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4 May 2018

Mr Mark Brown
Senior Planner
Alpine Resorts Team
Department of Planning and Environment
Shop 5A 19 Snowy River Avenue
Jindabyne NSW 2627

Dear Mr Brown

DA 9258 & 9260 – Agency Responses

Further to the above and our discussions today, I have had discussions with Ms Rebecca Owens of the Office of Environment and Heritage regarding the issue of compliance with the Due Diligence Code for the Protection of Aboriginal Objects in NSW (DECCW 2010) and make the following comments:

- The areas proposed for the deck and stairs would be considered "disturbed land" for the purposes of clause 7.5 of the Code (specifically the matters listed under clause 80B(4) of the NPW Regulation). Thus, the Code would not apply as the activity would be low impact and due diligence is not required.
- To support this contention, please find attached historic photographs taken circa 1960 of the construction of Yalara Lodge and contemporary photographs of these areas.
- The two circa 1960 photographs have been labelled showing the approximate position of the present day Kunapipi Lodge and the areas proposed for the stairs and deck.
- It is evident that a construction road was formed through the area that is now adjacent to and within the Kunapipi lease area to facilitate construction of Yalara Lodge.
- Contemporary photographs in the attachment show clearly that evidence of the former construction road remain and are observable as "benches" in the existing land surface specifically in the areas proposed for the deck and stairs.

In relation to potential impacts on flora and fauna, the OEH comments are noted and will be followed. In relation to the comments by the Rural Fire Service, these are noted.

Please do not hesitate to contact me should you require further details or clarification.

Yours sincerely

**Des Brady
Director**

Attachment – DOH clause 75 exemption

Cc: Kunapipi Board