



Statement of Environmental Effects

Demolition of Existing Stairs, Construction of New Stairs and Installation of New Window to Match Existing.

Lot 543 DP 117971

Smiggin Holes, Perisher Valley NSW 2624



Prepared and published by:

Snowy Planning Co.

ABN: 729 187 525 36

Po Box 473 Jindabyne NSW 2627

E: Rhiannon@snowyplanning.com.au

PH: 0416 293 907

This document may only be used for Council submission purposes associated with the subject Development Application to which it relates.

The express purposes of the project, subject of the Statement of Environmental Effects, may not be otherwise copied, reproduced, distributed or used without the written permission of the author.

Disclaimer

While every reasonable effort has been made to ensure that this document is correct at the time of printing, it relies on information/documentation provided by others and therefore the authors disclaim any and all liability done or the consequence of anything done or omitted to be done in reliance upon the whole or any part of this document.

April 2024

Report: S0266

CONTENTS

1. INTRODUCTION	4
2. THE SITE AND ITS LOCALITY	5
3. THE DEVELOPMENT	7
4. STATUTORY PLANNING FRAMEWORK.....	9
5. STATE ENVIRONMENTAL PLANNING POLICY (PRECINCTS – REGIONAL) 2021	12
6. SNOWY MOUNTAINS SPECIAL ACTIVATION PRECINCT MASTER PLAN 2022	26
7. ABORIGINAL CULTURAL HERITAGE	34
8. HISTORIC HERITAGE	35
9. BIODIVERSITY VALUES.....	36
10. CONSTRUCTION IMPACT.....	37
11. GEOTECHNICAL CONSIDERATIONS	37
12. CONCLUSION	37
13. PHOTOS.....	38

1. INTRODUCTION

Snowy Planning Co. has been commissioned by Perisher Blue Pty Ltd to prepare the Statement of Environmental Effects to accompany lodgement of a development application for 'demolition of existing stairs, construction of new stairs and installation of new window to match existing' on the Perisher workshop within the Smiggin Holes locality.

This Statement of Environmental Effects will accompany a development application lodgement to the Department of Planning & Environment (DPE) in accordance with the State Environmental Planning Policy (Precincts Regional) 2021, under Part 4 of the Environmental Planning & Assessment Act 1979 (EP&A Act) and Clause 4.15 of the Environmental Planning and Assessment Act 1979 for the purposes of:

- Demonstrating that the environmental impacts of the development have been considered; and
- Outlining the steps to be undertaken to protect the environment or to mitigate against any potential harm, if necessary.

This SEE describes the proposal and its environment, including a detailed description of the site and its surrounds and an assessment of the proposal against the relevant planning controls.

The SEE demonstrates that the development proposed is acceptable under Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and concludes that the proposed development should be granted approval subject to conditions.

This proposal seeks to gain approval for the undertaking of new works to provide better access and amenity to the recent alterations of the lunchroom. The proposed additions/ alterations include the Demolition of Existing Stairs, Construction of New Stairs, and Installation of New Window to Match Existing.

The proposal will offer a visual improvement to the locality and ensure the workers safe access to the lunchroom and better amenity within the lunchroom with the addition of the new window which is to match the existing windows along the Kosciuszko Road façade. The proposed works will not involve vegetation clearing or ground disturbance.

The following is a list of the proposed alterations to Smiggin Holes workshop:

- Removal of existing stairs
- Construction of new stairs
- Addition of a new window to match the existing.

2. THE SITE AND ITS LOCALITY

THE SITE

The site known as the Perisher Maintenance shed Smiggin Holes, which is located between Kosciuszko Road, Link Road & Corroboree Road Smiggin Holes, Perisher Valley NSW 2624 and is legally described as lot 543 DP 1171971. The site is 6406m² in size.

The site is zoned C1- National Parks and Nature Reserves.

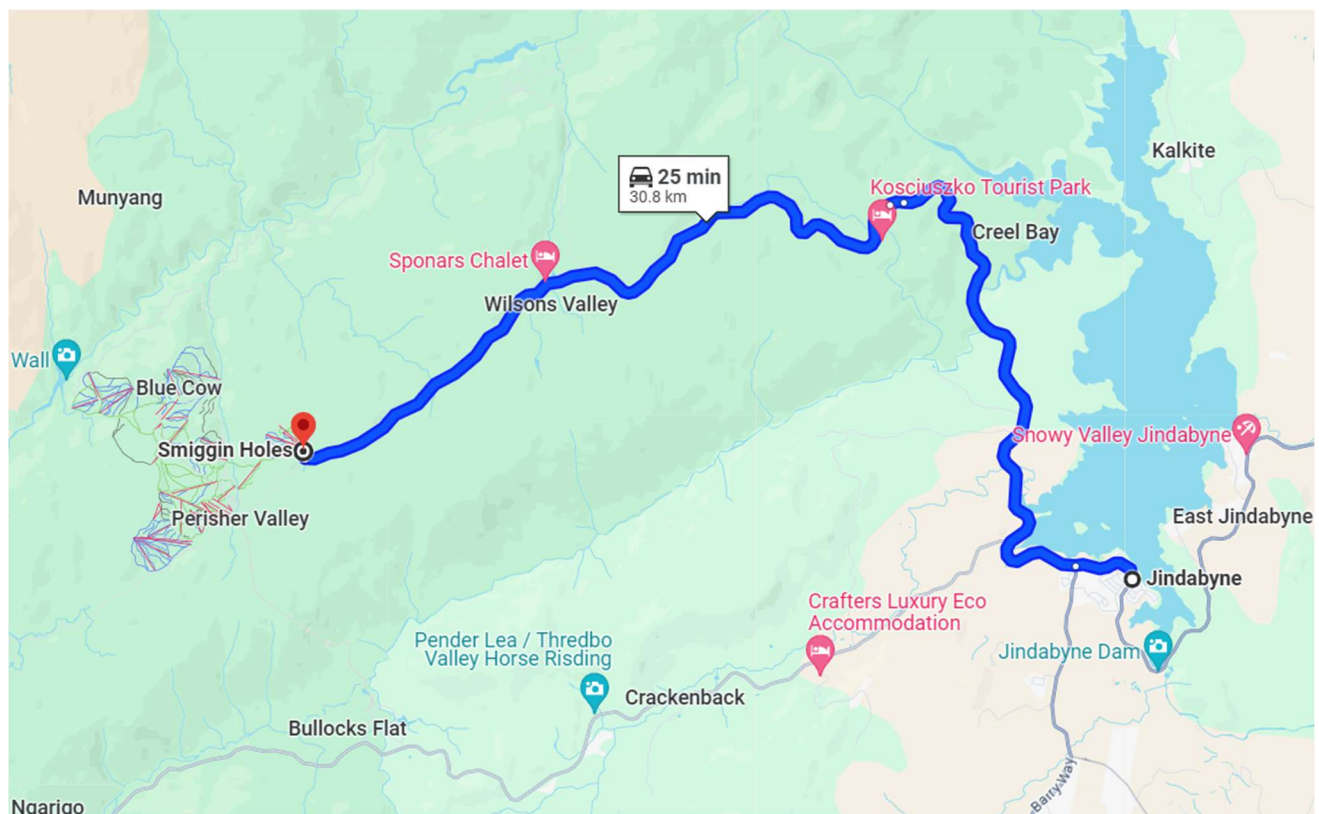
The maintenance shed has been in place for a number of years and in more recent years has been altered to include a lunchroom on the first floor (CDC- 230016).

The subject building is not identified as a heritage item on the State Environmental Planning Policy (Precincts – Regional) 2021.

The site forms part of the Smiggin Holes area within the Perisher resort and the lot being of an irregular shape. The current site is predominately not vegetated and what areas are not built upon are mostly hardstand.

THE LOCALITY

Smiggin Holes is situated West of Jindabyne Township and is approximately 30km distance by road. Smiggin Holes and The Perisher Valley and the Snowy Mountains area are a popular tourist destination within Australia for not only the Ski resorts during the ski season, but the Perisher valley makes for an accessible base for tourists looking to explore Kosciuszko National Park year-round for its unique flora, fauna and scenery across the main range.



Locality of site and travel distance from Jindabyne Town Centre source: Google maps



Locality of site. Source: Six Maps



Locality of site. Source: Six Maps

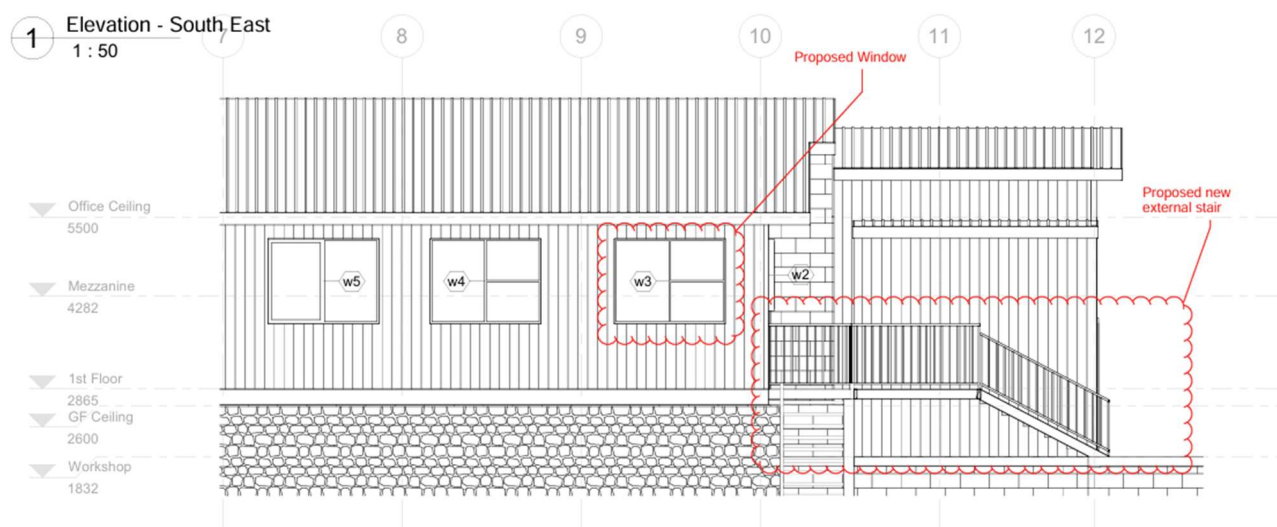
3. THE DEVELOPMENT

This proposal seeks to gain approval for the undertaking of new works to the Smiggin Holes Maintenance workshop which include Demolition of Existing Stairs, Construction of New Stairs and Installation of New Window to Match Existing.

The proposal will offer a visual improvement to the locality and ensure the workers safe access to the lunchroom and better amenity within the lunchroom with the addition of the new window which is to match the existing windows along the Kosciuszko Road façade. The proposed works will not involve vegetation clearing or ground disturbance.

The following is a list of the proposed alterations to Smiggin Holes workshop

- Removal of existing stairs
- Construction of new stairs
- Addition of a new window to match the existing.



Proposed South East elevation showing new stairs and window



Existing stairs to be Demolished.

Rock work to remain in place - treads and handrail to be removed

Existing stairs to be removed

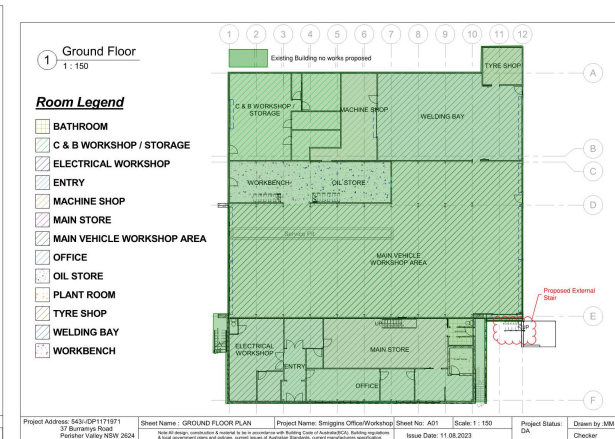
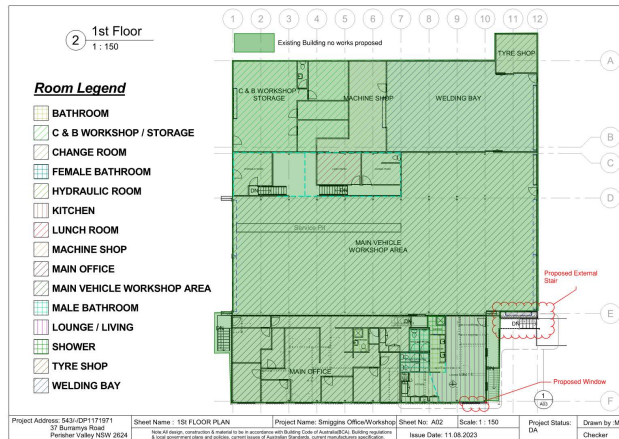
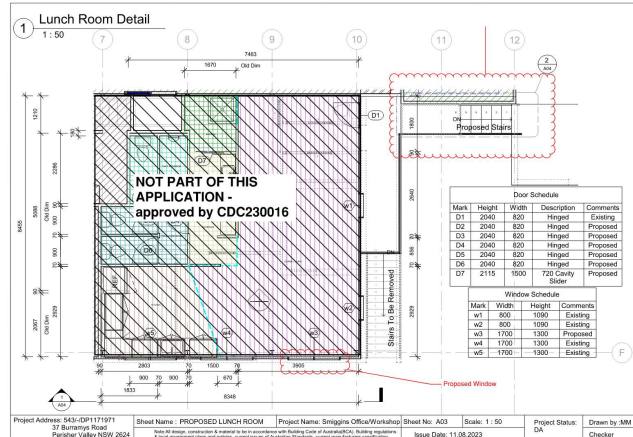
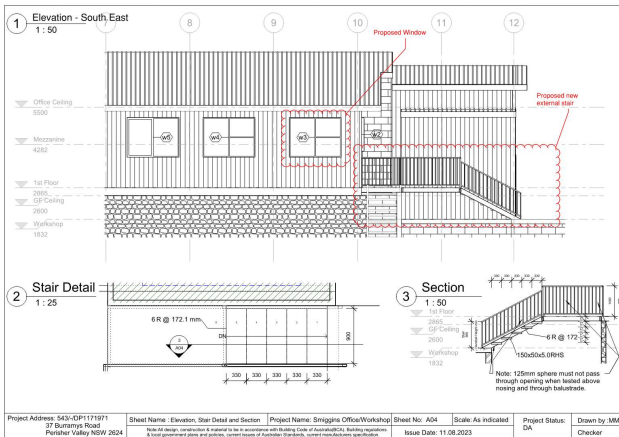


New window to match existing

Existing



Proposed window to be added



Plans

4. STATUTORY PLANNING FRAMEWORK

This Section of the Report assesses the proposed development against the planning framework and planning controls applicable to the site and the development, including:

- Integrated development matters (Section 4.46 of the EP&A Act)

INTEGRATED DEVELOPMENT

Section 4.46 of the EP&A Act requires a review of whether the proposed development on the land would trigger an approval under other environmental or related legislation. Such development is categorised as 'integrated development'.

The following provides a brief overview on whether any aspect of the development triggers a need for the consent authority to obtain general terms of approval from other relevant approval authorities.

Integrated Development Matters	
Coal Mine Subsidence Compensation Act 2017	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Fisheries Management Act 1994	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Heritage Act 1977	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Mining Act 1992	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
National Parks and Wildlife Act 1974	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A This application for alterations / additions to existing Smiggin Holes workshop will require referral to NPWS.
Petroleum (Onshore) Act 1991	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Protection of the Environment Operations Act 1997	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Roads Act 1993	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Rural Fires Act 1997	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Water Management Act 2000	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A

OBJECTIVES OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT

In New South Wales (NSW), the relevant planning legislation is the Environmental Planning & Assessment Act 1979 (EP&A Act). The EP&A Act instituted a system of environment planning and assessment in NSW and is administered by the Department of Planning, Industry & Environment (DPHI). In 2017, the Act was amended to provide a range of updated objects. The objects of the EP&A Act are:

- (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,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (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 increased opportunity for community participation in environmental planning and assessment.*

The proposed development is not considered to be antipathetic to any of the above objects.

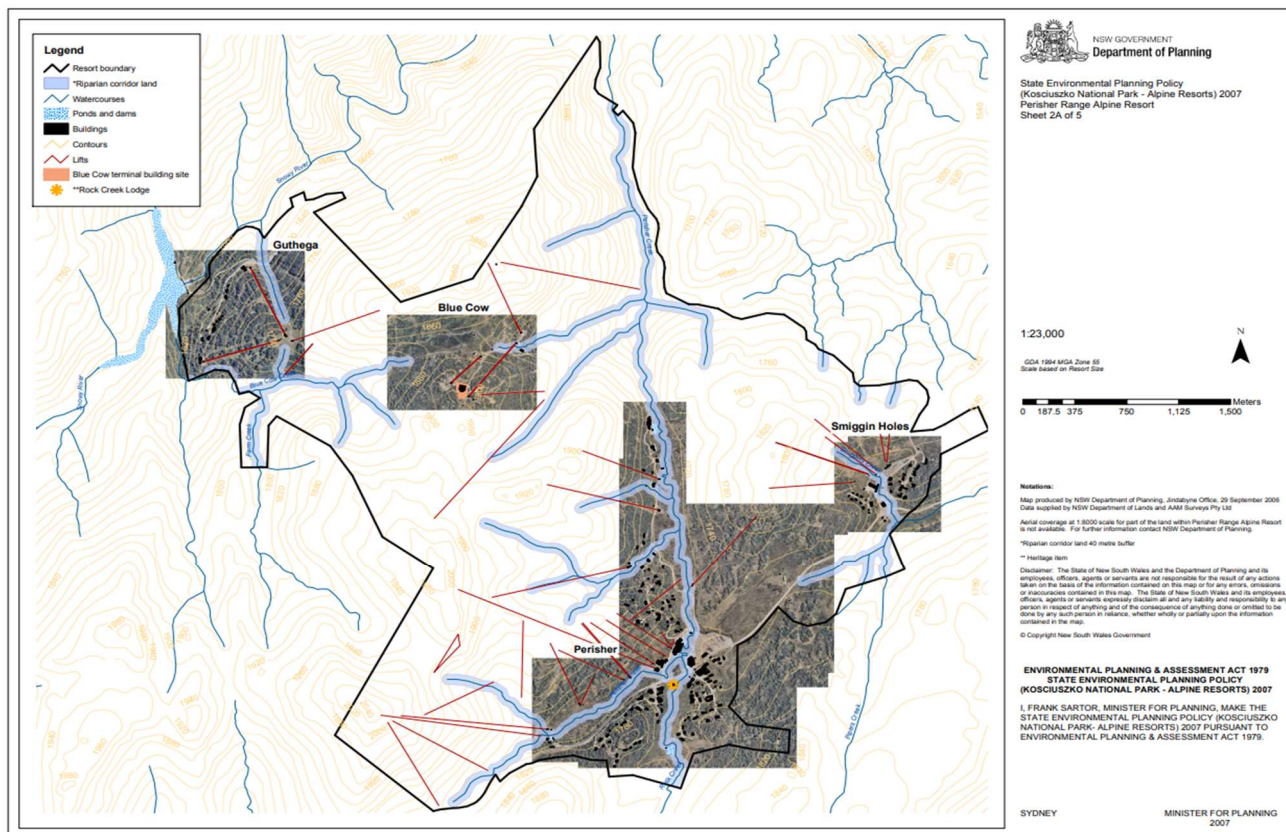
SUBORDINATE LEGISLATION

The EP&A Act facilitates the preparation of subordinate legislation, consisting of:

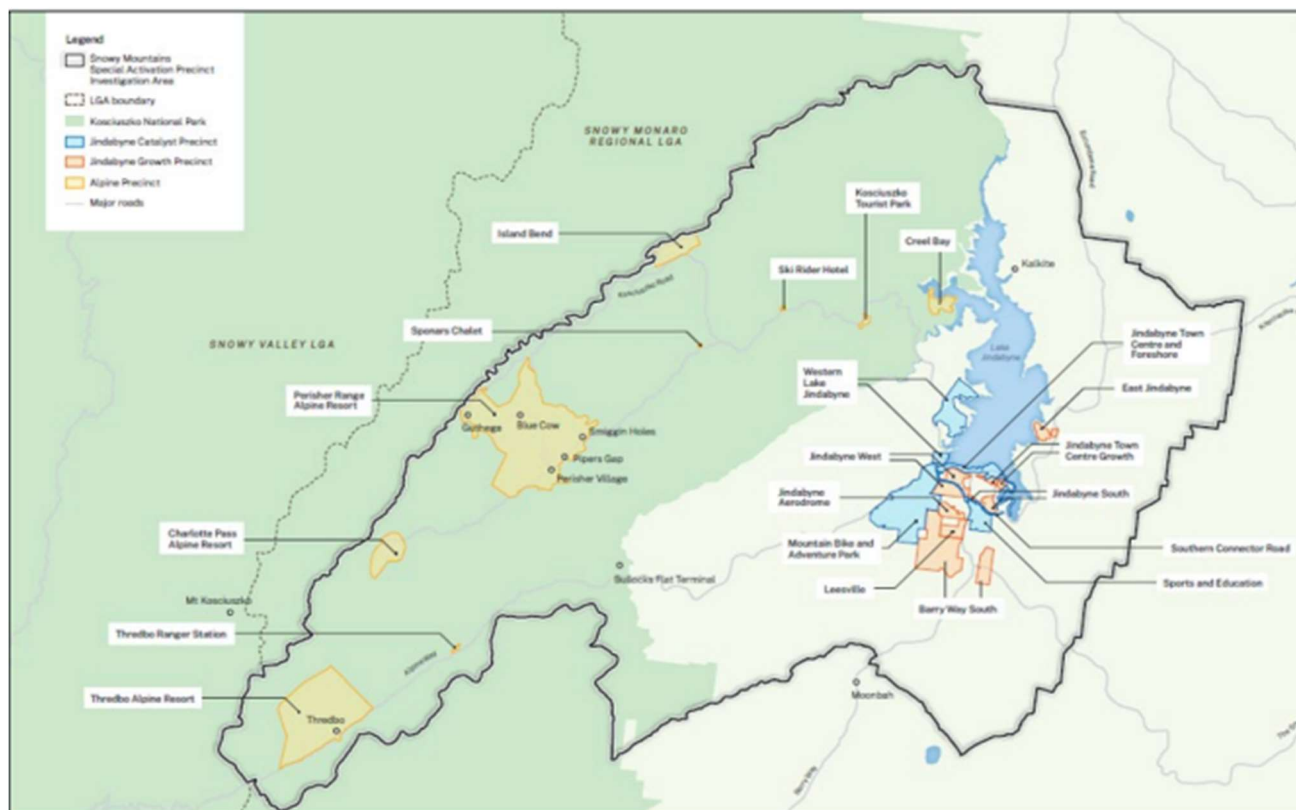
- Environmental Planning Instruments (EPIs) (including State Environmental Planning Policies (SEPP), Local Environment Plans (LEP) and deemed EPIs; and
- Development Control Plans (DCP)

In relation to the proposed development the relevant subordinate legislations includes:

- State Environmental Planning Policy (Precincts Regional)2021
- Snow Mountains Special Activation Precinct Master Plan
- Snowy Mountains Special Activation Precinct Discussion Paper (Nov 2023)
- Draft Alpine DCP
- Alpine Resorts Structure plan
- Kosciuszko National Park Plan of Management

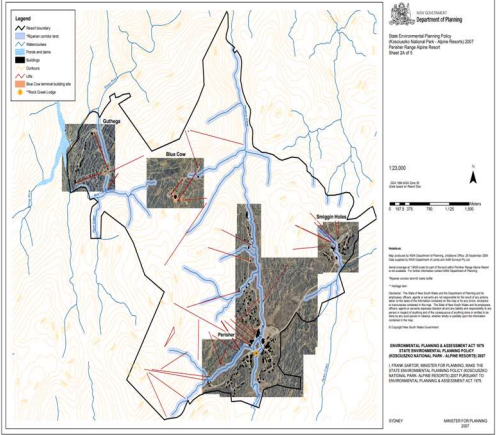


Perisher Range alpine Resort Map- SEPP-Kosciuszko National Park- Alpine Resorts) 2007



5. STATE ENVIRONMENTAL PLANNING POLICY (PRECINCTS – REGIONAL) 2021

STATE ENVIRONMENTAL PLANNING POLICY (PRECINCTS – Regional 2021 Including amendments made by State Environmental Planning Policy (Precincts- Regional) Amendment (Kosciuszko Alpine Region) 2022 as published on 16 th December 2022 Chapter 4 Kosciuszko Alpine Region Part 4.1 Preliminary	
<div><div><input checked="" type="checkbox"/> 4.1 Aim and Objectives of Chapter</div><div>(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.</div><div>(2) The objectives of this Chapter are as follows—</div><div>(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,</div><div>(b) to establish planning controls that—</div><div>(i) contribute to and facilitate the carrying out of ecologically sustainable development in the Alpine Region, and</div><div>(ii) recognise the Alpine Region’s significant contribution to recreation and the tourism economy in the State,</div><div>(c) to minimise the risk to the community of exposure to environmental hazards, particularly geotechnical hazards, bush fires and flooding, by—</div><div>(i) generally requiring development consent on land in the Alpine Region, and</div><div>(ii) establishing planning controls for buildings to ensure the safety of persons using the buildings if there is a fire.</div></div>	<div><div><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</div><div>Proposal is deemed to comply with the aims and objectives. The proposal aims 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.</div></div>
<div><div><input checked="" type="checkbox"/> 4.2 Land to Which Chapter Applies</div><div>(1) This Chapter applies to the Alpine Region.</div><div>(2) The Alpine Region comprises the following Alpine Subregions—</div><div>(a) Blue Cow Terminal,</div><div>(b) Bullocks Flat Terminal,</div><div>(c) Charlotte Pass Alpine Resort,</div><div>(d) Creel Bay Alpine Accommodation,</div><div>(e) Kosciuszko Tourist Park Alpine Accommodation,</div><div>(f) Mount Selwyn Alpine Resort,</div><div>(g) Perisher Range Alpine Resort,</div><div>(h) Ski Rider Alpine Accommodation,</div><div>(i) Sponars Chalet Alpine Accommodation,</div><div>(j) Thredbo Alpine Resort,</div><div>(k) Thredbo Ranger Station Alpine Accommodation.</div><div>(3) Each of the Alpine Subregions is identified on a map as follows—</div></div>	<div><div><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</div><div>The subject land is mapped within the Perisher Range Alpine Resort area.</div></div>

<p>(a) Blue Cow Terminal is identified on the State Environmental Planning Policy (Precincts—Regional) 2021 Perisher Range Alpine Resort Map.</p> <p>(b) Bullocks Flat Terminal is identified on the State Environmental Planning Policy (Precincts—Regional) 2021 Bullocks Flat Terminal Map.</p> <p>(c) Charlotte Pass Alpine Resort is identified on the State Environmental Planning Policy (Precincts—Regional) 2021 Charlotte Pass Alpine Resort Map.</p> <p>(d) Creel Bay Alpine Accommodation is identified on the State Environmental Planning Policy (Precincts—Regional) 2021 Minor Alpine Accommodation Map.</p> <p>(e) Kosciuszko Tourist Park Alpine Accommodation is identified on the State Environmental Planning Policy (Precincts—Regional) 2021 Minor Alpine Accommodation Map.</p> <p>(f) Mount Selwyn Alpine Resort is identified on the State Environmental Planning Policy (Precincts—Regional) 2021 Mount Selwyn Alpine Resort Map.</p> <p>(g) Perisher Range Alpine Resort is identified on the State Environmental Planning Policy (Precincts—Regional) 2021 Perisher Range Alpine Resort Map.</p> <p>(h) Ski Rider Alpine Accommodation is identified on the State Environmental Planning Policy (Precincts—Regional) 2021 Minor Alpine Accommodation Map.</p> <p>(i) Sponars Chalet Alpine Accommodation is identified on the State Environmental Planning Policy (Precincts—Regional) 2021 Minor Alpine Accommodation Map.</p> <p>(j) Thredbo Alpine Resort is identified on the State Environmental Planning Policy (Precincts—Regional) 2021 Thredbo Alpine Resort Map.</p> <p>(k) Thredbo Ranger Station Alpine Accommodation on the State Environmental Planning Policy (Precincts—Regional) 2021 Thredbo Ranger Station Alpine Accommodation Map.</p>	
<p><input checked="" type="checkbox"/> 4.3 Definitions</p> <p>(1) The Dictionary in Schedule 4A defines words used in this Chapter.</p> <p>Note— The Act and the Interpretation Act 1987 contain definitions and other provisions that affect the interpretation and application of this Chapter.</p> <p>(2) In this Chapter, development for the purposes of water storage facilities or sewage treatment plants does not include the installation or use of pipelines, pumps or related infrastructure used to—</p> <p>(a) supply water to or from water storage facilities, or</p> <p>(b) convey sewage to, or output from, a sewage treatment plant.</p> <p>(3) Words used in this Chapter have the same meaning as in the Standard Instrument, unless otherwise defined.</p> <p>Note— Commercial premises and shop, which are land uses defined in the Standard Instrument, are defined differently in the Dictionary in Schedule 4A.</p> <p>(4) A reference to this Chapter includes a reference to a Schedule made under this Chapter.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A.</p> <p>The proposed development is defined as infrastructure facility in Schedule 4a-Dictionary to Chapter 4.</p>
<p><input checked="" type="checkbox"/> 4.4 Consent Authority</p> <p>The Minister is the consent authority for the purposes of this Chapter.</p> <p>Note—</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>

See the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 , Schedule 1, clause 32C(2)(a).	
<input checked="" type="checkbox"/> 4.5 Maps (1) A reference in this Chapter to a named map adopted by this Chapter is a reference to a map by that name— (a) approved by the Minister when the map is adopted, and (b) as amended or replaced from time to time by maps— (i) declared by environmental planning instruments to amend or replace the map, and (ii) approved by the persons making the instruments when the instruments are made. (2) Two or more named maps may be combined into a single map and a reference in this Chapter to the named map is a reference to the relevant part or aspect of the single map. (3) The maps adopted by this Chapter must be kept in electronic form and made available for public access in accordance with arrangements approved by the Minister. (4) A map referred to in a Schedule made under this Chapter is taken to be a map adopted by this Chapter.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<input type="checkbox"/> 4.6 Application of Other Environmental Planning Instruments The following do not apply to land to which this chapter applies— (a) Snowy River Local Environmental Plan 2013 , (b) State Environmental Planning Policy (Housing) 2021 , Chapter 4, (c) State Environmental Planning Policy (Industry and Employment) 2021 , Chapter 3, (d) Tumut Local Environmental Plan 2012 .	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Part 4.2 Permitted or Prohibited Development	
<input checked="" type="checkbox"/> 4.7 Land Use Table (1) The Land Use Table at the end of this Part specifies the following for each Alpine Subregion— (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. (2) In the Land Use Table at the end of this Part— (a) a reference to a type of building or other thing is a reference to development for the purposes of the type of building or other thing, and (b) a reference to a type of building or other thing does not include, despite a definition in this Chapter, a reference to a type of building or other thing referred to separately in the Table in relation to the same Alpine Subregion. (3) This section is subject to the other provisions of this Chapter.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Perisher Range Alpine Resort 1 Permitted without consent <i>Nil</i> 2 Permitted with consent <i>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</i>

	<i>facilities (indoor); Recreation facilities (outdoor); Recreation infrastructure; Ski slope huts; Ski slopes; Snow-making infrastructure; Staff accommodation; Telecommunications facilities; The Skitube; Tourist and visitor accommodation; Transport depots; Vehicle repair stations</i> 3 Prohibited <i>Bed and breakfast accommodation; Farm stay accommodation; Any other development not specified in item 1 or 2</i>
<input type="checkbox"/> 4.8 Subdivision (1) Land in the Alpine Region may be subdivided with development consent. (2) However, development consent is not required for a subdivision for the purposes of the following— (a) widening a public road, (b) adjusting a boundary between lots, if the adjustment does not create more lots, (c) consolidating lots, if the consolidation does not create more lots, (d) rectifying an encroachment on a lot, (e) excising from a lot land that is, or is intended to be, used for public purposes, including drainage, rural fire brigades or other emergency services and public conveniences.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A Not applicable – Subdivision not proposed.
<input checked="" type="checkbox"/> 4.9 Demolition The demolition of a building or work on land in the Alpine Region may be carried out only with development consent. Note— Demolition may be exempt development under Part 4.3.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Demolition of existing stairs is proposed, and consent is being applied for within this Development Application. The demolition is not expected to have any environmental impacts.
<input type="checkbox"/> 4.10 Temporary Use of Land (1) The objective of this section is to provide for the temporary use of land if the use does not— (a) compromise future development of the land, or (b) have adverse economic, social, amenity or environmental impacts on the land. (2) Despite the Land Use Table, development consent may be granted to the temporary use of land in the Alpine Region for any purpose for a maximum period of 52 days, whether or not consecutive, in a period of 12 months. (3) Development consent must not be granted unless the consent authority is satisfied— (a) the temporary use will not prejudice the subsequent carrying out of development on the land, and (b) the temporary use will not adversely impact adjoining land or the amenity of the area, and (c) the temporary use, and the location of structures related to the use, will not— (i) adversely impact environmental attributes or features of the land, or (ii) increase the risk of natural hazards that may affect the land, and	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A Not applicable- Temporary use is not proposed.

(d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition it was in before the use commenced.	
Part 4.3 Exempt & Complying Development	
<p><input type="checkbox"/> 4.11 Requirements for Exempt & Complying Development</p> <p>(1) Development specified in Schedule 2 is exempt development in the Alpine Region if the development complies with—</p> <p>(a) the requirements of this Part, and</p> <p>(b) the development standards specified in Schedule 2.</p> <p>(2) Development specified in Schedule 3, Part 1 is complying development in the Alpine Region if the development complies with—</p> <p>(a) the requirements of this Part, and</p> <p>(b) the development standards specified in Schedule 3, Part 1.</p> <p>(3) To be exempt or complying development, the development must not be carried out on the following land—</p> <p>(a) land that is or contains a heritage item listed on the State Heritage Register under the Heritage Act 1977,</p> <p>(b) land subject to an interim heritage order under that Act,</p> <p>(c) land that is or contains an Aboriginal heritage item,</p> <p>(d) land in an Aboriginal place,</p> <p>(e) land to which section 4.16 applies.</p> <p>(4) To be exempt or complying development, the development must not be carried out—</p> <p>(a) in a declared area of outstanding biodiversity value within the meaning of the Biodiversity Conservation Act 2016, or</p> <p>(b) in critical habitat within the meaning of the Fisheries Management Act 1994, Part 7A, or</p> <p>(c) in a wilderness area within the meaning of the Wilderness Act 1987, or</p> <p>(d) in a flood planning area, or</p> <p>(e) if the development involves earthworks—on land identified as “Archaeologically sensitive land” on the State Environmental Planning Policy (Precincts—Regional) Kosciuszko Alpine Region Aboriginal Archaeological Heritage Map.</p> <p>(5) To be exempt or complying development, the development must not be carried out on waterfront land unless the development is carried out—</p> <p>(a) under a controlled activity approval, or</p> <p>(b) in accordance with an exemption from the requirement to have a controlled activity approval under the regulations under the Water Management Act 2000.</p> <p>(6) To be exempt or complying development, the development must meet the relevant deemed-to-satisfy provisions of the <i>Building Code of Australia</i>.</p> <p>(7) Development carried out as exempt or complying development under this Part does not include development required to access the site on which the exempt or complying development is carried out.</p> <p>(8) A heading to a section in Schedule 2 or 3 is part of the Schedule.</p> <p>(9) In this section—</p> <p>controlled activity approval has the same meaning as in the Water Management Act 2000.</p> <p>waterfront land has the same meaning as in the Water Management Act 2000.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>Not Applicable- Exempt & Complying Development not proposed.</p> <p>The development is neither exempt nor complying as such a development application is being lodged for approval.</p>
<p><input type="checkbox"/> 4.12 Requirements for Exempt Development</p> <p>Note—</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p>

<p>Under the Act, section 1.6, the carrying out of exempt development does not require—</p> <ul style="list-style-type: none"> (a) development consent under the Act, Part 4, or (b) environmental impact assessment under the Act, Division 5.1, or (c) State significant infrastructure approval under the Act, Division 5.2, or (d) a certificate under the Act, Part 6. <p>Exempt development is not exempt from an approval, licence, permit or authority that is required under another Act, including the National Parks and Wildlife Act 1974. Adjoining owners' property rights and the common law still apply.</p> <p>(1) To be exempt development, the development must not—</p> <ul style="list-style-type: none"> (a) involve earthworks that are deeper than 1,000mm below ground level (existing) or that compromise support for adjoining land, or (b) involve the damage, removal or pruning of a tree or other vegetation that requires a permit, approval, consent or development consent, unless the damage, removal or pruning is carried out in accordance with the permit, approval, consent or development consent, or (c) if it relates to an existing building—cause the building to contravene the <i>Building Code of Australia</i>. <p>(2) Development relating to an existing building classified under the <i>Building Code of Australia</i> as class 1b or class 2–9 is not exempt development unless—</p> <ul style="list-style-type: none"> (a) the building has a current fire safety certificate or fire safety statement, or (b) no fire safety measures are currently implemented, required or proposed for the building. <p>(3) In this section— fire safety certificate, fire safety measure and fire safety statement have the same meaning as in the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.</p>	<p>Not Applicable- Exempt Development not proposed. The development is neither exempt nor complying as such a development application is being lodged for approval.</p>
<p><input type="checkbox"/> 4.13 Requirements for Complying Development</p> <p>(1) To be complying development, the development—</p> <ul style="list-style-type: none"> (a) must be permitted with development consent on the land on which it is carried out, and (b) must be consistent with the <i>Geotechnical Policy—Kosciuszko Alpine Resorts</i> published by the Department in November 2003, and (c) must not be for the purposes of remediation within the meaning of State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 4, and (d) must not be designated development. <p>(2) A complying development certificate must not be issued for development involving the removal or pruning of a tree or other vegetation that requires a permit, approval, consent or development consent unless the permit, approval, consent or development consent is in force.</p> <p>(3) A complying development certificate for complying development under this Chapter is subject to—</p> <ul style="list-style-type: none"> (a) the conditions specified in Schedule 3, Part 2, and (b) the conditions specified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, Schedule 8, other than clauses 2(2), 6, 7, 12(2), 17(3), 21, 24A(2) and 25. 	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>Not Applicable – Complying Development not applied for. The development is neither exempt nor complying as such a development application is being lodged for approval.</p>
Part 4.4 Other Development Controls	
<input type="checkbox"/> 4.14 Development by Crown, Public Authorities or Snowy Hydro	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A

<p>(1) Development is permitted without development consent in the Alpine Region if the development is carried out by or on behalf of—</p> <ul style="list-style-type: none"> (a) the Crown, or (b) a public authority, or (c) Snowy Hydro Limited. <p>(2) Despite subsection (1), development for the following purposes, other than development carried out by or on behalf of Snowy Hydro Limited, is permitted with development consent—</p> <ul style="list-style-type: none"> (a) water storage facilities, (b) sewage treatment plants, (c) waste or resource management facilities. 	<p>Not Applicable. The proposal does not include proposed works on any crown, public authority or Snowy Hydro land.</p>
<p><input type="checkbox"/> 4.15 Development on Land on Kosciuszko Road and Alpine Way</p> <p>Development for the following purposes is permitted with development consent on land specified in the National Parks and Wildlife Act 1974, Schedule 16—</p> <ul style="list-style-type: none"> (a) advertising structures, (b) car parks, (c) infrastructure facilities, (d) roads. <p>Note—</p> <p>Land specified in the National Parks and Wildlife Act 1974, Schedule 16 is not part of an Alpine Subregion so the Land Use Table does not apply to the land.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>Not applicable – the development is not proposed on land identified in Schedule 16 of the National Parks and Wildlife Act 1974.</p>
<p><input type="checkbox"/> 4.16 Development near Kangaroo Ridgeline</p> <p>(1) This section applies to the land identified as “Kangaroo Ridgeline” on the State Environmental Planning Policy (Precincts—Regional) 2021 Charlotte Pass Alpine Resort Map.</p> <p>(2) Despite any other provision of this Plan, development for any purpose is prohibited on the land to which this section applies, other than development carried out under section 4.8–4.10 or 4.14.</p> <p>(3) Despite subsection (2) and the Land Use Table, development for the following purposes is permitted with development consent on the land to which this section applies—</p> <ul style="list-style-type: none"> (a) management trails, (b) recreation infrastructure, (c) snow-making infrastructure, (d) ski slopes. 	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>Not Applicable. The development proposed is not within the Kangaroo Ridgeline vicinity.</p>
<p><input checked="" type="checkbox"/> 4.17 Classified Roads</p> <p>(1) The objectives of this section are as follows—</p> <ul style="list-style-type: none"> (a) to ensure that development does not compromise the effective and ongoing operation and function of classified roads, (b) to prevent or reduce the potential impact of traffic noise and vehicle emissions on development adjacent to classified roads. <p>(2) Development consent must not be granted to development on land in the Alpine Region with a frontage to a classified road unless the consent authority is satisfied of the following—</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>The proposed development does front a classified road. The proposed development is a minor alteration/addition to an existing building and is seen to meet the aims and objectives of this clause.</p>

<p>(a) if practicable, vehicular access to the land is provided by a road other than the classified road,</p> <p>(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—</p> <p>(i) the design of the vehicular access to the land, or</p> <p>(ii) the emission of smoke or dust from the development, or</p> <p>(iii) the nature, volume or frequency of vehicles using the classified road to access to the land,</p> <p>(c) the development is of a type that—</p> <p>(i) is not sensitive to traffic noise or vehicle emissions, or</p> <p>(ii) is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions on the site.</p>	
<p><input type="checkbox"/> 4.18 Bushfire Hazard Reduction</p> <p>Bush fire hazard reduction work authorised by the Rural Fires Act 1997 is permitted without development consent in the Alpine Region.</p> <p>Note—</p> <p>The Rural Fires Act 1997 also makes provision relating to the carrying out of development on bush fire prone land.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>Not applicable.</p>
<p><input checked="" type="checkbox"/> 4.19 Public Utility Infrastructure</p> <p>(1) Development consent must not be granted for development in the Alpine Region unless the consent authority is satisfied that—</p> <p>(a) the public utility infrastructure that is essential for the proposed development is available, or</p> <p>(b) adequate arrangements have been made to make that infrastructure available when required.</p> <p>(2) This section does not apply to development for the purposes of providing, extending, augmenting, maintaining or repairing public utility infrastructure.</p> <p>(3) In this section—</p> <p>public utility infrastructure includes infrastructure for the following—</p> <p>(a) the supply of water,</p> <p>(b) the supply of electricity,</p> <p>(c) the disposal and management of sewage.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Complies. All existing infrastructure is to remain, there is an adequate supply of water, electricity and means for the disposal and management of sewage.</p>
<p><input checked="" type="checkbox"/> 4.20 Conversion of Fire Alarms</p> <p>(1) This section applies to a fire alarm system that can be monitored by Fire and Rescue NSW or a private service provider.</p> <p>(2) The following development may be carried out in the Alpine Region with development consent—</p> <p>(a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,</p> <p>(b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,</p> <p>(c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.</p> <p>(3) In this section—</p> <p>private service provider means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Not Applicable, no changes to passive or active fire safety systems within the current building. However, supporting documentation provided by Complete Certification Memo dated 18 April 2023 addresses fire safety and changes to access/egress with regards to the demolition of existing stairs and construction of new stairs.</p>

<p><input type="checkbox"/> 4.21 Heritage Conservation</p> <p>(1) The objective of this section is to conserve—</p> <ul style="list-style-type: none"> (a) the environmental heritage of the Alpine Region, and (b) the heritage significance of heritage items, including associated fabric, settings and views, and (c) Aboriginal heritage items and Aboriginal places. <p>(2) Development consent is required for the following in the Alpine Region—</p> <ul style="list-style-type: none"> (a) demolishing or moving a heritage item, (b) altering a heritage item, including by doing the following to a heritage item that is a building— <ul style="list-style-type: none"> (i) making changes to the detail, fabric, finish or appearance of the building's exterior, (ii) making structural changes to the building's interior, (c) disturbing or excavating land that is, or contains, an Aboriginal heritage item, (d) erecting a building on land that is, or contains, a heritage item, (e) subdividing land that is, or contains, a heritage item. <p>(3) Development consent is not required under this section for the following development—</p> <ul style="list-style-type: none"> (a) development that involves only the removal of a tree or other vegetation that the consent authority is satisfied is a risk to human life or property, (b) exempt development, (c) development that does not require development consent under section 4.14. <p>(4) The consent authority may, before work is carried out, give written notice to an applicant for development consent that development consent is not required under this section if the consent authority is satisfied the development—</p> <ul style="list-style-type: none"> (a) is of a minor nature or is for the maintenance of the heritage item, and (b) the development will not adversely impact the heritage significance of the heritage item. <p>(5) In deciding whether to grant development consent for development under this section, the consent authority—</p> <ul style="list-style-type: none"> (a) must consider the effect of the development on— <ul style="list-style-type: none"> (i) the heritage significance of the heritage item, and (ii) Aboriginal objects known or reasonably likely to be located on the land, (b) may require the submission of a heritage conservation management plan, and (c) for development on land that is, contains or is near a heritage item— may require the preparation of a heritage impact statement. <p>(6) Development consent must not be granted to development on land that is, or contains, an Aboriginal heritage item, and that requires development consent under this section, unless the consent authority has—</p> <ul style="list-style-type: none"> (a) given written or other appropriate notice of the development to the local Aboriginal communities, and (b) considered responses received from the communities within 28 days after the notice is given. 	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>Not Applicable- the current building and site is not listed as having heritage significance.</p>
<p><input type="checkbox"/> 4.22 Conservation Incentives</p> <p>(1) This section applies to development in the Alpine Region that—</p> <ul style="list-style-type: none"> (a) involves a building that is a heritage item, or (b) is on land on which a building that is a heritage item is located. <p>(2) Development consent may be granted to development to which this section applies, even if the development would otherwise be prohibited under this Chapter, if the consent authority is satisfied of the following—</p> <ul style="list-style-type: none"> (a) granting the development consent will facilitate the conservation of the heritage item, 	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>Not Applicable- the current building and site is not listed as having heritage significance.</p>

<p>(b) the development will be in accordance with a heritage conservation management plan that has been approved by the consent authority,</p> <p>(c) the development consent will require the carrying out of all necessary conservation work identified in the heritage conservation management plan,</p> <p>(d) the development will not adversely affect the heritage significance of the heritage item, including its setting,</p> <p>(e) the development will not have a significant adverse impact on the amenity of the surrounding area.</p>	
<p><input type="checkbox"/> 4.23 Eco-Tourist Facilities</p> <p>(1) The objectives of this section are as follows—</p> <p>(a) to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,</p> <p>(b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment on and off site.</p> <p>(2) This section does not apply to development relating to a building classified as class 1a under the <i>Building Code of Australia</i>.</p> <p>(3) Development consent must not be granted to development for the purposes of eco-tourist facilities in the Alpine Region unless the consent authority is satisfied of the following—</p> <p>(a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the area,</p> <p>(b) the development will be located, constructed, managed and maintained to minimise impact on, and to conserve, the natural environment,</p> <p>(c) the development will enhance the appreciation of the environmental and cultural values of the area,</p> <p>(d) the development will promote positive environmental outcomes,</p> <p>(e) the impacts of the development on watercourses, soil quality, heritage and native flora and fauna will be minimal,</p> <p>(f) the site will be maintained or regenerated to ensure the continued protection of natural resources and enhancement of the natural environment,</p> <p>(g) waste generation during construction and operation will be avoided and waste will be appropriately removed,</p> <p>(h) the development will be located to avoid visibility above ridgelines, against escarpments and from watercourses, and visual intrusions will be minimised through the choice of design, colours, materials and landscaping with local native flora,</p> <p>(i) infrastructure services to the site will be provided without significant modification to the environment,</p> <p>(j) power and water to the site will, where possible, be provided using passive heating and cooling, renewable energy sources and water-efficient design,</p> <p>(k) the development will not adversely affect the agricultural productivity of adjoining land,</p> <p>(l) the following matters are addressed or provided for in a management strategy for minimising impacts on the natural environment—</p> <p>(i) measures to remove threats of serious or irreversible environmental damage,</p> <p>(ii) the maintenance or regeneration of habitats,</p> <p>(iii) efficient and minimal energy and water use and waste output,</p> <p>(iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>Not Applicable- the building is not an Eco-Tourist Facility.</p>

(v) maintaining improvements on an ongoing basis in accordance with ISO 14000 standards relating to management and quality control.	
<p><input type="checkbox"/> 4.24 Flood Planning</p> <p>(1) The objectives of this section are as follows—</p> <p>(a) to minimise the flood risk to life and property associated with the use of land,</p> <p>(b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,</p> <p>(c) to avoid adverse or cumulative impacts on flood behaviour and the environment,</p> <p>(d) to enable the safe occupation and efficient evacuation of people if there is a flood.</p> <p>(2) Development consent must not be granted to development on land in the Alpine Region the consent authority considers to be in the flood planning area unless the consent authority is satisfied the development—</p> <p>(a) is compatible with the flood function and behaviour on the land, and</p> <p>(b) will not adversely impact flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</p> <p>(c) will not adversely impact the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area if there is a flood, and</p> <p>(d) incorporates appropriate measures to manage risk to life if there is a flood, and</p> <p>(e) will not adversely impact the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</p> <p>(3) In deciding whether to grant development consent on land the consent authority considers to be in the flood planning area, the consent authority must consider the following matters—</p> <p>(a) the impact of the development on projected changes to flood behaviour as a result of climate change,</p> <p>(b) the intended design and scale of buildings resulting from the development,</p> <p>(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people if there is a flood,</p> <p>(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.</p> <p>(4) Words used in this section have the same meaning as in the <i>Considering Flooding in Land Use Planning Guideline</i>, published on the Department's website on 14 July 2021, unless otherwise defined.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>Not Applicable- The proposal does not have any impact from flood planning.</p>
<p><input type="checkbox"/> 4.25 Earthworks</p> <p>(1) The objective of this section is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p> <p>(2) Development consent is required for earthworks in the Alpine Region unless—</p> <p>(a) the earthworks are exempt development under this Chapter or another environmental planning instrument, or</p> <p>(b) the earthworks are ancillary to—</p> <p>(i) development permitted without consent under this Chapter, or</p> <p>(ii) development for which development consent has been given.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>Not Applicable- No Earthworks proposed as part of this application. The existing and proposed stairs are both located on existing disturbed ground/ hard stand areas therefore to earthworks are required or proposed as part of this development application.</p>

<p>(3) In deciding whether to grant development consent for earthworks, or for development involving ancillary earthworks, the consent authority must consider the following matters—</p> <ul style="list-style-type: none"> (a) the likely disruption of, or adverse impact on, drainage patterns and soil stability in the locality of the development, (b) the effect of the development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to, and potential for adverse impacts on, a waterway, drinking water catchment or environmentally sensitive area, (h) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. <p>Note— The National Parks and Wildlife Act 1974, particularly section 86, deals with harming Aboriginal objects.</p>	
Part 4.5 Development Assessment & Consent	
<p><input checked="" type="checkbox"/> 4.26 Master Plans</p> <ul style="list-style-type: none"> (1) The Minister must prepare and approve a master plan that applies to the Alpine Region. (2) The master plan must contain the following information— <ul style="list-style-type: none"> (a) the strategic vision and general objectives for the Alpine Region, (b) a map showing existing and proposed types of development, (c) the performance criteria for development, (d) information about heritage items or places of heritage significance, (e) limitations on development on certain land, including environmentally sensitive areas, land prone to flooding and cultural heritage. (3) The master plan may also contain proposals for infrastructure facilities, public utility undertakings, roads and transport. (4) The master plan must be consistent with this Chapter. (5) The Minister may amend or replace a master plan. (6) A draft master plan must be published on the NSW planning portal for at least 28 days before it is approved by the Minister. (7) A master plan approved by the Minister must be published on the NSW planning portal and takes effect on the day it is published. 	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>The subject lot is within the Snowy Mountains Special Activations Precinct within the 'Alpine Precinct' and is consistent with the master plan.</p>
<p><input checked="" type="checkbox"/> 4.27 Consultation with National Parks and Wildlife Services</p> <ul style="list-style-type: none"> (1) Development consent must not be granted to development in the Alpine Region unless the consent authority has— <ul style="list-style-type: none"> (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. (2) In this section— relevant period means— <ul style="list-style-type: none"> (a) 28 days after notice of the development application is given to the National Parks and Wildlife Service, or (b) another period determined by the Planning Secretary. 	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Consultation will be carried out by the assessing officer in relation to this development application in accordance with these provisions.</p>

<p><input checked="" type="checkbox"/> 4.28 Consideration of Master Plans and Other Documents</p> <p>(1) In deciding whether to grant development consent to development in the Alpine Region, the consent authority must consider the following—</p> <p>(a) the aim and objectives of this Chapter set out in section 4.1,</p> <p>(b) (Repealed)</p> <p>(c) a conservation agreement under the Environment Protection and Biodiversity Conservation Act 1999 of the Commonwealth that applies to the land,</p> <p>(d) the <i>Geotechnical Policy—Kosciuszko Alpine Resorts</i> published by the Department in November 2003,</p> <p>(e) for development in the Perisher Range Alpine Resort—</p> <p>(i) the <i>Perisher Range Resorts Master Plan</i>, published by the National Parks and Wildlife Service in November 2001, and</p> <p>(ii) the <i>Perisher Blue Ski Resort Ski Slope Master Plan</i> adopted by the National Parks and Wildlife Service in May 2002.</p> <p>(2) In deciding whether to grant development consent to development in the Alpine Region, the consent authority must consider—</p> <p>(a) a master plan approved by the Minister under section 4.26 that applies to the land, or</p> <p>(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.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>The proposal is not inconsistent with all listed Master plans and other documents. The proposal for the demolition and construction of new stairs and the addition of a window utilising similar materials and colours as the existing.</p> <p>The proposed development is generally consistent with the Perisher Blue Ski Resort Ski Slope Master Plan.</p> <p>Snowy Mountains Special Activation Precinct Master Plan 2022 applies to the land. The proposed development is consistent with the approved master plan (further consideration of the Master Plan is included in Appendix A). The SEE and associated application documentation addresses impacts to the natural environment and associated mitigation measures. The project will not increase the risk of environmental hazards, including geotechnical hazards, bushfires and flooding.</p> <p>The site is not visible from land identified as the Main Range Management Unit. Due to the minor nature of the development, it is not considered to have a visual impact on the Kosciuszko National Park.</p> <p>The site is attached to the Perisher Range subregion. The proposal is minor in nature and therefore will have little to no impact on resource use and will not have a negative cumulative impact on the Alpine Environment.</p> <p>It is not considered that the development will significantly alter the character of the subregion due to the nature of the proposal.</p>
<p><input checked="" type="checkbox"/> 4.29 Consideration of Environmental, Geotechnical and Other Matters</p> <p>(1) In deciding whether to grant development consent to development in the Alpine Region, the consent authority must consider the following—</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>No Earthworks proposed as part of this application. The existing and proposed stairs</p>

<p>(a) measures proposed to address geotechnical issues relating to the development,</p> <p>(b) the extent to which the development will achieve an appropriate balance between—</p> <p>(i) the conservation of the natural environment, and</p> <p>(ii) taking measures to mitigate environmental hazards, including geotechnical hazards, bush fires and flooding,</p> <p>(c) the visual impact of the proposed development, particularly when viewed from the land identified as the Main Range Management Unit in the <i>Kosciuszko National Park Plan of Management</i>,</p> <p>(d) the cumulative impacts of development and resource use on the environment of the Alpine Subregion in which the development is carried out,</p> <p>(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,</p> <p>(f) the capacity of existing waste or resource management facilities to deal with additional waste generated by the development, including in peak periods.</p> <p>(2) For development involving earthworks or stormwater draining works, the consent authority must also consider measures to mitigate adverse impacts associated with the works.</p> <p>(3) For development the consent authority considers will significantly alter the character of an Alpine Subregion, the consent authority must also consider—</p> <p>(a) the existing character of the site and immediate surroundings, and</p> <p>(b) how the development will relate to the Alpine Subregion.</p>	<p>are both located on existing disturbed ground/ hard stand areas therefore to earthworks are required or proposed as part of this development application.</p> <p>See geotechnical considerations within this report.</p>
<p><input checked="" type="checkbox"/> 4.30 Kosciuszko National Park Plan of Management</p> <p>(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 <i>Kosciuszko National Park Plan of Management</i>.</p> <p>(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 <i>Kosciuszko National Park Plan of Management</i>.</p> <p>Note—</p> <p>Under the National Parks and Wildlife Act 1974, section 81(4), operations on land to which a plan of management under that Act applies may be undertaken only if they are undertaken in accordance with the plan of management, despite another Act or an instrument made under an Act.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>The proposed development is consistent with the Kosciuszko National Park Plan of Management.</p>
<p>Part 4.6 Miscellaneous</p>	
<p><input checked="" type="checkbox"/> 4.31 Savings</p> <p>(1) A development application lodged, but not finally determined, before State Environmental Planning Policy (Precincts—Regional) Amendment (Kosciuszko Alpine Region) 2022 commences must be determined as if that Policy had not commenced.</p> <p>(2) A development application or an application for a complying development certificate made, but not finally determined, before the commencement of <i>State Environmental Planning Policy Amendment (Flood Planning) 2023</i> must be determined as if that policy had not commenced.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>

6. SNOWY MOUNTAINS SPECIAL ACTIVATION PRECINCT MASTER PLAN 2022

Provision	Response
10 Alpine Precinct Provisions	
10.1 Land Use	
A. Development is to be permissible and consistent with the: <ul style="list-style-type: none"> • Master Plan • Precincts—Regional SEPP • Alpine Development Control Plan • Kosciuszko National Park Plan of Management • National Parks and Wildlife Act 	Complies The development is permissible under the Precincts Regional SEPP and complies with the relevant provisions of all documents listed (Excepting the Alpine DCP which is yet adopted and as such is not a matter for consideration for this application).
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.	Complies The development complies based on an assessment against the performance criteria of the Master Plan is carried out below.
C. Development consent can only be issued for development in the Alpine Precinct where: <ul style="list-style-type: none"> 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. 	Complies An assessment of the impact of the development on the environment, heritage and cultural values which has demonstrated that the development will not compromise any of these factors. The development has no impact on carrying capacity as it does not relate to the provision of additional tourist accommodation.
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.	The proposed development does not hinder future development as such is deemed to comply.
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.	Not applicable- The development does not involve new or upgraded accommodation.
10.2 Alpine Resorts	
A. Development should contribute to visitor attraction. and village experience through: <ul style="list-style-type: none"> i. the prioritisation of infill development. ii. improvements to pedestrian and active transport connections. iii. creation and implementation of active street frontages. 	The proposed development is to improve access to an existing workshop that is not open to the public.
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.	Not applicable
C. Development should provide a range of tourist accommodation offerings and seasonal worker accommodation.	Not applicable

D. Development should be designed to reduce on-site power consumption and improve environmental performance	Not applicable
E. Development should be designed to contribute to the alpine character of the Alpine Resorts and reflect the alpine landscape and natural environment.	Not applicable
10.3 Alpine Accommodation	
A – E	Not applicable – the proposed development does not include accommodation.
10.4 Alpine Experience	
A. Public transport or mass transit connections should be integrated into the design of new developments, particularly in Alpine Resort and Alpine Accommodation sub-precincts.	Not applicable – due to the nature of the development.
B. Transport development must provide safe, reliable and accessible connections into and around the Kosciuszko National Park.	Not applicable - due to the nature of the development.
C. Development should be designed and staged to support and enable the ultimate growth of accommodation and attractions in the Alpine Region.	Not applicable- due to the nature of the development.
D. Development of new and upgraded shared trails and paths should provide appropriate facilities and amenities.	Not applicable - The proposed development does not include the construction of new or upgraded shared trails or paths.
E. Development should provide adequate car parking as part of a range of transport solutions (including the provision of accessible parking spaces).	Not applicable - The development will not generate the need for new carparking
F. Visitor attractions must be supported by appropriate amenities, facilities and car parking and must minimise its impact to the natural environment.	Not applicable – the development is not a visitor attraction
G. Visitor attractions should be designed and staged to support and enable the ultimate growth of attractions in the Alpine Region.	Not applicable – the development is not a visitor attraction
Chapter 11 Environment and Sustainability	
11.1 Biodiversity	
A. All development is to apply the avoid, minimise, and offset methodology.	Complies – The development has taken regard of this methodology. Due to the site location, there will be no impact on biodiversity.
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.	Complies – The development has taken regard of this methodology. Due to the site location, there will be no impact on biodiversity.
C. Development should be focused on colocation and infill to minimise biodiversity impacts	Complies – the development is considered to be infill.
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.	Complies – the development is to be constructed on existing disturbed area/within/adjacent to an existing building

E. Development should consider the biodiversity impacts of bushfire asset protection zones (APZ) and associated vegetation management.	Not applicable – due to the nature of the development.
F. Development must offset any impacts to biodiversity through direct management measures within Kosciuszko National Park and should be related to the biodiversity impacted.	Not applicable – the development does not trigger the Biodiversity Offsets Scheme due to its location and extent.
G. Riparian corridors must be preserved while ensuring consistency with the proposed Flooding and Drainage Strategy for the Precinct.	Not applicable – the development has no impact on riparian corridors
H. Any revegetation or planting within Kosciuszko National Park should follow the Rehabilitation Guidelines for the Resort Areas of Kosciuszko National Park	Not applicable – no revegetation is required as no vegetation is to be disturbed to facilitate the development.
11.2 Geotechnical	
A. Development must address the requirements of the Geotechnical Policy – Kosciuszko National Park (DPNIR, 2003).	Complies – The development has addressed the requirements of the policy and is not within the mapped area requiring Geotechnical reporting in accordance with DIPNR Geotechnical Policy Kosciuszko Alpine Resorts.
B. Development must include an assessment of geotechnical risks.	Not applicable
C. Buildings and structures must be designed to accommodate the specific geotechnical risks identified for the site.	Not applicable
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.	Not applicable
11.3 Flood Risk Management	
A. The Flood Planning Level is the 1% AEP plus 500mm freeboard to ensure consistency across the Precinct. Development must generally occur outside the Flood Planning Level unless it can demonstrate that risks can be suitably managed. This allows for the maintenance of flood function and to avoid adverse effects on flood behaviour to the detriment of other properties or the environment of the floodplain.	Not applicable – the development is not on flood prone land or within the Flood Planning Level.
B. Development within the Flood Planning Level	Not applicable – the development is not within the Flood Planning Level
C. Development within the Probable Maximum Flood area	Not applicable
D. Development should mitigate the impacts of local overland flooding through the provision of adequate site drainage systems, where possible	Complies – the development will have no impact on overland flooding.
E. Development must consider and plan for emergency evacuation situations to ensure the safety of all areas within the Probable Maximum Flood extent.	Not applicable
11.4 Water Quality	
A. Maintain or improve the ecological condition of waterbodies and their riparian zones in catchments over the long term.	Not applicable – the development will have no impact on riparian environments.
B. Development in the Alpine Precinct should implement on-site water management and water quality systems through: i. the capture and re-use of water on-site. ii. the treatment of water on-site with any water discharged back into catchments having a neutral or beneficial effect on water quality. iii. incorporating water sensitive urban design principles into the development's-built form and landscaping, where possible	Not applicable - due to the size and nature of the development proposed.

C. The quality of stormwater discharged into receiving catchments must be pre-development quality or better in relation to pH, total suspended solids, total phosphorus, total nitrogen and gross pollutants.	Not applicable – due to the nature of the development there will be no stormwater required to be managed.
D. The quality of water discharged into receiving catchments should maintain electrical conductivity levels. Water quality should aim to maintain an electrical conductivity below the 30 µS/cm ANZG 2018 Guideline value for upland rivers of South-East Australia.	Not applicable – due to the nature of the development.
E. Monitor macroinvertebrates to ensure they are consistently within Band A of the NSW AUSRIVAS model	Not applicable - due to the scale of the proposed development
F. Erosion and sediment control should be managed during construction to ensure impacts to waterways are minimised in accordance with Managing Urban Stormwater Soils and Construction, also known as the Blue Book (current edition).	Complies – Sediment and erosion control measures will be in place in accordance with the SEMP fif required as there is no proposed ground disturbance associated with the development.
G. Discharge of wastewater and/or contaminated stormwater to watercourses or waterways is not permitted unless other specified in an environmental protection licence issued under the Protection of the Environment Operations Act 1997. Development must obtain the appropriate water licenses in accordance with the Water Act 1912 and the Water Management Act 2000 and consider the relevant Water Sharing Plan	Not applicable – due to the nature and scope of the development there will be no wastewater or contaminated stormwater generated.
11.5 Bushfire	
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.	Not applicable – due to the nature 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.	
11.6 Sustainability and Climate Change	
A. Development must be inclusive and sustainable and promote year-round use.	Not applicable – due to the particulars of the development proposed
B. Development should preserve the Precincts landscape, cultural, heritage and biodiversity values by avoiding and minimising impact.	Complies – the development will have minimal impact. Impact on biodiversity, landscape and cultural values have been addressed in the body of the SEE.
C. Development should support sustainable and active transport opportunities and integrate open space.	Not applicable – due to the scale and particulars of the development proposed
D. Development should comply with applicable sustainability tools and programs for design, construction and operation.	Not applicable - due to the nature and scale of the development

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	Complies – Due to the nature of the development it will have little to no impact on climate responsiveness and resilience.
F. Operators, lessees and licensees within the Precinct must prepare and maintain an Environmental Management System in accordance with ISO14001:2015 – Environmental management systems and the requirements of the Plan of Management for Kosciuszko National Park	Not applicable – the EMS as described has yet to be finalised. The EMS is being prepared currently by NPWS to meet this standard as such the this requirement is currently not applicable.
12. Place and Landscape	
12.1 Aboriginal Cultural Heritage	
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.	Complies –The land is/not identified as “archaeologically sensitive land” on the State Environmental Planning Policy (Precincts-Regional) 2021 Kosciuszko Alpine Region Aboriginal Archaeological Heritage Map. A search of the AHIMS database did/not identify any recorded Aboriginal Cultural Heritage items in the area of the development. A due diligence assessment was carried out, and is attached in Section 8 and based on the outcome of the assessment it is reasonable to conclude that there are no known Aboriginal objects or a low probability of objects occurring in the area of the proposed activity, and the development can proceed with caution without applying for an Aboriginal heritage impact permit or the need to carry out further assessment via an Aboriginal Cultural Heritage Assessment Report. The SEMP includes measures in the case of unexpected finds.
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	Not applicable - there are no aboriginal cultural significant places and sites impacted by the development.

<p>C. Development is to be assessed against the mapped zones of archaeological potential as required by the following:</p> <p>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.</p> <p>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.</p>	<p>Not applicable – the development does not propose any ground disturbance.</p>
<p>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.</p>	<p>Not applicable – AHIMS search, and due diligence process undertaken and concluded that there were no likely impacts and as such an ACHAR was not required for this development.</p>
<p>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.</p>	<p>Not applicable – no AHIP required.</p>
<p>12.2 Historic Heritage</p>	
<p>A. Development in areas defined as 'disturbed land' can occur without further historic heritage investigation however must consider neighbouring heritage items and broader heritage values.</p>	<p>Not applicable – the site is not included as a mapped area in the Master Plan.</p>
<p>B. Development on land where a heritage item is situated, that is a heritage item or is on land adjacent to a heritage item must prepare a statement of heritage impact.</p>	<p>Not applicable – no listed items of historic heritage are located on the site</p>
<p>C. Development in areas defined as 'high risk' or 'moderate risk' requires further heritage assessment where the development is likely to materially have a major affect on a heritage item or its value.</p>	<p>Not applicable – Bullocks Flat is not included as a mapped area in the Master Plan.</p>
<p>D. Development in areas defined as 'high risk' or 'moderate risk' requires further heritage assessment where the development is likely to materially have a minor affect on a heritage item or value.</p>	<p>Not applicable</p>
<p>E. Where development is likely to materially have a major effect on a heritage item or value, further heritage assessment is required.</p>	<p>Not applicable – provisions B, C & D do not apply to the development therefore consideration of this provision is not required.</p>

F. Where development will have minor effect on a heritage item or value, a heritage assessment may be required.	Not applicable – provisions B, C & D do not apply to the development therefore consideration of this provision is not required.
G. Development that is likely to have a materially major or minor effect on a heritage item or its value	Not applicable – provisions B, C & D do not apply to the development therefore consideration of this provision is not required.
H. Development adjacent to a heritage item should ensure impacts to the heritage item are minimised, including through the provision of appropriate curtilages. There may be opportunities to reduce the curtilage to some heritage items if it can be demonstrated the development will not have a significant impact on the heritage item or its value.	Not applicable – there are no heritage items in proximity of the site that would be impacted by the development.
I. Heritage items must be used for purposes that are appropriate to their heritage significance, including adaptive re-use where appropriate.	Not applicable – the site does not include a heritage item
J. Development is to ensure long-term heritage conservation outcomes are retained or interpreted to reflect the history of heritage items and places.	Not applicable – the site does not include a heritage item
K. Development should through redevelopment or upgrades remove inappropriate or unsympathetic alterations and additions to heritage items and reinstate significant missing details and building elements, where possible.	Not applicable – the site does not include a heritage item
12.3 Landscape, Character and Open Space	
A. Development should be designed to sensitively integrate into the landscape and should respond appropriately to the topography and climate of the Alpine Precinct.	The proposed development has been designed to sensitively integrate into the existing structure. No landscaping will be removed as part of this development.
B. Development should protect, conserve and enhance the Alpine Precinct's natural environment and create a green infrastructure network, where possible.	Not applicable - due to the scale, size, and nature of the proposed development
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.	Not applicable - no landscaping is proposed due to the location of the development within an existing hardstand area.
D. Revegetation and new plantings should follow the Rehabilitation guidelines for the Resort Areas of Kosciuszko National Park	Not applicable – no revegetation is required as no vegetation will be impacted by the development.
E. Development should integrate stormwater management infrastructure with open spaces, where possible.	Not applicable - due to the scale, size, and nature of the proposed development
12.4 Built Form	
General Criteria for All Development in The Alpine Region	
A. Buildings should be efficient, well designed, and successfully integrated with the surrounding landscape.	Not applicable – the development is not a building but a structure.
B. Site earthworks must respond to local topography and geotechnical characteristics and be appropriate for the intended land use	Complies – the footings proposed are to be located on existing hardstand surfaces no earthworks proposed.
For Village Centres and Public Domain	

A. Development should create an integrated streetscape where active frontages promote movement between the private and public realms.	Not applicable - due to the nature and scale of the development
B. Building entries should connect to an accessible (providing equitable access to all pedestrians) pedestrian network through design features, wayfinding, and landscape treatments	Not applicable – the proposal will improve the access to the existing structure.
C. Development should integrate and provide public seating, shelter and lighting to contribute to increased activity and safety in the public realm.	Not applicable - due to the nature and scale of the development
D. Development should provide human-scale buildings ensuring building envelopes allow adequate solar access and views, including ensuring significant views to natural features are protected.	Not applicable - due to the nature and scale of the development
E. Development should provide for year-round weather protection that reduces the impacts of wind and snow accumulation in winter and provides adequate shade in summer.	Not applicable - due to the nature and scale of the development
F. Development should provide clearly defined and separate pedestrian and vehicle entries to minimise conflicts.	Not applicable - due to the nature and scale of the development
G. Development should allow for snow clearing and adequate interface with oversnow vehicles, where appropriate.	Complies – the development will not impact on the ability to clear snow.
13. Transport and Infrastructure	
13.1 Transport Network	
A. Transport infrastructure should integrate the public transport network with the existing road network.	The proposed relocation of the access stairs provides adequate access and egress from the building for occupants and emergency services.
B. Development must provide operational access and egress for emergency services and occupants	
C. Development should integrate active transport connections that promote movements between the Alpine resorts, where possible.	
D. New development must provide and integrate new technologies, such as electric vehicle charging and electronic checkpoints, where possible.	
13.2 Utilities, Services And Infrastructure	
A. Development within the site must have access to water, wastewater, digital connectivity and telecommunications, energy and drainage infrastructure.	Complies – The development will be connected to existing electricity and communications infrastructure.
B. Utilities and services must be integrated with existing infrastructure and services, where possible	Complies – the development will connect to existing services at the Smiggin Holes workshop.
C. Utilities and services should be integrated into road reserves, active transport corridors or the public domain, where possible.	Not applicable – no additional utility or service connections are required to facilitate the development.
D. Infrastructure and services must be designed to provide for the ultimate growth and development in Alpine Resorts.	Not applicable - due to the nature and scale of the development.
E. Development should provide and integrate water cycle management and renewable energy solutions into the design of buildings and structures, where possible	

7. ABORIGINAL CULTURAL HERITAGE

Generic Due Diligence Assessment

The proposed alterations to the Smiggin Holes workshop will not have any ground disturbance or excavations works. The extent of the proposed works is replacing the existing external stairs and the addition of a window to match the existing therefore the likelihood of disturbing or finding any Aboriginal objects is NIL.

The AHIMS Search does not indicate any recorded Aboriginal sites within the site or the 50m buffer zone and the owners of Perisher are not aware of any Aboriginal objects within the site.

As a result a General Due Diligence Assessment as per below indicated that an AHIP application is not necessary. Works are to proceed with Caution and if object are found works are to stop and appropriate authorities are to be notified.

AHIMS Web Service search for the following area at Lat. Long From : -36.3944, 148.4261 - Lat. Long To : -36.3934, 148.4281, conducted by Sophie Ballinger on 23 January 2024.

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

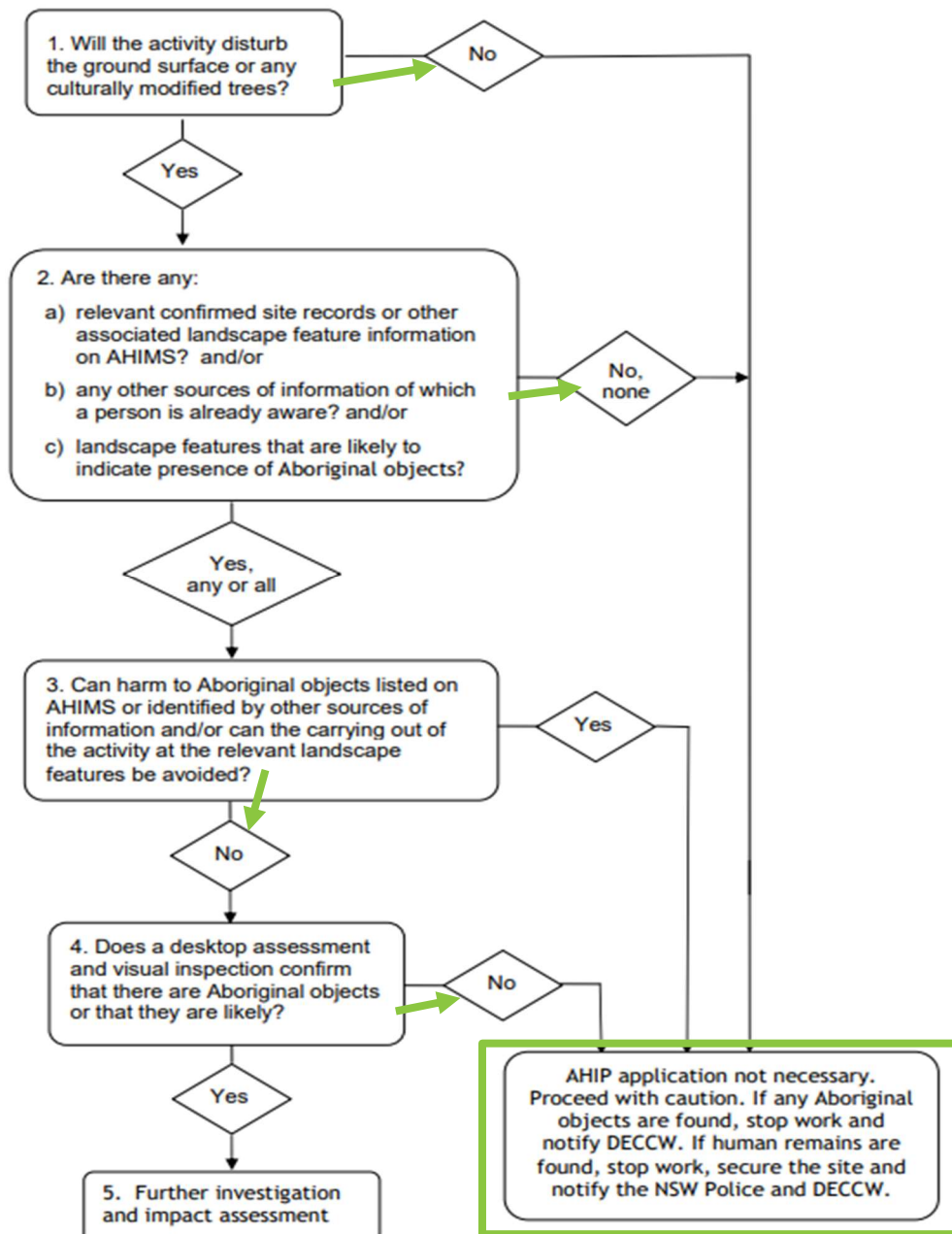


A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

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

Zero Aboriginal sites recorded on AHIMS basic search.

8 The generic due diligence process



8. HISTORIC HERITAGE

There is no historic heritage in the vicinity of the proposed development that would be adversely impacted by the proposed development.

9. BIODIVERSITY VALUES

In accordance with the Biodiversity Offsets Scheme which has been created to avoid, minimise and offset potential impacts upon items of high value biodiversity the following seeks assess the proposed development for impacts and eluate the triggers.

Clearing Threshold

The proposed development does not include any clearing of vegetation other than the minimal vegetation removal required to ensure the lot is maintained as an inner protection area IPA. The proposed clearing will now exceed the clearing thresholds and hence no BAM or offsets scheme applies to this proposed development.

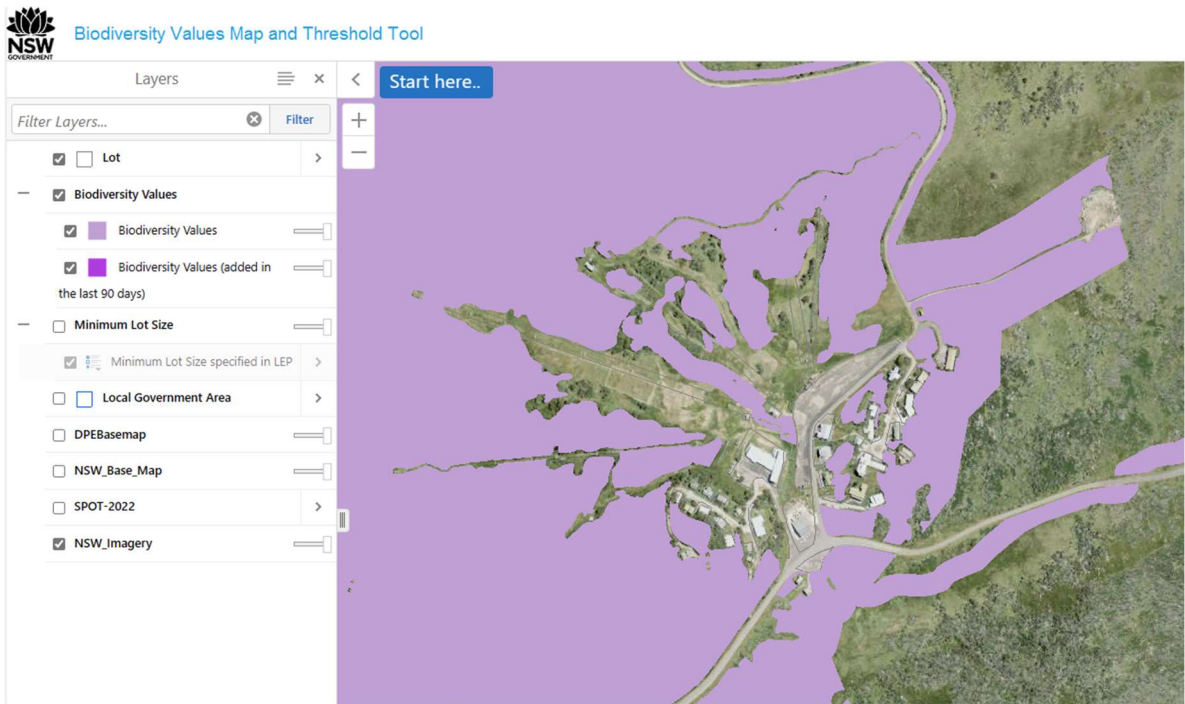
MINIMUM LOT SIZE ASSOCIATED WITH THE PROPERTY	THRESHOLD FOR CLEARING, ABOVE WHICH THE BAM AND OFFSETS SCHEME APPLY
Less than 1 ha	0.25 ha or more
1 ha to less than 40 ha	0.5 ha or more
40 ha to less than 1000 ha	1 ha or more
1000 ha or more	2 ha or more

Area of Outstanding Biodiversity Value

The locality being within the Perisher Valley in Kosciuszko National Park is not within an area deemed to be an Area of Outstanding Biodiversity Value in NSW by the Biodiversity Conservation Act 2016 therefore does not trigger BOS.

Biodiversity Value Mapping

The below map from the Biodiversity Values mapping demonstrates that the subject lot is not mapped as being within a high biodiversity value area therefore the works will not have an impact upon any mapped biodiversity and does not trigger BOS.



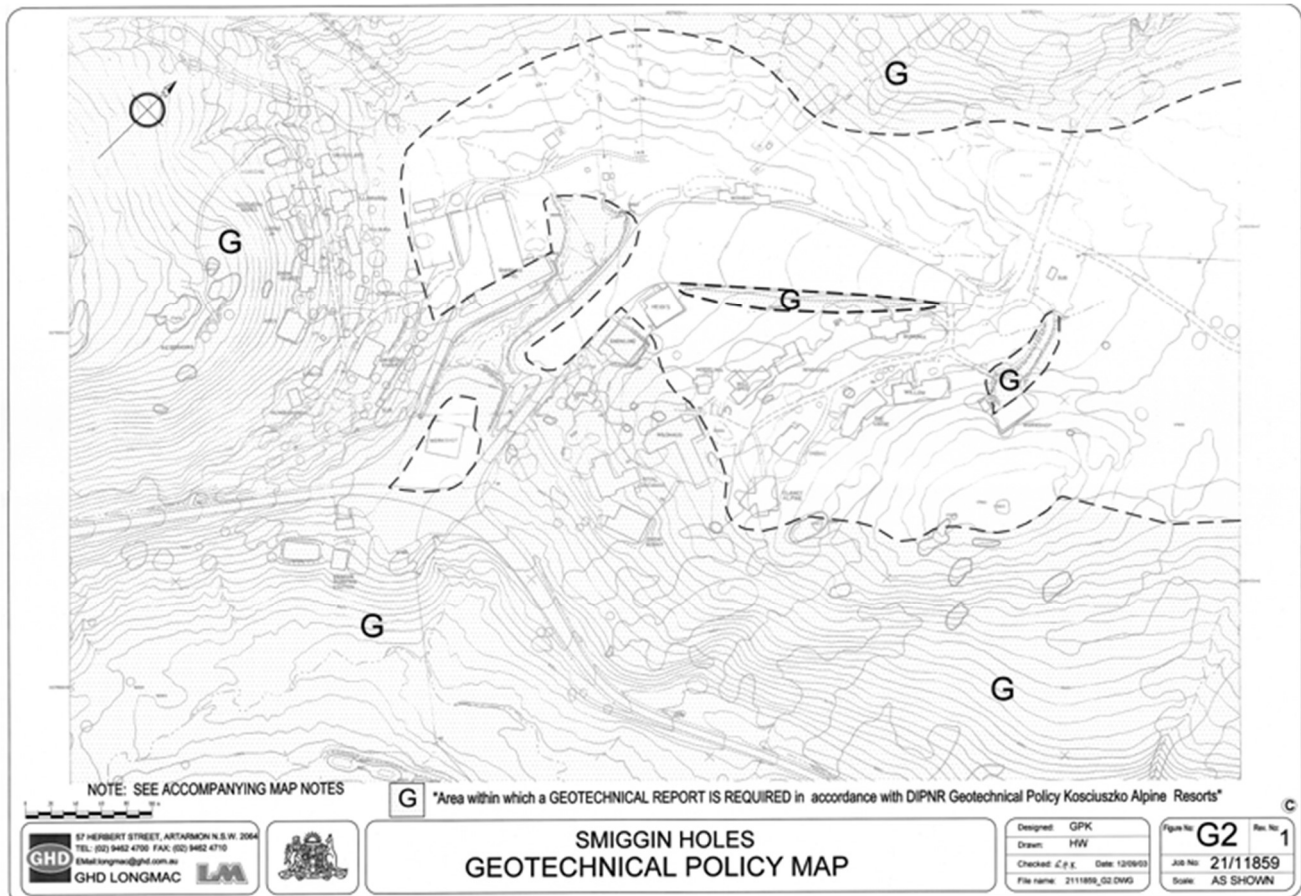
Biodiversity Values mapping, NSW Gov.

10. CONSTRUCTION IMPACT

Due to the nature of the development, there will be limited construction impacts. Appropriate sediment and erosion control will be in place during construction and the areas made good prior to operation. Construction will occur at times where the limited noise and vibration can be managed appropriately to limit impacts on adjoining uses.

11. GEOTECHNICAL CONSIDERATIONS

The site is outside of the areas marked “G” on the Geotechnical Policy Map and therefore does not require a geotechnical report.



12. CONCLUSION

The proposed Demolition of Existing Stairs, Construction of New Stairs, and Installation of New Window to Match Existing is considered an appropriate land use given the context and compatibility of the development with the zoning of the sites and existing adjoining/ surrounding developments. The development will not result in any adverse environmental impact.

The scope of the proposal has been assessed in accordance with the provisions of all relevant State legislation and has been found to be an acceptable development.

Based on the information contained within this Statement of Environmental Effects and the technical documentation included with the DA submission, there would appear to be no sustainable grounds to refuse the issue of development consent.

13. PHOTOS

