



# Riverside Cabins, Thredbo Village

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Development Application Assessment  
DA 10629

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

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# Glossary

Abbreviation	Definition
<b>BCA</b>	Building Code of Australia
<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 and Environment
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2000</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
<b>NPWS</b>	National Parks and Wildlife Service
<b>Planning Secretary</b>	Secretary of the Department of Planning and Environment
<b>RFS</b>	NSW Rural Fire Service
<b>SEPP</b>	State Environmental Planning Policy

# Executive Summary

This report provides an assessment of a Development Application (DA 10629) seeking approval to undertake external works to the existing cabins within 'Riverside Cabins', Diggings Terrace, Thredbo Village, Thredbo Alpine Resort within Kosciuszko National Park (KNP). The Applicant is Anthony Clarke (on behalf of the Riverside Cabins Association).

On 1 March 2022, the *State Environmental Planning Policy (Kosciuszko National Park-Alpine Resorts) 2007* (the Alpine SEPP) was consolidated into the *State Environmental Planning Policy (Precincts - Regional) 2021* (known as Precincts - Regional SEPP in this report). The SEPP consolidation is administrative. No policy changes have been made.

The Minister for Planning is the consent authority for development within a ski resort in KNP and the proposal is permissible with consent under the provisions of the Precincts – Regional SEPP.

The Department of Planning and Environment (the Department) exhibited the application between 30 September 2020 to 15 October 2020 in accordance with the Department's Community Participation Plan as the works include external alterations to an existing tourist accommodation building within 50 metres of other tourist accommodation buildings. The Department received received submissions from the NSW Rural Fire Service (RFS) and the National Parks and Wildlife Service (NPWS). No submissions from the public were received.

The Department has assessed the proposal in accordance with relevant matters under section 4.15(1) and the objects of the *Environmental Planning and Assessment Act, 1979* (EP&A Act), the principles of Ecologically Sustainable Development, and issues raised in all submissions.

The Department considers the proposal is acceptable as:

- there will not be a significant impact on any threatened species, populations or ecological communities
- the works provide repairs and maintenance to the exterior of the cabins without impacting on adjoining properties and reducing ongoing maintenance of the buildings
- construction impacts on the surrounding environment would be minimised by the staggered nature of the works as well as the location of the complex within the village
- the recommended conditions would require construction impacts to be minimised having regard to the existing native vegetation, and all disturbed areas to be rehabilitated following construction

The Department's assessment concludes the application is in the public interest as it supports the ongoing use of the existing building for tourist accommodation which supports the regional plan for the locality and maintains its consistency with the Precincts - Regional SEPP.

The Department therefore recommends the application be approved subject to conditions.

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# 1 Introduction

## 1.1 The Department's assessment

This report contains the Department's assessment of Development Application (DA 10629) at Riverside Cabins (Lot 772 DP 1119757), Diggings Terrace, Thredbo Village, Thredbo Alpine Resort within KNP.

Anthony Clarke, President of the Riverside Cabins Association (the Applicant) is seeking development consent to undertake external works to the majority of the existing cabins (works to 45 of 50 cabins) within the Riverside Cabins complex (**Figure 1**) comprising replacement of the existing cedar cladding, replacement of timber decking and repair of exposed underfloor areas of the cabins.

The Department's assessment considers all documentation submitted by the Applicant, including the Statement of Environmental Effects (SEE), the Applicant's response to request for information, and submissions from government authorities. The Department's assessment also considers the legislation and planning instruments relevant to the site and the development.

This report describes the development, surrounding environment, relevant strategic and statutory planning provisions and the issues raised in submissions. The report evaluates the key issues associated with the development and concludes that the development is in the public interest and should be approved, subject to conditions.



**Figure 1** | Site in context of Thredbo Village (Source: SIX Maps 2020)

## 1.2 Site location and context

Thredbo Alpine Resort is located within KNP and provides a year-round destination resort catering for both winter and summer activities, with mountain biking continuing to be one of the main attractions during the summer months.

Riverside Cabins are located in the south-western end of Thredbo Village adjacent to the Thredbo golf course (**Figure 1**). The cabins are an array of 50 one and two-bedroom cedar clad cabins constructed in the mid-1990s which are used for tourist accommodation and accessed via a carriageway off Diggings Terrace (**Figure 2**).

The cabins are bordered by the Thredbo River and adjoining golf course to the north, Eucalypt bushland to the south and west and Diggings Terrace to the east.



**Figure 2** | Photograph of typical cabins (Source: Department site inspection)



## 2 Project

The application seeks approval for external works to 45 of the 50 cabins comprising:

- (a) replacement of deteriorated and weather damaged external cedar cladding with cedar cladding or a bushfire resistant hardwood cladding (**Figure 3**)
- (b) replacement of the cedar cladding on three sides of the lantern roof pop outs with Colorbond metal cladding to match the existing roof cladding (**Figure 4**)
- (c) replacement of the decking boards and decking fascia with new bushfire resistant hardwood boards (**Figure 5**)
- (d) upgrade the underfloor components of cabins (some of which are impacted by rodent damage) with the installation of a metal soffit lining (**Figure 6**)

The 45 cabins that are seeking approval for the following above works:

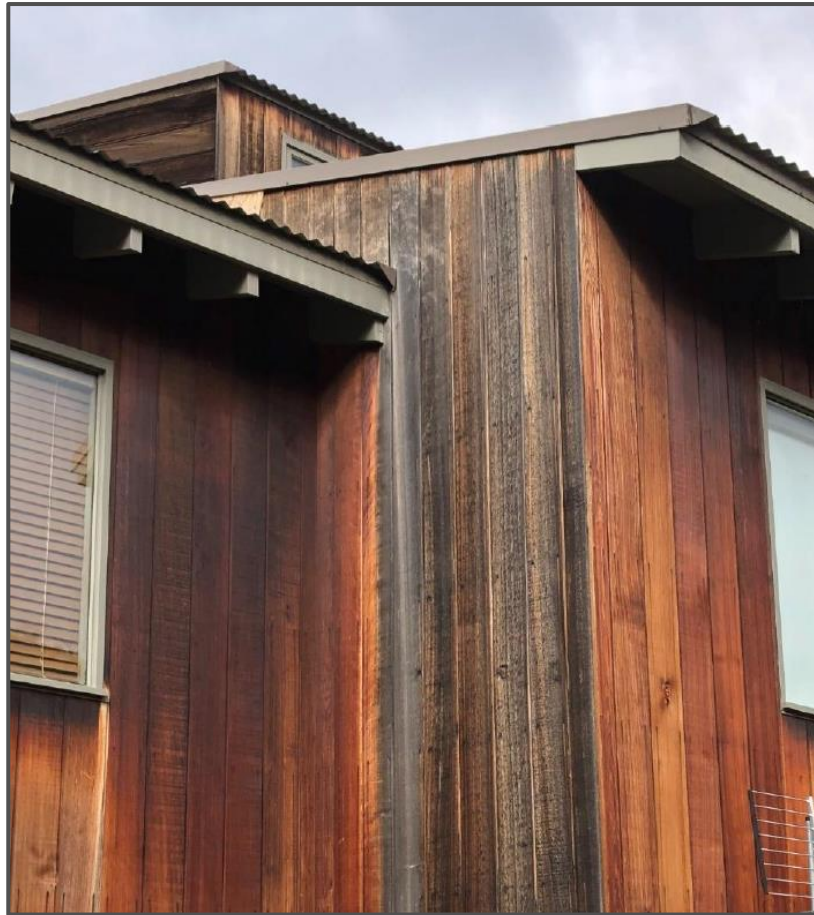
- Cabins 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 14, 14A, 16, 19, 21, 24, 25, 26 – **items a, b, c, d**
- Cabins 11, 15 – **items a, b**
- Cabin 2A, 23, 34, 35, 36, 37, 38, 39, 40 – **items a, b, d**
- Cabins 17, 34 – **items b, d**
- Cabins 18, 20, 22 – **items b, c, d**
- Cabins 41, 42 – **items a, d**
- Cabins 43, 44, 47, 48, 49, 50 – **item a**
- Cabins 46, 53, 54 – **item d**

The works are proposed to ensure appropriate maintenance can be carried out on the Riverside complex that is complementary to the existing buildings as well as compliant with the current standards of construction. The Applicant also states that the proposed works will also result in a better bushfire risk outcome.

All the works are proposed entirely within the existing building footprint with no change to the volume, floor space or overall building envelope with no on ground impacts.

The proposal has a cost of works of approximately \$544,000.





**Figure 3** | Example of deteriorated cedar cladding to be replaced (item a) (Source: Applicant's documentation)



**Figure 4** | Example of lantern pop outs to be replaced with metal cladding (item b) (Source: Applicant's documentation)





**Figure 5** | Example of decking and deck fascia to be replaced (item c) (Source: Applicant's documentation)



**Figure 6** | Example of underfloor to be repaired (item d) (Source: Applicant's documentation)

### 3 Strategic context

The Snowy Mountains region offers a diverse and unique mix of visitor destinations including the KNP, the alpine resorts, the iconic Snowy River and the highest mountains on the Australian continent. A strong tourism economy is driven mainly by skiing and related winter sport experiences during the peak winter season. The region, including the alpine resorts, also provides opportunities for a range of other recreational activities during the warmer months such as hiking, fishing, kayaking and mountain-biking. The resorts are important to NSW due to their economic and social contribution as well as their location within a unique alpine environment. The two main documents that support the strategic context of the alpine resorts are the *South East and Tableland Regional Plan 2036* and the *Precincts - Regional SEPP*.

#### **South East and Tableland 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 Department considers the proposal is consistent with the Regional Plan as it improves the external appearance and reduces ongoing maintenance of the tourist accommodation cabins, which enables the ongoing use of the cabins supporting visitation to the NSW ski resorts.

#### **Precincts – Regional SEPP**

The Precincts - Regional SEPP governs development on land within the ski resort areas of KNP. The SEPP aims to protect the natural and cultural heritage of land within the resorts and to encourage environmentally sustainable development. Under the provisions of the Chapter 4 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 broad range of values found in the park.

The Department considers the proposal is consistent with the Precincts - Regional SEPP as the proposal appropriately minimises the potential impacts on the environment by restricting works to the existing building footprint area. An Asset Protection Zone (APZ) plan has also been endorsed by the NPWS, which enables management of land outside of the allotment to reduce bushfire construction standards and ensures compliance with the RFS requirements.



## 4 Statutory Context

### 4.1 Consent Authority

Under clause 4.6 of the Precincts - Regional SEPP, the Minister for Planning is the consent authority for the application as the development takes place within a ski resort area as referred to in clause 32C (2)(a) of Schedule 1 to the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017*.

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 less than 15 public submissions in the nature of objections
- the application is in relation to land which Chapter 4 of the Precincts - Regional SEPP applies

### 4.2 Permissibility

The proposal includes external alterations to a building while maintaining the use of the site consistent with the definition of 'tourist accommodation' as defined in the Precincts - Regional SEPP. Pursuant to clause 4.9 of the Precincts - Regional SEPP, 'tourist accommodation' is permissible with consent within the land use table of Thredbo Alpine Resort.

### 4.3 Other approvals

#### Rural Fires Act 1997

As the works include external alterations to a tourist accommodation building located on bushfire prone land, an approval is required from the NSW Rural Fire Service (RFS) under Section 100B of the *Rural Fires Act 1997* in the form of a Bushfire Safety Authority. Refer to **Section 5** for further discussion on this component.

### 4.4 Mandatory Matters for Consideration

#### Objects of the EP&A Act

The Department has considered the proposal against the relevant objects of the EP&A Act in **Appendix B**. The Department is satisfied the proposal is consistent with the objects as:

- there would not be an unacceptable impact on the environment, thus being ecologically sustainable development, with impacts upon native vegetation limited to implementation of the APZ plan endorsed by NPWS separate to the application
- works are aimed at improving the existing Riverside Cabins complex, thereby supporting the orderly and economic use of the site without impacting on neighbouring properties

- the application is capable of achieving compliance with relevant construction standards
- the Department provided opportunities for community participation in the assessment process, which included exhibiting the application, notifying adjoining landowners, and displaying the proposal on the Department's website during the exhibition period. The Department has considered the issues raised in submissions in **Section 6**

### 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 by the Applicant and mitigation measures are proposed 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 the ESD principles, in accordance with the objects of the EP&A Act as follows:

- the proposal is not expected to adversely impact upon the health, diversity, or productivity of the environment for future generations
- the Applicant has recognised the value of the environment and designed the development accordingly with works limited to the existing building facades, with minimal vegetation management required to meet the NSW RFS requirements
- 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 effect threatened species or ecological communities, or their habitats; or
- the works are carried out in a declared area of outstanding biodiversity value.

The Applicant originally indicated that the proposal does not require any removal of native vegetation, that the site is located outside of an area mapped on the BVM and that the proposal would not have a significant effect on threatened species, populations, ecological communities, or their habitats.

NPWS comments received during the assessment of the application included that the NPWS concurs that the development, as proposed, is not likely to affect threatened species and does not trigger the BOS. However, if any clearing of native vegetation is required in order for this DA to fulfil the RFS recommendation (RFS letter dated 1 October 2020) for the lease area to be managed as an Inner Protection Area (IPA), this may require reassessment of the BC Act. We note that part of the lease area is mapped by NPWS as Broad-tooth Rat habitat.

During the assessment of the application, the Riverside Cabins Association sought an Asset Protection Zone (APZ) plan for the site through NPWS. NPWS has endorsed a APZ plan, which the Riverside Cabins Association has started to facilitate on site.

The Department notes that there is currently no declared area of outstanding biodiversity value within KNP.

### Considerations under section 4.15 of the EP&A Act

Under section 4.15 of the EP&A Act, in determining a development application, a consent authority is required to take a number of matters into consideration in relation to the proposed development. The Department has given due consideration to the matters prescribed by section 4.15 as outlined in **Table 1** below.

The table represents a summary for which consideration is provided for in **Section 6** (Assessment) and relevant appendices or other sections of this report, referenced in the table.

**Table 1 | 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 applicable EPI which applies to the site for this type of development. An assessment against the requirements of the Precincts - Regional SEPP is provided in <b>Appendix B</b> . The Department is satisfied that the application is consistent with the requirements of the Precincts - Regional SEPP.
(a)(ii) any proposed instrument	Not applicable to proposal.
(a)(iii) any development control plan	Not applicable to proposal.
(a)(iiia) any planning agreement	Not applicable to proposal.
(a)(iv) the regulations	<p>The application satisfactorily meets the relevant requirements of the EP&amp;A Regulation, particularly the procedures relating to development applications (Part 6) and fees (Part 15, Division 1).</p> <p>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.</p>



(a)(v) any coastal zone management plan	Not applicable to proposal.
(b) the likely impacts of that development	The Department has considered the likely impacts of the development, with no native vegetation impacts likely to occur as a result of the proposal except those required for the provision of the APZ (as discussed above in <b>Section 4.4</b> ). The proposal is considered to have positive economic and social impacts.
(c) the suitability of the site for the development,	The site is suitable for the development and supports the ongoing use of the building.
(d) any submissions made in accordance with this Act or the regulations,	Consideration has been given to agency submissions received during the exhibition period. See <b>Section 5</b> of this report.
(e) the public interest.	<p>The works are consistent with the aim and objectives within Chapter 4 of the Precincts - Regional SEPP, would be compatible to the uses of the locality and there would not be an adverse impact on the environment. The proposal is consistent with the principles of ESD.</p> <p>As such, the proposal is in the public interest.</p>

## 5 Engagement

### 5.1 Department's Engagement

The Department's Community Participation Plan, November 2019, prepared in accordance with schedule 1 of the EP&A Act requires applications of development consent to be exhibited for a period of 14 days. However, applications 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 50 metres away from a tourist accommodation building.

As the works include external alterations to an existing tourist accommodation building within 50 metres of other tourist accommodation buildings, the Department exhibited the application from 30 September 2020 until 15 October 2020 on the Department's website and exhibited to nearby lodges.

The application was forwarded to the NSW Rural Fire Service (RFS) for comment noting the site is bushfire prone and that the Applicant originally did not indicate that the proposal be considered as integrated development. Following additional discussions with the Applicant, the Applicant amended the proposal to be seek a Bushfire Safety Authority under the *Rural Fires Act 1997*, pursuant to Section 4.46 of the EP&A Act (integrated development).

The application was also referred to the NPWS pursuant to clause 4.15 of the Precincts - Regional SEPP.

### 5.2 Summary of submissions

During the exhibition period, the Department received comments from the RFS and NPWS. No public submissions were received.

The RFS did not object to the proposal and issued comments for consideration, including that the site be maintained an Inner Protection Area for the purpose of an APZ. As mentioned above, following additional discussions between the Applicant and the Department on materials proposed for the replacement cladding, the Applicant amended the proposal and sought a BFSA from the RFS.

The RFS did not object to the proposal and issued a BFSA under clause 100B of the *Rural Fires Act 1997*, that includes, but not limited to:

- all land within the subject leasehold site be managed as an Inner Protection Area (IPA)
- all proposed external alterations to the existing building identified as repair and replacement works shall:
  - Not comprise the making of, or an alteration to the size of, any opening in a wall or roof, such as a doorway, window or skylight;
  - Be adequately sealed or protected to prevent the entry of embers; and
  - Use equivalent or improved fire-resistant materials that do not affect any existing fire resisting components of the building.
- the existing buildings are required to be upgraded where practical to improve ember protection (if not already constructed to the BAL under AS 3959)

The NPWS did not object to the proposal and provided comments and recommended conditions on leasing and KNP Plan of Management, BC Act, protection of native vegetation and aboriginal cultural heritage. NPWS also commented that the lease area includes Broad-tooth Rat habitat and that any APZ plan for the site would need to be endorsed by NPWS prior to works commencing (it is noted that NPWS endorsed an APZ plan separately during the assessment of this application).

The Department has considered the comments received from the RFS and NPWS in **Section 6** or through recommended conditions in the instrument of consent at **Appendix C**.



## 6 Assessment

The Department has considered the relevant matters for consideration under section 4.15 of the EP&A Act, the Statement of Environmental Effects (SEE) and supporting information in its assessment of the proposal. The key issues in the Department's assessment are:

- built form and impacts of the works
- design details and standards
- unauthorised works

Each of these issues is discussed in the following sections of this report.

### 6.1 Built form and impacts of the works

The Applicant's intention is to maintain the look of the cabins replacing cladding like for like or with new bushfire resistant hardwood cladding. The replacement of timber for metal cladding on the lantern pop-out sections is the only proposed change of materials. The proposed metal cladding would match the existing roof and would have minimal impact on the built form and appearance of the Riverside complex.

The proposal comprises works to 45 cabins and as such is a relatively large scale project, however due to the nature in which the Applicant intends to carry out the works, that is on an as needs basis to maintain the complex, the works should not have an impact on the nearby buildings. Also, the Riverside complex is bounded by Thredbo river and a golf course to the north and bushland vegetation to the south, this will further reduce the impacts of the proposal on the locality.

In terms of the proposal's impact on the environment, the provision of an APZ will involve vegetation removal. The Applicant submitted an APZ plan to the NPWS who endorsed the plan which provides ongoing vegetation management for the life of the development.

The Department's assessment concludes that the proposed external works to the building are acceptable and ensures improvements to the existing building complex, improves bushfire protection, while undertaking works that do not negatively impact the built form, or nearby buildings.

Subject to compliance with recommended conditions, the Department is of the view that the proposed works would not adversely impact upon nearby buildings or the environment.

### 6.2 Design details and standards

The proposed works, when constructed, are to comply with the Building Code of Australia (BCA) and relevant Australian Standards. The Department has also considered whether any upgrades to the building are required as part of its assessment in accordance with Clause 94 of the EP&A Regs. The Department notes that compliance with relevant requirements is to be determined at the construction certificate stage by the certifier and in accordance with conditions of consent.

- All new work (or work as part of the DA) must comply with the BCA. The Department considers that compliance with the BCA is achievable, with documentation confirming compliance required to be provided at the Construction Certificate stage.

- In relation to bushfire, the BCA requires construction to comply with the BFSa issued by the RFS (see **Section 5**). The BFSa is incorporated into the conditions of the consent and compliance must be verified at the construction and occupation certificate stages.

The BFSa also requires the existing buildings be upgraded where practical to improve ember protection (if not already constructed to the relevant Bushfire Attack level under Australian Standard AS3959). Improved ember protection can be achieved by undertaking some, or all of the following; enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any subfloor areas, openable windows, vents, weep holes and eaves. External doors are to be fitted with draft excluders.

Details of proposed upgrades to improve ember protection shall be submitted with the application for the Construction Certificate.

- Clause 94 of the EP&A Regulation requires a consent authority to review a building and consider whether upgrades are warranted to bring the existing building into total or partial compliance with the BCA. The existing fire safety measures within the building were certified on 29 June 2021 in the annual fire safety statement of the whole completed. Given that this application is on seek consent for external repair and maintenance works, additional building upgrades are not considered necessary.

The Department concludes that subject to compliance with the conditions of consent, including references to the BCA which is to be addressed by the certifier at the Construction Certificate stage, the proposal is satisfactory and would improve the amenity of the building for its occupants.

### 6.3 Unauthorised works

Over an unknown period of time, several owners of individual cabins have constructed underfloor storage sheds underneath their cabins (**Figure 7**). The storage sheds would have required development consent and are not considered to comply with the current BCA. The Department has discussed this issue with the Applicant, and suggested that this issue could potentially be resolved under this DA, however the Applicant does not want to seek approval for these storage sheds under this DA.

Therefore, the sheds will be treated as a separate compliance matter with the individual cabin owners.



**Figure 7** | Example of underfloor storage (Source: Department inspection)

## 7 Evaluation

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:

- there will not be a significant impact on any threatened species, populations or ecological communities
- the works provide repairs and maintenance to the exterior of the cabins without impacting on adjoining properties and reducing ongoing maintenance of the buildings
- construction impacts on the surrounding environment would be minimised by the staggered nature of the works as well as the location of the complex within the village
- the recommended conditions would require construction impacts to be minimised having regard to the existing native vegetation, and all disturbed areas to be rehabilitated following construction

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.

## 8 Recommendation

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
- **accepts** and adopts all of 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 10629, subject to the recommended conditions
- **signs** the attached Development Consent (**Appendix C**).

**Recommended by:**

A handwritten signature in black ink that reads "Mark Brown." with a horizontal line underneath the name.

16 March 2022

**Mark Brown**

Senior Planner

Alpine Resorts Team



## 9 Determination

The recommendation is **Adopted / Not adopted** by:



16 March 2022

**Daniel James**

Team Leader

Alpine Resorts Team

as delegate of the Minister for Planning

# Appendices

## Appendix A – List of referenced documents

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows.

1. Statement of Environmental Effects
2. Submissions

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=10629](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=10629)

## Appendix B – Statutory Considerations

### OBJECTS OF THE EP&A ACT

The objects of the EP&A Act are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant consent/ approval) are to be understood as powers to advance the objects of the legislation, and limits on those powers are set by reference to those objects.

Therefore, in making an assessment, the objects set out in Section 1.3 of the EP&A Act should be considered to the extent they are relevant. A response to the objects is provided in the table below.

Objects of the EP&A 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,	<p>The proposal supports the ongoing use of the Riverside Cabin complex through improving external structures, without negative impacts on the environment.</p> <p>The location of the site and staggered nature of the works minimise impacts on the environment.</p>
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	<p>The proposal would not have an unacceptable impact on the environment thus being ecologically sustainable development. Mitigation measures during construction have been considered and rehabilitation of impacted areas are supported.</p>
(c) to promote the orderly and economic use and development of land,	<p>The development seeks approval for works that are aimed at supporting the ongoing use of the site for 'tourist accommodation'.</p>
(d) to promote the delivery and maintenance of affordable housing,	<p>Not applicable to proposal.</p>
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	<p>The impacts upon the environment have been limited where possible, with works limited to the existing building envelope (except for the implementation of the APZ plan endorsed by NPWS) and providing material storage within hardstand parking areas.</p>

(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The proposed development is not anticipated to result in any impacts upon built and cultural heritage, including Aboriginal cultural heritage.
(g) to promote good design and amenity of the built environment,	The Department considers that the proposal responds to its existing setting, built form and minimises impacts upon natural environment.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The Department has recommended conditions of consent to ensure the construction of the proposal is undertaken in accordance with legislation, guidelines, policies and procedures (refer to <b>Appendix C</b> ).
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the proposal ( <b>Section 5</b> ), which included consultation with government agencies and consideration of their responses.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal ( <b>Section 5</b> ), which included notifying the neighbouring lodges, and displaying the application on the Department's website.

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

To satisfy the requirements of section 4.15(a)(i) of the EP&A Act, this report includes references to the provisions of the EPIs that govern the carrying out of the project and have been taken into consideration in the Department's environmental assessment.

On 1 March 2022, the *State Environmental Planning Policy (Kosciuszko National Park-Alpine Resorts) 2007* (the Alpine SEPP) was consolidated into Chapter 4 of the *State Environmental Planning Policy (Precincts - Regional) 2021 (Precincts - Regional SEPP)*. Chapter 4 of the Precincts – Regional SEPP is applicable to the development. Consideration of the matters to be considered is provided below:

### CI 4.12(1) - Matters to be considered by consent authority

(a) the aim and objectives of this policy, as set out in clause 4.1	The proposal is consistent with the aim and objectives within Chapter 4 of the Precincts – Regional SEPP in that it is consistent with the principles of ESD and supports the ongoing use of the site for 'tourist accommodation'.
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(b) the conservation of the natural environment and any measures to mitigate environmental hazards (including geotechnical hazards, bush fires and flooding),	The proposal is appropriate as it allows for improvements to external components of an existing building complex while having an acceptable impact on the environment. Natural hazards have been adequately addressed.
(c) the cumulative impacts of development on existing transport, effluent management systems, waste disposal facilities or transfer facilities, and existing water supply,	No adverse cumulative impacts are anticipated as the proposal will not result in any changes to existing transport, effluent management systems, waste disposal facilities, transfer facilities or water supply.
(d) any statement of environmental effects,	The SEE and information supplied are considered adequate to enable a proper assessment of the works.
(e) the character of the alpine resort,	The proposal would not adversely alter the character of the resort.
(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,	<p>The proposal does not comprise earthworks and are within the existing building envelope. The proposed cladding to the side elevations, works to the existing decks / balustrade replace existing materials that are weathered.</p> <p>The Department has formed the view that the works are not likely to increase existing loads at the site and no further assessment on geotechnical matters is considered necessary for the project.</p>
(g) any sedimentation and erosion control measures,	A Site Environmental Management Plan (SEMP) is provided within the Statement of Environmental Effects, which is to be implemented during the works. A condition is recommended to ensure the adoption of the SEMP provisions.
(h) any stormwater drainage works proposed,	The existing stormwater drainage system is adequate for the proposed works.
(i) any visual impact of the proposed development, particularly when viewed from the Main Range,	The proposal will not result in an unacceptable visual impact.



(j) any significant increase in activities, outside of the ski season,	The proposal does not result in an increase in activities outside the ski season.
(k) if the development involves the installation of ski lifting facilities,	The proposal does not involve the installation of any new ski lifting facilities.
(l) if the development is proposed to be carried out in Perisher Range Alpine Resort: the document entitled Perisher Range Resorts Master Plan (PRRMP) and the document entitled Perisher Blue Ski Slope Master Plan,	Not applicable to proposal.
(m) if the development is proposed to be carried out on land in a riparian corridor.	Not applicable to proposal.

#### CI 4.13 – Additional matters to be considered for buildings

Building Height	The proposed works do not increase the height of the existing building.
Building Setback	The works would not alter setback distances.
Landscaped Area	The proposal does not negatively impact existing native vegetation and therefore is appropriate.

#### CI 4.15 – applications referred to the National Parks and Wildlife Service

The proposal was referred to the NPWS pursuant to Chapter 4 of the Precincts – Regional SEPP. Refer to comments received at **Section 5** and discussion on proposal at **Section 6**.

#### CI 4.24 – Heritage conservation

European heritage	The proposal would not impact on any European heritage items.
Aboriginal heritage	The NPWS raised no concerns, however recommended that should any Aboriginal objects be uncovered during construction, any works impacting the objects must cease immediately and the NPWS contacted for assessment of the site.

## Appendix C – Recommended Instrument of Consent