

# Statement of Environmental Effects



Project: Alterations to Existing Basement to Create Staff  
Room & Addition of External Window To  
Lounge room.

129 Perisher Creek Road  
Perisher Valley NSW 2624  
Lot 1 DP1175667

DATE: MARCH 2024.  
PREPARED FOR: SNOWY SHACK PTY LTD

## Executive Summary

This Statement of Environmental Effects V6 has been updated with items outlined within the Department of Planning email, advising the return of the application, dated 20/11/2023. All items were addressed and the application was resubmitted 09/02/24. All updated information within this report has been subsequently returned via the planning portal.

These items have been highlighted in yellow in the body of this report with Annexure A at the end of the report further detailing the actions taken where required.

No change is proposed to the APZ. The distances between the proposed work and the biodiversity area mapped on the BVM will be managed as the IPA with a distance of 6m. These fall within the distances set out in the Planning for Bushfire 2019 for construction to Flame Zone.

## The Proposal

This report has been prepared to seek the Department of Planning & Environment approval to undertake internal and external alterations to the existing ski lodge.

Muddles Ski Lodge is situated in the heart of Perisher Resort and has played a key role in establishing Perisher Resort as a popular ski tourist destination.

The lodge has 30 bed licence broken down into 22 commercial and 8 additional. There are currently 17 beds and 2 extra within the lodge, the addition of the staff accommodation in the basement of the lodge will not cause the lodge to go over their bed licence threshold. No application is being sought for additional bed licences.

The proposed works include:

1. Lowering the floor level within the existing basement area, installing a waterproofed step up to the bathroom.  
Lowering the floor level will increase the floor to ceiling height clearance to be 2.4m to be compliant with a habitable space under the BCA. The use of the basement will change to become staff accommodation.
2. Installation of an external door and awning to the eastern elevation from the basement.
3. The installation of a new window to the ground floor lounge room on the north elevation of the building.



**Photo 1. Location of Proposed External Works**

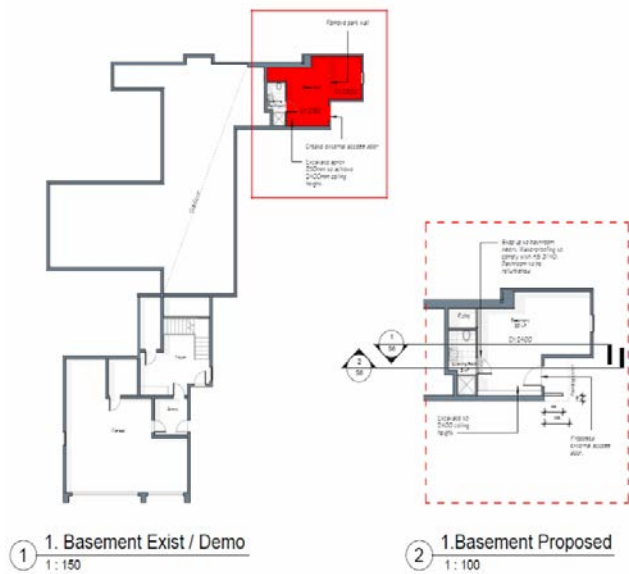


Figure 1 - Basement Floor Plan –

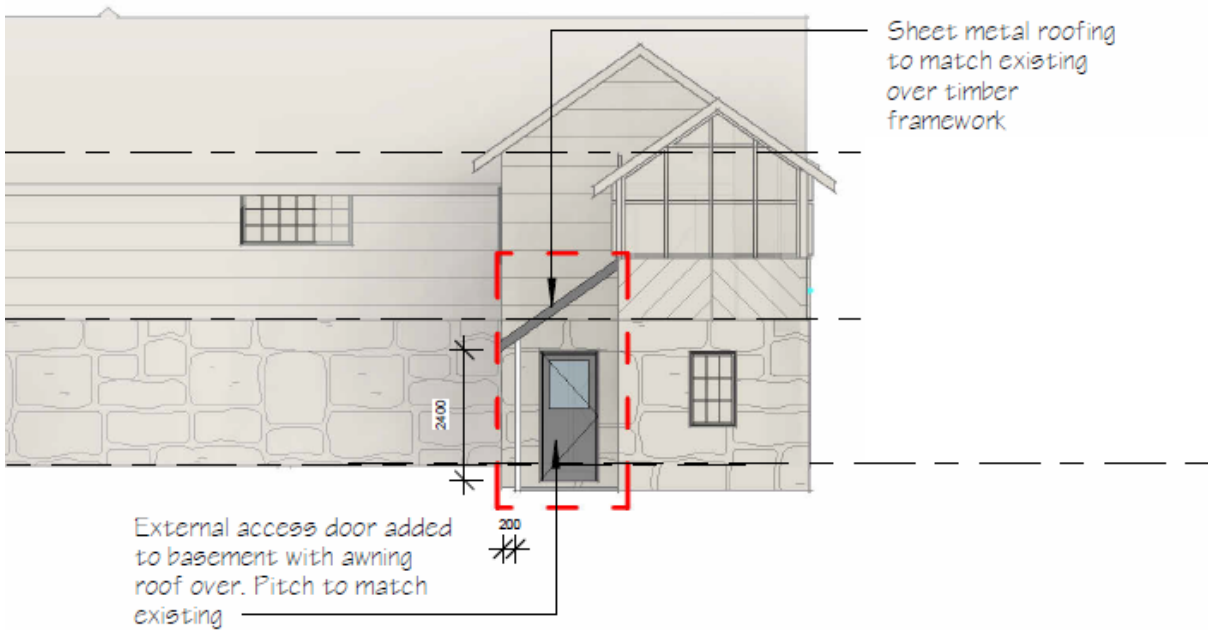
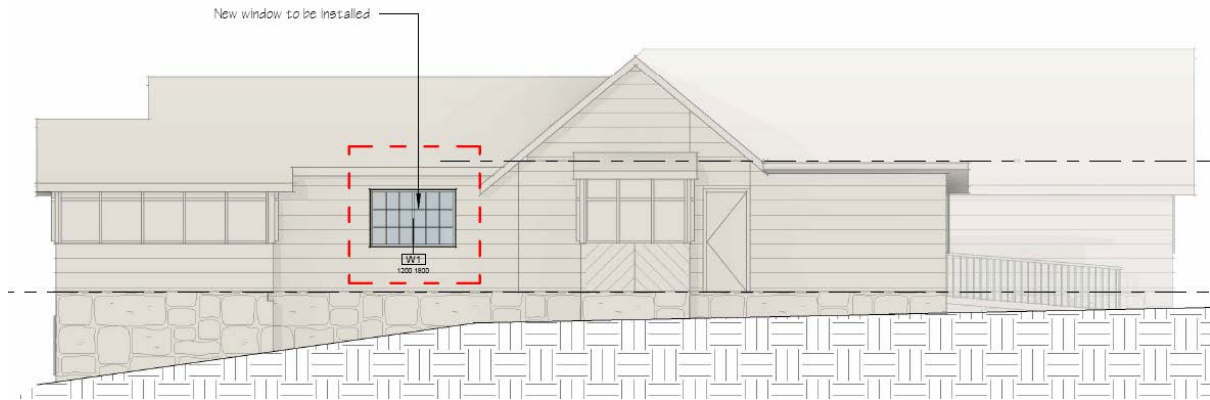


Figure 2 – Location of Proposed Entry Door





**Figure 3 – Location of Proposed Window**

## 2.0 SITE LOCATION & CONTEXT

### 2.1 SITE ANALYSIS

The site is located at Lot 1 DP1175667 No 129 Perisher Creek Road Perisher Valley NSW 2624.

The Snowy Mountains is a popular tourist destination for both Australian and international travellers. Kosciuszko National Park offers an array of attractions including, Snow Resorts, world class mountain biking and Australia's highest mountain, Mt Kosciuszko. The local economy is driven by the winter season with skiing and other winter sports being unique to this region of Australia. A growing summer tourism trade has been developing with activities such as hiking, fishing, kayaking, and mountain biking encouraging outdoor enthusiasts to visit the region year-round.



**Figure 4 Aerial View of Subject Site**



**Figure 5**      **Close up View of Subject Site**

## **2.2**      **ABORIGINAL HERITAGE**

An AHIMS search conducted for Lot 1 DP1175667 on the 28/09/2023 found zero sites or places recorded or declared at the subject allotment. There have been no known Aboriginal artefacts found during previous construction of the existing building and surrounds. The proposed works will take place in previously disturbed ground and hence the likelihood for Aboriginal artefacts to be found is unlikely.





**AHIMS Web Services (AWS)**  
**Search Result**

Your Ref/PO Number : 23031DA

Client Service ID : 824442

Accent Town Planning

Date: 28 September 2023

10 Kosciuszko Road

Jindabyne New South Wales 2627

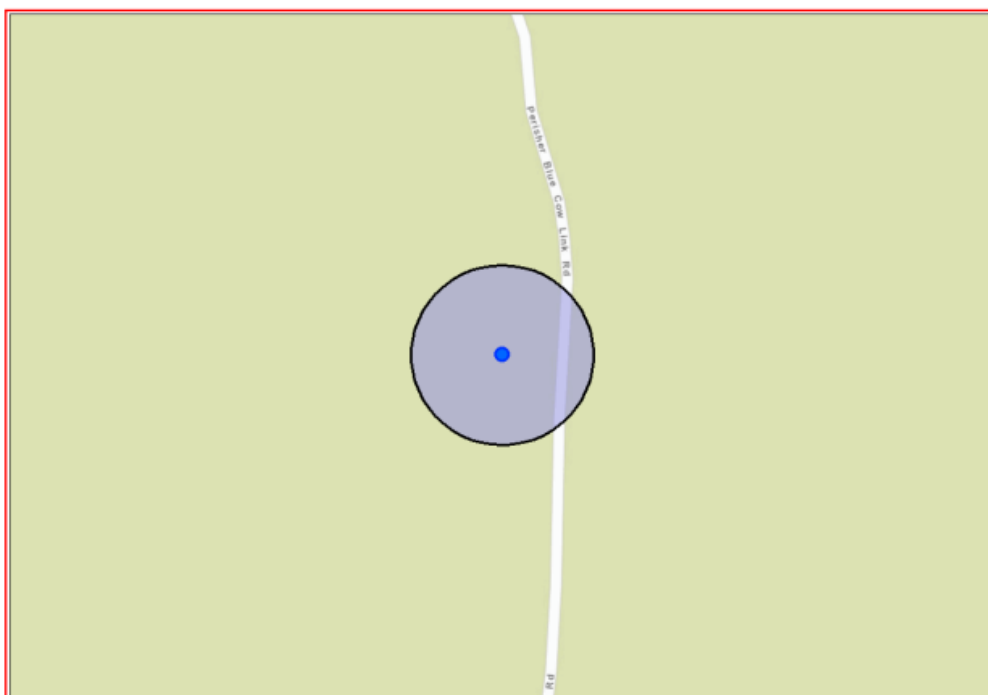
Attention: Tammy Stewart

Email: matt@completecertification.com.au

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Address : 129 PERISHER CREEK ROAD PERISHER VALLEY 2624 with a Buffer of 50 meters, conducted by Tammy Stewart on 28 September 2023.**

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

**Figure 6 AHIMS Search Results LOT 1 DP1175667**

**ABORIGINAL CULTURAL HERITAGE DUE DILIGENCE APPLICABLE PATHWAY**

Section 1, "Do you need to use this due diligence code", of the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW 2010)* {referred to as the 'Due Diligence Code' going forward} has determined that the Generic Due Diligence Code of Practice is applicable to follow.

**GENERIC DUE DILIGENCE CODE**

**Question 1:** Will the activity disturb the ground surface or any culturally modified trees?

**Response: Yes, the proposal will involve minimal ground disturbance – proceed to question 2.**

**Question 2:** Are there any:

- a) Relevant confirmed site records or other associated landscape feature information on AHIMS?

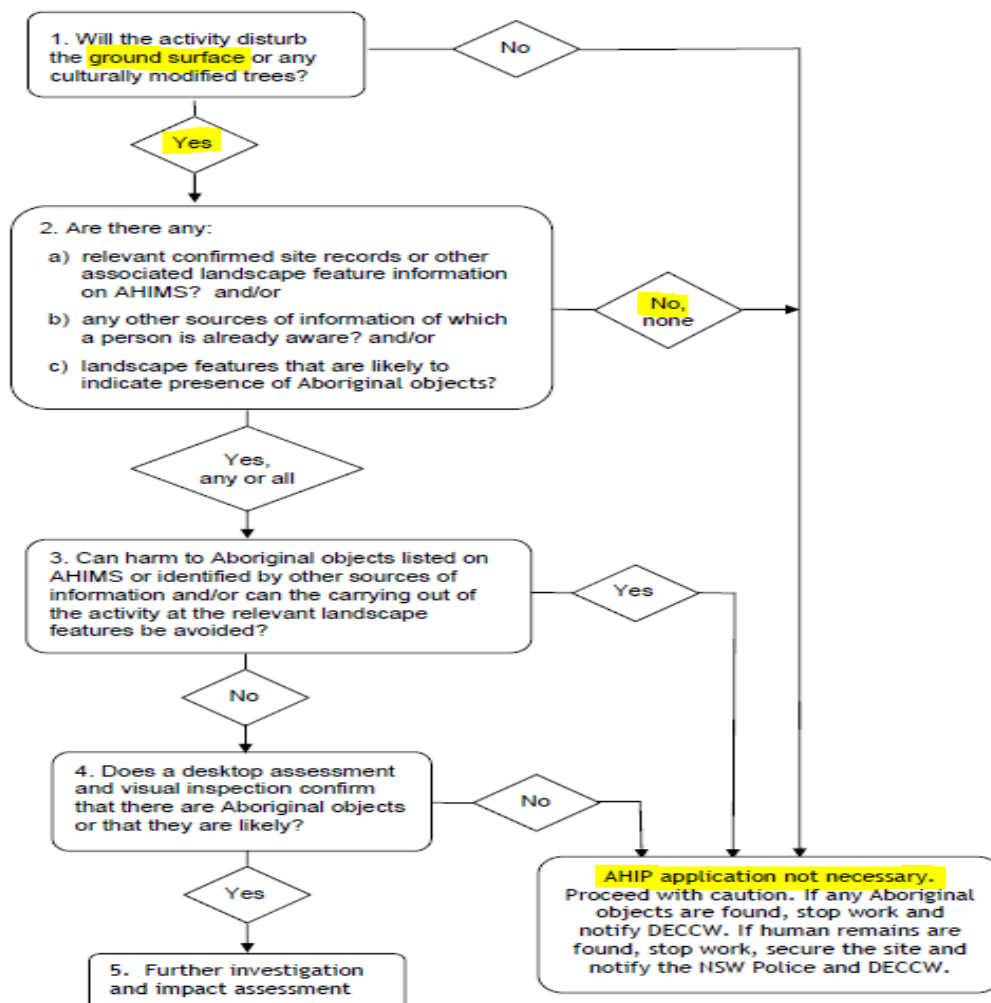
**Response: No** – see AHIMS report above.

- b) Any other sources of information of which a person is already aware?

**Response: No other known sources of information or previous reports for the development area.**

- c) Any landscape features that are likely to indicate presence of Aboriginal objects?

**Response: No - The proposed development site does not contain any landscape features that are likely to indicate the presence of Aboriginal Objects.**





**CONCLUSION:**

Therefore, as per the Due Diligence Code “AHIP application not necessary. Proceed with caution. If any Aboriginal objects are found, stop work and notify National Parks and Wildlife Services (NPWS). If human remains are found, stop work, secure the site and notify the NSW Police and NPWS”.

As a result, the proposed repairs and improvements to the existing lodge acknowledges the environmental and cultural significance of the area and has proposed a thoughtful and considered design to improve the amenities of the existing lodge. Through provision of more modern amenities, it improves the long-term resilience of the lodge and capacity for providing accommodation to guests while maintaining the environmental values of the Kosciuszko National Park.

**2.3 BIODIVERSITY**

Lot 1 DP1175667 does contain Biodiversity Values Map (BVM) areas, as demonstrated in Figure 7 below. The proposed works being carried out are not located within the BVM areas, and the proposed works will be carried out in previously disturbed ground. Hence, the proposed works will not be occurring in BVM areas and will not trigger entry into the Biodiversity Offset Scheme (BOS).



**Figure 7 Biodiversity Values Map**

**2.4 RIPARIAN LANDS AND WATERCOURSES**

Lot 1 DP1175667 does not contain areas identified on the Riparian Lands and Watercourses (RLW) map, as indicated in Figure 8 below.





**Figure 8 Riparian Lands and Watercourses Map**

The DPE Water Waterfront Land e-tool was also used with the distances calculated to the road to determine whether the proposed works will require controlled activity approval licence. The Waterfront Land e-tool determined that the proposed works do require a controlled activity approval licence. See Appendix II for the Waterfront Land e-tool results.

A Controlled Activity Approval (CAA) exemption has been sought. The CAA e-tool was used to determine if the proposed works are exempted from requiring a Controlled Activity Approval. The proposed works are > 40m from any wetlands with a roadway separating the proposed works and the wetlands. The proposed works are minor in nature. Controlled Activity Exemption e-tool was carried out and has determined the proposed works are exempt see Figure 9 below. A full copy of this report has been submitted as part of this application.

### 8.3 Result – Separation of Works

Based on your answers, the result is:

#### **EXEMPT - Controlled Activity Approval not required**

Exemption under Schedule 4 Clause 31 of the Water Management (General) Regulation 2018  
<https://legislation.nsw.gov.au/view/html/inforce/current/s-l-2018-0480#sch.4-sec.31>

#### **Statements**

- You are proposing to construct or demolish a building or structure.
- Your proposed works are separated from the watercourse by one or more of the following:
  - (a) a public road,
  - (b) a hard stand space (such as a car park or building),
  - (c) a levee bank,
- The works are located near a 1st, 2nd or 3rd order watercourse.

**Figure 9 Controlled Activity Approval Results**

In addition, the Water Licensing Service was consulted in relation to the Water Course. Analysis of the proposed works was carried out and determined that a Controlled Activity Approval is not required for the installation of the window on the Northern elevation or for the installation of the awning on the Eastern elevation which is greater than 40m from Perisher River.

See Annexure B below for further details.

## 2.5 SITE CONTOURS

There is a significant upslope from the lodge towards the west, with a gentle downslope on all other sides. and a consistent downslope towards Perisher Creek Road.



Figure 10 Contour Plan

The applicant has consulted with Jeremy Murray of ACT Geotechnical Engineering Pty Ltd for assessment of the site. This report along with a Form 4 have been submitted as part of this application.

### 4 Form 4 – Minimal Impact Certification

It is understood the site is within "Zone G" of the Kosciusko National Parks Alpine Resorts, so under the NSW Department of Planning Geotechnical Policy, a geotechnical investigation and slope instability risk assessment is required. However, as per Section 10.4 of The Policy, where only minor construction works are proposed, that present minimal or no geotechnical impact on the site or related land, then a "Form 4 - Minimal Impact Certification" can be provided instead.

A site inspection was carried out by Jeremy Murray, an experienced, Chartered, senior geotechnical engineer, and a site classification to AS2870 was conducted. Based on this, and a review of the architectural drawings, the following conclusions have been drawn:



- the current load-bearing capacity of the existing building will not be exceeded or adversely impacted by the proposed development, and
- the proposed works are of such minor nature that the requirement for geotechnical advice in the form of a geotechnical report, prepared in accordance with the "Policy", is considered unnecessary for the adequate and safe design of the structural elements to be incorporated into the new works, and
- in accordance with AS2870 "Residential slabs & footings", the site is classified as a Class "M" (moderately reactive) site.

Figure 11 Form 4 Report



## 2.6 COLOUR SCHEDULE

No changes are proposed to the existing colours of the lodge. Any roof sheeting, doors and windows will be like-for-like to match the existing building.



**Roof colour** – Eucalypt or equivalent  
(to match Existing)



**Door Colour** - White  
(to match existing colour & profile)



**Window Colour** - White  
(to match existing colour & profile)

**Figure 12 Proposed Colours**

## 2.7 BUILT FORM AND CHARACTER OF ADJOINING DEVELOPMENT

Muddles Ski Lodge is situated in the heart of Perisher Resort and has played a key role in establishing Perisher Resort as a popular ski tourist destination.

Surrounding developments are ski lodges, similar in scale and design, offering architectural features including natural stone, loft gable rooflines, feature articulation in structural elements and painted timber cladding. The surrounding buildings are of various architectural vernacular styles - typically built 40 years or more ago.

There will be no change to the current view sharing as there are no major changes to the exterior of the building or windows with all alterations remaining within the existing building footprint.



### 3.0 PROPOSED WORKS

The proposal is seeking approval for alterations to the basement of the lodge to create a habitable room for the staff to reside along with the addition of a window to the ground floor lounge on the northern side of the building.

The proposed works at Muddles Ski Lodge will include:

- The removal of existing internal stairs to basement.
- The lowering of the basement floor to create a habitable height of 2.4m.
- The addition of a step up to the bathroom.
- The addition of a front access door with awning to the new staff accommodation.
- The removal of a wall to create one room.
- The installation of a new window to the ground floor lounge room.

It is important to note, that the proposed building works for Muddles Ski Lodge will be within the existing footprint. All proposed works carried out to Muddles Ski Lodge will be to manufacturers and engineers specifications.

The proposed development is deemed to be of positive influence on the resort through the provision of enhanced staff accommodation through the creation of a new staff accommodation.

#### 3.1 LOWERING THE LEVEL OF THE BASEMENT FLOOR

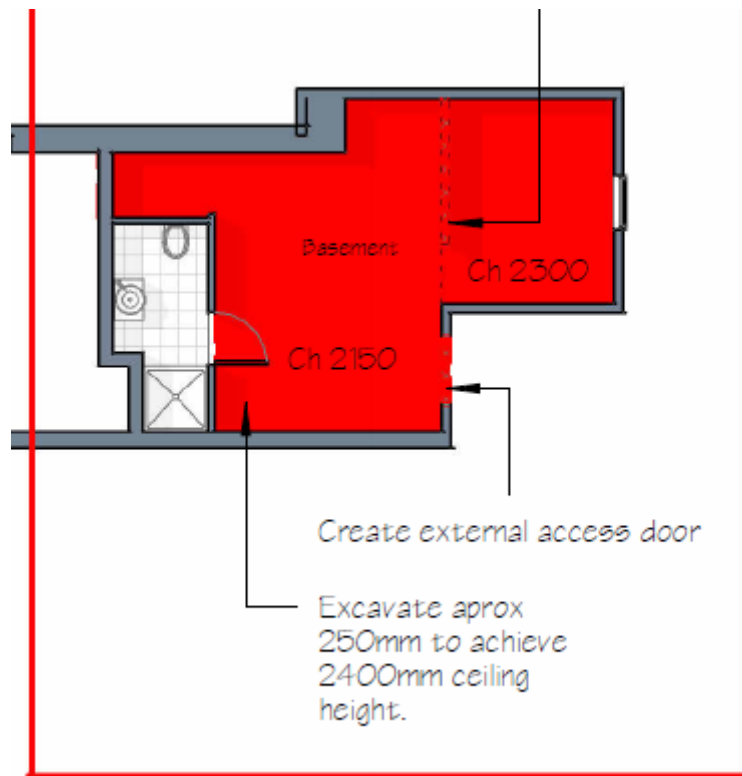
The basement at Muddles Ski Lodge has been used primarily as a storage area. The basement has existing ceiling height of 2.15m. This application is seeking approval for groundworks to the basement for excavation of approximately 250mm.

This will allow for the minimal 2.4m ceiling height required under the NCC 2022 for a habitable room.

The excavation works will be limited to within the basement area, in previously disturbed ground and is not expected to have any negative geotechnical effect as outlined in the geotechnical report and Form 4 Minimal Impacts Certificate which has been completed and submitted as part of this application.

A step up from the new floor level to the existing bathroom will be included in the development, the step up will be waterproofed to comply with AS 3740. Fire rated plaster will be used throughout the build of the new upgraded staff accommodation.

The proposed new concrete slab floor level will be finished to engineers specifications. No change is proposed or required to the existing footings which is outlined in the structural engineering report submitted as part of this application.



**Figure 13**      **Basement Excavation Plan**



**Photo 2**      **Existing Basement Layout**



**Photo 3 Existing Basement Layout**

### **3.2 WINDOWS, DOOR AND AWNING**

To create a habitable space for staff accommodation the basement will require reconfiguring, this application seeks approval for changes to allow for the new staff accommodation.

A private external access door to the staff accommodation with awning is proposed on the eastern side of the lodge. The addition of the awning will provide protection from snow fall during winter months and shelter at all times, the pitch and materials of the awning are designed to match the existing roof. An internal wall dividing storage areas in the basement will be removed in order to allow for an increased floor space in the staff accommodation.

Adequate light will be provided to the new space through the door and window for construction approval.

Fire and sound separation will also be provided as part of the construction approval process.

A small section at the rear of the room will be converted to a robe to allow for clothes storage.

This application seeks approval for a new window addition to the ground floor lounge room on the northern side of the building.

The proposed like-for-like windows, entrance door and awning addition will reflect a similar design to what is existing, in order to retain the fabric and design of the building.

**Structural Engineering reports submitted as part of this application provide detailed assessments supporting all proposed changes.**



DESIGN LOAD ALLOWANCES

Design loads have been allowed for in accordance with the relevant sections of AS/NZS 1170. Loads are based upon the occupancy types shown on the architectural drawings.

SuperImposed Dead Load

Typical Floor..	0.5 kPa
Roof .....	Sheet metal roofing

Floor Live Loads

Typical .....	1.5 kPa
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Roof Live Loads

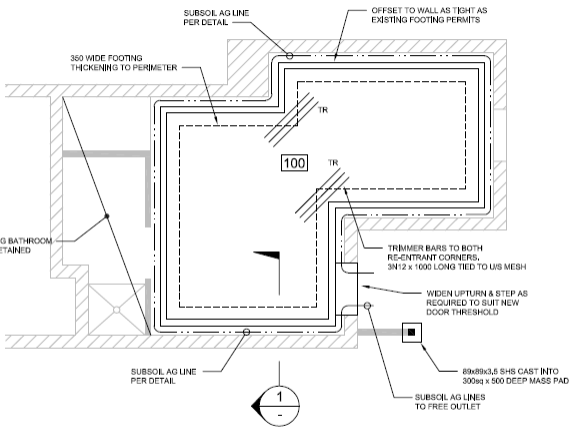
Typical .....	0.25 kPa
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Wind Loads

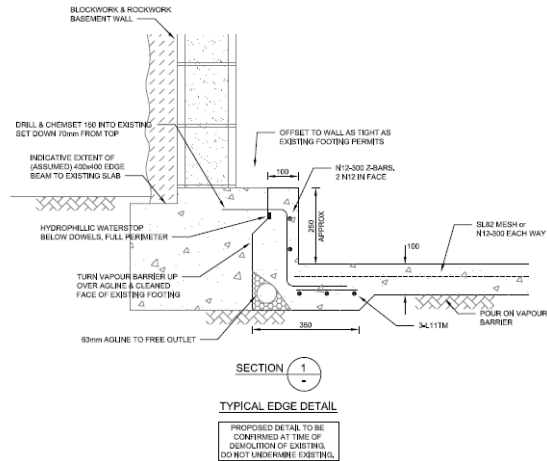
Category N4 in accordance with AS4055.

Snow Loads

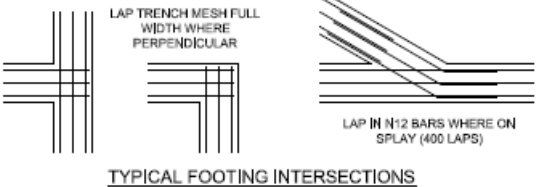
Snow loads are accounted for in accordance with AS/NZS 1170.3 (Alpine,  $S_g = 17.1$  kPa).



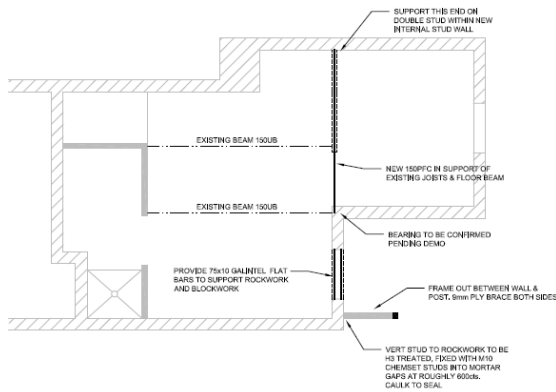
BASEMENT SLAB PLAN



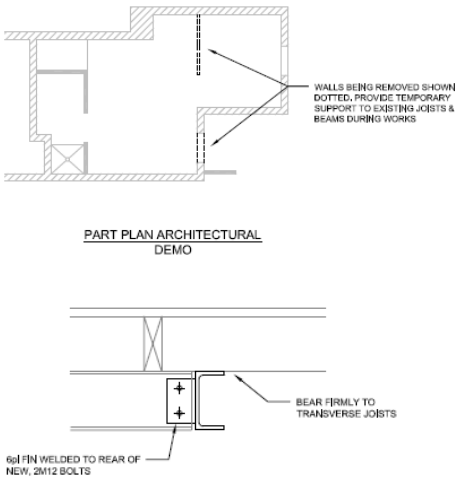
TYPICAL EDGE DETAIL  
PROPOSED DETAIL TO BE CONFIRMED AT TIME OF DEMOLITION OF EXISTING. DO NOT UNDERMINE EXISTING.



TYPICAL FOOTING INTERSECTIONS



GROUND FLOOR PLAN



EXISTING FLOOR BEAM TO NEW

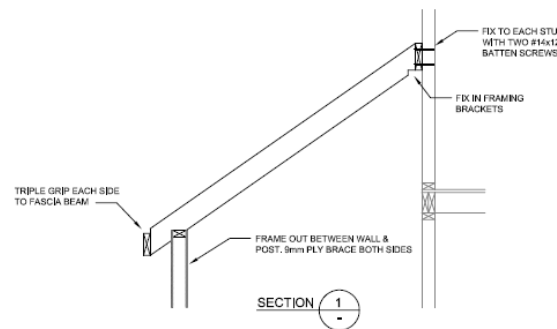
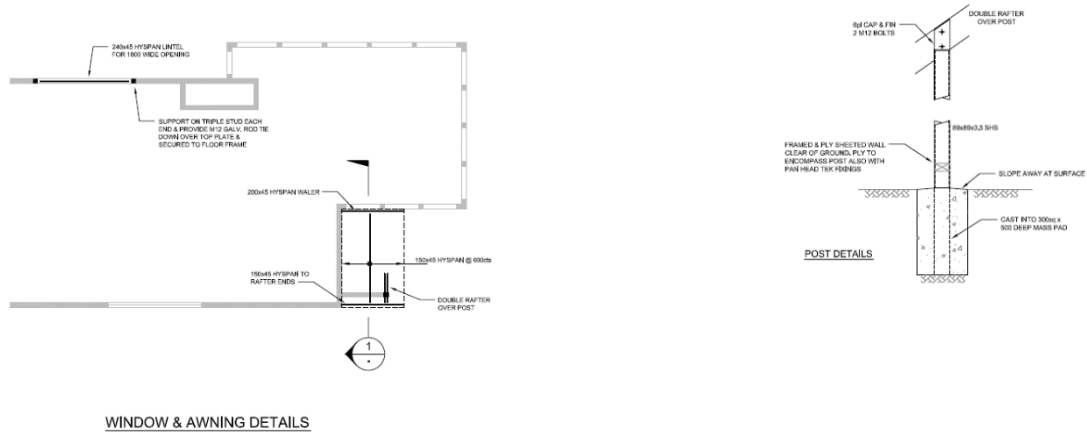
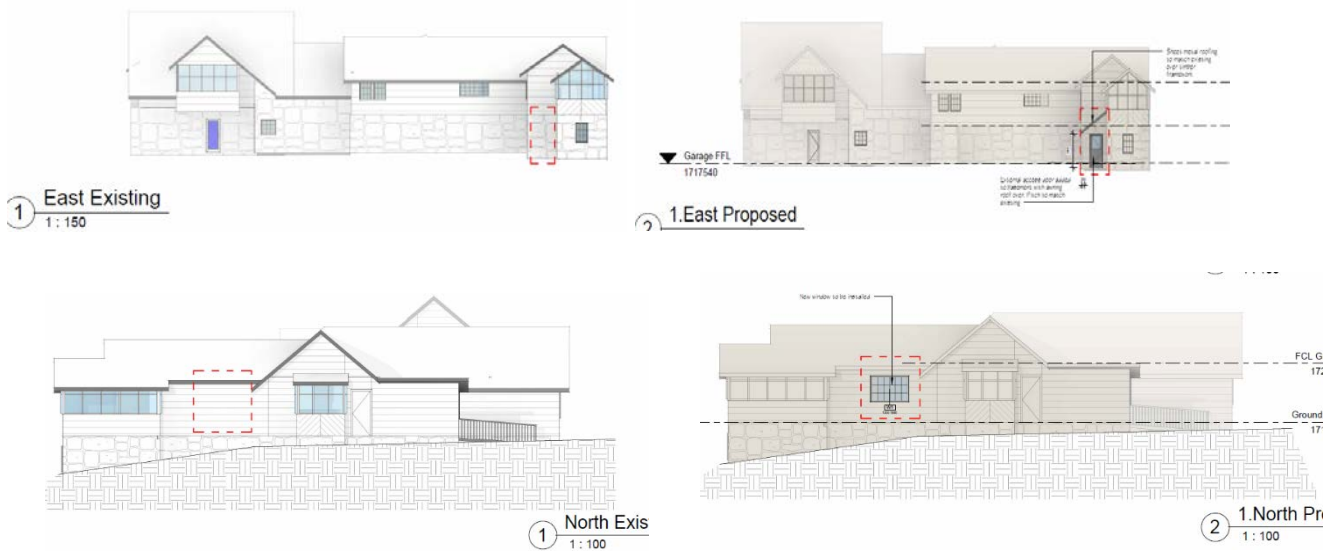
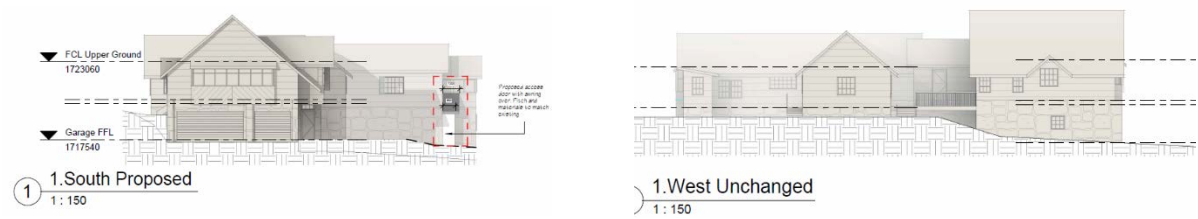


Figure 14 Structural Engineering





**Figure 15** Muddles Ski Lodge: Elevation Plans Existing & Proposed

### 3.4 SITE PHOTOS







## 4.0 GENERAL INFORMATION

### PROJECT DESCRIPTION

The project for which this Statement applies is for internal and external works to Muddles Ski Lodge, replacing the basement to create staff accommodation.

### SITE SUITABILITY

The site is suitable for the proposed development.

<ul style="list-style-type: none"> <li>site constraints such as flooding, slope, geotechnical hazards, bushfire, and any other risks.</li> </ul>	<p>The subject site is identified as bushfire prone land, and hence a Bushfire Hazard Assessment Report has been prepared and will be submitted as part of this application.</p> <p>The subject site is not identified as flood prone land.</p> <p>A Geotechnical report and Form 4 Minimal Impacts Certificate has been submitted as part of this application.</p>
<ul style="list-style-type: none"> <li>effects on the local environment, landscape, streetscape, appearance, or scenic quality of the locality.</li> </ul>	<p>There are no proposed adverse effects of the local environment, landscape, streetscape, appearance, or scenic quality of the locality as the proposed development is consistent with surrounding development and existing buildings in Perisher Valley. The proposed works are within the building footprint.</p>
<ul style="list-style-type: none"> <li>biological and ecological impacts including the impacts on fauna and flora.</li> </ul>	<p>The subject lot does contain areas of High Biodiversity Values. However, the proposed development will occur in previously disturbed ground and hence will have no negative biological or ecological impacts.</p> <p>Caution will be taken in handling and disposing of any waste materials associated with the proposed works, to limit any potential damage or contamination of these areas.</p>
<ul style="list-style-type: none"> <li>impacts on existing and future amenity of the locality.</li> </ul>	<p>The proposed works are deemed to be of positive influence on both the existing building as well as Perisher Valley, by offering a higher level of staff</p>

	accommodation which will enhance the tourism service industry in the area.
<ul style="list-style-type: none"> <li>the age and condition of any structures or buildings.</li> </ul>	Muddles Ski Lodge was constructed in the 1950's. Since construction, the building has been renovated and extended to increase the size of the lodge. Most recently in 2022 the lodge has undergone a full renovation. These renovations to the lodge ensure that the lodge fully meets all current regulations.
<b>PRESENT AND PREVIOUS USES</b>	
Muddles Ski Lodge has always been used as ski lodge.	
<b>OPERATIONAL DETAILS</b>	
Perisher Valley Ski Resort is one of Australia's premier alpine tourist resort. Muddles Ski Lodge offers premium ski in ski out tourist accommodation within Perisher Valley.	
<b>CHANGE OF USE OF A BUILDING (WHERE THERE IS NO BUILDING WORK)</b>	
Not applicable.	
<b>BUILDING CLASSIFICATION AND BUILDING CODE OF AUSTRALIA (BCA)</b>	
Muddles Ski Lodge is a class 3 building.	
<b>SNOW DEPOSITION</b>	
The roof design of Muddles Ski Lodge is appropriately sloped, and directs accumulated snow to fall away from entrances, establishing safe entry and exit into and out of the ski lodge.	
<b>GEOTECHNICAL ENGINEERING SUMMARY</b>	
A Form 4 Minimal Impacts Certificate will be submitted as part of this application.	
<b>STRUCTURAL ENGINEERING DETAILS</b>	
Refer structural engineering plans by Camstruct Consulting Pty Ltd Ref 21090-S01 to S05 C submitted as part of this application.	
<b>SOCIAL AND ECONOMIC IMPACT</b>	
The proposed alteration and addition works are expected to have positive social and economic impacts. Muddles Ski Lodge offers unique ski in ski out accommodation in the heart of Perisher Valley. Facilities including over snow concierge, alpine dining, games room, drying room and cosy lounge room create a positive visitor experience, hence the works will contribute to the continued economic function of Perisher Valley Resort.	
<b>ACCESS AND TRAFFIC</b>	
The proposed development does not include the addition of any bed licences or vehicle parking areas and is not expected to generate additional traffic to the resort. For this reason, the proposed development will have no impact on the existing access and traffic to Perisher Valley.	
<b>PRIVACY, VIEWS AND OVERSHADOWING</b>	
There are no proposed changes to the size or footprint of Muddles Ski Lodge, and the alteration and addition work is for direct like-for-like replacement. Hence, the proposed works are not anticipated to have any negative impacts to privacy, views and overshadowing.	
<b>AIR AND NOISE</b>	
<b>AIR</b> Works involving dust dispersion will use water spray to help keep material damp and dust down. Covers will be placed over waste storage areas and piles of excavated materials to prevent dust dispersion. When transporting materials that cause dust they will be dampened and covered before moving.	

**NOISE**

Noise on a construction site can become a form of pollution to the local environment through the use of plant, machinery and tools. For protection of employees and visitors to the site they are issued with PPE including ear protection.

To reduce noise pollution from site the following procedures will be followed:

- All plant, machinery and tools will be maintained in good working order at all times.
- Work involving noisy tools or machinery to be used inside the building structure when possible.
- Strict hours of operation for each site will be implemented to reduce noise pollution to the surrounding areas.
- In the instance of receiving a complaint in regard to noise levels immediate rectification will occur as far as practical.

**SOIL, WATER AND WASTEWATER MANAGEMENT**

There are no proposed changes to existing wastewater management on site. The proposed works will involve ground disturbance for excavation. Appropriate sediment erosion control measures will be implemented on site during construction, as recommended within the Site Environmental Management Plan (SEMP) at the end of this report. Of note no rocks will be removed as part of these works.

**HERITAGE**

The site does not contain any heritage values/items, or have any heritage significance, nor do the sites surrounding Muddles Ski Lodge.

**ABORIGINAL CULTURAL HERITAGE**

An AHIMS search for Lot 1 DP1175667 found zero Aboriginal sites and places recorded in the lot. There have been no known Aboriginal artefacts found during previous construction of Muddles Ski Lodge and surrounding areas. The ground disturbance for the proposed works will be carried out in a previously disturbed area, hence there is no potential for Aboriginal artefacts to be found as part of the proposed works.

**VEGETATION REMOVAL**

Not applicable, the proposed works are within the existing basement of the building, and do not require the removal of any vegetation. No rocks/rocky outcrops will be disturbed as part of these works.

**ENERGY**

Section J energy efficiency report to be prepared and provided as part of the construction certificate.

**WASTE**

The proposed development is not expected to increase visitation numbers to the resort. As a result, there will be no need to increase the capacity of existing waste disposal facilities due to the proposed development.

Waste generated from excavation of the basement floor, general construction waste and other waste associated with the alterations and additions will be disposed of in the skip bin and deposited in the nearest council waste facility.

**DEMOLITION**

Waste generated from the proposed works will be disposed of in the skip bin and deposited in the nearest council waste facility.

**TERMITE PROTECTION**

To be conditioned as part of the Development Application consent.



**SCHEDULE OF WORKS**

Construction will be during the summer season from October to May with no works proposed to be conducted during the winter season June to September. The start date for construction is not yet set and the year will be determined after development consent has been issued.

**5.0 PERMISSIBILITY, LEGISLATION AND REGIONAL PLAN****5.1 SOUTH EAST AND TABLELAND REGIONAL PLAN 2036**

The proposed alterations and additions to Muddles Ski Lodge will provide improved staff accommodation and ensure the longevity of the lodge. This is consistent with the purpose of the Regional Plan, which offers a framework to provide infrastructure and development to help strengthen the long-term resilience of the South-East and Tableland region. The regional Plan seeks to acknowledge the unique environmental and cultural significance of Kosciuszko National Park, whilst also enhancing visitor experience, which this application has taken into consideration.

**5.2 STATE ENVIRONMENTAL PLANNING POLICY (PRECINCTS – REGIONAL) 2021**

The proposal is for alterations and additions to the existing basement and a new window to the ground floor lounge of Muddles Ski Lodge. The proposed alterations and additional works are permissible under Chapter 4 of the State Environmental Planning Policy (Precincts – Regional) 2021, as the works help to maintain the condition of the existing Muddles Ski Lodge, and do not propose any changes to the existing permissible uses of the building.



**Figure 16 Land Zoning Map**

**PERISHER RANGE ALPINE RESORT****1 Permitted without consent**

Nil

**2 Permitted with consent**

Advertising structures; Building identification signs; Business identification signs; Car parks; Commercial premises; Community facilities; Depots; Eco-tourist facilities; Emergency services facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Fences; Function centres; Helipads; Information and education facilities; Infrastructure facilities; Lifting facilities; Management trails; Medical centres; Monitoring stations; Places of public worship; Public utility undertakings; Recreation facilities (indoor); Recreation facilities (outdoor); Recreation infrastructure; Ski slope huts; Ski slopes; Snow-making infrastructure; Staff accommodation; Telecommunication facilities; The Skitube; Tourist and visitor accommodation; Transport depots; Vehicle repair stations

**3 Prohibited**

Bed and breakfast accommodation; Farm stay accommodation; Any other development not specified in item 1 or 2

**5.2.1 AIMS & OBJECTIVES OF CHAPTER (PART 4.1 PRECINCTS – REGIONAL SEPP)**

(1) The aim of this Chapter is to protect and enhance the Alpine Region by ensuring development is managed with regard to the principles of ecologically sustainable development, including the conservation and restoration of ecological processes, natural systems and biodiversity.	<p>Noted. The proposed works are consistent with the aims and objectives of the policy as the development will improve the condition and therefore longevity of the building.</p> <p>The proposal will create positive social and economic impacts and works towards securing the long-term resilience of the alpine resort.</p>
<p>(2) The objectives of this Chapter are as follows—</p> <p>(a) to encourage the carrying out of a range of development to support sustainable tourism in the Alpine Region all year round, if the development does not result in adverse environmental, social or economic impacts on the natural or cultural environment of the Alpine Region, including cumulative impacts on the environment from development and resource use,</p> <p>(b) to establish planning controls that—</p> <p>(i) contribute to and facilitate the carrying out of ecologically sustainable development in the Alpine Region, and</p> <p>(ii) recognise the Alpine Region's significant contribution to recreation and the tourism economy in the State,</p> <p>(c) to minimise the risk to the community of exposure to environmental hazards, particularly geotechnical hazards, bush fires and flooding, by—</p> <p>(i) generally requiring development consent on land in the Alpine Region, and</p> <p>(ii) establishing planning controls for buildings to ensure the safety of persons using the buildings if there is a fire.</p>	<p>Complies, no adverse impacts will result from this application.</p> <p>The proposed alterations and additions to Muddles Ski Lodge will be of positive influence on Perisher Valley Resort and will have no negative impact on existing summer and winter transport, reticulated effluent management, waste disposal or water supply.</p> <p>The proposed development will not generate additional visitation to the resort and hence will have no impact on the existing capacity of the reticulated effluent management system.</p> <p>Likewise, with no increase in visitation there will be no need to increase the capacity of existing waste disposal facilities or water supply.</p> <p>The proposed works are expected to have minimal environmental impact, based upon the scale of the works, and the excavation works will be occurring within the existing building.</p> <p>With the implementation of appropriate environmental controls during construction, the potential impacts from the works on the natural environment are negligible.</p> <p>The proposed development has been designed so as to not disturb or detriment the surrounding natural environment. This includes the consideration of bushfire threat and geotechnical considerations. See Bushfire Hazard Assessment Report (BHAR) submitted as part of this application.</p>

**5.2.2 OTHER DEVELOPMENT CONTROLS (PART 4.4 PRECINCTS – REGIONAL SEPP)**

4.21 Heritage Conservation	
(1) The objective of this section is to conserve—	N/A Muddles Ski Lodge is not listed as Heritage under Schedule 4 Heritage Items-Chapter 4 in the State Environmental Planning Policy (Precincts—Regional) 2021
<p>(a) the environmental heritage of the Alpine Region, and</p> <p>(b) the heritage significance of heritage items, including associated fabric, settings and views, and</p> <p>(c) Aboriginal heritage items and Aboriginal places.</p>	
(2) Development consent is required for the following in the Alpine Region—	N/A
(a) demolishing or moving a heritage item,	

<p>(b) altering a heritage item, including by doing the following to a heritage item that is a building—</p> <ul style="list-style-type: none"> <li>(i) making changes to the detail, fabric, finish or appearance of the building's exterior,</li> <li>(ii) making structural changes to the building's interior,</li> </ul> <p>(c) disturbing or excavating land that is, or contains, an Aboriginal heritage item,</p> <p>(d) erecting a building on land that is, or contains, a heritage item,</p> <p>(e) subdividing land that is, or contains, a heritage item.</p>	
<p>(3) Development consent is not required under this section for the following development—</p> <ul style="list-style-type: none"> <li>(a) development that involves only the removal of a tree or other vegetation that the consent authority is satisfied is a risk to human life or property,</li> <li>(b) exempt development,</li> <li>(c) development that does not require development consent under section 4.14.</li> </ul>	N/A
<p>(4) The consent authority may, before work is carried out, give written notice to an applicant for development consent that development consent is not required under this section if the consent authority is satisfied the development—</p> <ul style="list-style-type: none"> <li>(a) is of a minor nature or is for the maintenance of the heritage item, and</li> <li>(b) the development will not adversely impact the heritage significance of the heritage item.</li> </ul>	N/A
<p>(5) In deciding whether to grant development consent for development under this section, the consent authority—</p> <ul style="list-style-type: none"> <li>(a) must consider the effect of the development on— <ul style="list-style-type: none"> <li>(i) the heritage significance of the heritage item, and</li> <li>(ii) Aboriginal objects known or reasonably likely to be located on the land,</li> </ul> </li> <li>(b) may require the submission of a heritage conservation management plan, and</li> <li>(c) for development on land that is, contains or is near a heritage item— may require the preparation of a heritage impact statement.</li> </ul>	N/A
<p>(6) Development consent must not be granted to development on land that is, or contains, an Aboriginal heritage item, and that requires development consent under this section, unless the consent authority has—</p> <ul style="list-style-type: none"> <li>(a) given written or other appropriate notice of the development to the local Aboriginal communities, and</li> <li>(b) considered responses received from the communities within 28 days after the notice is given.</li> </ul>	N/A

4.22 Conservation incentives	
(1) This section applies to development in the Alpine Region that— (a) involves a building that is a heritage item, or (b) is on land on which a building that is a heritage item is located.	N/A Muddles Ski Lodge is not listed as Heritage under Schedule 4 Heritage Items-Chapter 4 in the State Environmental Planning Policy (Precincts—Regional) 2021
(2) Development consent may be granted to development to which this section applies, even if the development would otherwise be prohibited under this Chapter, if the consent authority is satisfied of the following— (a) granting the development consent will facilitate the conservation of the heritage item, (b) the development will be in accordance with a heritage conservation management plan that has been approved by the consent authority, (c) the development consent will require the carrying out of all necessary conservation work identified in the heritage conservation management plan, (d) the development will not adversely affect the heritage significance of the heritage item, including its setting, (e) the development will not have a significant adverse impact on the amenity of the surrounding area.	N/A

### 5.2.3 DEVELOPMENT ASSESSMENT & CONSENT (PART 4.5 PRECINCTS – REGIONAL SEPP)

4.26 Master plans	
(1) The Minister must prepare and approve a master plan that applies to the Alpine Region.	noted
(2) The master plan must contain the following information— (a) the strategic vision and general objectives for the Alpine Region, (b) a map showing existing and proposed types of development, (c) the performance criteria for development, (d) information about heritage items or places of heritage significance, (e) limitations on development on certain land, including environmentally sensitive areas, land prone to flooding and cultural heritage.	noted
(3) The master plan may also contain proposals for infrastructure facilities, public utility undertakings, roads and transport.	noted
(4) The master plan must be consistent with this Chapter.	noted



(5) The Minister may amend or replace a master plan.	noted
(6) A draft master plan must be published on the NSW planning portal for at least 28 days before it is approved by the Minister.	noted
(7) A master plan approved by the Minister must be published on the NSW planning portal and takes effect on the day it is published.	noted
<b>4.27 Consultation with National Parks and Wildlife Service</b>	
(1) Development consent must not be granted to development in the Alpine Region unless the consent authority has— (a) consulted with the National Parks and Wildlife Service, and (b) considered submissions received from the National Parks and Wildlife Service within the relevant period.	Noted.  Consultation with NPWS will form part of the development assessment approval.
(2) In this section— relevant period means— (a) 28 days after notice of the development application is given to the National Parks and Wildlife Service, or (b) another period determined by the Planning Secretary.	noted
<b>4.28 Consideration of master plans and other documents</b>	
(1) In deciding whether to grant development consent to development in the Alpine Region, the consent authority must consider the following— (a) the aim and objectives of this Chapter set out in section 4.1, (b) a draft development control plan that is intended to apply to the land and has been published on the NSW planning portal, (c) a conservation agreement under the Environment Protection and Biodiversity Conservation Act 1999 of the Commonwealth that applies to the land, (d) the Geotechnical Policy —Kosciuszko Alpine Resorts published by the Department in November 2003, (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.	Complies  N/A. No DCP is in effect for the development site.  N/A  Complies – Form 4 Minimal Impacts Certificate has been submitted as part of this application.  Complies  Complies
(2) In deciding whether to grant development consent to development in the Alpine Region, the consent authority must consider—	

<p>(a) a master plan approved by the Minister under section 4.26 that applies to the land, or</p> <p>(b) if a master plan has not been approved—a draft master plan prepared under section 4.26 that is intended to apply to the land and has been published on the NSW planning portal.</p>	Complies
4.29 Consideration of environmental, geotechnical and other matters	
<p>(1) In deciding whether to grant development consent to development in the Alpine Region, the consent authority must consider the following—</p> <p>(a) measures proposed to address geotechnical issues relating to the development,</p> <p>(b) the extent to which the development will achieve an appropriate balance between—</p> <p>(i) the conservation of the natural environment, and</p> <p>(ii) taking measures to mitigate environmental hazards, including geotechnical hazards, bush fires and flooding,</p> <p>(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,</p> <p>(d) the cumulative impacts of development and resource use on the environment of the Alpine Subregion in which the development is carried out,</p> <p>(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,</p> <p>(f) the capacity of existing waste or resource management facilities to deal with additional waste generated by the development, including in peak periods.</p>	<p>N/A</p> <p>Complies. Existing</p> <p>See Bushfire Report and Form 4 – Minimal Impact Certificate.</p> <p>Complies. Existing building. Additions and alteration will not alter the character of the lodge. All façade materials will be replaced like-for-like.</p> <p>N/A Existing</p> <p>The proposed development will not generate additional visitation to the resort and hence will have no impact on the existing infrastructure capacity and services for transport.</p> <p>Likewise, with no increase in visitation there will be no need to increase the capacity of existing waste disposal facilities, water supply or the reticulated effluent management system.</p>
<p>(2) For development involving earthworks or stormwater draining works, the consent authority must also consider measures to mitigate adverse impacts associated with the works.</p>	<p>Form 4 – Minimal Impacts Certificate Submitted as part of this application.</p> <p>There are no proposed changes to the existing stormwater drainage measures currently used for Muddles Ski Lodge.</p>
<p>(3) For development the consent authority considers will significantly alter the character of an Alpine Subregion, the consent authority must also consider—</p> <p>(a) the existing character of the site and immediate surroundings, and</p>	<p>Replacement of like-for-like materials will result in no change to the existing character of the building.</p> <p>The proposed works aim to retain the original alpine character of Perisher Valley. Hence, the proposed works will not significantly alter the</p>

(b) how the development will relate to the Alpine Subregion.	character of the resort or Kosciuszko National Park.
4.30 Kosciuszko National Park Plan of Management	
(1) Development consent may be granted to development in the Alpine Region even if the application has not established that the development is consistent with the Kosciuszko National Park Plan of Management.	N/A The development is consistent with the Kosciuszko National Park Plan of Management.
(2) This section does not prevent the consent authority from refusing to grant consent to development on the basis that the development is not consistent with the Kosciuszko National Park Plan of Management. Note— Under the National Parks and Wildlife Act 1974, section 81(4), operations on land to which a plan of management under that Act applies may be undertaken only if they are undertaken in accordance with the plan of management, despite another Act or an instrument made under an Act.	noted

### 5.3 SNOWY MOUNTAINS SPECIAL ACTIVATION PRECINCT MASTER PLAN JULY 2022

#### 5.3.1 CHAPTER 10 ALPINE PRECINCT PROVISIONS

Land Use (10.1) Performance Criteria	
A. Development is to be permissible and consistent with the Master Plan, Precincts—Regional SEPP, Alpine Development Control Plan, Kosciuszko National Park Plan of Management, and the National Parks and Wildlife Act.	Complies. Alpine DCP is not yet in effect.
B. In considering the suitability of the development, the consent authority must be satisfied that the development meets the performance criteria and development controls in this Master Plan and in the Alpine Development Control Plan.	Complies with Master Plan. Alpine DCP is not yet in effect.
<i>Appropriate locations for alpine development</i>	
C. Development consent can only be issued for development in the Alpine Precinct where: i. the uses will support the diversification of the Alpine Precinct's tourism offering and year-round economic viability. ii. the uses will not compromise the environmental, heritage and cultural values of the Alpine Precinct. iii. the uses will not exceed the established carrying capacity of the Alpine Precinct.	Complies
D. The location of future development should align with the relevant structure plan and be focused on land marked 'Development area'. Where development is proposed on land outside these areas, additional technical investigation may be required.	N/A
E. Development for new or upgraded accommodation will meet the indicative sub-	Complies



precinct yields and visitor thresholds set out in the Kosciuszko National Park Plan of Management and leasing arrangements. Refer also to Chapter 14 of this Master Plan	
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<b>Alpine Resorts (10.2) Performance Criteria</b>	
A. Development should contribute to visitor attraction and village experience through: i. the prioritisation of infill development. ii. improvements to pedestrian and active transport connections. iii. creation and implementation of active street frontages.	N/A Existing.
B. Development should integrate public transport opportunities and should create gateways and nodes to create a sense of place and community in Alpine Resort sub-precincts.	Existing
C. Development should provide a range of tourist accommodation offerings and seasonal worker accommodation.	Existing
D. Development should be designed to reduce on-site power consumption and improve environmental performance	Existing
E. Development should be designed to contribute to the alpine character of the Alpine Resorts and reflect the alpine landscape and natural environment.	Complies. The proposed alteration and addition works will retain the original alpine character of Muddles Ski Lodge and Perisher Valley.
<b>Alpine Accommodation (10.3) Performance Criteria</b>	
These provisions are specific to development within the following Alpine Accommodation sub-precincts:• Ski Rider• Sponars Chalet • Thredbo Ranger Station• Creel Bay• Kosciuszko Tourist Park• Island Bend	N/A
<b>Alpine Experience (10.4) Performance Criteria</b>	
A. Public transport or mass transit connections should be integrated into the design of new developments, particularly in Alpine Resort and Alpine Accommodation sub-precincts.	N/A Existing development
B. Transport development must provide safe, reliable and accessible connections into and around the Kosciuszko National Park.	N/A
C. Development should be designed and staged to support and enable the ultimate growth of accommodation and attractions in the Alpine Region.	Complies.
D. Development of new and upgraded shared trails and paths should provide appropriate facilities and amenities.	N/A
E. Development should provide adequate car parking as part of a range of transport solutions (including the provision of accessible parking spaces).	N/A Existing
F. Visitor attractions must be supported by appropriate amenities, facilities and car parking and must minimise its impact to the natural environment.	Complies. Existing
G. Visitor attractions should be designed and staged to support and enable the ultimate growth of attractions in the Alpine Region.	Existing.

**5.3.2 CHAPTER 11 ENVIRONMENT & SUSTAINABILITY**

<b>Biodiversity (11.1) Performance Criteria</b>	
A. All development is to apply the avoid, minimise and offset methodology.	Complies. No change to existing footprint.
B. Development is to avoid threatened ecological communities and threatened species habitat; such vegetation should not be removed. Development may occur in these areas if it is for essential infrastructure	Complies. No change to existing footprint.
C. Development should be focused on colocation and infill to minimise biodiversity impacts	N/A
D. Development should be concentrated in and around already disturbed areas. Where possible, development should provide a buffer between areas of high ecological value and buildings and structures.	Complies. Excavation will occur in previously disturbed areas.
E. Development should consider the biodiversity impacts of bushfire asset protection zones (APZ) and associated vegetation management.	Complies.
F. Development must offset any impacts to biodiversity through direct management measures within Kosciuszko National Park and should be related to the biodiversity impacted	N/A biodiversity is not impacted.
G. Riparian corridors must be preserved while ensuring consistency with the proposed Flooding and Drainage Strategy for the Precinct.	N/A Proposed works are not located within Riparian Corridor.
H. Any revegetation or planting within Kosciuszko National Park should follow the Rehabilitation Guidelines for the Resort Areas of Kosciuszko National Park.	N/A
<b>Geotechnical (11.2) Performance Criteria</b>	
A. Development must address the requirements of the Geotechnical Policy – Kosciuszko National Park (DPNIR, 2003). This includes: i. development on land covered by the geotechnical maps, under the above policy must ensure the requirements of the policy are met. ii. development on land not covered by the geotechnical maps under the above policy must ensure the requirements of the policy are met and should also use the risk susceptibility mapping to inform the requirements and design of development	The proposed alteration and addition works will be occurring in the basement of the building in previously disturbed ground. A geotechnical assessment has been provided as part of this application. A Form 4 Minimal Impacts Certificate is submitted as part of this application.
B. Development must include an assessment of geotechnical risks.	Form 4 Minimal Impacts Certificate report submitted as part of the application.
C. Buildings and structures must be designed to accommodate the specific geotechnical risks identified for the site	N/A Existing
D. Excavations required for new developments must consider the potential to cause widespread slope instability and ensure appropriate mitigation measures are implemented to minimise and manage risk.	N/A Excavations will occur in previously disturbed ground.
<b>Flood Management Risk (11.3) Performance Criteria</b>	
A. The Flood Planning Level is the 1% AEP plus 500mm freeboard to ensure consistency across	N/A

the Precinct. Development must generally occur outside the Flood Planning Level unless it can demonstrate that risks can be suitably managed. This allows for the maintenance of flood function and to avoid adverse effects on flood behaviour to the detriment of other properties or the environment of the floodplain	
B. Development within the Flood Planning Level should demonstrate that: i. all structures are constructed with flood compatible building components below the 1% AEP flood level plus 500mm freeboard. ii. all structures are designed to withstand the forces of floodwater, debris and buoyancy up to 1% AEP flood plus 500mm freeboard	N/A
C. Development within the Probable Maximum Flood area should demonstrate that: i. all emergency and evacuation infrastructure is to be constructed with flood compatible building components below Probable Maximum Flood level plus 500mm freeboard. ii. all emergency and evacuation infrastructure structures are to be designed to withstand forces of floodwater, debris, and buoyancy up to Probable Maximum Flood plus 500mm freeboard. iii. development must be sited, designed and located to avoid or mitigate the flood risk to people, property and infrastructure such that: <ul style="list-style-type: none"> <li>flood risk is managed through site-specific built form and design.</li> <li>sensitive, vulnerable and critical uses are avoided in the floodplain.</li> </ul>	N/A
D. Development should mitigate the impacts of local overland flooding through the provision of adequate site drainage systems, where possible.	N/A
E. Development must consider and plan for emergency evacuation situations to ensure the safety of all areas within the Probable Maximum Flood extent.	N/A
<b>Water Quality (11.4) Performance Criteria</b>	
A. Maintain or improve the ecological condition of waterbodies and their riparian zones in catchments over the long term	Proposed internal works are not located within Riparian Corridor.
B. Development in the Alpine Precinct should implement on-site water management and water quality systems through: i. the capture and re-use of water on-site. ii. the treatment of water on-site with any water discharged back into catchments having a neutral or beneficial effect on water quality. iii. incorporating water sensitive urban design principles into the development's-built form and landscaping, where possible.	Existing on-site water management and water quality systems will not be altered as part of this application.
C. The quality of stormwater discharged into receiving catchments must be pre-development	Existing stormwater systems will not be altered as part of this application.

quality or better in relation to pH, total suspended solids, total phosphorus, total nitrogen and gross pollutants. The quality of water should aim to meet the following targets: i. Total Suspended Solids: 85% reduction. ii. Total Phosphorus: 60% reduction. iii. Total Nitrogen: 45% reduction.	
D. The quality of water discharged into receiving catchments should maintain electrical conductivity levels. Water quality should aim to maintain an electrical conductivity below the 30 $\mu$ S/cm ANZG 2018 Guideline value for upland rivers of South-East Australia	No change
E. Monitor macroinvertebrates to ensure they are consistently within Band A of the NSW AUSRIVAS model.	N/A
F. Erosion and sediment control should be managed during construction to ensure impacts to waterways are minimised in accordance with Managing Urban Stormwater Soils and Construction, also known as the Blue Book (current edition)	Sediment control plan is provided as part of this application.
G. Discharge of wastewater and/or contaminated stormwater to watercourses or waterways is not permitted unless other specified in an environmental protection licence issued under the Protection of the Environment Operations Act 1997. Development must obtain the appropriate water licenses in accordance with the Water Act 1912 and the Water Management Act 2000 and consider the relevant Water Sharing Plan	Noted. No change to wastewater/stormwater plan.
<b>Bushfire (11.5) Performance Criteria –</b>	
A. Development is to: i. minimise perimeters exposed to the bushfire hazard. ii. minimise vegetated corridors that permit the passage of bushfire towards development. iii. provide for the siting of future development away from ridge-tops and steep slopes, within saddles and narrow ridge crests. iv. ensure capacity of existing infrastructure (such as roads and utilities) can accommodate the increase in demand during emergencies as a result of the development.	The subject site is identified as being in bushfire prone land, and hence as outlined in Planning for Bushfire Protection – PBP 2019 (NSW RFS 2019) is considered Special Fire Protection Purpose (SFPP) and is required to obtain a BFSa from the RFS under section 100B of the RF Act. See BHAR submitted as part of this application.
B. Asset Protection Zones are to be provided and maintained between a bushfire hazard and future development and are designed to address the relevant bushfire attack mechanisms	Bushfire report has determined that the entire lot will be managed as an IPA. This will increase the protection and possible outcome in the case of bushfire.
C. Adequate access is to be provided from all properties to the wider road network for park users emergency services and to provide access to hazard vegetation to facilitate bushfire mitigation works and fire suppression	The capacity of road surfaces is sufficient to carry fully loaded firefighting vehicles
D. Development is to minimise levels of radiant heat, localised smoke and ember attack through development design and siting	Proposed works are to enhance bushfire protection by installing an upgraded window and entry way to meet the requirements BAL FZ construction.



E. The subdivision of land and location of developments should consider the future uses of land and the inclusion of roads into Asset Protection Zones.	N/A
<b>Sustainability &amp; Climate Change (11.6) Performance Criteria</b>	
A. Development must be inclusive and sustainable and promote year round use.	Complies.
B. Development should preserve the Precincts landscape, cultural, heritage and biodiversity values by avoiding and minimising impact.	Impacts on the natural environment will be minimal as excavation and ground disturbance will occur in previously disturbed land. The implementation of appropriate environmental controls during construction will limit the potential impacts from the works on the existing natural environment.
C. Development should support sustainable and active transport opportunities and integrate open space. Buildings are to express a strong commitment to ESD principles and incorporate passive design, optimal orientation, effective sun shading, cross ventilation and open plan living. This should be evident in the external architectural expression.	Existing
D. Development should comply with applicable sustainability tools and programs for design, construction and operation.	Complies.
E. Consideration must be given to climate responsiveness and resilience. Climate change risks, hazard and opportunities must be considered in the design, construction and operation of development within the Precinct.	Consideration of materials has been made for the project.
F. Operators, lessees and licensees within the Precinct must prepare and maintain an Environmental Management System in accordance with ISO14001:2015 – Environmental management systems and the requirements of the Plan of Management for Kosciuszko National Park	Noted

### 5.3.3 CHAPTER 12 PLACE & LANDSCAPE

<b>Aboriginal Cultural Heritage (12.1) Performance Criteria</b>	
A. Areas of Aboriginal cultural heritage (included as part of the environmentally sensitive areas map) should not be developed. Development may occur in these areas if it is for essential infrastructure and where further Aboriginal cultural heritage assessment will be undertaken to appropriately mitigate and manage any impacts to Aboriginal cultural heritage items, places or areas.	Excavation works are limited to the basement of the existing building. No external ground works are proposed.
B. Aboriginal culturally significant places and sites should be integrated with areas of environmental significance and green space (where appropriate) across the Precinct. This may continue to evolve as greening opportunities across the Precinct are established	Noted.
C. Development in areas where surveys have not been undertaken require further Aboriginal	N/A

<p>cultural heritage assessment. These assessments must be carried out in accordance with Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (as modified from time to time) prior to any development on this land. These assessments must include a visual survey of the land. Once suitably assessed, any land identified as having Aboriginal cultural heritage significance should be included on the Environmentally Sensitive Areas (ESA) map. Development is to be assessed against the mapped zones of archaeological potential as required by the following:</p> <p>i. development within areas identified as 'disturbed land' do not require any further investigation beyond considering the potential for subsurface archaeological deposits. If current disturbances are considered to cover intact archaeological deposits, further investigation should take place that may include test excavation. Should development encounter any unexpected finds during construction, the procedures under the relevant unexpected finds protocol should be followed.</p> <p>ii. works within areas identified as "moderate ACH potential" or 'high ACH potential' should be avoided. Where development will impact these areas, further Aboriginal cultural heritage assessment must be undertaken. This assessment should include a visual inspection, possibly test excavation if warranted, and participation from the Aboriginal community</p>	
D. Development planned on land in which an Aboriginal object is located should be supported by a heritage impact assessment which should be prepared to assess the extent to which a proposed development would harm Aboriginal objects.	N/A
E. If impact to an Aboriginal object is unavoidable, an Aboriginal Heritage Impact Permit (AHIP) under Part 6 of the National Parks and Wildlife Act 1974 would be required.	Noted.
<b>Historic Heritage (12.2) Performance Criteria</b>	
A. Development in areas defined as 'disturbed land' can occur without further historic heritage investigation however must consider neighbouring heritage items and broader heritage values.	Noted.
B. Development on land where a heritage item is situated, that is a heritage item or is on land adjacent to a heritage item must prepare a statement of heritage impact.	N/A
C. Development in areas defined as 'high risk' or 'moderate risk' requires further heritage assessment where the development is likely to materially have a major affect on a heritage item	N/A

<p>or its value. Development is considered to have a materially major affect if it involves:</p> <ul style="list-style-type: none"> <li>i. the full or partial demolition of a building.</li> <li>ii. major alterations or additions.</li> <li>iii. major adverse impacts, such as the removal of significant fabric, obscuring key views or dominating a heritage item, or the removal of evidence of significant historical associations; &amp;</li> <li>iv. impact to significant archaeological deposits.</li> </ul>	
<p>D. Development in areas defined as 'high risk' or 'moderate risk' requires further heritage assessment where the development is likely to materially have a minor affect on a heritage item or value. Development is considered to have a minor affect if it involves (but is not limited to):</p> <ul style="list-style-type: none"> <li>i. repairs or restoration to fabric.</li> <li>ii. installation of fire safety equipment.</li> <li>iii. installation of disabled access.</li> <li>iv. replacement of awnings, balconies, etc.</li> <li>v. installation of signage or fencing.</li> <li>vi. excavation of areas without archaeological potential.</li> <li>vii. erection of temporary structures.</li> <li>viii. installation of safety and security equipment.</li> </ul>	N/A
<p>E. Where development is likely to materially have a major effect on a heritage item or value, further heritage assessment is required. This heritage assessment includes:</p> <ul style="list-style-type: none"> <li>i. a visual inspection to determine the existing heritage values.</li> <li>ii. an archaeological assessment (if appropriate).</li> <li>iii. preparation of a statement of heritage impact.</li> </ul>	N/A
<p>F. Where development will have minor effect on a heritage item or value, a heritage assessment may be required. This heritage assessment may include:</p> <p>a visual inspection to determine the existing heritage values.</p> <ul style="list-style-type: none"> <li>i. an archaeological assessment (if appropriate).</li> <li>ii. use of a previously prepared heritage study if applicable.</li> </ul>	N/A.
<p>G. Development that is likely to have a materially major or minor effect on a heritage item or its value must:</p> <ul style="list-style-type: none"> <li>i. identify the impacts to the heritage values of an item or place.</li> <li>ii. demonstrate the need for the impact and how alternatives to the impact have been considered.</li> <li>iii. demonstrate how the adverse impacts will be minimised or mitigated.</li> </ul>	N/A
<p>H. Development adjacent to a heritage item should ensure impacts to the heritage item are minimised, including through the provision of appropriate curtilages. There may be opportunities to reduce the curtilage to some</p>	N/A

heritage items if it can be demonstrated the development will not have a significant impact on the heritage item or its value.	
I. Heritage items must be used for purposes that are appropriate to their heritage significance, including adaptive re-use where appropriate.	N/A
J. Development is to ensure long-term heritage conservation outcomes are retained or interpreted to reflect the history of heritage items and places.	N/A
K. Development should through redevelopment or upgrades remove inappropriate or unsympathetic alterations and additions to heritage items and reinstate significant missing details and building elements, where possible.	Noted. N/A
<b>Landscape, Character &amp; Open Space (12.3) Performance Criteria</b>	
A. Development should be designed to sensitively integrate into the landscape and should respond appropriately to the topography and climate of the Alpine Precinct	Existing
B. Development should protect, conserve and enhance the Alpine Precinct's natural environment and create a green infrastructure network, where possible.	N/A Existing
C. Landscaping and public open spaces should include plantings of native species found in surrounding plant communities, which aim to achieve the re-establishment of biodiversity in addition to aesthetic appeal and enhancement of the functionality of an area.	Landscaping is existing.
D. Revegetation and new plantings should follow the Rehabilitation guidelines for the Resort Areas of Kosciuszko National Park	No revegetation is proposed.
E. Development should integrate stormwater management infrastructure with open spaces, where possible.	Existing.
<b>Built Form (12.4) Performance Criteria</b>	
<b>General criteria for all development in the Alpine Region</b>	
A. Buildings should be efficient, well designed and successfully integrated with the surrounding landscape. This will be achieved by: i. ensuring building bulk, orientation and design contributes to the energy efficiency of buildings, particularly with respect to thermal comfort. ii. ensuring new buildings are located within existing disturbed areas to minimise impacts on vegetation and natural processes. iii. siting development within existing disturbed areas to limit clearing and the expansion of new development areas. iv. incorporating climate resilient design principles in new development. v. applying suitable rehabilitation and native landscaping. vi. incorporating preparedness for natural hazards and climate change into development design. ensuring development creates activated public domain spaces and provides safe and	The proposed alterations and additions will not alter the apparent mass and bulk of the existing Muddles Ski Lodge.



accessible pedestrian connections between buildings, appropriate for all seasons	
B. Site earthworks must respond to local topography and geotechnical characteristics and be appropriate for the intended land use.	No new earthworks are proposed as part of this development.
<b>For village centres and public domain</b>	
A. Development should create an integrated streetscape where active frontages promote movement between the private and public realms.	N/A existing
B. Building entries should connect to an accessible (providing equitable access to all pedestrians) pedestrian network through design features, wayfinding, and landscape treatments	Complies
C. Development should integrate and provide public seating, shelter and lighting to contribute to increased activity and safety in the public realm	Existing
D. Development should provide human-scale buildings ensuring building envelopes allow adequate solar access and views, including ensuring significant views to natural features are protected	The proposed alterations and additions will not change the design, scale and footprint of the existing building. Hence, there is no anticipated impact to the privacy of occupiers and users of other land. Furthermore the proposed works will not impact the solar access available to recreational users of the alpine resort.
E. Development should provide for year-round weather protection that reduces the impacts of wind and snow accumulation in winter and provides adequate shade in summer	Existing. The roof design of the new awning is appropriately sloped, and directs accumulated snow to fall away from entrances, establishing safe entry and exit into and out of the new staff accommodation whilst providing shade in summer.
F. Development should provide clearly defined and separate pedestrian and vehicle entries to minimise conflicts.	Existing
G. Development should allow for snow clearing and adequate interface with oversnow vehicles, where appropriate.	Existing

#### 5.3.4 CHAPTER 13 TRANSPORT & INFRASTRUCTURE

<b>Transport Network (13.1) Performance Criteria</b>	
A. Transport infrastructure should integrate the public transport network with the existing road network by: i. ensuring public transport stops are strategically located and provide adequate all-weather shelter and accessibility. ii. minimising vehicle conflict with active transport and public transport routes	Existing
B. Development must provide operational access and egress for emergency services and occupants	Existing
C. Development should integrate active transport connections that promote movements between the Alpine resorts, where possible	Existing. The proposed works will not result in an increase of visitors to the resort.
D. New development must provide and integrate new technologies, such as electric vehicle charging and electronic checkpoints, where possible	N/A. Existing
<b>Utilities, Services &amp; Infrastructure Performance Criteria</b>	

A. Development within the site must have access to water, wastewater, digital connectivity and telecommunications, energy and drainage infrastructure.	Complies
B. Utilities and services must be integrated with existing infrastructure and services, where possible.	Existing
C. Utilities and services should be integrated into road reserves, active transport corridors or the public domain, where possible.	Existing
D. Infrastructure and services must be designed to provide for the ultimate growth and development in Alpine Resorts.	Existing
E. Development should provide and integrate water cycle management and renewable energy solutions into the design of buildings and structures, where possible	Existing

#### 5.4 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021 CHAPTER 4 REMEDIATION OF LAND

Muddles Lodge has been operating as a ski lodge since its construction.

The basement area has previously been used as a sauna, bathroom and storage area for guests to the lodge. The basement area has not been used for the storage of fuels or chemicals and therefore the use not contributing to the contamination of the underlying soil.

A disused underground fuel tank (1.9m diameter x 3m long, roughly 12,000litres capacity) is located on the western side of the lodge. Initial inspection of the tank occurred April 2023. Removal of the fuel tank was assessed under a previous DA for Muddles Lodge that included the removal of the deck above the tank. Due to the scale of the tank removal, occupation was granted to muddles Lodge on the basis the tank was removed this summer 2023/2024.

B&B Industrial has assessed and inspected the tank removal noting testing did not indicate any rust holes in the tank and all fuel was removed with the tank sealed to prevent any future contamination.

The tank is scheduled to be removed 26 February 2024 by B&B Industrial.

A check of the list of contaminated sites on [epa.nsw.gov.au](http://epa.nsw.gov.au) within Persher Valley does not identify the subject site.

Suburb	SiteName	Address	ContaminationActivityType	ManagementClass	Latitude	Longitude
PENRITH	Former Dry Cleaners	Shop 3, 134-138 Henry STREET	Other Industry	Regulation under CLM Act not required	-33.75231953	150.6964541
PENSHURST	7-Eleven Service Station	612 Forest ROAD	Service Station	Regulation under CLM Act not required	-33.96153533	151.0793525
PENSHURST	Caltex Service Station	641 King Georges ROAD	Service Station	Regulation under CLM Act not required	-33.95985335	151.0891118
PERISHER VALLEY	Persher Centre Loading Dock	Kosciuszko ROAD	Other Petroleum	Regulation under CLM Act not required	-36.40392862	148.4111593
PERISHER VALLEY	Persher Ski Resort	Kosciuszko ROAD	Other Petroleum	Regulation under CLM Act not required	-36.41106374	148.4005469
PETERSHAM	Fanny Durack Aquatic Centre	Station STREET	Unclassified	Regulation under CLM Act not required	-33.89194583	151.151824
PETERSHAM	7-Eleven Petersham	B-10 Crystal STREET	Service Station	Regulation under CLM Act not required	-33.88867433	151.1585716

**Figure 17 EPA Published List of Contaminated Sites**

## 5.5 OTHER APPROVALS RURAL FIRES ACT 1997

The subject site is identified as being in bushfire prone land, and hence as outlined in *Planning for Bushfire Protection – PBP 2019* (NSW RFS 2019) is considered Special Fire Protection Purpose (SFPP) and is required to obtain a BFSa from the RFS under section 100B of the RF Act. See bushfire hazard assessment report submitted as part of this application.

## 5.6 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (203)

### 5.6.1 OBJECTS OF THE EP&A ACT

In determining a development application, a consent authority must take into consideration the matters referred to in Clause 4.15 (1) of the EP&A Act as are of relevance to the development:

4.15 – 1 (a) (i) the provisions of an environmental planning instrument
The applicable environmental planning instrument is State Environmental Planning Policy (Precincts—Regional) 2021.
4.15 – 1 (a) (ii) the provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)
None are applicable to the proposal.
4.15 – 1 (a) (iii) the provisions of any development control plan
None are applicable to the proposal.
4.15 – 1 (a) (iiia) the provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4
None are applicable to the proposal.
4.15 – 1 (a) (iv) the provisions of any Regulations (to the extent that they prescribe matters for the purposes of this paragraph)
None are applicable to the proposal.
4.15 – 1 (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality
<p><b>NATURAL ENVIRONMENT:</b> The proposed works are not anticipated to have any negative impacts on the surrounding natural environment.</p> <p><b>BUILT ENVIRONMENT:</b> The proposed works will improve the facilities in the lodge to ensure its longevity. The works will not involve any changes to the design, scale or footprint of the existing lodge. The proposal aims to retain the original alpine character and fabric of the Perisher Valley. Hence, the overall change to the built environment is considered of positive influence on the existing building and locality.</p> <p><b>SOCIAL AND ECONOMIC IMPACTS IN THE LOCALITY:</b> The proposed works have been designed to minimise any amenity impacts on the neighbouring buildings, they are not expected to generate any negative social or economic issues.</p>
4.15 – 1 (c) the suitability of the site for the development
<p>The proposed alteration and addition works will enhance the facilities at Muddles Ski Lodge, and are deemed as suitable for the subject site.</p> <p>The subject site is identified as being in bushfire prone land, and hence as outlined in <i>Planning for Bushfire Protection – PBP 2019</i> (NSW RFS 2019) is considered Special Fire Protection Purpose (SFPP) and is required to obtain a BFSa from the RFS under section 100B of the RF Act. See BHAR submitted as part of this application.</p>

4.15 – 1 (d) any submissions made in accordance with this Act or the regulations

The application will be notified in accordance with EP&A Act.

4.15 – 1 (e) the public interest

The development proposal satisfies the objectives of the State Environmental Planning Policy (Precincts—Regional) 2021 and is considered positive in terms of the public interest.

## 6.0 CONCLUSION

### SUITABILITY OF THE SITE FOR DEVELOPMENT

The proposal complies with the relevant environmental planning instruments and policies. The Statement of Environmental Effects confirms that the site is suitable and capable of sustaining the proposed development, with no adverse impacts.

Submissions Made in Accordance with the Act or regulations:

Given the proposals minimal environmental impact it is unlikely to raise significant objection.

The Public Interest

The proposal is in the public interest as:

- It provides a sustainable land use.
- The proposal is suitable within the locality.
- The proposal is positive in terms of the amenity of the area.



## 7.0 SITE ENVIRONMENTAL MANAGEMENT PLAN (SEMP)

As detailed in the Statement of Environmental Effects, the proposed works at Muddles Lodge will generate minimal impacts.

- No site clearing activity will occur through this project.
- Minor internal ground disturbance will be occurring for the excavation of the basement.
- No flow paths will be altered as a result of this development.
- Construction vehicles will enter the site via the existing site entry via Perisher Creek Road.
- All construction vehicles will park in the sites existing driveways and designated car parks.
- All machinery and equipment must be stored on existing disturbed areas and must not be stored on native vegetation.
- All construction materials will be stored in an appropriate location on site as demonstrated on the site plan.
- The works will not negatively impact upon the amenity of Perisher Valley

### CONSTRUCTION TIMING

Construction will be during the summer season from October to May with no works proposed to be conducted during the winter season June to September. The start date for construction is not yet set and the year will be determined after development consent has been issued.

### PUBLIC SAFETY & EXCLUSION AREAS

Where Muddles Lodge is occupied during construction, site measures for the protection of workers, staff and public during construction will include:

- Construction notification via email to staff to include the contact information of the construction contractor.
- Construction deliveries will be timed outside peak times to minimise disruption to the general public and staff.
- Temporary site fencing will be erected around the works area to exclude public access. Fencing will clearly define the construction area, manage site disturbance and prevent unauthorised personnel from entering the site.
- Signage will be erected to prohibit public access and direct public around the area.

The use and management of plant, scaffolding and vehicular movements will be managed by the applicant in accordance with industry standards.

### BUILDING MATERIALS STORAGE AREAS

During the construction at Muddles Lodge temporary stockpiling of building materials will be required during construction. Fencing and signage will be erected around these locations to ensure the public are excluded. All building materials are to be stored within the lease area as noted in the Figure 18 below.



**Figure 18 Materials/Bin Storage Area**

## REHABILITATION PLAN

The material storage area identified in Figure 18 is to be rehabilitated upon completion of works in accordance with the Rehabilitation Guidelines for the Resort Areas of Kosciuszko National Park (NGH 2007)

## DUST CONTROL

When undertaking alteration and addition works at Muddles Lodge involving dust dispersion water spray will be used to help keep material damp and dust down. Covers will be placed over waste storage areas and piles of excavated materials to prevent dust dispersion. When transporting materials that cause dust they will be dampened and covered before moving. Footpaths and roads surrounding the development will be kept clean.

## EMERGENCY PROCEDURES

In case of an emergency, the following key emergency response contacts are:

Organisation	Emergency Phone	Non-Emergency Phone
NSW Police	000	Adaminaby: 02 6456 2244
NSW Fire and Rescue	000	Cooma: 02 6452 2037
NSW Ambulance	000	Cooma: 02 9320 7777
Cooma Hospital	02 6455 3222	
National Parks and Wildlife Service (NPWS)/OEH	1800 629 104	Snowy Region: 6450 5600 Jindabyne: 6450 5555
Roads and Maritime Services	Traffic incidents & road conditions: 131 700 Road closures and special events: 132 701	
EPA Environment Line	131 555	
NRMA Road Service	13 21 32	
NSW Soil Conservation Service	02 942 8300	
Department of Planning and Environment (DPE) (Alpine Resorts Team)	(02) 6456 1733	

In the event of an environmental incident, emergency or near-miss during construction at Muddles Lodge, the following steps should be taken:

- **STOP** works in the area and if safe to do so ensure the safety of personnel within the vicinity.
- **NOTIFY** relevant persons e.g., emergency services of Construction Manager.
- **ISOLATE** the risk or hazard e.g., turn off machinery/plant, implement immediate site controls, set up exclusion zone. And
- **REPORT** and notify relevant persons (e.g. Project Manager, regulatory agencies).

All incidents and near misses will be managed by the construction contractor. An Environmental Incidents Report Form will be completed containing the following information.

- Time and date of incident/near miss.
- A description of the incident/near miss.
- A sequence of events that led to the incident/near miss occurring.
- Person/s involved in the incident/near miss (including witnesses)
- Written statements from person/s involved (as applicable)
- Details of corrective actions.

Form will be completed for all environmental incidents and signed by the person making the report and the person in charge of the site.

## NOISE CONTROL

Noise on a construction site can become a form of pollution to the local environment through the use of plant, machinery and tools. For protection of employees and visitors to the site they are issued with PPE including ear protection.

To reduce noise pollution from site the following procedures will be followed:

- All plant, machinery and tools will be maintained in good working order at all times.
- Work involving noisy tools or machinery to be used inside the building structure when possible.
- Strict hours of operation for each site will be implemented to reduce noise pollution to the surrounding areas
- In the instance of receiving a complaint in regard to noise levels immediate rectification will occur as far as practical.

Construction works will be managed in accordance with *Australian Standard 2436-2010 Guide to noise and vibration control on construction, demolition and maintenance sites*.

#### **NOISE AND VIBRATION POLLUTION**

The intended hours of construction have not yet been determined. Hours for construction will be determined in order to allow for construction on suitable days during appropriate hours to prevent any negative impacts on the amenity of visitors and staff.

#### **FUELS & CHEMICALS**

No fuel or chemicals will be stored onsite during construction.

#### **CHEMICAL SPILL PREVENTION AND CONTAINMENT**

The proposed development will not require the storage or use of any hazardous materials. However, if any petroleum products, trade waste, garbage and other noxious substances are required for the subject works, although unlikely to be required in any substantial amount, this will be appropriately stored off-site.

#### **INDIGENOUS HERITAGE**

Should any material suspected of being an Aboriginal object become unearthed in the course of works associated with the proposed works at Muddles Lodge, all work at that location shall cease immediately as per Section 90 of the *National Parks and Wildlife Act 1974*, and the Office of Environment and Heritage shall be contacted immediately to arrange for representatives to inspect the site.

#### **WASTE MANAGEMENT**

Waste management is a crucial aspect to managing the impact of development in Kosciuszko National Park. No ground disturbance is proposed to occur within 40m of the Thredbo River, however caution must be taken when disposing of and handling waste material on site, to prevent any runoff of debris into the waterway. All waste generated from the proposed works, and the general construction waste and other waste associated with the alterations and addition works to Muddles Ski Lodge will be disposed of in a skip bin, that will then be deposited to an external waste facility.

To ensure that waste is managed appropriately, the following controls and measures are to be adhered to:

- All litter generated on site is to be placed in small garbage bags. These bags are to be disposed of appropriately in a timely manner.
- A daily inspection shall be carried out to ensure the worksite is left in a rubbish free state.
- All employees shall be informed of the need to maintain a clean worksite.
- Site generated waste including garbage and other construction waste shall be collected daily and stored appropriately on site.
- All loads of rubbish removed shall be securely covered to ensure no spillage.
- To the furthest extent possible efforts shall be made to reduce, reuse, and recycle materials used onsite.
- The worksite shall be left in a tidy and rubbish free state upon completion of the Project.
- All waste management receptors must be covered daily, or be emptied or removed from site each day, to ensure that waste cannot low away of be disturbed by scavenging fauna.
- The subject site is to be left clean and tidy and free of building debris and materials at the conclusion of daily works.

## **LITTER CONTROL**

Litter control around the site is the responsibility of all on site. A daily site clean up to reduce litter around the site and prevent any possible hazards it causes will be performed. It is the subcontractor's responsibility to leave the work area neat, clean, and free of litter. Litter collected can be placed in bins or specified areas and disposed of at the local council tip.

## **AIR POLLUTION**

the construction of the proposed development is not expected to create any unnecessary air pollution.

## **TRAFFIC MANAGEMENT**

The overall principles for traffic management during demolition, excavation and construction phases of the development are:

- minimise effects on traffic movements and amenity.
- manage and control vehicular movements to and from the site.
- maintain traffic capacity at intersections.
- maintain existing on-street parking in the vicinity of the site where practical.
- maintain access to other properties adjacent to the site.
- maintain safety for workers.
- provide appropriate access to the site for, excavation and construction traffic; and
- manage and control vehicle activity in the vicinity of the site.

## **SUBCONTRACTOR AND SUPPLIER MANAGEMENT**

### **Subcontractor and Supplier Responsibilities**

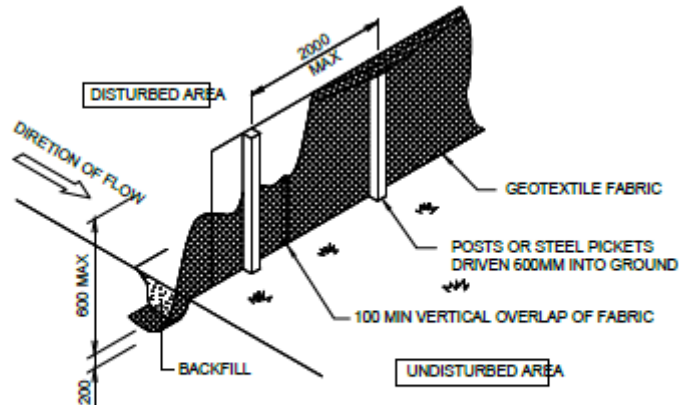
Subcontractors and suppliers are responsible for ensuring their workers and their subcontracted workers:

- Have the appropriate and applicable licences, tickets, qualifications, competencies to perform their work safely
- Understand the Site Rules,
- Understand the requirements and expectations outlined
- Have site specific and task specific PPE
- Understand and comply with SWMS to undertake their work task safely
- Have Standard Operating Procedures (SOP) for plant and equipment to be used on site
- Conduct inspections ensuring plant, equipment, tools and materials is fit for use and fit for purpose



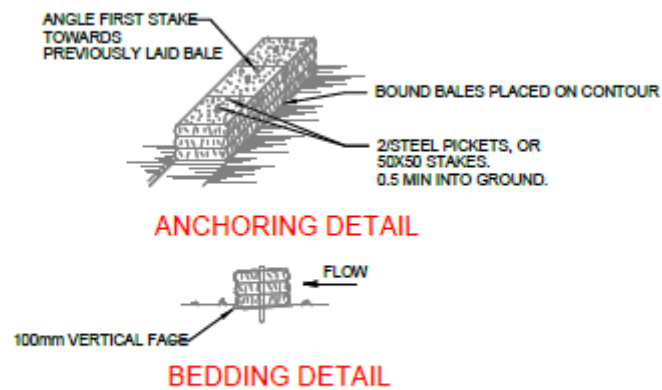
## 8.0 SITE ENVIRONMENTAL MANAGEMENT PLAN (SEMP) DIAGRAMS

### DIAGRAM A: STANDARD SEDIMENT FENCE INSTALLATION



SEDIMENT FENCE DETAIL  
NOT TO SCALE

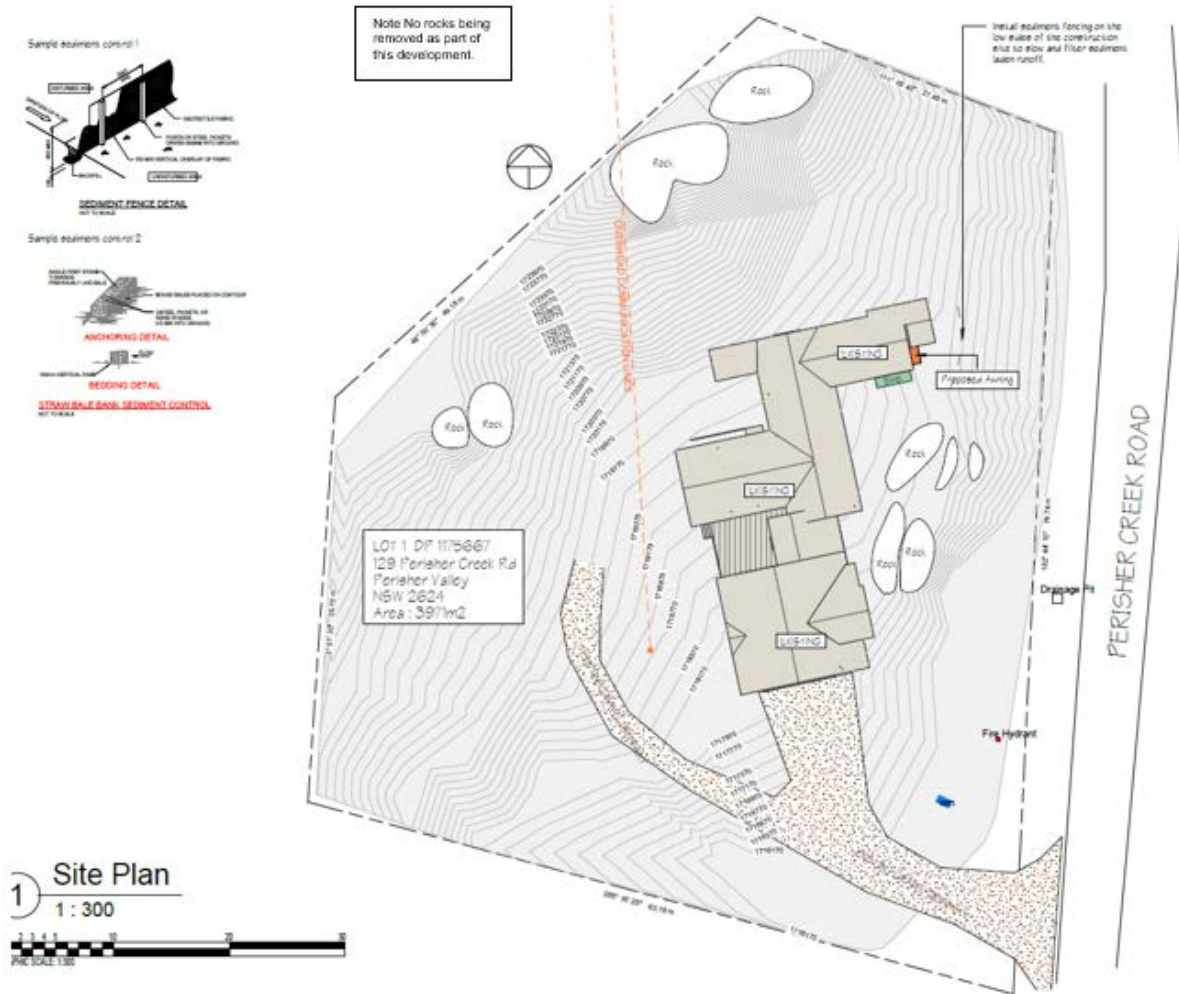
### DIAGRAM B: STRAW BALE BANK SEDIMENT CONTROL



STRAW BALE BANK SEDIMENT CONTROL  
NOT TO SCALE

Of note no rocks are being removed as part of these works.

## APPENDIX I – SEDIMENT CONTROL & STORAGE OVERVIEW



APPENDIX II – WATERFRONT LAND E-TOOL SEARCH RESULT

Description or Reference

Please enter a description or reference number below for the property or watercourse you are going to assess. This will allow you to easily identify this assessment from any other assessments you undertake using the tool.

\*

Muddles Lodge Perisher

Back

Next

Clear form

### Question 1 - Department of Planning and Environment—Water waterfront land maps

After answering the question, click next at the bottom of the screen.

Is your property located on a watercourse, lake or estuary within the area marked \* in orange in any of the Department of Planning and Environment—Water waterfront land maps below?

- ☐ Yes, Botany Bay
- ☐ Yes, Brisbane Water
- ☐ Yes, Hunter River
- ☐ Yes, Lake Macquarie
- ☐ Yes, Lake Mulwala
- ☐ Yes, Port Hacking
- ☐ Yes, Port Jackson
- ☐ Yes, Port Stephens
- ☐ Yes, Tuggerah Lakes
- ☐ Yes, Wallis Lakes
- ☒ No, none of the above



### Question 2a - Hydro Line spatial data map

Open the link provided below for the Hydro Line spatial data map and enter your property address.

Is there a blue line on your property or within 40m of the proposed work? \*

☐ Yes

☒ No



### Question 2b - Department of Planning and Environment—Water Map —Western land map local government area

Is your property within the shaded area of the Department of Planning and Environment—Water Map —Western land map local government area provided below? \*

- ☐ Yes
- ☒ No

### Question 2d - Lake or wetland

Is there a lake or wetland on your property or within 40m of the proposed work? \*  
You can see some examples of lakes and wetlands below to help you decide.

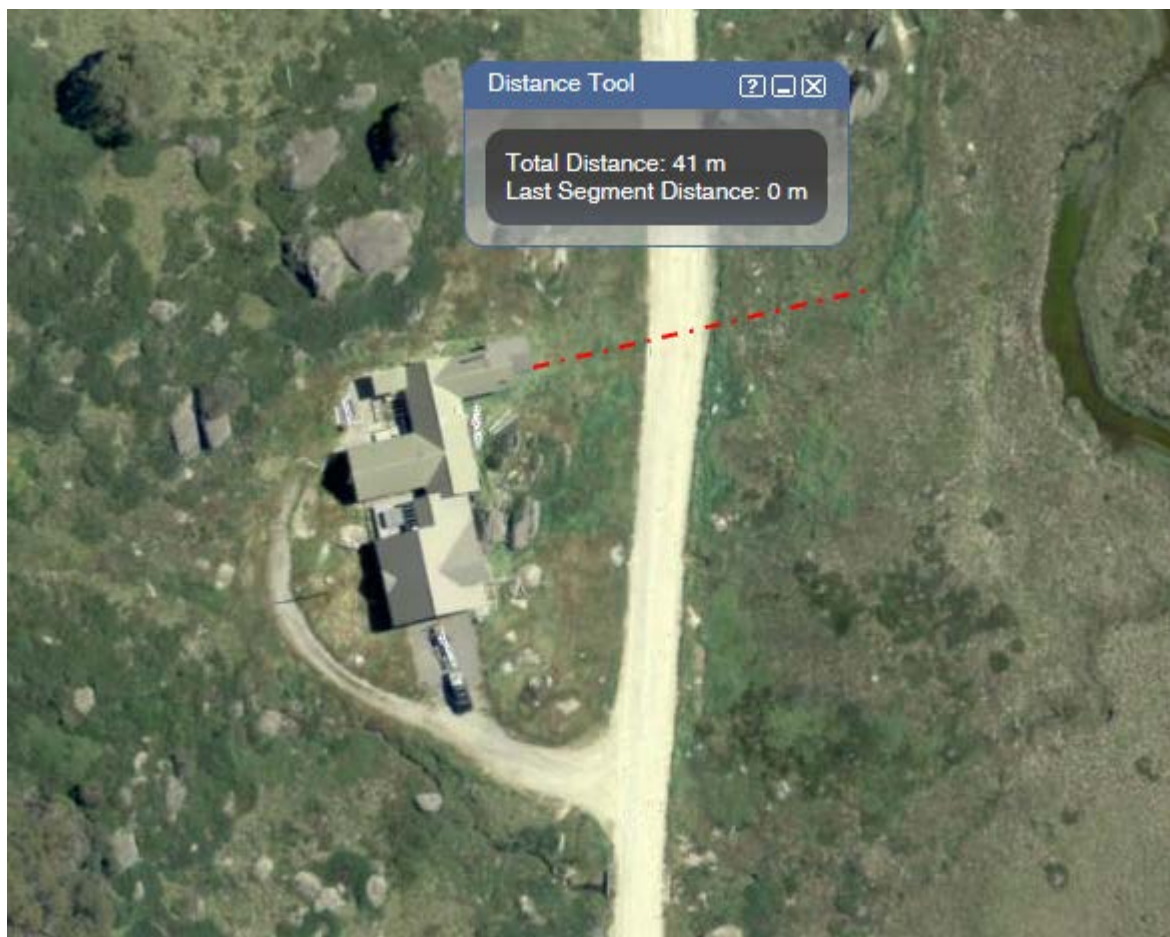
- ☐ Yes - a lake
- ☒ Yes - a wetland
- ☐ No

### Question 8 - Determining the high bank

Using the photos and diagrams below, locate the high bank of the watercourse type identified in Question 4b.

Are the proposed works within 40m of the high bank? \*

- ☐ Yes
- ☒ No



**Result 13 - Controlled activity approval not required - the proposed works are more than 40m from the high bank of a watercourse**

Based on your answers, the result is:

**CONTROLLED ACTIVITY APPROVAL NOT REQUIRED - THE PROPOSED WORKS ARE MORE THAN 40M FROM THE HIGH BANK OF A WATERCOURSE**

## Statements

When completing the e-tool you provided the following answers:

- One or more of the following features are on this property or a neighbouring property:
  - o watercourse
  - o lake
  - o wetland
  - o mapped Strahler 3rd order or greater hydro line as defined by the Hydro Line spatial data map
- The proposed works are not located within 40m of the high bank of the watercourse

Are ALL of the above statements correct? \*

- ☒ Yes
- ☐ No (restart tool)

If ANY of your assessments identify that a controlled activity approval is required for your proposed works, you must complete the following tasks:

- Confirm if an exemption applies to your site or proposed works by using the Department's Controlled activity exemption  
e-tool at: <https://forms.office.com/pages/responsepage.aspx?id=IYjvljkqHEe4mmewgz3TuaJ8VvZiyYZKiR3x1NniFCZUQ0lWTUZRUvpWMFhHTIBEM05aNFVOVIFSOC4u> or refer to exemption  
information here: <https://www.dpie.nsw.gov.au/water/licensing-and-trade/controlled-activity-approvals/controlled-activity-exemptions>
- For matters requiring a development application (DA) from Council, you should lodge your  
DA as Integrated Development.
- For matters NOT requiring a DA, please refer to the Department of Planning and Environment—Water website for instructions  
on how to apply for a Controlled Activity Approval:  
<https://www.dpie.nsw.gov.au/water/licensing-and-trade/controlled-activity-approvals/how-to-apply>



## ANNEXURE A

vegetation clearing and basement works at Muddles Lodge, 129 Perisher Creek Road, Perisher Valley (Lot 1 DP1175667).

Department Request	Response
The <b>Bushfire Report</b> is to be corrected and amended to properly recognise and address that the majority of the subject allotment (beyond the area immediately surrounding the Lodge) is identified as high value vegetation on the Biodiversity Values Map. Table 1 of the Report currently indicates that the site is not identified as an area with high biodiversity value, which is contrary to the BVM high value vegetation mapped in Figure 8 of the same report.	<b>Bushfire report was amended to require the new works to achieve Flame Zone construction and demonstrates the maintenance of the APZ does not require encroaching into the Biodiversity Values Map zone. No works are being undertaken in the Biodiversity area.</b> <b>Bushfire report updated with Version E site plan and new APZ excluding Biodiversity area by upgrading window and door to Flame Zone.</b>



Refer to Planning for Bush Fire Protection 2019 table A1.12.7 below, that states if the distance from the building element to the Biodiversity Value Zone (purple area) is less than 14m then Flame Zone construction is required (As applicable to the north and east elevations of the subject lodge).

**Flame Zone construction has been proposed for this work to negate the need to manage the APZ into the Biodiversity values (purple area) zone.**

**Table A1.12.7**

Determination of BAL, FFDI 50 – alpine areas

KEITH VEGETATION FORMATION		BUSH FIRE ATTACK LEVEL (BAL)				
		BAL-FZ	BAL-40	BAL-29	BAL-19	BAL-12.5
		Distance (m) asset to predominant vegetation class				
ALL UPSLOPE AND FLAT LAND	Rainforest	< 5	5 -< 7	7 -< 10	10 -< 15	15 -< 100
	Forest (wet and dry sclerophyll) including Coastal Swamp Forest, Pine Plantations and Sub-Alpine Woodland	< 11	11 -< 15	15 -< 22	22 -< 30	30 -< 100
	Grassy and Semi-Arid Woodland (including Mallee)	< 6	6 -< 8	8 -< 12	12 -< 17	17 -< 100
	Forested Wetland (excluding Coastal Swamp Forest)	< 5	5 -< 6	6 -< 9	9 -< 13	13 -< 100
	Tall Heath	< 12	12 -< 16	16 -< 23	23 -< 32	32 -< 100
	Short Heath	< 7	7 -< 9	9 -< 14	14 -< 20	20 -< 100
	Arid-Shrublands (acacia and chenopod)	< 5	5 -< 6	6 -< 9	9 -< 14	14 -< 100
	Freshwater Wetlands	< 4	4 -< 5	5 -< 7	7 -< 11	11 -< 100
	Alpine Complex	< 4	4 -< 6	6 -< 8	8 -< 12	12 -< 100
	Grassland	< 6	6 -< 8	8 -< 11	11 -< 17	17 -< 50
> 0 > 5 DEGREES – DOWNSLOPE	Rainforest	< 6	6 -< 8	8 -< 12	12 -< 18	18 -< 100
	Forest (wet and dry sclerophyll) including Coastal Swamp Forest, Pine Plantations and Sub-Alpine Woodland	< 14	14 -< 18	18 -< 26	26 -< 36	36 -< 100
	Grassy and Semi-Arid Woodland (including Mallee)	< 7	7 -< 10	10 -< 14	14 -< 21	21 -< 100
	Forested Wetland (excluding Coastal Swamp Forest)	< 6	6 -< 8	8 -< 11	11 -< 16	16 -< 100
	Tall Heath	< 13	13 -< 18	18 -< 26	26 -< 36	36 -< 100
	Short Heath	< 8	8 -< 10	10 -< 15	15 -< 22	22 -< 100
	Arid-Shrublands (acacia and chenopod)	< 5	5 -< 7	7 -< 11	11 -< 16	16 -< 100
	Freshwater Wetlands	< 4	4 -< 6	6 -< 8	8 -< 12	12 -< 100
	Alpine Complex	< 5	5 -< 6	6 -< 10	10 -< 14	14 -< 100
	Grassland	< 7	7 -< 9	9 -< 13	13 -< 19	19 -< 50

A **Biodiversity Development Assessment Report** is required for any development proposal that will clear native vegetation within an area on the BV Map or if the development will have a prescribed impact on biodiversity values under section 6.1 of the *Biodiversity Conservation Regulation 2017*. The proposed clearing of the allotment for the establishment and maintenance of an APZ inner protection area, as indicated in the Bushfire Report, is to be accompanied by a BDAR.

The proposed APZ has been reduced to not impact biodiversity area. Window and door will be constructed as Flame Zone. A Biodiversity Development Assessment Report is no longer required.

A **Waterfront Land Assessment Report** by an appropriately qualified person that addresses the construction works and clearing of vegetation on waterfront land and within riparian corridors. The Department notes that two corridors are applicable to the assessment, for which the assessment report should have regard to the requirements of 'Guidelines for controlled activities on waterfront land: Riparian corridors'. The application also needs to be lodged as nominated integrated development pursuant to the *Water Management Act 2000*.

Waterfront e-tool desktop assessment was carried out with distances calculated to the road. The outcome of this determined that a controlled activity exemption should be sought. DPIE Controlled Activity Exemption e-tool was carried out. The results of this concluded that the proposed works are Exempt – 'Controlled Activity Approval not required'. Due to this outcome integrated development pursuant to the Water Management Act 2000 is not necessary. Scanned results attached. In addition, the Water Licensing Service was consulted in relation to the Water Course.

	<b>They also concluded that 'Controlled Activity Approval was not required,</b>
<ul style="list-style-type: none"> <li>The <b>Statement of Environmental Effects (SEE)</b> is to be revised and address the items raised above, as well as the following: <ul style="list-style-type: none"> <li>clarify the extent of works proposed to be carried out in the basement bathroom, including where the plans indicate that waterproofing will be undertaken.</li> <li>provide details of how bed licences will be distributed within the Lodge.</li> <li>address Chapter 4 of the <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> in relation to land contamination matters, providing details of the site history and confirmation as to the suitability of the basement for the intended use as a Managers Residence.</li> </ul> </li> </ul>	<p><b>Bathroom is existing – Plans updated</b></p> <p><b>30 licences - 22 Commercial licence + 8 additional Beds in lodge - 17 existing &amp; 2 extra SEE updated with the information.</b></p> <p><b>SEE updated noting the removal of the tank as assessed in the previous approved DA.</b></p>
<p><b>Plans</b> are to be provided that include the following:</p> <ul style="list-style-type: none"> <li>site plan that clearly identifies the location of the proposed works (and removes the proposed extension that is not part of this application) as well as identifying features such as all significant rocks, and</li> <li>floor plan that depicts the existing approved uses of all internal rooms within the lodge and any change of use proposed in those rooms.</li> </ul>	<p><b>Completed</b></p> <p><b>Completed</b></p>
A completed <b>Form 4</b> which lists the specific documentation reviewed in relation to which the minimal geotechnical impact certification is based (this could include that the Form 4 refers to the geotech report).	<b>Completed</b>
Provide a revised <b>Site Environmental Management Plan</b> : referring to the DA Guidelines that outlines what is to be included in the SEMP and properly addressing the full scope of proposed site activities.	<b>Accent - Completed</b>

<p>A <b>Site Drainage Management Plan</b> is to be provided that has been developed by a suitably qualified engineer that addresses the drainage recommendations in the geotechnical report.</p>	<p><b>Agricultural drainage lines provided in Camstruct structural engineering design. Added info to SEMP and amended in SEE under 3.2</b></p>
<p>Once the completed package has been developed, please also calculate a revised <b>estimate of the cost for the development</b>. The Department recommends this be compiled by a suitably qualified person. The compilation of the estimate should be based on the guidance provided in the <u>Planning Circular</u>, noting that the estimate is to include all professional fees to prepare the plans, documentation and technical reports necessary to accompany the development application. Consultant costs must be based on industry recognised prices. A fair estimate of the 'market cost' of activities must be included such as to fully fit-out the space constructed for the purpose for which it is proposed to be used. The methodology used to calculate the cost is to be submitted with the estimate.</p>	<p><b>Cost of works provided in returned DA package.</b></p>

ANNEXURE B

From: Tony Nolan  
To: Accent Town Planning  
Subject: V18/1021-70435 - CAA Enquiry - confirm CAA not required 129 Persher Creek Road - Alan Taylor, Accent Town Planning  
Date: Monday, 18 March 2024 5:40:40 PM  
Attachments: [image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

Attention Complete Planning

Thankyou for your enquiry relating to minor works situated Lot1 DP1175667, 129 Persher Creek Road Persher Valley 2624.

The proposed works at 129 Persher Creek Road consist of the installation of a window to the Northern elevation (Drawing No.52) and a door and awning to the Eastern elevation of the property (Drawing No.1).

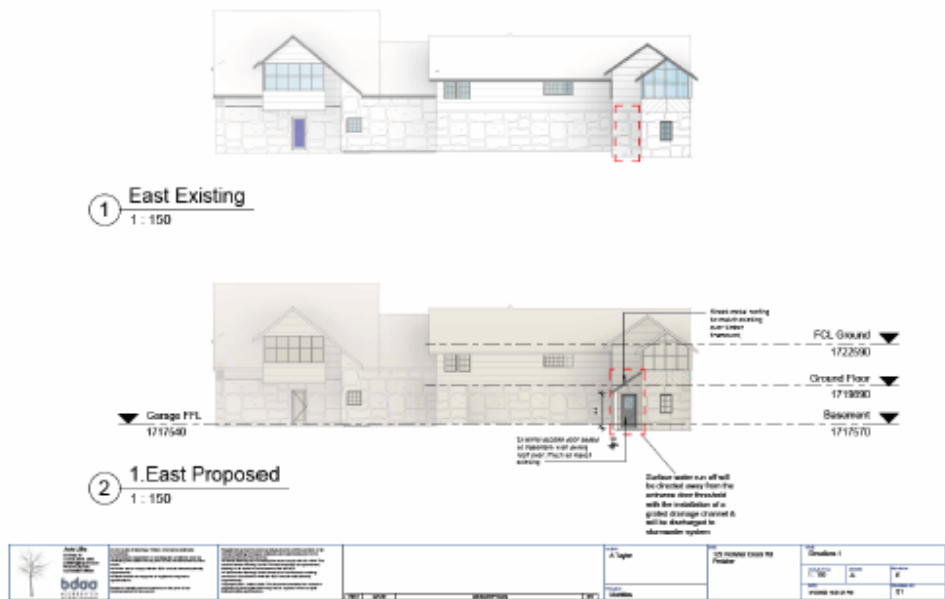


Figure 1 - Drawing No.51



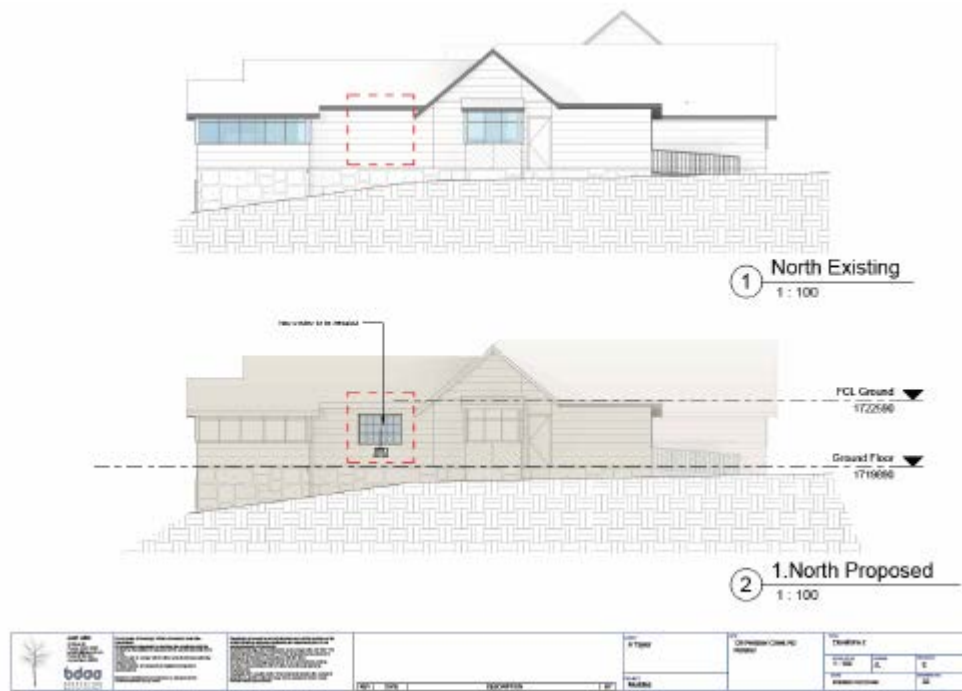


Figure 2 - Drawing No. S2

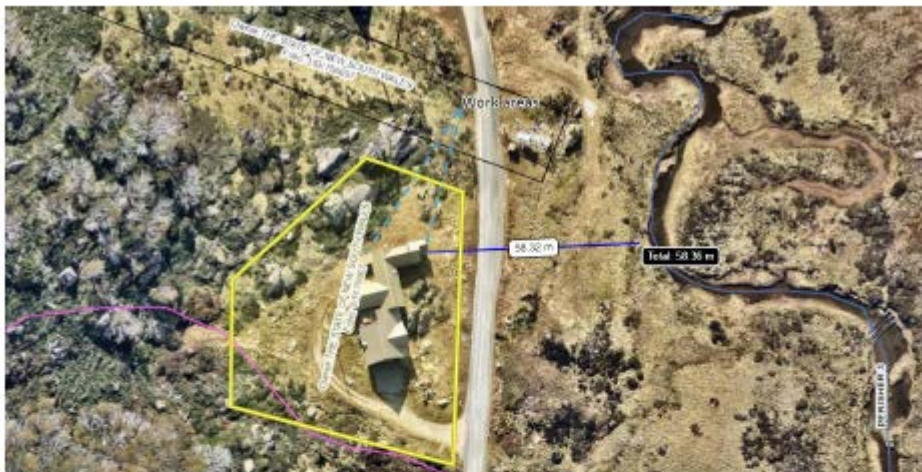


Figure 3- Aerial image of site

#### Analysis

The installation of a window on the northern elevation does not involve excavation therefore it does not require a controlled activity approval.

The installation of the awning on the eastern elevation is situated greater than 40 metres away from the Perisher River therefore a controlled activity approval is not required.

#### Regards

Tony Nolan  
Water Regulation Officer  
Licensing & Approvals  
Department of Climate Change, Energy, the Environment and Water  
105 Prince Street, Orange  
Mobile 0484 357 186

Our Vision: We protect, enhance and restore rivers and water sources through considered assessment and Issuing of licences and approvals.