



Perisher Huetten, Perisher Valley Modification 1

Modification Application Assessment (MOD 24/16792 (DA 10626 MOD 1))

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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
BC Act	<i>Biodiversity Conservation Act 2016</i>
BC Regulation	<i>Biodiversity Conservation Regulation 2017</i>
Consent	Development Consent
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 and Public Spaces
NPWS	National Parks and Wildlife Service
Planning Secretary	Secretary of the Department of Planning, Housing and Infrastructure
RFS	NSW Rural Fire Service
SEPP	State Environmental Planning Policy

Contents

1	Introduction	1
1.1	Background	1
1.2	Approval History	2
1.3	Proposed modification	2
2	Matters for Consideration	5
2.1	Strategic Context	5
2.2	Mandatory matters for consideration	6
2.3	Scope of modifications	7
2.4	Other approvals	8
3	Engagement.....	9
3.1	Department's engagement.....	9
3.2	Summary of submissions	9
3.3	Application amendment	9
4	Assessment	10
5	Recommendation.....	11
	Appendices	12
	Appendix A – Modification Report	12
	Appendix B – Submissions	12
	Appendix C – Notice of Modification.....	12

1 Introduction

This report provides the NSW Department of Planning, Housing and Infrastructure's (the Department) assessment of an application to modify the development consent for external alterations to Perisher Huetten Ski Lodge (Perisher Huetten), Perisher Valley (**Figure 1**).

The modification application seeks approval to increase the approved subject area to include the northern gabled frontage for framing, cladding and window replacement works.

The application has been lodged by Design King Company (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).



Figure 1 | Perisher Huetten Ski Lodge location as shown in context of Perisher Valley and adjoining buildings (Source: SIX Maps 2024)

Since lodgement of the modification application, minor amendments have been made to remove three windows on the basement level façade from the modification. Amended plans were provided, with this assessment based on the revised proposed works.

1.1 Background

The site is located on Lot 157 DP 1130401, 35 Wheatley Road, Perisher Valley. The site is occupied by a 1960's timber clad tourist accommodation building which has a licence for 25 beds under its lease.

Perisher Huetten is bounded by the Warrugang Ski Club to the south-west and Chalet Sonnenhof to the east (**Figure 2**). The site has driveway access via Wheatley Road and is accessible from Perisher Ski Resort (north-east) and Jindabyne (east) via Kosciuszko Road.



Figure 2 | Site in context of adjoining lodges (Source: SIX Maps 2024)

1.2 Approval History

Perisher Huette has been subject to two (2) DA's relating to external alterations and additions to the building:

- On 10 March 2020, the Team Leader of the Alpine Resorts Team, as delegate of the Minister for Planning and Public Spaces granted consent to Development Application (DA 10139) for external alterations to Perisher Huette that included the removal and replacement of existing timber frame windows with metal frame windows which would match the existing size, shape and colour of the existing windows.
- On 21 January 2021, the Team Leader of the Alpine Resorts Team, as delegate of the Minister for Planning and Public Spaces granted consent to Development Application (DA 10626) for external alterations to Perisher Huette that included the removal and replacement of existing timber framing, and painted timber cladding with Lysaught 'Enseam' Colorbond cladding of a similar style and colour.

This modification application proposes to modify the consent for DA 10626 (January 2021).

No previous modifications have been submitted.

1.3 Proposed modification

The Applicant seeks to modify DA 10626 by extending the approved framing and cladding replacement works to the northern gabled façade (**Figure 3 to Figure 5**) in response to safety concerns and to ensure the gabled wall is structurally sound. Additionally, the Applicant proposes to replace five glazed windows and the door opening onto the balcony within existing openings to improve the exterior materials.

The materials will be identical to those approved under DA 10626 and DA 10139, comprising of:

- Lysaught 'Enseam' Colorbond cladding with a 'Monument' dark charcoal coating
- Viewco thermally broken aluminium framed windows with pearl white frame

An example of the materiality is identified in **Figure 6**.



Figure 3 | Proposed site of modification (Source: Applicant's architectural plans 2025)

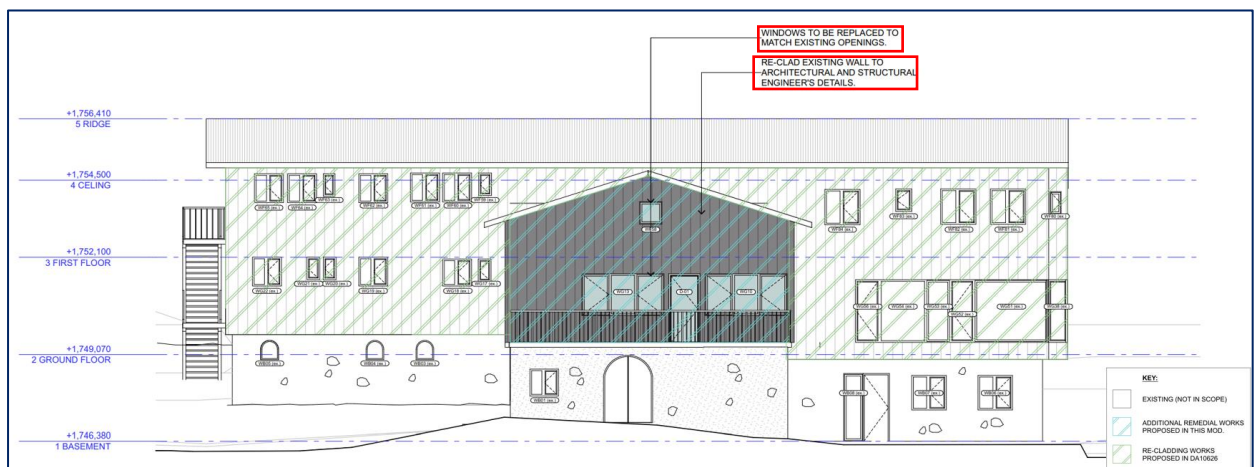


Figure 4 | Proposed modification to cladding and windows (Source: Applicant's architectural plans 2025)

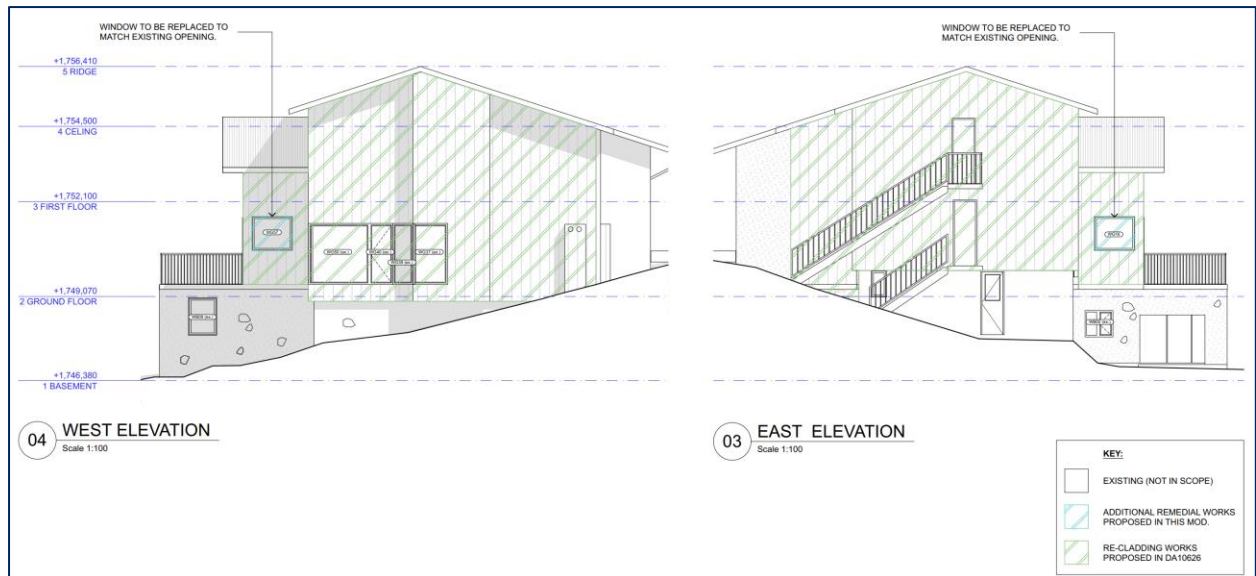


Figure 5 | Proposed modification to windows on west and east elevations (Source: Applicant's architectural plans 2025)



Figure 6 | Northern façade identifying proposed material and design (Source: Applicant's architectural plans 2025)

The supporting documents to this modification 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 Tableland Regional Plan 2036

The South East and Tableland Regional Plan 2036 describes the vision, goals and actions that will deliver greater prosperity for those who live, work and visit the region. The Plan provides an overarching framework to guide more detailed land use plans, development proposals and infrastructure funding decisions. In relation to the alpine resorts, the Regional Plan seeks to promote more diverse tourism opportunities in the Snowy Mountains that will strengthen long-term resilience while acknowledging the environmental and cultural significance of the locality.

The Department considers the proposal continues to be consistent with the Regional Plan as the proposal continues to support the improvement of the existing building, such that the proposed development continues to support visitation to the NSW ski resorts.

Draft South East and Tableland Regional Plan 2041

The draft plan was publicly exhibited originally between 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 continues to be consistent with the draft Regional Plan as it will not result in adverse biodiversity impacts and supports the maintenance of visitation to Perisher Valley, along with the local and regional economy.

Snowy Mountains Special Activation Precinct Master Plan

The Snowy Mountains Special Activation Precinct Master Plan outlines the 40-year vision for the Snowy Mountains as a year-round tourist destination with new business opportunities, services and community infrastructure for the people that live, work and visit the region.

Section 9.1.2 of the Master Plan relates to the Perisher Range, including Perisher Valley. The Department considers that the proposal continues to support the vision of the Master Plan, while also ensuring impacts upon the environment have been considered against those previously approved. The proposed modification works raise no additional matters that would be inconsistent with the Master Plan.

Precincts – Regional SEPP

The Precincts – Regional SEPP governs development on land within the ski resort areas of KNP. Chapter 4 of the SEPP aims to protect and enhance the natural environment, to protect cultural heritage within the resorts and to ensure that development in the resorts is managed in a way that is compatible with the principles of ecologically sustainable development.

Under the provisions of section 4.27 of the Precincts – Regional SEPP, the NPWS has 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.

The Department considers the proposal continues to be consistent with Chapter 4 of the Precincts – Regional SEPP as the proposal continues to contribute to tourist accommodation availability within KNP, which supports sustainable tourism in the Alpine Region. The potential impacts on the environment continue to be considered acceptable when noting the modification works and their minimal impact on the environment.

2.2 Mandatory matters for consideration

The Department conducted a comprehensive assessment of the project against the mandatory matters for consideration as part of the original assessment of DA 10626. The Department considers this modification application does not result in significant changes that would alter the mandatory matters for consideration under section 4.15 of the EP&A Act and conclusions made as part of the original assessment.

Objects of the EP&A Act

The Minister or delegate must consider the objects of the EP&A Act when making decisions under the Act. The Department is satisfied the proposed modification is consistent with the objects of the EP&A Act.

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 effect threatened species or ecological communities, or their habitats; or
- the works are carried out in a declared area of outstanding biodiversity value.

The Department notes that no additional vegetation management is required to facilitate the modification, with the site already required to be managed as an Asset Protection Zone (APZ) under DA 10139 and DA 10626. No additional site disturbance as a result of the modification is expected to occur.

The Department also notes that there is currently no declared area of outstanding biodiversity value within Kosciuszko National Park.

Environmental Planning Instruments

The Precincts – Regional SEPP is the principal EPI that applies to this application. An assessment of compliance with the Precincts – Regional SEPP (Chapter 4) was undertaken in the determination of the original application (DA 10626).

The Department has considered the current modification application against the provisions of the Precincts – Regional SEPP and is satisfied the modification proposal continues to be consistent with this EPI.

2.3 Scope of 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:

Table 1: Consideration under Section 4.55(1A) of the EP&A Act

Section 4.55(1A) - Evaluation	Comment
(a) <i>That the proposed modification is of minimal environmental impact</i>	<p>Section 4 of this report provides an assessment of the impacts associated with the proposal.</p> <p>The Department is satisfied that the proposed modifications will have minimal environmental impact with no additional vegetation removal required to facilitate the development (with the site already required to be managed as an Asset Protection Zone) and minimal impact on adjoining land users.</p>
(b) <i>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)</i>	<p>The proposal seeks to increase the extent of cladding and window frame replacement on the building.</p> <p>The Department is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted (noting, the existing tourist accommodation use is to be maintained).</p>
(c) <i>The application has been notified in accordance with the regulations or a development control plan</i>	<p>In accordance with the Department's Community Participation Plan (CPP), April 2024, the Department publicly exhibited the modification application for a minimum of 14 days, and it was made available on the NSW Planning Portal website (refer to Section 3 of this report).</p>
(d) <i>Consideration of any submissions made concerning the proposed modification within the period prescribed by the regulations</i>	<p>The Department has considered the submissions received during the exhibition period (refer to Section 3 of this report).</p>

Section 4.55(3) of the EP&A Act provides that in determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the granting of the consent that is sought to be modified.

The relevant consideration under section 4.15(1) of the EP&A Act in relation to the proposed modifications is whether the impacts of the amendments upon the existing building are appropriate. The Department's

assessment in **Section 4** concludes that the impacts of the works as modified will be minimal in extent and appropriately managed, and the impacts are considered acceptable. No variation is required to the Department's previous assessment.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

2.4 Other approvals

Rural Fires Act 1997

The original works required a Bush Fire Safety Authority (BFSA) from the RFS under section 100B of the *Rural Fires Act 1997*, making it integrated development pursuant to section 4.46 of the EP&A Act.

The RFS did not object to the proposal and advised that no additional comments were required to those already provided in relation to the original application and the Bushfire Safety Authority (BFSA) issued previously on 29 September 2020.

3 Engagement

3.1 Department's engagement

The Department's Community Participation Plan (CPP), April 2024, prepared in accordance with Schedule 1 of the EP&A Act requires an application for modification of development consent not required to be exhibited by the EP&A Regulations to be exhibited for a timeframe dependent on the urgency, scale and nature of the proposal.

In this regard, the Department also notes that the CPP advises that applications for development consent under Chapter 4 of the Precincts – Regional SEPP are not required to be public 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 from a tourist accommodation building. As the modification involves external works to the building and is within fifty metres of other tourist accommodation buildings, the Department notified nearby lodges and made the application publicly available on the NSW Planning Portal website between 18 November 2024 and 02 December 2024.

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 referred to the National Parks and Wildlife Service (NPWS) pursuant to section 4.27 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

During the exhibition period, the Department received submissions from the RFS, the NPWS and no public submissions to the proposed modifications.

RFS

The RFS did not object to the proposal and advised that no additional comments were required to those already provided in relation to the original application and the Bushfire Safety Authority (BFSA) issued.

NPWS

The NPWS did not object to the modification and commented that the previous comments to the proposal remain relevant.

3.3 Application amendment

On 13 January 2025, the Applicant submitted a revised set of architectural plans to the Department which removed the three windows on the basement level façade from the proposal.

As the amended plans reduced the overall scope of the works and the Department considered that no negative effects of the change would impact adjoining lodges, no additional exhibition was undertaken.

4 Assessment

In assessing the merits of the proposed modification, the Department has considered the:

- previous Environmental Assessment Report for the proposal,
- the modification application and existing conditions of consent,
- submissions from government agencies, and
- matters for consideration under section 4.15(1) of the EP&A Act.

The Department's assessment considers the modification would result in minimal impacts upon the natural environment, with the modification application proposing to extend the framing, cladding and window replacement works on the exterior of the building.

The Applicant states that the proposed works are in response to findings during construction of DA 10139, which identified that the timber framing and cladding on the northern façade was rotted and deteriorating, resulting in safety and structural integrity concerns for the gabled wall. The Applicant also stated that additional windows require updating to bring them up to the same specification as those approved under DA 10139.

The Applicant states that the development remains consistent with that approved under DA 10626, therefore being substantially the same development for which the consent was originally granted. In adhering to the environmental controls approved in the consent for DA 10626 and DA 10139, the impacts of the proposal are considered acceptable.

The application for modification was referred to the Department's Principal Building Surveyor for consideration. The Building Surveyor reviewed the proposal, the original application and related consent (DA 10626) and provided no additional comments.

The Department has taken into consideration comments received from the RFS, NPWS and the Department's Building Surveyor, and considers the modifications acceptable as:

- the proposed framing, cladding and window materiality remains consistent with those approved under DA 10626 and DA 10139
- the works will not increase impacts to the surrounding natural environment
- the modifications are in response to structural integrity and safety concerns
- the Applicant does not propose an increase to bed numbers approved under their lease
- the development will continue to be used for tourist accommodation

5 Recommendation

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act and considered the submissions provided by the public and the NPWS and RFS.

The Department's assessment concludes that the proposed modification is appropriate as it is substantially the same development as originally approved; the proposed modifications to conditions are acceptable; the proposal continues to comply with the Precincts – Regional SEPP provisions; all submissions received during the assessment of the application have been considered; and the proposal does not result in any additional matters that required consideration under Section 4.15(1) of the EP&A Act.

Overall, the Department is satisfied that the proposed is suitable and in the public interest.

The Department therefore recommends that the application be approved, subject to changes to the existing conditions of consent (**Appendix C**). In accordance with the Minister's delegation dated 9 March 2022, the Team Leader, Assessments may determine the application as:

- no reportable political donation has been disclosed,
- there are less than 15 public submissions in the nature of objections, and
- the application is in relation to land to which Chapter 4 of the Precincts – Regional SEPP applies.

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

- **considers** the findings and recommendations of this report
- **determines** that the modification application MOD 24/16792 (DA 10626 MOD 1) falls within the scope of section 4.55(1A) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modifies** the consent DA 10626
- **signs** the attached approval of the modification (**Appendix C**).

Recommended by:



Zac Derbyshire
Planning Officer
Alpine Resorts Team

Adopted by:



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

14 January 2025

Appendices

Appendix A – Modification Report

The following supporting documents and supporting information to this assessment report can be found on the NSW Planning Portal website as follows:

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

Appendix B – Submissions

The Department made the application publicly available and notified adjoining lodges within Thredbo Alpine Resort of the application between 18 November 2024 and 02 December 2024.

The application was referred to the RFS (as the original and modification is integrated development) and NPWS pursuant to section 4.27 of Chapter 4 of the Precincts-Regional SEPP, with comments received. No submissions from the public were received.

Appendix C – Notice of Modification