



Perisher Workshop, Smiggin Holes

Development Application Assessment
DA 24/6648

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Glossary

Abbreviation	Definition
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
BC Regulation	<i>Biodiversity Conservation Regulation 2017</i>
BVM	Biodiversity Values Map
Consent	Development Consent
CPP	Community Participation Plan
Department	Department of Planning, Housing and Infrastructure
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
KNP	Kosciuszko National Park
Minister	Minister for Planning
NPWS	National Parks & Wildlife Service
Planning Secretary	Secretary of the Department of Planning, Housing and Infrastructure
SEPP	State Environmental Planning Policy

Contents

1	Introduction	1
2	Matters for Consideration	5
2.1	Strategic Context.....	5
2.2	Permissibility	6
2.3	Mandatory Matters for Consideration.....	6
3	Engagement.....	14
3.1	Department's engagement.....	14
3.2	Summary of submissions	14
4	Assessment	15
4.1	Built form and impacts.....	15
4.2	Compliance with the Building Code of Australia	15
4.3	Managing construction impacts.....	16
5	Recommendation.....	17
	Appendices	18
	Appendix A – Recommended Instrument of Consent	18

1 Introduction

This report provides an assessment of the Development Application (DA 24/6648) for the removal of existing stairs, the construction of new stairs and the installation of new window to match the existing within the Perisher Workshop building, located on Lot 543 DP 1171971, Smiggin Holes, within the Perisher Range Alpine Resort in Kosciuszko National Park (KNP) – **Figure 1**.



Figure 1 | Location of the subject site (circled in red and coloured yellow) within Smiggin Holes, Perisher (Source: Six Maps 2024)

The site is located within the Smiggin Holes area of Perisher ski resort, between Kosciuszko Road, Link Road & Corroboree Road, Smiggin Holes.

The subject site consists of the Perisher Workshop. The Perisher Workshop includes a mix of uses including vehicle workshop, welding bay, machine workshop, tyre workshop, electrical workshop, associated and ancillary storage and offices. The proposed new window and replacement stairs will provide access and amenity to the new lunchroom on the first floor which has recently been approved under CDC230016 (**Figure 2**).

This application proposes the following works:

- the installation of new window to match the existing (**Figure 3**)
- demolition of existing stairs by removing stair tread and balustrade (**Figure 6**)
- construction of new stairs (**Figure 4** and **Figure 5**)

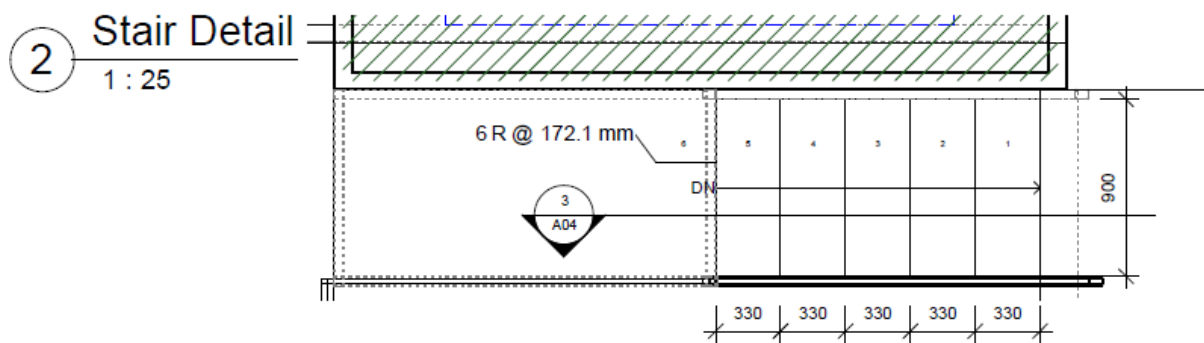


Figure 4 | Details of the proposed stairs (Source: Applicant's documentation)

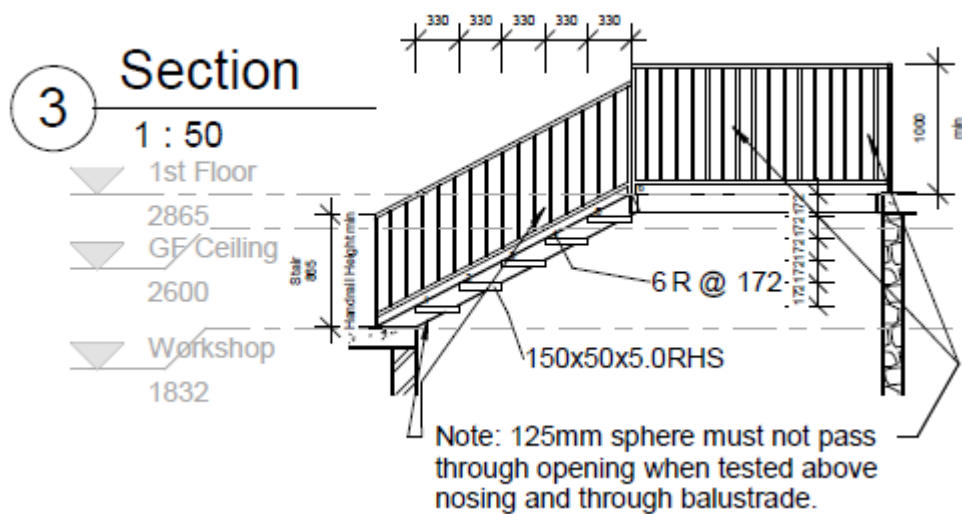


Figure 5 | A section view of the proposed stairs (Source: Applicant's documentation)



Existing stairs to be Demolished.

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

Existing stairs to be removed

Figure 6 | Existing stairs (tread and balustrade) to be removed (Source: Applicant's documentation)

Other than the proposed works, the footprint of the building will remain unchanged. No vegetation identified as having biodiversity value is proposed to be removed as part of the proposal.

The Applicant indicates that the works 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 cost of works is \$7,000.00

Supporting documents to this assessment report can be found on the NSW Planning Portal website at:

<https://www.planningportal.nsw.gov.au/development-assessment/state-significant-applications/projects/state-development-applications>

2 Matters for Consideration

2.1 Strategic Context

South East and Tablelands Regional Plan 2036

The proposal is consistent with the Regional Plan as the works help promote the regional tourism industry by improving the amenities of workers and ensuring the ongoing maintenance and use of the Perisher Valley as a premier regional tourist attraction.

Snowy Mountains Special Activation Precinct Master Plan

Section 9.1.2 of the Master Plan relates to Perisher Range. The proposal is consistent with the Master Plan as the works help improve Perisher Valley amenities for workers on site, while also contributing to the ongoing maintenance of the Perisher Valley Ski Resort. The Department notes that the workshop building is recommended for relocation under the Snowy Mountains Special Activation Precinct Master Plan. However, the Master Plan does clarify that alternative locations for the workshop will be explored in further detail during the delivery phases. As the proposal requests minor alterations and additions to the workshop building to provide for enhanced amenity, the Department is satisfied that it will not impact on the Master Plan recommendations.

Precincts - Regional SEPP

The proposal is consistent with Chapter 4 of the Precincts - Regional SEPP, where the development would not have an adverse impact on the environment or detract from the character of the building, and it will improve the amenities for Perisher Valley workers, supporting regional tourism. Works will be undertaken in a way that has due regard to the alpine environment and the conservation and restoration of ecological processes, natural systems and biodiversity. Disturbance to the be minimised, with measures in place to mitigate adverse impacts on the environment.

Under the provisions of section 4.27 of the SEPP, the National Parks and Wildlife Service (NPWS) have a commenting role as the land manager, which includes administering the Plan of Management framework for KNP that incorporates objectives, principles and policies to guide the long-term management of the KNP. NPWS have recommended conditions to prevent adverse impacts on the natural or cultural environment.

Draft South East and Tableland Regional Plan 2041

The draft plan was publicly exhibited from 8 August 2022 until 23 September 2022. The draft plan underwent extensive consultation with the community and stakeholders with feedback incorporated into an updated version of the draft plan that was re-exhibited from 9 December 2022 to 31 January 2023. The draft plan identifies the alpine areas as providing important biodiversity to the region and acknowledges the alpine area's contribution to the region's tourism economy.

The proposal is consistent with the draft Regional Plan as it will not result in adverse biodiversity impacts and would support the ongoing operation of the Perisher Range Alpine Resort. This supports the maintenance of visitation to the resort, along with the local and regional economy.

2.2 Permissibility

The proposal relates to minor alterations and additions to the Perisher Workshop and does not involve any change of use or new use. The Perisher Workshop includes a mix of uses including vehicle workshop, welding bay, machine workshop, tyre workshop, electrical workshop, associated and ancillary storage and offices. The use would fall under the definitions of 'depot', 'transport depot' and 'vehicle repair station'.

Pursuant to section 4.7 of the Precincts - Regional SEPP, 'depot', 'transport depot' and 'vehicle repair station' are permissible with consent within the Perisher Range Alpine Resort.

2.3 Mandatory Matters for Consideration

Objects of the EP&A Act

Table 1 | Objects of the EP&A Act

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The proposal supports the ongoing use of the Perisher Valley as a premier ski resort through the provision of improved staff amenities. The replacement of the stair and addition of a window in the Perisher Workshop will allow for better amenity for workers, helping to promote regional jobs within the Southeast Tablelands region. Impacts on the environment will be minimised. The proposal is considered to have positive economic and social impacts.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal will not have an unacceptable impact on the environment, thus being compatible with ecologically sustainable development. Adverse impacts on the natural environment are not expected to occur, whereas the socioeconomic outcomes of the works are generally expected to be positive. Mitigation measures during construction have been included in the recommended conditions of consent.
(c) to promote the orderly and economic use and development of land,	The development seeks approval for works that will contribute to greater amenity for workers in the Perisher Valley and promoting the ongoing economic use of the land.
(d) to promote the delivery and maintenance of affordable housing,	Not applicable to this proposal.
(e) to protect the environment, including the conservation of	Adverse impacts upon the environment are limited due to the contained nature of the works and management of

threatened and other species of native animals and plants, ecological communities and their habitats,	related construction activities within a previously disturbed area. Sensitive areas identified on the Biodiversity Values Map and impacts on any threatened species are avoided.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The site is not in close proximity to an area or item of built heritage. The development involves limited ground disturbance and is considered to be unlikely to result in any adverse impacts upon an area of Aboriginal cultural heritage.
(g) to promote good design and amenity of the built environment,	The Department considers that the proposed works will not detract from any built form. The alterations and additions to the building will incorporate materials that are in keeping with the existing structure and will not result in adverse impacts on the environment.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The Department has recommended conditions of consent to ensure the proposal is undertaken in accordance with legislation, guidelines, policies and procedures to provide for the health and safety of occupants of the structure (refer to Appendix A).
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department consulted with relevant government agencies and considered their responses (refer to Section 3 and Section 4).
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The proposal was made publicly available in accordance with the Department's Community Participation Plan (refer to Section 3).

Considerations under section 4.15 of the EP&A Act

Table 2 | Section 4.15(1) Matters for Consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument (EPI)	<p>The Precincts - Regional SEPP is the principal EPI which applies to the site for this type of development. An assessment against the requirements of Chapter 4 of the Precincts - Regional SEPP is provided below.</p> <p>The Department is satisfied that the Application is consistent with the requirements of Chapter 4 of the</p>

Precincts - Regional SEPP.

(a)(ii) any proposed instrument	Not applicable to the proposal.
(a)(iii) any development control plan	Not applicable to the proposal.
(a)(iia) any planning agreement	Not applicable to the proposal.
(a)(iv) the regulations	<p>The application satisfactorily meets the relevant requirements of the EP&A Regulation, particularly the procedures relating to development applications (Part 3 and Part 4) and fees (Part 13 and Schedule 4).</p> <p>The Department has undertaken its assessment in accordance with all relevant matters as prescribed by the regulations, the findings of which are contained within this report.</p>
(a)(v) any coastal zone management plan	Not applicable to the proposal.
(b) the likely impacts of that development	The Department considers the likely economic and social impacts of the development to be positive and that the environmental and cultural values of the site and locality will be maintained.
(c) the suitability of the site for the development,	The site is suitable for the development and relates to the existing use of the land for the Perisher Workshop which supports tourism activities in alpine resorts.
(d) any submissions made in accordance with this Act or the regulations,	Consideration has been given to agency discussions during the assessment of the application. See Section 3 of this report.
(e) the public interest.	<p>The works are consistent with the aim and objectives of Chapter 4 of the Precincts - Regional SEPP. The development seeks to improve workers facilities. Worker amenities support visitation, which underpins the viability of the Alpine Resorts. The works will be undertaken in a way to avoid adverse impacts on the environment.</p> <p>As such, the proposal is in the public interest.</p>

Environmental Planning Instruments

State Environmental Planning Policy (Precincts - Regional) 2021 (Precincts - Regional SEPP) is the principal EPI applicable to the development. Consideration of the relevant provisions to the proposal within Chapter 4 of the Precincts - Regional SEPP is provided in **Table 3**.

Table 3 | Chapter 4 considerations

Chapter 4 - Precincts - Regional SEPP - Kosciusko Alpine Region	
Section 4.9 Demolition	
The demolition of a building or work on land in the Alpine Region	The proposal requests the removal of an existing staircase. The Department is satisfied that the demolition will not have substantial environmental impacts.
Section 4.17 Classified Roads	
The effective and ongoing operation and function of classified roads	The subject site fronts Kosciuszko Road, which is a classified road. The Department is satisfied that the proposal will not impact on the safety, efficiency and ongoing operation of the road.
Section 4.19 Public Utility Infrastructure	
The availability of public utility infrastructure	All existing infrastructure is to remain, there is an adequate supply of water, electricity and means for the disposal and management of sewage.
Section 4.21 Heritage conservation	
European heritage	The proposal will not impact on any European heritage items.
Aboriginal heritage	No areas of archaeological sensitivity are known to be located near the work site. Given the low potential for ground disturbance associated with the scope of works and lack of vegetation clearing proposed, the possibility of the works having an adverse impact on cultural heritage is considered unlikely.
Section 4.24 Flood planning	
Development on land in the flood planning area	The site is not located in a flood planning area and is not subject to flooding.
Section 4.25 Earthworks	
Impact of earthworks	No earthworks are required for the proposed works.
Section 4.27 Consultation with National Parks and Wildlife Service	

Consult with, and consider submissions from, the NPWS

The proposal was referred to the NPWS and comments were received. Refer to consideration of the NPWS referral comments in **Section 3** of this report.

Section 4.28(1) – Consideration of master plans and other documents

(a) the aim and objectives of this policy, as set out in section 4.1	The proposal is consistent with the aim and objectives of Chapter 4 of the Precincts – Regional SEPP in that the development will be managed with regard to the principles of ESD and have a minimal impact on the environment while providing improved staff amenity.
(c) a conservation agreement under the <i>Environment Protection and Biodiversity Act 1999</i> of the Commonwealth that applies to the land,	Not applicable to the development.
(d) the <i>Geotechnical Policy - Kosciuszko Alpine Resorts</i> published by the Department in November 2003,	<p>The site is not within the G zone identified on the Department's Geotechnical Policy – Kosciuszko Alpine Resorts Perisher Map.</p> <p>Under Clause 6 of the Geotechnical Policy, development proposed on sites located outside of the G zone require a site classification report unless they meet an exemption under Clause 3.1 (a) – (e), which includes if there are non-structural alterations that do not exceed the current load bearing capacity of the building.</p> <p>The Applicant provided a structural assessment signed off by a structural engineer that confirmed the landing is suitable for the proposed stairs and the works would not result in any increase in the load bearing capacity of the building. The applicant also confirmed that a site classification was not provided as there is no excavation, or footings proposed for the stair.</p> <p>The Department is satisfied that no further geotechnical assessment is required prior to determination.</p>
(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	The proposal has been considered against the relevant criteria of the PRRMP. The Department considers the proposal is not inconsistent with the Master Plan as the works relate to improving staff facilities. This will ensure the ongoing maintenance of the Alpine Resort, strengthening the resort services and economic viability, while limiting the environmental impact of the works.

by the National Parks and Wildlife Service in May 2002.

Section 4.29 Consideration of environmental, geotechnical and other matters

Under section 4.29(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,	No geotechnical investigation is considered necessary for this application. As noted above, the proposal is accompanied by a structural assessment that confirms the works would not result in any increase in the load bearing capacity of the building.
(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,	The proposed works have been designed to avoid and mitigate impacts on the natural environment. The project will not increase the risk of environmental hazards, including geotechnical hazards, bushfires 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,	The proposal is considered minor and will incorporate the same materials and fixtures present in the existing building. The visual impact of the development is considered to be negligible.
(d) the cumulative impacts of development and resource use on the environment of the Alpine Subregion in which the development is carried out,	No adverse cumulative impacts are anticipated in relation to the proposal. The development will not result in any changes to resource use or impact the service and waste systems and facilities in place to support development and visitor patronage of facilities in the Alpine resorts.
(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,	No additional usage of the infrastructure and service network is predicted as a result of the project.
(f) the capacity of existing waste or resource management facilities to deal with additional waste generated by the development,	The project will involve the generation of construction waste. The Department is satisfied that the waste can be adequately stored on site and has included conditions

including in peak periods.

requiring the removal of waste daily.

Under section 4.29(2) - For development involving earthworks or stormwater draining works, the consent authority must also consider -

Measures to mitigate adverse impacts associated with the works

The proposed works are considered minor and no negative impacts to stormwater are anticipated.

Under section 4.29(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

The development will not significantly alter the character of an Alpine Subregion, or the character of the site and immediate surroundings.

(b) how the development will relate to the Alpine Subregion.

As above.

Section 4.30 Kosciuszko National Park Plan of Management

Consistency between the development and the Kosciuszko National Park Plan of Management

The Department is satisfied that approval of the proposal would not be inconsistent with the KNP PoM.

Ecologically Sustainable Development (ESD)

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. ESD initiatives and sustainability have been adequately considered by the Applicant and mitigation measures are proposed to be incorporated into the design.

The proposal is not inconsistent with ESD principles, and the Department is satisfied the proposal works have been developed having regard to ESD principles.

Biodiversity Conservation Act 2016

Section 1.7 of the EP&A Act requires the application of the *Biodiversity Conservation Act 2016* (BC Act) in connection with the terrestrial environment. The BC Act introduced a Biodiversity Offsets Scheme (BOS) that applies when:

- the amount of native vegetation being cleared exceeds a certain threshold area; or
- the impacts occur within an area mapped on the Biodiversity Values Map (BVM) published by the Minister for Environment; or
- the 'test of significance', in section 7.3 of the BC Act, identifies that the development or activity is likely to significantly affect threatened species or ecological communities, or their habitats; or
- the works are carried out in a declared area of outstanding biodiversity value.

The information supporting the Application indicates that the proposal is not located within an area mapped on the BVM and would not have a significant effect on threatened species, populations, ecological communities, or their habitats. Comments received from the NPWS during the assessment of the application concur that the development, as proposed, will result in minimal environmental impact, subject to appropriate environmental protection measures and conditions of consent. NPWS have provided advice on the management and mitigation of construction impacts, which has been included as part of the conditions of consent for approval.

The Department notes that there is currently no declared area of outstanding biodiversity value within KNP.

The Department is therefore satisfied that there is no adverse impact on threatened species or ecological communities or their habitats.

3 Engagement

3.1 Department's engagement

The Department's Community Participation Plan, November 2019, prepared in accordance with Schedule 1 of the EP&A Act generally requires applications to be exhibited for a period of fourteen (14) days. However, applications under Chapter 4 of the Precincts - Regional SEPP are not required to be publicly exhibited if the proposal relates to works which are wholly internal to a building or where the site is located more than fifty (50) metres away from a tourist accommodation building.

Due to the works being more than 50 metres away from a tourist accommodation building, the Department did not exhibit the application. The application was however made available on the NSW Planning Portal from 15 May 2024 until 29 May 2024.

The application was sent to NPWS for comments, pursuant to section 4.27 of Chapter 4 of the Precincts – Regional SEPP.

3.2 Summary of submissions

The Department received comments from the NPWS. No public submissions were received.

NPWS provided the comments on 30 May 2024. NPWS confirmed that the works proposed in the DA will have minimal impact on the environmental and cultural values of Kosciuszko National Park if conducted in accordance with the proposal and the following recommendations:

- all construction vehicles must be parked in existing driveways or carparks
- all stockpile sites, including materials storage areas, parking and waste management receptors must be placed so as not to impact on native vegetation
- all waste management receptors must be covered daily, or be emptied or removed from site each day
- the subject site is to be left clean and tidy and free of loose building debris and materials at the conclusion of daily works
- rehabilitation and landscaping of the subject site must occur and be carried out in accordance with the 'Rehabilitation Guidelines for the Resort Areas of Kosciuszko National Park'.

The Department has incorporated the advice from NPWS into the conditions of consent.

4 Assessment

The Department has considered the relevant matters for consideration under section 4.15 of the EP&A Act, the SEE and supporting information in its assessment of the proposal. The key issues in the Department's assessment are:

- Built form and impacts
- Compliance with the Building Code of Australia (BCA), and
- Managing construction impacts.

These issues are discussed below.

4.1 Built form and impacts

The proposal comprises works to the existing Perisher Workshop to demolish the tread and balustrade of the existing stairs, construct a new set of stairs and construct an additional window. These works are visible from the public domain and neighbouring properties.

The proposed external works to the building are considered to be acceptable and provide improvements to the existing building.

Conditions of consent have been recommended to ensure works are undertaken in a way that do not negatively impact the built form of the building or cause adverse impacts on nearby buildings or the surrounding environment.

4.2 Compliance with the Building Code of Australia

The proposed new works, when constructed, are to comply with the Building Code of Australia (BCA) and relevant engineering design standards and Australian Standards. Section 64 of the EP&A Regulation also requires a consent authority to review a building and consider whether upgrades are warranted to bring the existing building into total or partial compliance with the BCA. The Department notes that compliance with relevant requirements is to be determined at the construction certificate stage by the Certifier and in accordance with conditions of consent, including:

- All new work (or work as part of the DA) must comply with the BCA. The Department considers that compliance with the BCA is achievable, with documentation confirming compliance required to be provided at the construction certificate stage.
- Section 64 of the EP&A Regulations require a consent authority to review a building and consider whether upgrades are warranted to bring the existing building into total or partial compliance with the BCA. The building was assessed by the Department's Principal Building Surveyor, who identified some minor BCA upgrades to be undertaken as part of the subject application, including the installation of bollards where stair discharge is within an area that could be parked in by vehicles, handrails and balustrades to external stairs and the provision of external lighting to the stairway.

The Department concludes that subject to compliance with the conditions of consent, including references to the BCA which is to be addressed by the Certifier at the construction certificate stage, the proposal is satisfactory and would improve the amenity for workers using the Perisher Workshop building.

4.3 Managing construction impacts

The associated work involved during construction is considered minor and located on land that is heavily disturbed, with no impacts to any threatened species, populations, or ecological communities.

The Department has recommended standard construction conditions applied in the Alpine area, along with recommended conditions from NPWS. Subject to compliance with these conditions, the Department is satisfied that the proposed works would not impact upon nearby infrastructure or the environment.

5 Recommendation

The Department has assessed the merits of the proposal in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes the proposal is acceptable as:

- there will not be a significant impact on any threatened species, populations, or ecological community
- construction impacts on the surrounding environment will be minimised given the nature of the proposal and recommended conditions of consent requiring effective site management during construction
- the works are acceptable to enhance workers on site amenities, supporting the ongoing economic maintenance and visitation of the resort.

Overall, the Department is satisfied that the proposal is suitable for the site and in the public interest.

The Department therefore recommends that the application be approved, subject to recommended conditions. In accordance with the Minister's delegation of 9 March 2022, the Team Leader, Alpine Resorts Team, Regional Assessments, may determine the application as:

- no reportable political donation has been disclosed
- there are less than fifteen (15) public submissions in which objection to the proposal has been raised
- the application is in relation to land to which Chapter 4 of the Precincts - Regional SEPP applies.

It is recommended that the Team Leader Officer, Alpine Resorts Team, Regional Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **accepts** and adopts the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants** consent for the application in respect of DA 24/6648, subject to the recommended conditions
- **signs** the attached Development Consent (**Appendix A**).

Recommended by:



Meg D'souza

A/Senior Planning Officer
Regional Assessments

Adopted by:



Erin Murphy

Team Leader
Alpine Resorts Team, Regional Assessments
as delegate of the Minister for Planning

Appendices

Appendix A – Recommended Instrument of Consent