



Replacement of Existing Windows and Doors, Gunuma Lodge, Smiggin Holes

Development Application Assessment
DA 24/15287

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Cover image: Main Range, Kosciuszko National Park (Source: Alpine Resorts Team)

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Glossary

Abbreviation	Definition
BCA	Building Code of Australia
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
RFS	NSW Rural Fire Service
SEPP	State Environmental Planning Policy

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1 Introduction

This report provides an assessment of the Development Application (DA 24/15287) for the replacement of all existing windows and doors at Gunuma Lodge, Smiggin Holes, located on Lot 24 DP 756697, Smiggin Holes, within the Perisher Range Alpine Resort in Kosciuszko National Park (KNP) – **Figure 1**.

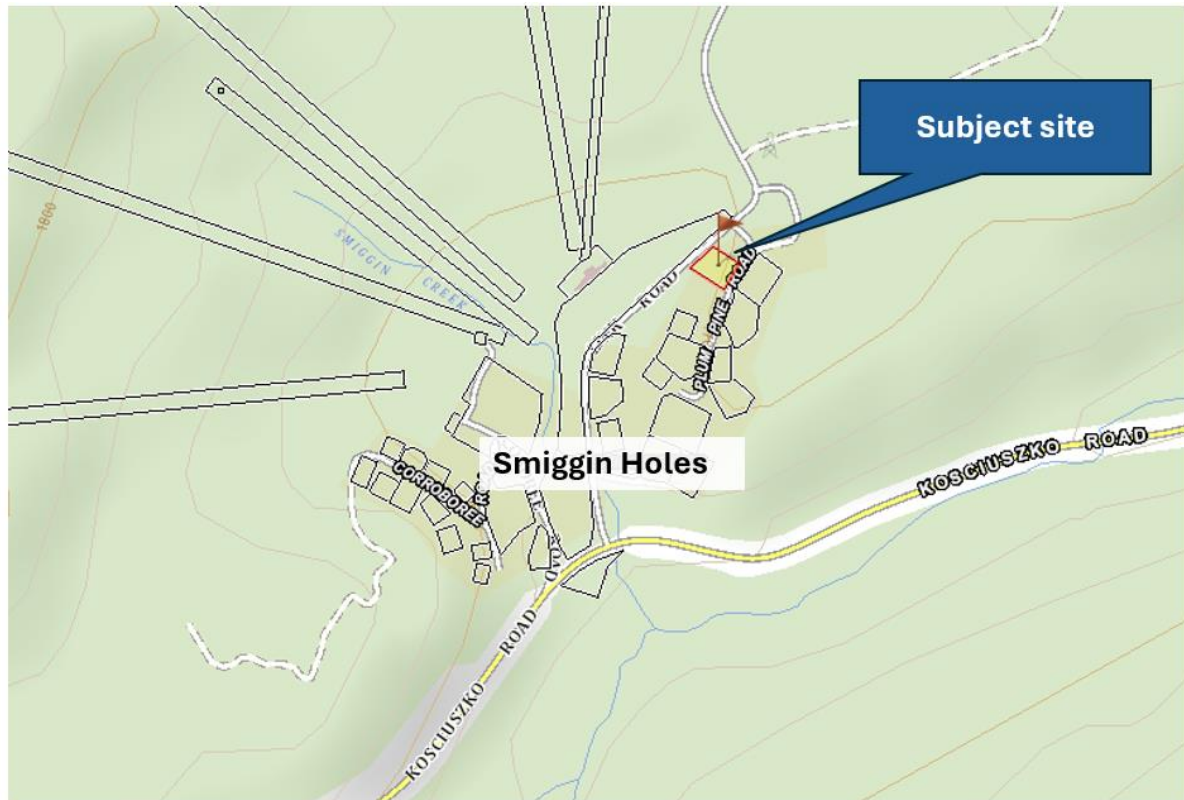


Figure 1 | Location of Gunuma Lodge within Smiggin Hole, Perisher (Source: Sixmaps with DPHI annotations)

The site is located within the Smiggin Holes area of Perisher ski resort and has a frontage to Link Road to the northwest of the site and Plum Pine Road to the southeast. The land is located on the northeastern fringe of Smiggin Holes and adjacent to Willow Lodge, The Lodge and Windarra Lodge.

Gunuma Lodge is a 20-bedroom double storey lodge with a large communal lounge and dining room, bathrooms, playroom, rumpus room and laundry areas. The lodge is externally clad with Lysaught wall cladding in the colour Deep Ocean, with window frames, external doors and trims in the colour Dune. The lodge has Colorbond roofing and has a balcony on the upper floor and a steel framed walkway and steps leading into a stone walled entrance and stairwell to the west (**Figure 2 to Figure 4**).

The lodge is surrounded by trees to the north and south and undisturbed understorey consisting of smaller shrubs and grass. The site slopes down from the east to the west at a slope of approximately 9 degrees.

The site has a 3m wide telecommunications easement and a 3m wide electricity easement adjacent to the western boundary of the site.



Figure 2 | View of Gunuma Lodge from the eastern elevation (Source: Applicant's documentation)



Figure 3 | View of Gunuma Lodge from the western elevation (Source: Applicant's documentation)



Figure 4 | View of Gunuma Lodge from the northern elevation (Source: Applicant's documentation)

This application proposes to remove and replace all 60 windows and doors that are outward facing in the lodge (excluding the solid core doors that access the fire stairs at each end of the lodge bedroom corridors). The internal and external colour of any window frames will be matched as closely as possible to the existing Colorbond Dune. All window glazing will be double glazed with high solar transmission and BAL rated to 40.

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 proposed cost of works is \$264,000.00

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 amenity of an existing tourist lodge 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 workers on site amenities while also contributing to the ongoing maintenance of the Perisher Valley Ski Resort.

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 the lodge, which helps to support 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 Tablelands 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 the replacement of all existing windows and doors within Gunuma Lodge. The use would fall under the definition of 'Tourist and visitor accommodation'.

Pursuant to section 4.7 of the Precincts - Regional SEPP, 'Tourist and visitor accommodation' is 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,	<p>The proposal supports the ongoing use of the Perisher Valley as a premier ski resort through the provision of improved amenities for the Gunuma Lodge, which will help to promote regional tourism and jobs within the Southeast Tablelands region.</p> <p>Impacts on the environment will be minimised.</p> <p>The proposal is considered to have positive economic and social impacts.</p>
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	<p>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.</p>
(c) to promote the orderly and economic use and development of land,	<p>The development seeks approval for works that will contribute to greater amenity for tourism in the Perisher Valley and promoting the ongoing economic use of the land.</p>
(d) to promote the delivery and maintenance of affordable housing,	<p>Not applicable to this proposal.</p>
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	<p>Adverse impacts upon the environment are limited due to the contained nature of the works and management of related construction activities within a previously disturbed area. Sensitive areas identified on the Biodiversity Values Map and impacts on any threatened species are avoided.</p>
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	<p>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</p>

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 replacement of the windows and doors 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 Precincts - Regional SEPP.</p>
(a)(ii) any proposed instrument	Not applicable to the proposal.
(a)(iii) any development control plan	Not applicable to the proposal.
(a)(iiia) 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 Lodge, which provides tourist accommodation 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 tourist accommodation facilities, 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 does not relate to the whole-scale demolition but does include the removal and replacement of all external windows and doors.

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 *Environment Protection and Biodiversity Act 1999* of the Commonwealth that applies to the land,

Not applicable to the development.

(d) the *Geotechnical Policy* -

The site is not within the G zone identified on the

Kosciuszko Alpine Resorts published by the Department in November 2003,

Department's Geotechnical Policy – Kosciuszko Alpine Resorts Perisher Map.

The Department is satisfied that no further geotechnical assessment is required prior to determination.

(e) for development in the Perisher Range Alpine Resort—

(i) the Perisher Range Resorts Master Plan, published by the National Parks and Wildlife Service in November 2001 and

(ii) the Perisher Blue Ski Resort Ski Slope Master Plan adopted by the National Parks and Wildlife Service in May 2002.

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 tourist accommodation. This will ensure the ongoing success of the Alpine Resort, while limiting the environmental impact of the works.

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.

(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 land is not subject to flooding.

Measures to protect against bushfire are required in accordance with the Bush Fire Safety Authority that relates to the site.

The land is not identified as being in an area of geotechnical sensitivity.

Natural hazards have been adequately addressed.

(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.
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(f) the capacity of existing waste or resource management facilities to deal with additional waste generated by the development, including in peak periods.	The project will involve the generation of construction waste. The proponent has updated the SEMP to include consideration of waste management, which includes measures for the onsite storage and disposal of waste.
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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.
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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.
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(b) how the development will relate to the Alpine Subregion.	As above.
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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.
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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 consistent 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 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, April 2024, prepared in accordance with Schedule 1 of the EP&A Act generally requires applications to be exhibited for a period of fourteen (14) days.

As the works include external alterations to an existing tourist accommodation building within fifty (50) metres of other tourist accommodation buildings, the Department exhibited the application from 30 October 2024 until 12 November 2024 on the NSW Planning Portal website.

The application was referred to the NSW Rural Fire Service (RFS) pursuant to section 4.46 of the EP&A Act (integrated development) as a Bushfire Safety Authority (BFSA) under the *Rural Fires Act 1997* is required for the development to be carried out. The application was also sent to NPWS for comments, pursuant to section 4.27 of Chapter 4 of the Precincts – Regional SEPP.

Following the exhibition of the application, the Department placed copies of all submissions received on its website and forwarded these to the Applicant.

3.2 Summary of submissions

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

NPWS provided the following comments on the application on 20 December 2024:

- NPWS agreed that if conducted in accordance with the documentation provided, the works proposed minimal environmental impact
- recommended conditions requiring that environmental protections must be implemented during construction and operation, including the location of construction vehicles, the storage of machinery and equipment, the location of stockpile sites and the handling of waste management receptors.
- included consideration of Aboriginal cultural heritage and Historic heritage as part of the consent conditions.

On 14 January 2025, the Applicant provided an updated SEMP that included the environmental protections recommended by NPWS in their advice.

The NSW RFS provided the following comments on the application on 5 December 2024:

- all land within the subject leasehold site shall be managed as an inner protection area (IPA)
- all new construction must comply with the relevant standards and the relevant requirements of Planning for Bush Fire Protection 2019
- the existing dwelling must be upgraded to improve ember protection
- The provision of all new, and the modification of any utilities must comply with the relevant provisions of Planning for Bush Fire Protection 2019; and
- A Bush Fire Emergency Management and Evacuation Plan must be prepared.

Additionally, the RFS issued the Bush Fire Safety Authority (BFSA) and confirmed that the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under s100b of the *Rural Fires Act 1997*.

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; and
- Managing construction impacts.

These issues are discussed below.

4.1 Built form and impacts

The proposal comprises works to the Gunuma Lodge to replace the existing outward facing windows and doors at the site. These works are visible from the public domain and neighbouring properties. The Department considers the proposed external works to the building to be acceptable and provide improvements to the existing building.

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 proposed works are considered a voluntary partial upgrade. While no requirements for specific upgrades to the existing building were identified, the Certifier is still required to review the building works and its 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 that 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.

The RFS considered the proposal and provided the general terms of approval subject to compliance with the requirements outlined in **Section 3**.

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.

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 of Gunuma Lodge.

4.2 Managing construction impacts

The construction activities are not anticipated to cause disturbance to native vegetation or a BVM area. There are no earthworks proposed, and construction activities are unlikely to cause significant ground disturbance associated with the development.

The NPWS did not raise any objections to the development, subject to amending the SEMP to include consideration of additional environmental management measures. The Applicant will be required to follow the SEMP and the applied conditions of consent to protect the environment during and after works.

The Department has applied construction conditions relevant to the Alpine area along with recommended conditions from the NPWS having regard to avoiding harm to the natural environment during construction.

The Department concludes that subject to compliance with the conditions of consent, including references to the BCA which are to be addressed by the Certifier at the Construction Certificate stage, compliance with the relevant standards is achievable and the proposal is satisfactory.

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 the existing tourist lodge through improving the longevity and amenity of the building, which supports 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 24/15287, subject to the recommended conditions
- **signs** the attached Development Consent (**Appendix A**).

Recommended by:



Meg D'souza
Planning Officer
Regional Assessments

Adopted by:



3/2/2025

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

Appendices

Appendix A – Recommended Instrument of Consent