



# Gunuma Lodge, Smiggin Holes - Modification 1

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Modification Application Assessment (MOD 25/7756 (DA 24/15287 MOD 1))

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

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# Glossary

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

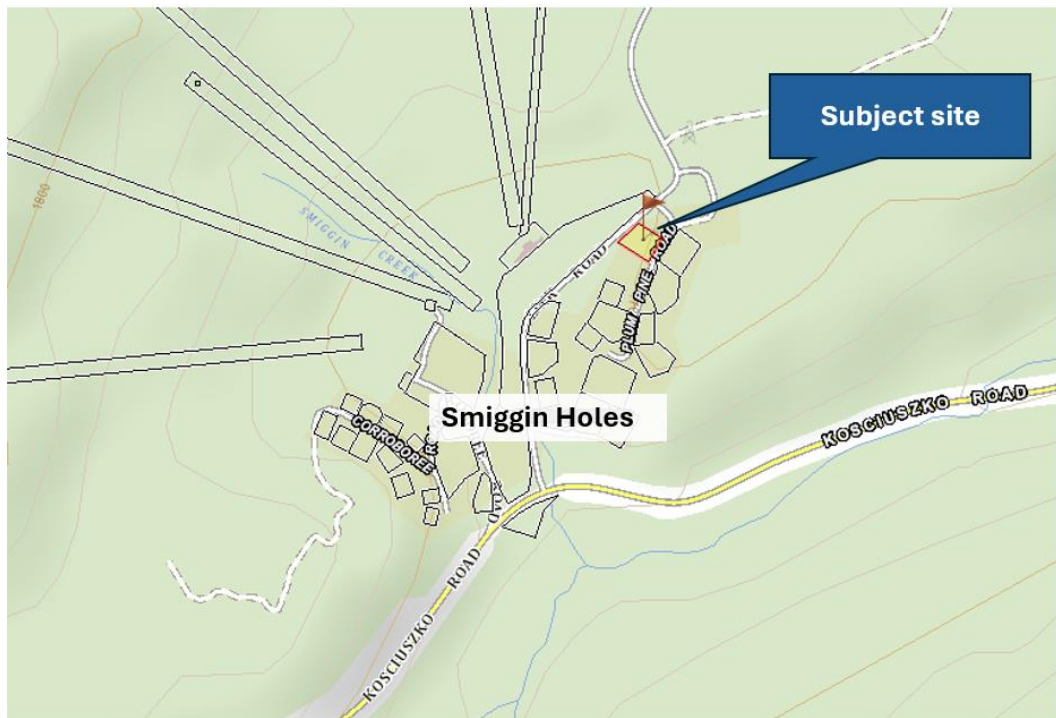
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# 1 Introduction

This modification application seeks approval to modify development consent DA 24/15287 for the replacement of all existing windows and doors at Gunuma Lodge, Smiggin Holes, located on Lot 24 DP 756697, Smiggin Holes, within the Perisher Range Alpine Resort in Kosciuszko National Park (KNP) (Figure 1 and Figure 2).



**Figure 1** | Location of Gunuma Lodge within Smiggin Hole, Perisher (Source: Sixmaps with DPHI annotations, 2025)



**Figure 2** | View of Gunuma Lodge from the eastern elevation (Source: Applicant's documentation for DA 24/15287)

On 3 February 2025, the Team Leader of the Alpine Resorts Team, as delegate of the Minister for Planning, granted consent to Development Application DA 24/15287 for the replacement of all existing windows and doors at Gunuma Lodge.

This modification application has been lodged by Gunuma Lodge Incorporated (the Applicant) pursuant to section 4.55(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The application seeks approval to amend Condition B5 (Existing and proposed fire safety measures – fire safety schedule) to correct the reference to the building upgrade report to be used to inform the proposed fire safety schedule to be issued with the construction certificate (CC) for the works approved under DA 24/15287.

The 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 Mandatory Matters for Consideration

The Department conducted a comprehensive assessment of the project against the mandatory matters for consideration as part of the original assessment of DA 24/15287. The Department considers this modification application does not result in significant changes that would alter the mandatory matters for consideration under section 4.15 if the EP&A Act and conclusions made as part of the original assessment.

#### Objects of the EP&A Act

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

#### Biodiversity Conservation Act 2016

The Minister or delegate must consider the objects of the EP&A Act when making decisions under the Act. Section 1.7 of the EP&A Act requires the application of the *Biodiversity Conservation Act 2016* (BC Act) in connection with the terrestrial environment. The BC Act introduced a Biodiversity Offsets Scheme (BOS) that applies when:

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

The Department notes that no additional vegetation management is required to facilitate the modification and no additional site disturbance is likely in relation to the proposed modification works.

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

#### Environmental Planning Instruments

The Precincts – Regional SEPP is the principal EPI that applies to this application. An assessment of compliance with the Alpine SEPP was undertaken in the determination of the original application DA 24/15287.

The Department has considered the current modification application against the provisions of Chapter 4 of the Precincts – Regional SEPP and is satisfied the modification proposal continues to be consistent with this EPI.

## 2.2 Scope of modifications

Section 4.55(1) of the EP&A Act provides that a consent authority may, on an application being made by the Applicant or any other person entitled to act on a consent granted by the consent authority, and subject to and in accordance with the Environmental Planning and Assessment Regulations 2021 (EP&A Regulations), modify a consent if the following requirements in **Table 1** are met:

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

Section 4.55(1) - Evaluation	Comment
<i>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.</i>	The application seeks to amend Condition B5 (Existing and proposed fire safety measures – fire safety schedule) to update the reference to the building upgrade report to be used to inform the proposed fire safety schedule to be issued with the CC for the works approved under DA 24/15287.
<i>Subsections (1A), (2), (3), (5) and (6) and Part 8 do not apply to such a modification.</i>	Noted.

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

## 2.3 Other approvals

### Rural Fires Act 1997

The original application required a Bush Fire Safety Authority (BFSA) from the RFS under section 100B of the *Rural Fires Act 1997* as integrated development pursuant to section 4.46 of the EP&A Act. Due to the minor nature of this application, the proposal is considered to still be consistent with the *Rural Fires Act 1997* and the re-issuing of the BFSA is not considered to be necessary.



## 3 Submissions

### 3.1 Department's engagement

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

The Department also notes that the CPP advises that applications for development consent under Chapter 4 of the Precincts – Regional SEPP are not required to be public exhibited if the proposal relates to works which are wholly internal to a building or where the site is located more than fifty (50) metres from a tourist accommodation building.

As the modification is administrative in nature, the Department published the application on the NSW Planning Portal and considered further notification to be unnecessary.

## 4 Assessment

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

- previous Environmental Assessment Reports for the proposal
- the modification application and existing conditions of consent
- relevant environmental planning instruments, policies and guidelines
- requirements of the EP&A Act.

The modification proposes to amend Condition B5 (Existing and proposed fire safety measures – fire safety schedule) to correct the reference to the building upgrade report to be used to inform the proposed fire safety schedule to be issued with the CC, as the building upgrade report referenced in the approved conditions has been superseded, and the report was referenced in error.

The Department notes that the Applicant initially requested amending the wording of the condition to reference the most current version of the building upgrade report. However, the Department has instead suggested wording which requests that the fire safety schedule references any building upgrade report relevant to the building, to ensure that the condition does not need to be amended in the future if the building upgrade report is superseded or amended.

Noting the above, the proposed modification to the consent is supported, subject to updating the conditions of consent where relevant to the modification.

## 5 Recommendation

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act.

The Department's assessment concludes that the proposed modification is appropriate as the modification is of minimal environmental impact and is substantially the same development as originally approved. The proposed modifications to conditions are acceptable; the proposal continues to comply with the Precincts – Regional SEPP provisions; and the site remains suitable for the development, as modified.

Overall, the Department is satisfied that supporting the modified proposal is in the public interest.

As the original application was determined under the delegation of the then Minister for Planning, the Minister therefore remains as the consent authority for any subsequent applications to modify the consent. In accordance with the Minister's delegation of 9 March 2022, the Team Leader, Alpine Resorts Team may determine the application as:

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

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

- **considers** the findings and recommendations of this report
- **determines** that the modification application MOD 25/7756 (DA 24/15287 MOD 1) falls within the scope of section 4.55(1) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modifies** the consent DA 24/15287
- **signs** the attached approval of the modification (**Appendix A**).

**Recommended by:**



**Meg D'souza**  
Senior Planning Officer  
Alpine Resorts Team

**Adopted by:**



11/6/2025

**Erin Murphy**  
Team Leader  
Alpine Resorts Team, Regional Assessments  
as delegate of the Minister for Planning

# Appendices

## Appendix A – Recommended Instrument of Consent