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Statement of Environmental Effects

Integrated Development Application

Responsible water management by beneficial re-use of recycled water from Selwyn Wastewater Treatment Plant (approved under DA 22/5248)

Department of Planning
Housing and Infrastructure

Issued under the Environmental Planning and Assessment Act 1979

Approved Application No 23/2747

Granted on the 11 April 2024

Signed D James

Sheet No 1 of 11

Selwyn Snow Resort
213A Kings Cross Road Kiandra

FILE: 100154

February 2023

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PRECISE PLANNING

Selwyn Snow Resort

Planning | Development | Management

This Report has been prepared exclusively for submission to the Department of Planning & Environment as an accompaniment to a Development Application, which seeks consent to the proposed responsible water management by beneficial re-use of recycled water from the Selwyn Wastewater Treatment Plant (approved under DA 22/5248) at the Selwyn Snow Resort, 213A Kings Cross Road Kiandra.

The information contained in this Report has been compiled from both primary and secondary information sources.

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GLOSSARY AND ABBREVIATIONS

ABBR. / TERM	DESCRIPTION
ACHA	Aboriginal Cultural Heritage Assessment
APZ	Asset Protection Zone
BC Act	NSW *Biodiversity Conservation Act 2016*
BDAR	Biodiversity Development Assessment Report
BHAR	Bushfire Hazard Assessment Report
CEEC	Critically Endangered Ecological Community
DA	Development Application
DCP	Development Control Plan
DPE	Department of Planning and Environment
DSI	Detailed Site Investigation (Stage 2 contamination assessment)
EEC	Endangered ecological community
EPA Act	NSW *Environmental Planning and Assessment Act 1979*
EPA Reg	NSW *Environmental Planning and Assessment Regulations 2021*
EPBC Act	Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*
EPI	Environmental Planning Instrument
FFA	Flora and fauna assessment
ha	Hectares
LEP	Local Environmental Plan
LGA	Local Government Area
OWMP	Onsite Wastewater Management Plan
PBP	Planning for Bushfire Protection 2019
PSI	Preliminary Site Investigation (Stage 1 contamination assessment)
REP	Regional Environmental Plan (Deemed SEPP)
RF Act	NSW *Rural Fires Act 1997*
RFS	NSW Rural Fire Service
SANSW	Subsidence Advisory New South Wales
SEPP	State Environmental Planning Policy
TIA	Traffic Impact Assessment
VPA	Voluntary Planning Agreement
WCMP	Water Cycle Management Plan
WM Act	*Water Management Act 2000*

EXECUTIVE SUMMARY

The proposal represented in this Statement of Environmental Effects (**'SEE'**) relates to the 'use' of existing infrastructure for the disposal of recycled water generated from the Selwyn Sewage Treatment Plant (**'STP'**) (approved under DA 22/5248) (**'proposal'**), by beneficial re-use in toilet flushing and ground application by way of snowmaking. The information contained in the following table is an executive summary of the details of the proposal, the impact assessment components and the outcome of investigations.

Consideration	Detail	Response
Subject site	Legal description of the Subject Site	Lot 36 DP 46316 – 213 Kings Cross Road Kiandra
Proposal (for which this application seeks consent)	Description of development for which this application seeks consent	Proposed 'use' of existing infrastructure for the responsible management of recycled water generated from the Selwyn STP (approved under DA 22/5248), by beneficial re-use in toilet flushing and ground application by way of snowmaking, as detailed on the Snowmaking System Masterplan by TechnoAlpin Pty Ltd (see excerpt at Figure 3 of this SEE). This proposal seeks consent to the 'use' of the existing infrastructure for disposal of recycled water by way of toilet flushing and ground application by way of snowmaking. The works required to facilitate these disposal methods has already taken place under separate Development Applications.
Type of development	Whether the EPA Act or EPA Reg nominates the proposal as a specific category of development	Nominated integrated development pursuant to S4.46(1) EPA Act, requiring referral of the application to Environment Protection Authority (**'EPA'**).
Consent authority	The person or body authorised to determine this Application	NSW Minister for Planning
Existing improvements	Details of existing structures or other constructed features on the land	Buildings, lifting structures and other infrastructure associated with the operation of a ski resort
Relevant NSW Acts and Regulations	Identify relevant NSW Acts and Regulations that may be applicable to this application and/or the proposal	EPA Act EPA Reg BC Act and BC Reg RF Act and RF Reg WM Act

Consideration	Detail	Response
		POEO Act 1997 This application and the proposal are generally consistent with the relevant provisions of the abovenamed Acts and Regulations (refer to s 5.1 of this SEE)
Relevant Environmental Planning Instruments ('EPI's)	Identify relevant EPI's that may be applicable to this application and/or the proposal	SEPP (Precincts – Regional) 2021 SEPP (Resilience and Hazards) 2021 This application and the proposal are generally consistent and/or compliant with the relevant provision of the abovenamed EPIs (refer to s 5.2 of this SEE)
Relevant Development Control Plan ('DCP')	Identify the relevant DCP that may be applicable to this application and/or proposal	There are no relevant Development Control Plans relating to the Subject Site or the proposal.
Other relevant planning strategies or documents applicable	Identify and strategic or local policies that may be applicable to this application and/or proposal	South East and Tablelands Regional Plan 2036 ('SETRP') Draft South East and Tablelands Regional Plan 2041 ('draft SETRP') This application and the proposal are generally consistent and/or compliant with the relevant provisions of the abovenamed policies and/or documents (refer to s 1.7(b) of this SEE)
Aboriginal heritage	Whether there is a likelihood that the proposed development would disturb Aboriginal artefacts or places	A basic AHIMS search was conducted on 6 January 2023 and indicates no Aboriginal sites or places on the Subject Site. The Subject Site is suitable for this proposal (refer to s 5.8(d)(ii) of this SEE).
Adjoining land	Whether the proposed development is likely to adversely impact on adjoining land	Provided the processes set out in the Recycled Water Management Plan (**'RWMP'**) are implemented, the proposal is unlikely to adversely impact on adjoining properties. The Subject Site is suitable for this proposal (refer to RWMP and s 5.8(g) of this SEE).
Bushfire	Whether the proposal is compliant with the relevant provisions of 'Planning for Bushfire Protection' 2019	The Subject Site is mapped as bushfire prone land. However, as this proposal relates to recycled water disposal methods, a BHAR is unnecessary. The Subject Site is suitable for this proposal (refer s 5.8(a) of this SEE).
Civil works	Conceptual detail of the civil works proposed	All works required to enable the proposed disposal of recycled water have been applied for under

Consideration	Detail	Response
		separate Development Applications (refer to s 5.8(c) of this SEE)..
Contamination	Assess potential for contamination and whether the subject land is suitable for the proposed development	The likelihood of existing contamination, or future contamination as a result of the proposed disposal methods, is considered to be low. The Subject Site is suitable for this proposal (refer to s 4.1(i) and 5.8(b) of this SEE).
Ecology	Assess impacts on flora and fauna	This proposal does not trigger entry to the Biodiversity Assessment Method (**'BAM'**) or the Biodiversity Offset Scheme (**'BOS'**). The proposal is unlikely to have a significant impact on threatened species, ecological communities, or their habitats (refer to Flora and Fauna Assessment by Dave Woods, as well as s 4.1(ii) and 5.1(d) of this SEE).
Effluent (wastewater) management	Assess appropriate means of onsite wastewater disposal and adequacy of the site to accommodate wastewater irrigation	This proposal seeks consent to the 'use' of existing infrastructure for the disposal of recycled water generated from an approved STP (approved under DA 22/5248), by beneficial re-use in toilet flushing and ground application by way of snowmaking.
European heritage	Whether the proposed development would impact on the heritage values of any nearby items of local, state or national heritage	The Subject Site contains no items of local, state or national heritage significance and is therefore suitable for this proposal (refer to s 5.8(d)(ii) of this SEE).
Noise and vibration	Whether any special measures are required for future dwellings on proposed lots in close proximity to the adjacent rail line	The Subject Site is suitable for this proposal (refer to s 5.8(e) of this SEE.
Services	Whether essential services are available and adequate, or may be made available and adequate, to satisfactorily service the proposed development	All essential services required to facilitate the proposed 'uses' are in place. No adverse impacts on existing services are envisaged as a result of this proposal (refer to s 4.2(ii) of this SEE).
Soils	Whether there are any geotechnical constraints affecting the development as proposed;	No adverse impacts on soil quality are envisaged as a result of this proposal. The monitoring commitments set out in the RWMS and s 3.3(b) of this SEE include soil testing (refer to s 4.1(iii) of this SEE).

Consideration	Detail	Response
	Whether the soils are considered to be saline	
Stormwater	Whether stormwater generated from the proposed development, and received from the upper sub-catchment can be appropriately managed	The Subject Site is suitable for this proposal (refer to s 5.8(f) of this SEE).
Traffic	Whether the proposal would result in unacceptable traffic impacts	The Subject Site is suitable for this proposal (refer to s 5.8(h) of this SEE).
Visual and landscape character	Whether visual impact of the proposed development is acceptable and whether the design of the proposed development achieves compatibility with the existing landscape character	The Subject Site is suitable for this proposal (refer to s 5.8(i) of this SEE).

TABLE 1 – Executive summary

This proposal is considered to be efficient and proper management of the land resource, not detrimental to the natural or built environment, private or public interests or the community's expectation for the Subject Site.

1.

INTRODUCTION

1.1 General

This Statement of Environmental Effects (**'SEE'**) has been prepared to accompany a development application, which seeks approval to the 'use' of existing infrastructure for the responsible management of recycled water generated from the Selwyn STP (approved under DA 22/5248) by beneficial re-use in toilet flushing and ground application by way of snowmaking (**'proposal'**), at 213A Kings Cross Road Kiandra, Kosciuszko National Park (**'Subject Site'**).

The STP was approved under DA 22/5248 in 2022. The consent issued for the STP (DA 22/5248) provided for the removal of either treated or untreated effluent via tanker trucks, which was a temporary solution only, intended to be in place for the 2022 snow season. This Application details and seeks consent to the permanent effluent disposal/re-use solution for the approved STP. The development proposed by this Application is an essential element of the overall Selwyn Snow Resort (**'SSR'**) rebuild, following the irreparable damage caused as a result of the 2019/20 Black Summer bushfires. The overall SSR rebuild will result in positive environmental, economic and social impacts and is consistent with the objective of providing a safe recreation environment for visitors to the Kosciuszko National Park (**'KNP'**).

(a) Type of application

This Application is lodged in accordance with Part 4 *Environmental Planning & Assessment Act* (**'EPA Act'**) and *State Environmental Planning Policy (Precincts – Regional) 2021* (**'SEPP (Precincts – Regional) 2021'**). The consent authority for the Application is the NSW Minister for Planning.

(b) Local/integrated/nominated integrated development

Integrated development is development (not being State significant development or complying development) that, in order for it to be carried out, requires certain approvals (under statutory provisions other than EPA Act) in addition to development consent under the EPA Act. Section 4.46(1) EPA Act provides triggers for integrated development and these are considered in Table 2, with reference to this proposal.

Act	Provision	Approval	Remarks	Requirement
Coal Mine Subsidence Compensation Act 2017	s 22	approval to alter or erect improvements, or to subdivide land, within a mine subsidence district	Subject Site is not located within a mine subsidence district	No
Fisheries Management Act 1994	s 144	aquaculture permit	N/A	No
	s 201	permit to carry out dredging or reclamation work	N/A	No
	s 205	Permit to cut, remove, damage or destroy marine vegetation on public water land or an aquaculture lease, or on the foreshore of any such land or lease	N/A	No
	s 219	Permit to – (a) set a net, netting or other material, or (b) construct or alter a dam, floodgate, causeway or weir, or (c) otherwise create an obstruction, across or within a bay, inlet, river or creek, or across or around a flat	N/A	No
Heritage Act 1977	s 58	approval in respect of the doing or carrying out of an act, matter or thing referred to in s 5791)	N/A	No
Mining Act 1992	ss 63, 64	grant of a mining lease	N/A	No
National Parks and Wildlife Act 1974	s 90	grant of Aboriginal heritage impact permit	N/A	No
Petroleum (Onshore) Act 1991	s 16	grant of production lease	N/A	No

Act	Provision	Approval	Remarks	Requirement
Protection of the Environment Operations Act 1997	ss 43(a), 47 and 55	Environment protection licence to authorise carrying out of scheduled development work at any premises	N/A	No
	ss 43(b), 48 and 55	Environment protection licence to authorise carrying out of scheduled activities at any premises (excluding any activity described as a "waste activity" but including any activity described as a "waste facility").	N/A	No
	ss 43(d), 55 and 122	Environment protection licences to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity	The melt of snow from snowmaking will discharge to watercourses traversing the Subject Site	Yes
Roads Act 1993	s 138	consent to – (a) erect a structure or carry out a work in, on or over a public road, or (b) dig up or disturb the surface of a public road, or (c) remove or interfere with a structure, work or tree on a public road, or (d) pump water into a public road from any land adjoining the road, or (e) connect a road (whether public or private) to a classified road	N/A	No
Rural Fires Act 1997	s 100B	authorisation under section 100B in respect of bush fire safety of subdivision of land that could lawfully be used	N/A (whilst the Subject Site is mapped as bush fire prone, the proposal is neither	No

Act	Provision	Approval	Remarks	Requirement
		for residential or rural residential purposes or development of land for special fire protection purposes	(i) a subdivision that could lawfully be used for residential or rural residential purposes, or (ii) development of land for special fire protection purposes)	
Water Management Act 2000	ss 89, 90, 91	water use approval, water management work approval or activity approval under Part 3, Chapter 3	N/A (whilst the Subject Site has mapped watercourses in the distribution area of snow making, this does not constitute an 'activity' for the purposes of the WM Act (refer also to s 5.1(e) of this SEE))	No

TABLE 2 – s 4.46(1) EPA Act considerations

In pre-lodgement consultations, Environment Protection Authority (**'EPA'**) officers advised that an Environmental protection licence for miscellaneous discharge to waters would be required for this proposal, pursuant to s 43(d) of the *Protection of the Environment Operations Act 1997*. Therefore, the Application is lodged as ***nominated integrated development***[1] pursuant to s 4.46(1) EPA Act, requiring the consent authority to refer to Application to the EPA.

It is noted that the approved STP has a designed capacity to treat a maximum of 50kL per day. The STP has been designed to treat wastewater for an estimated population (**'EP'**) of 2,100 persons per day during the peak snow season between 1 June and 30 September. This is based on the following generation rates:

- Main resort complex (up to 2,000 persons/day)
- Workshop (up to 50 persons/day)
- Staff accommodation (up to 50 persons/day)

[1] Part 1, Div 2, cl 7(2)(c), EPA Act specifies that the Application is *nominated integrated development*.

Therefore, the STP does not meet the threshold for a ***'scheduled activity'*** as set out in Sch 1, cl 36(2) POEO Act 1997. Furthermore, the ground application of the recycled water by snowmaking is not ***'scheduled development work'***, as defined by the POEO Act 1997.

The ground application of the recycled water by snowmaking is considered to be a ***'non-scheduled activity'***, which is defined by the POEO Act as *'an activity that this not a scheduled activity and is not scheduled development work'*.

Clause 43(d) of the POEO Act 1997 permits an environment protection licence to be issued *'to control the carrying out of non-scheduled activities for the purpose of regulating water pollution resulting from any such activity, as referred to in s 122'*. It is noted that the POEO Act 1997 permits, but does not require, a licence to be issued for a ***'non-scheduled activity'***. Nevertheless, the proponent submits this Application as *nominated integrated development*, for the purposes of s 4.46(1) EPA Act, as it is SSR's intention to apply for an environment protection licence under s 43(d) POEO Act 1997, following the granting of development consent.

We are not aware of any other concurrences required by any other Act or EPI for this proposal.

Cl 4.27(1) of SEPP (Precincts – Regional) 2021 prevents a consent authority from granting consent to development in the Alpine Region unless it has consulted with NPWS and considered any submissions received from them.

1.2 Site identification and context

This Application involves a single existing lot (see Figure 1), which is described as follows:

Street Address	Lot / DP	Area (ha)	Improvements
213A Kings Cross Road Kiandra, Kosciuszko National Park	Lot 36 DP 46316	204ha (approx.)	Buildings, lifting structures and other infrastructure associated with the operation of a ski resort

TABLE 3 – Subject Site particulars

FIGURE 1 – Subject Site (213A Kings Cross Road Kiandra) (SOURCE: Sixmaps)

The Subject Site is located on the spine of the Great Dividing Range, about 200 kilometres south of Canberra, in the mid to northern section of Kosciuszko National Park (**'KNP'**) and about 18 kilometres northeast of Cabramurra. The Subject Site is accessed by vehicle from the Link Road (off Snowy Mountains Highway) and Kings Cross Road.

The Selwyn Snow Resort (**'SSR'**) is the most northerly of Australia's ski resorts, with a base elevation of 1,492 metres and a top elevation of 1,614 metres AHD. SSR is managed under a lease to the Applicant from National Parks and Wildlife Service (**'NPWS'**), which covers an area of about 203ha.

The primary focus of SSR has been to provide day visitors with opportunities for skiing and snow activities, catering predominantly for beginners, novices and intermediate skiers. The SSR provided important economic activity and recreational resources for the nearly communities of Adaminaby, Cooma, Tumut, Talbingo and Tumbarumba.

1.3 Background to this Application and consideration of options

SSR is one of four ski resorts located within the Kosciuszko National Park. The Subject Site, including its facilities and infrastructure, experienced extensive damage as a result of the 2019/20 Black Summer bushfires.

FIGURE 2 – SSR rebuild – artist's impression (SOURCE: selwynsnow.com.au)

As part of the SSR rebuild, a number of development applications have been submitted and/or approved:

- Construction of Staff Accommodation, Road Access, Parking and Sewerage Management System (DA 10639)
- Construction of Visitor Facilities, Enlargement of Quarry, works to Boomerang Lift Towers & Associated Works (DA10644)
- Construction of Resort Operations Centre (DA 10647)
- Construction of STP and Associated Infrastructure (DA 22/5248)
- Construction of Snowmaking Infrastructure and Associated Works (DA 22/6507)
- Installation of Water Pipe between Selwyn STP & Water Storage Quarry (DA 22/14835)

The approved STP (DA 22/5248) has been designed for use as Class A recycled waters for snow production, in line with the Australian Guidelines for Water Recycling[2] (**'AGWR'**). However, the consent for the STP approved the removal from the Subject Site of either untreated or treated effluent via tanker trucks and disposal at an appropriately licensed and

[2] National Health and Medical Research Council

authorised facility. This method of disposal was considered a temporary measure only, for the 2022 snow season only, as it is neither environmentally nor economically sustainable in the long-term. The Applicant agreed to undertake a detailed assessment effluent management options and submit a Development Application for the preferred option to be implemented for the 2023 snow season.

An Options Paper was prepared by Advisian, which considered seven (7) options for effluent management. Two (2) of the options were considered in more detail by SSR:

- Option 1 – Direct discharge into Clear Creek; and
- Option 2 – Beneficial re-use of recycled water for reticulation in snowmaking (maximum approximately 25kL/day) and in resort toilet flushing (maximum approximately 20kL/day).

Option 1

Of critical importance in determining which of the options to select was to understand whether dilution would be sufficient, in option 1, to meet the water quality objective of 'no changes to ambient water quality' at the point of direct discharge into Clear Creek. A dilution study was commissioned and undertaken by Advisian. The dilution study notes as follows:

> *'For the 'Direct discharge into Clear Creek' option, there are days when the dilution afforded by natural flows would not be sufficient to meet the high value water quality guidelines that are required to protect waterways of Mount Kosciuszko National Park. This is because the water is locked up in snow and not flowing. This option was discounted on this basis and communication with NSW EPA'.*

Option 2

Option 2 - Beneficial re-use of recycled water for reticulation in snowmaking (maximum approximately 25kL/day) and in resort toilet flushing (maximum approximately 20kL/day) – has been selected as the preferred option. The dilution study notes:

> *'... this is significantly more favourable in terms of the potential environmental impacts and principles of Ecologically Sustainable Development (ESD). In comparison to the option to direct discharge into Clear Creek, the option to recycle water significantly reduces likelihood for environmental impacts as:*
>
> - *Approximately half of recycled water is reused in the resort toilet facilities, further reducing the volumes discharged to the environment.*
> - *The recycled water is significantly diluted in a controlled manner within the Quarry Dam, then further on snow fields when combined with natural snow fall. Discharge into Cleat Creek is during snow melt events and peak flow rates. Continuous flow monitoring (temperature and flow data) suggests the snow melt events are likely gradual, over days.*
> - *Discharge into Clear Creek is diffuse, rather than point source.*
> - *Further reductions on pollutants will be achieved during detention in the Quarry Dam, snowmaking process and travel over land prior to eventual discharge into Clear Creek via the snow melt regime.*

*The estimated water quality within the snowmaking dam and the receiving Clear Creek shows that the recycled water option should not result in **changes to ambient water quality** beyond natural variability. This includes layers of conservatism and maximum inputs into a range of scenarios, including consideration of periods where snow making cannot occur for consecutive days.'*

The proposal for which this Application seeks consent – **option 2** – is consistent with SSRs commitment to sustainability, as well as being an economically viable solution, for the disposal of the recycled water generated through the STP.

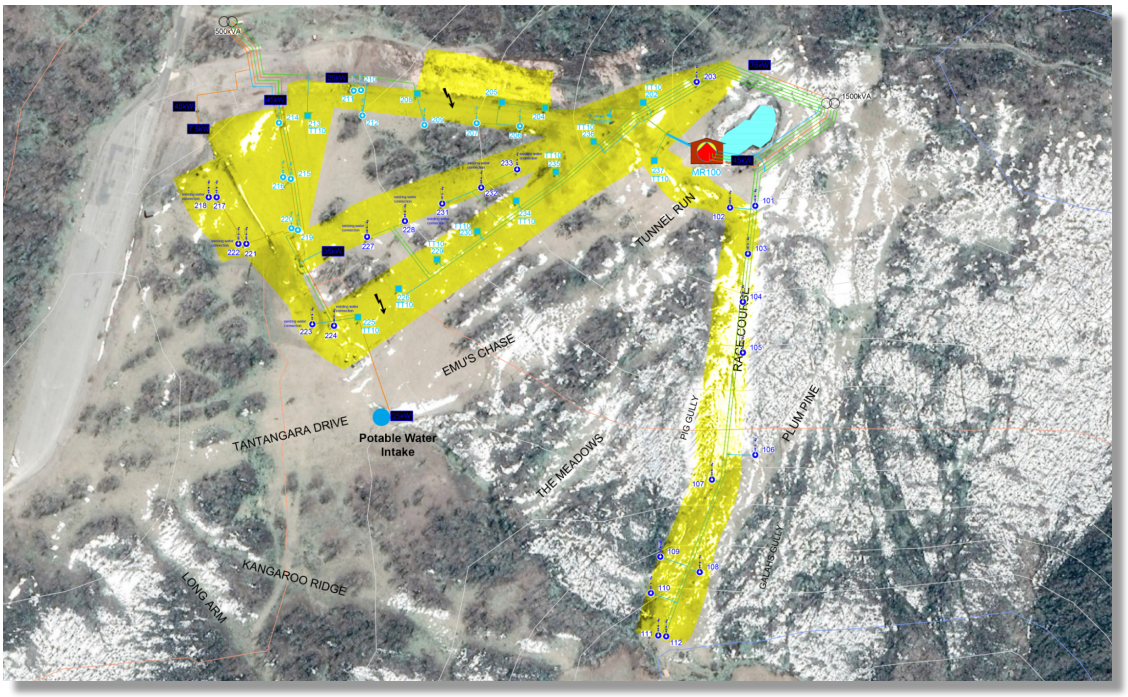

FIGURE 3 – Snowmaking distribution area (SOURCE: SSR Snowmaking System Masterplan – TechnoAlpin Australia Pty Ltd, Drawing 00-V0-B, Ver B, 20.12.21)

1.4 Pre-lodgement liaison with agencies

(a) Meetings and workshops

A number of options have been investigated for the permanent effluent disposal/re-use solution for the approved STP. The option elimination process has been assisted by the advice provided in liaison with a number of government agencies, specifically:

- NSW Department of Planning and Environment
- NSW Environmental Protection Authority
- NSW Ministry of Health
- NSW National Parks and Wildlife Service
- Department of Regional NSW

The proposal detailed in this Application has been devised by considering advice from the above-named agencies.

Two key workshops have been held in recent months, the first in December 2022 to review the Effluent Options Paper and to discuss SSR's intended approach (beneficial re-use of recycled water through toilets and snowmaking). A four-hour online workshop was arranged by SSR and hosted on Thursday 2 February 2023, with representatives from the above-named agencies invited to attend. The purpose of the workshop was to conduct a review of the Human health and Environmental Risk Assessment developed as part of SSR's Recycled Water Management Plan (**'RWMP'**). The supporting documentation submitted with this Application has been updated following this workshop, to address the main matters raised.

(b) Feedback and responses

Agency feedback has been received from EPA, Ministry of Health, DPE and NPWS.

In relation to DPE, a summary of feedback and responses is at Annexure A to this SEE.

In relation to feedback from NPWS, it is noted that the Dilution Study report by Advisian provides responses at Section 2, Table 2-1.

In relation to EPA and Ministry of Health, the feedback has been incorporated into the Dilution Study.

1.5 Supporting documentation

The application is supported by the following documents:

Document	Author	Reference
Plan (site)		
Plan (snowmaking distribution area)	TechnoAlpin Pty Ltd on behalf of SSR	SSR Snowmaking System Masterplan Drawing 00-V0-B, Ver B, 20 December 2021
Flora and Fauna Assessment	Dave Woods	Unreferenced, dated February 2023
Environmental Risk Assessment ('ERA')	Advisian	Rev A
Human Health & Environmental Risk Assessment ('HHERA')	Daniel Deere (Water Futures) on behalf of SSR	Appendix 14.1 RWMP
Recycled Water Management Plan ('RWMP')	Daniel Deere (Water Futures) on behalf of SSR	Unreferenced, Version 3, dated 10 February 2023
Statement of Environmental Effects ('SEE')	Precise Planning	100154_Rev_00 dated February 2023

Document	Author	Reference
STP Dilution Study ('Dilution Study')	Advisian	Project 311012-01613 – REP001, Rev D dated 10 February 2023

TABLE 4 - List of supporting documentation

1.6 Zone, categorisation and permissibility

The Subject Site is zoned C1 National Parks and Nature Reserves under both the *Snowy River Local Environmental Plan 2013* (**'SRLEP 2013'**) and the *Tumut Local Environmental Plan 2012* (**'TLEP 2012'**). Notwithstanding, development at the Subject Site is controlled by the relevant provisions of the Precincts – Regional SEPP 2021 and SRLEP 2013 and TLEP 2012 do not apply to the Subject Site[3].

This Application relates to a proposed 'use'. There are no works proposed, as the infrastructure required to facilitate the disposal of the recycled water by toilet flushing and ground application by way of snowmaking has already been applied for under separate Development Applications. The Land Use Table for the Mount Selwyn Alpine Resort does not list a specific 'permitted with consent' land use for disposal of recycled water. In this circumstance, the propose 'use' for which this Application seeks consent is ***ancillary***[4] to the approved STP (DA 22/5248) and consequently is not required to be a nominated 'permitted with consent' use in the Land Use Table.

1.7 Planning considerations

(a) Statutory planning considerations summary

Consideration	Response
NSW *Environmental Planning & Assessment Act 1979* ('EPA Act')	This Application and the proposed use are generally consistent with the relevant requirements of the EPA Act. Refer to section 5.1(a) of this SEE
NSW *Environmental Planning & Assessment Regulation 2021* ('EPA Reg')	This Application and the proposed use are generally consistent with the relevant requirements of the EPA Reg. Refer to section 5.1(b) of this SEE
NSW *Rural Fires Act 1997* ('RF Act') and *Rural Fires Regulation 2022* ('RF Reg')	This Application and the proposed use are generally consistent with the relevant requirements of the RF Act and RF Reg. Refer to section 5.1(c) of this SEE

[3] See Chapter 4, Part 4.1, cl 4.6(2)(a) and (f) SEPP (Precincts – Regional) 2021.
[4] An ancillary use is one which serves a predominant (permitted) use. An ancillary use is one which is not 'stand-alone', insofar as its only reason to exist is to serve the predominant use. In this circumstance, the need for disposal methods of the recycled water only arises because of the approved STP.

Consideration	Response
NSW *Biodiversity Conservation Act 2016* ('BC Act') and *Biodiversity Conservation Regulation 2017* ('BC Reg)	This Application and the proposed use are generally consistent with the relevant requirements of the BC Act and BC Reg. Refer to section 5.1(d) of this SEE
NSW *Water Management Act 2000* ('WM Act')	This Application does not trigger any thresholds or requirements under s 89, 90, 91 WM Act and is therefore does not require concurrence from DPE – Water. Refer to section 5.1(e) of this SEE
SEPP (Precincts - Regional) 2021 – Chapter 4	This Application and the proposed use are generally consistent with the relevant requirements of the SEPP (Precincts – Regional) 2021 – Chapter 4. Refer to s 5.2(a) of this SEE
SEPP (Resilience and Hazards) 2021 – Chapter 4	This Application and the proposed use are generally consistent with the relevant requirements of the SEPP (Resilience and Hazards) 2021 – Chapter 4. Refer to s 5.2(b) of this SEE
Cwlth *Environment Protection and Biodiversity Conservation Act 1999* ('EPBC Act')	The EPBC Act is not a matter for consideration under s.4.15(1) of the EPA Act and is not a statutory planning consideration under the NSW planning system. Nevertheless, the proposed use does not raise any Matters of National Environmental Significance (**'MNES'**). Refer to section 5.1(g) of this SEE.

TABLE 5 – Statutory planning considerations

(b) Relevant strategic planning considerations summary

Consideration	Response
South East and Tablelands Regional Plan 2036 ('SETRP')	The SETRP describes the vision, goals and actions that will deliver greater prosperity for those who live, work and visit the region. The Plan provides an overarching framework to guide more detailed land use plans, development proposals and infrastructure funding decisions. In relation to the alpine resorts, the Plan seeks to promote more diverse tourism opportunities in the Snowy Mountains that will strengthen long-term resilience while acknowledging the environmental and cultural significance of the locality. This Application is an essential component of the SSR rebuild and is therefore considered to be consistent with the Plan. The rebuild will re-establish the use of SSR as an important winter tourism and recreation facility, which in turn supports and promotes positive social and economic welfare in the region.
Draft South East and Tablelands Regional Plan 2041 ('draft SETRP')	The draft SETRP is currently on re-exhibition until 31 January 2023.

Consideration	Response
	The draft Plan delivers strategies to manage and shape the region's growing cities and centres. These strategies aim to diversify the economy, create thriving communities and plan for a sustainable future. The draft Plan contains the latest housing forecasts and has a strong focus on Aboriginal self-determination, sustainability and resilience planning against natural disasters to help build stronger communities. It will help the South East and Tablelands become more prosperous and plan for housing, jobs, infrastructure, a healthy environment and connected communities for the growing region. This Application is an essential component of the SSR rebuild and is therefore considered to be consistent with the draft Plan. The rebuild will re-establish the use of SSR as an important winter tourism and recreation facility, which in turn supports and promotes positive social and economic welfare in the region.

TABLE 6
Relevant strategic planning considerations

(c) Development planning considerations summary

Consideration	Response
Compliance with aims and objectives of Chapter 4 SEPP (Precincts – Regional) 2021	Yes, refer to s 5.2(a) of this SEE
Bushfire prone land map	Yes, the Subject Site is mapped as bushfire prone land, refer to s 4.1(a) of this SEE
Biodiversity values map	Yes, the Subject Site is partially mapped as 'biodiversity values' on the Biodiversity Values Map and Threshold Tool
Contamination	The Subject Site (where the uses are proposed) is unlikely to be contaminated, refer to s.4.1(b) of this SEE
Mine subsidence district	No
Land application map	Yes, sheet LAP_001 SEPP (Precincts – Regional) 2021 Mount Selwyn Alpine Resort Map

TABLE 7 - Planning considerations

1.8 Site-specific constraints

The proposed uses have been devised and designed with the following site-specific constraints/objectives in mind:

- Minimise environmental impact;
- Promote sustainability measures through re-use;

Site–specific constraints are addressed further in s 5.8 of this SEE.

Based on consideration of these constraints and the conclusions of the various specialist investigations, it is considered that the proposed uses have been satisfactorily devised and designed to avoid impacts where possible, otherwise to minimise or mitigate impacts as required.

2.

SITE ANALYSIS (existing)

Characteristic	Analysis
Property description	Lot 36 DP 46316 – 213A Kings Cross Road Kiandra
Location, dimensions, shape, area, orientation	The Subject Site is located on the spine of the Great Dividing Range, about 200 kilometres south of Canberra, in the mid to northern section of Kosciuszko National Park (**'KNP'**) and about 18 kilometres northeast of Cabramurra. The Subject Site is accessed by vehicle from the Link Road (off Snowy Mountains Highway) and Kings Cross Road. Land is irregularly-shaped and comprises about 204ha.
Access	Link Road (off Snowy Mountains Highway) and Kings Cross Road, which bitumen-sealed rural roads in reasonable condition.
Contours and levels	Refer to figure 4
Existing vegetation	Refer to figure 5
Existing improvements	Buildings, lifting structures and other infrastructure associated with the operation of a ski resort
Significant views	The Subject Site enjoys significant views of the Snowy Mountain ranges from certain vantage points
Stormwater	Several watercourses traverse the site. Surface flows are generally to the southeast.
Electricity	Existing supply from Essential Energy infrastructure
Water	No reticulated supply. Water harvested on site.
Sewer	No reticulated sewerage. Onsite effluent disposal
Gas	LPG
Microclimate	The location and topography does not create a microclimate
Fences, easements	No fencing; no easements
Natural features	Undulating terrain, watercourses
Surrounding development	Kosciuszko National Park
Street frontage features	There are no noteworthy street frontage features
Significant noise sources	No significant noise sources affecting the Subject Site
Bushfire risk	Land is mapped as bushfire prone

Characteristic	Analysis
Contamination	Not that we are aware
Salinity	N/A
Acid sulphate soil	N/A
Flooding	Not considered flood-prone

TABLE 8 – Site analysis

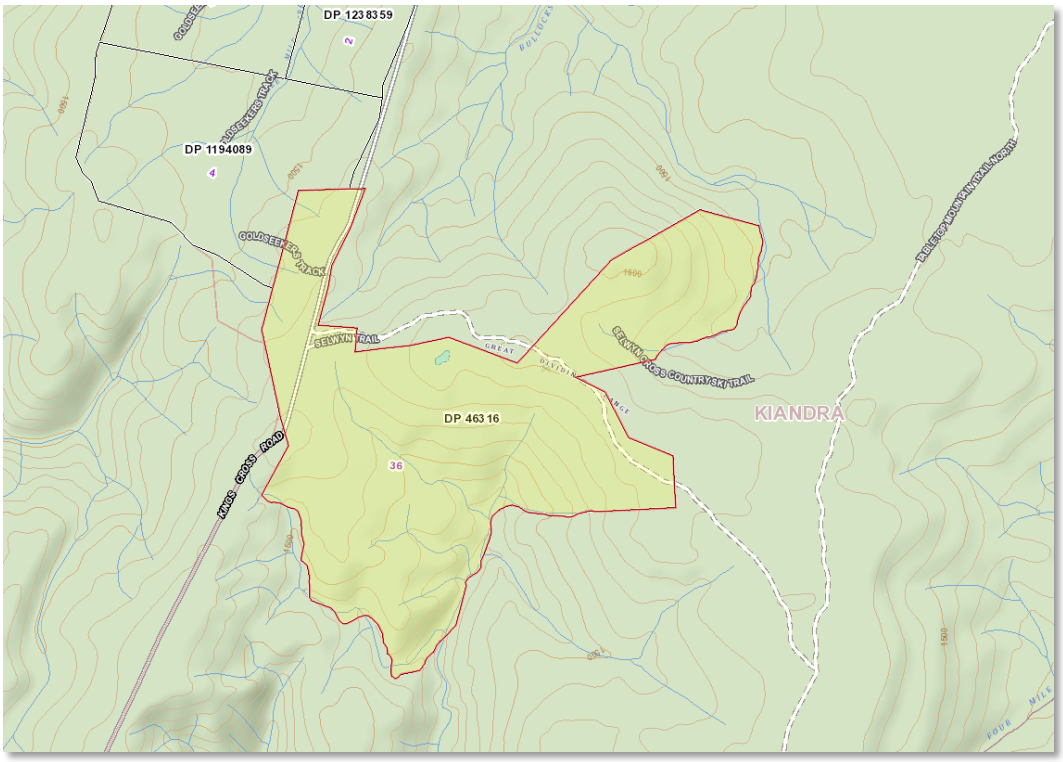

FIGURE 4 – Subject site showing access roads, lot/DP, watercourses, tracks and contours (Source: Sixmaps topographic series)

FIGURE 5 – Subject site (part) showing vegetation (Source: Nearmaps)

3.

PROPOSED DEVELOPMENT

This Application seeks approval to the 'use' of existing infrastructure for the disposal of recycled water generated from the approved Selwyn STP (approved under DA 22/5248) (**'proposal'**), by re-use in toilet flushing and ground application by way of snowmaking. The proposal relates to 'uses' only. No works are required to facilitate the proposed uses, as the works were undertaken in conjunction with separate approvals.

The proposal is an essential element of the overall Selwyn Snow Resort rebuild, following the irreparable damage caused as a result of the 2019/20 Black Summer bushfires. The overall SSR rebuild will result in positive environmental, economic and social impacts and is consistent with the objectives of providing a safe recreation environment for visitors to the KNP.

3.1 Disposal of recycled water by re-use in toilet flushing

Effluent collected by the approved STP undergoes treatment, with effluent from the commercial kitchen passing through a grease trap to intercept and remove greases and solids. The effluent is then conveyed to two x 50kL balance tanks so that variations in flow and composition can be attenuated. From the balance tanks, effluent moves to MLE biological treatment, then filtration (MBR), UV disinfection and free chlorine disinfection. The treated water then passes into a 50kL recycled water tank, which is used for toilet flushing. The cycle then recommences.

It is proposed to utilise recycled water for all toilet flushing in the visitor centre, estimated at 20kL/day during periods of peak visitation. The toilets within the visitor centre can also be directly supplied with potable water as an alternative to recycled water if required.

3.2 Disposal of recycled water by re-use in snowmaking

The use of recycled water for ground application by way of snowmaking draws from the same 50kL tank as for the toilet flushing. From the 50kL recycled water tank, the recycled water is pumped through a pipeline to the existing 'Quarry Dam' (estimated 2.5mL capacity) for storage, until required for snowmaking. The recycled water is diluted within the Quarry Dam when mixed with the water supply from Clear Creek. The diluted water is then pumped from the Quarry Dam to the snowmaking guns, which spray the man-made snow across the

distribution area (see Figure 3)**.** In spring, when the snow melts, the water disperses into the natural environment.

The volume of recycled water to be used for ground application by way of snow making is proposed to be capped at a maximum 25kL/day.

The process is depicted in the following process flow diagram:

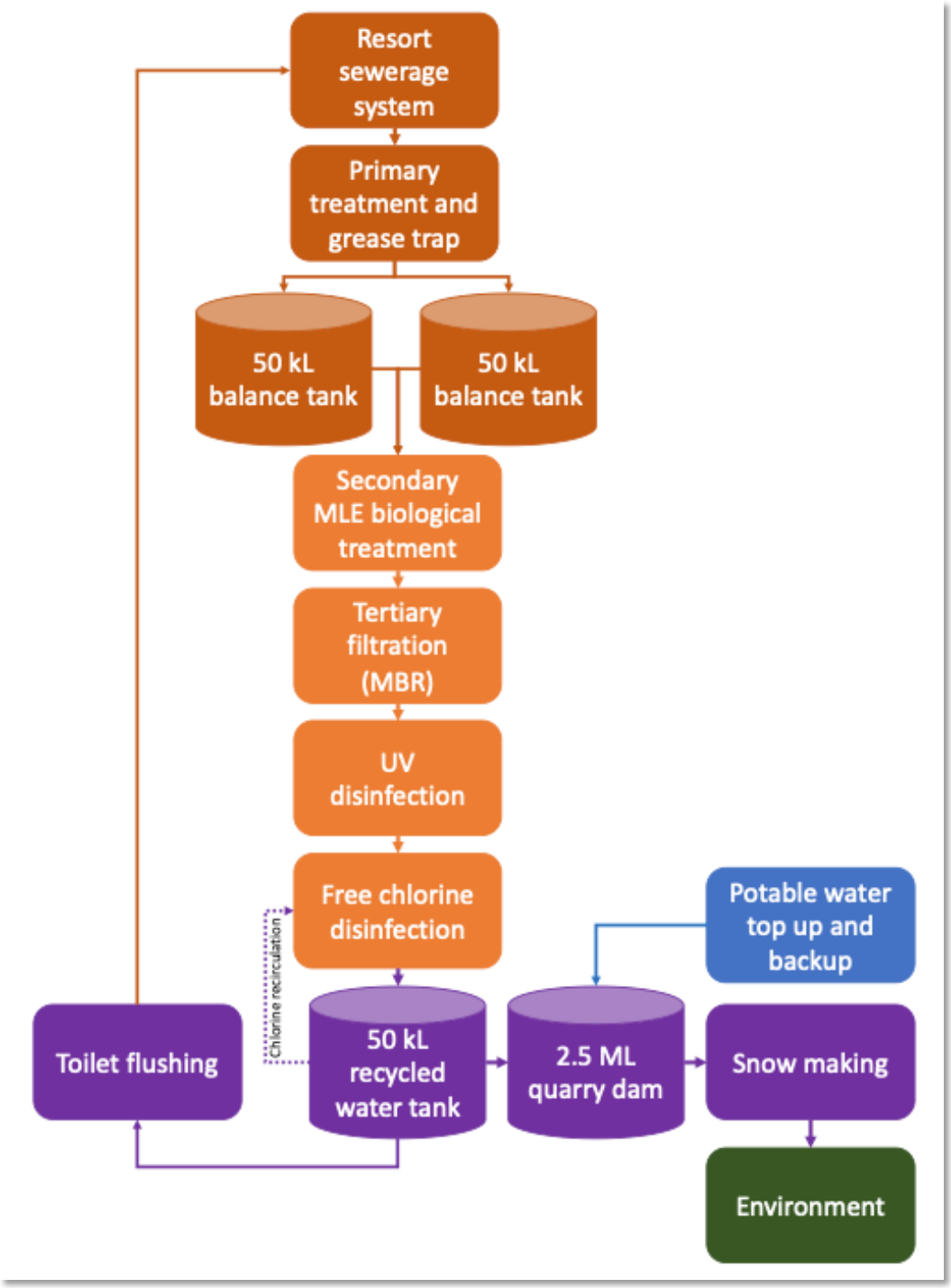

FIGURE 6 – High level summary process flow diagram (Source: Recycled Water Management Plan – s 2.1.2)

3.3 Proposed operational details and monitoring program

(a) Snow making hours

Snowmaking hours are generally only limited by temperatures. A wet bulb of -1C is required to produce snow. Until an accurate bank of data is available through the proposed monitoring of water quality, snow making activities for the 2023 snow season would occur only outside of the daylight operational hours where the resort is open to the public (9am-4pm). As SSR is a day resort only, night skiing is not currently offered to the public. Following a review of the water quality data at the end of the 2023 snow season, consideration would be given to snowmaking during operational hours from 2024 onwards.

(b) Commitments related to risk management and monitoring

SSR understands the importance of ensuring public safety and proper environmental management of the ground application (snowmaking) option. A comprehensive environmental risk analysis has been undertaken in accordance with the guidelines set out in the Australian Guidelines for Water Recycling[5] (**'AGWR'**), which formed the basis for the RWMP.

In order to satisfactorily manage public safety and potential environmental impacts, this proposal includes commitments by the proponent in relation to risk management, preventative measures, corrective actions and the responsible party (refer to Tables 3-1 and 4-1 of the RWMP).

(i) Monitoring program

This proposal includes commitments to ongoing monitoring of recycled water quality. Section 5.1 of the RWMP provides the following detail:

> *The recycled water quality verification monitoring program is used as a final and independent check to demonstrate that recycled water is fit for purpose, and to provide evidence for compliance assessment. An independent National Association of Testing Authorities (NATA) accredited laboratory will conduct the laboratory tests and provide results, certified by a NATA signatory, for the testing of the final recycled water quality in the Recycled Water Tank and Quarry Dam. The results will be compared to the water quality criteria for the scheme*
>
> *The laboratory will provide an SMS and email alert to the Blyton Group SSR representative within an agreed timeframe if an exceedance is reported (within one hour for exceedances related to microbial risk and process control (E. coli, free and total chlorine, pH and turbidity) and within 24 hour for other exceedances).*
>
> *Following preliminary investigation by SSR, if warranted, the follow up to an exceedance may trigger an incident and emergency response, as summarised in section. The incident and emergency response may in turn lead to cessation of recycled water supply until any underlying*

[5] National Health and Medical Research Council

causes of the exceedance have been identified and resolved, and follow-up testing has returned compliant results.

All results of verification monitoring will be reported in an annual water scheme performance report, tabulated as number of samples, mean, 95%ile and maximum.

Table 5-1 of the RWMP provides sample locations (recycled water tank and Quarry Dam), frequency of testing, test location and parameters.

As a new scheme, monitoring of environmental water quality is proposed during the recycled water operation to assess potential changes in water quality in receiving Clear Creek. The receiving environment monitoring locations and frequency, and other details, are outlined in Tables 9-2 and 9-3 of the RWMP.

The Dilution Study notes that an annual soil testing program and assessment has been included to assess the potential long-term effect of the recycled water on soils within the distribution area. This includes cumulative thresholds for salinity in soils for protection of Australian native species. The focus of the program is on the quality of the recycled water compared to available established environmental thresholds for relevant parameters to soils, waters, grasses and/or plants. Assessments of cumulative impacts on salinity, nitrates and phosphorus rely on testing soil extracts during operation and comparing to baseline thresholds.

(ii) Documentation and reporting

Section 10 of the RWMP sets out documentation and reporting commitments.

In summary:

(i) The RWMP and associated documents are periodically reviewed by SSR:

- after major changes in infrastructure;
- in the light of major changes in guidelines or regulations;
- following incidents and emergencies; and
- at periodic intervals not exceeding five years.

(ii) An annual report on the operation of the scheme is provided to EPA and the NSW Health LHD, that includes the following:

- Volume of recycled water produced.
- Concise summary of preventive measure performance as indicated by operational monitoring.
- Detailed summary of CCP performance as indicated by operational monitoring, including detailed any exceedances and associated responses.
- Water quality monitoring results from verification monitoring, including detailed any exceedances and associated responses.

Section 11 of the RWMP sets out evaluation and audit commitments.

In summary:

(i) The annual report on the operation of the scheme is reviewed by SSR as part of the process of producing that report. Previous annual reports are compared to each annual report to help evaluate scheme performance.

(ii) The scheme is subject to internal first-party audit by SSR at least every five years. The audit assesses the scheme against the RWMP and any agreements with regulators and associated regulatory and formal requirements. SSR may engage a third-party auditor from time-to-time or if requested by the regulator.

(iii) EPA licensing

In addition to the above commitments, it is noted that, following the granting of development consent, the proponent intends to submit an application for an environment protection licence for a non-scheduled activity, under s 43(d) POEO Act 1997. Any conditions imposed on the environment protection licence will also form part of the obligations on SSR in relation to the disposal of the recycled water.

4.

POTENTIAL RISKS, IMPACTS AND MITIGATION

Section 4.15(1)(b) EPA Act directs a consent authority to take into consideration the likely environmental impacts of the development on both the natural and built environment and social and economic impacts in the locality.

For the purposes of s 4.15(1)(b), as well as cl 24(1)(b)(i) EPA Reg, potential impacts have been grouped as follows:

- Environmental considerations (ss 4.1 and 4.2);
- Social considerations (s 4.3);
- Economic considerations (s 4.4).

An environmental risk assessment has been undertaken in accordance with the guidelines set out in the Australian Guidelines for Water Recycling[6] (**'AGWR'**). The ERA is discussed in s 4.5 of this SEE.

The potential impacts have been identified through a combination of:

- Human Health and Environmental Risk Assessment workshop held online on 2 February 2023;
- Recycled Water Management Plan
- Environmental Risk Assessment matrix
- Dilution Study
- Site visit general observations;
- Detail survey to review topographical features;
- Consideration of existing surroundings and context;
- Consideration of applicable Acts, SEPP's and other policies;
- Consideration of the advice from various government agencies, including EPA;
- Consideration of unacceptable or unknown environmental impacts likely from direct discharge to Clear Creek;
- Consideration of achieving greater sustainability targets through re-use of recycled water;
- Consideration of proper wastewater management protocols;

[6] National Health and Medical Research Council

- Consideration of economic and social impacts.

The following information lists identified potential impacts, as well as the proposed method(s) to address or mitigate the anticipated impacts, if necessary. Further details on risk identification and assessment are set out in the Recycled Water Management Plan (**'RWMP'**) submitted with this Application.

Impact group	Specific potential impact	Response
4.1 Natural environment		
	(i) Contamination	
		In terms of potential contamination arising from this proposal, the Dilution Study[7] provides as follows: • *The estimated water quality within the snow making dam and the receiving Clear Creek shows that the recycled water option should not result in* ***changes to water quality beyond natural variability****.* • *In the Quarry Dam, all parameters except nitrogen were estimated to be below the interim ANZG (2018) water quality guidelines. Nitrogen was estimated to be 0.4mg/L during the 100kL scenario and 1.0 mg/L during the 250kL scenario. The ANZG (2018) however, apply to Clear Creek and not the Quarry Dam.* • *In Clear Creek, all parameters were estimated to be below the ANZG (2018) interim water quality guidelines and similar concentrations to median values measured in Clear Creek during baseline surveys. Dilution is estimated to be sufficient that no changes are expected to ambient water quality for these parameters.* • *In the scenario that recycled water needs to be stored for much longer periods (> 10 days during peak period) the dilution is still sufficient that discharges into Clear Creek would meet the adopted interim ANZG (2018) water quality guidelines for Clear Creek and be comparable to available median baseline water quality.* Considering the tertiary treatment of the effluent by the approved STP and the multiple layers of dilution of the recycled water that will occur in the process from the STP to the Quarry Dam, then drawn from the dam to the snow making equipment and finally to the ground as man-made snow, the conclusion of the Dilution Study is that the recycled water option should not result in changes to water quality beyond natural variability.

[7] S 4.3.1.3 Estimated Water Quality (based on license limits)

Impact group	Specific potential impact	Response
	(ii) Ecology	
		The Subject Site contains a number of small areas mapped 'biodiversity values' on the Biodiversity Values Map (**'BVM'**) (see Figure 7).

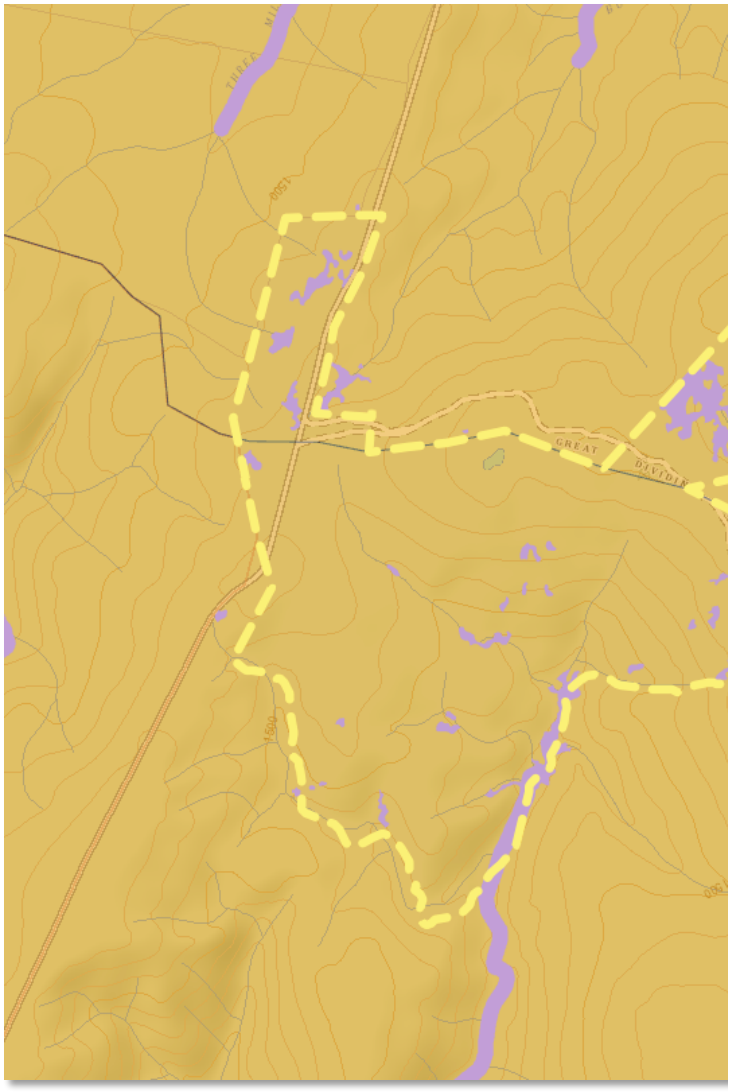

FIGURE 7 – Biodiversity values (shaded purple – Biodiversity Values Map) (NSW Government eSpatial Viewer)

Impact group	Specific potential impact	Response

FIGURE 8 – Biodiversity values (shaded purple – Biodiversity Values Map) with snowmaking distribution area

This proposal does not trigger entry to the Biodiversity Offset Scheme (refer to the Flora and Fauna Assessment and s 5.1(d)(i) of this SEE).

The proposal is unlikely to significantly affect threatened species or ecological communities, or their habitats (refer to test of Significance, Flora and Fauna Assessment).

Potential impacts of recycled water on vegetation

In terms of potential impacts to local ecology as a result of the snowmelt flowing to waterways, it is noted that changes to vegetation (either terrestrial or aquatic) or soils would occur via changes to water quality. Hence, an assessment on water quality is sufficient to also assess potential impacts on vegetation. The conservative Dilution Study undertaken by Advisian shows that sufficient estimated dilution will occur within the former Quarry Dam, resulting in no changes to ambient water quality beyond natural variation in consideration of typical and maximum recycled storage scenarios. Once the recycled water is applied to the snow fields, then there is further dilution by natural snow and degradation of potential pollutants via natural processes prior to the eventual melt and diffuse run off into Clear Creek of significantly diluted recycled water.

The Dilution Study notes that the Australian Recycled Water Guidelines provide the best framework for assessing potential impacts of the recycled water application on terrestrial (and freshwater aquatic) biodiversity. This is through soil and water testing, with thresholds for assessing impacts on terrestrial Australian native species, non-natives and grasses. The ARWG

Impact group	Specific potential impact	Response
		framework does not consider ongoing terrestrial flora and fauna surveys (such as repeated transects) as part of the ongoing assessment approach. The value of ongoing flora and fauna (surveys) is challenged for the following reasons: • Flora surveys can be useful to select remnant thresholds (for example, salinity and phosphorus thresholds for native species). • The terrestrial habitat is still in recovery mode from the extensive bushfire in 2020. It would not be practical to assess changes in ecology and try to attribute to impacts from recycled water application. • The ARWG provides an established framework for considering terrestrial ecology impacts that can be undertaken with the proposed environmental soil and water monitoring program. The Dilution Study also includes a discussion at s 8.3.1.1 regarding potential impacts of recycled water application on sensitive plants. On this basis, it is concluded that the multiple layers of dilution of the already tertiary-treated recycled water will ensure no adverse impact on the terrestrial or aquatic ecosystem.
	(iii) Soils	
		No adverse impacts on existing soils in the snow making distribution area are anticipated. The conservative Dilution Study undertaken by Advisian shows that sufficient estimated dilution will occur within the former quarry dam, resulting in no changes to ambient water quality beyond natural variation in consideration of typical and maximum recycled storage scenarios. Once the recycled water is applied to the snow fields, then there is further dilution by natural snow and degradation of potential pollutants via natural processes. Nevertheless, for abundant caution, the monitoring commitments set out in the RWMS and s 3.3(b) of this SEE including soil testing (refer to s 4.1(d) of this SEE).

Impact group	Specific potential impact	Response
4.2 Built environment		
	(i) Buildings	
		The proposal is not anticipated to result in any increased adverse impacts on existing buildings. Plumbing is already in place to achieve beneficial re-use for toilet flushing in the Visitor Centre
	(ii) Services	
		All required services for the proposal are either in place or have been applied for and are adequate without further augmentation. **(i) Water** The water pipe to be constructed between the approved STP and the quarry (see DA 22/14835) will enable the transfer of water between the Quarry and the STP. Fresh water to the Quarry is provided by the existing pump house at the bottom of Race Course. The Quarry can also be fed fresh water from the Powerline Pump Shed. **(ii) Sewer** N/A **(iii) Electricity** The approved STP and pump systems are serviced with electricity by the existing electrical supply to the SSR. No augmentation is required as a result of this proposal. **(iv) Telecommunications** Telecommunications infrastructure is available to the SSR. No augmentation is required as a result of this proposal. **(v) Gas** LPG is available to the SSR. The proposal will not require additional gas reticulation.
	(iii) Other infrastructure	
		(i) Snow guns and fire-fighting equipment There are no significant sources of metals in the catchment to indicate any concern for elevated metals in recycled water. Class A recycled water is also the required treatment standard for firefighting. Therefore, with no elevated metals or minerals in the

Impact group	Specific potential impact	Response
		recycled water, there is no concern of corrosion occurring in either the snowmaking or firefighting infrastructure.
	(iv) Quarry Dam	
		(i) Impact on water quality The Dilution Study reports that the introduction of recycled water into Quarry Dam should not result in changes to water quality beyond natural variability. **(ii) Dam leakage** The ERA advises that lining of the Quarry Dam is not proposed, because the expected level of dilution of the water is such that, even in the event of some leakage, this would represent no risk, either to the environment or public health. On the basis that the diluted water within the quarry is the same water that will be distributed by the snowmaking system, a lining of the Quarry Dam would serve no purpose.
4.3 Social		
		The destruction of the SSR in the 2019/2020 Black Summer bushfires resulted in social trauma for the local area. As a significant tourist facility and a large employer in the area, its destruction by the fire was a social 'blow' to the community. Each step of the SSR rebuild is a symbolic boost to the social morale of the community. This is the final step required to facilitate the re-opening of the resort for the 2023 snow season.
4.4 Economic		
		The proposal is a critical component of larger re-development of SSR following the devastating 2019/2020 Black Summer bushfires. Providing much needed amenities for guests (contained in the DAs for the Guest Facility, Resort Operations Centre and Staff Accommodation already approved) will aid SSR to reopen after the devastating Black Summer bushfires. As a result, the proposal contributes to the overall rebuild project that will strengthen the long-term resilience of the region. The proposed works are not expected to generate any negative economic issues. On the contrary, the proposal will support the overall long-term viability and sustainability of the new guest facilities, which offer guests modern amenities during daily operations in the winter season and recreational facilities to provide improved experience for families and other visitors to the resort.

Impact group	Specific potential impact	Response
		The overall investment related to the re-development will result in positive economic impacts with a number of short-term construction jobs being generated. Additionally, on a long-term basis SSR hires up to 90 staff (shift workers) during the winter season. The re-development of SSR will promote tourism in the area and re- strengthen the long-term resilience of the area by providing jobs and boosting the visitor economy.

TABLE 9 – Summary of potential natural and built environmental impacts, social impacts and economic impacts

4.5 Environmental risk assessment

The comprehensive environmental risk assessment (**'ERA'**) has been undertaken in accordance with the guidelines set out in the Australian Guidelines for Water Recycling[8] (**'AGWR'**).

The potential risks identified have been used to inform the RWMP, which details a range of preventative measures, corrective actions, responsible parties and ongoing monitoring programs to accurately measure if adverse impacts are occurring, so that corrective actions can be undertaken. The RWMP also sets out reporting and auditing procedures to ensure all safeguards are properly integrated and activated, to ensure the health and safety of the public and the protection of the environment.

[8] National Health and Medical Research Council

5.

STATUTORY PROVISIONS

5.1 Acts and Regulations

The *Environmental Planning and Assessment Act 1979* (EPA Act) is the principle statute guiding development in NSW.

(a) *Environmental Planning & Assessment Act 1979*

Element	Component	Specifics	Response
S.1.3 – Objects of the Act	As relevant to this proposal		This proposal is either consistent with, or else does not hinder the attainment of, the relevant objects of the Act.
		(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 is an essential element of the overall SSR rebuild, which demonstrably promotes the social and economic welfare of the community and will result in better and more sustainable environmental outcomes than was the case prior to the fires.
		(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment;	The proposal utilises a state-of-the-art STP and results in an improved environmental outcome. The effluent is tertiary-treated and utilising the recycled water is a beneficial re-use of resources. The proponent has undertaken a comprehensive investigative process to determine the most appropriate option for the disposal of the recycled water, including the dilution study. The investigative process has concluded that the beneficial re-use of the recycled water through toilet flushing and snow making is the preferred option and appropriately integrates the guiding principles of ecologically sustainable development (**'ESD'**).

Element	Component	Specifics	Response
		(c) to promote the orderly and economic use and development of land;	The proposal contributes to the orderly and economic use and development of the land by proposing a long-term economically sustainable strategy of disposal of the recycled water
		(d) to promote the delivery and maintenance of affordable housing	N/A
		(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats;	The proposal is unlikely to significantly affect threatened species or ecological communities, or their habitats (refer to Flora and Fauna Assessment). The proposal represents an improved environmental outcome. The area of distribution of the snow making does not include any land identified with biodiversity values on the biodiversity values map. The area of distribution (see figure 3) covers well-defined ski runs, which undergo regular summer grooming, including slashing and mowing. The dominant species in the area generally includes weeds, as well as clover and grasses. The distribution area generally consists of non-native species, with little chance of recovery due to its extensive use. The dilution study undertaken by Advisian concludes that the use of the recycled water for snow making 'should not result in **changes to ambient water quality** beyond natural variability'.
		(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)	The proposal will not impact any built or cultural heritage.
		(g) to promote good design and amenity of the built environment;	The proposal promotes the most appropriate option for disposal of recycled water and complements the built environment.
		(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants	N/A

Element	Component	Specifics	Response
		(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State	
		(j) to provide for increased opportunity for community participation in environmental planning and assessment	Noted
S.4.15(1) assessment	(a)(i) EPIs	SEPPs	SEPP (Precincts – Regional) 2021
		REPs	None of relevance
		LEPs	
	(ii) Draft EPIs		
	(iii) DCPs		
	(iiia) Planning agreements		No planning agreements are existing or proposed
	(iv) EPA Reg		The proposal is capable of compliance with the relevant provisions of the EPA Reg. Refer also to section 5.1(b) of this SEE
	(b) Likely impacts		Likely impacts have been identified in section 4 of this SEE. Avoidance, minimisation or management measures have been proposed where necessary
	(c) Suitability of the site		The site is suitable for the proposal. See section 5.8 of this SEE
	(d) Submissions		A matter for consideration by the consent authority
	(e) Public interest		The proposal is in the public interest. See section 5.10 of this SEE

TABLE 10 - EPA Act 1979

(b) NSW *Environmental Planning & Assessment Regulation 2021*

This application has been prepared in accordance with the requirements of Part 3, Division 1, cl 22 – 35A EPA Reg, as relevant.

Cl	Requirement	Response
22	Part applies to all development applications	Noted
23	Persons who may make development applications	The lessee of the land to which this Application relates is able to provide owner's consent for the making of this Application (cl 23(1)(b)
24	Content of development applications	The application is in the approved form (cl 24(1)(a)) The application contains all the information required by the approved form (see Table 12) (cl 24(1)(b)(i)) and the Act and Regulation (cl 24(1)(b)(ii)) The application will be submitted on the NSW planning portal (cl 24(1)(c)).
25	Information about concurrence or approvals	Approval required by EPA - Environment protection licences to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity (ss 43(d) POEO Act) No concurrences required Referral to NPWS required under cl 4.27 SEPP (Precinct-Regional) 2021 (cl 25(a)(i) and (b))
26	Information about affordable housing development	N/A
27	BASIX development	
28	Development applications relating to Biodiversity Conservation Act 2016	A BDAR is not required for this proposal (refer to s 4.1(c) and s 5.1(d) of this SEE)
29	Residential apartment development	N/A
30	Mining or petroleum development	
30A	Infrastructure development on avoided land	
31	Other documents required for certain development applications	
32	Extract of development application for erection of building	
33	Concept development applications	

Cl	Requirement	Response
34	Urban development in Sydney region growth centres	
35	Additional requirements for development applications in certain areas of Sydney	
35A	Additional requirements for development applications in Frenchs Forest Precinct	

TABLE 11 – EPA Reg 2021

The Approved Form (cl 22(1)(b)(i))

Reference	Requirement	Response
Part 1: Development application		
1.1 Information requirements for development applications		
a. Name and address of applicant		Selwyn Snow Resort Pty Ltd PO Box 35 Jindabyne NSW 2627
b. Description of the development		See s 1 – General of this SEE
c. Address and title particulars		See s 1.2 of this SEE
d. Whether the land is critical habitat		Land is not critical habitat
e. Whether the proposal is likely to affect threatened species, populations or ecological communities		The proposal is unlikely to affect threatened species, populations or ecological communities (refer to Flora and Fauna Assessment)
f. Estimated cost of the development		The proposal relates to the 'use' of infrastructure that has been constructed in accordance with separate approvals. There is no cost of the development.

Reference	Requirement	Response
g. Evidence that the owner of the land consents to the application		Written consent from the lessee is provided
h. List of documents accompanying the application		See s 1.3 of this SEE
i. Statement of environmental effects		This document
j. Site plan		See plans submitted with the Application
k. Drawings of the development		See plans submitted with the Application
Table 1 requirements		
Arrangements before consent can be granted	a. Documentary evidence that such arrangements have been made	N/A
Building work	b. A scaled plan of the existing building	
Change of use of a building	c. A list of the Category 1 fire safety provisions that currently apply to the existing building d. A list of the Category 1 fire safety provisions that are to apply to the building after its change of use	
Concurrence	e. A list of any authorities from which concurrence must be obtained before the development may lawfully be carried out or from which concurrence would have been required but for s 4.13(2A) or 4.41 of the Act f. A statement by the applicant that the relevant matters in the Development referrals guide have been considered	We are not aware of any concurrences or referrals required for this proposal under any Act, Regulation or EPI. The applicant confirms that the relevant matters in the Development referrals guide have been considered
Development involving mining for coal	g. Documentary evidence that the applicant holds an authority under the Mining Act 1992 in respect of coal and the land concerned, or	N/A

Reference		Requirement	Response
		has the written consent of the holder of such an authority to make the development application	
Development referred to in SEPP (Housing) 2021, cl 45(1)	h.	Evidence or information demonstrating whether the development is likely to result in the loss of low-rental dwellings on the land to which the development relates during the relevant period, within the meaning of SEPP (Housing) 2021, Chapter 2, Part 3	
Development permitted under SEPP (Housing) 2021, Chapter 2, Part 2, Division 1 or 2	i.	The name of the registered community housing provider who will be managing the boarding house	
Development for a boarding house or co-living house	j.	A plan of management	
Entertainment venues, function centres, pubs, registered clubs or restaurants	k.	A statement that specifies the maximum number of persons proposed to occupy, at any one time, that part of the building to which the use applies	
Erection of a building	l.	An A4 plan of the building that indicates its height and external configuration, as erected, in relation to its site	
Integrated development	m. n.	A list of any approvals of the kind referred to in s 4.46(1) of the Act that must be obtained before the development may lawfully be carried out A statement by the applicant that the relevant matters in the Development referrals guide have been considered	See s 1.1 and Table 9 of this SEE The applicant confirms that the relevant matters in the Development referrals guide have been considered (see note below).
Land that is, or is part of, critical habitat or development that is likely to significantly affect threatened species, populations or	o.	A Species Impact Statement	The proposal does not include land that is, or is part of, critical habitat. The proposal is

Reference	Requirement	Response
ecological communities, or their habitats		unlikely to significantly affect threatened species, populations or ecological communities, or their habitats (refer to Flora and Fauna report)
Land that is in a wilderness area	p. A copy of the consent of the Minister for Energy and Environment to the carrying out of the development	N/A
Manor houses or multi-dwelling houses (terraces) to which SEPP (Housing) 2021, Chapter 2, Part 2, Division 1 applies	q. A statement, in the form approved by the Planning Secretary, by a qualified designer or a person accredited as a building designer by the Building Designers Association of Australia that – i. Verifies that the designer or person designed, or directed the design of, the development ii. Addresses how the design is consistent with the relevant design criteria set out in the Low-Rise Housing Diversity Design Guide	
Subdivision	r. Preliminary engineering drawings of the work to be carried out	
Temporary structure	s. Documentation that specifies the live and dead loads the temporary structure is designed to meet t. A list of any proposed fire safety measures to be provided in connection with the use of the temporary structure u. In the case of a temporary structure proposed to be used as an entertainment	

Reference	Requirement	Response
	venue – a statement as to how the performance requirements of Part B1 and NSW Part H102 Volume 1 BCA are to be complied with v. Documentation describing any accredited building product or system sought to be relied on for the purposes of s 4.15(4) of the Act w. Copies of any certificates to be relied on	
1.2 Requirements for a Statement of Environmental Effects		
a. The environmental impacts of the development		See s 4 of this SEE
b. How the environmental impacts of the development have been identified		
c. The steps to be taken to protect the environment or to lessen the expected harm to the environment		
d. Any matters required to be indicated by any guidelines issued by the Planning Secretary		The applicant confirms that the relevant matters in the Development referrals guide have been considered
e. Drawings of the proposed development in the context of surrounding development, including the streetscape		See Figure 3 of this SEE
f. Development compliance with building heights, building height planes, setbacks and building envelope controls (if applicable) marked on plans, sections and elevations		N/A

Reference	Requirement	Response
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		
h. If the proposed development is within an area in which the built form is changing, statements of the existing and likely future contexts		
i. Photomontages of the proposed development in the context of surrounding development		
j. A sample board of the proposed materials and colours of the façade		
k. Detailed sections of proposed facades		
l. If appropriate, a model that includes the context		
1.3 Requirements for a Site Plan		
a. Location, boundary dimensions, site area and north point of the land		See plans submitted with the Application
b. Existing vegetation and trees on the land		
c. Location and uses of existing buildings on the land		
d. Existing levels of the land in relation to buildings and roads		
e. Location and uses of building on sites adjoining the land		
1.4 Requirements for Drawings		
a. Location of any proposed buildings or works		N/A

Reference	Requirement	Response
(including extensions or additions to existing buildings or works) in relation to the land's boundaries and adjoining development		
b. Floor plans of any proposed buildings showing layout, partitioning, room sizes and intended uses of each part of the building		
c. Elevations and sections showing proposed external finishes and heights of any proposed buildings (other than temporary structures)		
d. Elevations and sections showing heights of any proposed temporary structures and the materials of which any such structures are proposed to be made (using the abbreviations set out in s 5 of the Reg)		
e. Proposed finished levels of the land in relation to existing and proposed buildings and roads		
f. Proposed parking arrangements, entry and exit points for vehicles, and provision for movement of vehicles within the site (including dimensions where appropriate)		
g. Proposed landscaping and treatment of the land (indicating plant types and their height at maturity		
h. Proposed methods of draining the land		

Reference	Requirement	Response
i. In the case of development that requires a BASIX certificate, such other matters as any BASIX certificate for the development requires to be included on the drawings		
j. In the case of BASIX optional development – if the application is accompanied by a BASIX certificate or BASIX certificates, such other matters as any BASIX certificate for the development requires to be included on the drawings		
1.5 Other requirements		See Table 11 for response to other requirements relevant to this Application

TABLE 12 – Approved form

Note relating to the Development Referrals Guide

Appendix B of the *Development Referrals Guide* provides information requirements for environment protection – integrated development environment protection licences.

In relation to the issue of 'Water':

Performance Outcomes

'All practical measures that could be taken to prevent, control, abate or mitigate water pollution and protect human health and the environment from harm should be considered and implemented where appropriate. Development construction and operation will maintain the environmental values of receiving waters where they are currently being achieved and contribute towards their achievement where they are not currently being met.'

Assessment criteria

Applicants must demonstrate that all practical options to avoid discharge have been investigated and implemented and measures have been taken to reduce the level of contaminants in the discharge so that any impact is reduced where a discharge is necessary. Applicants must:

- *identify and estimate the quality and quantity of all pollutants that may be introduced into the water cycle by source and discharge point and describe the nature and degree of impact that any discharge(s) will have on the receiving environment, including consideration of all pollutants that pose a risk of non-trivial harm to human health and the environment (this should also include intercepted saline groundwater or acidic runoff generated by acid sulphate soil where appropriate)*
- *demonstrate compliance with the ambient NSW Water Quality Objectives and environmental values for the receiving waters relevant to the infrastructure activity, including the indicators and associated trigger values or criteria for the identified environmental values (this information should be sourced from the ANZECC (2000) criteria)*
- *assess the significance of any identified impacts including consideration of the relevant environmental values and ambient water quality outcomes. Assessment of discharges to surface waters should be guided by the ANZECC (2000) guidelines using local water quality objectives. Demonstrate how construction and operation of the infrastructure activity will: − protect the NSW water quality objectives for receiving waters where they are currently being achieved − contribute towards achievement of the NSW water quality objectives over time where they are not currently being achieved − identify any proposed monitoring of water quality.*

Response:

An Options Paper was prepared by Advisian, which considered seven (7) options for effluent management. Two (2) of the options were considered in more detail by SSR:

- Option 1 – Direct discharge into Clear Creek; and
- Option 2 – Beneficial re-use of recycled water for reticulation in snowmaking (maximum approximately 25kL/day) and in resort toilet flushing (maximum approximately 20kL/day).

The Dilution Study addresses the required assessment criteria in detail.

(c) NSW *Rural Fires Act 1997*

The objects of the *Rural Fires Act 1997* (**'RF Act'**) are to provide:

(a) For the prevention, mitigation and suppression of bush and other fires in local government areas (or parts of areas) and other parts of the State constituted as rural fire districts, and
(b) For the coordination of bush fire fighting and bush fire prevention throughout the State, and
(c) For the protection of persons from injury or death, and property from damage, arising from fires, and
(c1) For the protection of infrastructure and environmental, economic, cultural, agricultural and community assets from damage arising from fires, and
(d) For the protection of the environment by requiring certain activities referred to in paragraphs (a) – (c1) to be carried out having regard to the principles of ecologically sustainable development described in section 6(2) of the Protection of the Environment Administration Act 1991

The subject land is mapped as bushfire-prone land. However, the proposal seeks consent for 'uses' of existing infrastructure which was constructed in accordance with separate approvals. The proposed 'uses', for which this Application seeks consent, do not contravene any objects of provisions of the RF Act.

There are no provisions of the RF Reg of relevance to this Application or the proposal.

(d) NSW *Biodiversity Conservation Act 2016*

The purpose of this Act (**'BC Act'**) *is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development (described in section 6(2) of the Protection of the Environment Administration Act 1991), and in particular—*

(a) to conserve biodiversity at bioregional and State scales, and
(b) to maintain the diversity and quality of ecosystems and enhance their capacity to adapt to change and provide for the needs of future generations, and
(c) to improve, share and use knowledge, including local and traditional Aboriginal ecological knowledge, about biodiversity conservation, and
(d) to support biodiversity conservation in the context of a changing climate, and
(e) to support collating and sharing data, and monitoring and reporting on the status of biodiversity and the effectiveness of conservation actions, and
(f) to assess the extinction risk of species and ecological communities, and identify key threatening processes, through an independent and rigorous scientific process, and
(g) to regulate human interactions with wildlife by applying a risk-based approach, and
(h) to support conservation and threat abatement action to slow the rate of biodiversity loss and conserve threatened species and ecological communities in nature, and
(i) to support and guide prioritised and strategic investment in biodiversity conservation, and
(j) to encourage and enable landholders to enter into voluntary agreements over land for the conservation of biodiversity, and
(k) to establish a framework to avoid, minimise and offset the impacts of proposed development and land use change on biodiversity, and
(l) to establish a scientific method for assessing the likely impacts on biodiversity values of proposed development and land use change, for calculating measures to offset those impacts and for assessing improvements in biodiversity values, and
(m) to establish market-based conservation mechanisms through which the biodiversity impacts of development and land use change can be offset at landscape and site scales, and
(n) to support public consultation and participation in biodiversity conservation and decision-making about biodiversity conservation, and
(o) to make expert advice and knowledge available to assist the Minister in the administration of this Act.

(i) Does the proposal exceed the biodiversity offsets scheme ('BOS') threshold?

S 7.4(1) of the BC Act states:

(1) Proposed development exceeds the biodiversity offsets scheme threshold for the purposes of this Part if it is development of an extent or kind that the regulations declare to be development that exceeds the threshold.

Cl 7.1 of the BC Reg states:

(1) Proposed development exceeds the biodiversity offsets scheme threshold for the purposes of Part 7 of the Act if it is or involves—

(a) the clearing of native vegetation of an area declared by clause 7.2 as exceeding the threshold, or
(b) the clearing of native vegetation, or other action prescribed by clause 6.1, on land included on the Biodiversity Values Map published under clause 7.3.

This proposal does not involve the 'clearing of native vegetation' and therefore does not exceed the BOS threshold set out in subclause (a).

The area of snowmaking distribution does not coincide with any areas identified with biodiversity values on the Biodiversity Values Map (see Figure 9). As the proposal does not involve the clearing of native vegetation or propose any action on land included on the Biodiversity Values Map, the proposal does not exceed the BOS threshold set out in subclause (b).

FIGURE 9 – Biodiversity Values Map shading with snowmaking distribution area overlaid

(ii) Is the proposal likely to significantly affect threatened species or ecological communities, or their habitats?

S 7.3(1) of the BC Act provides the criteria for determining whether a proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats.

The Flora and Fauna report concludes that the proposal is unlikely to have a significant impact on threatened species, ecological communities or their habitats.

(e) NSW *Water Management Act 2000*

The objects of the Water Management Act 2000 (**'WM Act'**) are to provide for the sustainable and integrated management of the water sources of the State for the benefit of both present and future generations and, in particular:

(a) To apply the principles of ecologically sustainable development, and
(b) To protect, enhance and restore water sources, their associated ecosystems, ecological processes and biological diversity and their water quality, and
(c) To recognise and foster the significant social and economic benefits to the State that result from the sustainable and efficient use of water, including –
(i) Benefits to the environment, and
(ii) Benefits to urban communities, agriculture, fisheries, industry and recreation, and
(iii) Benefits to culture and heritage, and
(iv) Benefits to the Aboriginal people in relation to their spiritual, social, customary and economic use of land and water,
(d) To recognise the role of the community, as a partner with government, in resolving issues relating to the management of water sources,
(e) To provide for the orderly, efficient and equitable sharing of water from water sources,
(f) To integrate the management of water sources with the management of other aspects of the environment, including the land, its soil, its native vegetation and its native fauna,
(g) To encourage the sharing of responsibility for the sustainable and efficient use of water between the Government and water users,
(h) To encourage best practice in the management and use of water.

The Subject Site contains mapped watercourses.

The WM Act defines a 'controlled activity' as follows:

controlled activity means—
(a) the erection of a building or the carrying out of a work (within the meaning of the *Environmental Planning and Assessment Act 1979*), or
(b) the removal of material (whether or not extractive material) or vegetation from land, whether by way of excavation or otherwise, or
(c) the deposition of material (whether or not extractive material) on land, whether by way of landfill operations or otherwise, or
(d) the carrying out of any other activity that affects the quantity or flow of water in a water source.

The 'uses' proposed by this Application are not **controlled activities** for the purposes of the WM Act.

(f) Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*

The objects of the EPBC Act are as follows:

(a) To provide for the protection of the environment, especially those aspects of the environment that are matters of national environmental significance;
(b) To promote ecologically sustainable development through the conservation and ecologically sustainable use of resources;
(c) To promote the conservation of biodiversity;
(d) To promote a cooperative approach to the protection and management of the environment involving governments, the community, land-holders and indigenous peoples;
(e) To assist in the cooperative implementation of Australia's international environmental responsibilities;
(f) To recognise the role of indigenous people in the conservation and ecologically sustainable use of Australia's biodiversity;
(g) To promote the use of indigenous people's knowledge of biodiversity with the involvement of, and in cooperation with, the owners of the knowledge

Whilst the *Environmental Protection and Biodiversity Conservation Act 1999* (**'EPBC Act'**) is not a relevant consideration by a consent authority in relation to a DA lodged under the EPA Act, it nevertheless creates obligations for any person intending to undertake any action that may be a *Matter of National Environmental Significance* (**'MNES'**).

This proposal will not result in any action that may be a MNES under the EPBC Act.

5.2 Environmental Planning Instruments

(a) State Environmental Planning Policy (Precincts – Regional) 2021

Chapter 4 Kosciuszko Alpine Region

Reference	Requirement	Response
Part 4 Preliminary		
Cl 4.1 Aims and objectives of chapter	(1) The aim of this Chapter is to protect and enhance the Alpine Region by ensuring development is managed with regard to the principles of ecologically sustainable development, including the conservation and restoration of ecological processes, natural systems and biodiversity.	This proposal will provide an enhanced environmental outcome, over the pre-fire situation and also other options considered. It embraces the principles of ESD, as set out in this SEE and specialist reports accompanying this Application
	(2) The objectives of this Chapter are as follows	
	(a) to encourage the carrying out of a range of development to support sustainable tourism in the Alpine Region all year round, if the development does not result in adverse environmental, social or economic impacts on the	This Application forms part of the SSR rebuild, following the 2019/20 black summer bushfires. The proposal presents a sustainable, long-term

Reference	Requirement	Response
	natural or cultural environment of the Alpine Region, including cumulative impacts on the environment from development and resource use,	solution for the disposal of tertiary-treated recycled water from the approved STP. It replaces the current approved disposal method, which is removing the recycled water from the Subject Site by road tankers and disposing to an approved facility. The proposal therefore supports sustainable tourism and does not result in adverse environmental, social or economic impacts on the natural or cultural environment of the Alpine Region and will not result in adverse cumulative impacts.
	(b) to establish planning controls that— (i) contribute to and facilitate the carrying out of ecologically sustainable development in the Alpine Region, and (ii) recognise the Alpine Region's significant contribution to recreation and the tourism economy in the State,	This Application is compliant with the relevant development controls set out in this Chapter.
	(c) to minimise the risk to the community of exposure to environmental hazards, particularly geotechnical hazards, bush fires and flooding, by— (i) generally requiring development consent on land in the Alpine Region, and (ii) establishing planning controls for buildings to ensure the safety of persons using the buildings if there is a fire.	In relation to (i), this Application seeks development consent, as set out in this SEE. In relation to (ii), no buildings are proposed in this Application.
Cl 4.2 Land to which Chapter applies	(f) Mount Selwyn Alpine Resort	The Chapter applies to the Subject Site and this proposal
Part 4.2 Permitted or prohibited development		
Cl 4.7 Land Use Table	(1) The Land Use Table at the end of this Part specifies the following for each Alpine Subregion—	This proposal is ancillary to the STP (approved under DA 22/5248), which is

Reference	Requirement	Response
	(a) development that may be carried out without development consent, (b) development that may be carried out only with development consent, (c) development that is prohibited.	permitted with consent pursuant to s 4.14(2)(b)
Part 4.3 Exempt and complying development		
		This proposal is neither exempt development nor complying development
Part 4.4 Other development controls		
Cl 4.19 Public utility infrastructure	(1) Development consent must not be granted for development in the Alpine Region unless the consent authority is satisfied that— (a) the public utility infrastructure that is essential for the proposed development is available, or (b) adequate arrangements have been made to make that infrastructure available when required.	
Part 4.5 Development assessment and consent		
Cl 4.27 Consultation with National Parks and Wildlife Service	(1) Development consent must not be granted to development in the Alpine Region unless the consent authority has— (a) consulted with the National Parks and Wildlife Service, and (b) considered submissions received from the National Parks and Wildlife Service within the relevant period.	This is a matter for the consent authority. However, it is noted that NPWS has been involved in pre-lodgement meetings and the workshop and matters raised by NWPS representatives at those meetings has been addressed in the specialist reports accompanying this Application.
Cl 4.28 Consideration of master plans and other documents	(1) In deciding whether to grant development consent to development in the Alpine Region, the consent authority must consider the following— (a) the aim and objectives of this Chapter set out in section 4.1, (b) a draft development control plan that is intended to apply to the land and has been published on the NSW planning portal, (c) a conservation agreement under the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth that applies to the land, (d) the *Geotechnical Policy —Kosciuszko Alpine Resorts* published by the Department in November2003,	(a) Refer to this Table (b) No draft DCP applies to the Subject Site (c) No conservation agreement under the EPBC Act applies to the Subject Site (d) This proposal is not required to submit a geotechnical report as it is not of a type described in s 3.1 of the Geotechnical Policy (e) N/A

Reference	Requirement	Response
	(e) for development in the Perisher Range Alpine Resort— (i) the *Perisher Range Resorts Master Plan*, published by the National Parks and Wildlife Service in November 2001, and (ii) the *Perisher Blue Ski Resort Ski Slope Master Plan* adopted by the National Parks and Wildlife Service in May 2002.	
	(2) In deciding whether to grant development consent to development in the Alpine Region, the consent authority must consider— (a) a master plan approved by the Minister under section 4.26 that applies to the land, or (b) if a master plan has not been approved—a draft master plan prepared under section 4.26 that is intended to apply to the land and has been published on the NSW planning portal.	We are not aware of any approved or draft master plan applying to the Subject Site. The Snowy Mountains SAP does not apply to the Subject Site
Cl 4.29 Consideration of environmental, geotechnical and other matters	(1) In deciding whether to grant development consent to development in the Alpine Region, the consent authority must consider the following— (a) measures proposed to address geotechnical issues relating to the development, (b) the extent to which the development will achieve an appropriate balance between— (i) the conservation of the natural environment, and (ii) taking measures to mitigate environmental hazards, including geotechnical hazards, bush fires and flooding, (c) the visual impact of the proposed development, particularly when viewed from the land identified as the Main Range Management Unit in the *Kosciuszko National Park Plan of Management*, (d) the cumulative impacts of development and resource use on the environment of the Alpine Subregion in which the development is carried out, (e) the capacity of existing infrastructure and services for transport to and within the Alpine Region to deal with additional usage generated by the development, including in peak periods, (f) the capacity of existing waste or resource management facilities to deal with additional waste generated by the development, including in peak periods.	(a) the proposal does not raise any geotechnical issues. The Dilution Study notes that an annual soil testing program and assessment has been included to assess the potential long-term effect of the recycled water on soils within the distribution area. This includes cumulative thresholds for salinity in soils for protection of Australian native species. The focus of the program is on the quality of the recycled water compared to available established environmental thresholds for relevant parameters to soils, waters, grasses and/or plants. Assessments of cumulative impacts on salinity, nitrates and phosphorus rely on testing soil extracts during operation and comparing to baseline thresholds. (b) the proposal has been comprehensively assessed

Reference	Requirement	Response
		in relation to potential impacts on the natural environment. The proposal will not adversely impact the natural environment in its current state, considering the mitigation and ongoing monitoring proposed in ss 3 and 4 of this SEE. (c) The proposal relates to the use of recycled water for toilet flushing and snow making and therefore will have no visual impact. (d) Given the nature of this proposal, it will not result in any increased cumulative impacts. (e) the proposal will not generate additional usage (f) the proposal will not generate additional usage
	(2) For development involving earthworks or stormwater draining works, the consent authority must also consider measures to mitigate adverse impacts associated with the works.	The proposal does not involve earthworks or stormwater draining works
	(3) For development the consent authority considers will significantly alter the character of an Alpine Subregion, the consent authority must also consider— (a) the existing character of the site and immediate surroundings, and (b) how the development will relate to the Alpine Subregion.	It is the proponent's view that this proposal will not significantly alter the character of this Alpine Subregion.
Cl 4.30 Kosciuszko National Park Plan of Management	(1) Development consent may be granted to development in the Alpine Region even if the application has not established that the development is consistent with the *Kosciuszko National Park Plan of Management*.	The proponent is not aware of any inconsistencies with the *Kosciuszko National Park Plan of Management*.

TABLE 13 – Relevant matters for consideration under Chapter 4 of the SEPP Precincts – Regional) 2021

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

Chapter 4 – Remediation of land

The particular aim of chapter 4 SEPP (Resilience and Hazards) 2021 is to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment:

(a) By specifying when consent is required, and when it is not required, for a remediation work, and
(b) By specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and
(c) By requiring that a remediation work meet certain standards and notification requirements.

Clause 4.6(1)(a), chapter 4 of The SEPP (Resilience and Hazards) 2021 provides as follows:

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*

……

This proposal relates to a 'use' and no works are proposed with this Application. With no knowledge of any site-contaminating activities associated with the proposal, it is considered that the likelihood of contamination is low. Consequently, no contamination investigations have been undertaken for this Application.

5.3 Relevant Draft Environmental Planning Instruments

We are not aware of any draft environmental planning instruments that would impact on this proposal.

5.4 Relevant Development Control Plans

There are no Development Control Plans relevant to the Subject Site or this proposal.

5.5 Planning Agreements

There are no existing or proposed Planning Agreements in relation to the Subject Site or this proposal.

5.6 Relevant Provisions of the Regulations

This proposal is capable of compliance with the relevant provisions of EPA Reg. See also s 5.1(b) of this SEE.

5.7 Impact of the Development

Potential risks, impacts and mitigation measures (where necessary) are discussed in section 4 of this report.

5.8 Suitability of the site

It is considered that the land is generally suitable for the proposed development, based on the specialist documents submitted with this Application. Following is a summary of known natural and built, site-specific constraints and a discussion in relation to site suitability.

(a) Bushfire

The subject land is mapped as bushfire-prone land (see Figure 10)

FIGURE 10 – Bushfire prone land (NSW Government eSpatial Viewer)

However, given the nature of the development for which this Application seeks consent, a bushfire hazard assessment report was considered unnecessary.

The Subject Site is suitable for the proposal in terms of bushfire risk.

(b) Contamination

Given the history of land uses at the Subject Site, the risk of existing contamination in the snow making distribution area is low and consequently no testing was considered necessary on this occasion.

The Subject Site is suitable for the proposal in terms of potential existing contamination.

(c) Civil works

The proposal requires no civil work. All infrastructure required to facilitate the proposed disposal methods has been constructed as part of separate approvals.

The Subject Site is suitable for the proposal without any requirement for additional civil works.

(d) Heritage

(i) European heritage

The Subject Site contains no items of local, state or national heritage significance.

The Subject Site is suitable for the proposal in terms of European heritage.

(ii) Archaeological sites and/or places of significance

Figure 11 identifies Aboriginal sites, historic sites and the Old Quarry location, now referred to as the Quarry Dam. The proposed uses will not impact on any of these sites/location.

There are no confirmed site records or any other associated landscape feature information available from an AHIMS search. There is no oral, historical or archaeological evidence to suggest that burials or places of spiritual, ceremonial or social significance occurred at or near the resort.

A previous heritage survey of the SSR lease area resulted in the Local Aboriginal Land Council concluding it presented a low potential for containing sites due to the lack of potable water and the LALC interpret the area as a place where Aboriginal people would pass through and not reside.

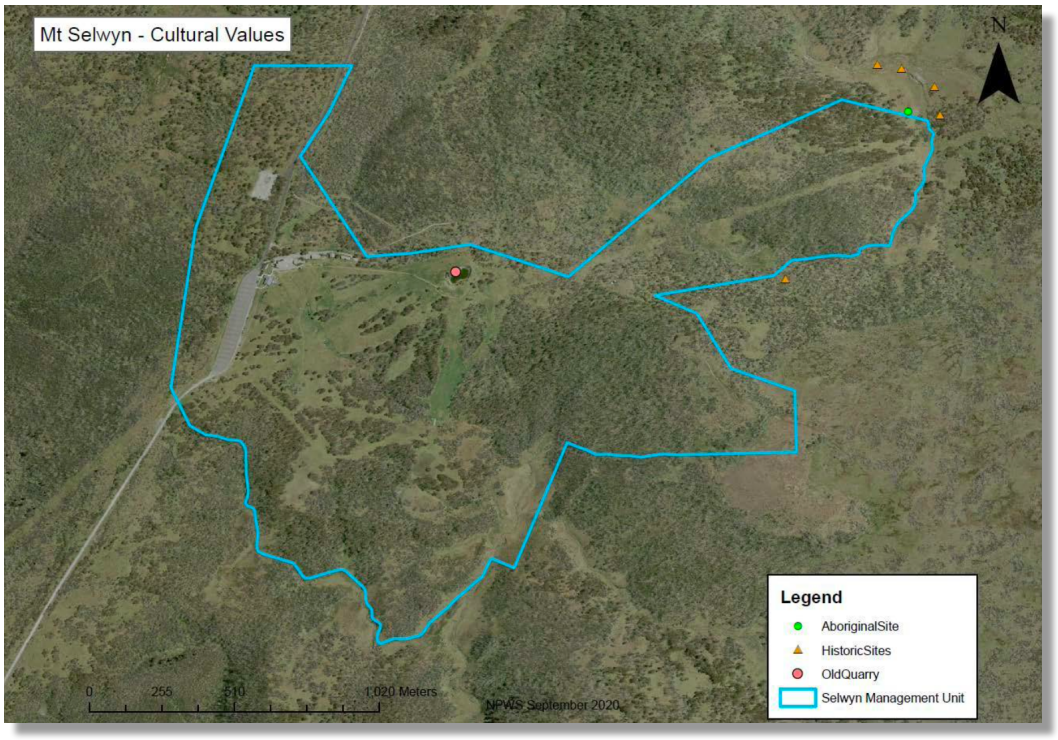

FIGURE 11 – Mt Selwyn – Cultural Values – NPWS Cultural Values map

Based on the conclusions of previous work at the site, the Subject Site is suitable for the proposed development in terms of Aboriginal sites and/or places of significance.

(e) Noise, vibration, air quality

The proposal will not result in any additional noise, vibration or diminish air quality or be adversely impacted by existing noise-generating activities.

The Subject Site is suitable for the proposal in terms of noise, vibration and air quality.

(f) Stormwater and flooding

The proposal will not result in any adverse impact on stormwater and flooding or be adversely impacted by existing stormwater and flooding. In the event of excessive rain periods, the Quarry Dam will be irrigated to ground application.

The Subject Site is suitable for the proposal in terms of stormwater and flooding.

(i) Water Quantity

The proposal will not increase the overall quantity of water discharging to the environment. The proposal relates to the water source for the snowmaking, rather than the overall quantity. The proposed use will not result in more or less water runoff.

(ii) Flood impacts

The proposal will have no adverse impact on flooding.

(iii) Water quality

The tertiary treatment of effluent through the approved STP has been assessed in DA 22/5248. The conservative Dilution Study undertaken by Advisian shows that sufficient estimated dilution will occur within the former quarry dam, resulting in no changes to ambient water quality beyond natural variation in consideration of typical and maximum recycled storage scenarios. Once the recycled water is applied to the snow fields, then there is further dilution by natural snow and degradation of potential pollutants via natural processes prior to the eventual melt and diffuse run off into Clear Creek of significantly diluted recycled water.

(g) Surrounding land

The proposal will not result in any increased adverse impacts on surrounding land.

(h) Traffic

The proposal will have no adverse impact on traffic generation or management at the SSR. A positive traffic impact resulting from the proposal is the elimination of the effluent collection road tankers that are currently approved to collect and transport the effluent from the holding tanks.

(i) Visual and landscape character

The proposal will not result in any increased adverse impacts on the visual and landscape character of the locality.

(j) Waste

The proposal will not result in any increased adverse impacts on the generation or management of waste at the SSR.

5.9 Submissions

Public submissions will be a matter for consideration by the consent authority.

5.10 Public Interest

It is considered that the proposal is in the public interest.

- The proposal presents an improved environmental outcome in comparison to either the pre-fire scenario or other options for management of the recycled water.
- The commitments outlined in the RWMP will provide satisfactory public health and safety measures.
- The social impact of the SSR rebuild, of which this proposal is a part, will be positive.
- The economic impact of the SSR rebuild, of which this proposal is a part, will be positive

6.

CONCLUSION

On merit, it is considered that this Application be approved subject to conditions. It does not seek to vary any guidelines or requirements of the planning controls applying to the area or the Subject Site (refer to s 5 of this SEE). Potential impacts have been identified and mitigation measures proposed (refer to s 4 of this SEE). On balance, it is considered that this application seeks consent to a reasonable proposal. It is requested that the consent authority grant consent to this Application.

Yours faithfully
PRECISE PLANNING

ANNEXURE A

Tabulated responses to agency feedback

DPE request		Response
1	Acts and Reg's	The Acts and Regulations relevant to the assessment of this Application are: • Environmental Planning and Assessment Act 1979 (refer to s 5.1(a) of this SEE) • Environmental Planning and Assessment Regulation 2021 (refer to s 5.1(b) of this SEE) • Rural Fires Act 1997 (refer to s 5.1(c) of this SEE) • Biodiversity Conservation Act 2016 (refer to s 5.1(d) of this SEE) • Biodiversity Conservation Regulation 2017 (refer to s 5.1(d)(i) of this SEE) • Protection of the Environment Operations Act 1997 (refer to s 1.1(b) of this SEE) • Water Management Act 2000 (refer to s 5.1(e) of this SEE)
2	Guidelines	The ERA process was undertaken using the model outlined in the Australian Guidelines for Water Recycling. This Guideline has also been referred to in the RWMP and Dilution Study
3	Designated Development provisions EPA Act	The proposal does not trigger any thresholds for Designated Development under the EPA Act or EPA Reg
4	Integrated Development provisions EPA Act	The Application is lodged as nominated integrated development, requiring approval by EPA under s 43(d) POEO Act 1997
5	Recycled water discharge into: • Riparian land (Precincts Regional SEPP and WM Act); • Biodiversity mapped areas (BC Act); • Drinking water catchment; • Creeks/waterways/groundwater	The SSR operates under existing approvals in relation to snowmaking. This proposal will not result in an increase in the volume of snowmaking that will occur. • SEPP (Regional – Precincts) 2021 (refer to s 5.2(a) of this SEE • Water Management Act 2000 (refer to s 5.1(e) of this SEE) • Biodiversity mapped areas (refer to Figure 9 of this SEE) • The distribution area for the snowmaking is not located in a designated or regulated water catchment area • The Dilution Study addresses the discharge of recycled water into creeks/waterways/groundwater and concludes that the estimated water quality within the snow making dam and the receiving Clear Creek shows that the recycled water options should not result

DPE request		Response
		in changes to ambient water quality beyond natural variability
6	DPE CPP (2019), Table 2	The reference in Table 2 relates to cl 27 of the [now repealed] SEPP (Kosciuszko National Park – Alpine Resorts) 2007. Cl 27 was repealed on 29 November 2019, prior to the repeal of the SEPP. There is no parallel clause contained in the SEPP (Precincts – Regional) 2021
7	Contaminants and/or nutrients escaping from unlined quarry storage	The expected level of dilution of the water is such that, even in the event of some leakage, this would represent no risk, either to the environment or public health. The diluted water within the quarry dam will be the same water that is distributed by the snowmaking system and therefore the lining of the dam would serve no purpose.
8	Corrosive effects of recycled water of firefighting equipment and snowmaking equipment	There are no significant sources of metals in the catchment to indicate any concern for elevated metals in recycled water. Class A recycled water is also the required treatment for firefighting. Consequently, there is no concern of corrosion occurring in either the snowmaking or firefighting infrastructure
9	EPA advice (22 Feb 2021)	Advice incorporated into Dilution Study
10	Govt agency working group advice (25 Feb 2021)	Advice incorporated into Dilution Study and RWMP
11	NPWS advice email (4 Oct 2022)	Considered in preparation of Application, Dilution Study and RWMP
12	EPA advice letter (7 Oct 2022)	Listed requirements addressed in Dilution Study and RWMP
13	Report on proposed Recycled Water Management System	Refer to RWMP
14	Human Health and Environmental Risk Assessment	Provided with this Application
15	Operational Management plan	Refer to RWMP
16	STP capability and details of the recycled water system	The RWMP contains a summary of the capability and details of the approved STP and the recycled water process
17	Recycled water volume calculation and frequency of distribution	Refer to RWMP
18	Full plans and details of the snowmaking system	The snowmaking system was the subject of a previous development application and consent (DA 22/6507)
19	Plan showing the extent of the spread of recycled water as either snowmaking or snow push via snow groomers	Refer to distribution area plan
20	End of ski season run-off analysis (spring snow melt)	Refer to Dilution Study

DPE request		Response
21	End of ski season residual storage within quarry (due to inability to make snow)	Refer to Dilution Study and RWMP