



DM Planning

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12 March 2024

Daniel James
Team Leader
Alpine Resorts Team
Department of Planning, Industry and Environment

Dear Daniel

**STATEMENT OF ENVIRONMENTAL EFFECTS
SECTION 4.55(1A) MODIFICATION TO CONSENT TO DA 10352
16 Plum Pine Road, SMIGGINS HOLE.**

I refer to the above Development Application (DA) for Windarra Ski Lodge, 16 Plum Pine Road, Smiggin Holes. I act on behalf of Windarra Ski Lodge.

Background

Development consent DA No.10352 for '*External alterations to an existing tourist accommodation building incorporating the replacement of the existing decking and cladding*' was issued by the Department of Planning, Industry and Environment on 16 June 2021.

Minor modifications are proposed including the change in the cladding material from hardwood to metal and replacement of the existing metal roof.

This modification application is made under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 (EP&A Act), noting that:

- (a) the proposed modification is of minimal environmental impact;
- (b) the development remains substantially the same as that for which consent was originally granted;
- (c) the application will be notified under the Community Participation Plan; and
- (d) any submissions received will be considered by the consent authority.

This modification application, accompanied by amended architectural plans, dated 23.01.2024, prepared by JJ Drafting, seeks to modify development consent DA. 10352 as follows:

- Amend *condition A.2 - Approved documentation and plans* (to reference the amended plans)
- Amend *condition B.9 - to change the cladding material from wood to metal and to reference the replacement colorbond metal roof*

Proposed Modifications

The following changes are proposed:

- Walls - Change in materials (hardwood to colorbond metal) and colours for the cladding
- Roof - Replacement of the existing colorbond roof with a new colorbond roof (colour 'Basalt')

The proposed modifications require the following changes (shown in **bold**) to the Notice of Determination:

- Amend condition A.1

A.1 Development in accordance with approved documentation and plans

The development shall be in accordance with the:

- DA No. DA 10352 submitted by DM Planning on 27 May 2020
- supporting documentation submitted with that application (DA 10352)
- additional information received 18 December 2020 and 12 May 2021
- conditions of this consent including, but not limited to, the following:

Ref No.	Document	Title/Description	Author / Prepared by	Date	Document Reference
1	Statement of Environmental Effects	Recladding and Replacement of Decking	DM Planning	May 2020	-
2	Report	Site Environmental Management Plan	DM Planning	May 2020	SEE Appendix A
3	Bushfire Assessment Report	Alterations Windarra Lodge	Dabyne Planning Pty Ltd	March 2020	45-19
4	Plan	Ground Floor Plan	JJ Drafting	23.01.2024	Drawing 01, Revision C
5	Plan	First Floor Plan	JJ Drafting	23.01.2024	Drawing 02, Revision C
6	Plan	Roof Plan	JJ Drafting	23.01.2024	Drawing 03, Revision C
7	Plan	West & South Elevation	JJ Drafting	23.01.2024	Drawing 04 Revision C
8	Plan	East & North Elevation	JJ Drafting	23.01.2024	Drawing 05, Revision C
9	Plan	Section AA	JJ Drafting	23.01.2024	Drawing 06, Revision C
10	Letter	Certificate of Adequacy	GZ Consulting Engineers Pty Ltd	12 May 2021	-

11	Bushfire Safety Authority	s100B – SFPP – Other Tourist Accommodation 16 Plum Pine Road Smiggin Holes NSW 2627 AUS 23//DP756697	NSW Rural Fire Service	18 June 2020	DA20200609 0 02032- Original-1
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- **Amend condition B.9**

Amend condition B.9 to reference the replacement roof:

B.9 Materials and finishes

The approved materials and finishes shall be in accordance with the following: Location

Location	Material	Colour
Cladding	Bushfire resistant hardwood Colorbond metal	Colorbond Shale Grey Colorbond Cove
Decking and balustrade	Bushfire resistant hardwood	Colorbond Basalt
Roof	Colorbond metal	Colorbond Basalt

Scope of the modifications

Section 4.55(1A) of the EP&A Act provides that a consent authority may, on an application being made by the Applicant or any other person entitled to act on a consent granted by the consent authority, and subject to and in accordance with the Environmental Planning and Assessment Regulations 2021 (EP&A Regulations), modify a consent if the following requirements in Table 1 are met:

Section 4.55(1A) - Evaluation	Comment
(a) That the proposed modification is of minimal environmental impact	
(b) The development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)	The development to which consent was originally granted was for 'external alterations to an existing tourist accommodation building'. The modifications are consistent with this description being the change in wall cladding from hardwood to metal and the replacement of the existing metal roof with a new metal roof ('like for like'). There are no changes to the building footprint or building envelope.
(c) The application has been notified in accordance with the regulations	The consent authority will notify the modification in accordance with its Community Participation Plan (CPP), November 2019.
(d) Consideration of any submissions made concerning the proposed	Any submissions will be considered by the consent authority.

Environmental Impacts

The proposed alterations to the approved development are of minimal environmental impact.

Geotechnical considerations

The proposed modifications, being the replacement of the existing wall cladding and the existing roof, are within the existing building envelope and located above ground level with no additional excavation required. Consequently, the modifications will not result in any additional geotechnical impacts.

Potential construction impacts are addressed by existing consent conditions in Part C and Part D of the Notice of Determination.

Bushfire considerations

The change in cladding from hardwood timber to metal will achieve a higher BAL rating. Therefore the Bush Fire Safety Authority (BFSA) issued by the RFS for the original development application remains valid. The BFSA together with general terms of approval relating to matters including the management of the site as an inner protection area (IPA), design and construction standards, and preparation of an emergency evacuation plan remain applicable.

Conclusion

The proposed modifications are modest in nature and consistent with the provisions of section 4.55(1A) of the EP&A Act and therefore recommended for approval.

Yours faithfully,



Director
DM Planning Pty Ltd