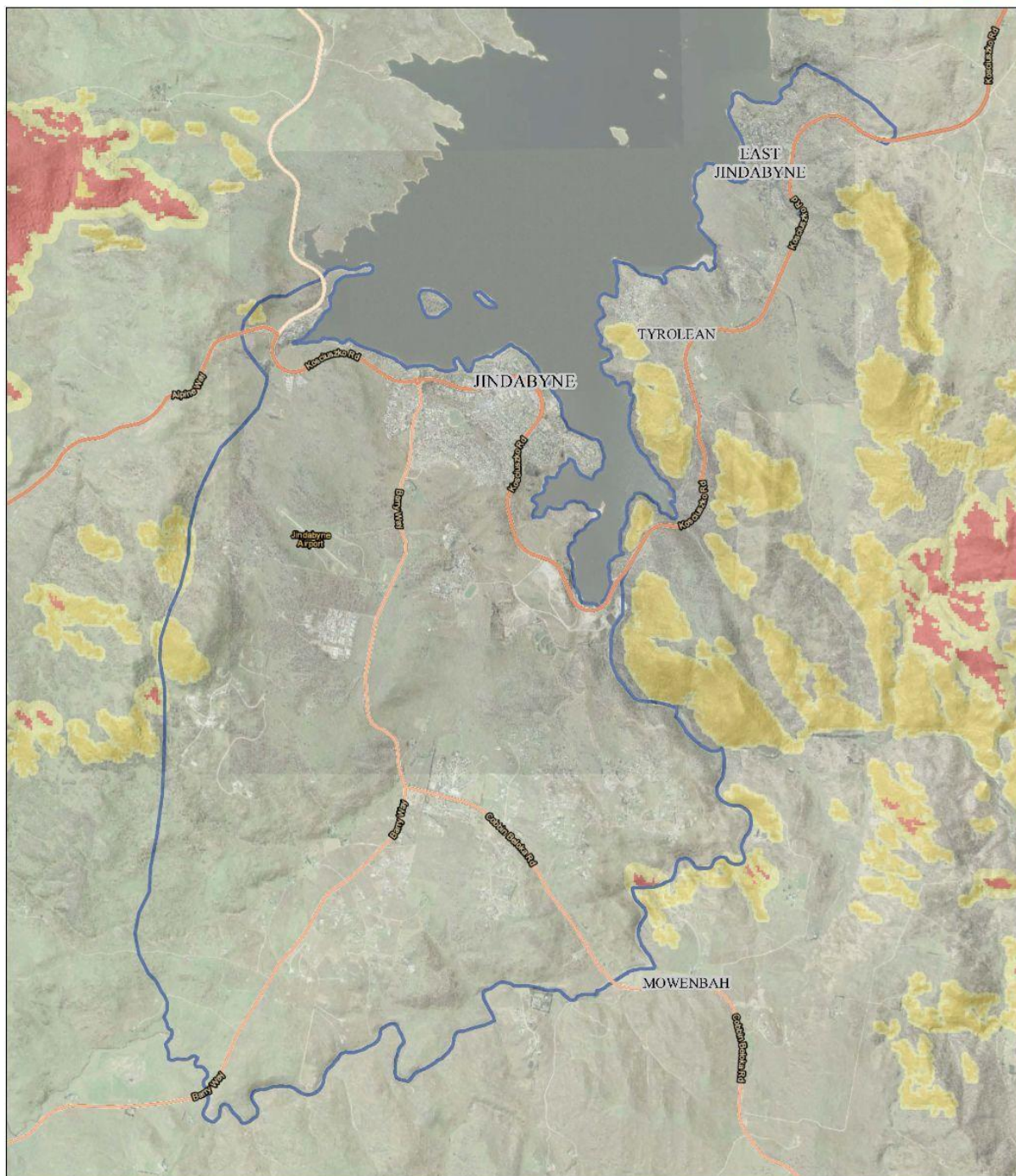
Comments:

The land is identified as bushfire prone land (BFPL) in the BFPL Maps. An extract of the subject land from the NSW ePlanning Spatial Viewer identifying the land as bushfire prone including the area for the proposed roller-ski track and buildings facilities is included below:



Image 4: Bushfire Prone Land. Source: NSW ePlanning Spatial Viewer, 21/11/22.

Review of the Bushfire Assessment Report by Blackash, an extract of which is included above, and the NSW ePlanning Spatial Viewer, an extract of which is also included above, it appears there is a discrepancy. However, a Bushfire Assessment Report was prepared by Blackash Bushfire Consulting considering the bushfire prone nature of the site. An extract of the outcomes of the Bushfire Assessment Report are included below:



Legend

- Jindabyne GO
- Bushfire Prone Land**
- Vegetation Buffer
- Vegetation Category 1
- Vegetation Category 2



Date: 4/06/2020

0 250 500 1,000 1,500

Metres

Coordinate System: GDA 1994 MGA Zone 55
Imagery: © Dept. of Finance, Services & Innovation 2018

Image 5: Bushfire Prone Land Map Jindabyne. Source: Bushfire Strategic Study Snowy Mountains Special Activation Precinct, page 85.

The ePlanning Spatial Viewer nominates the site as being bushfire prone, however, the Bushfire Prone Land Map Jindabyne of the Blackash report above displays the site as not being bushfire prone. The Blackash Report is a site specific report that has considered whether or not the subject site should be nominated as bushfire prone and does not identify it as such.

The NSW Office for Sport however has a Bushfire Management Plan for the Jindabyne Sport & Recreation Centre that has been submitted as part of the application. The ongoing implementation of this Bushfire Management Plan is appropriate to protect the users of the entire site in the event of a bushfire, and is appropriate for this development application.

8. Consideration of Environmental Planning Instruments & Environment

Section 4.15 Evaluation

Matters for consideration—general

(a) the provisions of:

(i) any environmental planning instrument, and

8.1 Snowy River Local Environmental Plan 2013 (LEP)

Section 2.3(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

The land is zoned SP1 - Special Activities under the LEP.

Zone SP1 Special Activities

1 Objectives of zone

- *To provide for special land uses that are not provided for in other zones.*
- *To provide for sites with special natural characteristics that are not provided for in other zones.*
- *To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.*

2 Permitted without consent

Extensive agriculture

3 Permitted with consent

Aquaculture; Boat building and repair facilities; Boat launching ramps; Boat sheds; Charter and tourism boating facilities; Environmental facilities; Environmental protection works; Jetties; Marinas; Mooring pens; Moorings; Roads; Water recreation structures; Wharf or boating facilities; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited

Any development not specified in item 2 or 3

Comments:

The area is mapped to be used for sport as part of the land zone mapping, meaning it constitutes a permissible use in accordance with sub clause 3 of the land use zone provisions for SP1 Special Activities above, consistent with the objectives of the zone.

Clause 5.10 Heritage conservation

Note—

Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.

(1) Objectives The objectives of this clause are as follows—

- (a) to conserve the environmental heritage of Snowy River,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

(2) Requirement for consent Development consent is required for any of the following—

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—*
 - (i) a heritage item,*
 - (ii) an Aboriginal object,*
 - (iii) a building, work, relic or tree within a heritage conservation area,*
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
- (d) disturbing or excavating an Aboriginal place of heritage significance,*
- (e) erecting a building on land—*
 - (i) on which a heritage item is located or that is within a heritage conservation area,*
or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,*
- (f) subdividing land—*

- (i) on which a heritage item is located or that is within a heritage conservation area, or*
- (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.*

(3) When consent not required However, development consent under this clause is not required if—

(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—

- (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and*
- (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or*

(b) the development is in a cemetery or burial ground and the proposed development—

- (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and*
- (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or*

(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or

(d) the development is exempt development.

(4) Effect of proposed development on heritage significance The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage assessment The consent authority may, before granting consent to any development—

- (a) on land on which a heritage item is located, or*
- (b) on land that is within a heritage conservation area, or*
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),*

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) Heritage conservation management plans The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) Archaeological sites The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies)—

(a) notify the Heritage Council of its intention to grant consent, and

(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(8) Aboriginal places of heritage significance The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—

(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and

(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

(9) Demolition of nominated State heritage items The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item—

(a) notify the Heritage Council about the application, and

(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) Conservation incentives The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—

(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and

(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and

(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and

(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and

(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

Comments:

There are 2 items listed on the Heritage Map under the LEP and contained in Schedule 5 of the LEP. These items have been assessed as part of the *Historic Heritage Assessment* prepared by OzArk as part of the Snowy SAP. Part 2.6.1 “I46 (Sports and Recreation Centre)” and Part 2.6.2 “I47 (Leesville Hotel)” are described in detail in this report. The majority of the proposed development is not anywhere close in location to the identified heritage items. One of the proposed loops for roller skiing follows an existing roadway that extends around a heritage item but the use of this roadway for roller skiing activities will not have a negative impact. The majority of the facility is located in an area that is identified in the figure below, 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 means it will not detract from or have a negative impact on the heritage significance of any of the items which all fall within the large sporting precinct. The development is consistent with Clause 5.10 without a site specific heritage management plan being required.

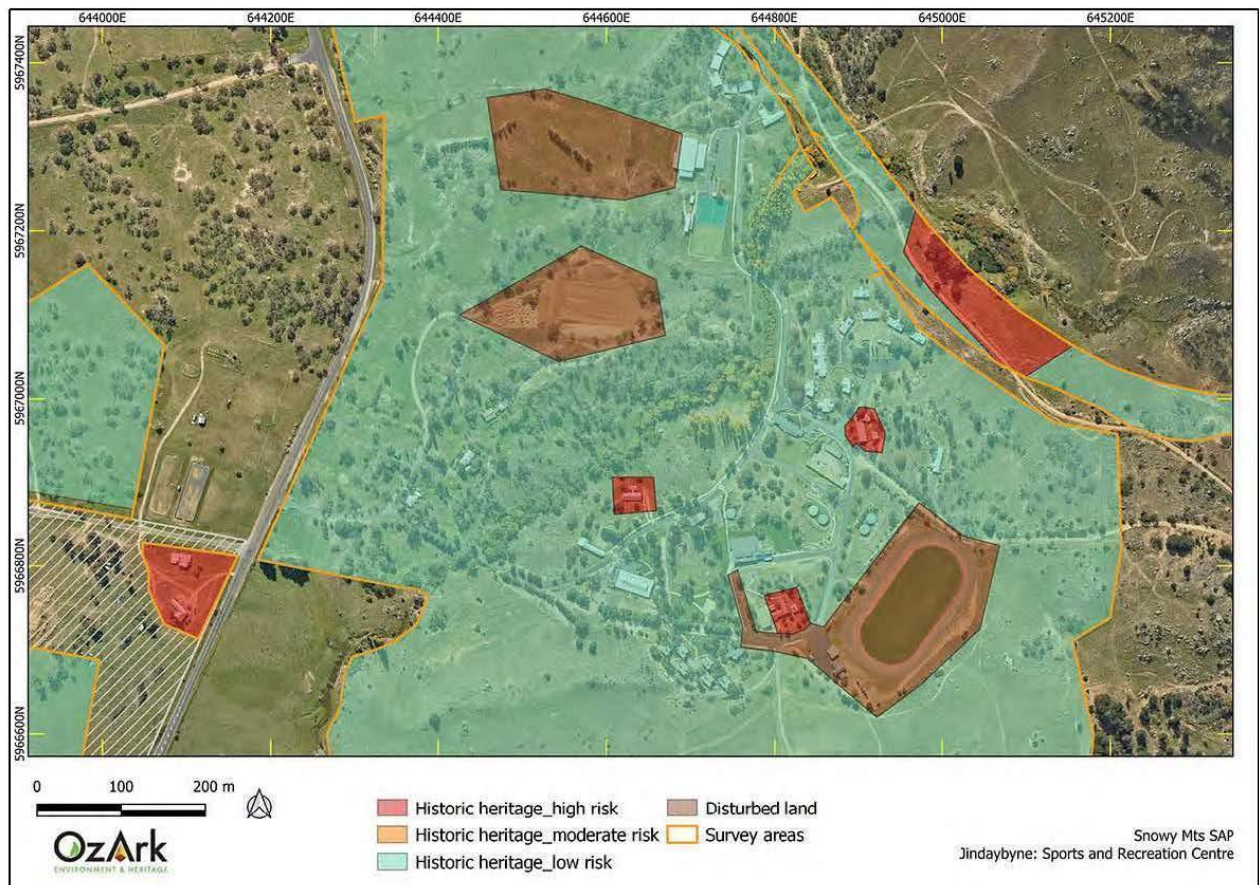


Image 6: Jindabyne Sport & Recreation Centre Historic Heritage Constraints. Source: Revised Historic Heritage Assessment Snowy Mountains Special Activation Precinct, page 115.

- A proposed development in the survey areas should be assessed against the mapped zones of archaeological potential. Such provisions will be detailed in the ACHMP:
 - Works within areas defined in **Section 8** as 'disturbed land' (as defined by Section 58 of the *National Parks and Wildlife Regulation 2019*) can generally proceed without further Aboriginal cultural heritage investigation. However, the 'disturbed lands' would require a due diligence assessment to determine if the need to undertake test excavation has been completely removed by previous development. As Aboriginal objects are still possible in 'disturbed lands' any work

in these areas should follow an unanticipated finds protocol to manage the unlikely event that Aboriginal objects are noted during work. This would include a 'stop work' provision and the requirement to assess the significance of the find with the Aboriginal community¹

- Works within areas defined in **Section 8** as 'ACH low potential' should be assessed at a time when the impacts are known by following the appropriate assessment guidelines, currently the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW*. This assessment may involve a visual inspection of the impact area, test excavation if warranted, and the involvement of the Aboriginal community

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

Figure 8-13: Jindabyne. ACH potential.

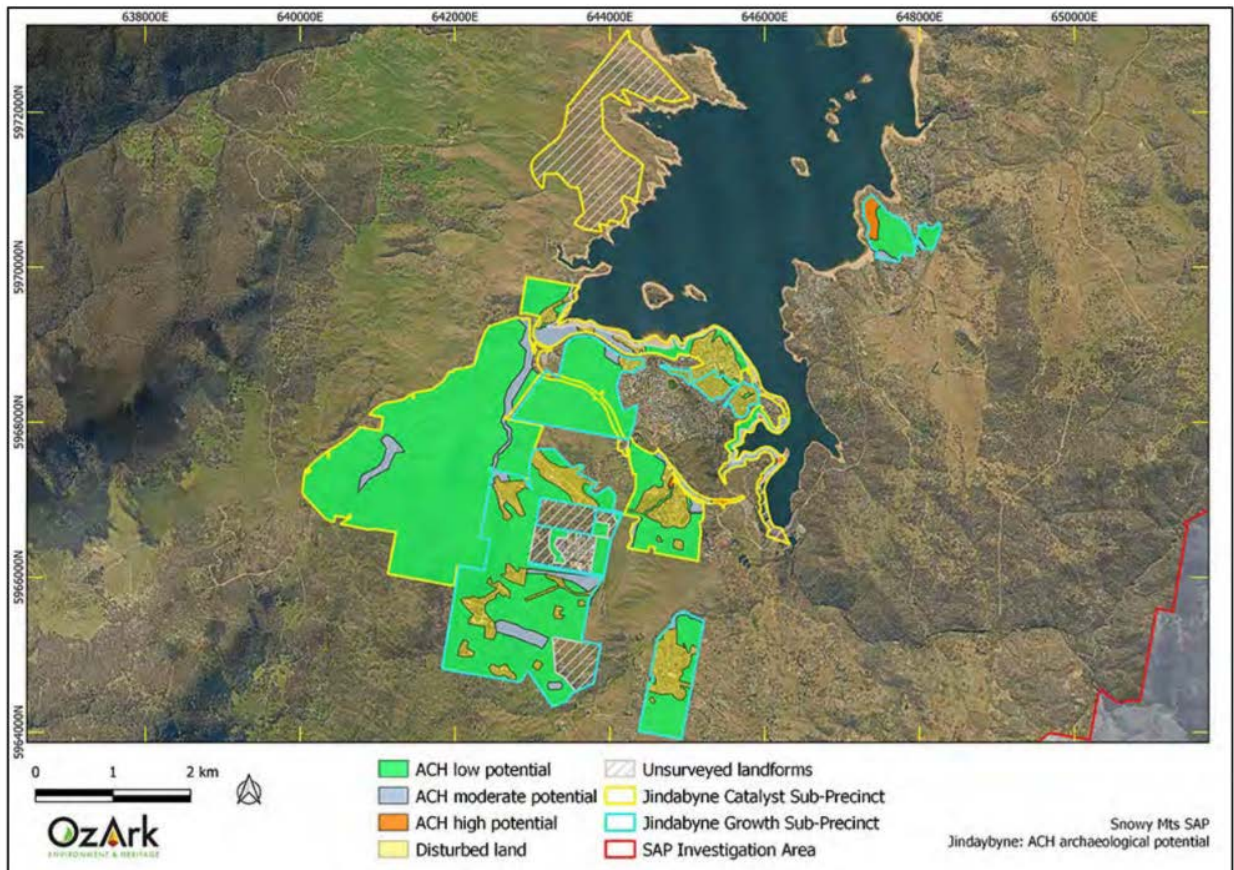


Image 7: Aboriginal Cultural Heritage potential. Source: OzArk Revised Aboriginal Cultural Heritage Assessment Report Snowy Mountains Special Activation Precinct June 2022.

Figure 8-16: Jindabyne (south-western portions). ACH potential.

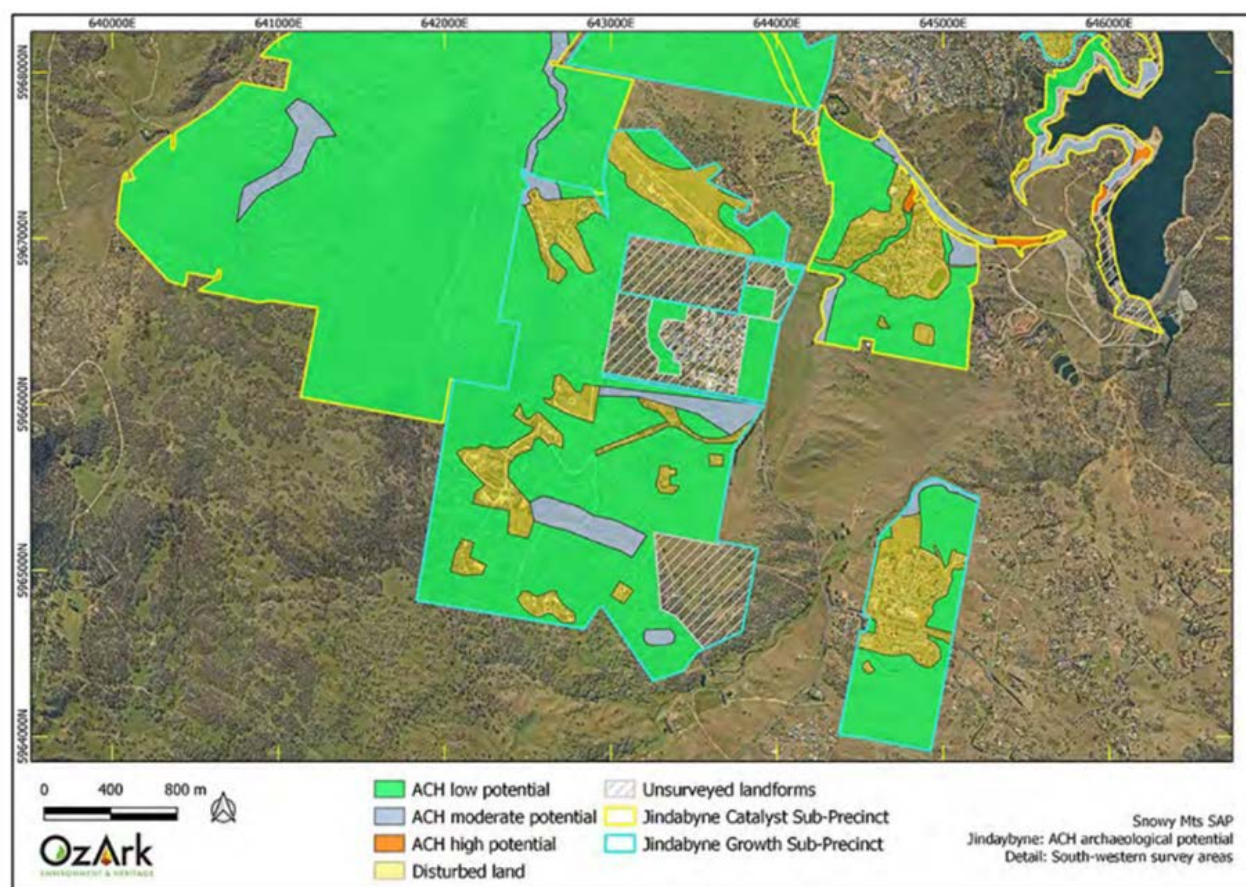
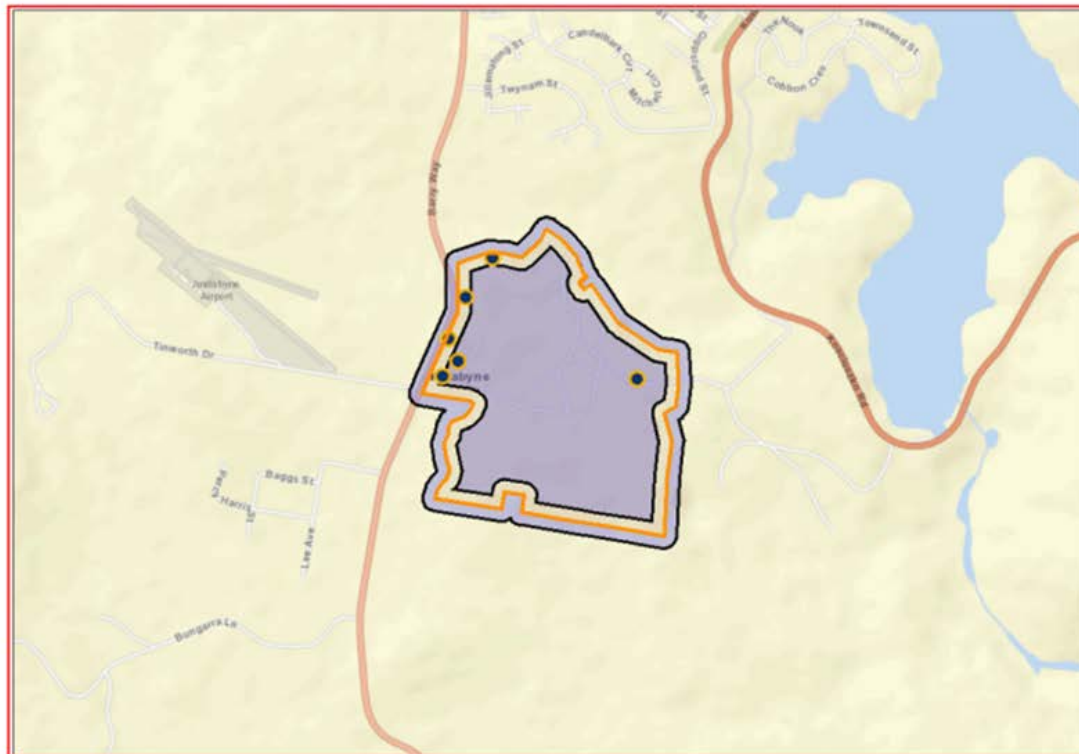


Image 8: Aboriginal Cultural Heritage potential. Source: OzArk Revised Aboriginal Cultural Heritage Assessment Report Snowy Mountains Special Activation Precinct June 2022.

AHIMS Web Service search for the following area at Lot : 101, DP:DP1019527, Section : - with a Buffer of 50 meters, conducted by Joanne Chambers on 24 November 2022.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

6	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

Image 9: Aboriginal Heritage Information Management System Aboriginal site locations. Source: NSW AHIMS Web Services, 24/11/22.

Comments:

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

Clause 7.2 Terrestrial biodiversity

(1) The objective of this clause is to maintain terrestrial biodiversity by—

- (a) protecting native fauna and flora, and*
- (b) protecting the ecological processes necessary for their continued existence, and*
- (c) encouraging the conservation and recovery of native fauna and flora and their habitats.*

(2) This clause applies to land identified as “Biodiversity” on the Terrestrial Biodiversity Map.

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—

(a) whether the development is likely to have—

- (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*
- (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*
- (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
- (iv) any adverse impact on the habitat elements providing connectivity on the land, and*

(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—

- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
- (b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or*
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Comments:

As discussed earlier in this SEE, the site has been subject to an environmental assessment in preparation of the Master Plan. The area shown in figure 5.1, extracted from the environmental

assessment prepared by WSP as a technical study for the Master Plan, displays all of the area proposed for development with the exception of Climb C to be of low likelihood to have any negative environmental impact as a result of development. Furthermore, the area is earmarked to be used for the biathlon facility. Accordingly, it is concluded through review of the reports prepared for the Master Plan that, provided Climb C of the proposed development, which is included as a concept loop, does not require assessment under this application, the remainder of the development can be undertaken without any negative impact on terrestrial biodiversity and is consistent with Clause 7.2. The mitigation measures implemented to mean the development is appropriate are included in the design which avoids areas that have been identified as possibly containing sensitive environments.

BAR REPORT

Source: Extract of Part 5.4. of the Snowy SAP Biodiversity Assessment of Catalyst Sub-Precincts



Image 10: Source: Figure 5.1 - WSP Snowy SAP - Biodiversity Constraints

8.2 State Environmental Planning Policies

8.2.1 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of land

Section 4.6 Contamination and remediation to be considered in determining development application

(1) A consent authority must not consent to the carrying out of any development on land unless—

(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

Comments:

The author is not aware of any other prior land-uses on the site that are likely to have resulted in the contamination of the land. The site is presently used for recreation and this will remain unchanged as a result of this development. Therefore no remediation is required. No further investigation is required in accordance with the NSW Managing Land Contamination Planning Guidelines.

8.2.2 State Environmental Planning Policy (Precincts—Regional) 2021 (Precincts SEPP)

Chapter 3 Activation Precincts

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.

Part 3.2 Master Plans and Delivery Plans

As discussed earlier in this SEE, the Snowy Mountains Special Activation Precinct Master Plan is adopted and consultation/discussion with the Regional Growth NSW Development Corporation confirms they are satisfied that a Development Application for the proposed can be lodged ahead of the implementation of any delivery plan, consistent with Part 3.2.

Part 3.3 Activation Precinct Certificates

As per the comments under Part 3.2 above, an activation precinct certificate, which would typically be issued by the Regional Growth NSW Development Corporation, does not need to be issued in this instance as they are not requiring the implementation of a delivery plan in order for the Development Application to proceed.

Section 3.10(3) of Part 3.3 confirms that activation precinct certificates are to be consistent with a delivery plan. Therefore, the proposal is consistent with Part 3.3.

Schedule 1D Snowy Mountains Activation Precinct

4 Land use zones

The land use zones in the Snowy Mountains Activation Precinct are as follows—

SP1 Special Activities Zone

SP3 Tourist Zone

SP4 Enterprise Zone

RE1 Public Recreation Zone

5 Zoning of land within Snowy Mountains Activation Precinct

For the purposes of this Schedule, land is within the zones shown on the State Environmental Planning Policy (Precincts—Regional) 2021 Snowy Mountains Activation Precinct Land Zoning Map.

6 Zone objectives and Land Use Table

(1) The Land Use Table at the end of this Part specifies for each zone—

- (a) the objectives for development, and*
- (b) development that may be carried out without development consent, and*
- (c) development that may be carried out only with development consent, and*
- (d) development that is prohibited.*

(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in relation to land in the zone.

(3) In the Land Use Table at the end of this Part—

- (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and*
- (b) a reference to a type of building or other thing does not include, despite any definition in this Policy, Chapter 3 or this Schedule, a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the zone.*

(4) This section is subject to the other provisions of this Policy, Chapter 3 and this Schedule.

Land Use TableSP1 Special Activities

1 Objectives of zone

- *To provide for special land uses that are not provided for in other zones.*
- *To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises adverse impacts on surrounding land.*
- *To provide for sites with special natural characteristics that are not provided for in other zones.*

2 Permitted without consent

Roads

3 Permitted with consent

Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Charter and tourism boating facilities; Community facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Information and education facilities; Jetties; Kiosks; Marinas; Mooring pens; Moorings; Recreation areas; Recreation facilities (outdoor); Research stations; Restaurants or cafes; Water recreation structures; Wharf or boating facilities; The

purpose shown on the State Environmental Planning Policy (Precincts—Regional) 2021 Snowy Mountains Activation Precinct Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited

Any development not specified in item 2 or 3

Comments:

The land is zoned SP1 Special Activities under the SEPP. The development has a capital investment value that exceeds \$2M dollars meaning the NSW Planning Secretary is the Consent Authority. The proposed development of the existing recreation areas and facilities (outdoor) is permissible in the zone in accordance with Part 6.

Part 3 Miscellaneous

11 Preservation of trees and vegetation

(1) The objectives of this section are as follows—

- (a) to preserve the amenity of the Snowy Mountains Activation Precinct through the preservation of trees and vegetation,*
- (b) to promote the conservation of native vegetation,*
- (c) to minimise the impact of development on native vegetation.*

(2) This section applies to land identified as within an environmentally sensitive area on the Environmentally Sensitive Areas Map.

(3) A person must not clear native vegetation on land to which this section applies without development consent.

(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—

- (a) there is no reasonable alternative available to the disturbance of the native vegetation, and*
- (b) any impact of the proposed clearing on biodiversity values is avoided or minimised, and*
- (c) the disturbance of the native vegetation will not increase salinity, and*

(d) native vegetation inadvertently disturbed for the purposes of construction will be reinstated where possible on completion of construction, and

(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

(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.

(5) State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 2 does not apply to land to which this section applies.

Comments:

As discussed in this report, the Environmental Assessment Report already prepared for this site as part of the preparation of the activation precinct master plan, it is confirmed through the reporting that the area proposed to be developed has low chance of any negative environmental impact as a result of any development in the selected location. The applicant has chosen to include Climb C as a concept component of this Development Application only to ensure there is no environmental impact on the area within Climb C and would be subject to a subsequent and separate Development Application for assessment. The development is consistent with Section 11 Preservation of trees and vegetation of the precinct's SEPP.

12 Heritage conservation

(1) *Snowy River Local Environmental Plan 2013, 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—*

Suburb	Item name	Address	Property description	Significance	Item no
Jindabyne	Jindabyne Winter Sports Academy	207 Barry Way	Lot 101, DP 1019527	Local	146
Jindabyne	St Andrew's Uniting Church	19 Gippsland Street	Lot 10, DP 219583	Local	150
Jindabyne	Jindabyne Foreshore Park	Banjo Patterson Park, Kosciuszko Road	Lot 6, DP 239537	Local	151
Jindabyne	Strzelecki monument	Banjo Patterson Park, Kosciuszko Road	Lot 6, DP 239537	Local	152
Jindabyne	Memorial Hall	45 Kosciuszko Road	Lot 30, DP 227005	Local	154
Jindabyne	St Andrew's Anglican Church	3 Park Road	Lot 146, DP 219583	Local	155

(2) *A reference in Snowy River Local Environmental Plan 2013, clause 5.10 to the consent authority is to be read as a reference to the consent authority for the Snowy Mountains Activation Precinct.*

Comments:

Clause 5.10 of the LEP has been addressed previously in this SEE. The development is taking place largely in areas that are not identified as heritage items within the site. The closest use of the site relative to any heritage items is the use of existing roadways as part of roller skiing activities which will not impact the heritage significance of any items. The development is consistent with Part 12.

13 Application of Snowy River Local Environmental Plan 2013

Snowy River Local Environmental Plan 2013, 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.

Comments:

The development does not involve subdivision, demolition, or any temporary land use, and does not involve any land acquisition, classification or reclassification of public land, conversion of any alarm systems within buildings, activities to reduce bushfire hazard, the construction of any eco tourist facilities, and so is consistent with the abovementioned sections of the LEP.

The Snowy River Local Environmental Plan 2013 has been addressed previously in this SEE. The development is consistent with the provisions of the LEP without variation. The development is consistent with Part 13.

14 Application of State Environmental Planning Policy (Transport and Infrastructure) 2021, Chapter 2

(1) State Environmental Planning Policy (Transport and Infrastructure) 2021, Chapter 2 applies to land in the Snowy Mountains Activation Precinct, subject to the modifications set out in this section.

(2) SP3 Tourist and SP4 Enterprise Zones are taken to be the following zones for the specified provisions of State Environmental Planning Policy (Transport and Infrastructure) 2021—

(a) a prescribed rural, industrial or special use zone for Part 2.3, Division 4,

(b) a prescribed zone for sections 2.52, 2.105, 2.106, 2.108, 2.125 and 2.158(4),

(c) an equivalent land use zone for section 2.158(2).

(3) State Environmental Planning Policy (Transport and Infrastructure) 2021, sections 2.41(1) and 2.125(3) do not apply to land in the Snowy Mountains Activation Precinct.

Comments:

Barry Way, adjacent to the land, is classified as a Regional Road under the Transport for NSW Road Network Classifications. The development does not propose any new access to any classified road or to upgrade any access to any classified road. A transport analysis was completed as part of the preparation of the special activation precinct which determined that access is appropriate to the site for the Jindabyne Sport and Recreation Centre as well as the expansions identified in the Master Plan and Sports & Education Sub-Precinct Design Investigations 02 July 2021 Technical Report previously mentioned in this SEE. The development is not inconsistent with any of the controls contained in Chapter 2 Infrastructure of State Environmental Planning Policy (Transport and Infrastructure) 2021. The development is, therefore, consistent with Section 14 of the precinct's SEPP.

15 Existing development applications

A development application for development on land in the Snowy Mountains Activation Precinct that was lodged before the land was part of that Activation Precinct and that has not been finally determined is to be determined as if this Schedule had not commenced.

Comments:

There are no development applications pending for the land. The development is consistent with Part 15.

The development is consistent with the provisions of the Precincts SEPP without variation.

(ii) any proposed instrument that is or has been the subject of public consultation under this Act.

At the time this SEE is prepared, Snowy Monaro Regional Council are exhibiting the draft Snowy Monaro Regional LEP with explanatory notes. Page 71 of the draft document includes the proposed provisions for zone SP1 Special Activities. Sub clause 3 of the proposed zoning provisions states the uses permitted with consent to continue to include those shown on the land zoning map, including any development that is ordinarily incidental ancillary development for that purpose. In this instance, the use identified for the site is sporting activities and the proposed development is consistent with this land use. The development is consistent with the provisions of the land use table exhibited in the draft LEP document.

(iii) any Development Control Plan (DCP)

The Snowy Mountains Masterplan confirms that a Development Control Plan in conjunction with a delivery plan is to be prepared for special activation precincts. Review of the site using the NSW ePlanning Spatial Viewer confirms that there is no applicable Development Control Plan active and utilised for this sub precinct.

(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F.

The applicant has not entered into any planning agreement or draft planning agreement.

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and

8.4 Environmental Planning and Assessment Regulation 2021

Part 4 - Division 1 Determination of development applications—the Act, s 4.15(1)(a)(iv)

61 Additional matters that consent authority must consider

(1) In determining a development application for the demolition of a building, the consent authority must consider the Australian Standard AS 2601—2001: The Demolition of Structures.

(2) In determining a development application for the carrying out of development on land that is subject to a subdivision order under the Act, Schedule 7, the consent authority must consider—

(a) the subdivision order, and

(b) any development plan prepared for the land by a relevant authority under that Schedule.

(3) In determining a development application for development on the following land, the consent authority must consider the Dark Sky Planning Guideline—

(a) land in the local government area of Coonamble, Gilgandra or Warrumbungle Shire or in the part of the local government area of Dubbo Regional that was formerly in the City of Dubbo,

(b) land less than 200 kilometres from the Siding Spring Observatory, if the development is—

(i) State significant development, or

(ii) designated development, or

(iii) development specified in State Environmental Planning Policy (Planning Systems) 2021, Schedule 6.

(4) In determining a development application for development for the purposes of a manor house or multi dwelling housing (terraces), the consent authority must consider the Low Rise Housing Diversity Design Guide for Development Applications published by the Department in July 2020.

(5) Subsection (4) applies only if the consent authority is satisfied there is not a development control plan that adequately addresses the development.

(6) In determining a development application for development for the erection of a building for residential purposes on land in Penrith City Centre, within the meaning of Penrith Local Environmental Plan 2010, the consent authority must consider the Development Assessment

Guideline: An Adaptive Response to Flood Risk Management for Residential Development in the Penrith City Centre published by the Department on 28 June 2019.

(7) In determining a development application for development on land to which Wagga Wagga Local Environmental Plan 2010 applies, the consent authority must consider whether the development is consistent with the Wagga Wagga Special Activation Precinct Master Plan published by the Department in May 2021.

(7A) In determining a development application for development on land to which Moree Plains Local Environmental Plan 2011 applies, the consent authority must consider whether the development is consistent with the Moree Plains Special Activation Precinct Master Plan published by the Department in January 2022.

(8) Subsections (7) and (7A) do not apply to a development application made on or after 31 March 2022.

Comments:

The proposal does not involve demolition of a building and therefore the requirements of AS 2601 do not need to be considered in accordance with Clause 61(1).

The subject land is not subject to a subdivision order under the Act, Schedule 7, therefore Clause 61(2) is not applicable.

The *Dark Sky Planning Guideline* does not apply to Snowy Monaro Regional Council and therefore Clause 61(3)(a) and (b) are not applicable.

The development does not include a manor house or multi dwelling housing, therefore Clause 61(4) is not applicable (subject to subclause 5).

The development is not within the Penrith City Centre or the Wagga Wagga or Moree Plains Special activation Precincts.

62 Consideration of fire safety

(1) This section applies to the determination of a development application for a change of building use for an existing building if the applicant does not seek the rebuilding or alteration of the building.

(2) The consent authority must—

(a) consider whether the fire protection and structural capacity of the building will be appropriate to the building's proposed use, and

(b) not grant consent to the change of building use unless the consent authority is satisfied that the building complies, or will, when the development is completed, comply, with the Category 1 fire safety provisions that are applicable to the building's proposed use.

(3) Subsection (2)(b) does not apply to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Comments:

The proposal does not involve the change of a building use for an existing building and therefore the requirement to consider fire safety and structural adequacy of buildings in accordance with Clause 62 is unnecessary.

63 Considerations for erection of temporary structures

In determining a development application for the erection of a temporary structure, the consent authority must consider whether—

- (a) the fire protection and structural capacity of the structure will be appropriate to the proposed use of the structure, and*
- (b) the ground or other surface on which the structure will be erected will be sufficiently firm and level to sustain the structure while in use.*

Comments:

The proposal does not involve the erection of a temporary structure and therefore the requirements to consider fire safety and structural adequacy is unnecessary.

64 Consent authority may require upgrade of buildings

(1) This section applies to the determination of a development application that involves the rebuilding or alteration of an existing building if—

(a) the proposed building work and previous building work together represent more than half of the total volume of the building, or

(b) the measures contained in the building are inadequate—

(i) to protect persons using the building, if there is a fire, or

(ii) to facilitate the safe egress of persons using the building from the building, if there is a fire, or

(iii) to restrict the spread of fire from the building to other buildings nearby.

(2) The consent authority must consider whether it is appropriate to require the existing building to be brought into total or partial conformity with the Building Code of Australia.

(3) In this section—

previous building work means building work completed or authorised within the previous 3 years.

total volume of a building means the volume of the building before the previous building work commenced and measured over the building's roof and external walls.

Comments:

The proposal does not involve the rebuilding, alteration, enlargement or extension of an existing building that represents more than half the total volume of the building and therefore the requirement to consider the upgrading of buildings into total or partial conformity with the Building Code of Australia.

The measures within the building at the completion of the project will be adequate to protect the building and facilitate safe egress from the building and restrict spread of fire.

67 Modification or surrender of development consent or existing use right

Not applicable.

75 Fulfilment of BASIX commitments

It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled—

(a) BASIX development,

(b) BASIX optional development, if the development application was accompanied by a BASIX certificate.

Comments:

Not BASIX applicable development

76 Deferred commencement consent

Not applicable.

(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,

Context and Setting

The site contains the Jindabyne Sport and Recreation Centre which comprises a great number of sporting facilities, administration buildings, accommodation, and a variety of other facilities within the large site. The entirety of the site is located between largely undeveloped land to the south with a combination of rural and Large Lot Residential zonings, industrial zoning and special land use zoning for airports to the west, residential zoning to the north for the Jindabyne township, and to the east adjoins rural land and land used for the sewage treatment facility and a quarry.

The large site already comprising a sporting context is appropriate for the development which is an extension of existing sporting facilities and an improvement of an area within the site already used for outdoor recreational activities.

Access, Transport and Traffic

Vehicle access to the development will be gained by existing access to the Jindabyne Sport and Recreation Centre from Barry Way. Access to the development is unchanged.

Public Domain

The proposal will not have a negative impact on public recreational opportunities or public spaces in the locality.

Utilities

The site is serviced by adequate utilities to cater for the development.

Heritage

As previously discussed in this SEE, there are items listed in schedule 5 of the LEP present on the land. The development is designed to utilise existing roadways around items that will not affect the heritage significance of any of those items and the majority of the development is positioned a large distance from any items within the large sporting and recreation facility and will not appear out of place or have any negative impact on the heritage significance of any items.

A complete assessment of the potential Aboriginal heritage significance of the site was completed as part of the preparation of the Master Plan and it was concluded in that report that areas identified as disturbed land did not require any further assessment as part of a Development Application.

The development will have no significant impact on these items of heritage significance.

Water

The site is connected to reticulated water. Stormwater can be managed within the site.

Soils

The development will not have a negative impact on soils.

Air and Microclimate

Minimal amounts of dust may be generated during the construction period. Once construction works are complete the development will not impact on air quality. The ongoing use of the development will not negatively impact air quality.

Flora and Fauna

The proposal does not require the removal of any native trees. An Environmental Assessment Report prepared for the Master Plan and the sub-precinct confirms that the area has a low likelihood of any environmental impact through further development so the facilities proposed as part of this application will not have any negative environmental impact on flora or fauna. The client has confirmed that the trees immediately adjacent to the laser tag facility and associated penalty loop will not be removed as part of the development.

Waste

The site is connected to reticulated sewerage. Any construction waste and ongoing commercial waste will be removed from the site and appropriately recycled or catered for at a licensed waste management facility.

Energy

The development will not involve any negative environmental outcomes through the use of energy.

Noise and Vibration

Some noise will occur during the construction period, but is not expected to adversely impact on any surrounding land uses.

Natural Hazards

The land is identified as bushfire prone as previously addressed in this SEE. A Bushfire Hazard Assessment Report was prepared as part of the preparation of the Master Plan and concludes that the site is not bushfire prone. However, a Bushfire Management Plan for the Jindabyne Sport and Recreation Centre is in operation on the site. The implementation of the Bushfire Management Plan, which includes bushfire mitigation treatments and mitigation measures and is in effect on the site, is appropriate to address the bushfire hazard.

The site is not mapped as being subject to any other natural hazard.

The development is appropriate for the site's natural environment.

Technological Hazards

No impacts as previously discussed in this report.

Safety, Security and Crime Prevention

This development will not generate any activity likely to promote any safety or security problems to the subject land or surrounding area. The site is already operating in a secured fashion as the Jindabyne Sport and Recreation Centre.

Social and Economic Impacts on the Locality

The proposed development will not result in any negative social or economic impacts. The development will provide additional facilities for the use of the site, having beneficial social and economic outcomes.

Site Design and Internal Design

The design of the development is satisfactory for the site and without any identified adverse impacts. The site, which is a large site containing the existing sport and recreation facility, includes

ample space for the proposed development in the vicinity of the existing sporting track without having any negative impact and appropriate in layout for the design.

Visual Impact

Lighting specifications have been submitted as part of the application. The distance of the site from the township means that the development will not shed light that will affect the township. Additionally, the distance of the site from the residential land uses to the south means it will not shed light on these residential areas. Being set amongst the existing sport and recreation facility means the lighting is appropriate and will appear consistent with the existing structures contained within the facility.

Construction

The proposed development is constructed in accordance with the Building Code of Australia and applicable standards.

Cumulative impacts

The proposal is not expected to generate any ongoing negative cumulative impacts. A minimal increase in traffic and activity at the site will occur during the construction phase. A transport study was completed in preparation of the Master Plan and the sport and education sub-precinct confirming that the proposed use of this area for a biathlon facility with associated amenities and buildings can be undertaken without cumulative impacts that would have a negative impact on the site, neighbouring sites, or transport routes.

(c) the suitability of the site for the development

The site has appropriate area, dimensions and topography to facilitate construction of the proposed development.

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

The assessing Authority will need to advertise and/or neighbour notify the application in accordance with the community consultation plan.

(e) the public interest

No aspect of the proposed development will overburden any facility operating in the public interest.

The proposed development will be beneficial and consistent with the use of the site at a facility which can cater for the traffic and attendance without negative impact, having a positive outcome in the public interest.

Section 4.22 Concept development applications

(1) For the purposes of this Act, a concept development application is a development application that sets out concept proposals for the development of a site, and for which detailed proposals for the site or for separate parts of the site are to be the subject of a subsequent development application or applications.

(2) In the case of a staged development, the application may set out detailed proposals for the first stage of development.

(3) A development application is not to be treated as a concept development application unless the applicant requests it to be treated as a concept development application.

(4) If consent is granted on the determination of a concept development application, the consent does not authorise the carrying out of development on any part of the site concerned unless—

(a) consent is subsequently granted to carry out development on that part of the site following a further development application in respect of that part of the site, or

(b) the concept development application also provided the requisite details of the development on that part of the site and consent is granted for that first stage of development without the need for further consent.

The terms of a consent granted on the determination of a concept development application are to reflect the operation of this subsection.

(5) The consent authority, when considering under section 4.15 the likely impact of the development the subject of a concept development application, need only consider the likely impact of the concept proposals (and any first stage of development included in the application) and does not need to consider the likely impact of the carrying out of development that may be the subject of subsequent development applications.

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)).

Comments:

Climb C of the development 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.

9. Conclusion

The proposed development located within the sub-precinct of the Snowy Mountains Special Activation Precinct area constitutes a catalyst area for sporting development. The proposed development is consistent with the technical studies prepared to inform the preparation of the Master Plan, including the site specific Sports & Education Sub-Precinct Design Investigations report. The design of the development has been completed in accordance with the technical studies and the Master Plan document without variation.

The development is consistent with the applicable State Environmental Planning Policies, Local Environmental Plan, the NSW Environmental Planning and Assessment Act 1979 and associated Environmental Planning and Assessment Regulation 2021.

Consideration of the design of the proposed development through site inspections and preparation of this Statement of Environmental Effects confirms it is appropriate in design in the existing sporting context of the site and the adjoining and adjacent surrounding land uses.

The development can be completed without any unmitigated impact and the applicants have chosen to incorporate one part of the development, being a roller ski loop/climb path through an area that may have moderate environmental value, as a concept component only to be subject to a future Development Application. Doing this is a recognition by the applicant that they are happy to tailor their design to avoid negative impacts.

For the reasons above, it is concluded that the development, as proposed, should be and can be lawfully approved without alteration to the design.

Appendix A - Requirements of the Approved Form Guide

a. The environmental impacts of the development

The development is designed to comply with the recommendations of the technical studies and the Master Plan for this sub-precinct which constitutes a catalyst area within the Snowy Mountains Special Activation Precinct. The development has been tailored to not have a negative environmental impact and has been designed to fit entirely within the site in areas identified as part of the Master Plan as appropriate and set aside for biathlon/cross country skiing training loops, laser biathlon area, and associated clubhouse/office/amenities buildings and car parking. The development can be undertaken without any negative environmental impact.

b. How the environmental impacts of the development have been identified

Any environmental impacts have been identified through review of the technical reports and the Snowy Mountains Special Activation Precinct Master Plan, as well as a number of site inspections.

c. The steps to be taken to protect the environment or to lessen the expected harm to the environment

A critical step taken to lessen any expected harm to the environment is to incorporate Climb C of the proposed development which 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 which can be accompanied by appropriate reporting which addresses that loop. Doing this means the technical studies already prepared for the site may not have to be the only reporting relied upon as part of the assessment of this application. This is considered to be a step that has been taken to lessen any expected environmental harm. No other steps to lessen environmental harm to the area selected for this facility as part of the Master Plan need be implemented.

d. Any matters required to be indicated by any guidelines issued by the Planning Secretary

No specific matters under guidelines prepared by the Planning Secretary are applicable to the proposal.

e. Drawings of the proposed development in the context of surrounding development, including the streetscape

The plans submitted with the application which form part of the sport and recreation centre already operating on the site are appropriate in the context which is characterised by sporting facilities. The nearest adjoining land use is the sewage treatment facility and quarry to the east which will not be impacted in any way by the design of the proposed development.

f. Development compliance with building heights, building height planes, setbacks and building envelope controls (if applicable) marked on plans, sections and elevations

The scale of the proposed development amongst the sports and recreation centre facilities is smaller in scale and will not have any negative effect as a result of building heights or overall height, setbacks being impacted.

g. Drawings of the proposed landscape area, including species selected and materials to be used, presented in the context of the proposed building or buildings, and the surrounding development and its context

In this instance, the plans submitted for the proposal, including plans of the buildings, are appropriate in the location to allow for comprehensive assessment. The roller ski loops, which are to be constructed from bitumen seal, do not require landscaping. A landscape plan is not necessary as part of the Development Application.

h. If the proposed development is within an area in which the built form is changing, statements of the existing and likely future contexts

The Master Plan and zoning earmarks the site for expansion for facilities for sport and recreation. This constitutes the existing use and likely future use and context of the site and the proposed development is consistent with this.

i. Photomontages of the proposed development in the context of surrounding development

Given the scale of the site and the nearest use to the east being the sewage treatment plant and quarry, no photomontages are necessary for the development.

j. A sample board of the proposed materials and colours of the facade

The location of the proposed development amongst existing sporting facilities adjacent to the sewage treatment plant and quarry, as well as amongst existing sporting buildings, means sample boards of colours and facades are not necessary.

k. Detailed sections of proposed facades

Detailed plans for the proposed development are submitted with the Development Application.

l. If appropriate, a model that includes the context.

A model of the proposed development would not benefit or be necessary to allow for a complete and comprehensive assessment of the proposed Development Application.