



Bushfire Recovery Rebuild, Selwyn Resort Operations Centre, Selwyn Snow Resort

Development Application Assessment
DA 10647

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Glossary

Abbreviation	Definition
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
BC Regulation	<i>Biodiversity Conservation Regulation 2017</i>
BVM	Biodiversity Values Map
Consent	Development Consent
CPP	Community Participation Plan
Department	Department of Planning, Industry and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
KNP	Kosciuszko National Park
Minister	Minister for Planning and Public Spaces
NPWS	National Parks & Wildlife Service
RFS	NSW Rural Fire Service
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy

Executive Summary

This report provides an assessment of a Development Application (DA 10647) seeking approval for the bushfire recovery rebuilding of the resort operations centre (ROC) and associated infrastructure, installation of a ski conveyor / ski carpet lift at the snow play area, and installation of an operators hut at the top of Boomerang Platter lift at Selwyn Snow Resort within Kosciuszko National Park (KNP). The Applicant is Selwyn Snow Resort Pty Ltd.

The Minister for Planning and Public Spaces is the consent authority for development within a ski resort in KNP and the proposal is permissible with consent under the provisions of State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007 (the Alpine SEPP).

The Department of Planning, Industry and Environment (the Department) was not required to exhibit the application. However, the Department did make the application publicly available on the Department's website and referred the application to relevant government agencies. The Department received submissions from the Rural Fire Service (RFS) and the National Parks and Wildlife Service (NPWS) during the assessment of the application. 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 agency submissions.

The key assessment issues associated with the proposed development are biodiversity; built form, design and amenity; infrastructure and servicing; Aboriginal cultural heritage; geotechnical slope stability; and car parking and access. The Department considers the proposal is acceptable as:

- there will not be a significant impact on any threatened species, populations or ecological communities and the natural environment and cultural values associated with KNP are protected
- the potential impacts on the natural environment and cultural heritage have been mitigated through careful site selection that utilises existing disturbed areas and adheres to avoid and minimise principles
- there are no adverse impacts to Aboriginal cultural heritage and natural hazards including bushfire and geotechnical risks have been adequately mitigated
- it is aimed at re-establishing the use of Selwyn Snow Resort as an important winter tourism and recreational facility which promotes visitation of the NSW Alpine Resorts
- it is consistent the regional plan for the locality and the Alpine SEPP and supports bushfire recovery and rebuilding efforts

The Department's assessment concludes the application is in the public interest as the bushfire recovery rebuilding of Selwyn Snow Resort will support positive social and economic welfare in the region. Surrounding towns will benefit once the resort is operational and visitors will once again have the choice of a unique low-cost option for families to experience snow.

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 details the Department of Planning, Industry and Environment's (the Department) assessment of Development Application (DA 10647) for the bushfire recovery rebuilding of the resort operations centre (ROC) and associated infrastructure, installation of a ski conveyor / ski carpet lift at the snow play area, and installation of an operators hut at the top of Boomerang lift at Selwyn Snow Resort within KNP. The application has been lodged by Selwyn Snow Resort Pty Ltd (the Applicant) under Part 4 of the EP&A Act.

The Department's assessment considers all documentation submitted by the Applicant, including the Statement of Environmental Effects (SEE) 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.

1.2 Location, context and site

Selwyn Snow Resort is located on the spine of the Great Dividing Range approximately 200 kilometres south of Canberra in the mid to northern section of the KNP and approximately 18 kilometres to the northeast of the Snowy Hydro township Cabramurra (**Figure 1**). The resort is legally described as Lot 36 DP 46316, 213A Kings Cross Road, Kiandra NSW. The resort can be accessed by vehicle from the Link Road (off Snowy Mountains Highway) and then on to Kings Cross Road.

The resort is the most northerly of Australia's ski resorts with a base elevation of 1,492 metres and a top elevation of 1,614 metres Australian Height Datum (AHD). The resort is managed under a lease to the Applicant from NPWS which covers an area of about 203 hectares. The lessee of the resort is able to operate ski lifts and a ski school as well the essential infrastructure to run the business including power, sewerage facilities, water, rubbish disposal, parking and some other services. Accommodation is only provided for staff. The KNP Plan of Management identifies a maximum of 50 beds for essential servicing staff and volunteer ski patrol.

The primary focus of Selwyn Snow Resort is to provide day visitors with opportunities for skiing and snow activities catering predominantly for beginners, novices and intermediate skiers. The resort provides important economic activity and recreational resources for the communities of Adaminaby, Tumut and Tumbarumba.

The resort was established in the 1980s however all of the buildings at the site experienced extensive damage during the 2020 bushfires and have since been removed. As a result, the site is currently clear of buildings with only lifts, snow making infrastructure and a barbeque shelter remaining.

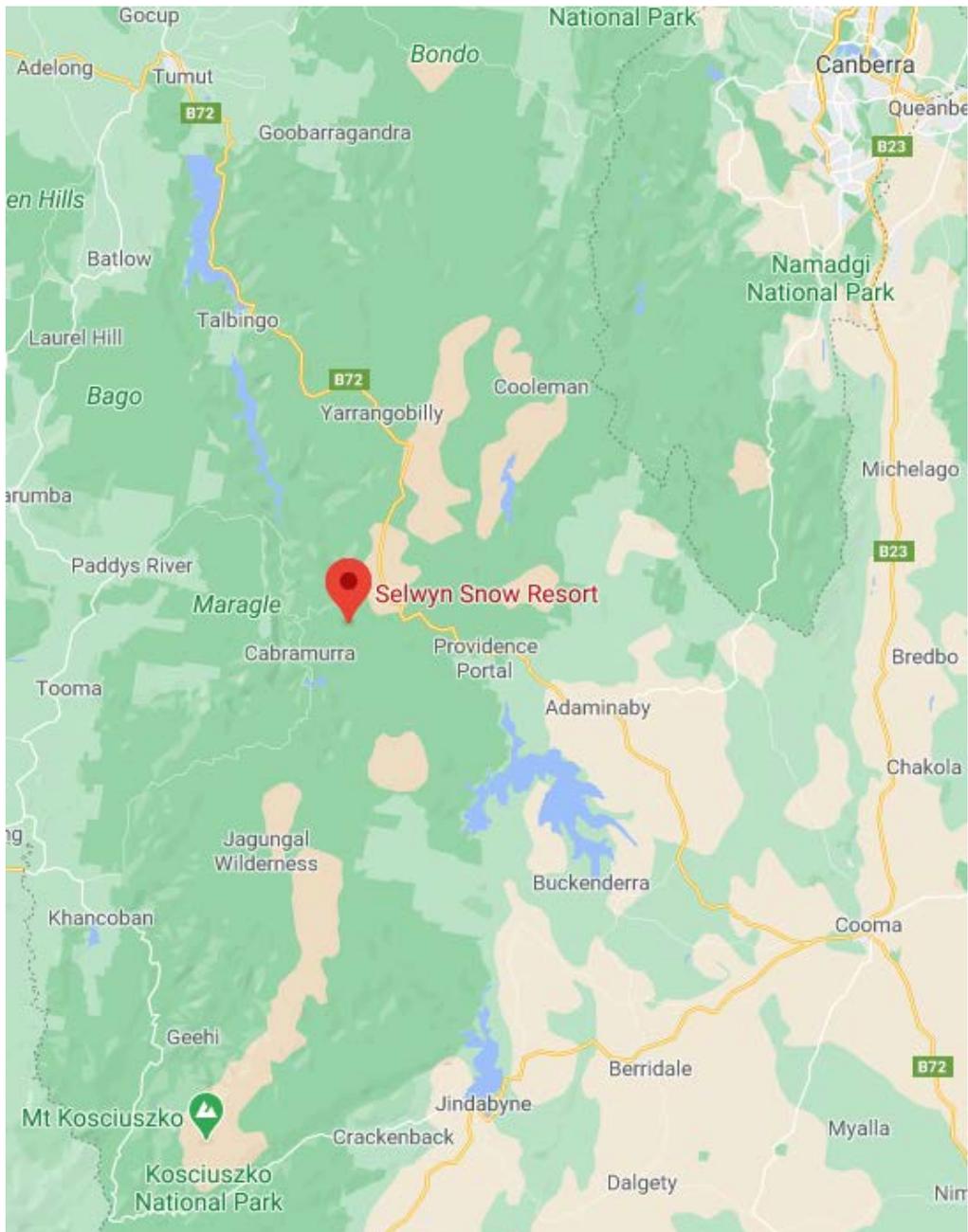


Figure 1 | Locality (Source: Google Maps 2020)

The development site of the proposed ROC is approximately 2,500 square metres and is located on the north western side of the resort (**Figure 2**). The site also contains area for asset protection zones that extend beyond the building by up to 100 metres. Other aspects of the site include:

- an internal service road for a distance of about 120 metres from the Kings Cross Road (up to 7 metres in width) to the west of the ROC
- a 150 metre stretch of land (about 3 metres wide) located about 45 metres to the east of the ROC for the ski conveyor / ski carpet lift associated with the snow play area
- a small site of about 3 metres by 3 metres that is located approximately 105 metres to the south west of the ROC for the Boomerang lift operator hut

An area of contaminated land that has been partly remediated is located more than 10 metres to the east of the proposed ROC. An underground petroleum storage system (UPSS) site is located adjacent to the former workshop (**Figure 3**). Any remaining potential contamination is at least 2 metres below the ground surface.

The majority of the development site is previous disturbed land as a result of the demolition of the bushfire damaged buildings and comprises stabilised earth. The vegetation adjoining the site comprises modified grassland cleared from subalpine woodland with bushfire affected juvenile snowgums and some remnant mature snowgums. The topography is dominated by a north-south ridgeline and falls to the south east from the location of the proposed ROC. The site is covered in snow during the winter months.

To the south of the proposed ROC is an Aboriginal site. In 2010, two stone Aboriginal artefacts were found by Dr. Sue Feary on the ground surface. The artefacts are no longer visible however there is a 40 metre buffer area around the site.

The nearest waterway to the site is that unnamed drainage line to the north which forms part of the Bullocks Head Creek catchment. This drainage line includes a 40 metre riparian buffer. Two existing water access licences (WAL) associated with Approval No. 40WA413718 authorise a 80mm centrifugal pump on Clear Creek for commercial and domestic purposes. One is a domestic WAL with 2ML of entitlement and the other is an unregulated river category WAL with 40ML of entitlement. A third WAL of 50ML with Approval No. 40AL416874 exists from 3 Mile Dam which is located about 2km to the north of the resort.

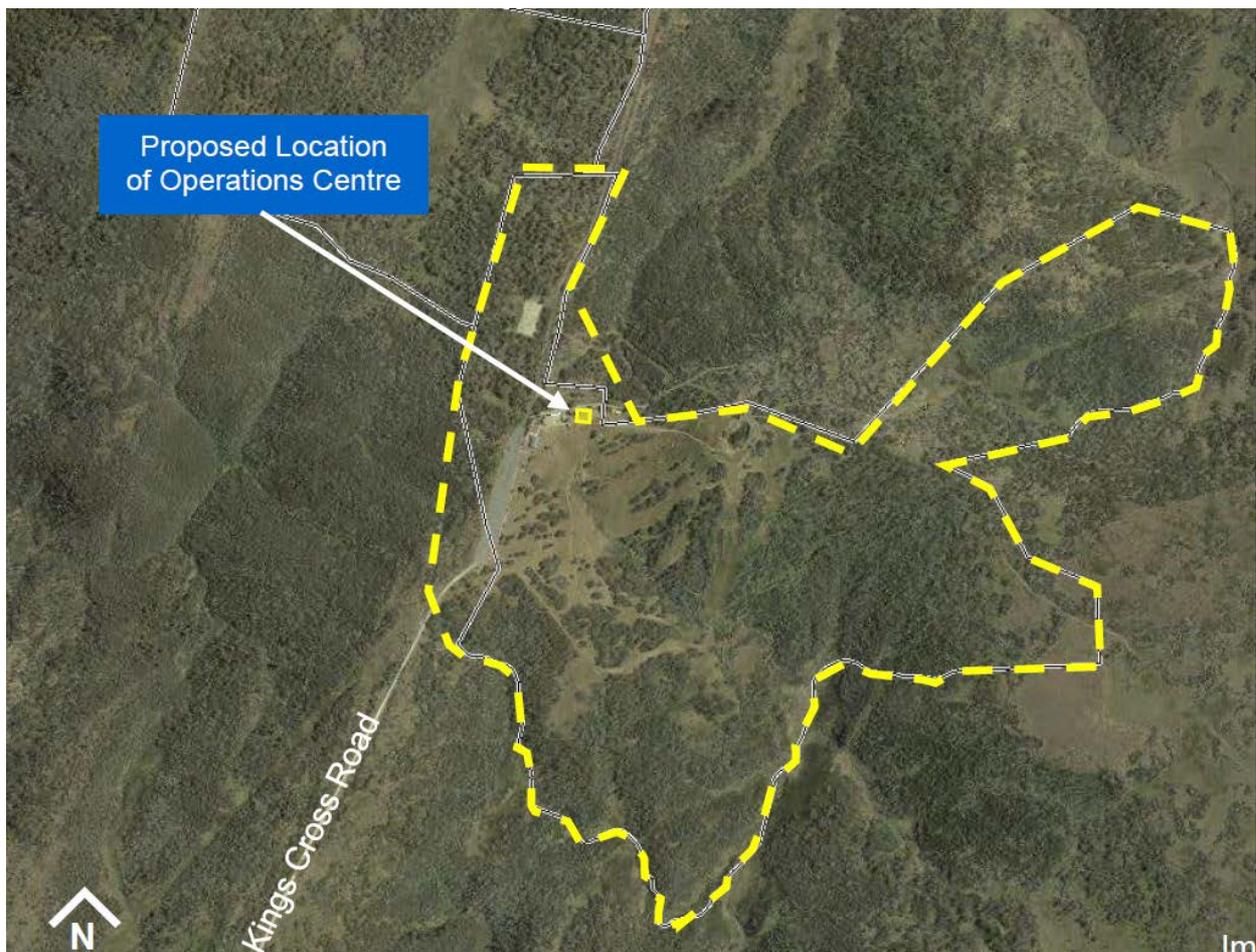


Figure 2 | Site in context of Resort (Source: Applicant's documentation)



Figure 3 | Site of UPSS area that was the source of contamination (Source: Applicant's documentation)

1.3 Related development

In March 2020, the NSW Government supported Selwyn Snow Resort's clean up and remediation of bushfire damaged buildings with a Clean-Up Notice under s 91 of the *Protection of the Environment Operations Act 1997* by NPWS and a Demolish Works Order No 3 under Part 1 Schedule 5 of the EP&A Act by the Department.

The buildings have since been demolished and the remaining infrastructure is being assessed by qualified consultants and engineers to determine if the infrastructure can be made safe and operational again.

The New Chum Chairlift has been assessed by Doppelmayr Australia Pty Ltd and a range of repairs deemed necessary. On 27 November 2020, the Department issued a Repair Order No 5 under Part 1 Schedule 5 of the EP&A Act to repair and make structural alterations to the New Chum Chairlift in line with the Doppelmayr recommendations. This will ensure that sufficient works will be undertaken to the chairlift so that it can re-attain annual certification, it complies with relevant standard and it will not be a danger to the public once Selwyn Snow Resort is operational again.

Two other bushfire recovery rebuilding development applications (DA) have been lodged with the Department:

- DA 10639 for six staff accommodation cabins (42 staff) and associated infrastructure including car parking and access road, stormwater drainage, water supply (potable and firefighting), electricity supply and sewerage treatment system which was approved by the Director Regional Assessment on 24 December 2020.
- DA 10644 for the construction of the main visitor centre building with a gross floor area of 1,610 square metres. This building includes gift shop and ticketing, staff offices, boardroom, ski hire and equipment storage, laundry and workshop, kids play area, bus drivers rest area, public toilet facilities, cafe facilities (kitchen, food storage and servery) and an indoor seating area. Other key aspects of this development include an external services enclosure, two new portable above ground lifts, relocation of some ski lifting infrastructure, earthworks for a toboggan ramp, and increasing the capacity of the quarry water storage dam with an earth embankment. The application was approved by the Director Regional Assessment on 10 February 2021. The sewerage treatment plant (STP) is still being investigated and will be the subject of a separate DA.

A range of other repairs and maintenance works are also being carried out around the resort as exempt development under the provisions of cl 19 and schedule 2 of the Alpine SEPP.

2 Project

The key components of the development are summarised below and shown in **Figures 4 to 8**. A link to the Applicant's Statement of Environmental Effects (SEE) is provided at **Appendix B**.

Resort Operations Centre (ROC)

- The proposed building has a gross floor area of approximately 750 square metres. The building includes workshop / maintenance areas; vehicle and machinery storage areas, staff areas and offices; and a Ski Patrol room.
- The building is part two storey with approximately 131 square metres on the upper level dedicated to staff and including staff room, kitchen, drying room and amenities. The building height is approximately 8.45 metres above the finished floor level of the concrete slab which will be constructed on compacted cut and fill.
- The building is approximately 120 metres from Kings Cross Road and setback from the visitor centre by about 60 metres.
- Materials and colours consist of:
 - wall and roof cladding – Trimdek in Monument colour
 - aluminium framed windows (Monument colour) with toughened clear glass windows with integrated mesh and folded hood surrounds also in Monument colour
 - external doors are either aluminium framed (Monument colour) clear glass doors or solid external doors and frames in Monument colour
 - metal roller doors in Monument colour
 - vertical aluminium batten screening in Monument colour
 - metal staircases and railings in Monument colour
 - materials to be non combustible and comply with Bushfire Attack Level BAL 29
- Other key features of the ROC and immediate surrounds include:
 - Fuel storage compound of approximately 4 metres by 7 metres on the western side of the ROC. The compound will house two above ground self-bunded tanks (4,500 litre diesel tank and a 500 litre unleaded petrol tank) and fuel dispensing equipment.
 - Partly bunded driveway / refuelling area consisting of a concrete pavement with perimeter bunding and a gradient that slopes toward an oil separator.
 - Internal wastewater from the ROC building that has the potential to contain hydrocarbons will pass through a filter system or oil separator.

- Nine monitoring wells (referenced MW1 to MW9) to the east and north east of the ROC in the location of potential contaminated land for the purposes of ongoing groundwater monitoring
- signage zones on the building façade

Essential supporting infrastructure

- A new stormwater system will be provided to collect runoff from the perimeter of the ROC and the north side of the internal access road comprising:
 - pits and pipes to the west and north west of the ROC that collect runoff which is then piped for more than 40 metres to the north side of the NPWS gravel access track where it discharges naturally
 - a drainage swale along the northern side of the Selwyn internal access road that runs to the west to meet existing drainage along Kings Cross Road
 - protection of the downstream environment from contamination caused by spilling during refuelling of the operational vehicles is provided through an oil separator to pick up any contaminants before discharging downstream
- Potable water for the ROC will be supplied from the 280 kilolitre steel water supply tank that was approved in the staff accommodation DA.
- Firefighting water supply is proposed to be obtained from the quarry via a pump set that will achieve a minimum 700kPa 40L/s flow rate for the fire hydrants that were approved in the visitor centre DA.
- Temporary and permanent electricity supply from the Essential Energy network being considered under Part 5 of the EP&A Act by NPWS
- Selwyn Snow Resort's electrical installation includes a new main switchboard (approved in the visitor centre DA) then all electrical services to and within the ROC and to other facilities requiring power e.g. ski lift
- The ROC building will be connected to the main resort wide sewerage treatment plant (STP) that will be the subject of a separate DA.
- Internal gravel service road is generally 6 metres wide to cater for 2 way traffic and to permit single vehicle movements into and out of the ROC and Ambulance turning bay.
 - The design provides vehicle turning movement for B99 Vehicle, 7.3m Ambulance and 8.80 MVR (truck)
 - To restrict access to the ROC by guests of the resort, it is proposed that a no entry sign (authorised vehicles only) be placed at the intersection with Kings Cross Road

New / altered lifting facilities

- An above ground portable lift is proposed to be installed with a length of 150 metres. This will be ski conveyor / ski carpet type lift that provides access to the snow play area and toboggan ramp. New electrical infrastructure is required to service the lift
- Relocation of the operator hut for Boomerang Platter Lift to make room for the proposed visitor centre building. The operators hut moves to the south east by approximately 30 metres and remains adjacent to the lift alignment. The removal of the existing operators hut was approved in the visitor centre DA. The installation of the hut in a new location is the subject of this application.

Other

- Trenching for services up to a depth of 750 mm within a 3 metre wide disturbance corridor
- Asset protection zones up to 100 metres from the ROC

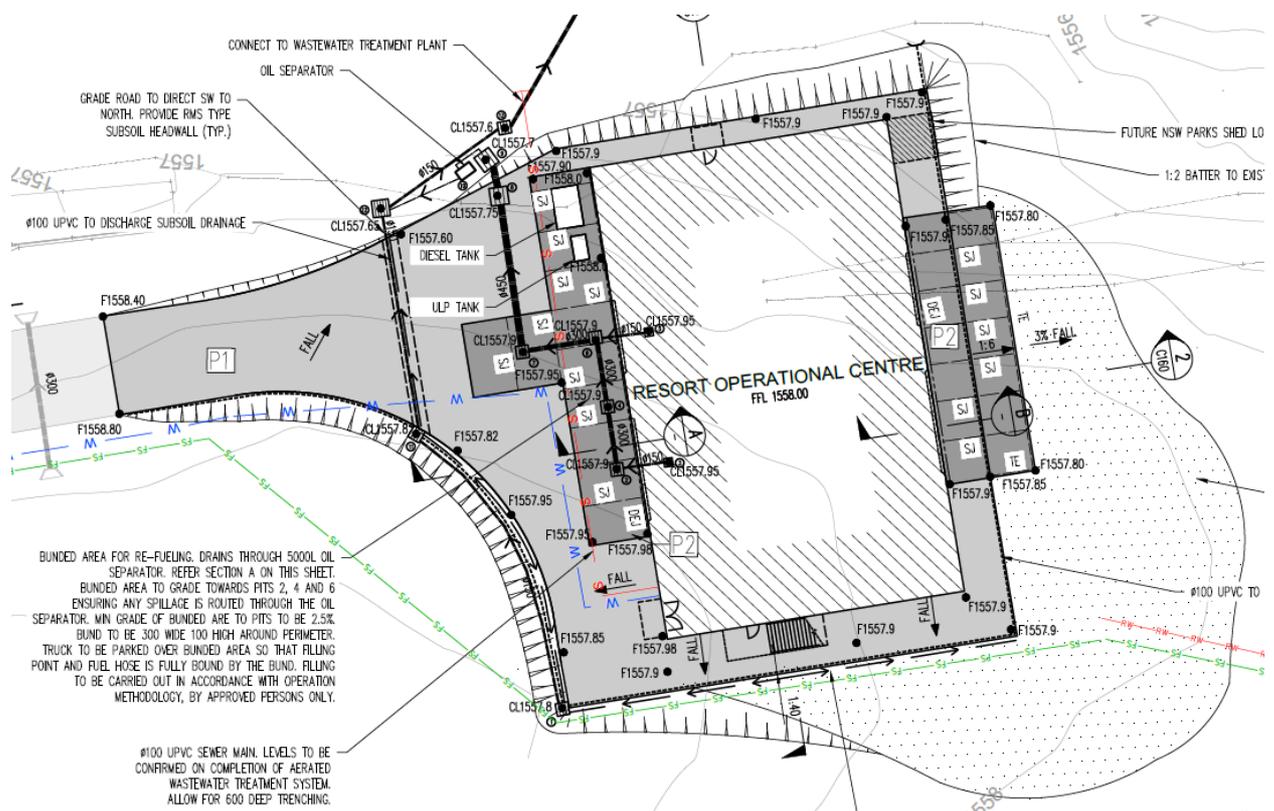


Figure 4 | Resort operations centre site plan (Source: Applicant's documentation)

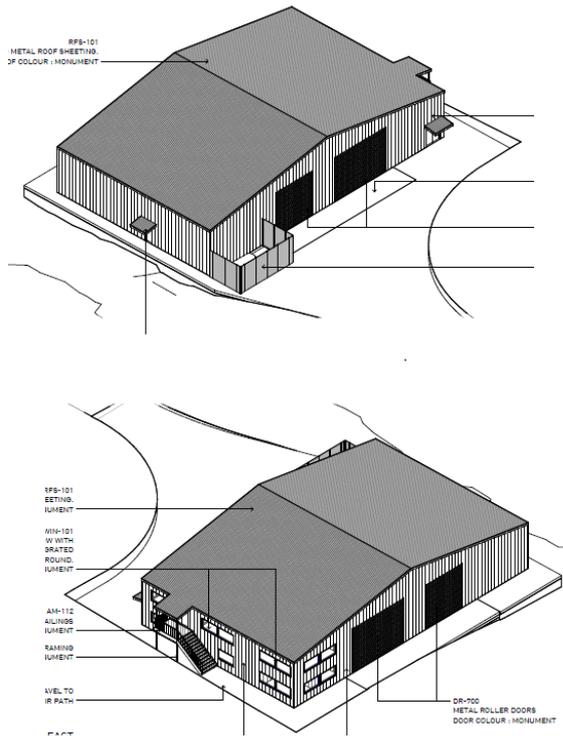


Figure 5 | Resort operations centre architectural impressions (Source: Applicant's documentation)

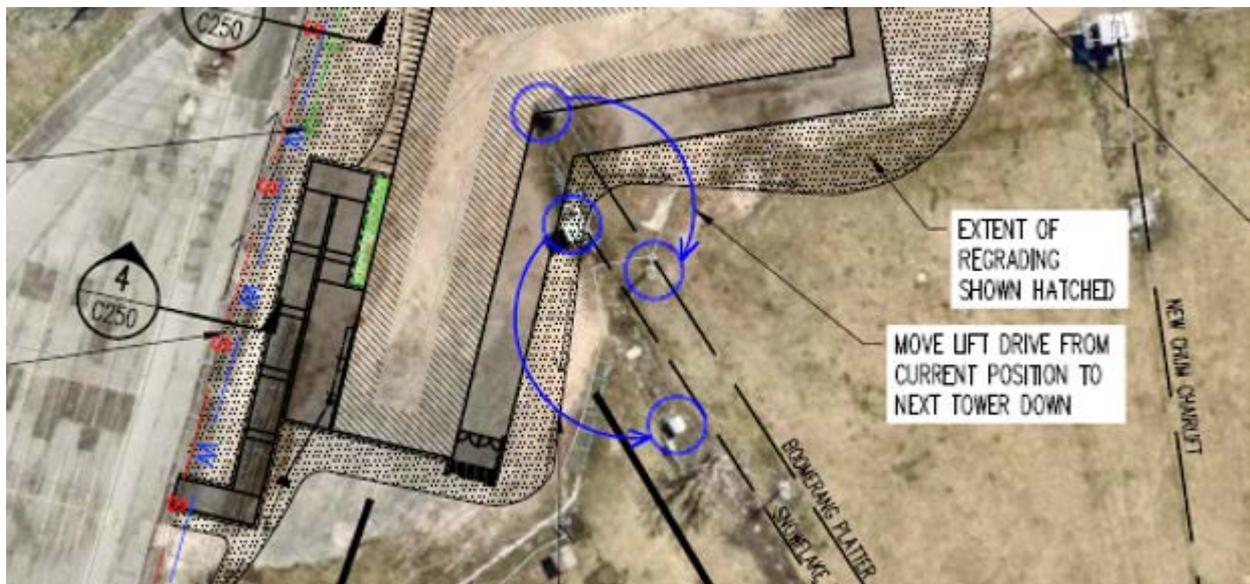


Figure 6 | Lifting facilities site plan (Source: Applicant's documentation)



Figure 7 | Surface lifting facilities site plan (Source: Applicant's documentation)

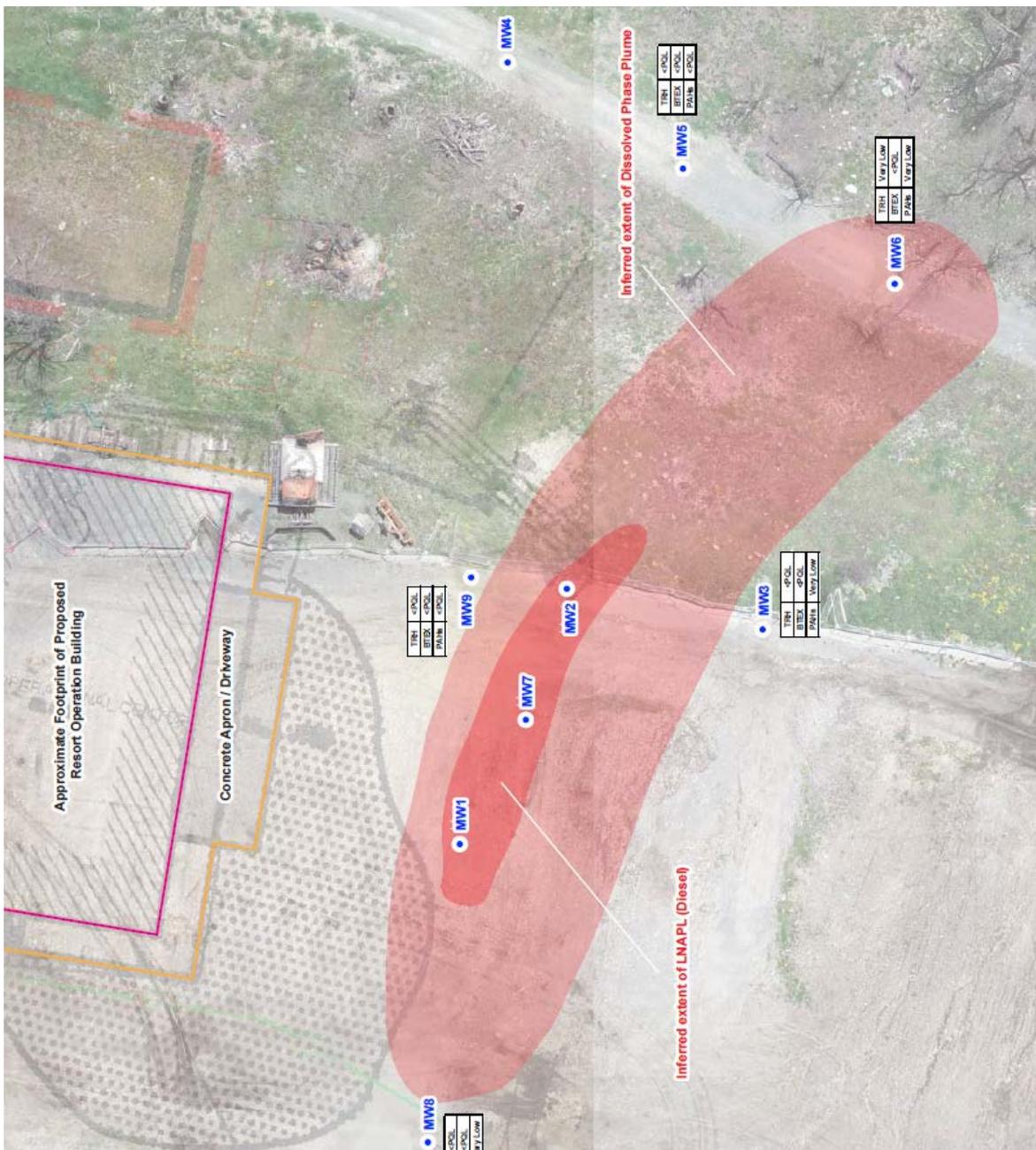


Figure 8 | Groundwater monitoring wells site plan (Source: Applicant's documentation)

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 Alpine 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 is aimed at re-establishing the use of Selwyn Snow Resort as an important winter tourism and recreational facility which in turn supports positive social and economic welfare in the region. The design of the facilities seeks to protect the natural environment and cultural values associated with KNP.

Alpine SEPP

The Alpine 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 Alpine SEPP, the 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 Alpine SEPP as the potential impacts on the natural environment and cultural heritage have been mitigated through careful site selection that utilises existing disturbed area and sustainable building techniques that have been incorporated into the design. Visitation of the NSW Alpine Resorts will be promoted again once the resort is operational giving tourists the choice of a unique low-cost option for families to experience snow.

4 Statutory Context

4.1 Consent Authority

Under clause 7 of the Alpine SEPP, the Minister for Planning and Public Spaces 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 26 April 2021, the Director, Regional Assessments 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 to which the Alpine SEPP applies

4.2 Permissibility

The proposal includes a ROC, essential supporting infrastructure and new / altered lifting facilities consistent with the below definitions within the Alpine SEPP. Pursuant to clause 11 of the Alpine SEPP, these land uses are permissible with consent within the Mount Selwyn Alpine Resort.

- Commercial premises, Transport facility, Vehicle repair station
- Advertisements, Building identification signs, Business identification signs,
- Infrastructure facilities; Car parking, Fences
- Lifting facilities, Ski slope huts, Ski slopes

4.3 Other approvals

Rural Fires Act 1997

The works are associated with a ski resort that includes staff accommodation and the RFS have deemed the whole facility to be "other" special fire protection purpose development. Therefore, as the buildings are located on bushfire prone land, an approval is required from the 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:

- it supports the bushfire recovery and rebuilding efforts that re-establish the orderly and economic use of the site
- careful site selection has ensured that there are no impacts upon built and cultural heritage, including Aboriginal cultural heritage
- there would not be a significant impact on the environment, in accordance with the principles of ecologically sustainable development.

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 aimed at re-establishing the use of Selwyn Snow Resort as an important winter tourism and recreational facility which in turn supports positive social and economic welfare in the region
- there would not be a significant impact on the environment
- 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 affect threatened species or ecological communities, or their habitats; or
- the works are carried out in a declared area of outstanding biodiversity value.

The Applicant's environmental assessment confirms that the proposed native vegetation clearing is below the threshold of 1 hectare of clearing for lot sizes between 40 hectares and 1000 hectares. The ROC is located on previously disturbed land devoid of any native vegetation as a result of the demolition of the bushfire damaged buildings. No vegetation removal is required to facilitate the works and only limited native vegetation management is required for the APZ. The total ground disturbance proposed is less than 0.4 hectares and the majority of this area is characterised by stabilised earth, introduced grasses on ski slopes and woodchip stabilised areas. The site is also located outside of an area mapped on the BVM. The

Applicant provided an ecologist report that found there will be no significant impact on threatened species or ecological communities, or their habitats. The NPWS concurs with the Applicant's assessment. There is currently no declared area of outstanding biodiversity value within KNP.

The Department is satisfied that the provisions of the BC Act have been duly considered by the Applicant and in this case the BOS does not apply to the development.

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 2** 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 2 | Section 4.15(1) Matters for Consideration

(a)(i) any environmental planning instrument (EPI)	<p>The Alpine SEPP applies to the site for this type of development. An assessment against the requirements of the Alpine SEPP is provided in Appendix B. The Department is satisfied that the application is consistent with the requirements of the Alpine SEPP.</p> <p>The applicant has addressed SEPP 55 and provided a detailed site assessment of the former UPSS area. The validation report concludes that the identified contamination does not pose an unacceptable risk to human health or the environment based on the proposed land use. The former UPSS area is suitable for the proposed development in its contaminated state. The identified contamination will be addressed by adopting a “do nothing” approach with monitored natural attenuation. See Section 6 of this report.</p>
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	Not applicable.
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations	<p>The application satisfactorily meets the relevant requirements of the <i>Environmental Planning and Assessment Regulation 2000</i> (EP&A Reg), 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 EP&A Reg, the findings of which are contained within this report.</p>
<p>(a)(v) any coastal zone management plan</p>	<p>Not applicable.</p>
<p>(b) the likely impacts of that development</p>	<p>The Department has considered the likely impacts of the development in Section 6 of this report and considers that no environmental impacts are likely to occur as a result of the proposal.</p> <p>Bushfire and geotechnical risks have been adequately mitigated. There are no adverse impacts on the natural environment or upon built and cultural heritage, including Aboriginal cultural heritage. The proposal is considered to have positive economic and social impacts. It also supports the bushfire recovery and rebuilding efforts.</p> <p>Conditions are recommended to ensure impacts during construction are minimised and that rehabilitation and stabilisation occurs post construction.</p>
<p>(c) the suitability of the site for the development,</p>	<p>The site is suitable for the proposed development as discussed in Sections 3 and 6 of this report.</p> <p>The potential impacts on the natural environment and cultural heritage have been mitigated through careful site selection that utilises existing disturbed areas. A 40 metre radius buffer area protects the site of previously observed Aboriginal artefacts. There are no impacts on any threatened species, populations or ecological communities.</p>
<p>(d) any submissions made in accordance with this Act or the regulations,</p>	<p>Consideration has been given to agency submissions received during the exhibition period. See Section 5 of this report.</p>
<p>(e) the public interest.</p>	<p>The works are consistent with the aim and objectives of the Alpine SEPP and assists to re-establish Selwyn Snow Resort without 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 Act requires applications of development consent to be exhibited for a period of 14 days. However, applications under the Alpine 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.

Due to the works being located more than 50 metres from a tourist accommodation building, the Department did not exhibit the application. The application was made available on the Department's website.

The application was also forwarded to State government agencies in writing, including:

- the RFS pursuant to Section 4.46 of the EP&A Act (integrated development) as a Bushfire Safety Authority under the *Rural Fires Act 1997* is required for the development to be carried out
- the NPWS pursuant to clause 17 of the Alpine SEPP

5.2 Summary of agency comments

The Department received comments from the RFS and NPWS.

The RFS did not object to the proposal and has issued a Bush Fire Safety Authority (BFSA) under section 100B of the *Rural Fires Act 1997*. The RFS GTA require the implementation of APZs, adequate water supply and the preparation of a bushfire emergency management and evacuation plan. These obligations are required by the RFS in addition to the recommendations detailed in the Bushfire Hazard Assessment Report prepared by Complete Town Planning Pty Ltd dated November 2020, Referenced 20115 – Rev 03.

The NPWS did not object to the proposal and provided:

- comments on leasing and the KNP Plan of Management; BC Act; protection of native vegetation, fauna and habitats; and Aboriginal cultural heritage
- comments that the proposed stormwater management was appropriate, that the works need to comply with the *Plumbing and Drainage Act 2011* and that further information is required in support of the sewerage treatment system including the reuse of treated effluent
- the requirement for all food preparation and storage areas are to comply with the Australian Standard AS 4674-2004 (Design Construction and Fit-out of Food Premises) and the Food Act 2003
- recommended various conditions in relation to protection of native vegetation, fauna and habitats, plumbing and drainage, revegetation and machinery and stockpiling
- recommended conditions that require the submission of an updated site environmental management plan prior to commencements of works, a rehabilitation and monitoring plan within 2 months of

determination, a quality assurance program for drinking water prior to occupation, and an APZ plan prior to the 2021 NSW bushfire season.

The Department has considered the comments raised in the government agencies during the assessment of the application (**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 SEE and supporting information in its assessment of the proposal. The key issues in the Department's assessment are:

- biodiversity
- built form, design and amenity
- infrastructure and services
- fuel storage and handling
- hydrocarbon contamination
- Aboriginal cultural heritage
- geotechnical slope stability
- vehicle access

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

6.1 Biodiversity

The provisions of the BC Act have been duly considered by the Applicant and in this case the BOS does not apply to the development. However, the location of the site and the sensitive nature of the flora and fauna within the KNP, create other potential natural environmental impacts that need to be carefully considered by the Department.

The vegetation surrounding the site comprises modified grassland cleared from subalpine woodland with bushfire affected juvenile snowgums and some remnant mature snowgums. The grassland is characterised by a mix of native and exotic species. Within the immediate development site, the majority of this area is highly disturbed as a result of the demolition of the bushfire affected buildings and now appears as a cleared site stabilised by either gravelly earth or woodchips. The proposal involves potential ground disturbances areas of approximately 4,000 square metres for the various components of the development.

The APZs extend beyond the ROC by up to 100 metres. The ground will not be disturbed for the APZs but some ongoing native vegetation management will be required to reduce the risk in the event of a bushfire.

Flora and fauna

The Applicant engaged an ecologist to prepare a flora and fauna assessment for all areas of the proposed development. The report identified that the footprints for ROC and snow play area are highly disturbed sites with little native vegetation. In contrast, the APZ to the north and west of the proposed ROC building, while temporarily modified due to the bushfire, retains a better habitat complexity.

The proposed works will not have any adverse impact upon threatened species or threatened ecological communities given that they are located on heavily disturbed sites. The APZ area to the south will continue to be managed as a ski slope as it existed before the bushfire, and therefore will pose no risk to threatened species and threatened ecological communities. The post-fire recovery of the APZ area to the north and west will take many years to attain the same habitat opportunities to that which existed prior to the bushfire. However, prevention or subsequent removal of any tree and shrub regrowth will have an impact upon habitat potential.

The report concluded that no threatened flora was detected and habitat potential for most threatened species was absent or greatly diminished. The proposed redevelopment and associated activities pose no risk to threatened species or threatened ecological communities. Therefore, no 'Test of Significance' under the BC Act or the Commonwealth's 'Significant Impact Criteria' under the EPBC Act was required.

The NPWS support the Applicant's assessment. The proposed APZ and ongoing vegetation management are also supported. In addition, they have made a range of recommendations for protection of native vegetation, fauna and fauna habitats both during construction and for the ongoing use of the site.

The Department accepts that the Applicant has taken the appropriate steps to avoid and minimise the proposal's biodiversity impacts through careful site selection, construction techniques and precautionary measures during works to protect fauna and flora. Even though the APZ areas to the north and west have the potential to regenerate as habitat, the Department considers that ongoing vegetation management will be necessary to comply with the RFS APZ requirements. The proposal is consistent with the aim of the Alpine SEPP to protect and enhance the natural environment.

6.2 Built form, design and amenity

The ROC is the tallest building at the resort with a height of approximately 8.45 metres above the finished floor level of the concrete slab which will be constructed on compacted cut and fill. The height is predominantly necessary for the storage of large machinery. There is also a part two storey section that is dedicated to staff. Despite the height, the building blends into the landscape with a native vegetation backdrop when viewed from the western parts of the resort. The materials and colours of the ROC are compatible with other proposed buildings which will assist in unifying the buildings and creating a new and appropriate character.

The new building will have a larger footprint than previous however this is due to modern ski resort needs and building compliance requirements. The ROC also includes staff areas and offices; and a Ski Patrol room. The ROC will operate at full capacity during winter and will only have 3 – 5 staff during summer. A fuel storage compound is located adjacent to the ROC with two above ground self-bunded tanks and fuel dispensing equipment.

The ROC provides a consolidated undercover space for resort staff to manage the day to day operations of the surrounding ski slopes. The building has been sized to provide adequate space for resort tractors and groomers to shelter when not in use. Roller doors have been sized specifically to accommodate this equipment. Ancillary space to maintain and service this equipment is immediately adjacent. Facilities are also provided for snow resort staff within the ROC including Ski Patrol sick bay, office space, drying room, bathroom, staff kitchen and break out area. Located at the end of the existing service road, siting has been

considered to minimise the amount of cutting and filing on the site, while also providing convenient and safe access directly onto the ski slopes.

Other aspects of the proposed development such as installation of a skier conveyor at the snow play area, and installation of an operators hut at the top of Boomerang lift improve the form and function of resort operations. The skier conveyor provides access to the toboggan ramp and snow play area that provide a unique snow experience for non-skiing families. The proposed operator hut for the Boomerang Platter lift consistent with infrastructure found within ski resorts.

The ROC and other components of the proposed development will allow for proper management of the resort for its use as an important recreational area and to ensure protection of the natural environment.

Overall, the built form and design are appropriate, and the level of amenity afforded to the staff is satisfactory. The proposal is consistent with the height, setback and landscaping requirements of clause 15 of the Alpine SEPP. The development will provide the necessary infrastructure to re-establish of the use of Selwyn Snow Resort as an important winter tourism and recreational facility.

Compliance with the Building Code of Australia (BCA) and relevant Australian Standards

The ROC and associated infrastructure, when constructed, are to comply with the Building Code of Australia (BCA) and relevant Australian Standards. The Applicant submitted a building code compliance report primarily covering the ROC. The report concluded that subject to the construction documentation and specifications demonstrating compliance to the requirements of the report, the ROC is capable of complying to the building code. Some key aspects of the Departments assessment are as follows:

- The ROC has either snow stoppers or small awning protecting entries doors from falling snow off the roof or from the building up of snow at the base. The Department is satisfied with this aspect of the design.
- Ensuring the proposal meets snow and wind loading requirements is a key consideration of the Department's assessment of development in an alpine environment. Due to adverse weather events, the buildings and lifting facilities need to be constructed appropriately. The Applicants engineer has reviewed the plans and provided a design statement confirming that the structural design meets the requirements of the BCA and the relevant Australian Standards. The Department is satisfied with this documentation for DA assessment purposes and has recommended structural related conditions at the CC and occupation certificate (OC) stages.
- Compliance with the *Disability Discrimination Act 1992* (DDA), and therefore the *Disability (Access to Premises – Buildings) Standards 2010* prepared under the DDA, is triggered at CC stage. Ensuring compliance with the DDA is the responsibility of the building owner, manager and certifier. To support the proposal, the Applicants building code compliance report, included commentary on accessibility and facilities at the site. This has led to compliant access throughout the ground floor of the building excess to those areas where an exemption applies. The Department acknowledges the findings in the report and the design plans. An Advisory Note has been included in the conditions of consent to ensure the building owner, manager and certifier are aware of their obligations in relation to DDA and accessibility.
- In relation to bushfire, the BCA requires construction to comply with the BFSAs issued by the RFS. The BFSAs include endorsement the recommendations in the Applicants bushfire report and as such the

proposed ROC must comply with BAL 29 requirements outlined in AS3959-2018. The BFSAs are incorporated into the conditions of the consent and compliance must be verified at CC and OC stages.

- The Department is satisfied that the proposed lifting facilities are capable of compliance (where necessary) with Australia Standard 4722 – Passenger ropeways and passenger conveyors. A condition of consent has been included to ensure structural drawings and a design statement re provided at CC stage.

The Department has considered the Applicant's building code compliance report, and several key BCA and Australian Standards requirements specific to alpine environments. 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 CC stage, the proposal is satisfactory and will provide appropriate facilities that are fit for purpose in a ski resort.

6.3 Infrastructure and servicing

The infrastructure and servicing needs are a direct result of the damage that occurred due to the January 2020 bushfires. The ROC requires potable and firefighting water supply, the ability to connect to the main STP prior to use and Essential Energy power supply. Stormwater management and waste facilities consideration are also required.

The Department has considered the suitability, capacity and cumulative impacts associated of the provisioning of infrastructure and servicing in accordance with section 4.15 of the EP&A Act and clause 14(1)(c) of the Alpine SEPP as follows.

Water

Potable water for the ROC will be supplied from the 280 kilolitre steel water supply tank that was approved in the staff accommodation DA. This also included a UV treatment system that will be installed adjacent to the tank. Linear underground infrastructure from the ROC will connect to the approved potable water supply line at the visitor centre.

The NPWS have advised that the *Public Health Act 2010* and *Public Health Regulation 2012* require a supplier of drinking water to establish and adhere to a Quality Assurance Program (QAP). The QAP must address the Framework for Management of Drinking Water Quality as set out in the Australian Drinking Water Guidelines (ADWG 2011) and demonstrate compliance to the NSW Private Water Supply Guidelines. A condition of consent has been included to ensure a QAP is implemented prior to any OC for the ROC.

Firefighting water supply has already been approved as part of the visitor centre DA and will be obtained from the dedicated firefighting water supply is proposed within the Quarry. Water supply to the quarry is via existing water extraction license from either Clear Creek or 3 Mile Dam. The extent of bushfire damage to pumping infrastructure and supply line is still be investigated by the Applicant. Additional approvals may be necessary if any pipelines or pumps need to be reinstated.

Given the works involve the installation of new plumbing and drainage connections for the ROC, the *Plumbing and Drainage Act 2011* requires that prior to the commencement of works a Notice of Work is provided to the plumbing regulator (NPWS) and a Certificate of Compliance is provided at the completion

of works. The Department has recommended conditions of consent to ensure compliance with the *Plumbing and Drainage Act 2011* and that the works are carried out by an appropriately licensed plumber.

The Department supports the proposed potable water supply and considers the adequacy of the firefighting water supply will need to be demonstrated at CC stage.

Sewerage system

The Applicant proposes that wastewater from the ROC will be connected to the main resort wide STP that will be the subject of a separate DA. A condition of consent has been included that allows approval of the DA and resolution of the STP prior to occupation of the building. This ensures that the Applicant is able to commence construction on the ROC while STP investigations continue. The Department is satisfied that separate approval of either a temporary effluent management arrangement or a permanent STP is achievable prior to the ROC needing to be occupied.

Electricity

The electrical network in the region around Selwyn Snow Resort was completely destroyed during the bushfires. As a result, temporary and permanent power supply solutions are proposed by Essential Energy and are subject to separate NPWS approvals under Part 5 of the EP&A Act.

For the Department's assessment purposes, the Applicant has provided a letter from Essential Energy dated 27 November 2020, confirming their intent to arrange the reconnection of a network electricity supply to Selwyn. It also confirms their intention to supply on-site generators until such time as the network supply is restored.

Initially, a temporary power supply for the construction phase will be installed utilising diesel generators that are expected to be located adjacent to Kings Cross Road and within close proximity to the barbecue shelter to the south of the approved visitor centre (separate DA). The final location and risk mitigation measures associated with the diesel storage tanks in this area are being considered by NPWS.

Given that the permanent power supply to the resort may not be reinstated by Essential Energy for up to two years, the first return season for winter operations may also require a temporary power solution. In this case the preferred location for diesel generators and diesel storage tanks would be the southern end of the existing car park. This area is sufficiently separated from any proposed resort buildings, gas storage and Selwyn's own fuel storages, to mitigate risks to the public. Compound fencing around the facility would be required to ensure an appropriate buffer to members of the public and parked vehicles.

The suitability of this site will be subject to Essential Energy final design and ongoing network rebuilding. If the temporary solution for resort operations can't be achieved at the southern end of the car park, then Essential Energy and NPWS would need to consider alternative locations based on detailed risk assessments and management plans for storage and handling of diesel fuel.

Selwyn Snow Resort's electrical installation obligations associated with the proposed development are from the new main switchboard within the external plant enclosure and then electrical services to and within the ROC building and to other facilities requiring power e.g. ski lifts.

The Department is satisfied with the power supply arrangements for the proposed development. Conditions of consent have been included to ensure Selwyn's works are carried out by qualified electricians and in accordance with the relevant Australian Standards.

Stormwater management

The Department generally supports the Applicant's proposed stormwater drainage concept which includes an overland flow drainage path (swale) on the northern side of the internal service road and pits and pipes on the southern and western side of the building to manage runoff from the roof and other hard stand surfaces. Stormwater from the bunded refuelling area passes through an oil separator and is then piped and discharges on the northern side of the NPWS access track.

Civil plans and a report have been prepared by Taylor Thomson Whitting (TTW) Consulting Engineers. The report includes a stormwater assessment of the development site using DRAINS. The existing site conditions were modelled to determine an existing peak site discharge (48L/s), then the proposed development was modelled with all impervious areas (roads and roof areas) added to the model. Due to all the works area being previously developed and containing impervious areas, the peak stormwater discharge from the developed site did not increase over the existing conditions.

The Department's assessment has considered that none of the roof area (750 square metres total) has any runoff containment under the drip line of the roof. The building does not have any roof guttering so runoff from the roof must surface flow across pedestrian paths and landscape batters before entry into any form of stormwater containment. This has the potential for ongoing erosion and sedimentation impacts or for water to concentrate in unwanted areas. Typically, buildings in the ski resorts have either dish drains or rubble drains under the drip line of the roofs and then pit and pipe systems to direct water away from the building. Therefore, conditions of consent have been included to ensure further stormwater design details for the ROC are submitted at CC stage.

The Department is satisfied that stormwater runoff can be collected and managed appropriately from all parts of the proposed development to mitigate any environmental impacts.

Waste facilities

A new waste and recycling management plan is required for the wider resort which will include the ROC. The Applicant has identified that the base of the previous waste facility is still on site and is proposed to be reused by the Applicant. It is located on the northern side of the internal service road opposite to the loading zone. Waste is proposed to be stored in a skip bin and collected weekly during winter months. The Department is satisfied that the waste can be appropriately managed in the context of a wider resort waste and recycling management plan.

6.4 Fuel storage and handling

The proposal is not a potentially hazardous development as defined by SEPP 33. However, the above ground fuel storage tanks are required to comply with Australian Standard AS 1940:2017 – The storage and handling of flammable and combustible liquids (the Standard). The Standard provides design, construction and operational recommendations for this type of facility. The Department's assessment focused on location requirements, fire protection measures and emergency management procedures.

In support of the proposed development the Applicant has submitted a report titled 'Design guidance document: Fuel storage' by Kleinfelder Australia Pty Ltd. The report analyses the potential hazards associated with the external above ground fuel storage tanks and the other minor quantities of oils and lubricants that will be stored inside the ROC. The report also provides design guidance primarily for the storage of fuels in above ground tanks as well as a range of risk mitigation measures.

The total 5,000 litres storage (4,500 litres of diesel and 500 litres of petrol) is considered to be petroleum Spirit Class 3 PG II in accordance with the Standard and has been designed to meet the requirements for a "minor store" for open land. Some of the design requirements identified by the Applicant include the tanks being located at least 1 metre from the wall of the building and a having minimum separation of 600 millimetres between them. The area is required to be fenced to restrict unauthorised access and the fence must be located at least 1 metre from the tanks. A 3 metre wide clear space around the tanks must be keep free of combustible materials. At least one fire extinguisher must be available and danger signage must be displayed.

Spills and leaks must also be managed at the site. The report emphasises containment and clean up requirements during operations. Any area on which a vehicle can stand while being fuelled must be so graded that spilled liquid will flow away from any building and will not flow off the site. Any interceptor or oil separator must be readily accessible for inspection and cleaning. The interceptor or separator shall be able to contain a minimum of 50 litre of hydrocarbon spill.

The NPWS considered the Applicants information as part of their referral and provided the following comments:

- Waste water generated via workshop mechanical activities must pass through an oil separator prior to being transferred and disposed of appropriately.
- The Liquid Trade Waste Regulation Guidelines 2009 currently approve the following oil separators – coalescing plate interceptor/separator, hydrocyclone separation system and a vertical gravity separator.
- All environmentally hazardous materials, including all chemicals, fuels and oils, held on the land must be stored and handled in accordance with the following:
 - Any storage facility must be contained within a spill collection bund
 - All activities that involve a significant risk of spillages, including the loading and unloading of bulk materials, must take place in a bunded containment area
 - Bunded containment areas must be made of materials that are impervious to any environmentally hazardous material stored within that bund
- Each environmentally hazardous material, including chemicals, fuels and oils, must be held in accordance with the 'Code of practice for managing risks of hazardous chemicals in the workplace'.
- Spill kits appropriate for the types and volumes of materials handled must be kept in appropriate locations to assist with the containment of spilt environmentally hazardous materials.
- Standard Operating Procedures must be developed and employed for the storage, handling, recovery and disposal of environmentally hazardous materials containing chemicals, fuels and oils.

The Department supports the location of the proposed tanks that has been selected to ensure compliance with distance requirements from the adjoining receiving environments. The location includes a suitable bunded concrete surface to place the tanks on, an area out of the way of vehicle movements in / out of the ROC and adequate bunded fuel dispensing areas. A fenced compound will restrict unauthorised access and the installing bollards in front of the tanks will reduce the risk of vehicle collisions. When fuel is being delivered bunding will be in place around the truck and to ensure that any spills are contained.

The proposed development would not impose an unacceptable risk to the surrounding land uses subject to several recommendations including ongoing compliance auditing, implementation of preventative measures identified in the applicant's documentation, compliance with the Standard and the preparation of an emergency plan. These recommendations have been adopted in the recommended conditions of consent. It is considered that the potential risks associated with the tanks and any fuel handling can be appropriately managed and mitigated.

6.5 Hydrocarbon contamination

As part of the Demolish Works Order and Clean-Up Notice in March 2020, an underground petroleum storage system (UPSS), comprising two 4,500 litre tanks (one for diesel and one for petrol), was decommissioned at the former workshop site. Upon removal of the tanks (April 2020) a validation report was prepared by Ground Doctor Pty Ltd. The report outlines the UPSS decommissioning process, associated soil remediation works and the validation assessment methodology and results.

During the removal of the tank 1 a strong diesel odour was present in the soil at the base of the tank pit, but no holes were evident in the tank. During the removal of the tank 2 it was observed that a weld holding the southern end of the diesel tank was split open. A moderate to strong petrol odour was evident in the backfill sand and loose soil from around the tank while a moderate petrol odour was evident in the base of the tank pit. The base of the tanks were about 2.1 metres and 2.3 metres below the ground surface. To ensure all hydrocarbon impacted soil and fractured rock was properly removed, an approximate total of 30 cubic metres of material was removed. The UPSS excavation was backfilled using available clean soil and rock from the area surrounding the site. The removal of the hydrocarbon impacted soil from the upper 2 metres of the surface has address any residual aesthetic impacts, potential ecological impacts and potential "direct contact" with soil from users or maintenance works. The proposed ROC building is located more than 10 metres to the west of the UPSS area.

The primary migration of contaminants was through the base of the tank pit. Groundwater monitoring wells were installed (May 2020) to assist in detecting further contamination (**Figure 8**). Sample from the monitoring wells were collected in June, October and November of 2020. As a result, a light non-aqueous phase liquids (LNAPL) appears to have migrated vertically down in a north-south direction (**Figure 8**). Groundwater was encountered in fractured rock at depths of approximately 15 – 19 metres below the ground level at the UPSS location. Groundwater elevation data indicated that groundwater flows in a northerly direction towards Bullocks Head Creek which is likely more than 150 metres away when following the contours.

To allow ongoing monitoring of the LNAPL, a total of nine groundwater monitoring wells have been installed within and adjacent to the UPSS area. The LNAPL could potentially remain as a pool of LNAPL above the water table or as a dissolved phase plume in groundwater. If the LNAPL continues to migrate away from the UPSS area it will flow in a general northerly direction towards Bullocks Head Creek.

The validation assessment results indicate that the remaining soil and groundwater impacts do not pose an unacceptable risk to human health or the environment. The former UPSS area is suitable for continued use as a ski resort within KNP. There will be no unacceptable vapour intrusion impacts to the proposed ROC building, which is to be constructed more than 10 metres to the west of the identified groundwater impacts.

The Ground Doctor Pty Ltd concludes that the relatively small LNAPL thickness identified make the likelihood of LNAPL migration and associated changes to the dissolved phase impacts low. Given the relatively low mass of LNAPL remaining at the site and likely difficulties in removing the LNAPL from fractured rock at a depth of 15 metres below ground level, the identified impacts would be best managed by monitored natural attenuation (MNA). The Ground Doctor Pty Ltd has recommend six monthly groundwater monitoring occur at the site for a period of at least two years to assess any changes to the identified LNAPL and dissolved phase plumes.

The Department supports the assessment and considers that there are no unacceptable risks to human health or the environment and that the land is suitable the proposed development with respect to contamination. The Department is satisfied that the implementation of monitoring will ensure compliance with SEPP 55 and the UPSS Regulation. Conditions of consent have been included to ensure that:

- a detailed remedial strategy is prepared in accordance with the EPA Guidelines - Assessment and Management of Groundwater Contamination (2007) with explicit remediation goals for MNA and how success or failure will be judged;
- monitoring occurs for a minimum of two years and may only cease if the strategy goals have been met;
- the first round of sampling of all nine (9) groundwater monitoring well occurs prior to works commencing on site to ensure no foreign construction materials influence the data; and
- the groundwater monitoring wells are clearly delineated as “no go” areas to ensure protection during construction.

6.6 Aboriginal Cultural Heritage

The Applicant has provided an Aboriginal cultural heritage assessment for the overall resort master plan which also considers the site where Aboriginal artefacts were observed in 2010 to the south of the ROC. A 40 metre buffer zone will be implemented to ensure no accidental encroachment during the construction works.

The NPWS consider that the Applicants assessment appears to have followed a suitable process and due diligence in determining that the proposed works are unlikely to harm Aboriginal objects has been demonstrated.

A precautionary condition of consent has also been included to ensure that works cease and NPWS is immediately contacted if any Aboriginal objects are uncovered during construction.

The Department does not anticipate any adverse impacts on Aboriginal cultural heritage and the proposal is consistent with clause 26 of the Alpine SEPP.

6.7 Geotechnical slope stability

Parts of the site are within the G zone identified on the Department's Geotechnical Policy – Kosciuszko Alpine Resorts Mount Selwyn Map. The application is supported by a Geotechnical Investigation and Form 1 prepared by ACT Geotechnical Engineers Pty Ltd. The investigation report presents the result of the geotechnical assessment for the proposed ROC as well as other aspects of the overall resort masterplan some of which are the subject of separate DAs. The report assesses the existing stability of the site and the effects on stability of the proposed development.

In the location of the ROC, the investigation included test pits with a 4-tonne excavator and boreholes using a push tube sampler where refusal in medium strong bedrock ranged from 0.4 metres to 0.6 metres in depth. Medium strong, moderately weathered slate bedrock was encountered in all test pits and boreholes. The bedrock in the location of the ROC is overlain with slate gravel and coarse sand that have been remoulded as a result of the demolition of the previous buildings. There is also some uncontrolled fill in this part of the site.

The report identifies the following hazards and assessed their associated risk in the existing state and the post construction state after the implementation of risk treatment mitigation measures:

- Large Scale Transitional Slide
- Small Scale Slumps in the Soil Profile
- Failure of a Retaining Wall
- Surface Erosion
- Failure of Cut Batters
- Large Rockfall from Upslope

A number of risk treatment mitigation measures were identified to maintain and/or reduce the risk level of slope stability during the construction of the various aspects of the proposed development. These include footing design parameters, site drainage recommendations and limiting ground disturbance to maintain the existing vegetation cover. The risks to property and risks to life are all "low" and "very low" after the recommended mitigation measures are implemented.

In addition, geotechnical recommendations for design and construction were also provided. These included footings and piers being founded in the bedrock, geotechnical engineer inspections during construction, surface and subsurface drainage recommendation and pavement subgrades preparation parameters.

The report concludes that the site is suitable for the proposed snow resort redevelopment provided all the recommendations are followed.

The Department considers that the Applicant has satisfactorily addressed the provisions of the Geotechnical Policy as required by clause 14(1)(f) of the Alpines SEPP and that the site is suitable for the proposed development. The Department has included conditions of consent that require a Form 2 at CC and a Form 3 at OC stages. This will ensure that the risk treatment mitigation measures and the additional design parameters are incorporated into the design plans that then carried out during construction.

6.8 Vehicle access

Vehicle access is via the internal service road that runs from Kings Cross Road to the site of the proposed ROC building. In support of the proposal and in order to demonstrate compliance with the Australian Standard AS 2890.1 (Off-street Car Parking Facilities) and Austroads Road Design Guidelines, the Applicant provided a traffic report by TTW. The report considers vehicle turning movements for a range of service vehicles associated with the ROC.

Other vehicle access considerations include Selwyn's own resort operational machinery such as tractors and snow grooming equipment. The ROC building is located to provide convenient and safe access directly onto the ski slope. Fencing between the visitor centre and the ROC will ensure guests do not enter the zone where machinery is manoeuvring into the refuelling area or building. Upon exiting the building there are adequate sight lines to the east and west prior to machinery moving onto the ski slopes. Generally, operational activities such as snow grooming occur when the ski slopes are closed to the public.

The Department does not raise concerns with the vehicle access arrangement of the proposed development.

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 and the natural environment and cultural values associated with KNP are protected
- the potential impacts on the natural environment and cultural heritage have been mitigated through careful site selection that utilises existing disturbed area and adheres to avoid and minimise principles
- there are no adverse impacts to Aboriginal cultural heritage and natural hazards including bushfire and geotechnical risks have been adequately mitigated
- it is aimed at re-establishing the use of Selwyn Snow Resort as an important winter tourism and recreational facility which promotes visitation of the NSW Alpine Resorts
- it is consistent with the regional plan for the locality and the Alpine SEPP and supports the bushfire recovery and rebuilding efforts

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 Director, Regional Assessments as delegate of the Minister for Planning and Public Spaces:

- **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 10647, subject to the conditions in the attached development consent
- **signs** the attached development consent and recommended conditions of consent (see attachment).

Recommended by:



Daniel James
Team Leader
Alpine Resorts Team

9 Determination

The recommendation is **Adopted** by:

A handwritten signature in blue ink, consisting of the letters 'K' and 'T' followed by a long horizontal line.

Keiran Thomas
Director
Regional Assessments

as delegate of the Minister for Planning and Public Spaces

7 May 2021

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, Industry and Environment's website as follows.

1. Statement of Environmental Effects

- http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=10647

2. Submissions

- http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=10647

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,	The bushfire recovery rebuilding of Selwyn Snow Resort will support positive social and economic welfare in the region. The ROC and other components of the proposed development will allow for proper management of the resort for its use as an important recreational area and to ensure protection of the natural environment. Surrounding towns will benefit once the resort is operational and visitors will once again have the choice of a unique low-cost option for families to experience snow.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal would not have an unacceptable impact on the environment thus being ecologically sustainable development. Sustainability measures have been incorporated into the ROC design, and site selection and construction techniques seek to avoid and minimise ground disturbance. Post construction, rehabilitation of impacted areas will be undertaken. Potential contamination from the decommissioned UPSS will be resolved via MNA.
(c) to promote the orderly and economic use and development of land,	The development seeks approval for a ROC, essential supporting infrastructure and new / altered lifting facilities that are all necessary for re-establishing the use of Selwyn Snow Resort as an important winter tourism and recreational facility. Other aspects of the proposed development such as the skier conveyor improve the form and function of resort operations. The proposal also supports the bushfire recovery and

	rebuilding efforts. Potential contamination from the decommissioned UPSS will be resolved via MNA.
(d) to promote the delivery and maintenance of affordable housing,	Not applicable.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The impacts upon the environment are negligible and site selection for the proposed development has adhered to avoid and minimise principles. The application is supported by an ecologist report that concludes no flora or fauna groups identified in the assessment are likely to be at risk as a result of the proposed development. See discussion in Section 6.1 .
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	<p>There are no heritage items located at Mount Selwyn and there are no observed historic gold mine sites, water races or sluicing scars from the Kiandra gold mining era of the late 1800s.</p> <p>Aboriginal artefacts were observed in 2010 to the south of the ROC. The proposed development includes a 40 metre radius buffer area around the site (also identified in the staff accommodation and visitor centre DAs). The artefacts are no longer visible, but the buffer ensures protection of any other subsurface artefacts. No impacts are anticipated upon built and cultural heritage, including Aboriginal cultural heritage.</p> <p>See discussion in Section 6.4.</p>
(g) to promote good design and amenity of the built environment,	<p>The Department considers that the proposal responds to its existing setting and the built form is modest in the landscape. The materials and colours of the ROC are compatible with other proposed buildings which will assist in unifying the buildings and creating a new and appropriate character.</p> <p>The ROC provides a consolidated undercover space for resort staff to manage the day to day operations of the surrounding ski slopes. The building has been sized to provide adequate space for resort tractors and groomers to shelter when not in use. Facilities are also provided for snow resort staff within the ROC including Ski Patrol sick bay, office space, drying room, bathroom, staff kitchen and break out area. Located at the end of</p>

	<p>the existing service road, siting has been considered to minimise the amount of cutting and filling on the site, while also providing convenient and safe access directly onto the ski slopes.</p> <p>The potential impacts on the natural environment and cultural heritage have been mitigated through careful site selection that utilises existing disturbed areas.</p> <p>See discussion in Section 6.2.</p>
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	A building code compliance report has been submitted with the application. The ROC building has been designed in accordance with class 5, class 7b and class 8 of the BCA and will be constructed to BAL 29 bushfire standards. 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 Appendix C).
(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 (Section 5), 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 (Section 5), which included 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.

State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007 (Alpine SEPP) is applicable to the development. Consideration of the matters to be considered is provided below:

CI 14(1) – Matters to be considered by consent authority	
(a) the aim and objectives of this policy, as set out in clause 2	The proposal is consistent with the aim and objectives of the Alpine SEPP in that it is consistent with the principles of ESD and re-establishes the use of Selwyn

	<p>Snow Resort as an important winter tourism and recreational facility.</p> <p>Visitation of the NSW Alpine Resorts will be promoted again once the resort is operational giving tourists the choice of a unique low-cost option for families to experience snow.</p>
<p>(b) the conservation of the natural environment and any measures to mitigate environmental hazards (including geotechnical hazards, bush fires and flooding),</p>	<p>The proposal is appropriate as it occurs in previously disturbed parts of the resort with no impact on the natural environment. Geotechnical and bush fire implications have also been considered. The site is not affected by flooding.</p> <p>As a result of the UPSS decommissioning process, a LNAPL appears to have migrated vertically down in a north-south direction. The former UPSS area is suitable for continued use as a ski resort within KNP. There will be no unacceptable vapour intrusion impacts to the proposed ROC building, which is to be constructed more than 10 metres to the west of the identified groundwater impacts. Given the relatively low mass of LNAPL remaining at the site and likely difficulties in removing the LNAPL from fractured rock at a depth of 15 metres below ground level, the identified impacts would be best managed by MNA.</p> <p>See discussion in Section 6.5.</p>
<p>(c) the cumulative impacts of development on existing transport, effluent management systems, waste disposal facilities or transfer facilities, and existing water supply,</p>	<p>The proposal does not seek to modify the capacity of Selwyn Snow Resorts. The infrastructure and servicing needs are a direct result of the damage that occurred due to the January 2020 bushfires. There are no adverse cumulative impacts associated with the rebuilt infrastructure and services as discussed below and in Section 6.3.</p> <p><u>Existing transport</u></p> <p>The internal service road that runs for Kings Cross Road to the site of the proposed resort operations building will be reinstated post construction. There is adequate area on the ROC forecourt for vehicles turning movements. The Department supports these aspects of the proposal.</p>

	<p><u>Effluent management</u></p> <p>The Applicant proposes that wastewater from the ROC will be connected to the main resort wide STP that will be the subject of a separate DA. A condition of consent has been included that allows approval of the DA and resolution of the STP “prior to occupation” of the building. This ensures that the Applicant is able to commence construction on the ROC while STP investigations continue. The Department is satisfied that separate approval of either a temporary effluent management arrangement or a permanent STP is achievable prior to the ROC needing to be occupied.</p> <p><u>Waste facilities</u></p> <p>The base of the previous waste facility is still on site and is proposed to be reused by the Applicant. Waste is stored in a skip bin and collected weekly during winter months. The Department is satisfied that the waste can be appropriately managed in the context of a wider resort waste and recycling management plan.</p> <p><u>Water supply</u></p> <p>The existing water tanks were either destroyed or significantly compromised. The rebuilt water system will have greater capacity than the previous however this is necessary to meet current legislative requirements particularly in relation to firefighting water supply.</p> <p>Potable water for the ROC will be supplied from the 280 kilolitre steel water supply tank that was approved in the staff accommodation DA. Firefighting water supply is proposed to be obtained from the quarry via a pump set that will achieve a minimum 700kPa 40L/s flow rate and three fire hydrants. With the exception of an additional fire hydrant, the firefighting water supply and system was approved in the visitor centre DA.</p> <p>Water supply to the quarry is via existing water extraction license from either Clear Creek or 3 Mile Dam. The extent of bushfire damage to pumping infrastructure and supply line is still to be investigated. Additional approvals may be necessary if anything needs to be reinstated.</p>
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(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,	<p>Prior to the impact of the bushfires, the resort centre comprised a small cluster of low scale buildings (six in total) overlooking the ski slopes to the south and south-east, with more distant southern views of the peaks and valleys of Kosciuszko National Park.</p> <p>The proposed rebuilding of the resort seeks to maintain the same low scale character. The ROC and main visitor facilities building (separate DA) have larger footprints than previous however this is due to modern ski resort needs and building compliance requirements.</p> <p>The proposed lifting facilities including the ski conveyor / ski carpet type lifts are consistent with infrastructure found at other ski resorts.</p> <p>The ROC is the tallest building at the resort with a height of approximately 8.45 metres above the finished floor level of the concrete slab which will be constructed on compacted cut and fill. The height is predominantly necessary for the storage of large machinery. There is also a part two storey section that is dedicated to staff. Despite the height, the building blends into landscape with a native vegetation backdrop when viewed from the western parts of the resort. The materials and colours of the ROC are compatible with other proposed buildings which will assist in unifying the buildings and creating a new and appropriate Selwyn Snow Resort character that is appropriate in an alpine environment.</p>
(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,	The Department supports the Applicants geotechnical assessment and is satisfied that the objectives of the Policy have been met. See discussion in Section 6.5 .
(g) any sedimentation and erosion control measures,	The proposed development has the potential for a disturbance footprint of just under 4,000 square metres (2,500 square metres for the ROC, 840 square metres for the access road, 450 square metres of the skier conveyor, about 10 square metres for the operator hut and negligible for some minor linear infrastructure). A limited Site Environmental Management Plans (SEMP) has been provided in section 8 of the Applicants SEE

	<p>and the civil plans package includes an Erosions and Sedimentation Control Plan.</p> <p>Given the limited information from the Applicant, the Department has imposed conditions of consent that require the preparation of a detailed SEMP, and a landscape and rehabilitation plan.</p> <p>The Department is satisfied that sedimentation and erosion impacts can be appropriately mitigated during construction. Post construction, any disturbed areas will be landscape and rehabilitated to ensure the site is stabilised and erosion resistant.</p>
<p>(h) any stormwater drainage works proposed,</p>	<p>The Department generally supports the Applicant's proposed stormwater drainage concept which includes an overland flow drainage path (swale) on the northern side of the internal service road and pits and pipes on the southern and western side of the building to manage runoff from the roof and other hard stand surfaces. Stormwater from the bunded refuelling area passes through an oil separate and is then piped and discharges on the northern side of the NPWS access track.</p> <p>TTW has carried out a stormwater assessment of the development site and found that due to all the works area being previously developed and containing impervious areas, the peak stormwater discharge from the developed site did not increase over the existing conditions.</p> <p>However, none of the roof area (750 square metres total) has any runoff containment under the drip line of the building. The building does have any roof guttering so runoff from the rest of the area must surface flow across pedestrian paths and landscape batters before entry into any form of stormwater containment. This has the potential for ongoing erosion and sedimentation impacts and therefore conditions of consent have been included to ensure further stormwater design detail is submitted at CC stage.</p> <p>See discussion in Section 6.3.</p>

<p>(i) any visual impact of the proposed development, particularly when viewed from the Main Range,</p>	<p>The ROC is the tallest building at the resort with a height of approximately 8.45 metres above the finished floor level. The height is predominantly necessary for the storage of large machinery. Despite the height, the building blends into landscape with a native vegetation backdrop when viewed from the western parts of the resort. The lifting facilities are typical ski resort facilities that are visually compatible with the alpine landscape.</p> <p>No adverse visual impacts are expected. The development site can be viewed from Tabletop Mountain, Mount Jagungal and parts of the Jagungal Wilderness area but not the Main Range which is further to the south of Mount Jagungal.</p>
<p>(j) any significant increase in activities, outside of the ski season,</p>	<p>The proposal does not seek to alter the use of Selwyn Snow Resort which is only a winter destination for tourists. Outside the snow season hikers can access the walking trails that traverse the resort area however this occurs in limited numbers. It is estimated that five staff will remain at the resort during summer for management and maintenance purposes.</p>
<p>(k) if the development involves the installation of ski lifting facilities,</p>	<p>The proposal includes the installation of a lift operators hut and the installation of a skier conveyor lift. There are no changes to the capacity of existing infrastructure facilities as a result of the lift works. The Department is also satisfied that there are no adverse impacts on access to, from or in the alpine resort due to the lift works. See discussion in Section 6.3.</p>
<p>(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,</p>	<p>Not applicable to proposal.</p>
<p>(m) if the development is proposed to be carried out on land in a riparian corridor.</p>	<p>Not applicable. The proposal does not include works within 40 metres of a creek or waterway.</p>
<p>CI 15 – Additional matters to be considered for buildings</p>	

<p>Building Height</p>	<p>The ROC is the tallest building at the resort with a height of approximately 8.45 metres. The height is appropriate and considered necessary for the storage of large machinery. There is also a part two storey section that is dedicated to staff. Despite the height, the building blends into landscape with a native vegetation backdrop when viewed from the western parts of the resort. The materials and colours of the ROC are compatible with other proposed buildings which will assist in unifying the buildings and creating a new and appropriate Selwyn Snow Resort character that is appropriate in an alpine environment.</p> <p>The Department considers the proposed building heights to be consistent with the Alpine SEPP.</p>
<p>Building Setback</p>	<p>The ROC is setback approximately 120 metres from Kings Cross Road and setback from the visitor centre by about 60 metres. The proposed setbacks assist in providing adequate an adequate open space and buffer to the guest areas. A natural landscape setting will be maintained with open grassland and sparse subalpine woodland surround the proposed development</p> <p>There is adequate area for services (including stormwater drainage and sewerage services), the carrying out of building maintenance and to facilitate the management of accumulated snow.</p> <p>The Department considers the proposed building setbacks to be consistent with the Alpine SEPP.</p>
<p>Landscaped Area</p>	<p>A natural landscape setting of open grassland and sparse subalpine woodland will be maintained, and the ROC will have a native vegetation backdrop when viewed from the western parts of the resort. The ROC is appropriate in terms of apparent mass and bulk of the building without the need for landscaping as a mitigation measure.</p> <p>Upon completion of construction any disturbed areas of the site will be landscaped and rehabilitated to assist in the protection of the unique alpine environment.</p>

	<p>There is adequate open space to protect the amenity of the occupants and to preserve visual amenity for the benefit of visitors.</p> <p>Stormwater run-off will be managed in swales and pits and pipes.</p> <p>The landscaped area and nature features of the site (up to about 100 metres from the ROC) will be managed as an APZ for bushfire risk mitigation.</p> <p>The Department considers the proposed landscaped areas to be consistent with the Alpine SEPP.</p>
<p>CI 17 – applications referred to the National Parks and Wildlife Service</p>	
<p>The proposal was referred to the NPWS pursuant to clause 17 of the Alpine SEPP. Refer to comments received at Section 5 and discussion on proposal at Section 6.</p>	
<p>CI 26 – Heritage conservation</p>	
<p>European heritage</p>	<p>The proposal would not impact on any European heritage items. There are no heritage items list in the Alpine SEPP that are located at Mount Selwyn Alpine Resort. There are no known historic gold mine sites, water races or sluicing scars from the Kiandra mining era of the late 1800s.</p>
<p>Aboriginal heritage</p>	<p>The Applicant's Aboriginal cultural heritage assessment and proposed 40 metre radius buffer area around the site of previously observed artefacts is acceptable.</p> <p>The NPWS advised that the Applicant has followed a suitable process and due diligence in determining that the proposed works are unlikely to harm Aboriginal objects.</p> <p>NPWS recommends 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.</p> <p>A condition of consent has been included to address the recommendation from NPWS. The Department does</p>

	<p>not anticipate any adverse impacts on Aboriginal cultural heritage.</p> <p>See discussion in Section 6.4.</p>
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Appendix C – Recommended Instrument of Consent