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# **STATEMENT OF ENVIRONMENTAL EFFECTS**

To accompany a Section 4.55 Application to alter the  
Development Consent in DA No. 9373

For alterations and additions to an existing tourist  
accommodation building known as Melaleuca 1

**at No. 4A Diggings Terrace, Thredbo**

Issue A – November 2023

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## **1.0 INTRODUCTION**

This statement has been prepared to accompany a Section 4.55 Application for alterations and additions to an existing tourist accommodation building known as Melaleuca 1 at No. 4A Diggings Terrace, Thredbo.

The purpose of this report is to describe the proposed modifications and review the relevant planning controls relating to the proposal. It provides an assessment of the proposed modifications in light of the provisions of Section 4.55 of the Environmental Planning and Assessment Act, 1979.

This report aims to demonstrate that the proposed modifications are appropriate within their context and within the framework of the relevant planning policies.

This statement addresses issues arising from the proposed modifications in light of the following planning controls:

- State Environmental Planning Policy (Precincts – Regional) 2021
- Snowy Mountains Special Activation Precinct Master Plan 2022
- Provisions of Section 4.55 of the Environmental Planning and Assessment Act 1979
- Provisions of Section 100 of the Environmental Planning and Assessment Regulation 2021

The assessment relies upon the following information:

- The subject land is located within the Thredbo Alpine Resort under the State Environmental Planning Policy (Precincts – Regional) 2021
- The immediate context of the site and surrounding character

## **2.0 SITE & CONTEXT ANALYSIS**

### **2.1 SUBJECT SITE DESCRIPTION**

The subject site is located at No. 4A Diggings Terrace, Thredbo, also known as Melaleuca 1, and is legally identified as Lot 774 within DP 1119757. The area of the subject site is approximately 175m<sup>2</sup>.

The subject site is located on the northern side of Diggings Terrace within the Thredbo Alpine Resort with Alpine Way located further south. Figure 01 illustrates the context of the site within the locality.

The site is a rectangular allotment with a 9 metre frontage to Diggings Terrace. The site is orientated approximately north-west to south-east and slopes significantly to the north.

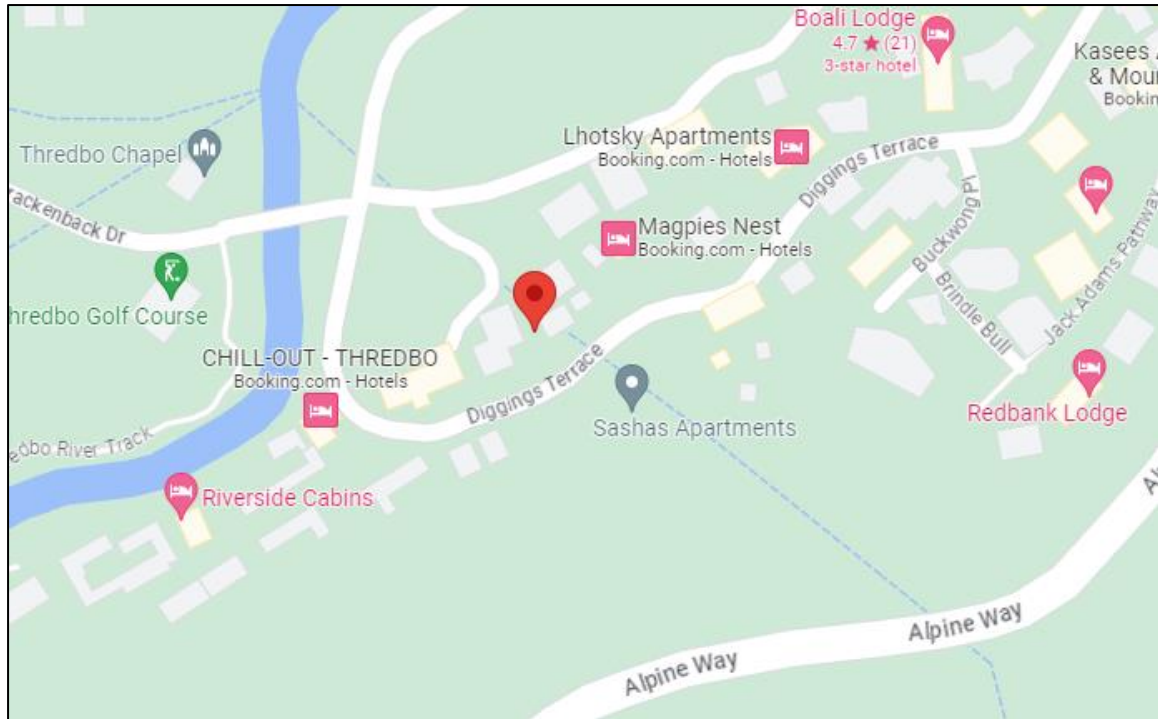


Figure 01: Map of site location (Google Maps, accessed 2023)

## 2.2 EXISTING BUILDINGS AND ASSOCIATED STRUCTURES

The subject site is occupied by a four storey tourist accommodation building known as Melaleuca 1, which is semi-detached from Melaleuca 2 to the east.



Figure 02: Subject site at No. 4A Diggings Terrace (onsnow.com.au, accessed 2023)

## 2.3 SURROUNDING AREA

The subject site is located within the Thredbo Alpine Resort under the State Environmental Planning Policy (Precincts – Regional) 2021. The locality of Thredbo is characterised by a variety of land uses. The locality is bounded by Ngarigo, Jacobs River, Kosciuszko, Munyang, and Charlotte Pass.

## 2.4 DEVELOPMENT HISTORY

<b>Application number:</b>	<b>DA No. 9373</b>
Description:	Alterations and additions to an existing tourist accommodation building
Determination:	Approved 28 <sup>th</sup> August 2018
<b>Application number:</b>	<b>MOD No. 10108 (DA No. 9373 MOD 1)</b>
Description:	Modifications to approved development
Determination:	Approved 15 <sup>th</sup> January 2021

## 3.0 THE DEVELOPMENT PROPOSAL

### 3.1 OVERVIEW

This Section 4.55 Application proposes internal and external alterations and additions, and seeks consent for some unauthorised existing works to the existing tourist accommodation building known as Melaleuca 1. It is noted that the basement level is not included in the extent of works.

As modified, the development will remain substantially the same as the works approved by DA No. 9373, as the overall building envelope will be retained and the modifications are minor in nature, with no additional impacts on the environment.

Therefore, the proposed modifications will also be of minimal environmental impact in accordance with Section 4.55(1A) of the Environmental Planning and Assessment Act 1979. This application is consistent with Section 100 of the Environmental Planning and Assessment Regulation 2021.

### 3.2 DESCRIPTION OF WORKS

This Section 4.55 Application proposes new works and seeks consent for some unauthorised existing works as depicted on the architectural drawings prepared by Archispectrum dated 27th November 2023:

#### First Floor (RL +1377.70, RL +1377.76):

- Extension of owners store, linen closet, laundry, water closet
- Addition of service enclosure
- Addition of weatherboard vertical cladding
- Addition of external columns
- Addition of external staircase to second floor
- Reconstruction of internal staircase
- Enclosure of internal staircase
- Replacement of balcony decking and balustrade
- Installation of 3 x windows

#### Second Floor (RL +1380.37, RL +1380.40):

- Extension of balcony and privacy screen
- Addition of weatherboard vertical cladding
- Addition of external columns
- Reconstruction of internal staircase
- Installation of 1 x sliding glass door
- Installation of 4 x windows

#### Third Floor (RL +1383.04):

- Extension of roof over external staircase and deck
- Addition of sliding door to bathroom
- Reconfiguration of bedroom
- Reconfiguration of void over second floor
- Raised bed floor level
- Installation of 1 x window

### 4.0 EVALUATION PURSUANT TO PLANNING INSTRUMENTS

The application has taken into consideration relevant provisions of the State Environmental Planning Policy (Precincts – Regional) 2021 and the Snowy Mountains Special Activation Precinct Master Plan 2022.

#### 4.1 STATE ENVIRONMENTAL PLANNING POLICY (PRECINCTS – REGIONAL) 2021

##### Chapter 4 Kosciuszko Alpine Region

##### Part 4.1 Preliminary

##### Clause 4.1 Aim 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.
- (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 natural or cultural environment of the Alpine Region, including cumulative impacts on the environment from development and resource use,
- (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,
- (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.

### Comment

The proposed modifications have been designed to support sustainable tourism in the Alpine Region year-round and minimise various risks to the community. The modifications will result in a development that is consistent with the aim and objectives of Chapter 4.

### **Clause 4.2 Land to which chapter applies**

- (1) This Chapter applies to the Alpine Region.
- (2) The Alpine Region comprises the following Alpine Subregions—
- (a) Blue Cow Terminal,
- (b) Bullocks Flat Terminal,
- (c) Charlotte Pass Alpine Resort,
- (d) Creel Bay Alpine Accommodation,
- (e) Kosciuszko Tourist Park Alpine Accommodation,
- (f) Mount Selwyn Alpine Resort,
- (g) Perisher Range Alpine Resort,
- (h) Ski Rider Alpine Accommodation,
- (i) Sponars Chalet Alpine Accommodation,
- (j) Thredbo Alpine Resort,
- (k) Thredbo Ranger Station Alpine Accommodation.

### Comment

The subject site is located within the Thredbo Alpine Resort subregion.

## **Part 4.2 Permitted or prohibited development**

### **Clause 4.7 Land use table**

#### **Thredbo Alpine Resort**

##### **1 Permitted without consent**

Nil

##### **2 Permitted with consent**

Advertising structures; Building identification signs; Business identification signs; Car parks; Commercial premises; Community facilities; Depots; Eco-tourist facilities; Emergency services facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Fences; Function centres; Helipads; Information and education facilities; Infrastructure facilities; Lifting facilities; Management trails; Medical centres; Monitoring stations; Places of public worship; Public utility undertakings; Recreation facilities (indoor); Recreation facilities (outdoor); Recreation infrastructure; Ski slope huts; Ski slopes; Snow-making infrastructure; Staff accommodation;

*Telecommunication facilities; Tourist and visitor accommodation; Transport depots; Vehicle repair stations*

### **3 Prohibited**

*Bed and breakfast accommodation; Farm stay accommodation; Any other development not specified in item 1 or 2*

#### Comment

The proposed modifications, which are associated with an existing tourist accommodation building, meet the objectives of the region and are permitted with consent.

## **Part 4.5 Development assessment and consent**

### **Clause 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.*

#### Comment

Necessary consultation between the Minister and the National Parks and Wildlife Service is noted.

### **Clause 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 November 2003,*
- (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.*

#### Comment

The aim and objectives of this chapter as set out in Clause 4.1 have been met by the proposed modifications. It is noted that the draft Alpine Development Control Plan has not been published at the time of this application. This application has taken into consideration the Geotechnical Policy – Kosciuszko Alpine Resorts and the Snowy Mountains Special Activation Precinct Master Plan 2022. An assessment has been provided further below.

#### **Clause 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.*
- (2) For development involving earthworks or stormwater draining works, the consent authority must also consider measures to mitigate adverse impacts associated with the 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.*

#### Comment

The geotechnical report prepared by Asset Geo Enviro addresses the measures taken for issues associated with the proposed modifications. The existing balance between the natural and built environment will be retained as the majority of the modifications will occur internally or to the external glazing. The proposed modifications are not considered to result in any environmental hazards.

There will not be any significant visual impact on the locality as a result of this application.

#### **Clause 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.*
- (2) This section does not prevent the consent authority from refusing to grant consent to development on the basis that the development is not consistent with the Kosciuszko National Park Plan of Management.*

#### Comment

The proposed modifications are consistent with the Kosciuszko National Park Plan of Management.

## **4.2 SNOWY MOUNTAINS SPECIAL ACTIVATION PRECINCT MASTER PLAN 2022**

### **Chapter 9 Alpine precinct**

#### **Clause 9.1 Alpine resorts**

##### **Sub-clause 9.1.1 Thredbo**

*Thredbo is located 30 kilometres south-west of Jindabyne and lies in the valley of the Thredbo River at the foot of the Ramshead Range, with access via the Alpine Way. It exhibits a strong alpine village form and feel, surrounded by forested slopes which provide significant views and vistas*

characteristic of the valley landscape. Thredbo's topography offers a significantly greater vertical drop and longer runs than other resorts and includes Australia's longest ski run, the Crackenback Supertrail. The village and valley floor lie within disturbed areas of vegetation, interspersed with pockets of montane forest and subalpine woodland which contain high biodiversity values.

During winter months, Thredbo's valley terrain affords visitors of all ages and abilities a high-quality snow experience complemented by landmark events and activities within the village. In summer, Thredbo attracts an increasing visitor base for mountain biking and fishing activities and access for hikers to a range of high quality hiking trails, including the Mount Kosciuszko summit.

#### **Structure plan**

The structure plans for Thredbo Village East and Thredbo Village West aim to leverage the resort's existing village character, facilitate growth in day and overnight visitors and build upon the most successful components of its current offering, while addressing constraints associated with bushfire, transport, infrastructure and protection of the environment. Thredbo provides significant opportunities for infill development in the main village, with some low-density expansion focused in the west on disturbed land at the golf course.

The success of the current form of the village will be maintained and enhanced. In addition to infill redevelopment, improvements to pedestrian access are prioritised. A new footbridge, separation of day and overnight parking and improvements to the pedestrian experience through the implementation of active frontages and new plazas will make Thredbo a more connected environment.

While this proposal seeks to increase accommodation provision in Thredbo, all future development must be guided by the capacity of skiable terrain, supporting infrastructure, protection of the environment and visitor amenity to avoid a depletion in the on-mountain experience.

#### **Comment**

The subject site is located within Thredbo Village West. The proposed modifications will enhance the existing tourist accommodation building without adversely affecting the amenity of surrounding properties or the wider Thredbo region.

## **Chapter 10 Alpine precinct provisions**

### **Clause 10.1 Land use**

#### **Aims**

- To ensure development is consistent with the Kosciuszko National Park Plan of Management, including compliance with environmental management systems and leasing requirements.
- Foster a diversification of tourism land uses that facilitate year-round activity within Kosciuszko National Park.
- Ensure development is appropriate within the setting of a National Park.
- Concentrate development on disturbed land and avoid areas of high environmental value.
- Deliver development that aligns with infrastructure provision and market demand.
- Minimise land use conflict and environmental and heritage impacts.

#### **Performance Criteria**

A. Development is to be permissible and consistent with the Master Plan, Precincts—Regional SEPP, Alpine Development Control Plan, Kosciuszko National Park Plan of Management, and the National Parks and Wildlife Act.

B. In considering the suitability of the development, the consent authority must be satisfied that the development meets the performance criteria and development controls in this Master Plan and in the Alpine Development Control Plan.

C. Development consent can only be issued for development in the Alpine Precinct where:

- i. the uses will support the diversification of the Alpine Precinct's tourism offering and year-round economic viability.
- ii. the uses will not compromise the environmental, heritage and cultural values of the Alpine Precinct.
- iii. the uses will not exceed the established carrying capacity of the Alpine Precinct.

D. The location of future development should align with the relevant structure plan and be focused on land marked 'Development area'. Where development is proposed on land outside these

areas, additional technical investigation may be required.

*E. Development for new or upgraded accommodation will meet the indicative sub-precinct yields and visitor thresholds set out in the Kosciuszko National Park Plan of Management and leasing arrangements. Refer also to Chapter 14 of this Master Plan.*

### Comment

The proposed modifications are associated with an existing tourist accommodation building which is a permissible land use within Chapter 4 of the SEPP (Precincts – Regional) 2021.

The modifications will provide improved tourist accommodation to support the diversification of the Alpine Precinct's tourism offering and year-round economic viability, without compromising the environmental, heritage, and cultural values of the Alpine Precinct.

This application does not propose to exceed the established carrying capacity of the Alpine Precinct.

## **Clause 10.2 Alpine resorts**

### **Aims**

- *Facilitate safe and sustainable year-round recreation and accommodation offerings in the Alpine Resorts.*
- *Recognise and celebrate the Alpine Resorts role and function within the Kosciuszko National Park as the Alpine Region's premier visitor destinations.*
- *Ensure ecologically sustainable development in the Alpine Resorts appropriately responds to the unique sensitive natural environment and landscape.*
- *Integrate environmental resilience into the future growth of the Alpine Resorts.*

### **Performance Criteria**

*A. Development should contribute to visitor attraction and village experience through:*

- i. the prioritisation of infill development.*
- ii. improvements to pedestrian and active transport connections.*
- iii. creation and implementation of active street frontages.*

*B. Development should integrate public transport opportunities and should create gateways and nodes to create a sense of place and community in Alpine Resort sub-precincts.*

*C. Development should provide a range of tourist accommodation offerings and seasonal worker accommodation.*

*D. Development should be designed to reduce on-site power consumption and improve environmental performance.*

*E. Development should be designed to contribute to the alpine character of the Alpine Resorts and reflect the alpine landscape and natural environment.*

### Comment

The proposed modifications are considered to enhance the appearance of the development and better contribute to the alpine character of the Alpine Resorts.

## **Chapter 11 Environment and sustainability**

### **Clause 11.1 Biodiversity**

#### **Aims**

- *To preserve the Precinct's unique landscape and biodiversity values.*
- *To avoid impacts to threatened ecological communities, threatened species and their habitats.*
- *To minimise the removal of existing native vegetation wherever possible.*
- *To preserve and rehabilitate natural waterways, bogs and fens which contribute to the Precinct's character and biodiversity.*
- *To improve water quality and reduce stormwater run-off particularly to sensitive habitats.*

- To prioritise development in areas of low biodiversity constraint (and disturbed areas) and minimise impacts within undisturbed areas of Kosciuszko National Park (high biodiversity constraint).
- To minimise impacts to important habitats such as rocky boulder fields, unburnt areas of old growth Snow Gum woodland, bogs and fens.
- To avoid impacts to threatened species and the habitats they exist within, including Mountain Pygmy Possum, Guthega Skink and Alpine she-oak Skink.
- To ensure that any impacts within Kosciuszko National Park are offset through direct management measures within the Park and should be related to the biodiversity impacted.

#### **Performance Criteria**

- A. All development is to apply the avoid, minimise and offset methodology.
- B. Development is to avoid threatened ecological communities and threatened species habitat; such vegetation should not be removed. Development may occur in these areas if it is for essential infrastructure.
- C. Development should be focused on colocation and infill to minimise biodiversity impacts.
- D. Development should be concentrated in and around already disturbed areas. Where possible, development should provide a buffer between areas of high ecological value and buildings and structures.
- E. Development should consider the biodiversity impacts of bushfire asset protection zones (APZ) and associated vegetation management.
- F. Development must offset any impacts to biodiversity through direct management measures within Kosciuszko National Park and should be related to the biodiversity impacted.
- G. Riparian corridors must be preserved while ensuring consistency with the proposed Flooding and Drainage Strategy for the Precinct.
- H. Any revegetation or planting within Kosciuszko National Park should follow the Rehabilitation Guidelines for the Resort Areas of Kosciuszko National Park.

#### **Comment**

This application does not propose to remove any vegetation. As a result, the proposed modifications are not considered to impact the biodiversity of the Alpine Region.

### **Clause 11.2 Geotechnical**

#### **Aims**

- Prioritise new development in areas of no or low geotechnical risk susceptibility.
- Ensure the design and construction of new development and redevelopment is informed by appropriate geotechnical investigations.
- Ensure that the geotechnical risk associated with development is understood and appropriately managed.
- Ensure that any excavation works consider the appropriate stabilisation methods.

#### **Performance Criteria**

- A. Development must address the requirements of the Geotechnical Policy – Kosciuszko National Park (DPNIR, 2003). This includes:
- i. development on land covered by the geotechnical maps, under the above policy must ensure the requirements of the policy are met.
  - ii. development on land not covered by the geotechnical maps under the above policy must ensure the requirements of the policy are met and should also use the risk susceptibility mapping to inform the requirements and design of development.
- B. Development must include an assessment of geotechnical risks.
- C. Buildings and structures must be designed to accommodate the specific geotechnical risks identified for the site.
- D. Excavations required for new developments must consider the potential to cause widespread slope instability and ensure appropriate mitigation measures are implemented to minimise and manage risk.

#### **Comment**

A geotechnical report has been prepared by Asset Geo Enviro and submitted alongside this application.

## **Clause 11.5 Bushfire**

### **Aims**

- To provide for the protection of human life and minimise impacts on property from the threat of bushfire, while having due regard to development potential, site characteristics and protection of the environment.
- To provide a suite of bushfire protection measures to reduce the impact of a bushfire.
- To ensure land is suitable for development in the context of bushfire risk, and protection measures are governed by the degree of risk posed to a development and the vulnerability of occupants.
- To provide adequate infrastructure and access/ egress associated with emergency evacuation and firefighting operations
- To enable appropriate ongoing land management practices.

### **Performance Criteria**

A. Development is to:

- i. minimise perimeters exposed to the bushfire hazard.
- ii. minimise vegetated corridors that permit the passage of bushfire towards development.
- iii. provide for the siting of future development away from ridge-tops and steep slopes, within saddles and narrow ridge crests.
- iv. ensure capacity of existing infrastructure (such as roads and utilities) can accommodate the increase in demand during emergencies as a result of the development.

B. Asset Protection Zones are to be provided and maintained between a bushfire hazard and future development and are designed to address the relevant bushfire attack mechanisms.

C. Adequate access is to be provided from all properties to the wider road network for park users emergency services and to provide access to hazard vegetation to facilitate bushfire mitigation works and fire suppression.

D. Development is to minimise levels of radiant heat, localised smoke and ember attack through development design and siting.

E. The subdivision of land and location of developments should consider the future uses of land and the inclusion of roads into Asset Protection Zones.

### Comment

A bushfire review certificate has been prepared by Archispectrum and submitted alongside this application.

## **Clause 11.6 Sustainability and climate change**

### **Aims**

- The design and operation of accommodation, services and attractions within the Precinct should showcase leading practice in the application of sustainability concepts.
- To support the establishment of the Precinct as an internationally recognised sustainable tourism destination supporting year-round activation, ecotourism and wellness, environmental performance and collaboration.
- To support National Parks and Wildlife Service and businesses in the Precinct to maximise efficiencies, reduce emissions and collaborate on net zero aspirations.
- To ensure development prioritises avoidance and mitigation of environmental impacts
- To prioritise active transport and support NSW Government to promote efficient transport modes
- To facilitate the design, construction, and operation of environmentally sustainable buildings, including renewable energy, efficient resource and energy use, resource re-use and reduced emissions and waste.
- To encourage the use of tools and programs to support sustainability goals for the Precinct
- To consult with Monero Ngarigo people regarding the integration of cultural land management practices
- To ensure climate change risks and mitigation measures are recognised to support an adaptable community resilient to climate change

### **Performance criteria**

A. Development must be inclusive and sustainable and promote year round use.

B. Development should preserve the Precincts landscape, cultural, heritage and biodiversity values by avoiding and minimising impact.

C. Development should support sustainable and active transport opportunities and integrate open space. Buildings are to express a strong commitment to ESD principles and incorporate passive design, optimal orientation, effective sun shading, cross ventilation and open plan living. This should be evident in the external architectural expression.

D. Development should comply with applicable sustainability tools and programs for design, construction and operation.

E. Consideration must be given to climate responsiveness and resilience. Climate change risks, hazard and opportunities must be considered in the design, construction and operation of development within the Precinct.

F. Operators, lessees and licensees within the Precinct must prepare and maintain an Environmental Management System in accordance with ISO 14001:2015 – Environmental management systems and the requirements of the Plan of Management for Kosciuszko National Park.

### Comment

The proposed modifications contribute to an inclusive and sustainable development suitable for year-round use and allow for better compliance with sustainability tools.

## **Chapter 12 Place and landscape**

### **Clause 12.1 Aboriginal cultural heritage**

#### **Aims**

- Ensure the Snowy Mountains Special Activation Precinct celebrates and protects its history and landscape values, particularly its occupation by Aboriginal people and their connection to the land.
- Ensure Aboriginal culturally significant places and artefacts are protected, maintained and enhanced.
- Allow and promote development and Precinct design that recognises its Connection and Return to Country.
- Build relationships with Traditional Custodians at all stages of development, and in accordance with the Government Architect NSW draft Connecting with Country framework.
- Celebrate Monero Ngarigo culture, values, and heritage in future development.
- Enable formal Monero Ngarigo participation in Caring for Country, making decisions about Country, contemporary use of natural resources and Cultural knowledge transmission, and protection of key geographical features.
- Respect Monero Ngarigo people's rights, obligations, roles and connections to Country as Traditional Custodians of the land and waterways by embedding Aboriginal cultural knowledge in project delivery.
- To provide Traditional Custodians with opportunities to Return to Country and enhance the Aboriginal community's sense of belonging across the Precinct.
- To support Aboriginal employment and business opportunities across the Precinct and to develop interpretation and tourism experiences that enhance the broader community's understanding and enjoyment of Aboriginal culture.

#### **Performance Criteria**

A. Areas of Aboriginal cultural heritage (included as part of the environmentally sensitive areas map) should not be developed. Development may occur in these areas if it is for essential infrastructure and where further Aboriginal cultural heritage assessment will be undertaken to appropriately mitigate and manage any impacts to Aboriginal cultural heritage items, places or areas.

B. Aboriginal culturally significant places and sites should be integrated with areas of environmental significance and green space (where appropriate) across the Precinct. This may continue to evolve as greening opportunities across the Precinct are established

C. Development in areas where surveys have not been undertaken require further Aboriginal cultural heritage assessment. These assessments must be carried out in accordance with Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (as modified from time to time) prior to any development on this land. These assessments must include a visual survey of the land. Once suitably assessed, any land identified as having Aboriginal cultural heritage significance should be included on the Environmentally Sensitive Areas (ESA) map. Development is to be assessed against the mapped zones of archaeological potential as required by the following:

- i. development within areas identified as 'disturbed land' do not require any further investigation beyond considering the potential for subsurface archaeological deposits. If current disturbances are considered to cover intact archaeological deposits, further investigation should take place

that may include test excavation. Should development encounter any unexpected finds during construction, the procedures under the relevant unexpected finds protocol should be followed.

ii. works within areas identified as 'moderate ACH potential' or 'high ACH potential' should be avoided. Where development will impact these areas, further Aboriginal cultural heritage assessment must be undertaken. This assessment should include a visual inspection, possibly test excavation if warranted, and participation from the Aboriginal community.

D. Development planned on land in which an Aboriginal object is located should be supported by a heritage impact assessment which should be prepared to assess the extent to which a proposed development would harm Aboriginal objects.

E. If impact to an Aboriginal object is unavoidable, an Aboriginal Heritage Impact Permit (AHIP) under Part 6 of the National Parks and Wildlife Act 1974 would be required.

### Comment

The subject site is located within an area identified as disturbed land. Therefore, the proposed modifications are permitted to occur.

## **Clause 12.3 Landscape, character and open space**

### **Aims**

- Create an interconnected network of green infrastructure.
- Provide landscaping and public open space that responds to the topography of the Alpine Region.
- Provide high-quality and high-performing multifunctional green spaces that deliver social, environmental, and economic benefits.
- Integrate stormwater management infrastructure with open spaces.
- Create a sense of arrival at key destinations and create attractive, high amenity public spaces that are attractive to visitors.

### **Performance Criteria**

A. Development should be designed to sensitively integrate into the landscape and should respond appropriately to the topography and climate of the Alpine Precinct.

B. Development should protect, conserve and enhance the Alpine Precinct's natural environment and create a green infrastructure network, where possible.

C. Landscaping and public open spaces should include plantings of native species found in surrounding plant communities, which aim to achieve the re-establishment of biodiversity in addition to aesthetic appeal and enhancement of the functionality of an area.

D. Revegetation and new plantings should follow the Rehabilitation guidelines for the Resort Areas of Kosciuszko National Park.

E. Development should integrate stormwater management infrastructure with open spaces, where possible.

### Comment

The proposed modifications offer better integration of the existing development into the landscape and the overall Alpine Precinct. This application does not propose any changes to the landscaping on site.

## **Clause 12.4 Built form**

### **Aims**

- Prioritise and concentrate development within disturbed areas to minimise environmental impacts.
- Prioritise infill development and consolidation within established villages and to activate the public domain and street frontages in the alpine villages.
- Ensure the typology, height, bulk, scale, and materiality of built form is compatible with, and sympathetic to, the Alpine landscape and the National Park setting.
- Ensure development qualities are consistent with the Precinct's design character and responds appropriately to the Region's environmental, cultural and historic heritage values.
- Protect views to (and from) significant vistas, landscape elements, and heritage items including consideration of light spill to enhance visual amenity and sense of place.
- Suitably integrate development with site topography and natural landforms.

- Ensure development is designed and sited to respond to environmental considerations, including bushfire, biodiversity valued land, geotechnical, erosion, flooding, and cultural heritage.
- Ensure development is sited to protect water sources, such as riparian corridors and creeks.
- Promote and enhance the retention of biodiversity, native vegetation corridors and natural waterways.

#### **Performance Criteria**

##### **General criteria for all development in the Alpine Region**

A. Buildings should be efficient, well designed and successfully integrated with the surrounding landscape. This will be achieved by:

- ensuring building bulk, orientation and design contributes to the energy efficiency of buildings, particularly with respect to thermal comfort.
  - ensuring new buildings are located within existing disturbed areas to minimise impacts on vegetation and natural processes.
  - siting development within existing disturbed areas to limit clearing and the expansion of new development areas.
  - incorporating climate resilient design principles in new development.
  - applying suitable rehabilitation and native landscaping.
  - incorporating preparedness for natural hazards and climate change into development design.
- ensuring development creates activated public domain spaces and provides safe and accessible pedestrian connections between buildings, appropriate for all seasons.

B. Site earthworks must respond to local topography and geotechnical characteristics and be appropriate for the intended land use.

#### Comment

The proposed modifications offer better integration of the existing development into the surrounding landscape.

## **5.0 COMPLIANCE TABLE**

Planning Instrument	Clause	Complies
State Environmental Planning Policy (Precincts – Regional) 2021	<b>Clause 4.1</b> Aim and objectives of chapter	✓
State Environmental Planning Policy (Precincts – Regional) 2021	<b>Clause 4.2</b> Land to which chapter applies	✓
State Environmental Planning Policy (Precincts – Regional) 2021	<b>Clause 4.7</b> Land use table	✓
State Environmental Planning Policy (Precincts – Regional) 2021	<b>Clause 4.27</b> Consultation with National Parks and Wildlife Service	✓
State Environmental Planning Policy (Precincts – Regional) 2021	<b>Clause 4.28</b> Consideration of master plans and other documents	✓
State Environmental Planning Policy (Precincts – Regional) 2021	<b>Clause 4.29</b> Consideration of environmental, geotechnical and other matters	✓
State Environmental Planning Policy (Precincts – Regional) 2021	<b>Clause 4.30</b> Kosciuszko National Park Plan of Management	✓
Snowy Mountains Special Activation Precinct Master	<b>Sub-clause 9.1.1</b> Thredbo	✓

<b>Plan 2022</b>		
<b>Snowy Mountains Special Activation Precinct Master Plan 2022</b>	<b>Clause 10.1</b> Land use	✓
<b>Snowy Mountains Special Activation Precinct Master Plan 2022</b>	<b>Clause 10.2</b> Alpine resorts	✓
<b>Snowy Mountains Special Activation Precinct Master Plan 2022</b>	<b>Clause 11.1</b> Biodiversity	✓
<b>Snowy Mountains Special Activation Precinct Master Plan 2022</b>	<b>Clause 11.2</b> Geotechnical	✓
<b>Snowy Mountains Special Activation Precinct Master Plan 2022</b>	<b>Clause 11.5</b> Bushfire	✓
<b>Snowy Mountains Special Activation Precinct Master Plan 2022</b>	<b>Clause 11.6</b> Sustainability and climate change	✓
<b>Snowy Mountains Special Activation Precinct Master Plan 2022</b>	<b>Clause 12.1</b> Aboriginal cultural heritage	✓
<b>Snowy Mountains Special Activation Precinct Master Plan 2022</b>	<b>Clause 12.3</b> Landscape, character and open space	✓
<b>Snowy Mountains Special Activation Precinct Master Plan 2022</b>	<b>Clause 12.4</b> Built form	✓

## 6.0 CONCLUSION

The proposed alterations and additions to the existing tourist accommodation building known as Melaleuca 1 at No. 4A Diggings Terrace, Thredbo are consistent with the objectives and relevant provisions of NSW Department of Planning and Environment Alpine planning instruments.

From this statement it is concluded that the modifications contribute to a higher standard of tourist accommodation which is compatible with the existing and desired future character of the Thredbo Alpine Resort. There are no additional impacts that can be attributed to the modifications that adversely affect the natural environment or deter from the overall Alpine Region.

In this regard the Minister is requested to review the application favourably and grant the development consent.