

# State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007

[2007-643]



New South Wales

## Status Information

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### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Does not include amendments by**  
[State Environmental Planning Policy Amendment \(Exempt Development—Cladding and Decorative Work\) 2018 \(505\)](#) (not commenced — to commence on 22.10.2018)

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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# State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007



New South Wales

## Contents

<b>Part 1 Preliminary</b> .....	4
1 Name of Policy .....	4
2 Aim and objectives of Policy .....	4
3 Land to which Policy applies .....	5
4 Definitions .....	5
5 References to alpine resorts .....	5
6 Notes .....	6
7 Consent authority .....	6
8 Maps .....	6
9 Repeal of SEPP applying to land .....	6
10 Application of other environmental planning instruments .....	6
<b>Part 2 Permitted or prohibited development</b> .....	7
11 Land Use Table .....	7
12 Demolition .....	7
13 Subdivision .....	7
14 Matters to be considered by consent authority .....	8
15 Additional matters to be considered for buildings .....	10
16 Additional matters to be considered for subdivision .....	11
17 Development applications to be referred to Department of Environment and Climate Change .....	12
18 Plan of management under National Parks and Wildlife Act 1974 .....	12

<b>Land Use Table</b> .....	13
Thredbo Alpine Resort .....	0
Perisher Range Alpine Resort.....	0
Bullocks Flat Terminal .....	0
Mount Selwyn Alpine Resort .....	0
Charlotte Pass Alpine Resort.....	0
Kosciuszko Mountain Retreat Alpine Resort .....	0
Sponars Chalet Alpine Resort .....	0
Ski Rider Alpine Resort .....	0
<b>Part 4 Exempt development</b> .....	16
19 Exempt development .....	16
<b>Part 5 Miscellaneous provisions</b> .....	17
<b>Division 1 Provisions applying to particular land</b> .....	17
20 Development on Kosciuszko Road and Alpine Way .....	17
21 Development on site of Blue Cow terminal building .....	18
22 Development in vicinity of Kangaroo Ridgeline .....	19
23 Classified roads .....	19
24 Flood prone land.....	20
<b>Division 2 Other</b> .....	21
25 Development by Crown or public authorities.....	21
26 Heritage conservation .....	21
27 Advertised development.....	23
28 Applications lodged but not determined before Policy made.....	24
<b>Schedule 1 Amendments</b> .....	25
<b>Schedule 2 Exempt development</b> .....	26
<b>Schedule 3 Heritage items</b> .....	31
<b>Dictionary</b> .....	32

# State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007



New South Wales

## Part 1 Preliminary

### 1 Name of Policy

This Policy is *State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007*.

### 2 Aim and objectives of Policy

- (1) The aim of this Policy is to protect and enhance the natural environment of the alpine resorts, in the context of Kosciuszko National Park, by ensuring that development in those resorts is managed in a way that has regard to the principles of ecologically sustainable development (including the conservation and restoration of ecological processes, natural systems and biodiversity).
- (2) The objectives of this Policy are as follows:
  - (a) to encourage the carrying out of a range of development in the alpine resorts (including the provision of services, facilities and infrastructure, and economic and recreational activities) that do not result in adverse environmental, social or economic impacts on the natural or cultural environment of land to which this Policy applies,
  - (b) to put in place planning controls that contribute to and facilitate the carrying out of ski resort development in Kosciuszko National Park that is ecologically sustainable in recognition of the fact that this development is of State and regional significance,
  - (c) to minimise the risk to the community of exposure to environmental hazards, particularly geotechnical hazards, bush fire and flooding, by generally requiring development consent on land to which this Policy applies.

### 3 Land to which Policy applies

This Policy applies to the land shown edged heavy black on the Land Application Map.

#### Note—

This Policy applies to part of Kosciuszko National Park, and to Kosciuszko Road and the Alpine Way. The part of Kosciuszko National Park to which the Policy applies is the land described as the **ski resort area** in Part 8A of Schedule 6 to the Act.

### 4 Definitions

The Dictionary at the end of this Policy defines words and expressions for the purposes of this Policy.

### 5 References to alpine resorts

A reference in this Policy:

- (a) to Thredbo Alpine Resort is a reference to the land shown edged heavy black on the map marked "*State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007—Thredbo Alpine Resort*", or
- (b) to Perisher Range Alpine Resort is a reference to the land shown edged heavy black on the map marked "*State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007—Perisher Range Alpine Resort*", or
- (c) to Bullocks Flat Terminal is a reference to the land shown edged heavy black on the map marked "*State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007—Bullocks Flat Terminal*", or
- (d) to Mount Selwyn Alpine Resort is a reference to the land shown edged heavy black on the map marked "*State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007—Mount Selwyn Alpine Resort*", or
- (e) to Charlotte Pass Alpine Resort is a reference to the land shown edged heavy black on the map marked "*State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007—Charlotte Pass Alpine Resort*", or
- (f) to Kosciuszko Mountain Retreat Alpine Resort is a reference to the land identified as being in that Alpine Resort, and shown edged heavy black, on the map marked "*State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007—Minor Alpine Resorts*", or
- (g) to Sponars Chalet Alpine Resort is a reference to the land identified as being in that Alpine Resort, and shown edged heavy black, on the map marked "*State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007—Minor Alpine Resorts*", or
- (h) to Ski Rider Alpine Resort is a reference to the land identified as being in that Alpine

Resort, and shown edged heavy black, on the map marked “*State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007—Minor Alpine Resorts*”.

## 6 Notes

Notes in this Policy are provided for guidance and do not form part of this Policy.

## 7 Consent authority

The consent authority for the purposes of this Policy is the Minister.

### Note—

Clause 32C (2) (a) of Schedule 6 to the Act makes the Minister the consent authority for all development applications relating to the land in a ski resort area.

## 8 Maps

(1) A reference in this Policy to a named map adopted by this Policy is a reference to a map by that name:

- (a) approved by the Minister when the map is adopted, and
- (b) as amended from time to time by maps declared by environmental planning instruments to amend that map, and approved by the Minister when the instruments are made.

(2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Policy to any such named map is a reference to the relevant part or aspect of the single map.

(3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.

### Note—

The maps adopted by this Policy are as follows:

- (a) the Land Application Map,
- (b) the maps referred to in clause 5 (References to alpine resorts).

## 9 Repeal of SEPP applying to land

*State Environmental Planning Policy No 73—Kosciuszko Ski Resorts* is repealed.

## 10 Application of other environmental planning instruments

The following environmental planning instruments do not apply to land to which this Policy applies and are amended as set out in Schedule 1:

*State Environmental Planning Policy No 64—Advertising and Signage*,

*State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development,*

*Kosciuszko Regional Environmental Plan 1998—(Snowy River),*

*Snowy River Local Environmental Plan 1997,*

*Tumut Local Environmental Plan 1990.*

## **Part 2 Permitted or prohibited development**

### **11 Land Use Table**

- (1) The Table at the end of this Part specifies for each alpine resort:
  - (a) development that may be carried out without consent, and
  - (b) development that may be carried out with consent, and
  - (c) development that is prohibited.
- (2) In the Table at the end of this Part:
  - (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
  - (b) a reference to a type of building or other thing does not include (despite any definition in this Policy) a reference to a type of building or other thing referred to separately in the Table in relation to the same alpine resort.
- (3) This clause is subject to the other provisions of this Policy.

### **12 Demolition**

Demolition may be carried out on land to which this Policy applies, but only with consent.

### **13 Subdivision**

- (1) Land to which this Policy applies may be subdivided, but only with consent.
- (2) However, consent is not required for a subdivision for the purpose only of any one or more of the following:
  - (a) widening a public road,
  - (b) making an adjustment to a boundary between lots, being an adjustment that does not involve the creation of a greater number of lots,
  - (c) a consolidation of lots that does not create additional lots,
  - (d) rectifying an encroachment on a lot,

- (e) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public conveniences.

#### **14 Matters to be considered by consent authority**

**Note—**

This clause provides for matters for consideration in addition to those provided for by section 4.15 of the Act. The consent authority is also required to take into account recovery plans and threat abatement plans under the *Threatened Species Conservation Act 1995*. (See sections 69 and 86 of that Act.)

- (1) In determining a development application that relates to land to which this Policy applies, the consent authority must take into consideration any of the following matters that are of relevance to the proposed development:
  - (a) the aim and objectives of this Policy, as set out in clause 2,
  - (b) the extent to which the development will achieve an appropriate balance between the conservation of the natural environment and any measures to mitigate environmental hazards (including geotechnical hazards, bush fires and flooding),
  - (c) having regard to the nature and scale of the development proposed, the impacts of the development (including the cumulative impacts of development) on the following:
    - (i) the capacity of existing transport to cater for peak days and the suitability of access to the alpine resorts to accommodate the development,
    - (ii) the capacity of the reticulated effluent management system of the land to which this Policy applies to cater for peak loads generated by the development,
    - (iii) the capacity of existing waste disposal facilities or transfer facilities to cater for peak loads generated by the development,
    - (iv) the capacity of any existing water supply to cater for peak loads generated by the development,
  - (d) any statement of environmental effects required to accompany the development application for the development,

**Note—**

This Policy applies to land that is in the **ski resort area** described in clause 32A of Schedule 6 to the Act and certain other land. Regulations made under the Act set out requirements relating to the preparation of the statement of environmental effects required to accompany a development application, including specific requirements for a statement of environmental effects relating to the ski resort area if the proposed development is advertised development.

- (e) if the consent authority is of the opinion that the development would significantly



alter the character of the alpine resort—an analysis of the existing character of the site and immediate surroundings to assist in understanding how the development will relate to the alpine resort,

- (f) the *Geotechnical Policy—Kosciuszko Alpine Resorts* (2003, Department of Infrastructure, Planning and Natural Resources) and any measures proposed to address any geotechnical issues arising in relation to the development,
- (g) if earthworks or excavation works are proposed—any sedimentation and erosion control measures proposed to mitigate any adverse impacts associated with those works,
- (h) if stormwater drainage works are proposed—any measures proposed to mitigate any adverse impacts associated with those works,
- (i) any visual impact of the proposed development, particularly when viewed from the Main Range,
- (j) the extent to which the development may be connected with a significant increase in activities, outside of the ski season, in the alpine resort in which the development is proposed to be carried out,
- (k) if the development involves the installation of ski lifting facilities and a development control plan does not apply to the alpine resort:
  - (i) the capacity of existing infrastructure facilities, and
  - (ii) any adverse impact of the development on access to, from or in the alpine resort,
- (l) if the development is proposed to be carried out in Perisher Range Alpine Resort:
  - (i) the document entitled *Perisher Range Resorts Master Plan*, as current at the commencement of this Policy, that is deposited in the head office of the Department, and
  - (ii) the document entitled *Perisher Blue Ski Resort Ski Slope Master Plan*, as current at the commencement of this Policy, that is deposited in the head office of the Department,
- (m) if the development is proposed to be carried out on land in a riparian corridor:
  - (i) the long term management goals for riparian land, and
  - (ii) whether measures should be adopted in the carrying out of the development to assist in meeting those goals.

(2) The **long term management goals** for riparian land are as follows:

- (a) to maximise the protection of terrestrial and aquatic habitats of native flora and native fauna and ensure the provision of linkages, where possible, between such habitats on that land,
  - (b) to ensure that the integrity of areas of conservation value and terrestrial and aquatic habitats of native flora and native fauna is maintained,
  - (c) to minimise soil erosion and enhance the stability of the banks of watercourses where the banks have been degraded, the watercourses have been channelised, pipes have been laid and the like has occurred.
- (3) A reference in this clause to land in a riparian corridor is a reference to land identified as being in such a corridor on a map referred to in clause 5.

### **15 Additional matters to be considered for buildings**

- (1) **Building height** In determining a development application for the erection of a building on land, the consent authority must take into consideration the proposed height of the building (where relevant) and the extent to which that height:
- (a) has an impact on the privacy of occupiers and users of other land, and
  - (b) limits solar access to places in the public domain where members of the public gather or to adjoining or nearby land, and
  - (c) has an impact on views from other land, and
  - (d) if the building is proposed to be erected in Thredbo Alpine Resort—has a visual impact when viewed from the Alpine Way, and
  - (e) if the building is proposed to be erected in Perisher Range Alpine Resort—needs to be limited so as to assist in maintaining the skyline when viewed from Kosciuszko Road and any other public roads, and
  - (f) if the building is proposed to be erected in an alpine resort other than Thredbo Alpine Resort or Perisher Range Alpine Resort—is similar to existing buildings in the resort where it is proposed to be erected, and
  - (g) if the building is proposed to be erected in Bullocks Flat Terminal—relates to the topography of its site.
- (2) **Building setback** In determining a development application for the erection of a building on land, the consent authority must take into consideration the proposed setback of the building (where relevant) and the extent to which that setback:
- (a) assists in providing adequate open space to complement any commercial use in the alpine resort concerned, and
  - (b) assists in achieving high quality landscaping between the building and other

buildings, and

(c) has an impact on amenity, particularly on view corridors at places in the public domain where members of the public gather, and

(d) is adequate for the purposes of fire safety, and

(e) will enable site access for pedestrians, services (including stormwater drainage and sewerage services) and the carrying out of building maintenance, and

(f) will facilitate the management of accumulated snow.

(3) **Landscaped area** In determining a development application for the erection of a building on land, the consent authority must take into consideration (where relevant) the extent to which landscaping should be used:

(a) as a means of assisting in the protection of the unique alpine environment of the alpine resort concerned, and to maximise its natural visual amenity, for the benefit of visitors and natural ecosystems, and

(b) to assist in the provision of adequate open space to complement any commercial use in the alpine resort concerned, and

(c) to limit the apparent mass and bulk of the building, and

(d) as an amenity protection buffer between the proposed building and other buildings, and

(e) as a means of reducing run-off, and

(f) to protect significant existing site features and limit the area of any site disturbed during and after the carrying out of development.

## **16 Additional matters to be considered for subdivision**

Consent must not be granted to the subdivision of land unless the consent authority is satisfied that:

(a) to the fullest extent practicable, lot boundaries follow ecological, catchment, topographical or other natural boundaries in the vicinity (if any) so as to facilitate the long-term protection of biodiversity values and conservation management, and

(b) if it is proposed that the land be built on—the land is not subject to flooding or geotechnical risks or is otherwise unsuitable for building purposes, and

(c) the subdivision will (to the extent relevant) achieve the most efficient use of existing public utility services (such as water supply and sewerage services), and

(d) the subdivision will not have any significant adverse impact on any of the following

plant communities on land identified as containing such a plant community in any Figure (other than Figures 1 and 11) in the Kosciuszko Resorts Vegetation Assessment:

- (i) feldmark,
- (ii) short alpine herbfield,
- (iii) snowpatch.

**Note—**

Under Part 8A of the *National Parks and Wildlife Act 1974*, it is an offence to gather, pluck, cut, pull up, destroy, poison, take, dig up, remove or injure a plant or any part of a plant that is of, or is part of, a threatened species, endangered population or endangered ecological community (as identified by the *Threatened Species Conservation Act 1995*).

Any change to the boundary of a lease granted under Part 12 of the *National Parks and Wildlife Act 1974* requires the approval of the Minister administering that Act.

**17 Development applications to be referred to Department of Environment and Climate Change**

- (1) The consent authority must, within 7 days of the lodgment of a development application that relates to land to which this Policy applies, refer the application to the Director-General of the Department of Environment and Climate Change for the comment of that Director-General (including in relation to the application of the *National Parks and Wildlife Act 1974* to the proposed development).
- (2) Before determining any application referred under subclause (1), the consent authority must consider any comments of the Director-General of the Department of Environment and Climate Change in relation to the application that are received by the consent authority within 28 days after that referral.
- (3) The Director-General of the Department of Planning and the Director-General of the Department of Environment and Climate Change may from time to time make agreements or arrangements as to the circumstances in which development applications need not be referred under subclause (1).
- (4) Despite subclause (1), a development application need not be referred to the Director-General of the Department of Environment and Climate Change if any such agreement or arrangement provides that any such development application need not be referred.

**18 Plan of management under *National Parks and Wildlife Act 1974***

- (1) Consent to a development application may be granted under this Policy even though the application has not established that the development is consistent with a plan of management for Kosciuszko National Park adopted under the *National Parks and Wildlife Act 1974*.
- (2) Nothing in this clause prevents the consent authority from refusing to grant consent

to a development application on the basis that the development is not consistent with such a plan of management.

**Note—**

Under section 81 (4) of the *National Parks and Wildlife Act 1974*, operations on land to which a plan of management under that Act applies may be undertaken only if they are undertaken in accordance with the plan of management, despite any other Act or any instrument made under an Act.

## **Land Use Table**

### **Thredbo Alpine Resort**

#### **1 Permitted without consent**

Nil

#### **2 Permitted with consent**

Advertisements; Building identification signs; Business identification signs; Car parking; Commercial premises (other than brothels and workshops); Community facilities; Conference facilities; Educational establishments; Emergency services facilities; Entertainment facilities; Fences; Food outlets; Health profession consulting rooms; Helipads; Infrastructure facilities; Lifting facilities; Management trails; Medical centres; Places of public worship; Public utility undertakings; Recreation facilities; Recreation infrastructure; Shops; Ski slope huts; Ski slopes; Snow-making infrastructure; Stream flow monitoring stations; Telecommunications facilities; Tourist accommodation; Transport facilities; Vehicle repair stations; Weather stations

#### **3 Prohibited**

Any development not otherwise specified in item 1 or 2

### **Perisher Range Alpine Resort**

#### **1 Permitted without consent**

Nil

#### **2 Permitted with consent**

Advertisements; Building identification signs; Business identification signs; Car parking; Commercial premises (other than brothels and workshops); Community facilities; Conference facilities; Educational establishments; Emergency services facilities; Entertainment facilities; Fences; Food outlets; Health profession consulting rooms; Helipads; Infrastructure facilities; Lifting facilities; Management trails; Medical centres; Places of public worship; Public utility undertakings; Recreation facilities; Recreation infrastructure; Shops; Ski slope huts; Ski slopes; Snow-making infrastructure; Stream flow monitoring stations; Telecommunications facilities; The Skitube; Tourist accommodation; Transport facilities; Vehicle repair stations; Weather stations

### **3 Prohibited**

Any development not otherwise specified in item 1 or 2

#### **Bullocks Flat Terminal**

##### **1 Permitted without consent**

Nil

##### **2 Permitted with consent**

Advertisements; Building identification signs; Business identification signs; Camping grounds; Car parking; Commercial premises (other than brothels and workshops); Community facilities; Conference facilities; Educational establishments; Emergency services facilities; Entertainment facilities; Food outlets; Health profession consulting rooms; Helipads; Infrastructure facilities; Management trails; Medical centres; Places of public worship; Public utility undertakings; Recreation facilities; Recreation infrastructure; Shops; Telecommunications facilities; The Skitube; Transport facilities; Vehicle repair stations

##### **3 Prohibited**

Any development not otherwise specified in item 1 or 2

#### **Mount Selwyn Alpine Resort**

##### **1 Permitted without consent**

Nil

##### **2 Permitted with consent**

Advertisements; Building identification signs; Business identification signs; Car parking; Commercial premises (other than brothels, conference facilities, entertainment facilities, health profession consulting rooms, recreation facilities, tourist accommodation and workshops); Community facilities; Educational establishments; Emergency services facilities; Fences; Food outlets; Helipads; Infrastructure facilities; Lifting facilities; Management trails; Medical centres; Public utility undertakings; Recreation infrastructure; Shops; Ski slope huts; Ski slopes; Snow-making infrastructure; Staff accommodation; Stream flow monitoring stations; Telecommunications facilities; Transport facilities; Vehicle repair stations; Weather stations

##### **3 Prohibited**

Any development not otherwise specified in item 1 or 2

#### **Charlotte Pass Alpine Resort**

**1 Permitted without consent**

Nil

**2 Permitted with consent**

Advertisements; Building identification signs; Business identification signs; Car parking; Commercial premises (other than brothels and workshops); Community facilities; Conference facilities; Educational establishments; Emergency services facilities; Entertainment facilities; Fences; Food outlets; Health profession consulting rooms; Helipads; Infrastructure facilities; Lifting facilities; Management trails; Medical centres; Places of public worship; Public utility undertakings; Recreation facilities; Recreation infrastructure; Shops; Ski slope huts; Ski slopes; Snow-making infrastructure; Stream flow monitoring stations; Telecommunications facilities; Tourist accommodation; Transport facilities; Vehicle repair stations; Weather stations

**3 Prohibited**

Any development not otherwise specified in item 1 or 2

**Kosciuszko Mountain Retreat Alpine Resort**

**1 Permitted without consent**

Nil

**2 Permitted with consent**

Advertisements; Building identification signs; Business identification signs; Camping grounds; Community facilities; Conference facilities; Educational establishments; Infrastructure facilities; Management trails; Public utility undertakings; Recreation infrastructure; Telecommunications facilities; Tourist accommodation (other than hotels)

**3 Prohibited**

Any development not otherwise specified in item 1 or 2

**Sponars Chalet Alpine Resort**

**1 Permitted without consent**

Nil

**2 Permitted with consent**

Advertisements; Building identification signs; Business identification signs; Conference facilities; Infrastructure facilities; Lifting facilities; Management trails; Public utility undertakings; Recreation infrastructure; Telecommunications facilities; Tourist accommodation

### 3 Prohibited

Any development not otherwise specified in item 1 or 2

#### Ski Rider Alpine Resort

##### 1 Permitted without consent

Nil

##### 2 Permitted with consent

Advertisements; Building identification signs; Business identification signs; Conference facilities; Infrastructure facilities; Management trails; Public utility undertakings; Recreation infrastructure; Telecommunications facilities; Tourist accommodation

##### 3 Prohibited

Any development not otherwise specified in item 1 or 2

## Part 4 Exempt development

### 19 Exempt development

#### Note—

Under section 4.1 of the Act, exempt development may be carried out without the need for development consent under Part 4 of the Act or for assessment under Part 5 of the Act.

The section states that exempt development:

- (a) must be of minimal environmental impact, and
- (b) cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the [Threatened Species Conservation Act 1995](#) or the [Fisheries Management Act 1994](#)), and
- (c) cannot be carried out in a wilderness area (identified under the [Wilderness Act 1987](#)).

Specifying a type of development as exempt development does not authorise the contravention of any condition of development consent, or any lease or licence under the [National Parks and Wildlife Act 1974](#), applying to the land on which the exempt development is carried out. Nor does it authorise the contravention of any other law that may apply, including the prohibitions set out in Part 8A (Threatened species, populations and ecological communities, and their habitats, and critical habitat) of the [National Parks and Wildlife Act 1974](#).

- (1) The objective of this clause is to identify development of minimal environmental impact as exempt development.
- (2) Development specified in Schedule 2 that meets the requirements for the development contained in that Schedule, and that complies with the requirements of this clause, is exempt development.
- (3) To be exempt development, the development:



- (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
  - (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and
  - (c) must not be designated development, and
  - (d) must not be carried out on land that comprises, or on which there is, a heritage item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*, and
  - (e) must not be carried out on land that is an Aboriginal place within the meaning of the *National Parks and Wildlife Act 1974* or that is shown coloured pink or blue in figure 6.1 of *Perisher Range Resorts Environmental Study* (October 2002), prepared by Connell Wagner Pty Ltd for the National Parks and Wildlife Service.
- (4) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9 is not exempt development unless:
- (a) the building has a current fire safety certificate or fire safety statement, or
  - (b) no fire safety measures are currently implemented, required or proposed for the building.
- (5) Development is not exempt development if the development involves damage to any plant that is part of any of the following plant communities on land identified as containing such a plant community in any Figure (other than Figures 1 and 11) in the Kosciuszko Resorts Vegetation Assessment:
- (a) feldmark,
  - (b) short alpine herbfield,
  - (c) snowpatch.
- (6) In this clause:
- damage**, in relation to a plant, means the ringbarking, cutting down, topping, lopping, slashing, trimming, removing, poisoning, injury or wilful destruction of the plant.

## **Part 5 Miscellaneous provisions**

### **Division 1 Provisions applying to particular land**

#### **20 Development on Kosciuszko Road and Alpine Way**

Consent may be granted to development for the purpose of roads, car parking, infrastructure facilities or advertisements on the land in the lots described in Schedule 16

to the *National Parks and Wildlife Act 1974*.

**21 Development on site of Blue Cow terminal building**

- (1) This clause applies to land identified as being the site of the Blue Cow terminal building on the map marked “*State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007—Perisher Range Alpine Resort*”.
- (2) Development for the purposes of any of the following may be carried out with consent on land to which this clause applies:
  - (a) advertisements,
  - (b) building identification signs,
  - (c) business identification signs,
  - (d) commercial premises (other than workshops),
  - (e) community facilities,
  - (f) conference facilities,
  - (g) educational establishments,
  - (h) emergency service facilities,
  - (i) entertainment facilities,
  - (j) food outlets,
  - (k) health profession consulting rooms,
  - (l) infrastructure facilities,
  - (m) lifting facilities,
  - (n) management trails,
  - (o) medical centres,
  - (p) recreation facilities,
  - (q) recreation infrastructure,
  - (r) shops,
  - (s) the Skitube,
  - (t) snow-making infrastructure,

- (u) telecommunications facilities,
  - (v) transport facilities,
  - (w) vehicle repair stations.
- (3) Any development not allowed by this clause or by clause 12 (Demolition), 13 (Subdivision), 19 (Exempt development) or 25 (Development by Crown or public authorities) is prohibited on land to which this clause applies.

## **22 Development in vicinity of Kangaroo Ridgeline**

- (1) This clause applies to the land identified as being in Kangaroo Ridgeline on the map marked "*State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007—Charlotte Pass Alpine Resort*".
- (2) Development for the purposes of any of the following may be carried out with consent on land to which this clause applies:
- (a) management trails,
  - (b) recreation infrastructure,
  - (c) slope grooming.
- (3) Any development not allowed by this clause or by clause 12 (Demolition), 13 (Subdivision), 19 (Exempt development) or 25 (Development by Crown or public authorities) is prohibited on land to which this clause applies.

## **23 Classified roads**

- (1) The objectives of this clause are:
- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads (within the meaning of the [Roads Act 1993](#)), and
  - (b) to prevent or reduce the potential impact of traffic noise and vehicle emissions on development adjacent to classified roads.
- (2) Consent must not be granted to the development of land that has a frontage to a classified road unless the consent authority is satisfied that:
- (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and
  - (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the proposed development as a result of:
    - (i) the design of the vehicular access to the land, or

- (ii) the emission of smoke or dust from the proposed development, or
  - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the proposed development.

## 24 Flood prone land

- (1) Consent must not be granted to the subdivision of, or the erection of a building or the carrying out of a work on, land that, in the opinion of the consent authority, is prone to flooding unless the consent authority has considered the NSW Government's *Floodplain Development Manual: the management of flood liable land (April 2005, ISBN 0 7347 5476 0)*.
- (2) Consent must not be granted to any development (other than the carrying out of flood mitigation works or the installation of drains) on land that, in the opinion of the consent authority, would be inundated as a result of a 1 in 100 year flood level if the consent authority is of the opinion that the development will, or is likely to:
- (a) significantly adversely affect:
    - (i) potential flood behaviour, including the flood peak at any point upstream or downstream of the development, or
    - (ii) the flow of floodwater on land adjoining the development, or
  - (b) significantly increase the potential for flooding that damages property or otherwise adversely affects the community, or
  - (c) cause significant erosion, siltation or destruction of riverbank vegetation in the locality of the development, or
  - (d) significantly adversely affect riverbank stability, or
  - (e) significantly adversely affect the safety of occupiers or users of land on which the development is proposed to be carried out, or
  - (f) significantly restrict the capacity of a floodway, or
  - (g) significantly increase the risk to the personal safety of emergency services and rescue personnel.
- (3) In this clause:

**floodway** means the area of a floodplain onto which a significant discharge of water

occurs during floods, being an area that may be aligned with a naturally defined channel and that, even if partially blocked, would cause a significant redistribution of flood flow or a significant increase in flood levels.

## **Division 2 Other**

### **25 Development by Crown or public authorities**

- (1) Development carried out on land to which this Policy applies by or on behalf of the Crown or a public authority (including Snowy Hydro Limited) does not require consent.
- (2) Despite subclause (1), development for the purposes of any of the following (other than development carried out by or on behalf of Snowy Hydro Limited) requires consent:
  - (a) water storage dams (including artificial reservoirs, tanks and ponds),
  - (b) sewage treatment works,
  - (c) waste management facilities.
- (3) A reference in this Policy to the carrying out of development for the purpose of:
  - (a) water storage dams (including artificial reservoirs, tanks and ponds) does not include a reference to the installation or use of pipelines, pumps or related infrastructure used to supply water to or from those dams, and
  - (b) sewage treatment works does not include a reference to the use of pipelines, pumps or related infrastructure used to convey sewage to, or any output from, those works.

### **26 Heritage conservation**

- (1) **Objectives** The objectives of this clause are as follows:
  - (a) to conserve the environmental heritage of the land to which this Policy applies, and
  - (b) to conserve the heritage significance of heritage items, including associated fabric, settings and views.
- (2) **Requirement for consent** Development consent is required for any of the following:
  - (a) demolishing or moving a heritage item,
  - (b) altering a heritage item, including (in the case of a building) by making changes to the detail, fabric, finish or appearance of its exterior,
  - (c) altering a heritage item that is a building by making structural changes to its interior,

- (d) disturbing or excavating land that is or contains a heritage item referred to in Part 2 of Schedule 3,
- (e) erecting a building on land that is a heritage item or on which a heritage item is located,
- (f) subdividing land that is a heritage item or on which a heritage item is located.

(3) **When consent not required** However, consent under this clause is not required if:

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
  - (i) is of a minor nature, or is for the maintenance of the heritage item, and
  - (ii) the proposed development would not adversely affect the heritage significance of the heritage item, or
- (b) the development is limited to the removal of a tree or other vegetation that the consent authority is satisfied is a risk to human life or property, or
- (c) the development is exempt development, or
- (d) the development is development that, under clause 25 (Development by Crown or public authorities), does not require consent.

(4) **Effect on heritage significance** The consent authority must, before granting consent under this clause, consider the effect of the proposed development on the heritage significance of the heritage item concerned. This subclause applies regardless of whether a heritage impact statement is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

**Note—**

The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

(5) **Heritage impact assessment** The consent authority may, before granting consent to any development on land:

- (a) on which a heritage item is situated, or
- (b) that is a heritage item, or
- (c) within the vicinity of land referred to in paragraph (a) or (b),

require a heritage impact statement to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item concerned.

- (6) **Heritage conservation management plans** The consent authority may require, after considering the significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.
- (7) **Items of Aboriginal heritage significance** The consent authority must, before granting consent under this clause to the carrying out of development on land that is, or contains, a heritage item referred to in Part 2 of Schedule 3:
- (a) consider the effect of the proposed development on the heritage significance of the heritage item and, if the heritage item comprises land, any Aboriginal object known or reasonably likely to be located on the land, and
  - (b) notify the local Aboriginal communities (in such way as it thinks appropriate) about the application and take into consideration any response received within 28 days after the notice is sent.
- (8) (Repealed)
- (9) **Conservation incentives** The consent authority may grant consent to development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though development for that purpose would otherwise not be allowed by this Policy, if the consent authority is satisfied that:
- (a) the conservation of the heritage item is facilitated by the granting of consent, and
  - (b) the proposed development is in accordance with a heritage conservation management plan that has been approved by the consent authority, and
  - (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage conservation management plan is carried out, and
  - (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, and
  - (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

## **27 Advertised development**

- (1) Any development application for development that is identified by this clause as advertised development must be made available for inspection at the Department's head office for at least 28 days, even though the regulations under the Act may only require the development application to be made available for inspection for at least 14 days.
- (2) Development is advertised development if it involves any of the following:

- (a) the erection of a building with a footprint of more than 1,000 square metres,
- (b) the erection of a new ski-lift line or the extension of an existing ski-lift line,
- (c) damage to any plant that is part of:
  - (i) an endangered ecological community or a vulnerable ecological community, or
  - (ii) feldmark, short alpine herbfield or snowpatch on land identified as containing such a plant community in any Figure (other than Figures 1 and 11) in the Kosciuszko Resorts Vegetation Assessment,
- (d) the disturbance of any wetland forming part of an endangered ecological community or a vulnerable ecological community.

(3) In this clause:

**damage**, in relation to a plant, means the ringbarking, cutting down, topping, lopping, slashing, trimming, removing, poisoning, injury or wilful destruction of the plant.

**disturbance**, in relation to a wetland, includes any filling or draining of the wetland.

**endangered ecological community** means an endangered or critically endangered ecological community within the meaning of the [Threatened Species Conservation Act 1995](#).

**vulnerable ecological community** has the same meaning as in the [Threatened Species Conservation Act 1995](#).

## 28 Applications lodged but not determined before Policy made

- (1) This Policy does not apply to or with respect to an application for an approval under Part 3A of the Act that had been made but not finally determined before the commencement of this Policy.
- (2) A development application lodged, but not finally determined, prior to the commencement of this Policy must be determined under the provisions of any environmental planning instruments that were in force immediately before that commencement and that applied to the development the subject of the development application.
- (3) However, in determining any such development application, the consent authority must take into consideration the provisions of this Policy that are of relevance to the development proposed.
- (4) Subclauses (2) and (3) do not apply to a development application if the applicant for the development application has requested, in writing, that the consent authority determine the development application under the provisions of this Policy.



## Schedule 1 Amendments

(Clause 10)

### 1.1 State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development

#### [1] Clause 4 Application of Policy

Omit “*State Environmental Planning Policy No 73—Kosciuszko Ski Resorts*” in clause 4 (1).

Insert instead “*State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007*”.

#### [2] Clause 14 Exempt development

Omit “*State Environmental Planning Policy No 73—Kosciuszko Ski Resorts*” in the note to clause 14 (4).

Insert instead “*State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007*”.

### 1.2 State Environmental Planning Policy No 60—Exempt and Complying Development

#### Clause 4 Where does this Policy apply?

Omit “*State Environmental Planning Policy No 73—Kosciuszko Ski Resorts*” in clause 4 (2).

Insert instead “*State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007*”.

### 1.3 State Environmental Planning Policy No 64—Advertising and Signage

#### Clause 5 Area of application of this Policy

Omit “*State Environmental Planning Policy No 73—Kosciuszko Ski Resorts*” in clause 5 (3).

Insert instead “*State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007*”.

### 1.4 State Environmental Planning Policy No 65—Design Quality of Residential Flat Development

#### Clause 5 Land to which this Policy applies

Insert at the end of the clause:

- (2) Despite subclause (1), this Policy does not apply to land to which *State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007* applies.

## **1.5 Kosciuszko Regional Environmental Plan 1998—(Snowy River)**

### **Clause 2 Where does this plan apply?**

Omit “*State Environmental Planning Policy No 73—Kosciuszko Ski Resorts*” in clause 2 (3).

Insert instead “*State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007*”.

## **1.6 Snowy River Local Environmental Plan 1997**

### **Clause 3 Where does this plan apply?**

Omit “*State Environmental Planning Policy No 73—Kosciuszko Ski Resorts*” in clause 3 (2).

Insert instead “*State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007*”.

## **1.7 Tumut Local Environmental Plan 1990**

### **Clause 3 Land to which plan applies**

Omit “*State Environmental Planning Policy No 73—Kosciuszko Ski Resorts*” in clause 3 (2).

Insert instead “*State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007*”.

## **Schedule 2 Exempt development**

(Clause 19)

### **1 Advertisements**

The display of an advertisement (other than an illuminated advertisement), including the erection of any advertising structure on which the advertisement is displayed, but only if:

- (a) the advertisement:
- (i) relates to the premises on which it is displayed or to goods or services that are available at those premises, and
  - (ii) together with any advertising structure on which it is displayed, has an area of no more than 0.75 square metres, and
  - (iii) together with any advertising structure on which it is displayed, is at least 2.6 metres above any public road above which it is displayed, or

- (b) the advertisement is displayed behind a window, or
- (c) the advertisement:
  - (i) advertises a social, cultural, political or recreational event, and
  - (ii) is displayed for no more than 28 days before the event, no more than 14 days after the event and no more than a total of 22 weeks, and
  - (iii) has an area of no more than 7 square metres, or
- (d) the advertisement:
  - (i) is a real estate sign advertising that the premises on which it is displayed are for sale or are for lease under Part 12 of the *National Parks and Wildlife Act 1974*, and
  - (ii) together with any advertising structure on which it is displayed, has an area of no more than 2.4 square metres.

## **2 Public notices of public authorities**

The erection of a sign, by or on behalf of a public authority, in the nature of a public notice that provides only information or directions (or both) in relation to a service provided by the public authority.

## **3 Signs relating to safety**

The erection of a sign whose purpose is to ensure the safety of workers on the site at which it is located or of the general public.

## **4 Building identification signs or business identification signs**

The erection and use of a building identification sign or business identification sign, displayed on the premises to which it relates, but only if:

- (a) the sign is displayed behind a window on the premises, or
- (b) the sign has an area of no more than 0.75 square metres and, if the sign is erected above a public road, it is erected at least 2.6 metres above the road.

## **5 Internal building alterations**

Internal building alterations that do not involve the following:

- (a) any increase in the gross floor area of the building,
- (b) any alteration to a load-bearing member of a building or any alteration that results in the load-bearing capacity of the building being exceeded,
- (c) any modification of any form of construction that is, or is proposed to be, implemented in a building to ensure the safety of persons using the building in the

event of fire,

(d) any modification of any of the following:

(i) any kitchen used for commercial purposes,

(ii) any area, within premises, that is used for skin penetration procedures within the meaning of section 51 of the *Public Health Act 1991*,

(iii) any hairdressing premises,

(iv) any swimming or spa pool within the building,

(e) any alteration to a building comprising tourist accommodation that results in an increase in the size of a bedroom or an increase in the number of bedrooms in the tourist accommodation.

## **6 Change of use of a building**

New use of a building as an office, resulting from a change of use of the building as a shop, or new use of a building as a shop, resulting from a change of use of the building as an office, but only if:

(a) the use of the building, before the change, as a shop or as an office (as the case may be) was lawful, and

(b) the new use would otherwise be permitted with consent under this Policy, and

(c) the new use occurs over no more than 200 square metres of floor space, and

(d) in the case of the new use of a building as a shop—the use of the shop does not involve the handling, preparation or storage of food for sale or consumption.

## **7 Installation and use of street furniture**

The installation and use of street furniture (including a bench, a bollard and a garbage enclosure) on a public footpath or in a plaza, but only if:

(a) the street furniture does not prevent or extensively restrict use of the footpath or plaza for access, and

(b) the street furniture is firmly anchored, and

(c) in the case of a garbage enclosure—the enclosure is animal-proof.

## **8 Maintenance**

The carrying out of any development comprised in the repair of deteriorated or damaged material (whether or not in a building) or the replacement of any such material, but only if:

- (a) no wall of a building is wholly replaced,
- (b) in the case of repairs to, or the partial replacement of, the wall of a building, involving the use of material that differs in nature from the material being repaired or replaced—the repairs extend over no more than 5 percent of the surface, or the replacement is of no more than 5 percent of the wall, over any 3 year period,
- (c) the maintenance does not affect the load-bearing capacity of any load-bearing member of a building.

## **9 Development carried out on ski slopes**

The carrying out on ski slopes of any of the following:

- (a) the erection of any of the following structures for the purposes of recreational activities, including skiing:
  - (i) signs not exceeding 2.5 square metres in area,
  - (ii) structures related to snow sports that are either fully embedded or fully supported by snow,
  - (iii) other structures not exceeding more than 2.4 metres in height,but only if the structures stand for no more than 22 weeks in any one year,
- (b) fences not exceeding 2 metres in height,
- (c) the maintenance of ski slopes on an annual basis, or of a routine nature, including slashing and trimming of regrowth.

### **Note—**

The slashing or trimming of any plant that is part of any of the following plant communities (as identified in the Kosciuszko Resorts Vegetation Assessment) is not exempt development:

- (a) feldmark,
- (b) short alpine herbfield,
- (c) snowpatch.

The slashing or trimming of plants that are, or are part of, a threatened species, endangered population or endangered ecological community (as identified by the [Threatened Species Conservation Act 1995](#)) is an offence under Part 8A of the [National Parks and Wildlife Act 1974](#).

## **10 Antennae, satellite dishes and aerials**

The installation of an antenna, satellite dish or aerial, for use within tourist accommodation, but only if:

- (a) following the installation, there is no more than one antenna, one satellite dish and one aerial per building, and

- (b) the height of the antenna, satellite dish or aerial to be installed is no more than 1 metre above the ridgeline of the building that the device services, and
- (c) in the case of the installation of a satellite dish—the dish is no more than 500mm in diameter, and
- (d) there are no structural alterations involved and the antenna, satellite dish or antenna is firmly anchored.

### **11 Erection of minor structures**

The erection of a structure ancillary to a permissible use, but only if:

- (a) the structure is erected at least 1 metre from each boundary of any sublease or lease applying to the site, and
- (b) the structure does not cover an area of more than 10 square metres, and
- (c) the structure does not stand higher than 1 metre above the ground level (existing) of the site, and
- (d) the erection of the structure does not require any excavation deeper than 500 millimetres below ground level (existing) and does not compromise any support for adjoining land, and
- (e) the erection or use of the structure does not involve the handling, use or storage of hazardous chemicals or materials, and the materials used in the structure do not release any hazardous chemicals or materials into the environment, and
- (f) the structure is made of non-combustible materials if erected on land that is bush fire prone land.

### **12 Laying of paving**

The laying of paving, but only if:

- (a) the paving does not cover an area of more than 10 square metres, and
- (b) the laying of the paving does not require any excavation deeper than 500 millimetres below the ground level (existing) of the site and does not compromise any support for adjoining land.

### **13 Demolition**

Demolition of any structure, the erection of which is exempt development under this Policy, but only if:

- (a) the structure stands on an area of not more than 25 square metres, and
- (b) is carried out in accordance with any applicable provisions of AS

2601—2001 *Demolition of structures.*

## Schedule 3 Heritage items

(Clause 26)

### Part 1 Buildings and landscapes

Item	Property description
<b>Thredbo Alpine Resort</b>	
Athol	Lot 29, DP 727592 (known as Lot 46)
Crackenback Ski Club	Lot 29, DP 727592 (known as Lot 25)
De Dacha	Lot 29, DP 727592 (known as Lot 88)
Kasees	Lot 29, DP 727592 (known as Lot 13)
Seidler Lodge (previously Lend Lease Lodge)	Lot 29, DP 727592 (known as Lot 61)
Moonbah	Lot 29, DP 727592 (known as Lot 30)
Obergurgl	Lot 29, DP 727592 (known as Lot 45)
Ramshead	Lot 29, DP 727592 (known as Lot 21)
Sastrugi	Lot 29, DP 727592 (known as Lot 22)
Thredbo Alpine Club	Lot 29, DP 727592 (known as Lot 9)
Thredbo Alpine Hotel	Lot 29, DP 727592 (known as Lot 41)
Valley Terminal	Lot 29, DP 727592
Wombiana	Lot 29, DP 727592 (known as Lot 44)
Timber Pedestrian Bridge	Lot 29, DP 727592
Site of 1997 Landslide	Lot 29, DP 727592 (known as Lots 78 and 96)
<b>Perisher Range Alpine Resort</b>	
Alexandra	Lot 199, DP 44462
Caloola	Lot 196, DP 44459
Dulmison	Lot 262, DP 72758
Edelweiss	Lot 86, DP 756697
Illoura	Lot 34, DP 756697
Kosciuszko Snow Revellers (KSRC)	Lot 92, DP 756697
Ku-ring-gai	Lot 86, DP 756697
Lodge 21	Lot 21, DP 756697

Maranatha	Lot 238, DP 721847
Munjarra	Lot 62, DP 756697
Numbananga	Lot 33, DP 756697
Rock Creek	Land identified as a heritage item on the map marked "State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007—Perisher Range Alpine Resort"
Rugby Union	Lot 66, DP 756697
Telemark	Lot 87, DP 756697
Tiobunga (YMCA)	Lot 147, DP 756697
<b>Charlotte Pass Alpine Resort</b>	
The Chalet	Lot 16, DP 756705
<b>Sponars Chalet Alpine Resort</b>	
Sponars Chalet	Lot 29, DP 44474

## Part 2 Items of Aboriginal heritage significance

Any items identified on the commencement of this Policy on the Aboriginal Heritage Information System held by the Department of Environment and Climate Change.

### Dictionary

(Clause 4)

**Aboriginal object** has the same meaning as in the [National Parks and Wildlife Act 1974](#).

**advertisement** has the same meaning as in the Act.

**advertising structure** has the same meaning as in the Act.

**alpine resort** means Thredbo Alpine Resort, Perisher Range Alpine Resort, Bullocks Flat Terminal, Mount Selwyn Alpine Resort, Charlotte Pass Alpine Resort, Kosciuszko Mountain Retreat Alpine Resort, Sponars Chalet Alpine Resort or Ski Rider Alpine Resort.

**attic** means any habitable space, but not a separate dwelling, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.

**building** has the same meaning as in the Act.

**building identification sign** means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol, but that does not include general advertising of products, goods or services.



**Bullocks Flat Terminal**—see clause 5.

**business identification sign** means a sign:

- (a) that indicates:
  - (i) the name of the person or business, and
  - (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not include any advertising relating to a person that does not carry on business at the premises or place.

**centre-based child care facility** has the same meaning as in the standard instrument for a local environmental plan prescribed by the [Standard Instrument \(Local Environmental Plans\) Order 2006](#).

**Charlotte Pass Alpine Resort**—see clause 5.

**commercial premises** means premises used as an office or for other business or commercial purposes (providing services to visitors and to the alpine resort in which it is located).

**community facility** means premises that are owned or controlled by the Department of Environment and Climate Change, a resort operator, a public authority, a religious organisation or an associated body of persons for the physical, social, cultural, economic, intellectual or religious welfare of visitors to the alpine resort in which it is located, including any of the following premises:

- (a) a public library, meeting rooms, recreation facilities, a centre-based child care facility and any similar premises,
- (b) a community club, being premises used by persons sharing like interests, but not premises of a registered club (within the meaning of the [Registered Clubs Act 1976](#)).

**conference facility** means premises, ancillary to tourist accommodation, that are used for meetings, consultation or discussion.

**demolish**, in relation to a heritage item, means wholly or partly destroy, dismantle or deface the heritage item.

**development** has the same meaning as in the Act.

**educational establishment** means a building used for community education, a training facility, an art gallery, a museum, a cultural centre or similar premises, whether or not the premises are used for the purposes of commercial gain.

**emergency services facilities** means facilities (other than ski slope huts) used by public authorities for the purposes of emergencies.

**entertainment facility** means premises used for the purpose of a theatre or cinema or premises used for a similar purpose, whether or not the premises are used for that purpose for commercial gain.

**floor**, in relation to a building, means the space within a building that is situated between one floor level of the building and the floor level above or, if there is no floor level above, the ceiling above or roof of the building.

**food outlet** means premises, such as a restaurant or café, in which meals or light refreshments are served to the public for profit or reward, including such premises that are used for live entertainment or dancing.

**gross floor area**, in relation to a building, means the total floor area of the building, as measured from the outside of the external walls of the building or as measured from the centre of a wall that comprises a common wall of the building and another building.

**ground level (existing)** means the existing level of a site at any point.

**health profession consulting room** means a room used for the purposes of providing professional health services to members of the public, including services provided by a medical practitioner, an acupuncturist, a chiropodist, a chiropractor, a dentist, an occupational therapist, an optometrist, an osteopath, a physiotherapist, a naturopath, a herbalist, a homeopath or a practitioner of remedial massage.

**helipad** means premises used, other than by members of the public, for the taking off and landing of helicopters.

**heritage conservation management plan** means a document prepared in accordance with guidelines prepared by the Department of Planning that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

**heritage impact statement** means a document consisting of the following:

- (a) a statement demonstrating the heritage significance of a heritage item,
- (b) an assessment of any adverse impact that proposed development will have on that significance,
- (c) proposals for measures to minimise that impact.

**heritage item** means a building, place or Aboriginal object listed or referred to in Schedule 3.

**heritage significance** means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

**hotel** has the same meaning as in the [Liquor Act 1982](#).

**infrastructure facilities** means facilities provided as utility undertakings (whether or not as public utility undertakings), including any of the following:

- (a) water storage dams, including artificial reservoirs, tanks and ponds,
- (b) roads (other than roads provided by or on behalf of the Roads and Traffic Authority),
- (c) sewage treatment works,
- (d) waste management facilities.

**Kosciuszko Mountain Retreat Alpine Resort**—see clause 5.

**Kosciuszko Resorts Vegetation Assessment** means the document of that name prepared in 2002 by Ecology Australia, in association with NGH Environmental, for PlanningNSW.

**Land Application Map** means the *State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007 Land Application Map*.

**lodge** means a building providing temporary accommodation to persons, whether those persons stay for a single night or for a longer period.

**Main Range** means the land identified as the Main Range Management Unit in the *Kosciuszko National Park Plan of Management 2006*, adopted under the [National Parks and Wildlife Act 1974](#), and as in force on 16 June 2006.

**Note—**

The land identified as the Main Range Management Unit in *Kosciuszko National Park Plan of Management 2006* includes Ramshead and Etheridge Ranges, Watsons Crags and the peaks of Mounts Kosciuszko, Townsend, Alice Rawson, Carruthers, Twynam, Anton, Anderson and Tate.

**maintenance** in relation to a heritage item, means ongoing protective care. It does not include the removal or disturbance of existing fabric, alterations, such as carrying out extensions or additions, or the introduction of new materials or technology.

**management trail** means a trail used by or on behalf of a head lessee or licensee of an alpine resort under the [National Parks and Wildlife Act 1974](#), or by or on behalf of a public authority, for operational purposes (such as the management of ski slopes and ski grooming) or for fire protection or emergency purposes.

**medical centre** means premises used for the purpose of providing professional health services (including preventative care, diagnosis, medical or surgical treatment and counselling) to out-patients only.

**Mount Selwyn Alpine Resort**—see clause 5.

**native fauna** means any animal-life that is indigenous to New South Wales or is known to periodically or occasionally migrate to New South Wales, whether vertebrate (including fish) or invertebrate and in any stage of biological development, but does not include humans.

**native flora** means any plant-life that is indigenous to New South Wales, whether vascular or non-vascular and in any stage of biological development, and includes fungi and lichens, and marine vegetation within the meaning of Part 7A of the [Fisheries Management Act 1994](#).

**Perisher Range Alpine Resort**—see clause 5.

**place of public worship** means premises used for the purpose of religious worship by a congregation or religious group, whether or not the premises are also used for counselling, social events, or religious instruction or training.

**public authority** has the same meaning as in the Act.

**public utility undertaking** means any undertaking carried on by, or under the authority of, any

Commonwealth or State Government department or agency, or pursuant to any Commonwealth or State Act, for the purpose of providing:

- (a) sewerage or drainage services, or
- (b) roads, or
- (c) water, hydraulic power, electricity or gas, or
- (d) telecommunications facilities.

**recreation facility** means premises used for indoor or outdoor recreation, including any of the following premises:

- (a) a billiard saloon,
- (b) a table tennis centre,
- (c) a squash court,
- (d) a tennis court,
- (e) a swimming pool (within the meaning of the [Swimming Pools Act 1992](#)),
- (f) a gymnasium,
- (g) a health studio,
- (h) a bowling alley,
- (i) a golf driving range,
- (j) a fun parlour.

**recreation infrastructure** means infrastructure provided for the purposes of active or passive recreation for tourists, including walking trails, mountain bike trails, directional signage, cross country ski trails and oversnow routes.

**resort operator** means a person acting on behalf of a corporation holding a head lease under the [National Parks and Wildlife Act 1974](#), or franchise rights, in relation to an alpine resort.

**serviced apartment** means a building containing 2 or more self-contained dwellings that are used to provide short-term accommodation and are not used or intended to be used as a place or places of residence.

**sewage treatment works** means works or land used for the collection, treatment and disposal of sewage.

**shop** means premises used for selling, exposing or offering for sale by retail, goods, merchandise or materials that operate primarily to serve the daily needs of tourists and staff.

**ski** means any snow-related activity, such as skiing, snow-boarding, or snow-play.

**Ski Rider Alpine Resort**—see clause 5.

**ski slope** means an area of land that has been developed to facilitate primarily ski activities, whether or not lifting facilities are required to access the area.

**ski slope hut** means a race hut, lift hut, ski patrollers' hut or similar hut that is erected on a ski slope and requires fixture to the ground.

**Sponars Chalet Alpine Resort**—see clause 5.

**staff accommodation** means a building or buildings used for the accommodation of staff of a building or buildings referred to in paragraph (a) of the definition of **tourist accommodation** appearing in this Dictionary.

**storey** means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

**telecommunications facility** means:

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, equipment, apparatus, tower, mast, antenna, tunnel, duct, hole, pit, pole or other structure or thing used, or to be used, in or in connection with a telecommunications network.

**telecommunications network** means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy, or both.

**the Act** means the [Environmental Planning and Assessment Act 1979](#).

**the Department** means the Department of Planning.

**the Minister** means the Minister for Planning.

**Thredbo Alpine Resort**—see clause 5.

**tourist accommodation** means:

- (a) a building or buildings used for the accommodation of visitors, including apartments, serviced apartments and lodges that may have facilities for the convenience of those visitors, such as conference facilities, entertainment facilities, recreation facilities and restaurants, or
- (b) staff accommodation, or
- (c) a hotel.

**transport facility** means a building or place used for the transportation of passengers or goods, including a bus station, a railway terminal and a building used for the garaging of vehicles relating to the servicing of an alpine resort, such as skidoos and snow groomers, other than a building used for the servicing or repair of vehicles.

**vehicle repair station** means a building or place used for the purpose of carrying out repairs and fitting of accessories to vehicles.

**waste management facility** means a facility used for the storage, treatment, purifying or disposal of waste, whether or not it is also used for the sorting, processing, recycling, recovering, use or reuse of material from that waste, and whether or not any such operations are carried out on a commercial basis.