



Installation of Boom Gates and Signage, Kosciuszko Tourist Park, Sawpit Creek

Development Application Assessment Report
DA 25/4026

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

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Glossary

Abbreviation	Definition
BC Act	<i>Biodiversity Conservation Act 2016</i>
BC Regulation	<i>Biodiversity Conservation Regulation 2017</i>
BDAR	Biodiversity Development Assessment Report
BVM	Biodiversity Values Map
Consent	Development Consent
CPP	Community Participation Plan
Department	Department of Planning Housing and Infrastructure
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation 2021	<i>Environmental Planning and Assessment Regulation 2021</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
KNP	Kosciuszko National Park
KTP	Kosciuszko Tourist Park
Minister	Minister for Planning
NPWS	National Parks and Wildlife Service
Planning Secretary	Secretary of the Department of Planning Housing and Infrastructure
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy

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1 Introduction

This report contains the Department's assessment of the Development Application (DA 25/4026) lodged by Sushil Kamble (Applicant) seeking approval for the installation of boom gates and signage near the entry of the Kosciuszko Tourist Park (KTP). The site (Lot 30 in Deposited Plan 725492) is located at 7693 Kosciuszko Road within Kosciuszko National Park (KNP), on the southern side of Sawpit Creek, approximately 9 kilometres to the northwest of the town of Jindabyne (refer to **Figure 1**).

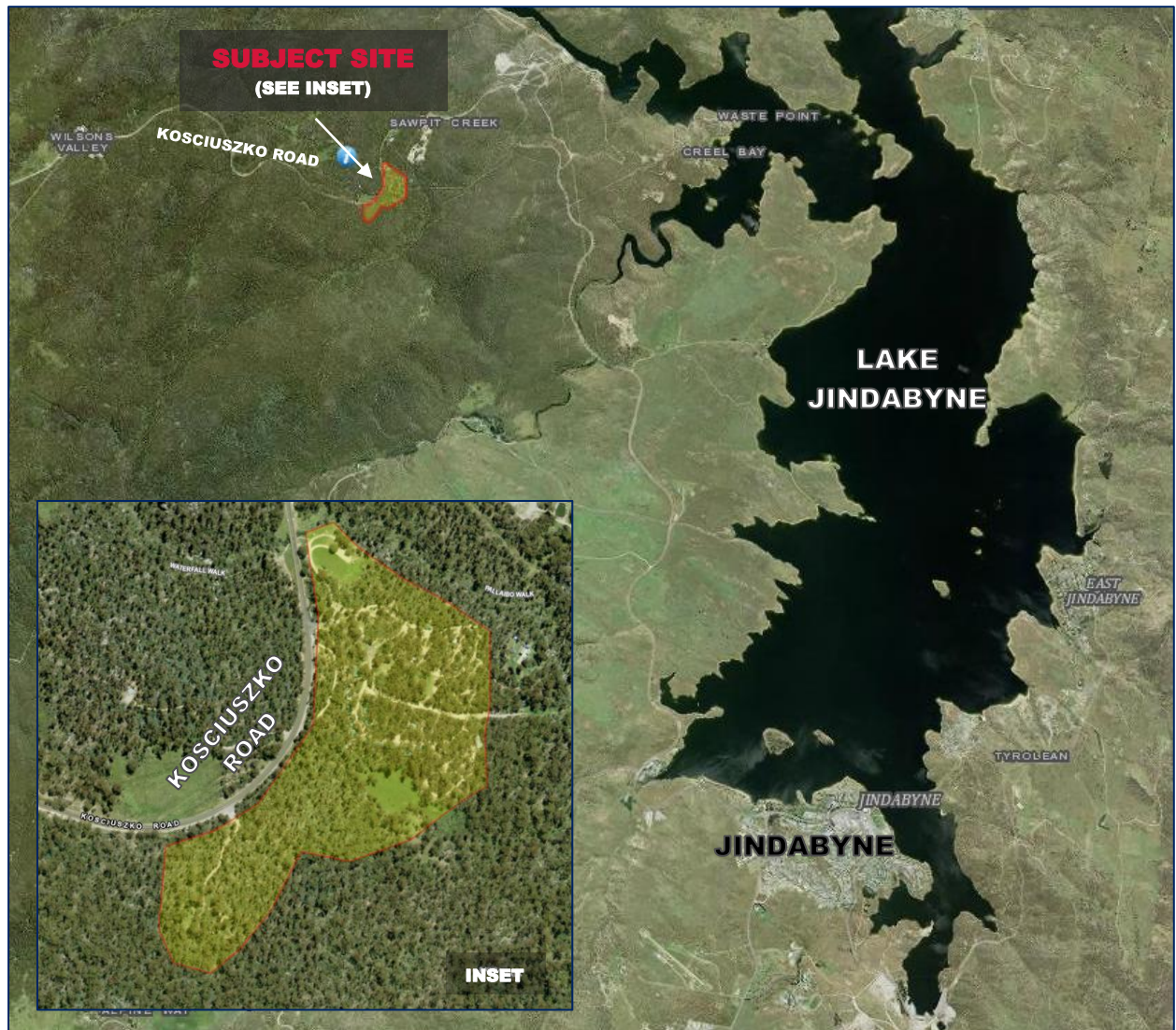


Figure 1 | Location of the site in the context of Jindabyne (Source: Applicant's documentation, with annotations)

The KTP site includes a tourist accommodation facility that offers a range of powered and unpowered camping and caravan sites supported by communal bathroom facilities, as well as short-term on-site caravans and self-contained cabin-style tourist accommodation. Other facilities provided for the use of guests include a large indoor kitchen and dining area, laundry, drying room, playground, rubbish receptacles, fire pits and covered picnic areas. The site is managed by on-site staff who are accommodated in a manager's residence near the entry to the tourist park.

The accommodation facility is accessed from Kosciuszko Road via a bitumen driveway. Visitors who are staying at the tourist park can follow the driveway at a juncture where it veers to the right to the accommodation area. Before this juncture, there is also provision for day-visitors to access a picnic location adjoining Sawpit Creek by turning left along a gravel driveway to the Sawpit Rest Area. The rest area is a popular place from which hikers commence the Waterfall Walk (west), the Sawpit Walk (looping around KTP) or the Pallaibo Walk (south).

While there is an existing sign at the location where day-tourists should turn left to visit the Sawpit Rest Area, the Proprietor of the KTP accommodation facility (who is the lessee of the tourist park and the Applicant in relation to this development), seeks approval to install additional signage prior to and at this junction, and also to install boom gates further along the driveway to the accommodation area, as indicated on **Figure 2**. The Applicant advises of the need for the boom gates to exclude day visitors from the facility to improve visitor management and operational efficiency and for the security of guests, as well as the installation of additional signage to direct traffic accordingly.

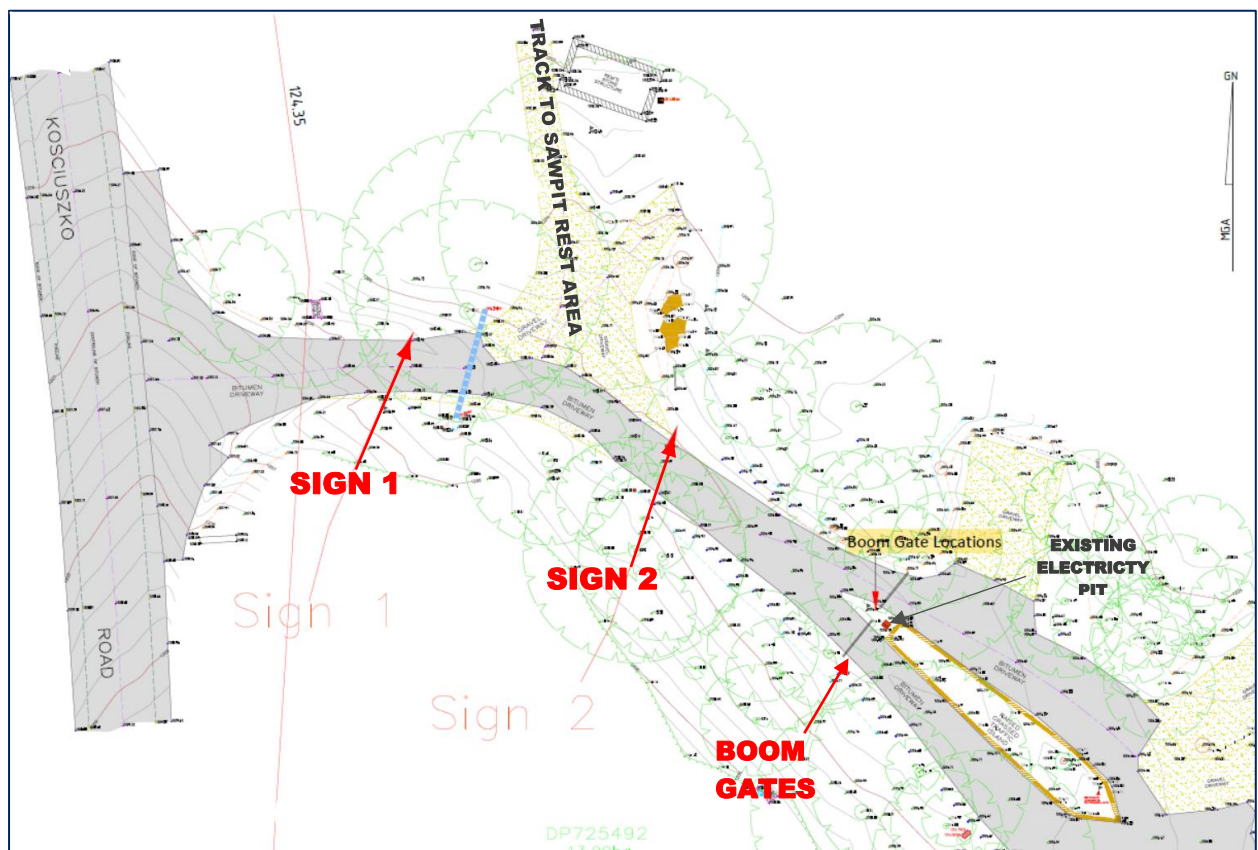


Figure 2 | Proposed signage and boom gate location plan near the entry to Kosciuszko Tourist Park
(Source: Applicant's documentation, with annotations)

The boom gates will be positioned at the northwestern end of a grassed traffic island that separates the traffic entering from those exiting the tourist facility (refer to **Figure 3**). The width of the entry and exit points at this location is approximately 3.5 metres in each location, and the proposed boom gates will span this width. The gates will operate separately via an access code provided in advance to the guests when they make an accommodation booking. A permanent access code will also be provided to the National Parks and Wildlife Service (NPWS) and Emergency Services to enable them to gain entry to the facility at all times.

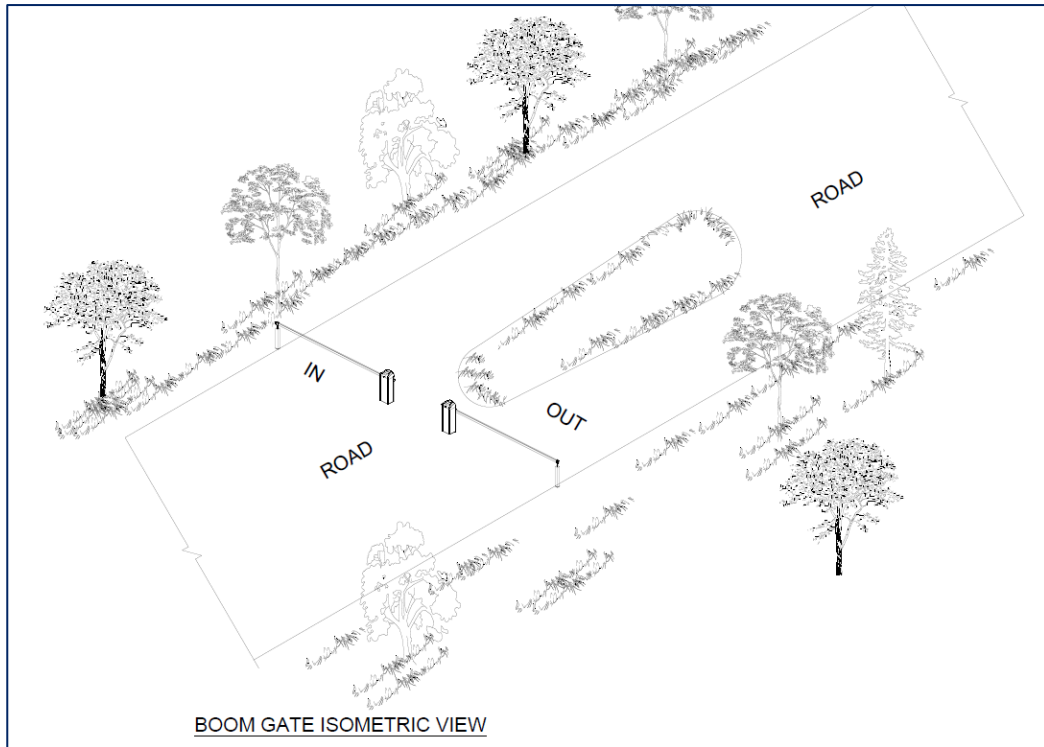


Figure 3 | Boom gate configuration (Source: Applicant's documentation)

The Applicant advises that power will be supplied to the boom gates from an existing electricity pit located within approximately three (3) metres of the proposed location of the boom gates, for which there will be no requirement for trenching or any ground disturbance to connect the boom gates to the existing power. A back-up battery supply will also be provided to operate the boom gates in the event of power failure. Should a fault or power failure occur, the boom gate bar can be released and moved by hand. The on-site managers can operate the manual release if required.

Each boom gate arm will be mounted on a 1200mm high lifting pillar with dimensions of approximately 235mm by 320mm, as depicted in **Figure 4**. The end of the boom gate arm will rest in a holding bracket on a small pillar on the opposite side of the boom gate. The arm has a built-in light bar for visibility at night.

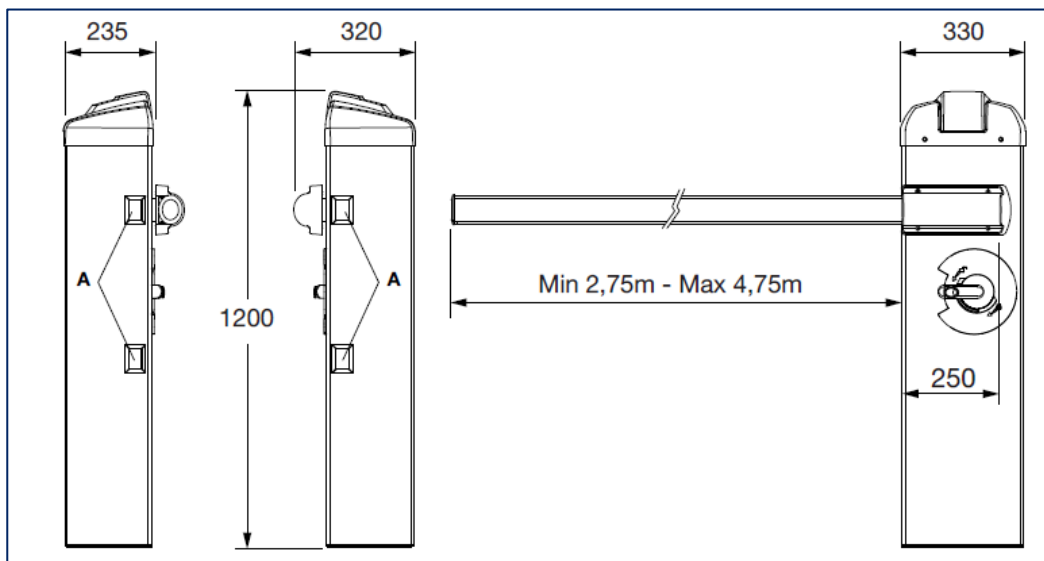


Figure 4 | Boom gate (Source: Applicant's documentation)

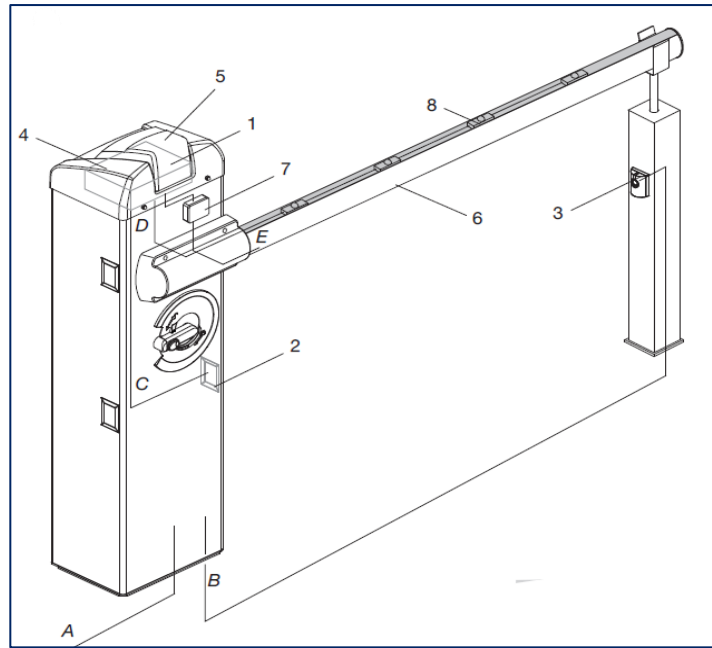


Figure 5 | Boom gate support pillar (Source: Applicant's documentation)

The pillar for the boom gate and the support bracket post will each require excavation of a hole, and each sign will require excavation of two holes for the support posts (eight holes in total). A hand auger or small mechanical auger will be used to dig the holes, which for the signage post will be up to approximately 250mm in diameter and 600 mm deep, set in concrete footings, and the holes backfilled with the excavated material. The pillar that supports the boom gates are to be supported by a 400mm deep concrete footing, 1000mm by 1000mm, with the pillar then bolted to the concrete base (**Figure 6**). All excavation is located in areas of previous disturbance, with the works proposed either within the existing bitumen driveway (such as for the two boom gate support pads), or on an adjoining grass verge. The Applicant indicates there will be no requirement for vegetation clearing.

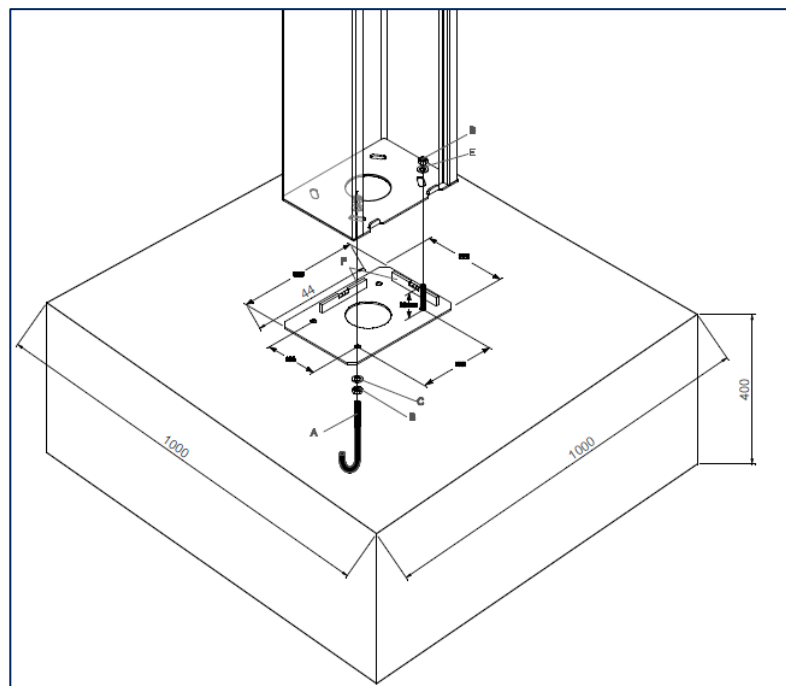


Figure 6 | Boom gate footing detail (Source: Applicant's documentation)

The signs are proposed to be located as indicated in **Figure 2** above, as follows:

- **Sign 1** will be located on the left when entering the driveway (northern side), with dimensions of 1.0 metre high by 1.5 metres wide. The content of the sign will advise drivers with directional arrows indicating left for the Sawpit Rest Area, and right to the Kosciuszko Tourist Park.
- **Sign 2** has proposed dimensions of 1 metre high by 2 metres wide and is to be installed at the point where vehicles should only continue if they are overnight guests of the accommodation facility. The sign is proposed to advise drivers that there are boom gates restricting access to KTP ahead, and that only overnight guests should proceed. The phone number for KTP is also proposed to be provided.

The base of each sign is proposed to be 1.5 metres above ground level, with the top of the signs being 2.5 metres above ground level. Both signs will be built from aluminium composite panel, being durable and weatherproof with UV-resistant print, affixed upon two steel posts in concrete footings buried into ground. They are not illuminated.

Within the development application the Applicant originally sought to include the use of part of a building within the tourist park as additional on-site staff accommodation, changing from its former use as a kiosk. However, this component of the original application was withdrawn via an amended application, at which time changes were also proposed to the location of the boom gates and proposed signage.

The estimated cost of the development, as amended, is \$15,466. Supporting documents to this assessment report can be found on the NSW Planning Portal website at:

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

2 Matters for Consideration

2.1 Strategic Context

South East and Tablelands Regional Plan 2036

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

The proposal is consistent with the Regional Plan as the development relates to works to assist in the effective operation and management of a tourist accommodation facility in the Snowy Mountain region, which helps sustain a positive visitor experience and supports the regional tourism economy.

Snowy Mountains Special Activation Precinct Master Plan

The Snowy Mountains Special Activation Precinct Master Plan outlines the 40-year vision for the Snowy Mountains as a year-round tourist destination with new business opportunities, services and community infrastructure for the people that live, work and visit the region. Sections 9.3.2 and 10.3 of the Master Plan relates to KTP, which recognises that the desired future character of the KTP is for it to continue to provide a range of low-scale affordable accommodation options and possible expansion of the Park's existing accommodation offering. The proposal is not inconsistent with the Master Plan, where the development is intended to assist site managers by reducing non-guest access to the accommodation area of the facility, and is providing additional signage to direct day visitors to the rest area.

Precincts - Regional SEPP

The proposal is congruous with the aims and objectives of Chapter 4 of the Precincts - Regional SEPP as the works proposed support sustainable tourism in the Alpine Region. The development is proposed to be carried out in a manner that is consistent with the principles of ecologically sustainable development, where the intended works will be subject to conditions to prevent adverse environmental, social or economic impacts on the natural or cultural environment, ensuring that KNP values are being protected and upheld.

Under the provisions of section 4.27 of the Precincts - Regional SEPP, the National Parks and Wildlife Service (NPWS) have a commenting role as the land manager, which includes administering the Plan of Management framework for KNP that incorporates objectives, principles and policies to guide the long-term management of the KNP. NPWS have recommended conditions relating to the installation of the boom gates and signage.

Draft South East and Tableland Regional Plan 2041

The draft plan identifies the alpine areas as providing important biodiversity to the region and acknowledges the contribution of visitation to the Snowy Mountains to the regional and state tourism economy.

The proposal is not inconsistent with the draft Regional Plan as the works are intended to sustain the operation of a tourist accommodation facility and support regional tourism.

Alpine Region Development Control Plan 2025

The DCP supports the statutory planning framework of the Alpine Region by outlining objectives and controls to guide development to achieve the aims and objectives of Chapter 4 of the Precincts-Regional SEPP. The DCP seeks to encourage high quality development while providing for safe and sustainable tourism. It also aims to provide opportunities for visitors to undertake a wide range of recreational activities in KNP while managing visitation to minimise adverse environmental, social and cultural impacts.

The proposed development will be undertaken in a location where there has already been extensive disturbance, involving only minor earthworks within the driveway or adjoining verge. Operation of the boom gates will need to comply with protocols to ensure emergency services and NPWS staff can enter the facility as required. Subject to controls, the development can be installed and operated in a way that is consistent with the planning, design, safety and environmental objectives and controls in the DCP.

2.2 Permissibility

The proposal seeks the installation and use of boom gates and for accompanying signage. The boom gates will be managed by the staff of the facility to support the ongoing management of the KTP for the benefit staff and guests.

The proposed works are considered to be ancillary to the existing *tourist and visitor accommodation* facility, and can be carried out within the *Kosciuszko Tourist Park Alpine Accommodation* precinct, as referred to in the Land Use Table at the end of Part 4.2 of Chapter 4 of *State Environmental Planning Policy (Precincts – Regional) 2021* (the Precincts - Regional SEPP).

Pursuant to section 4.7 of the Precincts - Regional SEPP, the ancillary development proposed is permissible with consent.

2.3 Mandatory Matters for Consideration

Objects of the EP&A Act

Table 1 | Objects of the EP&A Act

Objects of the Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The application relates to the provision of boom gates and signage. The establishment of the subject infrastructure supports the ongoing management and use of the accommodation facility, improving security for guests and assisting the facility operator by reducing the transient use of facilities by non-paying visitors. The proposal is considered to have a positive social and economic impact, while having minimal impact on the environment.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social	The proposal would not have an unacceptable impact on the environment, as discussed throughout this report, thus being compatible with ecologically

considerations in decision-making about environmental planning and assessment,	sustainable development. Mitigation measures relating to reducing impacts on the natural environment have been included in the conditions of consent.
(c) to promote the orderly and economic use and development of land,	The development seeks approval for the provision of boom gates and additional signage to enhance visitor navigation to the publicly accessible rest area and reduce uninvited use of the paid guest amenities. This contributes to greater security and amenity for KTP guests. It also supports the Applicant to operate the facility more economically and for the benefit of paying patrons, thereby promoting the ongoing orderly and economic use of the land.
(d) to promote the delivery and maintenance of affordable housing,	Not applicable to this proposal.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	There is minor excavation associated with the installation of the boom gates and signage. The impacts upon the environment from the proposed works are considered to be limited. No disturbance is proposed outside areas that have already been disturbed, and no impact on a threatened species is anticipated.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The proposal is considered to have low potential to adversely impact built or cultural heritage. No additional assessment is required (refer also to consideration of Aboriginal cultural heritage in Table 3).
(g) to promote good design and amenity of the built environment,	The Department considers that the proposed development will be compatible with the existing built form in the location. The addition of the boom gates and signage are considered appropriate within the setting. The content, visual finish and colour of the signage will be subject to controls and final approval of the Secretary to ensure the signage is consistent with the NPWS signage strategy.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The development does not relate to the construction of a building. However, while the boom gates will restrict access and egress to/from the facility, the Department is satisfied that, subject to conditioning,

accessibility will be available as required for the safety of guests, staff and emergency services.

(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department consulted with the NPWS and considered their response (refer to Section 3 and Section 4).
(j) to provide increased opportunity for community participation in environmental planning and assessment.	Exhibition of the proposal was not required in accordance with the Department's Community Participation Plan (refer to Section 3).

Considerations under section 4.15 of the EP&A Act

Table 2 | Section 4.15(1) Matters for Consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument (EPI)	The Precincts - Regional SEPP is the principal EPI which applies to the site for this type of development. An assessment against the requirements of Chapter 4 of the Precincts - Regional SEPP is provided below. The Department is satisfied that the Application is consistent with the requirements of Chapter 4 of the Precincts - Regional SEPP.
(a)(ii) any proposed instrument	Not applicable to the proposal.
(a)(iii) any development control plan	Section 4.3 of the Alpine Region DCP 2025 outlines the objectives and controls for the <i>Kosciuszko Tourist Park Alpine Accommodation Sub-region</i>, and the future desired character of the site is described in Appendix A7 of the DCP. The proposal is congruent with the aims and objectives of the DCP, and compatible with the controls relating to future development of the facility. The application is seeking to undertake development that supports sustainable tourism and involves minimal site disturbance. Impacts from the development will be managed to protect the environment.
(a)(iiia) any planning agreement	Not applicable to the proposal.
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the EP&A Regulation, particularly the

procedures relating to development applications, including content and amendment in accordance with Part 3, considerations in accordance with Part 4, and fees paid pursuant to Part 13.

The Department has undertaken its assessment in accordance with all relevant matters as prescribed by the regulations, the findings of which are contained within this report.

(a)(v) any coastal zone management plan	Not applicable to the proposal.
(b) the likely impacts of that development	The Department has considered the likely impacts of the development, where the proposal is considered to have positive economic and social impacts while the environmental and cultural values of the site and locality will be maintained. Environmental impacts have been contained where possible, and site activities can be appropriately managed and mitigated through conditions of consent.
(c) the suitability of the site for the development,	The site is considered to be suitable for the development. The works support guest amenity and experience as part of provision of facilities exclusively accessible as part of the visitor accommodation available at the KTP.
(d) any submissions made in accordance with this Act or the regulations,	Consideration to NSW Government agency referral comments (from the NPWS, the RFS and TfNSW) and in relation to a submission made from a member of the public are discussed in Section 3 and Section 4 of this report.
(e) the public interest.	The works are consistent with the aim and objectives of Chapter 4 of the Precincts - Regional SEPP, including the objective to encourage suitable development in the Resort areas to support sustainable tourism in the Alpine Region. Temporary impacts to the environment can be appropriately managed, mitigated and contained. The development is considered to support the economic viability of the tourist accommodation facility while maintaining the health and diversity of the environment, thereby supporting the principles of ESD.

The approval of the proposal is considered to be consistent with the public interest.

Environmental Planning Instruments

State Environmental Planning Policy (Precincts - Regional) 2021 (Precincts - Regional SEPP) is the principal EPI applicable to the development. Consideration of the relevant provisions to the proposal within Chapter 4 of the Precincts - Regional SEPP is provided in **Table 3**.

No contamination within the site and surrounding area has been identified of relevance to the works. There are no further matters under *State Environmental Planning Policy (Resilience and Hazards) 2021* that need to be considered.

Table 3 | Precincts - Regional SEPP, Chapter 4 considerations

Chapter 4 - Precincts - Regional SEPP - Kosciuszko Alpine Region	
Section 4.9 Demolition	
The demolition of a building or work on land in the Alpine Region	The proposal does not relate to the demolition of a building or the demolition of work/s on land.
Section 4.15 Development on road corridor	
Development on land on Kosciuszko Road and Alpine Way	The subject site obtains access from Kosciuszko Road. However, the works are wholly contained in the KTP lease area and not within the classified road corridor. The signage will be set back from the corridor and will not be permitted in a form that will not distract drivers on Kosciuszko Road. This is discussed further in Section 3 and Section 4 of this report.
Section 4.17 Classified roads	
Operation and function of classified roads	Given that the installation of the boom gates on the driveway may restrict the movement of traffic exiting a classified road, discussions were held with Transport for NSW in relation to the proposal. This is discussed further in Section 3 and Section 4 of this report.
Section 4.21 Heritage conservation	
European and Aboriginal heritage	Due diligence was exercised by the Applicant in reviewing the potential impacts of the works on Aboriginal cultural heritage. Having regard to the site being a previously disturbed area, and noting the minor

nature of the installation of the boom gates and signs, no further Aboriginal cultural due diligence investigation is considered necessary.

Near the entrance to the Tourist Park a stone chimney is located within an enclosure on the eastern side of the gravel track to the Sawpit Rest Area. The structure is believed to date to the forestry period of the Sub-region, and the item has potential heritage value associated with the forestry period within the Kosciuszko National Park. The proposed works are not within close proximity to the chimney structure, and are not believed to detract from the item.

The proposal is considered unlikely to impact on any European or Aboriginal heritage.

Section 4.24 Flood planning

Development on land in the flood planning area

The site is not identified as being located in a flood planning area in the DCP.

Section 4.25 Earthworks

Impact of earthworks

Minor earthworks are required for the installation of the boom gates and signage. Excavation associated with the development will be undertaken by small auger equipment. The proposal is unlikely to cause the disruption to, or adversely impact on, drainage patterns or soil stability in the locality of the development. Sedimentation and erosion control measures have been proposed by the Applicant in their Site Environmental Management Plan (SEMP).

Section 4.27 Consultation with National Parks and Wildlife Service

Consult with, and consider submissions from, the NPWS

The proposal was referred to NPWS and comments were received. Refer to consideration of NPWS referral comments in **Section 3** and **Section 4** of this report.

Section 4.28(1) – Consideration of master plans and other documents

(a) the aim and objectives of this policy, as set out in section 4.1

The proposal is consistent with the aim and objectives of Chapter 4 of the Precincts – Regional SEPP and the development will be managed with regard to the principles of ESD. The provision of the boom gates and

signage is expected to enhance security for tourist park guests and improve amenity.

(b) *(Repealed)*

(c) a conservation agreement under the *Environment Protection and Biodiversity Act 1999* of the Commonwealth that applies to the land,

Not applicable to the development.

(c) the *Geotechnical Policy - Kosciuszko Alpine Resorts* published by the Department in November 2003,

Earthworks are minor in relation to the application. There are no geotechnical issues associated with the proposed development due to its limited scale and low impact.

(d) for development in the Perisher Range Alpine Resort -

The proposed development is not located in Perisher Range Alpine Resort.

(i) the Perisher Range Resorts Master Plan, published by the NPWS in November 2001 and

(ii) the Perisher Blue Ski Resort Ski Slope Master Plan adopted by the NPWS in May 2002.

Section 4.29 Consideration of environmental, geotechnical and other matters

Under section 4.29(1) - In deciding whether to grant development consent to development in the Alpine Region, the consent authority must consider the following -

(a) measures proposed to address geotechnical issues relating to the development,

Refer to comments in Section 4.28(1)(d) above.

(b) the extent to which the development will achieve an appropriate balance between -

The proposed installation of the boom gates and signs within a previously disturbed area will be undertaken in a way that will help avoid and mitigate impacts on the natural environment. The site is not subject to flooding, and the development will not cause a geotechnical hazard. Access by emergency services can be provided in the event of a fire, and the boom gates can be fixed open in the event of a bushfire.

(i) the conservation of the natural environment, and

(ii) taking measures to mitigate environmental hazards, including geotechnical hazards, bush fires and flooding,

Natural hazards have been adequately addressed.

(c) the visual impact of the proposed development, particularly when viewed from the land identified as the Main Range Management Unit in the Kosciuszko National Park Plan of Management,	The site is not visible from the Main Range Management Unit. The presentation of the signage will be subject to further review in consultation with the NPWS, for approval by the Department. Accordingly, the visual impact of the development will be acceptable in the setting, and it is not expected to have an adverse visual impact on KNP.
(d) the cumulative impacts of development and resource use on the environment of the Alpine Subregion in which the development is carried out,	No significant adverse cumulative impacts are anticipated from the development. The proposal is regarded to have a positive localised impact by excluding vehicular entry by non-paying visitors from the KTP accommodation facility, supporting guest experience and assisting with operational site management.
(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,	The works are unlikely to significantly alter visitor patronage of the area, other than deter non-paying visitors from utilising KTP guest facilities. No additional impact on the surrounding infrastructure and service network is considered likely as a result of the development.
(f) the capacity of existing waste or resource management facilities to deal with additional waste generated by the development, including in peak periods.	Waste generated during the installation of the works will be minor.

Under section 4.29(2) - For development involving earthworks or stormwater draining works, the consent authority must also consider -

Measures to mitigate adverse impacts associated with the works

Sedimentation and erosion control measures will be required. No negative impacts to stormwater are anticipated.

Under section 4.29(3) - For development the consent authority considers will significantly alter the character of an Alpine Subregion, the consent authority must also consider -

(a) the existing character of the site and immediate surroundings, and

The development will not significantly alter the character of an Alpine Subregion, or the character of the site and immediate surroundings.

(b) how the development will relate to the Alpine Subregion.

The proposed development is not considered to detract from the Alpine Subregion.

Section 4.30 Kosciuszko National Park Plan of Management

Consistency between the development and the Kosciuszko National Park Plan of Management

The KNP Plan of Management is administered by the NPWS, who raised no objection to the proposal in their review of the application, subject to conditions.

Ecologically Sustainable Development (ESD)

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. ESD initiatives and sustainability have been adequately considered and further mitigation measures are not required to be incorporated into the design.

The proposal is consistent with the ESD principles, and the Department is satisfied the proposed works have been developed having regard to ESD principles, in accordance with the objects of the EP&A Act, as follows:

- the works support the orderly and economic use of the site;
- the proposal is not expected to adversely impact upon the health, diversity, or productivity of the environment for future generations; and
- the proposal does not impact upon cultural heritage, including Aboriginal cultural heritage.

Biodiversity Conservation Act 2016

Section 1.7 of the EP&A Act requires the application of the *Biodiversity Conservation Act 2016* (BC Act) in connection with the terrestrial environment. The *BC Act* introduced a *Biodiversity Offsets Scheme (BOS)* that applies when:

- the amount of native vegetation being cleared exceeds a certain threshold area; or
- the impacts occur within an area mapped on the Biodiversity Values Map (BVM) published by the Minister for Environment; or
- the 'Test of Significance', in section 7.3 of the BC Act, identifies that the development or activity is likely to significantly affect threatened species or ecological communities, or their habitats; or
- the works are carried out in a declared area of outstanding biodiversity value.

While there is currently no declared area of outstanding biodiversity value within KNP, the Department notes that disturbance of native vegetation is not proposed as part of the development. No adverse impacts from the development on biodiversity values within KNP are considered likely due to the minor and contained nature of the development.

3 Submissions

3.1 Department's engagement

The Department's Community Participation Plan (CPP – April 2024 version in place at the time of initial lodgement) prepared in accordance with Schedule 1 of the EP&A Act, generally requires applications to be exhibited for a period of fourteen (14) days. However, applications under Chapter 4 of the Precincts - Regional SEPP are not required to be publicly exhibited if the proposal relates to works that are wholly internal to a building or where the site is located more than fifty (50) metres from a tourist accommodation building.

The works are within fifty (50) metres of a tourist accommodation building, however the only buildings are those of the tourist accommodation facility to which the development relates. Formal exhibition or notification of the development was not necessary.

The Department placed the application on the NSW Planning Portal website to make the application openly available for public information, consistent with the intent of the CPP to keep the community informed and to facilitate ease of access to planning decisions.

The application was also forwarded to the NPWS pursuant to section 4.27 of the Precincts - Regional SEPP.

3.2 Summary of submissions

National Parks and Wildlife Service

NPWS reviewed the application and initially requested further information, as follows:

- An updated Aboriginal Due Diligence Statement as the works involve ground disturbance and therefore consideration of Aboriginal cultural heritage must be undertaken. Upon receipt of the statement the NPWS was satisfied that it addressed the requirements, and NPWS agreed the works are unlikely to cause harm to Aboriginal cultural heritage. No further investigation was required.
- A range of environmental protection measures were to be undertaken in conjunction with the works, in relation to which the Department requested the preparation of a Site Environmental Management Plan incorporating the requirements outlined by the NPWS. The Applicant then provided the SEMP, and NPWS indicated that it was sufficient.
- The indicative content of the signage was not supported by NPWS, who requested that the signage be more consistent with NPWS signage requirements and use standardised and accessible wording and symbology. NPWS requested the Applicant liaise with Parks to ensure that signage is simple and clear for visitors to the Sawpit Creek Picnic Area and to the Kosciuszko Tourist Park. The Applicant then indicated the detail shown on the submitted plans was indicative, and advised that, in relation to the proposed directional signs, they sought only for approval in principle for the signs relating to their location, dimensions and height, and would work with Parks in relation to the content. The Department advised that the content, colour and final size of the signs would be subject to a condition that would require them to consult with the NPWS, and the final signage would be subject to Departmental (Secretary's) approval.

Transport for NSW

Kosciuszko Road is a classified road for which TfNSW is the roads authority within KNP. The Department referred the application to TfNSW, particularly in relation to the location and operation of boom gates, to ensure that the development did not adversely impact the safety, efficiency and ongoing operation of the classified road.

TfNSW had regard to the location and design of the driveway to the tourist park, including to the nature and speed of vehicles using the driveway and those on Kosciuszko Road, and the visibility, potential volume and characteristics of vehicles operating in the locality.

The Applicant was requested to provide further information demonstrating that turning circles could be achieved by vehicles entering the driveway to the KTP, demonstrating vehicles could manoeuvre with safety if the boom gate barriers were in place. For road safety, TfNSW advised that the boom gates were to be positioned and designed to allow vehicles to enter and exit the site in a forward direction without reversing onto Kosciuszko Road. The Applicant worked with TfNSW and the Department to revise the location of the boom gates to ensure they were appropriately located.

Advice was also received from TfNSW in relation to the location and the content of the signage, and the Applicant was requested to revise accordingly.

In reviewing the application, TfNSW also originally indicated that another existing gravel track located on the southern side of the subject driveway should be removed. TfNSW indicated that a physical barrier should be installed to prevent vehicles entering and exiting via this secondary track given that it was not appropriately positioned for safe use. While the track was originally thought to be an alternative access to the manager's residence area of KTP, it was later advised to be a track installed by the NPWS to a water treatment facility. The advice from TfNSW in relation to the track was relayed to the NPWS. Given the subject secondary track does not relate to this development, it has been referred to the subject agencies to discuss separately.

Rural Fire Service

The development relates to works that are ancillary to a tourist accommodation facility which is located on bushfire prone land. As such, the proposal is classified as development for a special fire protection purpose (SFPP).

The proposal as originally proposed included a staff accommodation component. However, the change of use (from a kiosk to staff accommodation) was removed when the application was amended. The amended application was referred back to the RFS for further consideration, and the RFS issued an updated Bush Fire Safety Authority for the works, subject to general terms of approval.

The General Terms of Approval issued by the RFS required the access road for SFPP developments comply with general requirements of Table 6.8b of Planning for *Bush Fire Protection 2019*, which includes requirements relating to traffic management devices which are to be constructed so as not to prohibit access by emergency services vehicles. Where gated access is unavoidable, suitable arrangements such as those outlined in the Bushfire Risk Assessment prepared by Firebird EcoSultants, ref: Kosciuszko Mountain Retreat – Raheja Projects – February 2025, dated 28/02/2025 are to be provided.

The subject Bushfire Risk Assessment report prepared by Firebird EcoSultants confirms that the proposed boom gate will include a mechanical override key to allow staff to disengage the motor and manually lift the arm if power fails. The report advises that a dedicated procedure outlining these steps – covering the

location of the override key, battery backup operation, and staff roles- will be included in the Park Management Plan. It advises that, in the event of a complete power outage, staff are available on-site 24/7 to unlock and lift the barrier. This ensures that emergency services will be provided with direct access to the property at all times and maintains compliance with SFPP requirements.

The RFS also required development of a Bush Fire Emergency Management and Evacuation Plan, prepared in accordance with Table 6.8d of *Planning for Bush Fire Protection 2019* and be consistent with the NSW RFS document: *A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan and include planning for the early relocation of occupants*, and that detailed plans of all emergency assembly areas, including on-site and off-site arrangements as stated in AS 3745 '*Planning for emergencies in facilities*', are clearly displayed.

Public Submissions

One public submission was received during the assessment of the application. A member of the public objected to the installation of the proposed boom gates indicating that it would restrict access to the National Park and people should be able to visit the park. The submitter was concerned the boom gates may restrict emergency services access to the site, would be unsightly and inconsistent with the values of a National Park, and that the reasoning of security risks and foregone revenue from entry by the (so-called) unauthorised vehicles to the location had not been justified in the DA.

The Department has considered the submission and does not support the contention that accommodation facility providers with private leases (or sublease agreements) in KNP cannot exclude vehicles (and people) from areas where those exclusions are consistent with their lease agreements, as discussed further in **Section 4**. Matters relating to the appearance and safety of the boom gates have been addressed elsewhere in this report.

4 Assessment

The Department has considered the relevant matters for consideration under section 4.15 of the EP&A Act, the SEE and supporting information, and the submissions from agencies and the public in its assessment of the proposal. The key issues in the Department's assessment of the proposal are:

- Environmental Impacts
- Design
- Public interest

4.1 Environmental impacts

Minimal earthworks are proposed and the Applicant has endeavoured to locate the works in areas that have already been disturbed to reduce the environmental impact of the development, as discussed throughout this report. Given the scale and nature of the development, and the proposed environmental protection measures outlined in the SEMP, the impacts on the environment during the construction are minor. The development is considered unlikely to have a significant effect on threatened species, populations or ecological communities or their habitats.

4.2 Design

The location and design of the boom gates is considered acceptable, where the Applicant has utilised the existing central-driveway island that separates the entry and exit paths to the facility, where connection to power for the boom gates is already available. This removes the need for additional earth works and trenching, reducing environmental disturbance to construct the boom gates.

While the boom gates will not be visible to motorists when they initially enter the KTP driveway after exiting from Kosciuszko Road, additional signage is proposed to ensure visitors seeking the Sawpit Rest Area are clear as to how they should access the site, and for only guests with bookings to the KTP facility to proceed.

The Applicant advises that it will not be possible to drive around the boom gates in the subject location as there are already structures in place that would prevent a vehicle circumventing the gates. To ensure the safety of the public and first responders in the event of an emergency, the boom gates will need to comply with the RFS requirements, as discussed in **Section 3**.

The Department is providing consent for the location and indicative maximum dimensions of the signs only. The content, colour and final dimensions of the signs will be subject to further development by the Applicant in discussion with the NPWS. While the signage location and configuration appears suitable, in principle, the Department will need to be satisfied in consultation with the NPWS that the final signage is appropriate in the location and consistent with Park requirements. Prior to approval to commence works on the signage, assessment relating to visual amenity will be closely considered having regard to the proposed content and colour palette of the signage and appropriateness relative to the proposed size. The Applicant is aware of the requirement for the signage to be developed further in consultation with the NPWS, and for the final information to be provided to the Department for the written consent of the Secretary or nominee, as will be confirmed as a requirement via a condition of consent.

Safety considerations relating to structural adequacy of boom gates and signs will be subject to BCA requirements. There are some questions regarding the following:

- the nature and placement of any coded initiation devices, which has been requested from the Applicant, whereas they advise this has been provided for and no additional structures are required,
- whether additional bollards will be required to prevent motorists attempting to leave the driveway and for the protection of the infrastructure, and
- details on the footing design for all posts, other than the boom gate lifting arm pillar, whereas the Applicant advises that the nature and extent of excavations for the works are exempt development, and
- method of installation of electricity to the gates, where the Applicant has been asked to supply these particulars, and they confirm that there is an electricity supply to near the boom gate site, and that no trenching will be required.

Further matters are for the certifier to manage at the construction stage in accordance with the conditions of consent.

4.3 Public interest

The public objection received in relation to the proposed development contends that the boom gate should not be permitted as exclusion of vehicles is inconsistent with public expectations of being able to access the National Park.

The Department notes that matters of extending private leases to permit the private commercial development and use of areas in the National Park are a matter for the NPWS, as are the terms of those leases. This application has been referred to the NPWS, and their Visitor Engagement & Revenue Branch (Leasing and Licensing section) have reviewed the application and have advised that the installation of boom gates and signage is permissible under the lease to the proponent for Kosciuszko Tourist Park. NPWS advised that the relevant provisions of the KNP Plan of Management have been considered, and the proposed works are consistent with the management objectives for Section 10.2 (Alpine Resorts Management Units), Section 5.6 (Visitor Services Zone), Section 11.6 (Environmental Quality) and Chapter 8 (Recreation). As such, NPWS raised no objection in relation to the works being inconsistent with the lease or the KNP Plan of Management.

The installation of boom gates to exclude members of the public from KTP tourist accommodation facility is regarded to be reasonable and prudent in the location and circumstances. This measure is not dissimilar to lodge operators in the alpine resorts placing traffic exclusion devices over their privately leased carpark areas and advising members of the public that lodge facilities are only available for the use of paying lodge guests. Likewise, it is reasonable to exclude members of the public who have not paid to use the private tourist park accommodation facilities.

The installation of the boom gates at the entry to caravan parks is a common feature of such facilities outside of the KNP. In the subject location, the use of boom gates is believed to support operational needs for the continued and appropriate use of the site, providing for improved visitor management and security for the guests of the existing tourist accommodation facility. Provision has been made for emergency access and egress, and the erection of additional directional signage will assist with traffic management. Approval of the development is believed to be consistent with the public interest.

5 Recommendation

The Department has assessed the merits of the proposal in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes the proposal is acceptable as:

- the proposal is permissible with consent under the Precincts - Regional SEPP,
- there will not be a significant impact on any threatened species, populations or ecological communities, and the natural environment and cultural values associated with KNP are protected, and
- the installation of boom gates and signage near the entry to the KTP will provide a valuable addition to support the operation of KTP and particularly guest amenity, while having a minimal and manageable impact on the environment.

Overall, the Department is satisfied that the proposal is suitable for the site and in the public interest.

The Department, therefore, recommends that the application be approved, subject to recommended conditions. In accordance with the Minister's delegation of 9 March 2022, a Team Leader, Alpine Resorts Team may determine the application as:

- no reportable political donation has been disclosed,
- there are less than fifteen (15) public submissions in which objection to the proposal has been raised,
- the application is in relation to land to which Chapter 4 of the Precincts - Regional SEPP applies.

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

- **considers** the findings and recommendations of this report
- **accepts** and adopts the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants** consent for the application in respect of DA 25/4026, subject to the recommended conditions
- **signs** the attached Development Consent (**Appendix A**).

Recommended by:



Sandria Butler
Senior Planning Officer
Alpine Resorts Team

Adopted by:



19/11/2025

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

Appendices

Appendix A – Recommended Instrument of Consent