

20 May 2025

Erin Murphy
Department of Planning, Housing and Infrastructure
PO Box 36
Jindabyne NSW 2627

Attention: Erin Murphy, Team Leader, Alpine Resorts Team

Via NSW Planning Portal

Dear Erin,

**Re: Section 4.55(1) – Application to Modify Development Consent DA No. 24/15287
Removal of and replacement of existing windows and doors within an existing tourist accommodation building, outlined in Condition A.2
Gunuma Lodge (Lot 24 DP756697) Smiggin Holes, Perisher Range Alpine Resort,
Kosciuszko National Park.**

This Statement of Environmental Effects (SEE) is submitted to the Department of Planning, Housing and Infrastructure on behalf of Gunuma Lodge Incorporated, in support of an application to modify Development Consent DA No. 24/15287 relating to Removal of and replacement of existing windows and doors within an existing tourist accommodation building, outlined in Condition A.2 at Gunuma Lodge (Lot 24 DP756697) 8 Plum Pine Road, Smiggin Holes, Perisher Range Alpine Resort, Kosciuszko National Park.

This request is made pursuant to Section 4.55(1) of the *Environmental Planning and Assessment Act 1979* ("the EPA Act").

The application is made under this section of the EPA Act as it has been noted that the development consent included a minor error made by the Department as discussed in Section 1 below.

Clause 4.55(1) notes:

Modifications involving minor error, misdescription or miscalculation A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify a development consent granted by it to correct a minor error, misdescription or miscalculation. Subsections (1A), (2), (3), (5) and (6) and Part 8 do not apply to such a modification.

Consequently, this application does not provide commentary on whether the development is substantially the same development, any planning assessment or assessment of impacts as would be required for an application under Clause 4.55(1) or 4.55(1A).



Department of Planning
Housing and Infrastructure

Issued under the Environmental Planning and Assessment Act 1979

Approved Section 4.55 (1) Modification Application

No 25/7756 (MOD 1) granted on the 11 June 2025

In respect to DA 24/15287

Signed M d'Souza

Sheet No 14 of 14

1. Overview

Department of Planning, Housing and Infrastructure issued Development Consent No. DA No. 24/15287 relating to Removal of and replacement of existing windows and doors within an existing tourist accommodation building, outlined in Condition A.2 at Gunuma Lodge (Lot 24 DP756697) 8 Plum Pine Road, Smiggin Holes, Perisher Range Alpine Resort, Kosciuszko National Park.

The Development Consent issued on 3 February 2025 included a condition, 'B.5 Existing and proposed fire safety measures – fire safety schedule'. This condition incorrectly referenced '*the previous building upgrade report issued by Trevor Howse, dated 10th October 1997*'. This error was only noted when the applicant submitted plans for a construction certificate.

It was noted in discussions between the applicant and the Department that this condition was written in error and should have referenced the report:

'Fire Safety Upgrade Master Plan, prepared by J Squared Consulting Engineers Pty Ltd, dated 28 August 2019, Report no. 0997 – Rev B Final', provided in Appendix 1.

This application for Modification of Consent seeks to modify this condition that made this minor error in referencing the wrong report. This request is made pursuant to Section 4.55(1) of the EPA & Act with the modification being sought to modify the following condition to the previous development consent:

B.5. Existing and proposed fire safety measures – fire safety schedule

Overall, there is considered to be no significant impacts over and above what was considered in the original application and the modification is worthy of the Department's support.

2. Site Description

The subject land to which this application relates is described as Lot 24 in DP756697 addressed as 8 Plum Pine Road, Smiggin Holes.

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

The location of the site is shown at **Figure 1**.

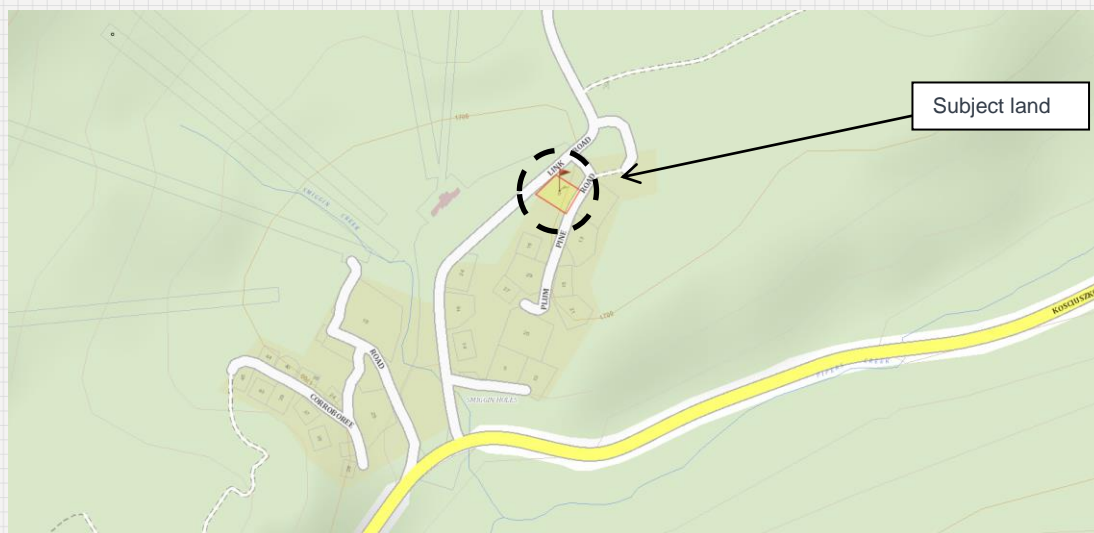


Figure 1 | Context Map, site outlined (Source: SixMaps)

The subject land is irregular in shape and is oriented approximately on a north-westerly axis with longer axes to the north and south and shorter axes to the east and west. The site has a 37 metre frontage to Plum Pine Road to the east and a 38 metre frontage to Link Road to the west with a total site area of 1,680m².

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

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

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

3. Consent to be Modified

The consent to be modified is Development Consent No. DA No. 24/15287 which was issued by the Department of Planning, Housing and Infrastructure on 3 February 2025. The development is described by the consent as "Removal of and replacement of existing windows and doors within an existing tourist accommodation building, outlined in Condition A.2".

Table 1 | Previous approval and modification history

Application No.	Approved	Description
DA No. 24/15287	3 February 2025	Removal of and replacement of existing windows and doors within an existing tourist accommodation building, outlined in Condition A.2

Specifically, this modification request seeks to modify condition:

B.5. Existing and proposed fire safety measures – fire safety schedule

4. Description of Proposed Modification

Overview

The application seeks to modify condition B.5 to reference the correct Fire Safety Upgrade Master Plan.

Modified Conditions of Consent

The proposed Modification of Consent seeks to amend the condition below. Wording proposed to be deleted is ~~struck out~~, wording to be added is coloured red and underlined and wording to remain is *italicised*.

The application seeks to modify condition B.5 as follows:

B.5. Existing and proposed fire safety measures – fire safety schedule

Prior to the issue of the construction certificate, the Applicant shall provide to the certifier:

- (a) a list of any existing fire safety measures provided in relation to the land or any existing building on the land, and
- (b) a list of the proposed fire safety measures to be provided in relation to the land and any building on the land as a consequence of the building work.

Note: An accurate fire safety schedule shall be issued with the construction certificate that includes reference to the ~~to the previous building upgrade report issued by Trevor Howse dated 10th October 1997~~ 'Fire Safety Upgrade Master Plan, prepared by J Squared Consulting Engineers Pty Ltd, dated 28 August 2019, Report no. 0997 – Rev B Final' and that lists measures that are relevant to the building including their location.

The fire safety schedule shall include reference to system monitoring for the connected fire alarm monitoring system.

The subject application does not require any modification of approved plans. The table below summarises the proposed modification.

Table 2 | Description of Proposed Modifications

Proposed Modification	Description
Modification of Condition B.5 Existing and proposed fire safety measures – fire safety schedule	The application seeks to modify Condition B.5 to include reference to the correct report: 'Fire Safety Upgrade Master Plan, prepared by J Squared Consulting Engineers Pty Ltd, dated 28 August 2019, Report no. 0997 – Rev B Final'.

5. Environmental Planning and Assessment Regulations 2021

The application is made pursuant to Section 4.55(1) of the EP&A Act and provides information in accordance with Clause 100 (1) and (3) of the Environmental Planning and Assessment Regulation 2021 (EP&A Regs) as detailed by **Table 3** below.

Table 3 | Content of a Modification Application

Matters to be addressed	Application Detail
(1) (a) the name and address of the applicant,	Applicant details: Gunuma Lodge Incorporated PO Box 990 Jindabyne NSW 2627
(b) a description of the development to be carried out under the consent	Removal of and replacement of existing windows and doors within an existing tourist accommodation building, outlined in Condition A.2
(c) the address and folio identifier of the land on which the development will be carried out	Gunuma Lodge (Lot 24 DP756697) 8 Plum Pine Road, Smiggin Holes, Perisher Range Alpine Resort, Kosciuszko National Park.
(d) a description of the modification to the development consent, including the name, number and date of plans that have changed, to enable the consent authority to compare the development with the development originally approved,	Refer to Section 3 and Section 4 of this Report. This application seeks to modify the Development Consent DA No. 24/15287 by amending condition B.5 and does not seek to modify approved plans.
(e) whether the modification is intended to— (i) merely correct a minor error, misdescription or miscalculation, or (ii) have another effect specified in the modification application,	The modification is intended to merely correct a minor error.

Matters to be addressed	Application Detail
<i>(f) a description of the expected impacts of the modification</i>	The proposed modification of Condition B.5 is administrative by nature to reference the correct Fire Safety Upgrade Master Plan and is therefore not anticipated to result in any impacts beyond those already considered for in the original assessment of the proposed development.
<i>(g) an undertaking that the modified development will remain substantially the same as the development originally approved</i>	<p>As noted in the introduction to this report, an application made under Clause 4.55(1) is not required to address whether the development is substantially the same development which is a requirement for applications made under Clause 4.55(1A) and 4.55(2).</p> <p>Notwithstanding, the development as to be modified by the amended Condition B.5, will remain substantially the same development as originally approved.</p>
<i>(h) for a modification application that is accompanied by a biodiversity development assessment report—the biodiversity credits information,</i>	Not applicable.
<i>(i) if the applicant is not the owner of the land—a statement that the owner consents to the making of the modification application,</i>	The applicant is not the owner of the land as this is leased from the Minister administering the National Parks and Wildlife Act 1974. However, the lessee is Gunuma Lodge Limited, who have provided consent for the development and making of the modification application.
<i>(j) whether the modification application is being made to—</i> <i>(i) the Court under the Act, section 4.55, or</i> <i>(ii) the consent authority under the Act, section 4.56.</i>	<p>Not applicable.</p> <p>The application is not being made to the court under section 4.55 or to the consent authority under 4.56.</p>

Matters to be addressed	Application Detail
<p>(3)</p> <p><i>If a modification application under the Act, section 4.55(1A) or (2) relates to BASIX development, or BASIX optional development if the development application was accompanied by a BASIX certificate, the application must be accompanied by—</i></p> <p><i>(a) the BASIX certificate, or</i></p> <p><i>(b) a new BASIX certificate if the current BASIX certificate is no longer consistent with the development.</i></p>	<p>Not applicable, the modification is not made under section 4.55(1A) or (2) of the act and the development is not classified as a BASIX affected development</p>

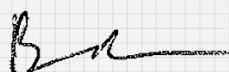
6. Conclusion

The subject application seeks to modify Development Consent No. DA No. 24/15287 relating to Removal of and replacement of existing windows and doors within an existing tourist accommodation building, outlined in Condition A.2 at Gunuma Lodge (Lot 24 DP756697) 8 Plum Pine Road, Smiggin Holes, Perisher Range Alpine Resort, Kosciuszko National Park.

As discussed above, the proposed development remains substantially the same as the previously approved development and is not anticipated to result in any impacts beyond those already considered for in the original assessment of the proposed development.

Having regard to the above, it is recommended that the proposed modification is supported by the Department. I trust that the above and attached information will enable Council to favourably determine this modification.

Should you have any queries please contact the undersigned directly on 6021 0662 or brendan@habitatplanning.com.au.



Brendan Pearson

Consultant

Appendix 1: Fire Safety Upgrade Master Plan
