



Mr Mark Brown
Senior Planning Officer
Alpine Resorts Team
Department of Planning and Environment
Jindabyne NSW 2627

Our reference: DOC18/866107
EF18/46102

Dear Mark,

**DA Referral – Alterations and additions, Stillwell Hotel, Charlotte Pass
DA 9709**

I refer to the above development application (DA) forwarded to the Office of Environment and Heritage (OEH) for provision of comments in accordance with *State Environmental Planning Policy (Kosciuszko National Park - Alpine Resorts) 2007* (SEPP). In providing these comments consideration has been had to the *National Parks and Wildlife Act 1974*, the *Kosciuszko Plan of Management (2006)* and the *Biodiversity Conservation Act 2016* (BC Act) and any other applicable legislation.

1. Flora and Fauna

- 1.1 The proposed development involves either internal works or works to the existing building, on a previously disturbed site, within the Charlotte Pass Village area and no ground disturbance is proposed.
- 1.2 OEH seeks confirmation that the works will not involve any ground disturbance.
- 1.3 If the works are conducted as proposed in the DA, then there should be minimal impacts to native flora and fauna.
- 1.4 The locations identified in the Site Environmental Management Plan (SEMP) for carparking and materials storage are suitable as they will not impact on native vegetation. In addition, waste management receptors should not be placed on native vegetation and should be restricted to previously disturbed/hardstand areas.
- 1.5 All waste management receptors must be able to be covered to ensure waste cannot blow away or must be emptied or removed from site each day.
- 1.6 If vegetation management is required, outside of the lease area, to fulfil Rural Fire Service Asset Protection Zone requirements, then further consultation, and potentially separate approval, with OEH is required.

2. Leasing

- 2.1 Whilst the works are considered to be permissible under the Head Lease held by Charlotte Pass Snow Resort Pty Ltd (CPSR), clause 6.8, requires that CPSR must obtain the consent of the Lessor (OEH) to:
 - (a) the detailed design and any supporting documentation; and
 - (b) any application for the relevant works.
- 2.2 Accordingly, in addition to any DA approval, CPSR must seek written Lessor's consent under the Head Lease to the proposed development.

3. Aboriginal Cultural Heritage

- 3.1 As long as the works do not involve any ground disturbance or tree removal then the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* is not required to be followed.
- 3.2 However, if there is any ground disturbance then the proponent must address Aboriginal Cultural Heritage Due Diligence.
- 3.3 The Due Diligence Code can be found at:
<http://www.environment.nsw.gov.au/resources/cultureheritage/ddcop/10798ddcop.pdf>
- 3.4 In addition, it should be noted that "the *National Parks and Wildlife Act 1974* (NPW Act) provides that a person who exercises due diligence in determining that their actions will not harm Aboriginal objects has a defence against prosecution for the strict liability offence if they later unknowingly harm an object with an Aboriginal Heritage Impact Permit (AHIP)" (DECCW 2010).

4. Heritage Conservation

- 4.1 Stillwell Hotel (formerly Stillwell Lodge) is not identified as a heritage item on the SEPP.

5. Public Health

- 5.1 The design and construction of the premise must comply with the *Food Act 2003* and the following comments are provided to assist the proponent with compliance to the Food Act:
- (a) if food is prepared in the renovated bar area, then a hand wash basin must be installed within five metres of the bar. For guidance the hand wash basin should be of 11 litres capacity with minimum dimensions of 500mm x 400mm 'off the wall';
 - (b) the hand wash basin must have a supply of warm running water from a single spout with sufficient distance under the running water for the food handler to effectively wash their hands; and
 - (c) all surfaces must be impervious and easy to clean.

If you have any further enquires please contact the Assessment Coordinator, Bec Owen on 02 6450 5543.

Yours sincerely



Mick Pettitt
Director
Southern Ranges Branch
16 November 2018