

Attachment A of the Request for Additional Information contains the following request.

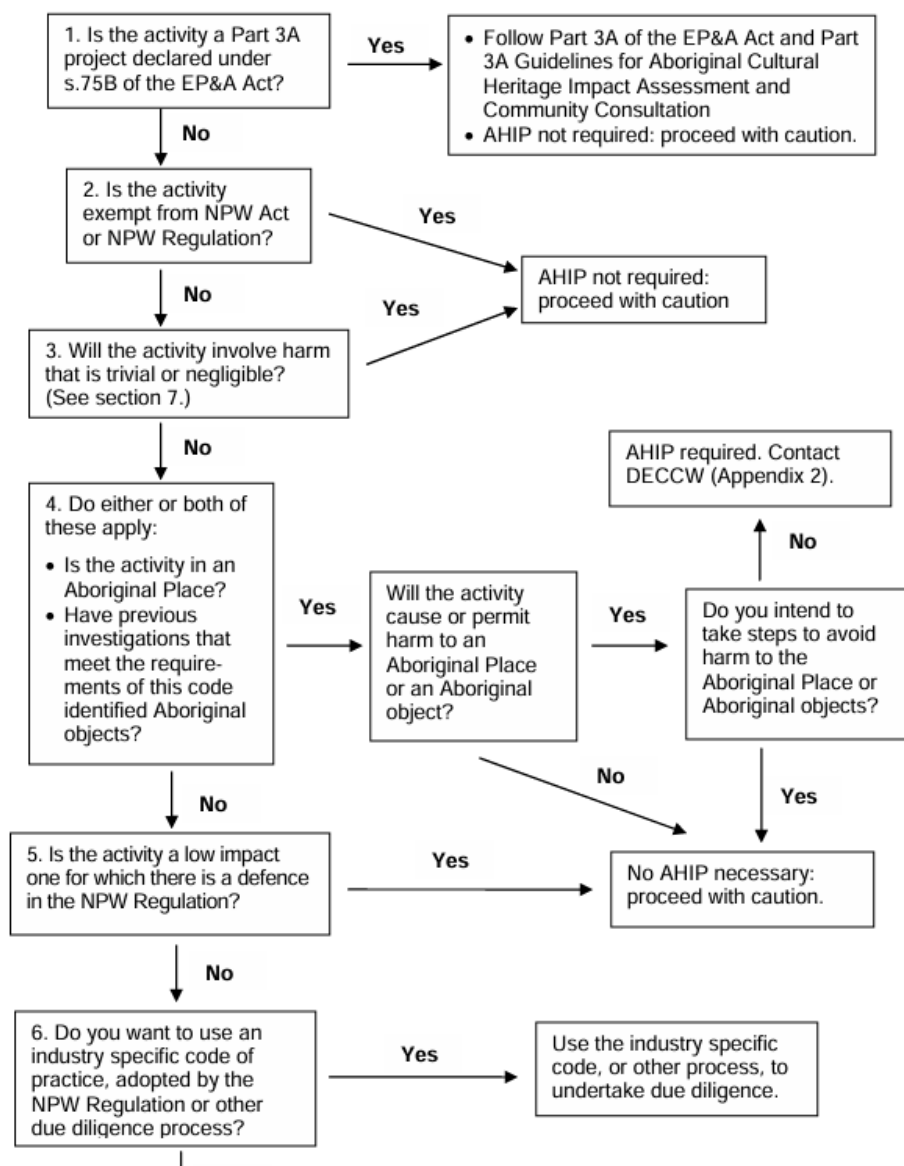
“An assessment against Section 1 of the Due Diligence Code of Practice ... is required. Please provide this in the form of a table.”

Hi Noon Response:

The proposed development is sited at 12 Banjo Drive, Thredbo, NSW. The development will consist of relatively minor renovations to an existing building and within the existing footprint. Also included is a new concrete path to replace an existing path.

(The following flow chart is taken from Section 1 of the Code of Practice to use as a guide for the subsequent table).

1 Do you need to use this due diligence code?



Following this flow chart returns the following table:

Question	Response	Explanation
1. Is the activity a part 3A project declared under s.75B of the EP&A Act?	No.	Part 3A developments are major projects that are either listed under the State Environmental Planning Policy (Major Developments) 20051 (SEPP Major Development), or which the Planning Minister believes are of state or regional environmental planning significance.
2. Is the activity exempt from NPW Act or NPW Regulation?	No.	Not exempt from the relevant legislation.
3. Will the activity involve harm that is trivial or negligible (See Section 7)?	No.	There are no known Aboriginal artefacts on or near this lot, hence no opportunity for harm. Please see the results of an AHIMS search as evidence.
4. Do either or both of these apply: Is the activity in an Aboriginal Place? Have previous investigations that meet the requirements of this code identified Aboriginal objects?	No.	There are no known Aboriginal artefacts on or near this lot, hence no opportunity for harm. Please see the results of an AHIMS search as evidence.
5. Is the activity a low impact one for which there is a defence in the NPW Regulation?	Yes.	It is a low impact activity under the definition outlined below. Hence "No AHIP necessary: Proceed with caution".

Definition:

The following low impact activities are prescribed in the NPW Regulation as a defence against the strict liability s86 (2) offence.

The relevant activities are highlighted below. The defence is item (4) under section 7.5 reading as follows:

For the purposes of this clause, land is disturbed if it has been the subject of human activity that has changed the land's surface, being changes that remain clear and observable.

Note: Examples of activities that may have disturbed land include the following:

(a) soil ploughing,

(b) construction of rural infrastructure (such as dams and fences),

- (c) *construction of roads, trails and tracks (including fire trails and tracks and walking tracks),*
- (d) *clearing of vegetation,*
- (e) *construction of buildings and the erection of other structures,*
- (f) *construction or installation of utilities and other similar services (such as above or below ground electrical infrastructure, water or sewerage pipelines, stormwater drainage and other similar infrastructure),*
- (g) *substantial grazing involving the construction of rural infrastructure,*
- (h) *construction of earthworks associated with anything referred to in paragraphs (a)-(g).*

[End of Response]