



**SNOWY MONARO**  
REGIONAL COUNCIL

# **ATTACHMENTS TO REPORTS**

(Under Separate Cover)

**Ordinary Council Meeting**

**31 August 2016**



**ATTACHMENTS TO REPORTS  
FOR  
ORDINARY COUNCIL MEETING  
WEDNESDAY 31 AUGUST 2016**

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## Attachment 1

### Draft Conditions of Consent DA0118/2015

#### ADMINISTRATIVE CONDITIONS

##### Approved Plans and Documentation

- The developer is to ensure that the development complies fully with DA0118/2015 as submitted to Council on the 4/5/2015 with supporting documentation including, but not limited to the development plans being:

Reference/Dwg No	Title/Description	Prepared By	Date/s
Project 03-15	Statement of Environmental Effects (as amended by correspondence dated 29/1/16 from Dabyne Planning)	Dabyne Planning	April 2015
	Correspondence amending application to 3 eco tourist cabins	Dabyne Planning	29 January 2016
Barry Ian 2 DA Sheet 1 Issue F	Concept Site Plan		28/1/16
Barry Ian 2 DA Sheet 2 Issue E	Floor Plan 2 Bedroom Cabins		8/1/16
Barry Ian 2 DA Sheet 3 Issue D	Elevations Cabin C1		11/1/16
Barry Ian 2 DA Sheet 4 Issue C	Elevations Cabin C2		11/1/16
Barry Ian 2 DA Sheet 5 Issue C	Elevations Cabin C3		11/1/16
Barry Ian 2 DA Sheet 7 Issue B	Landscape Concept Plan		8/1/16
Project 03-15	Bushfire Assessment	Dabyne Planning	April 2015
D15/1265 DA15051296850 MD	Bushfire Safety Authority	NSW Rural Fire Service	28/7/2016
10 ERM 2015/0769	Response from DPI Water	DPI Water	11/10/2015
STH15/00055/04	Response from Roads and Maritime Authority	RMS – Transport	1/7/2016

as stamped by the Snowy Monaro Regional Council and attached to this Notice, except where amended by the following conditions of consent (and as amended in red by Council):

**Inconsistency between documents**

2. In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

**Advertising Signage**

3. No external advertising or business signage is approved by this consent. Any future signage will be the subject of a separate development application, where statutorily required.

**Prescribed Conditions**

4. The developer shall comply with any relevant prescribed conditions of development consent under clause 98 of the Environmental Planning and Assessment Regulation. For the purposes of section 80A(11) of the Environmental Planning and Assessment Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

- The work must be carried out in accordance with the requirements of the Building Code of Australia
- A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

**Disability Discrimination Act 1992**

5. This consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992.

It is the responsibility of the applicant to guarantee compliance with the requirements of the Disability Discrimination Act 1992. The current Australian Standard AS1428.1 – Design for Access and Mobility is recommended to be referred for specific design and construction requirements, in order to provide appropriate access to all persons within the building.

## **OTHER APPROVALS**

### **Separate Section 68 Approval to Install On-site Sewage Management System**

6. Notwithstanding the issue of this development consent, separate approval from council under Section 68 of the Local Government Act 1993 to install on-site sewage management system must be obtained prior to release of the Construction Certificate. Application for approval under Section 68 to Install On-site Sewage Management System must be submitted on council's standard application form and be accompanied by the required attachments and prescribed fee.

### **Separate Section 68 Approval to Install Wood Heaters**

7. Notwithstanding the issue of this development consent, separate approval from council under Section 68 of the Local Government Act 1993 to install wood heaters in the development must be obtained prior to release of the Construction Certificate. Application for approval under Section 68 to Install a solid fuel heater must be submitted on council's standard application form and be accompanied by the required attachments and prescribed fee.

### **NSW Rural Fire Service – Bushfire Safety Authority (reference D15/1265 DA15051296850 dated 28 July 2016)**

8. This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

1. The development proposal is to generally comply with the Concept Site Plan, prepared by unspecified, dated 28/1/2016 reference number BARRY- IAN-2-DA, Issue F.

NOTE - no approval is issued for those components marked on the plan as being "future".

### **Asset Protection Zones**

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting

firefighting activities. To achieve this, the following conditions shall apply:

2. Prior to issue of subdivision or occupation of the cabin (whichever occurs first), the corresponding asset protection zones (APZ) applicable for each cabin specified in the table below shall be created (as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones') and maintained for the life of the development

#### Cabin Asset Protection Zones (APZ)

##### North East South West

1 - 40m 40m 50m 60m

2 - 40m 40m 50m 60m

3 - 40m 40m 50m 50m

3. Where any APZs specified in the Table above extend outside of the lot boundaries for any allotment, The Community Title Management Statement must include a requirement for a management regime that provides for the ongoing maintenance of the APZs for the life of the development.
4. Any proposed "screen" plantings and/or landscaping shall comply with the requirements for an Asset Protection zone if located within the distances specified above. If the "screen" plantings are located outside of the APZ requirements, then they shall comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006' to ensure they do not become a hazard.

#### **Water and Utilities**

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities. To achieve this, the following conditions shall apply:

5. Water and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.

#### **Access**

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

6. Prior to issue of subdivision or occupation of any cabin (whichever occurs first) the primary access road (being the southern access road which commences as a right of way), from the entrance point off Kosciuszko Road

along the southern property boundary and for its length inside the site to the point where it joins up with Spring Hill Road in the north, shall be upgraded/constructed to comply with the following requirements of section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006':

- Be lawfully available to access all proposed lots.
- Be all weather surface.
- Have a minimum trafficable width of 6.5 metres
- Any carriageway constriction along the property access road shall be no less than 3.5 metres in width and for a distance of no greater than 30m.
- Provide a minimum vertical clearance of 4 metres to any overhanging obstruction, including tree branches
- Curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress.
- The minimum distance between the inner and outer curves is 6 metres.
- The cross fall is not to exceed 10 degrees.
- Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.
- Roads do not traverse through a wetland or other land potentially subject to periodic inundation (other than flood or storm surge) unless built to a suitable flood immunity level as determined by the Council.
- Roads are clearly signposted and bridges clearly indicate load ratings.
- The road surfaces and bridges have a capacity to carry fully loaded fire fighting vehicles (15 tonnes).
- Vegetation within 6 metres of either side of the formed road shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'. Trees which are tall enough to fall and cut off access shall be removed to provide safe access and egress in the case of a fire. A suitable legal mechanism shall be provided to ensure the management of this land as required above is carried out for the life of the development.

7. Prior to issue of subdivision or occupation of any cabin (whichever occurs first) the access road servicing proposed cabins 1, 2 and 3, which comes off

the internal access road shall be constructed to comply with the following requirements of section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006':

- An all-weather surface, minimum carriageway width of 4 metres.

- Any carriageway constriction along the property access road shall be no less than 3.5 metres in width and for a distance of no greater than 30m.
- Provide a minimum vertical clearance of 4 metres to any overhanging obstruction, including tree branches.
- Internal roads provide a turning circle with a minimum 12 metre outer radius within immediate proximity to each cabin.
- Curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress.
- The minimum distance between the inner and outer curves is 6 metres. • The cross fall is not to exceed 10 degrees.
- Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.
- Roads do not traverse through a wetland or other land potentially subject to periodic inundation (other than flood or storm surge) unless built to a suitable flood immunity level as determined by the Council.
- Roads are clearly signposted and bridges clearly indicate load ratings.

#### **Evacuation and Emergency Management**

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

8. An Emergency /Evacuation Plan for the facility is to be prepared consistent with the NSW Rural Fire Service document 'A guide to developing a Bush Fire Emergency Management and Evacuation Plan' 2014. The Emergency/Evacuation Plan is to include details on the following:
  - 1) under what circumstances will the complex be evacuated
  - 2) where will occupants be evacuated to;
  - 3) roles and responsibilities of persons co-ordinating the evacuation;
  - 4) roles and responsibilities of persons remaining with the complex after evacuation; and
  - 5) a procedure to contact the NSW Rural Fire Service District Office / NSW Fire Brigade and inform them of the evacuation and where they will be evacuated to.

#### **Design and Construction**

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the

following conditions shall apply:

9. Each cabin shall be constructed at minimum, in accordance with Sections 3 and 5 (BAL 12.5) of Australian Standard 3959-2009 Construction of Buildings in Bushfire-prone Areas and in accordance with Addendum: Appendix 3 of 'Planning for Bushfire Protection' 2006.

**General Advice – consent authority to note**

- The developer should provide a copy of the above required Emergency and Evacuation Plan to the local Bush Fire Management Committee for their information prior to the occupation of any accommodation of a special fire protection purpose or community title subdivision.
- The RFS notes Council's advice that Spring Hill Road is available as an alternate access for occupants of the site and that no upgrade of Spring Hill Road is permitted by Crown Lands, the owners of Spring Hill Road as part of this proposal.

**NSW Roads and Maritime Authority Section 138 Approval under the Roads Act**

- 9.
- Prior to the issuing of the construction certificate, the developer must enter into a Works Authorisation Deed (WAD) with the RMS for all works on Kosciuszko Road.
  - The proponent must undertake necessary works to achieve Safe Intersection Sight Distance at the access in accordance with Austroads Guide to Road Design — Part 4a: Unsignalised and Signalised Intersections Table 3.2, in both directions, i.e. 300m in both directions for a design speed of 100km/h.
  - Prior to any occupation, the developer must upgrade the junctions of Kosciuszko Road and the existing private access road south of Spring Hill Road, to be a sealed Type Basic left turn (BAL) together with a sealed Type Basic right turn (BAR) configuration in accordance with Austroads Guide to Road Design — Part 4a: Unsignalised and Signalised Intersections. The access must be sealed a minimum distance of 10m back from the edge of seal.
  - All roadworks, traffic control facilities and other works associated with this development, including any modifications required to meet RMS standards, will be at no cost to RMS. All works must be completed prior to occupation.
  - All roadworks and traffic control facilities must be undertaken by a pre-qualified contractor. A copy of pre-qualified contractors can be found on the RMS website at:<http://www.rta.nsw.gov.au/doingbusinesswithus/tenderscontracts/preq>

ualifiedcontractors.html

- RMS will be exercising its powers under Section 64 of the Roads Act, 1993 to become the roads authority for works on Kosciuszko Road. Given this, Section 138 consent under the Roads Act, 1993 must be obtained from the RMS prior to construction.

Note: It is requested that Council advise the applicant that conditions of development consent do not guarantee RMS final consent to the specific road work, traffic control facilities and other structures and works on the classified road network. In this regard, prior to undertaking any such work, the applicant is required to submit detailed design plans and all relevant additional information prior to commencing work on the State road network. The developer will need to pay all RMS fees and charges associated with works. In the first instance, to progress the post consent process, the applicant should email the conditions of development consent to:

[WAD.southern@rms.nsw.gov.au](mailto:WAD.southern@rms.nsw.gov.au)

- The developer must apply for, and obtain a Road Occupancy Licence (ROL) from the RMS Traffic Operations Unit (TOU) prior to commencing roadworks on a State Road or any other works that impact a travel lane of a State Road or impact the operation of traffic signals on any road. The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Speed Zone Authorisation will also be required from the TOU. The developer must submit the ROL application 10 business days prior to commencing work. It should be noted that receiving an approval for the ROL within this 10 business day period is dependent upon RMS receiving an accurate and compliant TMP.

Notes: An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by RMS Project Manager.

## PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE

### Monetary Contributions

10. Pursuant to Section 94 of the *Environmental Planning and Assessment Act, 1979* and Council's adopted Contributions plans, the following contributions apply to the development:

The developer must, pursuant to Section 94 of the *Environmental Planning and Assessment Act, 1979* and Council's Contributions Plans, pay to Council the above monetary contributions. The contributions are to be paid prior to the issue of a Construction Certificate for the development or any part thereof. (NB: Pro-rata amounts may apply if separate Construction Certificates are issued.)

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Community Services & Facilities	1245
Regional Waste Management	1497
Bushfire Services	363
Open Space and Public Art	300
Sports field and Recreation	183
<b>Total</b>	<b>\$3588</b>

Note: The above-specified Contribution Plans may be inspected at Council's Department of Environmental Services offices at Berridale and Jindabyne. The contributions stated in this consent are calculated on the basis of the s94 contribution rates determined in accordance with plan in force on the date of this consent. If the contributions are not paid within the financial year in which the consent is granted, they will be subject to an increase by CPI.

The above contributions are based on three (3) two bedroom eco tourist cabins.

#### **Landscaping Plan**

11. The developer shall submit to Council prior to the issue of the construction certificate a final Landscape Plan. The final Landscape Plan shall address the following additional requirements:
  - a) details of proposed maintenance program for a minimum period of 12 months.

The completion of the landscaping works as per the final approved Landscape Plan is required, prior to the issue of Occupation Certificate.

#### **Landscape Maintenance Plan**

12. The implementation of a landscape maintenance program in accordance with the approved Landscape Plan for a minimum period of 12 months to ensure that all landscape work becomes well established by regular maintenance. Details of the program must be submitted with the Landscape Plan to the Principal Certifying Authority prior to release of the Construction Certificate.

### **PRIOR TO THE COMMENCEMENT OF WORKS**

#### **Construction Certificate**

13. The developer is to ensure no site works, construction or building works are to commence without first obtaining a Construction Certificate.

#### **Appointment of Principal Certifying Authority and Notice of Commencement**

14. At least 48 hours prior to the commencement of any works on the site, a

“Notice of Commencement of Work and Appointment of PCA Form” will be submitted to Council. This includes that prior to the commencement of works the Applicant will submit to Council:

- (a) A construction certificate for the building work which has been issued by the Certifying Authority (i.e. Council or Accredited Certifier); and,
- (b) Evidence that the person having the benefit of the development consent has:
  - i) Appointed a Principal Certifying Authority (PCA) and notified Council in writing of the appointment, irrespective of whether Council or an accredited private certifier is appointed;
  - ii) notified the PCA that the person will carry out the building work as an owner-builder, if that is the case; and,
- (c) Evidence that the principal PCA has, no later than 2 days before the building work commences:
  - i) notified the consent authority and the Council of his or her appointment, and;
  - ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work; and,
- (d) Evidence that the person having the benefit of the development consent, if not carrying out the work as an owner-builder has:
  - i) notified the Certifying Authority (i.e. Council or Accredited Certifier) of any such appointment; and,
  - ii) unless that person is the principal contractor, notified the principal contractor of any critical state inspection and other inspections that are to be carried out in respect of the building work.

#### **Temporary Sanitary Facilities**

15. Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided must be:

- (a) a standard flushing toilet; and
- (b) connected to either: an accredited sewage management facility or an approved chemical closet.

The toilet facilities shall be provided on-site, prior to the commencement of any works.

**Construction Management Plan**

16. Prior to the commencement of any works on the site, a Construction Management Plan will be submitted to and approved by the PCA. The Plan will address, but not be limited to, the following matters where relevant:

- (a) hours of work;
- (b) contact details of site manager;
- (c) traffic management (see also C6 below);
- (d) noise and vibration management (see also C6 below);
- (e) waste management (see also C8 below);
- (f) erosion and sediment control (see also B2);
- (g) flora and fauna management; and,

the Applicant will submit a copy of the approved plan to the Department and Council.

**Site Notice**

17. Before commencement of any work, a sign must be erected in a prominent, visible position:

- (a) stating that unauthorised entry to the work site is not permitted;
- (b) showing the name, address and telephone number of the Principal Certifying Authority for the work; and
- (c) showing the name and address of the principal contractor in charge of the work site and a telephone number at which that person can be contacted at any time for business purposes.

This sign shall be maintained while the work is being carried out and removed upon the

completion of the construction works.

**Temporary Sanitary Facilities**

18. Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided must be:

- (a) a standard flushing toilet; and
- (b) connected to either: an accredited sewage management facility or an approved chemical closet.

The toilet facilities shall be provided on-site, prior to the commencement of any works.

**Enclosure of the Site**

19. The site must be enclosed with a suitable security fence to prohibit unauthorised access, to be approved by the Principal Certifying Authority. No building work is to commence until the fence is erected.

**DURING WORKS****Approved Plans to be On-site**

20. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification will be kept on the site at all times during construction and will be readily available for perusal by any officer of the Council or the PCA.

**Erosion & Sediment Control**

21. The developer is to ensure that where site works are undertaken including all excavations, land clearing and materials storage, all topsoil that is removed is stripped and stockpiled in an appropriate location for future revegetation works. The stockpiled area is to be encircled by a geofabric filter fence.
22. The developer is to ensure that erosion and siltation control measures are installed and maintained on the site for the entire length of the construction project. Erosion control measures are to include the placement of hay bales staked in the ground or the erection of geofabric filter fencing at the bottom of all areas where cut and fill is carried out and within any existing drainage areas from those cut and fill areas. These control measures are to be in accordance with the requirements of the consent authority and best management practices as outlined in the NSW Department of Housing "Soils and Construction, Managing Urban Stormwater 4th Edition, March 2004 – the Blue Book".
23. The developer shall ensure that erosion and siltation control measures shall be undertaken in accordance with the approved *Erosion and Sediment Control Plan* in respect to any part of the land where the natural surface is disturbed or earthworks are carried out.
24. The developer is to ensure that all works proposed must be designed, constructed and operated to minimise sedimentation, erosion and scour of the banks or bed of the watercourse and to minimise adverse impacts on aquatic and riparian environments.

**All-weather Access**

25. An all-weather stabilised access point must be provided to the site to prevent sediment leaving the site as a result of vehicular movement. Vehicular movement should be limited to this single accessway.

**Site Management**

26. The developer is to ensure that all builder' sheds, including temporary sanitary closets, must at all times be:
- (a) located wholly within the site;
  - (b) properly constructed and maintained to industry standards;
  - (c) securely anchored to the ground, and
  - (d) removed upon completion of the project.

**Trade Waste**

27. (a) The applicant must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction
- (b) Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.
- (c) The burning of builders waste on site by open fire is prohibited.

**Use of Power Tools**

28. The developer is to ensure that work on the development site by all persons using power tools and equipment is limited to the following hours:

Mon – Fri 7.00am to 6.00pm

Saturday 8.00am to 5.00pm

No work to occur on Sundays or Public Holidays

**Public Access and Site Security**

29. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied. In this regard, the developer must ensure that perimeter fencing is provided for all construction sites in accordance with Work Health and Safety Regulation 2011.

**Excavation**

30. The developer is to ensure that at all times all excavations and backfilling associated with the development is executed safely and in accordance with professional standards.
31. The developer is to ensure that all excavations are properly guarded and protected at all times to prevent them from being a danger to life or property.

**Plumbing & Draining**

32. The developer is to ensure that prior to any plumbing work being commenced the licensed plumber / drainer must lodge with Council a Notice of Works two

(2) working days prior to commencement of the work.

AND

- Prior to covering any new Plumbing & Drainage work arrange for the work to be inspected by Council Officers by phoning the Jindabyne Council Office on 02 64511550 and paying the appropriate inspection fee. (An additional inspection fee will apply for all work required to be re-inspected)

AND

- Within two (2) working days of the final inspection being completed the Licensed Plumber & Drainer is to provide to the Council and the property owner:-
  - (a) A Certificate of Compliance to AS3500.
  - (b) A dimensioned schematic layout of the sanitary drainage lines.

Notes:-

The Plumbing and Drainage Act 2011 has substantial fines for non-compliance.

33. All plumbing and drainage work is to be installed by a Licensed Plumber & Drainer in accordance with the Australian Standard 3500 and the provisions of the Plumbing and Drainage Act 2011 and BASIX requirements.

#### **Revegetation Works**

34. The developer is to ensure that at the completion of site works the following landscaping works are carried out:
- (a) topsoil is spread over all disturbed areas\* with priority given to cut and fill batters;
  - (b) all disturbed areas\* are re-vegetated using drylands grass mix with a complete fertiliser;
  - (c) all disturbed areas\* are to be weed free hay mulched. The hay mulching is to be undertaken by a suitable contractor in accordance with industry standards and best practice.
- (\* including all footpath areas and adjoining properties where applicable)

#### **PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

##### **Plan of Management**

35. Prior to the occupation and commencement of use the developer shall submit to Council for approval a plan of management for the eco tourist facility. The plan of management will address the following issues:
- (a) Waste management
  - (b) Provision and maintenance of essential services
  - (c) Code of conduct for visitors

- (d) Demand reduction strategies for visitor water and energy usage
- (e) On-going weed monitoring and control.

**Code of Conduct for Guests**

36. Prior to the occupation and commencement of use the developer is to submit to Council for approval a Code of Conduct for guests. The document should address (but not be limited to) the following issues:

- (a) advice visitors of access points to the site and general circulation patterns;
- (b) demand reduction strategies for visitor water and energy usage;
- (c) restricted access areas in order to protect neighbouring properties privacy;
- (d) advice on visitor etiquette;
- (e) bushfire prevention strategies; and
- (f) waste management and minimization.

*Note: This document is to be provided to guests prior to arrival.*

**Occupation Certificates**

37. An Occupation Certificate must be issued by the Principal Certifying Authority prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the Environmental Planning and Assessment Act 1997 have been complied with as well as all of the conditions of the Development Consent.

**Separate Section 68 Approval to Operate On-site Sewage Management System**

38. Notwithstanding the issue of this development consent, separate approval from council under Section 68 of the Local Government Act 1993 to operate on-site sewage management system must be obtained prior to release of the Occupancy Certificate. Application for approval under Section 68 to Operate On-site Sewage Management System must be submitted on council's standard application form and be accompanied by the required attachments and prescribed fee.

**Weed Control**

39. The developer is to ensure that the site is maintained free of weeds and a Weed Control Program approved by Council's Vegetation Management Unit is implemented which is prior to commencement of use

**Eco Tourist Accreditation**

40. The eco tourist development shall gain T-QUAL Accreditation and certification through Eco Tourism Australia prior to commencement of operation and shall maintain these (or equivalent accreditations) throughout the life of the development,

**Finished Drainage System**

41. The developer is to submit two copies of the finished internal storm water

drainage system to Council prior to the release of the Final Occupancy Certificate.

(a)

#### **Community Management Statement**

42. The developer shall prepare a community management statement to the satisfaction of Council that is approved by Council prior to the release of the subdivision certificate.
43. The community management statement must include (but not be limited to the following requirements):
  - (a) A restriction on the number of persons to be accommodated in the eco tourist cabins to six (6) persons. This is the maximum occupancy rate allowed for the cabin, even when used by the owner of the property.
  - (b) A prohibition of the use of motorized vehicles such as dirt bikes and all terrain vehicles on the site to ensure that the amenity of the surrounding properties is protected
  - (c) include provision for the maintenance of access to the site through the right of carriageway over lots 216 and 218 DP 257432 to be shared between the owners within the community title scheme. This maintenance will include any fencing, gates and grids required to ensure stock safety within lots 216 and 218 DP 257432
  - (d) a prohibition on the keeping of domesticated pets within the eco tourist cabins for both guests and owners.

#### **USE OF SITE**

##### **Water Supply to Tourist Facilities / Commercial Operations**

44. As a facility that will supply drinking water from an independent water supply (not town water) to consumers the operator of the premises will be a private water supplier.

The Private Water Supplier must develop and adhere to a quality assurance management plan (or drinking water management plan) from 1 September 2014 in accordance with the requirements of the Public Health Act 2010 and the Public Health Regulation 2012. Guidance and assistance can be sought from Councils Environmental Health Officers and with reference to:

[http://www0.health.nsw.gov.au/publichealth/environment/water/private\\_supplies.asp](http://www0.health.nsw.gov.au/publichealth/environment/water/private_supplies.asp)

<http://www0.health.nsw.gov.au/resources/publichealth/environment/water/pdf/pwsg.pdf>

A copy of your Drinking Water Management Plan must be provided to Council prior to the commencement of use.

The rainwater tanks and rainwater must be used and maintained in accordance

with the NSW Health Private Water Supply Guidelines at all times.

**Amenity**

45. The developer shall ensure that lighting of the premises is to be directed so as not to cause nuisance to the owners or occupiers of adjoining premises or users of the airfield.

**Fencing**

46. The developer shall ensure that the development site (lot 3) is fully fenced and signage is erected to inform guests of the boundary of the property and that they must stay within the property boundaries when using the accommodation. This fencing shall be constructed at the full cost of the developer irrespective of the requirements of the Dividing Fences Act.
47. The developer shall lane fence the length of the right of carriage way through lots 216 and 218 DP 257432 with the permission of and at no cost to the burdened land owner. Where gates are required by the burdened land owner this shall be installed at the cost of the developer and where gates are not deemed appropriate then grids are to be installed.

**Maintenance of Fencing and Right of Carriageway Access**

48. It is the responsibility of the developer (and then the owners within the community title scheme) to ensure that the right of carriageway and associated fencing, gates and grids are maintained to be in compliance with the requirements of these conditions of consent for the life of the development.

**Business Operation and Use of Eco Tourist Facility**

49. The eco tourist facility shall be available for patrons on a year-round basis and shall not be used solely by the owners of the cabin as a holiday home.
50. The manager of the eco tourist facility must provide to guests a copy of the Code of Conduct prior to their arrival on site and a copy shall be provided within each cabin.
51. A notice must be provided in the reception area of the eco tourist facility asking the guests and visitors to respect the rural nature of the surrounding area and the amenity and privacy of neighbours.
52. The eco tourist facility must be for overnight and temporary accommodation, and shall not to be utilised or let for long-term permanent accommodation. Guests shall not be accommodated for more than 30 consecutive days with an interval of at least 14 days between occupancies, or for more than 90 days in any 12-month period.
53. The development shall be managed by an onsite manager who resides on the

subject property. This manager shall be present when the eco tourist facility is occupied. At no time shall the eco tourist cabins be occupied without onsite management in place.

54. The operator is to ensure that any deliveries that related to the development are to occur only during normal working hours (8am–5pm Monday to Saturday) and no deliveries to occur on Sunday or public holidays.
55. Each eco tourist cabin is not to be occupied by a number of persons exceeding six (6).

#### **Annual Fire Safety Certification**

56. The owner of the building will certify to Council every year that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

#### **Roof Water**

57. The developer shall ensure that all stormwater is directed from the roof to rainwater storage tanks.

#### **Tank Overflow**

58. Tank overflow is to be connected to a retention/infiltration device, swale, appropriate landscaping or directly to the road drainage system such that it does not cause nuisance to neighbouring properties.

#### **Rainwater Tanks**

59. All fixtures connected to the supply system are marked 'RAINWATER'.
60. The developer shall ensure that rainwater tanks are de-sludged every three years.

61. For Non Charged Systems

The developer shall ensure that rainwater tanks are fitted with a first flush device and filter sock to prevent potential contaminants from entering the tank.

Or

For Charged Systems

The developer shall ensure that the charged line has a flush out drain point.

62. The developer shall ensure that rainwater tanks are fitted with the following:
- a) Impervious covers and all access points, except for inlet and overflow, are fitted with close fitting lids.
  - b) The inlet and overflow shall incorporate a mesh covering and/or strainer.
63. The tank is enclosed and inlets screened, so as to prevent the entry of foreign matter and to prevent mosquito breeding.
64. The developer shall ensure that the roof catchment area is kept clear of overhanging vegetation.
65. Pumps are to be covered or screened to avoid noise nuisances to neighbouring properties.
66. The developer shall ensure that all storm water that is not collected by the tank is directed away from tank foundations, buildings or other structures onto gardens or into rubble pits or directly to the road drainage system such that it does not cause nuisance to neighbouring properties.

**Garbage Disposal – Commercial**

67. Disposal of garbage from the development is the responsibility of the operator and may require a commercial agreement with a waste disposal contractor. No waste or garbage is to be burnt or buried on site (other than compostable materials). How waste is to be managed on site is to be included in the plan of management to be submitted for Council approval prior to the commencement of use.

**Maintenance of Garbage Bins**

68. The developer shall ensure that the garbage bin/s are:
- (a) maintained in good order and healthy state at all times; and
  - (b) only for the purpose of storage and collection of garbage.

**Driveways within the Development**

69. The developer is to ensure that the driveways within the development are constructed and maintained in accordance with the requirements of the Department of Land and Water Conservation pamphlet "Guidelines for the Planning, Construction and Maintenance of Trails".
70. The developer is to ensure that in conjunction with the "Guidelines for the Planning, Construction and Maintenance of Trails" the internal driveways are constructed in accordance with the following standards:
- (a) The road must be 4 metres wide;
  - (b) Cross slope of the road must be no greater than 1:14 or 7% (i.e. a 28cm drop over 4 metres); and
  - (c) Road gradients must not exceed 16.7% (1:6) for gravel construction and

20% (1:5) for sealed surfaces.

**Access to Lake Jindabyne**

71. The developer shall ensure that guest access to Lake Jindabyne is restricted to trails and paths wholly within Lot 3 DP 1175878 (the subject lot). No access for guests is to be permitted through the right of carriageway over lot 4 DP 1175878.

**Location of Back-up Generators**

72. The developer shall ensure that the structures proposed to house the diesel generators (required for each cabin) are designed and constructed to achieve satisfactory sound mitigation to minimize noise disturbance to adjoining properties.

**Water Supply**

73. The eco tourist facility shall be provided with a minimum 10,000 litre water tank per cabin and managers residence for potable supply. This supply is to be augmented by a reticulated feed from the communal tank supplied from Lake Jindabyne.
74. Each cabin shall be connected to a rainwater tank of not less than 10,000 litres as a static water supply for bushfire fighting purposes. These tanks shall be in compliance with the requirements of the NSW Rural Fire Service and any conditions required under the Bush Fire Safety Authority issue for the development.
75. The communal water tank shall have a capacity of no less than 62,000 litres.
76. The developer shall ensure that any required licences and permits are sought from the Department of Primary Industries – Water for water extraction from Lake Jindabyne.

**Off-Street Car Parking**

77. The developer is to ensure that a minimum of six (6) car parking spaces (being two (2) per eco tourist cabin) are provided on-site for this development in accordance with the approved Site Plan and the Snowy River Development Control Plan 2013. The car parking spaces must:
- (a) each be a minimum of 5.5m long and 2.6m wide;
  - (b) be clearly marked for use by occupants of each dwelling;
  - (c) be surfaced; and
  - (d) be accessible at all times.

**External Finishes**

78. Any outbuildings or other ancillary structures are to be finished in colours and materials of natural earthy tones and low reflective quality to blend with the surroundings. The driveway is to be finished in dark earth tones.

79. The developer shall ensure that the materials and colours of external features of any building, driveways, walkways or large paved areas shall be in colours that blend with the surrounding natural materials (e.g. olive or mist green, light or slate grey, light browns) and shall be non-reflective.

**Storage of Goods and Materials**

80. All goods, materials and equipment shall be stored within the building and no part of the land shall be used for purposes of storage.

**SUBDIVISION ENGINEERING****Construction Certificate for Subdivision Works and Access Works**

81. Construction of subdivision works and access works (including clearing, earthworks, demolition or other works) must not commence until a Construction Certificate for those works has been issued in conformity with the relevant provisions of the Environmental Planning and Assessment Act and related Regulations.

**Pre-commencement Meeting**

82. Prior to the commencement of subdivision works for each stage of development, the developer and contractor shall meet on site with Council's representative to review the scope of works, soil and water management control measures and the inspection and testing regime. The developer or his representative shall make arrangements with Council for this meeting not less than seven days in advance.

**Compliance Certificate Inspections (For information only - this is NOT a condition of consent)**

The developer must obtain a Compliance Certificate, either from Council or from an Accredited Certifier to demonstrate that all subdivision works have been completed. The subdivision works must be inspected either by Council's inspector or an Accredited Certifier at each of the following stages of construction to confirm compliance with the standards set out in Council's Development Design and Construction Specifications.

- (a) After placement of all signs in accordance in with the approved Traffic Control Plan.
- (b) After stripping of topsoil from roads and fill areas, all Soil and Water Management Plan controls shall be in place at this stage.
- (c) After completion of road subgrade.
- (d) During field density testing, string line checking and proof rolling of the finished subgrade.

- (e) After placement and compaction of each layer of gravel pavement material.
- (f) During field density testing, string line checking and proof rolling of each finished gravel pavement layer.
- (g) After laying and jointing of all storm water pipelines and headwalls prior to backfilling.
- (h) After completion of works.
- (i) As otherwise required to confirm that the works are satisfactorily executed and in conformity with environmental controls.

It should be noted that Council charges fees for inspections and Compliance Certificates. These fees must be paid prior to the endorsement of a Subdivision Certificate.

#### **Traffic Control**

83. The developer shall ensure that traffic control measures are implemented for all works within public roads in conformity with Traffic Control Plans prepared and approved by a competent person accredited by Roads and Maritime Services. A traffic control plan prepared and approved by a competent person accredited by the Roads and Maritime Services must be submitted to Council for each stage of development if working on a public road prior to the issue of an approved construction certificate.

#### **Electricity Servicing for each lot in the subdivision**

84. Each allotment in the proposed subdivision shall be serviced with electricity at no cost to Council. A letter from Essential Energy advising that its requirements have been met for each proposed lot shall be sufficient to establish compliance with this condition.

Alternatively, the s. 88B Instrument include a restriction on title that notes each lot will not be serviced by mains electricity and that electricity can be obtained by renewable energy only. In the latter case, the applicant must still provide an easement for electricity in the circumstance that a future land owner wishes to connect.

This to be provided prior to the issue of the subdivision certificate for each stage of the subdivision, relating to the lots within the subject stage.

#### **Telephone Servicing**

85. The developer shall make arrangements for the provision of telephone services to the lots in the subdivision. Prior to the endorsement of a subdivision certificate, the developer shall submit to the Principal Certifying Authority written notification from a recognized telecommunications carrier to confirm

that arrangements have been undertaken for each proposed lot to satisfy this condition.

Alternatively, the applicant is to provide evidence that each lot has access to mobile phone and internet via wireless communications.

This to be provided prior to the issue of the subdivision certificate for each stage of the subdivision, relating to the lots within the subject stage.

### **Soil and Water Management**

86. The developer shall prepare and implement an effective Soil and Water Management Plan in conformity with Council's Development Design and Construction Specifications prior to the commencement of any works on site and shall maintain the control measures until after the effective stabilisation and revegetation of the site.

No Construction Certificate shall be issued for this development until the certifying authority (Council or accredited certifier) is satisfied that the Soil and Water Management Plan satisfies this condition.

### **Completion of Engineering Works**

87. The developer shall complete all engineering works in accordance with the conditions of this consent together with any necessary work to make the construction effective. The costs of all engineering works shall be fully borne by the applicant/developer and any damage to Council's assets shall be made good, prior to the issue of the Subdivision Certificate or commencement of the development.

### **Construction of Rural right of carriageway**

88. Access shall be constructed within the existing right of carriageway (within Lot 216 and 218 DP 257432) from the development site to Kosciuszko Road in conformity with Council's Development Design and Construction Specifications to include the following:
- a. a 4.0 metre wide gravel pavement
  - b. minimum gravel thickness of 150 mm
  - c. suitable drainage works
  - d. suitable erosion protection measures
  - e. installation of guide posts

Note: The secondary access via Spring Hill Road shall only be available for emergency service vehicles it is not used as a primary access route.

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**PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

**Subdivision Certificate Application**

89. The developer is to submit to Council a completed Subdivision Certificate application form together with:
- (a) The original linen plan/s and six (6) copies;
  - (b) Community Plan is to comply with clause 2 “Requirements for all plans”, schedule 1 of the *Community Land Development Act 1989*;
  - (c) Community Management Statement is to comply with schedule 3 and any other relevant clause or schedule of the *Community Land Development Act 1989*;
  - (d) Subdivision Certificate application form fully completed and accompanied with a fee pursuant to Council’s Schedule of Fees & Charges;
  - (e) Inspection fee pursuant to Council’s Schedule of Fees & Charges – One Subdivision Certificate inspection shall be required to ensure full compliance with conditions of development consent. Any non-conforming issues may incur an addition inspection fee payable prior to the release of subdivision certificate;
  - (f) A signed statement that the connection of electricity, water supply and sewerage disposal has been provided to each lot.
  - (g) Certificate from Snowy River Shire Council certifying that all necessary and appropriate weed eradication work has been completed on all lots in the subdivision.



The General Manager  
Snowy River Shire Council  
2 Myack Street  
Berridale NSW 2628

Attn: Sophie Ballinger

Dear Sophie,

**Re: Development Application DA0118/2015 for proposed Eco Tourist Facility including Community Title Subdivision at Lot 3 DP 1175878, Spring Hill Road, East Jindabyne**

In regard to the above Development Application (DA), Ian Barry, Applicant and land owner has engaged the services of Dabyne Planning Pty Ltd to provide further correspondence and revised plans in response to matters raised in Council's Assessment Report to the November 2015 Delivery & Operations meeting and as discussed with Council on the 16 November 2015.

The purpose of providing revised plans and additional information is to allow Council to re-notify the proposal to land owners that made a previous submission and to address Council's concerns so that the Development Application can be supported.

This will allow for a revised assessment report to be reported to Council's Delivery and Operations Meeting in March 2016, as the Applicant and myself are not available for either Council meeting in February.

Each of the main issues raised by Council in its Assessment Report that was reported to Council on the 10.11.15 and subsequently discussed on the 16.11.15 has been addressed, as set out below.

In summary, the development has been re-designed and includes the following revisions:

- (i) Reduce the number of cabins and proposed lots from five (5) to (3), removing proposed cabins 1 & 2, thus reducing potential impacts associated with traffic generation, visual impacts and amenity issues.
- (ii) Amend the design of the cabins to improve its design and incorporation of locally sourced material including stone with revised cladding layout to achieve a contemporary alpine design, commonly found elsewhere.
- (iii) If Spring Hill Road continues to be a Crown Public Road, offer to contribute towards 6% for each cabin (18% for all three cabins) for the ongoing maintenance of Spring Hill Road, noting this represents almost double the actual proportion associated with the traffic generated by the development.
- (iv) If Spring Hill Road continues to be a Crown Public Road, install traffic warning signs (or financially contribute 100% for such signs) to provide sufficient warning to guests

including a reduced speed limit (ie 40km/hr), a two way traffic sign, a crest warning sign, appropriate animal warning signs, etc.

- (v) If Spring Hill Road becomes a Public Road in Councils control, offer to contribute \$10,000 for each cabin towards an upgrade of Spring Hill Road (inc safety signage), including its intersection with Kosciuszko Road as part of a Voluntary Planning Agreement.
- (vi) If the offers under (iii), (iv) & (v) above are not accepted by Council and Council refuse to allow for the safe upgrade, maintenance and installation of safety signage of Spring Hill Road, then the right-of-carriageway over Lots 216 and 218 to Kosciuszko Road are to be used, which also provides coinciding legal and practical access, subject to this access being upgraded to Councils minimum specifications for a right-of-carriageway (4m width with 150mm gravel).

These revisions are in addition to the previous obligations and amendments made by the Applicant in response to the submissions in July 2015 that included:

- Construct a new road deviation within both Lot 2 and the subject site, Lot 3 at a width of 6m that provides improved and safer access for the development and lots to the south.
- Upgrade the existing right-of-carriageway to a width of 6m within the subject site (lot 3) and within lot 2 to the north.

Accordingly the following matters raised by Council in its assessment report are addressed in context with the revised proposed development:

**1. Access:**

To address in part the impacts associated with access from the proposed development via Spring Hill Road, the number of cabins proposed are to be reduced from five (5) to three (3). The number of proposed lots will also be reduced from five (5) to three (3).

The two 'future lots' have only been shown as indicative lots, that would be subject to a separate development consent to allow the community association land (common property) to be further subdivided in the future, if the Applicant chooses to undertake these additional lots. This would be undertaken when the access issues are resolved and obviously subject to a separate DA and consent.

As a result, the traffic generated from the revised development will be reduced from an average trip generation per day of 20 trips to 12 trips.

As outlined in the Applicants response to the ten (10) submissions made on the original Development Application in July 2015, the average vehicle per day (vpd) trip generation for Spring Hill Road is 122 based on the seventeen (17) dwellings plus the three (3) rural tourist accommodation cabins at 5062 Kosciuszko Road that can access the road.

Therefore the revised development will result in an average traffic generation increase on Spring Hill Road of less than 10%. The traffic generated by three (3) x two bedroom eco-cabins is similar to the traffic generated by a (large) single residential dwelling.

On this basis, Council will need to determine whether Spring Hill Road can accommodate an additional 12 trips per day (commensurate with a large single dwelling) without a substantial upgrade of the road, necessary for Council to take over the responsibility of the road.

If so, then the Applicant is willing to make an annual contribution to the maintenance of the road. Rather than only committing to contribute 10% towards the cost of the annual maintenance of road (based on the traffic generated by the development), the Applicant is willing to increase its proportional responsibility to 18%, based on increasing the number of lots accessed by the road from sixteen (16), noting the Applicant already owns one lot, to nineteen (19) lots.

In addition, the Applicant is willing to install traffic warning signs (or financially contribute 100% for such signs) to provide sufficient warning to guests including a reduced speed limit (ie 40km/hr), a two way traffic sign, a crest warning sign, appropriate animal warning signs, etc.

It is noted that Council has no policy that suggests tourists require a different standard of road or increased safety requirements, when compared to residents, particularly as residents can have visitors at any time that are also not as familiar with the road conditions.

If Council agrees to gazette, or if the Minister for Lands gazette Spring Hill Road a public road whereby it is responsible for the upgrade and maintenance of the road, then the Applicant is willing to make a financial contribution towards the upgrade of the road, with \$10,000 contributed for each cabin as part of a Voluntary Planning Agreement under S.93F of the EP&A Act, 1979.

If Council refuses to either allow for the additional annual contribution to the maintenance of Spring Hill Road, the installation of safety signage or for the road to be transferred to Council to allow for a financial contribution of the road, then the road will be neither be able to be upgraded or maintained with no additional financial contribution made to either.

This would represent grave consequences for land owners on Spring Hill Road, particularly those with vacant or undeveloped allotments, as no further dwellings could be allowed to be accessed via Spring Hill Road given Councils position to not allow for the upgrade or maintenance of the road for an increase in traffic by the order of 10%.

By Council not allowing for the maintenance of the road, installation of safety signage or its upgrade, this would result in unacceptable safety outcomes for landowners and users of the road, with a defacto moratorium on further development. This would be contrary to the public interest.

If Council does not allow for either maintenance of Spring Hill Road, installation of safety signage or its upgrade, then the Applicant will pursue utilising its current legal access via lots 216 and 218 to Kosciuszko Road within the established right-of-carriageway. This will be upgraded to Councils minimum specification for a right-of-carriageway, noting that the road is already required to be upgraded together with its intersection under DA 105/2013 that applies to the use of the three (3) cabins at 5062 Kosciuszko Road, East Jindabyne.

With regard to bushfire evacuation, Spring Hill Road would become the secondary alternate access option.

## ***2. Eco-tourism Accreditation***

As outlined in the SEE, the proposed development has been designed so that some form of Eco-Tourism accreditation can be achieved which is equivalent to ISO14000 standards.

Further correspondence with Eco Tourism Australia has been undertaken more recently to identify how the development can be undertaken and managed in accordance with their guidelines. Eco Tourism Australia has advised in their email and brochure provided in Attachment A how the development can be operational and bookable to achieve 'eco-tourism certification'.

They have provided a list of criteria the development will need to satisfy, covering the following topics:

- Business Management and Operational Planning
- Responsible Marketing
- Customer satisfaction
- Environmental management
- Interpretation and Education
- Contribution of Conservation
- Working with Local Communities
- Cultural Respect and Sensitivity

To achieve this, the Applicant and land owner is willing to prepare a detailed Operational and Business Plan prior to occupation. This is in accordance with the criteria required by Eco Tourism Australia.

The preparation of such plans and acquisition of this accreditation will go a long way to mitigate the potential impacts and concerns raised by Council as discussed below.

## ***3. Impacts on Primary Production:***

The only property currently used for primary production is the grazing land to the west of the subject lot and this land owner did not submit an objection to the proposed development.

A review of the Agricultural capability of the land on the subject allotment and those adjacent shows that the land does not include any Class 1,2 or 3 Agricultural land, with only class 4 and 5, with the land being of poor agricultural carrying capacity.

The closest cabin to this land is located over 250m to the boundary of the grazing land to the west on the other side of hill.

Impacts on primary production as a result of constructing three (3) x two bedroom cabins well setback from the boundaries of the land used for primary production with low agricultural capability, used for grazing only and not cropping (with no aerial spraying) can therefore only be categorised as minimal. These impacts can be further mitigated by the preparation and implementation of the Operational and Business Plan as discussed above.

**4. *Scale of the development and impacts on adjoining land uses:***

With the revised development now only including three cabins, the scale of the development has been further reduced, thus any potential impacts on adjoining land uses also reduced.

In addition to the mitigation measures outlined in the response to submissions in July 2015, the preparation and implementation of the detailed Operational and Business Plan as discussed above, including Eco Tourism Accreditation will also further mitigate these impacts.

The operational management of the facility in concert with the Community Management Statement (as per the draft provided to Council in July 2015) will assist with mitigating impacts from guests to the facility in regards to anti-social behaviour, safety, occupancy, noise, agricultural uses, etc).

**5. *Connection with ecological, environmental and cultural values:***

The SEE outlined a range of initiatives and provision of infrastructure and activities on how the development provides a connection with ecological, environmental and cultural values.

This included:

- The facility representing the first of its kind on Lake Jindabyne, with the lake to be the primary focus for guests with regard to both nature based recreation and education.
- The provision and promotion of passive and active recreation activities including kayaking, paddle boarding, stand-up surf paddling, fishing and swimming. This will provide summer activities, promoting year-round use.
- Nature based walking trails to and from the lake and around the property will be constructed with interpretative signage highlighting the native flora and fauna features of the land. This could be incorporated with a shared use trail system including mountain bikes, which will allow for connection to the future proposed shared use trail around the lake, providing both walking and mountain bike riding connectivity to the East Jindabyne township, Tyrolean Village and the Jindabyne township from the property.

- Promotion of unique heritage of old Jindabyne in concert with the Snowy Mountain Hydro Electric Scheme and relocated Jindabyne township will also be promoted with education opportunities through on-line learning, interpretative signage and written material.
- Provision of material to inform guests how the cabins were built and operated and achieve a high level of sustainability.

Following further consultation with Eco Tourism Australia and other accredited Eco-tourist facilities, the off-site nature based tourism products and opportunities within the locality and region which were not originally highlighted in the SEE will also be available to guests, with a summary of a few activities listed below:

- Kosciuszko National Park: Bushwalking and Mountain Biking including the Main Range Track, Summit Walk, Kosciuszko Walk and Thredbo Valley Trail.
- Art & Culture: Art exhibitions, displays and competitions including Raglan Gallery and Cultural Centre, Kunama Art Gallery, Kosciuszko National Parks Visitor Centre's exhibition gallery & Stewarts Information and Gallery at Adaminaby.
- Food and Wine: Jindabyne and outer area restaurants plus the Wild Brumby Schnapps Distillery & Snowy Vineyard Estate and Microbrewery.
- Mountain Biking: Thredbo Alpine Resort, Lake Jindabyne Community Trail, Bungarra & Lake Crackenback Resort & Spa.
- Fishing: High Country Outfitters, Eucumbene Trout Farm & Snowy Mountains Fishing
- Horse Riding: Cochran Horse Treks, JE Resort, Snowy Wilderness and Thredbo Valley Horse Riding.

This information will be provided to guests in both electronic and written form.

These provisions and access to activities are significantly more quantitative and qualitative than the emotional connotations made by the approved Eco-tourist facility on Gullies Road (under DA 0135/2015), which responded to the same matter as per the extract from the Applicants SEE below:

***(c) The development will enhance an appreciation of the environmental and cultural values of the site or area.***

**Compliance:**

The development site is one of outstanding natural beauty. Although the physical site is merely an existing grazing field, its views over the national parks, snowy ranges and wilderness areas make it a place where a person cannot help but be humbled and in awe of the amazing beauty of nature. When visiting the site one is given the feeling of bonding with the Earth, and at the same time identifying with the struggles of the early pioneers of the region. The area is rugged, windswept, and it was even described as "god forsaken" by P.J. Spellmans of 'Reedy Creek'. The rugged beauty of the area coupled with the wild horses quietly grazing, or even fighting across the paddocks, stirs up emotions in the blood of tough times and rewarding adventures.

***Management of Community Title:***

In regards to the concerns raised by Council in regards to the management of the development and potential increase in compliance responsibilities, this is not considered an unresolvable issue that is not covered by the Community Management Statement and conditions of consent. Otherwise, Council would not be able to support any Community Title Subdivision, although it is permissible under Councils Local Environmental Plan.

***Visual Impacts:***

As discussed in the response to submissions in July 2015, the design and siting of the cabins has been undertaken following an extensive site analysis process. This included incorporating a number of strategies to mitigate visual impacts, including:

- Restricting the height of the cabins to single storey structures with low profile skillion roofs, ensuring no building is greater than 6m in height.
- Minimising cut and fill by using piers, rather than concrete slabs.
- Locating the proposed cabins away from the Lake.
- Locating the proposed cabins below the higher slopes and ridgeline associated with top of the property.
- Locating proposed cabins 3,4 & 5 on the northern side of a ridgeline within the site and the southern side of another ridgeline so they are not highly from either the approach from the north on Lot 2 or from the existing dwelling to the south-east on Lot 4.

Further mitigation measures in the revised design and response to the submissions in July 2015 included the re-location of cabin 2, 80m to the north-east and relocation of cabin 1, 20m down the slope, as well as the inclusion of an earthmound to the south-east of Cabin 1 to include native tree planting.

In response to Councils assessment report, potential for visual impacts have been further mitigated by removing cabins 1 & 2 from the revised proposal, with only cabins 3, 4 & 5 (now referred to as cabins 1,2 & 3) proposed. The cabins are now setback 1km from the lake edge.

Additional visual impact assessment maps, using Google Earth Pro with NSW Globe Information (from NSW LPI) overlay are included in Attachment B. These provide some aeriels for perspective and google earth images from the lake surface of the property and proposed cabin locations in context with all the other development along the lake edge associated with the East Jindabyne locality.

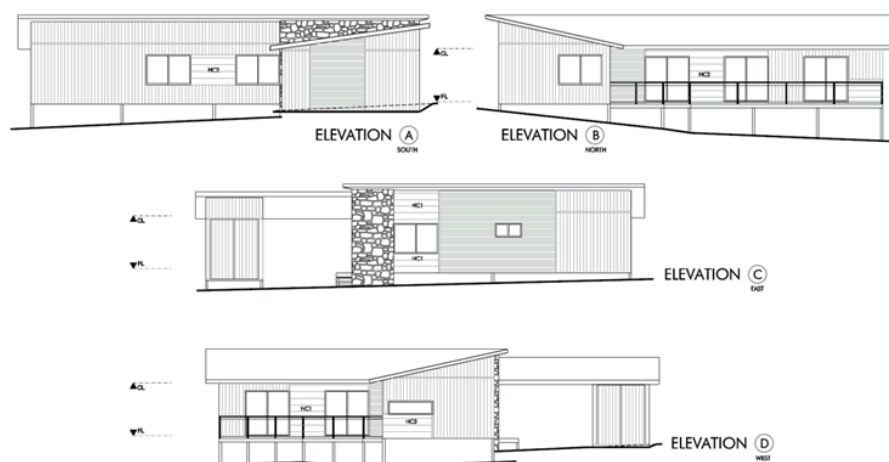
Together with the revised cabin designs as addressed below, the visual impacts associated with the development are considered overall low.

*Design of the cabins:*

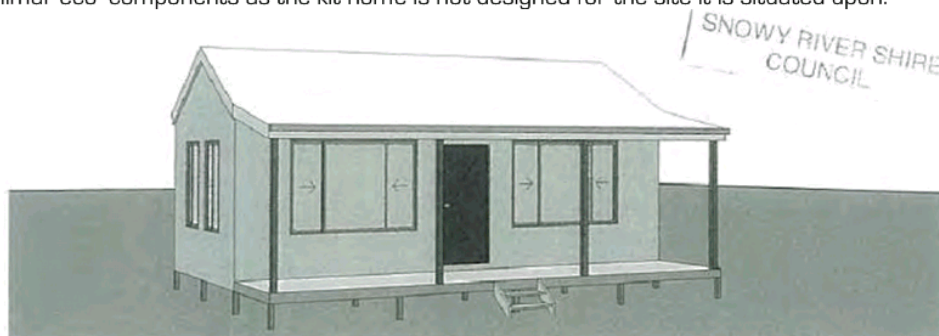
The proposed cabins have been subject to a re-design with the external finishes being revised to include locally sourced stone and a combination of different cladding treatments to break up the facade and achieve overall improvements to the design of the buildings. This creates buildings that incorporate strong contemporary alpine design elements, similar to buildings designed and constructed elsewhere in the locality.

A carport and additional storage area has also been included for undercover parking. The storage room will house all of the solar power and hot water infrastructure whilst also providing room for wood storage.

The revised elevations are provided below.



This is considered a far superior outcome in comparison to the kit home cabin approved as an Eco-tourist facility at Gullies Road (under DA 0135/2015) shown below, which includes minimal 'eco' components as the kit home is not designed for the site it is situated upon.



***Landscaping:***

The revised plans include conceptual landscaping details and layouts that can comply with the RFS requirements for an Asset Protection Zone.

***Management and maintenance of on-site effluent systems:***

On-site effluent will be managed by separate on-site effluent systems for each cabin, located wholly within their respective lot. The report prepared by Watercheck Testing outlines how each cabin can be serviced with an on-site effluent system that complies and is located sufficiently setback from any watercourses.

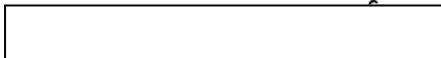
Further management responsibilities can be set out in the Community Management Statement and Operations plan, to form part of the detailed Operational and Business Plan, to be submitted, prior to occupation.

***Conclusion:***

With the revised design provided, reduction in the number of cabins and additional information and commitments made above, we trust that Council can now make an informed and favourable determination of the subject DA, following re-notification of the proposed development as submitted.

Should you require any further information, please do not hesitate to contact me on the details provided below.

Regards



**Ivan Pasalich**  
Principal

29 January 2016

**Attachment A**

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**Ivan Pasalich**

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**From:** Rebecca Kurz <eco@ecotourism.org.au>  
**Sent:** Thursday, 21 January 2016 1:47 PM  
**To:** Ivan Pasalich  
**Subject:** RE: Eco tourism accreditation for new eco-tourist facility at East Jindabyne, NSW  
**Attachments:** 2016 Program Summary ECO & ROC\_with Criteria.pdf

Good Afternoon Ivan,

Thank you very much for your email and interest in working together with Ecotourism Australia. It is always exciting for us to hear about a new operator interested in becoming eco certified and joining our ecotourism family/network.

To receive ECO certification, there are a number of requirements you need to satisfy. To give you some idea I attached our "Program Summary ECO & ROC with Criteria" to this email. This document will provide you with the necessary information as to what is involved when applying for certification, such as a Responsible Marketing Plan and Interpretation and Education. Depending on the level of certification you would like to gain, the product you wish to certify needs to offer at least a 50% nature based focus to consumers (or 75% to receive certification at the advanced level). Please note you can only apply for certification from the moment your business is operational.

As an Eco Certified Operator you will have access to a number of great benefits. These are for example exclusive international/ national promotions (Monthly Newsletter, Social Media, Industry Meetings (e.g. Australian Tourism Exchange (one of the biggest Travel Expos in Australia), listing in our Green Travel Guide), Government recognition to extend permits, and a certificate and logo to display in your business and personal website, just to name a few.

I hope the email as well as the brochure will give you an idea as to what the program is about and in which way it can benefit your business. For additional information, you can have a look on our [website](#) or give us a quick call again. We are always happy to help.

I hope I was able to give you some clarity.

Kind Regards and Good Luck with everything

**Rebecca Kurz**

Program Administrator | Ecotourism Australia

T: +61 7 3252 1530 | F: +61 7 3257 0331 | E: [eco@ecotourism.org.au](mailto:eco@ecotourism.org.au)

Office: 6/67 O'Connell Terrace, Bowen Hills QLD 4006

[www.ecotourism.org.au](http://www.ecotourism.org.au)



---

**From:** Ivan Pasalich [mailto:[info@dabyneplanning.com.au](mailto:info@dabyneplanning.com.au)]  
**Sent:** Thursday, 21 January 2016 11:33 AM  
**To:** Rebecca Kurz <eco@ecotourism.org.au>  
**Subject:** Eco tourism accreditation for new eco-tourist facility at East Jindabyne, NSW

Dear Sir/Madam,

I am interested in finding out the requirements to gain accreditation as an Eco-Tourist facility?

The facility is still in the planning stage, subject to DA consent and we are wondering what provisions need to be addressed to acquire accreditation.

Please feel free to email me back or call to discuss on 6457 2170.

Regards,

Ivan

**Ivan Pasalich** | Principal  
Dabyne Planning Pty Ltd

M 0424 359 662 | P (02) 6457 2170 | E [ivan@dabyneplanning.com.au](mailto:ivan@dabyneplanning.com.au)  
First Floor, The Office Hub  
4/3 Gippsland Street, Jindabyne  
PO Box 179 Jindabyne NSW 2627

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## ECO and ROC Certification

# *Essentials & Criteria*



[www.ecotourism.org.au](http://www.ecotourism.org.au)

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## What is Ecotourism?

Ecotourism is ecologically sustainable tourism with a primary focus on experiencing natural areas that fosters environmental and cultural understanding, appreciation and conservation.

### Why Apply Ecotourism Principles to your Business?

Mass tourism has had a significant impact on a wide range of destinations worldwide. Governments and environmental organisations are working towards regulations which will hopefully make a difference. Following the ecotourism guidelines offered by Ecotourism Australia will ensure that your business has a minimal impact on the environment and is supportive of local communities.

The impact tourism should have on a destination is to raise awareness about environmental and community issues. This will ensure the sustainability of the destination and your business and encourage authenticity for satisfied visitors who will share and promote their holiday experience.

*Have you already implemented eco-friendly practices?  
Does your business offer a high quality experience aiming  
at educating visitors about your destination?*

*Get Ecotourism Australia certified and get your efforts  
recognised!*

### Did you know?

Ecotourism is the perfect deal for Australia's most frequent type of visitor, "The Experience Seeker".

Australia has something to offer for every holiday type, whether it be trekking, snorkelling and diving, honeymoons, spa, or cruising, and whatever category of visitors your product covers, you want your business to attract the largest number of visitors. Reports from Tourism Australia have shown that 30% to 50% of inbound visitors could be categorised as "The Experience Seeker".

"The Experience Seeker" is looking for authenticity, opportunities to learn and experience something different, adventure and like most consumers, quality and value for money.

Ecotourism Australia certification is a great way to show these visitors that you have what they are looking for.



## What is Ecotourism Australia Certification?

### ECO & ROC Certification Programs

ECO Certification is product-specific— this means that you will need to answer the criteria as it applies specifically to each of your products. This also means that you are able to apply for ECO Certification even if not all of your products are nature-based.



Tourism in natural areas that leaves minimal impact on the environment.



Tourism in natural areas focusing on optimal resources use, conservation practices and helps local communities.



Tourism with strong interpretation values, commitment to nature conservation and helping local communities.

#### Did you know?

You do not need to decide which level you want to achieve beforehand. You will have access to the criteria for each level of certification and you can decide which level is the most appropriate for your business.

**You will still be able to upgrade to an upper level of certification later if you wish to!**



The Respecting Our Culture program encourages the tourism industry to operate in ways that respect and reinforces Indigenous cultural heritage and the living cultures of Indigenous communities.

ROC certified tourism operators are committed to protecting **cultural authenticity and integrity**, developing sound business practices, environmental protection and acknowledging Indigenous peoples spiritual connection to the land and water.

## What is Ecotourism Australia Certification?

### Get Climate Action Business Certification

#### Did you know?

You can also achieve Climate Action Business certification through your ECO certification application.



The Climate Action Business certification is the first level of Ecotourism Australia Climate Action certification program, followed by Innovator and Leader.

Climate Action Certification is designed for all sectors of the tourism industry including hotels, attractions, tours, transport, restaurants, travel agents, tourism commissions and industry bodies. The Climate Action Certification program is dedicated to reducing carbon emissions and assuring travellers that certified products are backed by a commitment to sustainable practices related to addressing climate change.

The Climate Action Business level of certification recognises businesses which have undertaken a set of adaption and emissions reduction actions but are not necessarily measuring their carbon footprint.

#### What does it involve?

If you wish to get Climate Action Business certified through your ECO certification, you will only have to address a few additional criteria and submit a Climate Change Action Plan (templates available).

As you already hold ECO certification, you are entitled to the discounted annual fee for your Climate Action certification—refer to page 9 for pricing.

For information about the other levels of Climate Action certification, please contact us.



## A Smart Move For Your Business

### A Smart Move For Your Business

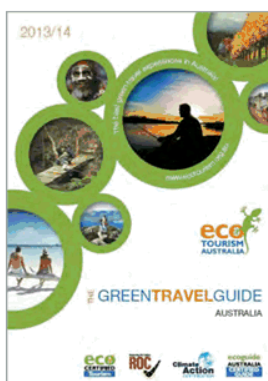
ECO and/or ROC certification is a way for your tourism business to get officially recognised for best environmental and professional practices.

As the program is endorsed by different government authorities, you can gain access to government grants, government PR initiatives and other marketing initiatives (e.g. visiting journalists wanting to promote those who are making a difference). Depending on the area in which you operate, you may have the opportunity to apply and obtain longer permits and licences.

Going through certification enhances the sustainability of your business, focusing on product development. It will encourage you to implement and maintain high standard practices that will help you, your staff and the destination to plan for the long-term.

All ECO and ROC certified tourism operators are listed on Ecotourism Australia's website and on Ecotourism Australia's annual publication, the Green Travel Guide. Networking opportunities with industry stakeholders is another benefit.

*...Get rewarded for doing the right thing...*



#### The Green Travel Guide

The Green Travel Guide is Ecotourism Australia's online publication listing all the ECO, ROC and Climate Action certified tourism operators and EcoGuides. It is launched annually at the Australian Tourism Exchange (ATE) and it was downloaded 60,000 times from EA's website in 2012.

**Get your online free version by  
clicking here**



### GBRMPA Permit

The Great Barrier Reef Marine Park Authority (GBRMPA) promotes businesses that are operating to a high standard by managing their environmental impacts.

Tourism operators certified through the ECO Certification Program (at the Ecotourism and Advanced Ecotourism levels) and actively demonstrate their commitment to reducing their impact on the environment can apply for an extended permit.

In addition, certified operators are listed on the GBRMPA website and are showcased at various trade events (for example, the Australian Tourism Exchange) and publications.

## Industry Recognition

### Get Industry Recognition for Being ECO and ROC Certified



T-QUAL Accreditation is the Australian Government's quality framework for the tourism industry.

The accreditation assesses and supports quality assurance schemes and endorses their members with its national symbol of quality, the T-QUAL Tick.

[www.ret.gov.au](http://www.ret.gov.au)



The ECO and ROC certification programs also get the Tourism Business Accreditation logo.

The Tourism Business Accreditation logo is an assurance of best business management practice.

[www.tourismaccreditation.org.au](http://www.tourismaccreditation.org.au)



Ecotourism Australia's Ecotourism and Advanced Ecotourism certification standards have been recognised in 2011 by the Global Sustainable Tourism Council (GSTC) along with only nine other organisations worldwide.

The GSTC serves as the international body for fostering increased knowledge and understanding of sustainable tourism practices, promoting the adoption of universal sustainable tourism principles and building demand for sustainable travel.

[www.gstcouncil.org](http://www.gstcouncil.org)

#### PAMs and STOs

Ecotourism Australia works closely with Protected Area Managers (PAMs) and State Tourism Organisations (STOs) in an effort to build stronger relationships with these organisations and provide local benefits to certified operators.

All PAMs and STOs actively support our ECO and ROC program and prioritise certified operators licencing and permits, local marketing campaigns and other initiatives.

Get in touch with your local PAM to check the current benefits:

[ACT Territory & Municipal Services](#)

[NSW National Parks & Wildlife Service](#)

[Parks & Wildlife Commission NT](#)

[QLD Parks & Wildlife Service](#)

[SA National Parks & Wildlife Service](#)

[Parks Victoria](#)

[WA Department of Environment & Conservation](#)

[TAS National Parks & Wildlife Service](#)



#### Did you know?

If you have an accommodation product certified at the Advanced Ecotourism level, you can become a member of EcoLodges of Australia.

Contact [eco@ecotourism.org.au](mailto:eco@ecotourism.org.au) for more information

[www.ecolodgesaustralia.com.au](http://www.ecolodgesaustralia.com.au)



## Certification Process

### Can you apply for certification?



- ☐ The products you wish to certify offer at least a 50% **nature based focus** to customers e.g. accommodation in a natural area, diving / snorkelling activities, outdoor tours. A 75% nature based focus is required for the Advanced Ecotourism level of certification
- ☐ You have obtained all of the necessary operating licenses, permits and approvals from the relevant authority and understand these will be verified as part of your application
- ☐ You commit to and meet the Business Ethics practices required by Ecotourism Australia ([View Business Ethics as PDF here](#))
- ☐ Your operation consistently meets customer service expectations and has defined customer service procedures
- ☐ You have a commitment to delivering a quality tourism experience
- ☐ Sustainability principles (economic, social and environmental) are core to your operation

When applying for certification, evidence is required for Business Sustainability Planning (BSP). The benefit of the BSP system is it allows applicants an opportunity to recognize pre-existing, develop new, and implement appropriate management planning. Depending on the level of certification you want to achieve you will have to provide the following supporting documents:

	Nature Tourism	Ecotourism	Advanced Ecotourism	ROC	Climate Action Business through ECO
Business Plan	✓	✓	✓	✓	
Marketing Plan	✓	✓	✓	✓	
Operations Plan	✓	✓	✓	✓	
Environmental Plan	✓	✓	✓	✓	
Interpretation Plan		✓	✓		
Climate Change Action Plan			✓		✓

Templates are available and you can always get in touch if you need assistance.

## Certification Process

### How does it work?

Start your application online or contact us to receive an editable PDF version of the application workbook

Pay your once-only application fee and get started with your application

Once you have everything ready, you can submit your application

Ecotourism Australia will now conduct an internal review to make sure your application is complete. We will contact you if we need anything

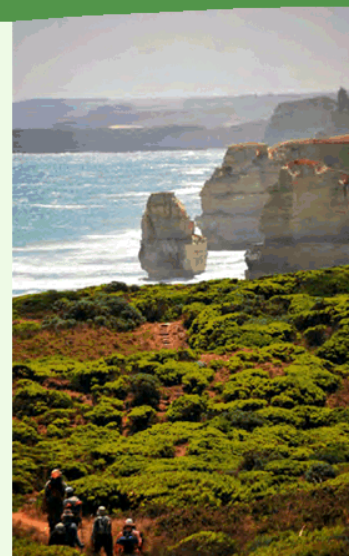
Your application will now be sent to an external independent assessor

You now have 12 months to submit your complete application and your supporting documents.

Do not hesitate to get in touch if you are having difficulties with your application, we are here to help!

This usually takes about 2 weeks

Our assessor sends Ecotourism Australia the assessment feedback and the level of certification achieved



### Did you know?

Certification programs through Ecotourism Australia cover the following areas:

- Business Management and Operational Planning
- Responsible Marketing
- Customer Satisfaction
- Environmental Management
- Climate Change Action
- Interpretation and Education
- Contribution to Conservation
- Working with Local Communities
- Cultural Respect and Sensitivity

## Certification Process

### How much does it cost?

Your Turnover	Once-Only Application Fee	Ongoing Annual Fee	Discounted Annual Fee (if combined with Climate Action)
< \$250,000	395	485	126
\$250,001 - \$1,000,000	455	695	194
\$1,000,001 - \$5,000,000	575	975	264
\$5,000,001 - \$10,000,000	695	1165	320
> \$10,000,001	925	1295	374

### After getting certified...

Once you are certified and have paid your first annual fee, we will send you your certificate and marketing material so you can proudly display your achievement.

Every year on the anniversary of your certification you will need to pay your renewal fees and send us your completed annual declaration stating that you are still committed to the previously agreed terms.

An on-site audit will be conducted every three years . In order for your certification to be always up-to-date and to facilitate the audit process we require your documentation to be updated regularly.

What does the criteria include?

There are 8 section components for the ECO certification program, these are:

1. Business Management and Operational Planning
  - Business Ethics
  - Natural Area Focus | Indigenous Cultural Focus
2. Responsible Marketing
3. Customer Satisfaction
4. Environmental Management
5. Interpretation and Education
6. Contribution for Conservation
7. Working with Local Communities
8. Cultural Respect and Sensitivity



## What does the criteria include?

### 1. Business Management and Operational Planning

If the business has an existing Business and Marketing Plan and Operational Strategies it is not necessary to redo these, as long as the existing plan and operational policies and procedures meets the criteria.

If the business does not have the documentation in place, blank electronic templates are available for use by the business.



If the business is currently accredited under one of the ATAP national tourism accreditation programs, and is already using the logo displayed to the left, you will receive credit for all of section one: *Business Management and Operational Planning*.

**Natural Area Focus:** Nature tourism and ecotourism occurs in and relies on, the use of the natural environment. It includes a focus on its biological, physical and cultural features. Nature tourism and ecotourism focuses on directly and personally experiencing nature. To become ECO Certified, the product must be based in nature or have a nature focus.

**Indigenous Cultural Focus:** Tourism is sensitive to the value of interpretation and involves different cultures, particularly Indigenous culture. Many tourism areas have significant cultural values and tourism should embrace the cultural aspects of an area visited.



## What does the criteria include?

### 1. Business Management and Operational Planning

**1.1 Legal Compliance:** There are a number of regulations, licences and permits including vessel surveys that are required to operate a nature tourism or ecotourism business.

**1.2 Insurance Details:** Public Liability Insurance, and other business insurance provide the nature tourism and ecotourism business with necessary security in the event of an accident affecting the business operation

**1.3 Business Plan:** A Business Plan helps set out a vision for the nature tourism and ecotourism business and facilitates sound future decision making.

**1.4 Marketing Plan:** A Marketing Plan helps the nature tourism and ecotourism businesses identify where its visitors are coming from and how to best access and communicate with those visitors.

**1.5 Human Resources:** Effective management policies for staff, combined with staff training, will result in more motivated and loyal staff and efficiencies within the business.

**1.6 Operational Management and Business Systems:** The operational management of nature tourism and ecotourism businesses is documented to ensure consistent standards and service quality outcomes.

**1.7 Customer Service:** Established customer service standards set by the nature tourism and ecotourism businesses lead to greater customer satisfaction and consistency of service.

**1.8 Risk Management:** The nature and ecotourism business is committed to providing a safe workplace, providing safe experiences to all customers and has documented risk management and emergency procedures accessible to staff and customers.



What does the criteria include?

## 2. Responsible Marketing

Marketing provides clients with information that increases respect for the natural and cultural environments visited. Operators provide clients with an accurate and responsible depiction of what to expect from the product.

Nature tourism and ecotourism marketing and supplementary information provide customers with an accurate and responsible depiction of what to expect from the product and how to respect the natural and cultural environments visited.

## 3. Customer Satisfaction

Customer satisfaction is achieved when the experience offered consistently meets or exceeds the realistic expectations of customers. Tourism operations monitor and act upon customer feedback.



What does the criteria include?



#### 4. Environmental Management

Nature tourism and ecotourism activities should not degrade the natural environment. Tourism operations should be developed and managed to conserve and enhance the natural and cultural environments in which they operate in, through the recognition and application of ecologically sustainable practices.

**4.1 Environmental Planning and Impact Assessment:** Operations have been established on the basis of understanding potential environmental impacts and are consistent with local and regional environmental planning.

**4.2 Operational Environmental Management:** All operations have considered their environmental aspects and the management of such are documented.

**4.3 Location:** Operations are only undertaken in locations where nature tourism and ecotourism is an appropriate use and impacts are minimised.

**4.4 Construction Methods and Materials:** Construction has maximised the use of renewable and recycled materials and has involved practices to minimise environmental impacts.

**4.5 Site Disturbance, Landscaping and Rehabilitation:** The operation involves minimal disturbance; any areas disturbed are rehabilitated to restore ecological processes.

**4.6 Drainage, Soil and Water Management:** Site drainage reflects the natural site topography and the operation does not cause soil loss, or impacts such as erosion and sediment pollution to down slope lands and waterways.

## What does the criteria include?

### 4. Environmental Management

**4.7 Visual Impacts:** Nature tourism and ecotourism operations are not visually dominant.

**4.8 Biodiversity Conservation:** Provide evidence that the nature tourism and ecotourism products' biodiversity impacts have been minimised.

**4.9 Lighting:** Natural and energy efficient lighting is always first preference. Where natural lighting is inadequate, lighting is minimised to a level where the visibility of signs and displays is still clear, and to also provide for safety and security.

**4.10 Water Supply and Conservation:** Operations involve minimal use of an ecologically sustainable supply of water for client consumption and general business operations.

**4.11 Waste Water:** Sewage and effluent is minimised and has no significant environmental impact.

**4.12 Noise:** Nature tourism and ecotourism operations enable customers to experience the natural sound-scape.

**4.13 Air Quality:** Nature tourism and ecotourism operations involve minimal air pollution by implementing the use of modern technology and efficient running of equipment.



What does the criteria include?

## 4. Environmental Management

**4.14 Waste Minimisation and Management:** The waste minimisation policy of reduce, reuse, and recycle underpins the operation of the product.

**4.15 Energy Use and Minimisation: buildings:** Aspect, orientation, insulation, natural ventilation and tinting etc are some of the indicators used to ascertain the energy efficiencies of the building for both accommodation and office buildings.

**4.16 Energy Use and Minimisation: transport:** Group transport, non-motorised transport are favoured.

**4.17 Minimal Disturbance to Wildlife:** Tourism operations involve minimal intrusion into wildlife habitats and clients are monitored to ensure guidelines are followed.

**4.18 Minimal Impact Nocturnal Wildlife Viewing:** Interference should be kept to a minimum and clients are monitored for safety of the animals and visitors.

**4.19 Minimal Impact Marine Animal and Mega Fauna Viewing:** Mega fauna includes any large water-based animal subject to wildlife viewing – i.e. whales, dolphins, seals, Sharks, whale sharks, rays, dugongs, turtles, crocodiles etc.

**4.20 Minimal Impact Walking:** Walking includes all “tour” activities or self-guided walks that encompass bushwalking as well as defined tracks, boardwalks or aerial walkways.

**4.21 Minimal Impact Camping:** Camping should not be detrimental to natural areas and care should be taken in sensitive areas, including waters bodies etc. A carry-in, carry-out policy should be adopted when camping.

What does the criteria include?

## 4. Environmental Management

**4.22 Minimal Impact Vehicle Use:** Vehicle use (including four wheel driving, trail bike riding and mountain bike riding) has minimal environmental impact.

**4.23 Minimal Impact Power Boat Use:** Operations should consider appropriate speed, maintenance of vessels, appropriate mooring and waste management for boat use.

**4.24 Minimal Impact Non-powered Boat Use:** Operations should consider appropriate speed, maintenance of vessels, appropriate mooring and waste management for boat use.

**4.25 Minimal Impact Aircraft Use:** Operations should consider appropriate landing sites, height and refueling issues for aircraft use.

**4.26 Minimal Impact Rock Climbing and Abseiling:** Specific criteria has been developed for operating rock climbing and abseiling activities.

**4.27 Minimal Impact Caving (show caves):** Specific criteria has been developed for operating caving activities.

**4.28 Minimal Impact Caving (wild caves):** Specific criteria has been developed for operating caving activities.

**4.29 Minimal Impact Snorkeling and SCUBA Diving:** Specific criteria has been developed for operating snorkelling and SCUBA diving activities.



What does the criteria include?



#### 4. Environmental Management

**4.30 Minimal Impact Trail Riding and Animal Tours:** Specific criteria has been developed for trail riding and animals tours to ensure minimal impact on the environment and safety and wellbeing of the visitor and animal.

**4.31 Minimal Impact Fishing:** Operations should consider fishing stocks and the health and well-being of the animal.

**4.32 Minimal Impact Houseboat Use (inland waters):** Consideration should be given regarding mooring, disruption to wildlife and vegetation, cleaning products, waste disposal and safety.

**4.33 Minimal Impact Houseboat Use (marine):** Consideration should be given regarding mooring, disruption to wildlife and vegetation, cleaning products, waste disposal and safety.

**4.34 Animals in Captivity:** Exhibited animals have specific requirements to ensure their health and wellbeing. Ecotourism operations ensure that any animals involved in the business operations are cared for properly.

## What does the criteria include?

### 5. Interpretation and Education

Ecotourism products attract customers who wish to interact with the natural environment and, in varying degrees, develop their knowledge, awareness, appreciation and enjoyment of it. Ecotourism operators should provide an appropriate level of interpretation about the natural and cultural heritage of the areas visited, through the employment of appropriately qualified guides and the provision of accurate information both prior to and during the experience. The level and type of interpretation is planned, designed and delivered to meet the interests, needs and expectations of the customer and includes a broad range of interpretive opportunities, both personal and non-personal.

**5.1 Interpretive Services:** Customers should be given access to interpretive opportunities through a number of techniques to accommodate for all types of learning and personality types.

**5.2 Content of Interpretation and Educational Information:** Content used for interpretive materials and activities should be checked for accuracy by reference to credible sources and should be relevant to both the site and the audience.

**5.3 Interpretation Planning:** Adequate planning of interpretation is undertaken so that effective communication occurs and the experience provided is seamless.

**5.4 Staff Training, Awareness and Understanding:** Guides and other key staff in contact with customers should be able to provide accurate information having been adequately trained in product information, general knowledge of the area and communication/interpretive techniques.



## What does the criteria include?

### 6. Contribution to Conservation

Ecotourism involves active participation in the conservation and enhancement of the natural area visited. In particular, ecotourism products provide constructive contributions to the management and conservation of natural areas. This contribution may include the provision of physical, financial or in-kind assistance.

**6.1 Conservation Initiatives – Local:** Operations should provide constructive contributions to the management of natural areas visited through financial and/or in-kind support.

**6.1 Conservation Initiatives – National/Global:** Operations should provide constructive contributions to the conservation of natural areas generally through financial and/or in-kind support.



### 7. Working with Local Communities

In many situations the local community is integral to the ecotourism product. The benefits of ecotourism should be distributed to the local community. Benefits may include employment of local guides, the purchase of provisions and services and the use of local facilities.

**7.1 Provision of Local Benefits:** Operations should employ local staff where possible and support the local community by utilising local goods and services.

**7.2 Minimal Impact on Local Communities:** Operations should minimise their impact on local communities through informing visitors on local customs and expectations and consulting with the local community regarding any potential impacts of the activities.

**7.3 Community Involvement:** Operations are involved in local community activities above and beyond what is required to run the business.

## What does the criteria include?

### 8. Cultural Respect and Sensitivity

Although the focus of ecotourism is primarily on the natural values of an area, many of these areas have significant cultural values, especially Indigenous values. Hence, ecotourism should also embrace the cultural aspects of an area visited.

**8.1 Consultation and Training:** Tourism operations should consult with and involve the local Indigenous communities in the delivery of the product.

**8.2 Visitor Information:** Tourism operations should consult with Traditional Owners to seek permission to deliver cultural content and to ascertain accuracy of cultural information delivered.

**8.3 Indigenous Arts, Crafts & Goods:** Tourism operations should ensure all goods and services sought are authentic and that local communities are adequately reimbursed for goods and services provided.



## About Ecotourism Australia

### About us



Ecotourism Australia was formed in 1991 as an incorporated non-profit organisation and is the peak national body for the ecotourism industry.

The organisation offers certification programs for tourism products available in Australia such as accommodation, tours and attractions. Ecotourism Australia also has a diverse membership that includes key industry stakeholders, protected area managers and other government agencies, academics and students, tourism, environmental, interpretation and training consultants, local and regional tourism associations and travellers.

### Contact Us

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Bowen Hills QLD 4101

T: 07 3252 1530

F: 07 3252 0331

[eco@ecotourism.org.au](mailto:eco@ecotourism.org.au)

[www.ecotourism.org.au](http://www.ecotourism.org.au)



### *Become part of our community*

With over 450 certified tourism experiences around Australia, becoming certified is also a way to become part of Ecotourism Australia's large community and interact with people who, just like you, are working to protect Australia.

You can take part in our online social media campaigns and get your message out there! Images, articles, latest news, you can provide us with the content you want us to share for you.

**Like us on Facebook and follow our blog EcoBytes!**



**Get in touch!**

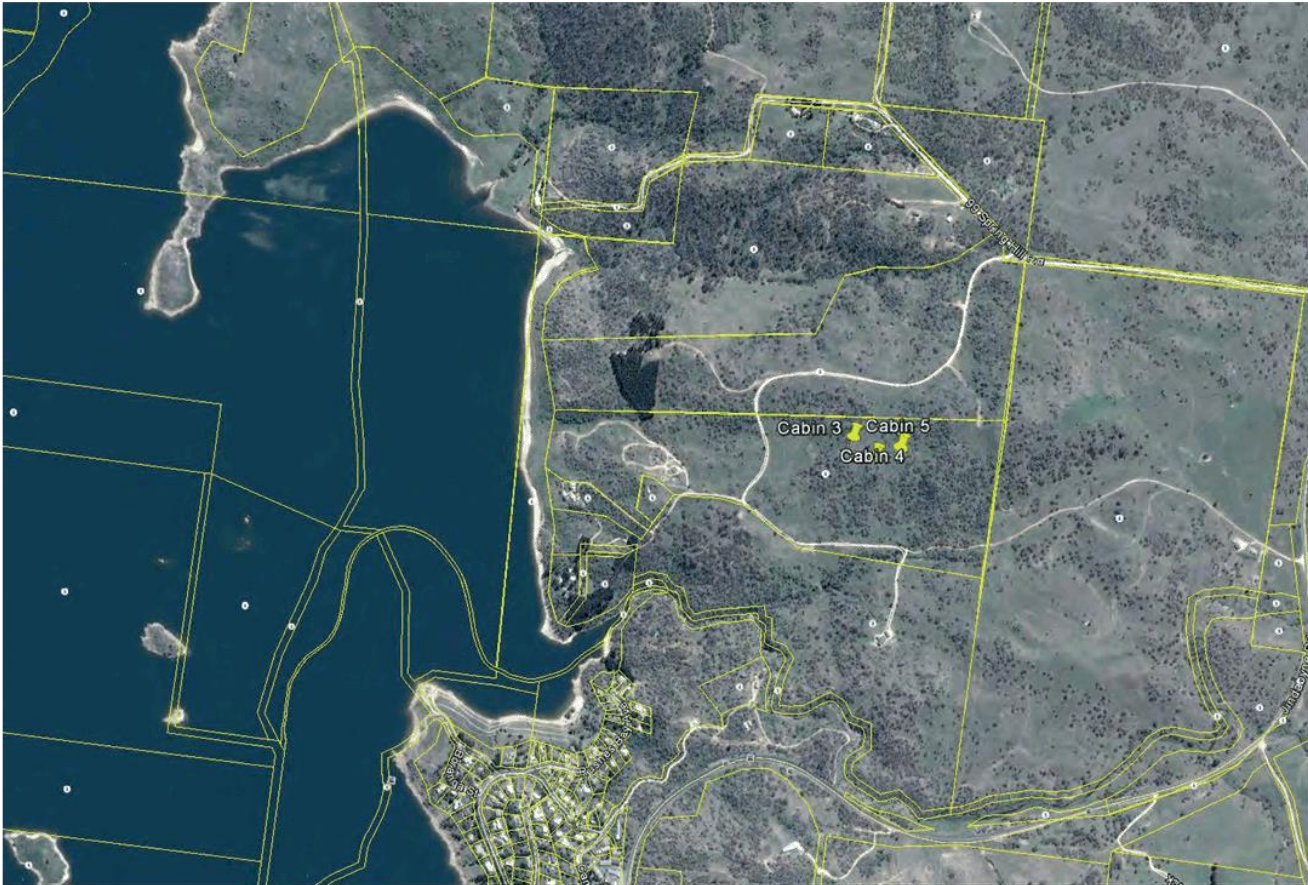
Ecotourism Australia  
2013 Copyright. All Right Reserved.  
Images: Courtesy of Tourism Australia



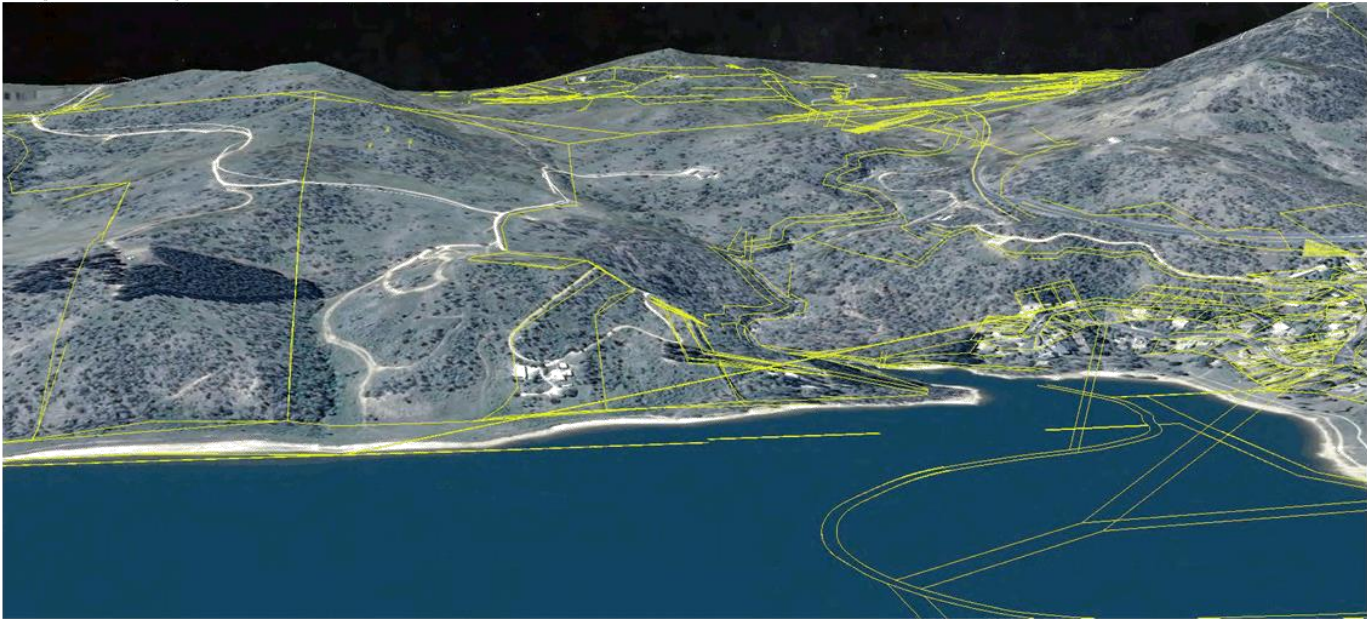
ECO and ROC Certification – *Essentials & Criteria*

**Attachment B**

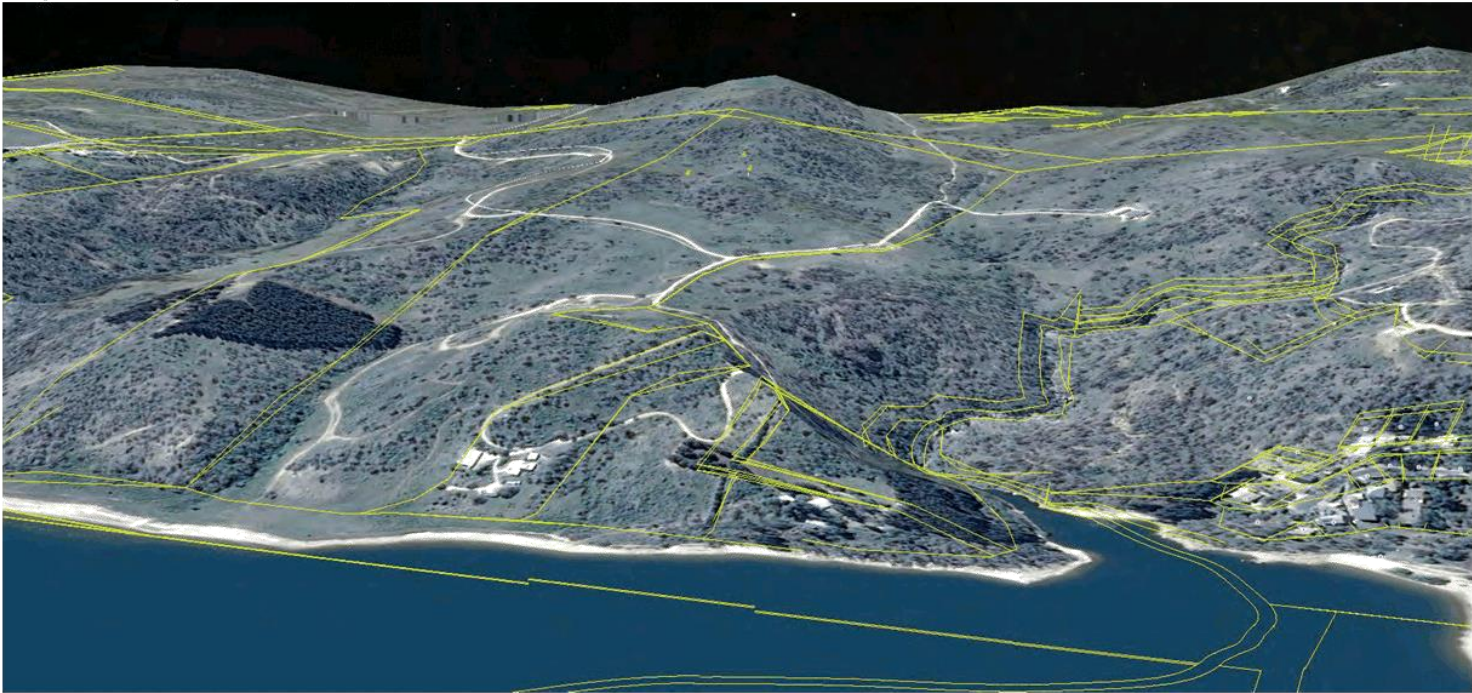
*Aerial view of the site and proposed three cabins:*



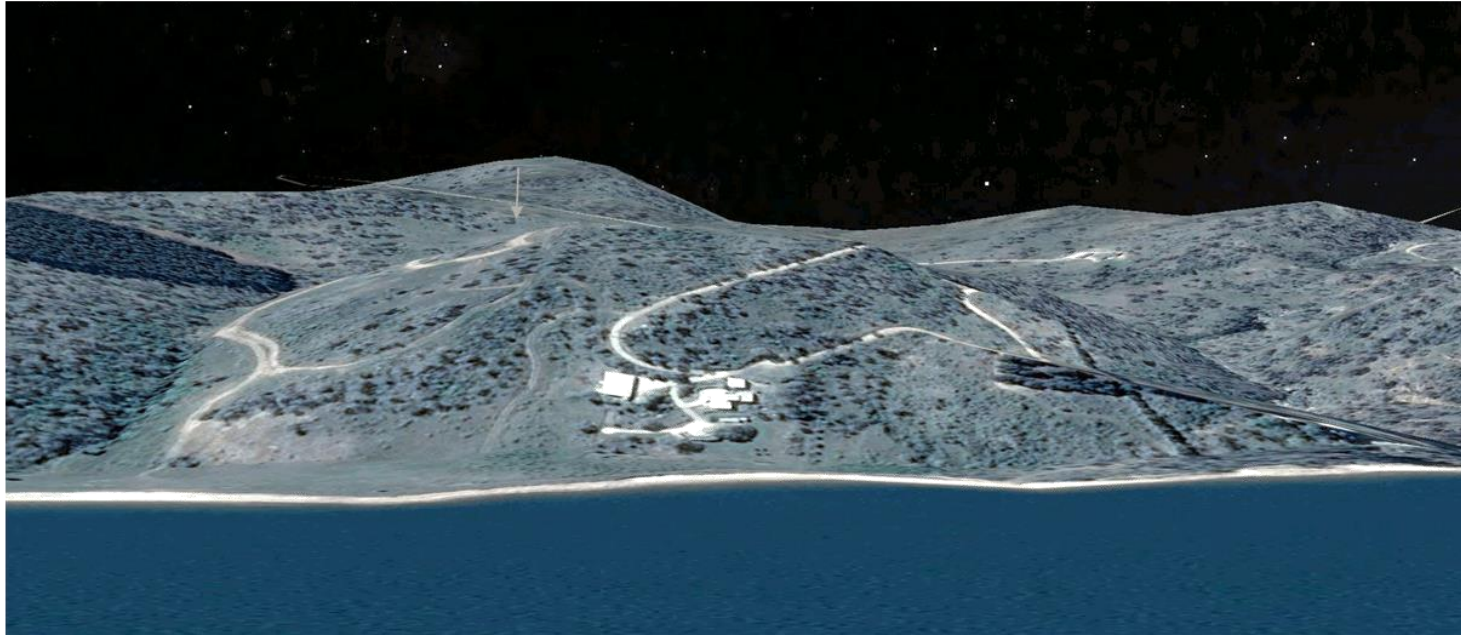
*Google earth image of the site and proposed three cabins:*



*Google earth image of the site and proposed three cabins:*

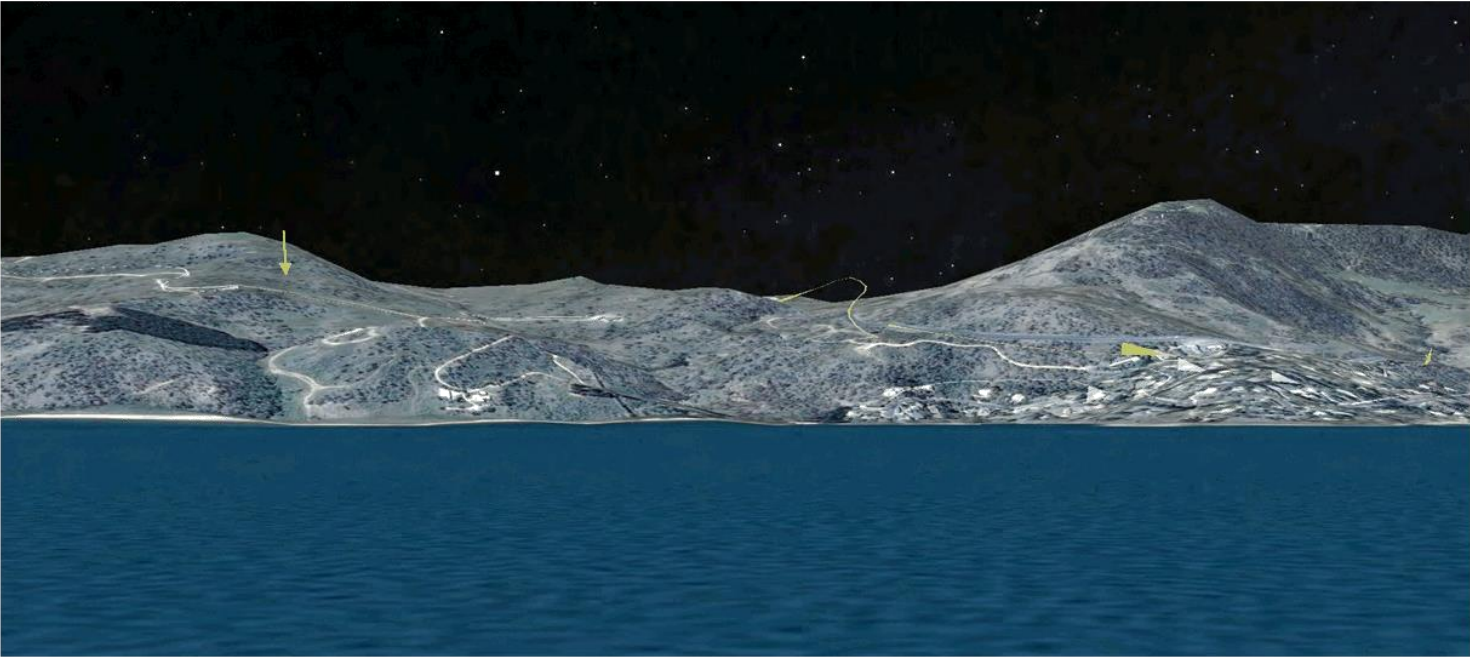


*Google earth image of the site and proposed three cabins – closer to lake surface:*

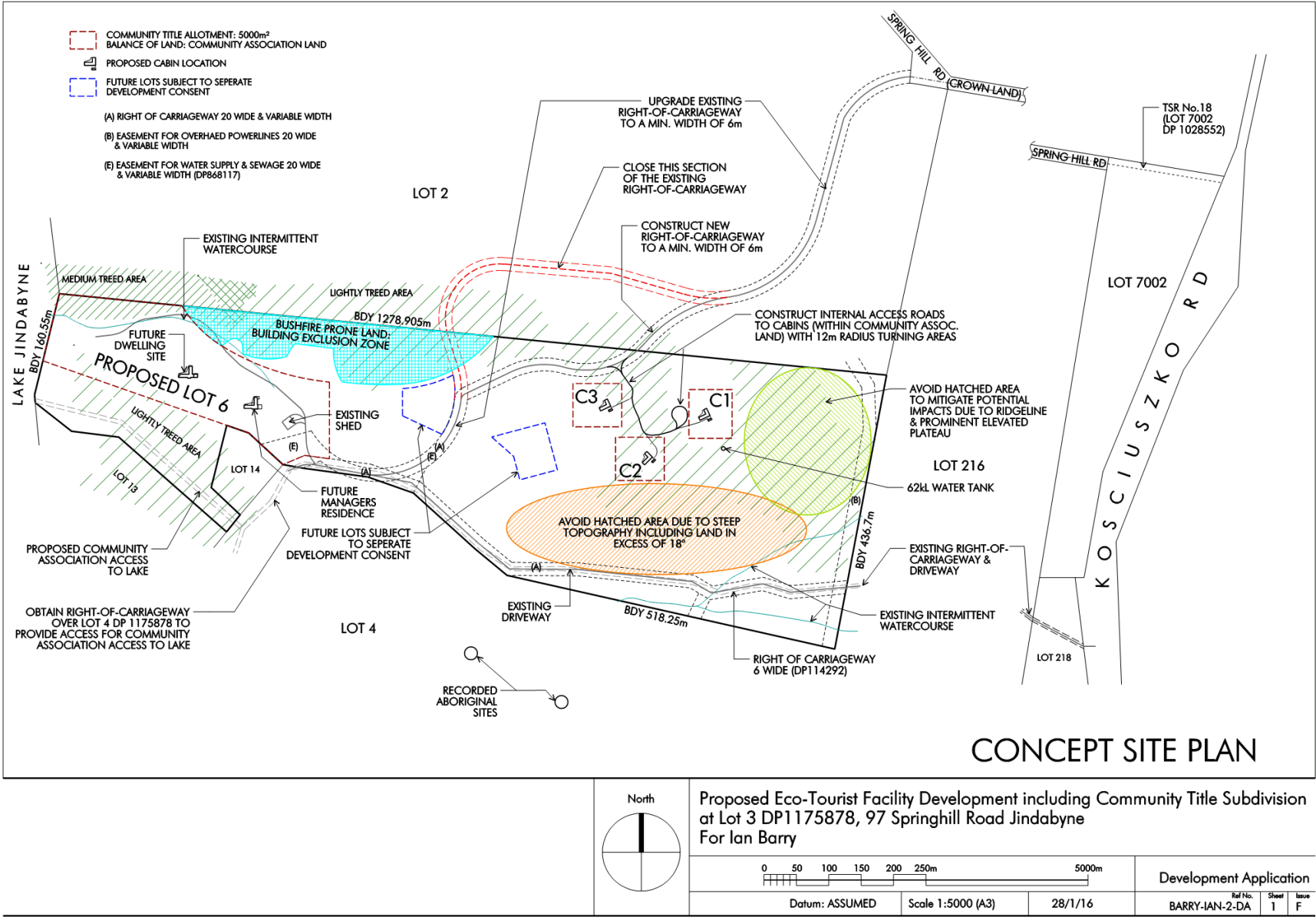


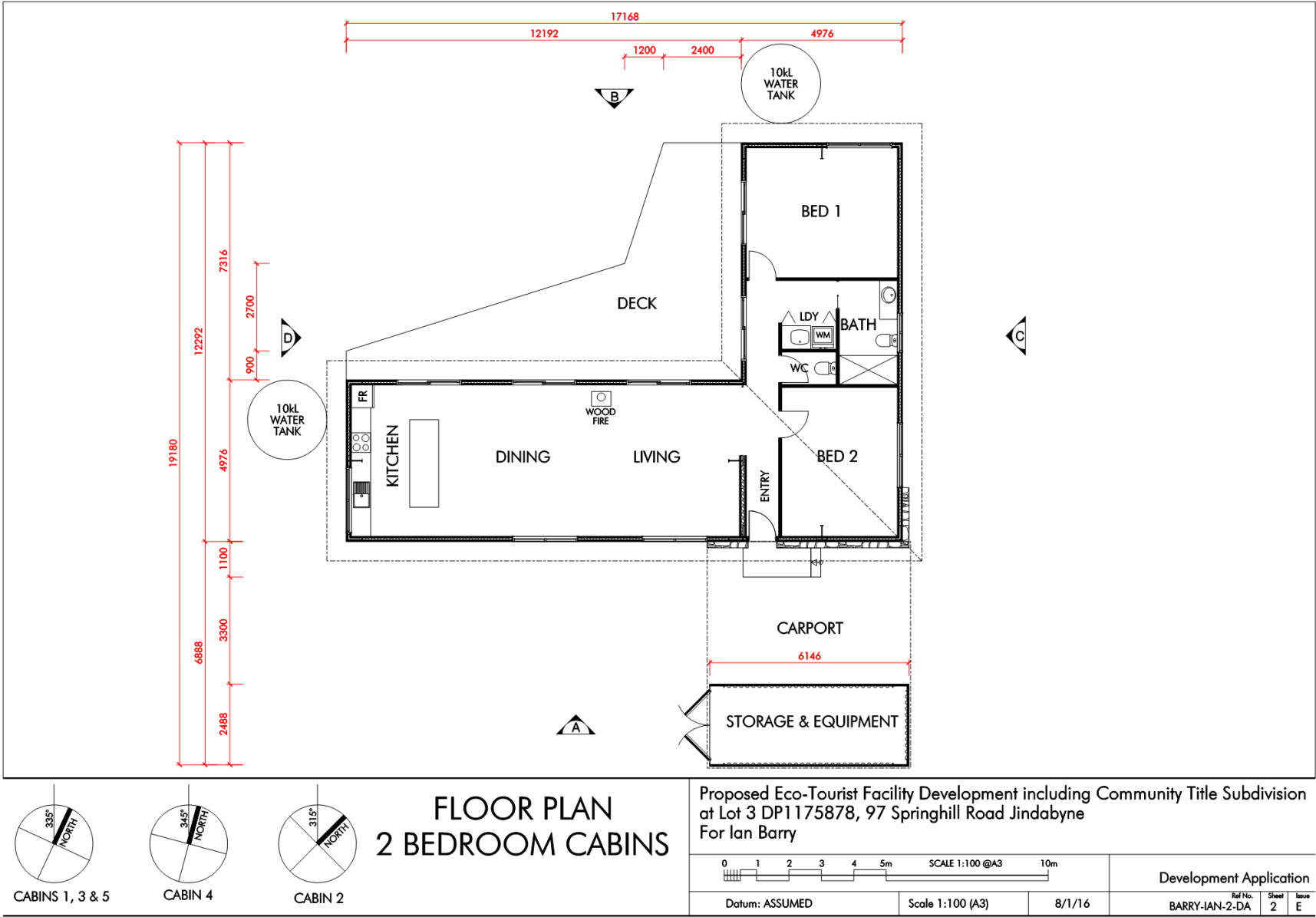
*Nb: Cabins will be almost invisible from lake surface (hence the use of the arrow) do their distance from the lake and the topography and vegetation in between*

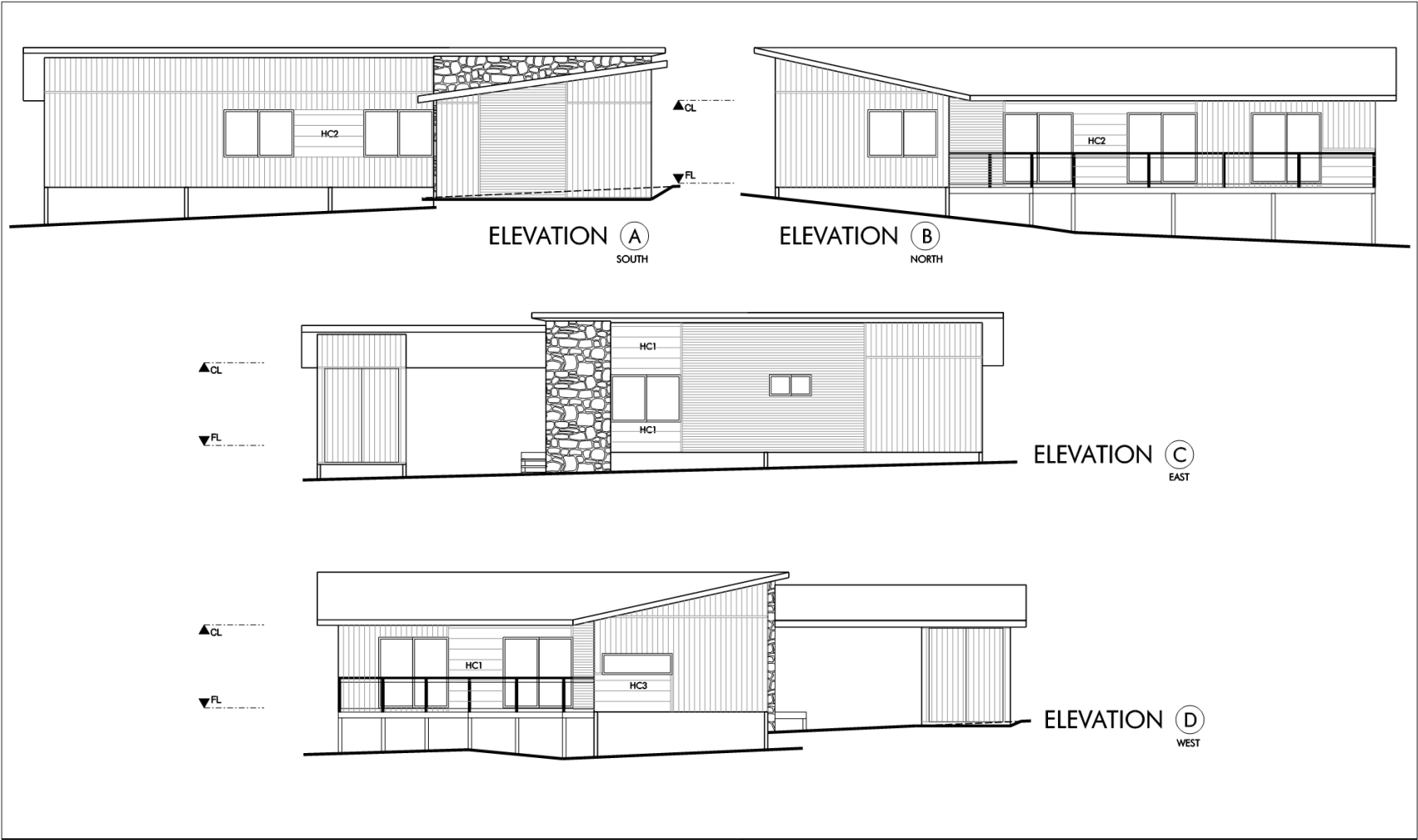
*Google earth image of the site and proposed three cabins from the lake surface:*



*Nb: Cabins will be almost invisible from lake syrface [hence the use of the arrow] do their distance from the lake and the topography and vegetation in between*

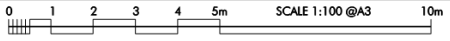


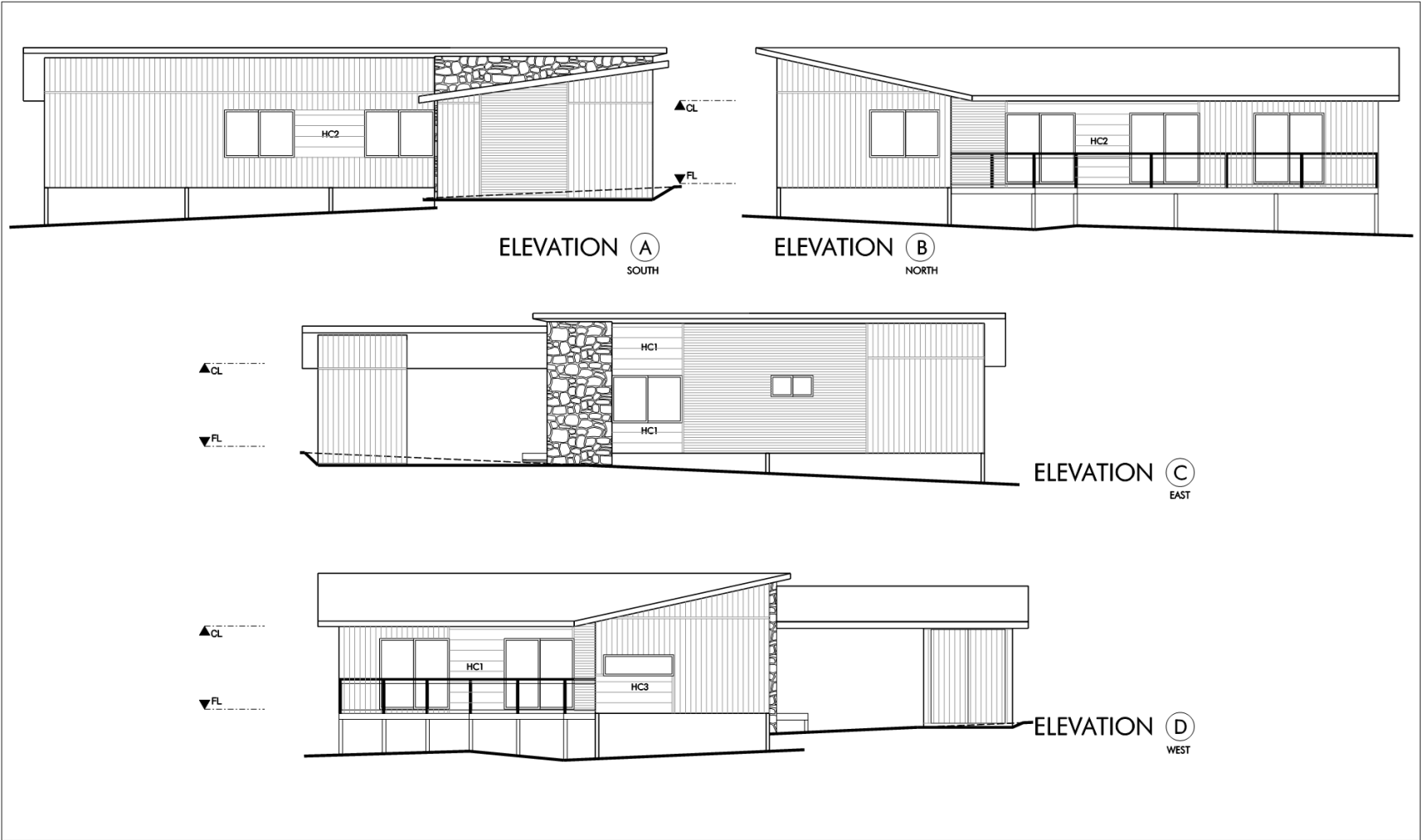




ELEVATIONS  
CABIN C1


Proposed Eco-Tourist Facility Development including Community Title Subdivision  
at Lot 3 DP1175878, 97 Springhill Road Jindabyne  
For Ian Barry

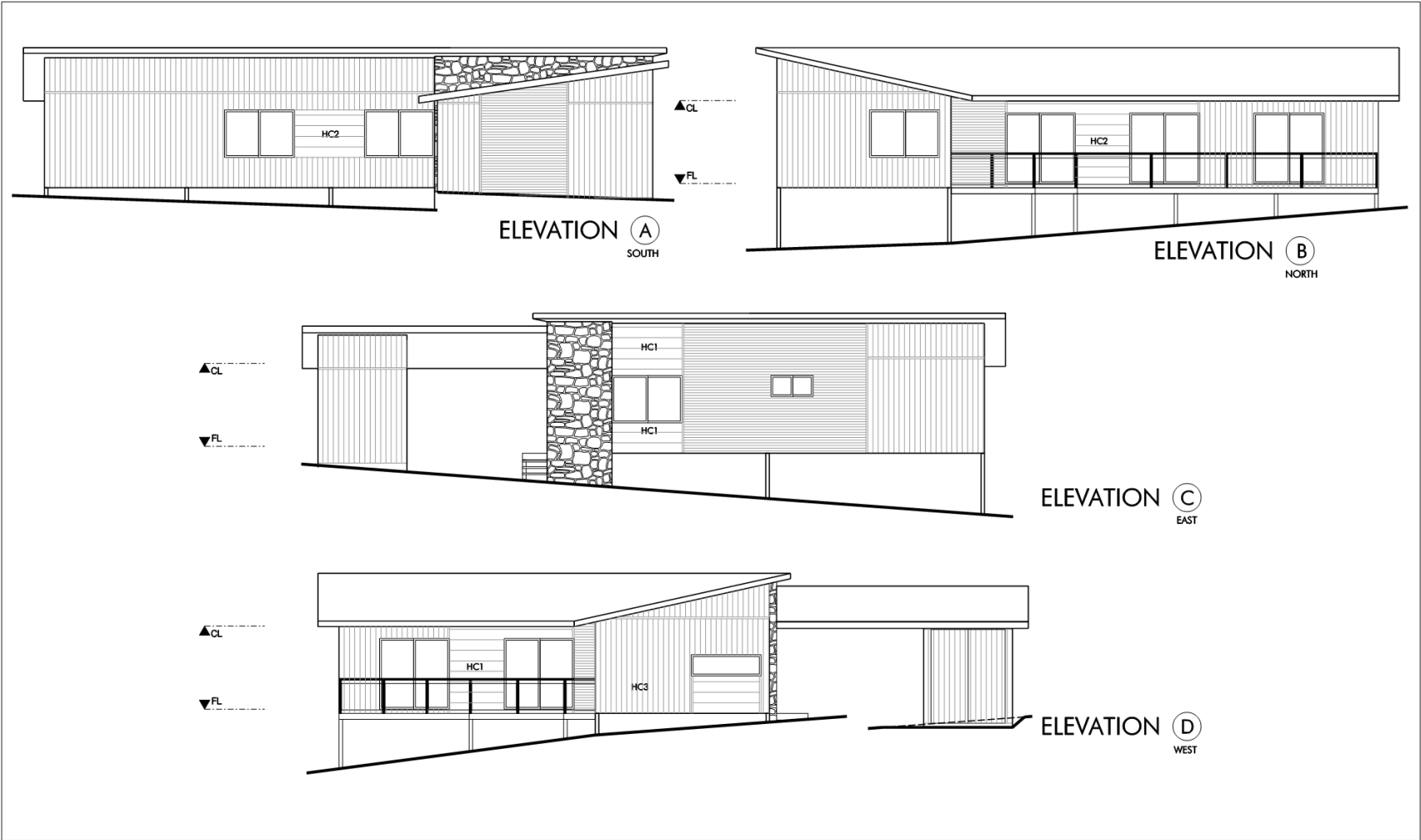
 SCALE 1:100 @A3			Development Application		
Datum: ASSUMED		Scale 1:100 (A3)	11/1/16	Ref No: BARRY-IAN-2-DA	Sheet 3 Issue D



ELEVATIONS  
CABIN C2

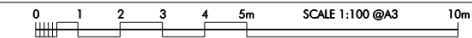
Proposed Eco-Tourist Facility Development including Community Title Subdivision  
at Lot 3 DP1175878, 97 Springhill Road Jindabyne  
For Ian Barry

 SCALE 1:100 @A3			Development Application		
Datum: ASSUMED	Scale 1:100 (A3)	11/1/16	BARRY-IAN-2-DA	Sheet 4	Issue C

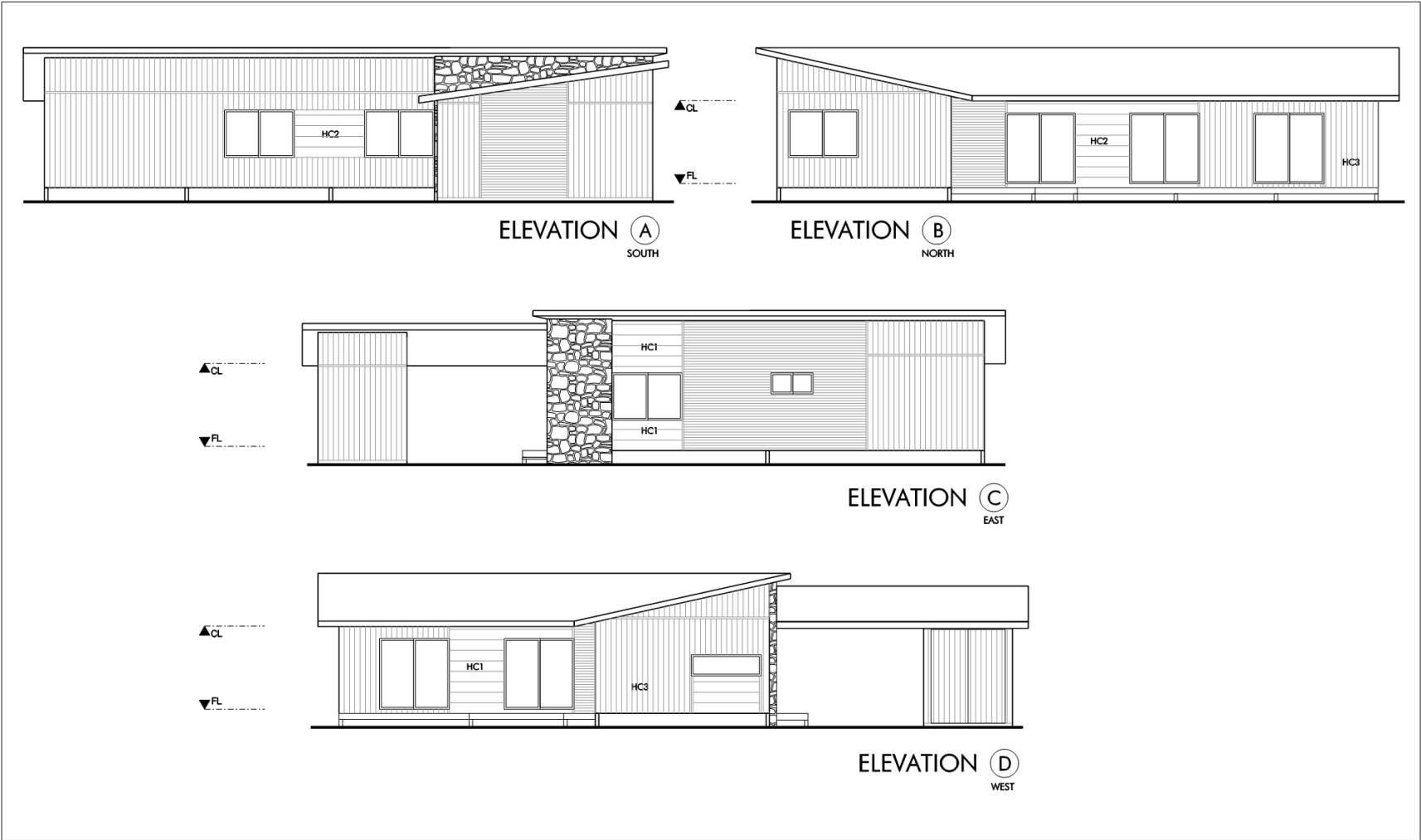


ELEVATIONS  
CABIN C3

Proposed Eco-Tourist Facility Development including Community Title Subdivision  
at Lot 3 DP1175878, 97 Springhill Road Jindabyne  
For Ian Barry




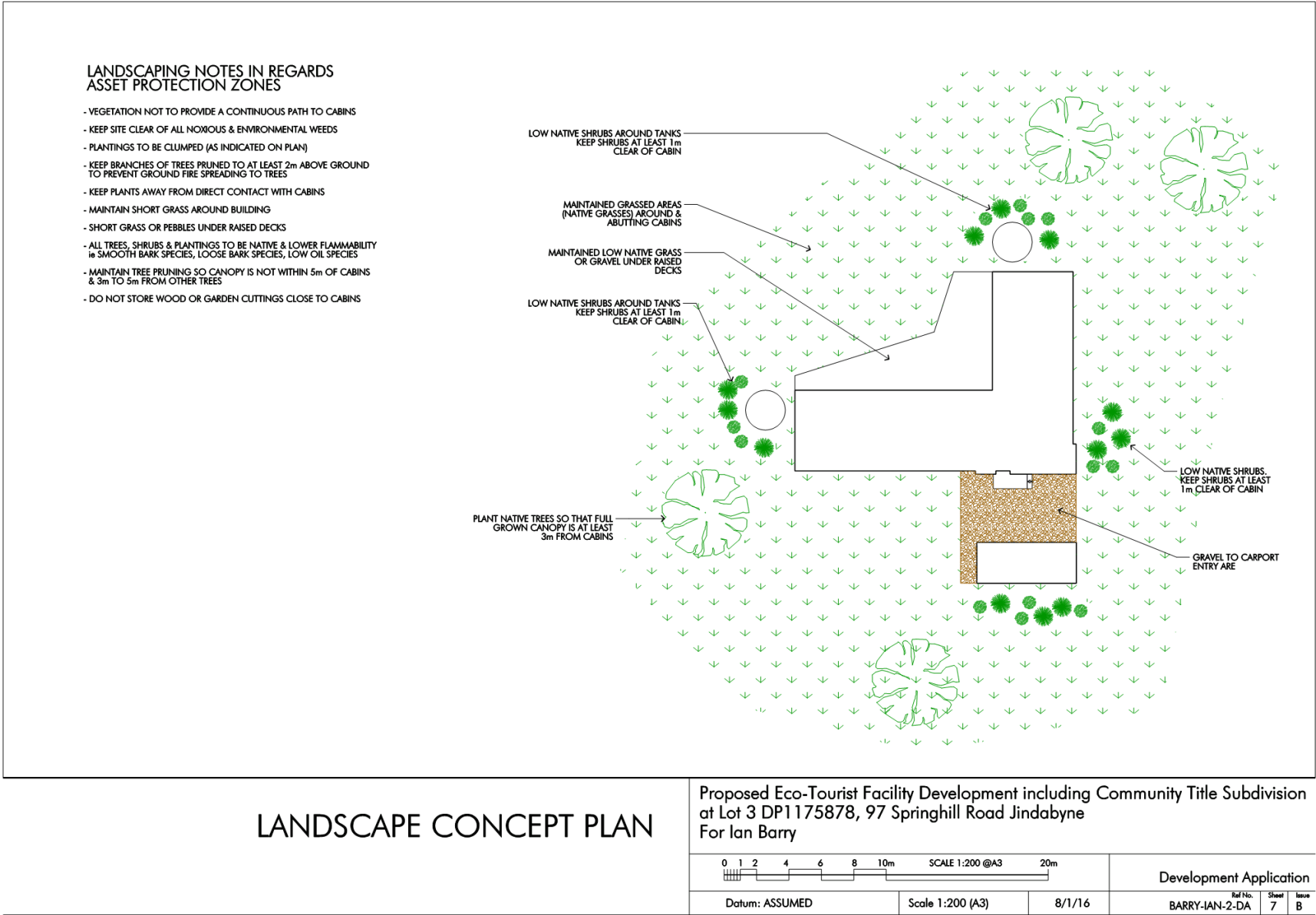
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			Ref No: BARRY-IAN-2-DA	Sheet 5	Issue C



ELEVATIONS  
CABINS C4 & C5

Proposed Eco-Tourist Facility Development including Community Title Subdivision  
at Lot 3 DP1175878, 97 Springhill Road Jindabyne  
For Ian Barry

 SCALE 1:100 @A3			Development Application		
Datum: ASSUMED		Scale 1:100 (A3)	11/1/16	Ref No: BARRY-IAN-2-DA	Sheet 6 Issue F



The General Manager  
Snowy River Shire Council  
2 Myack Street  
Berridale NSW 2628

Dear Sir or Madam,

**Re: Request for Minister Adminstrating the Crown Lands Act 1989 to transfer a Crown road, Spring Hill Road, East Jindabyne to Snowy River Shire Council**

The land owner of Lot 3 Spring Hill Road (Lot 3 DP 1175878), Ian Barry has engaged the services of Dabyne Planning Pty Ltd to write to the Minister Adminstrating the Crown Lands Act, 1989.

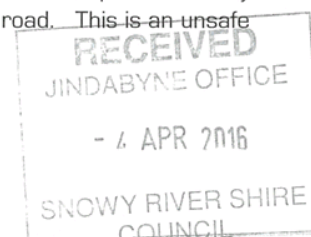
This correspondence was prepared and submitted to the Minister on the 9 December, 2015, with a copy attached and provided in Attachment A.

A response from Alison Stone, Deputy Director General of Department of Primary Industry - Lands (dated 18.1.16) was received and advised that the Department will consult with Council in regards to the transfer and that the land owner contact Stephen Watts at the Department of Primary Industry - Lands to discuss this matter. A copy of this correspondence is provided in Attachment B.

Following further correspondence with Mr Watts as suggested, the Department of Primary Industry - Lands is seeking that the request to the Minister (dated 9.12.15) be also sent to Council for their formal response. This letter and the information contained in the letter to the Minister therefore forms a formal request to Council on behalf of one of the land owners for Spring Hill Road to be gazetted a public road.

As Council has granted consent and derives rates from up to 17 dwellings (either constructed or approved) that can currently utilise Spring Hill Road, it is within the public interest that the Minister transfer this road as the road is used to such an extent by the public that it warrants the status of being a council public road maintained at the public expense. Consequently this road as a matter of public policy is the responsibility of local government and, as such, it should be transferred to Snowy River Shire Council under the provisions of S.151 of the Roads Act, 1993, without unnecessary delay.

Without the road being gazetted a public road, the continuation of the road being a Crown Road means that no upgrade works or proper maintenance (other than 'filling of potholes or minor surface regrading') to the road can be legally undertaken. Furthermore Council is not able to collect S.94 contributions for the upgrade of the road or accept a Voluntary Planning Agreement contribution from a developer to upgrade the road. This is an unsafe and untenable situation, which requires prompt action.



As instructed by the Department of Primary Industry – Lands, a formal response by Snowy River Shire Council is therefore requested for the road to be gazetted a public road.

Regards



**Ivan Pasalich**

Principal

31 March 2016

CC: Stephen Watts NRM Project Officer  
NSW Department of Primary Industries - Lands  
PO Box 2185  
Dangar NSW 2309

**Attachment A**



The Hon. NIALL BLAIR, MLC  
Minister for Lands and Water  
GPO Box 5341  
Sydney NSW 2001

Dear Minister Blair,

**Re: Request for Minister Adminstrating the Crown Lands Act 1989 to transfer a Crown road, Spring Hill Road, East Jindabyne to Snowy River Shire Council**

The land owner of Lot 3 Spring Hill Road (Lot 3 DP 1175878), Ian Barry has engaged the services of Dabyne Planning Pty Ltd to write to the Minister Adminstrating the Crown Lands Act, 1989.

This correspondence is in relation to a formal request on behalf of a land owner that accesses Spring Hill Road, East Jindabyne for the Minister Adminstrating the Crown Lands Act 1989 to transfer the Crown Public Road to Snowy River Shire Council under S.151 of the Roads Act, 1993.

**Background:**

Spring Hill Road is a Crown Public Road that extends from Kosciuszko Road (a main road) in an easterly direction towards Lake Jindabyne within East Jindabyne.

The road is approximately 2.7kms in length as shown in the maps provided in Attachment A.

The only section where the physical road does not sit within the Crown road reserve, is the initial 180m (approx.) of the road where it intersects with Kosciuszko Road. This part of the road is situated within a Travelling Stock Reserve (TSR), which is also Crown land. A formalised right-of-carriageway over a TSR is no longer required as set out in Section 75 of the Local Land Services Act 2013, which effectively creates a deemed right-of carriageway. This part of the road should also be subject to the transfer to Snowy River Shire Council.

Under Section 151 of the Roads Act, 1993, a Crown Road can be transferred to another roads authority (the local government) by publish of an order in the Government Gazette on behalf of the Minister Administering the Crown Lands Act 1989.

This can be undertaken without the consent of a local government and therefore does not require Council resolution.

*In accordance with the Department of Lands Publication (P08/O6/O79R), 'Crown public roads provide lawful access to many privately owned and leasehold lands where little or no subdivision has occurred since the original Crown subdivision of NSW early in the nineteenth century. In many cases, these roads were drawn onto maps without reference to topography. These roads are part of the state's public road network and the majority have not been formed or constructed'.*

In the case of Spring Hill Road, the road has been constructed and Council has granted consent to the erection of up to seventeen (17) dwellings, as well as subdivisions and tourist accommodation development.

A list of the allotments that have been identified to include a dwelling, that are accessible from Spring Hill Road is provided below:

- Lot 183 DP 756727
- Lot 3 DP 635269
- Lot 4 DP 635269
- Lot 1 DP 1175878
- Lot 2 DP 1175878
- Lot 3 DP 1175878 x 2 approved dwellings
- Lot 4 DP 1175878
- Lot 13 DP 868116
- Lot 14 DP 868116
- Lot 1 DP 801741 + 3 tourist accommodation cabins
- Lot 31 DP 631121
- Lot 32 DP 631121
- Lot 1 DP 1183771
- Lot 176 DP 756727
- Lot 12 DP 815669
- Lot 51 DP 1125592

The most recent development consents include:

- DA 154/2008 for a four [4] lot subdivision [of which the subject lot [lot 3]] was created from].
- DA 105/2013 for an approval to use three Rural Tourist Accommodation cabins.

Following DA 154/2008, dwellings have since been erected on lots 1 and 4 DP 1175878, with the subject site [lot 3] with an approval for a dual occupancy development and lot 2 currently vacant.

Therefore the road is no longer accessing land where there is 'no or little subdivision' or development. The extent of development approved which requires access from this road, warrants the status of a council public road at the public expense.

#### Issues:

The Snowy River Shire Council have advised that they will refuse to take over the road or allow any upgrade of the road as the road is not vested in their interest and therefore they have no role in its upgrade or maintenance.

Similarly, the Department of Primary Industry - Lands also has no role in the upgrade or maintenance of the road and has provided written advice to Council that no upgrade work is permitted without Council taking over the road (refer to Attachment B).

Therefore Council, as part of their assessment of the clients Development Application for a small scale Eco-tourism facility (for five small cabins) on Lot 3 DP 1175878 have advised that the development cannot proceed as they do not have the resources to take over any additional public roads and that the Department of Primary Industry - Lands will not allow for the upgrade of the road without Council taking it over.

This position has been included in Council DA Assessment Report, even though the client (DA Applicant) is willing to pay for 28% of the upgrade costs of the road (to a maximum value of \$50,000) and 28% for the ongoing maintenance of the road, even though the proposed development will only add 16% additional traffic to the existing road.

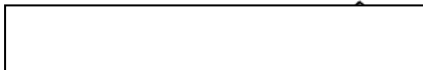
Therefore under these circumstances, the road is never allowed to be legally upgraded or even maintained when Council has approved up to 17 dwellings + 3 cabins, accessing the road.

This is an acceptable position for my client as a land owner and user of the road and provides a very unsafe road safety outcome for the users of the road.

Therefore it is in the public interest that the Minister transfer this road (which by the way Snowy River Shire Council derives a rate revenue from the 17 dwellings) as the road is used to such an extent by the public that it warrants the status of being a council public road maintained at the public expense. Consequently this road as a matter of public policy is the responsibility of local government and, as such, it should be transferred to Snowy River Shire Council under the provisions of S.151 of the Roads Act, 1993, without unnecessary delay.

Should you wish to discuss this correspondence, please do not hesitate to contact me on (02) 6457 2170.

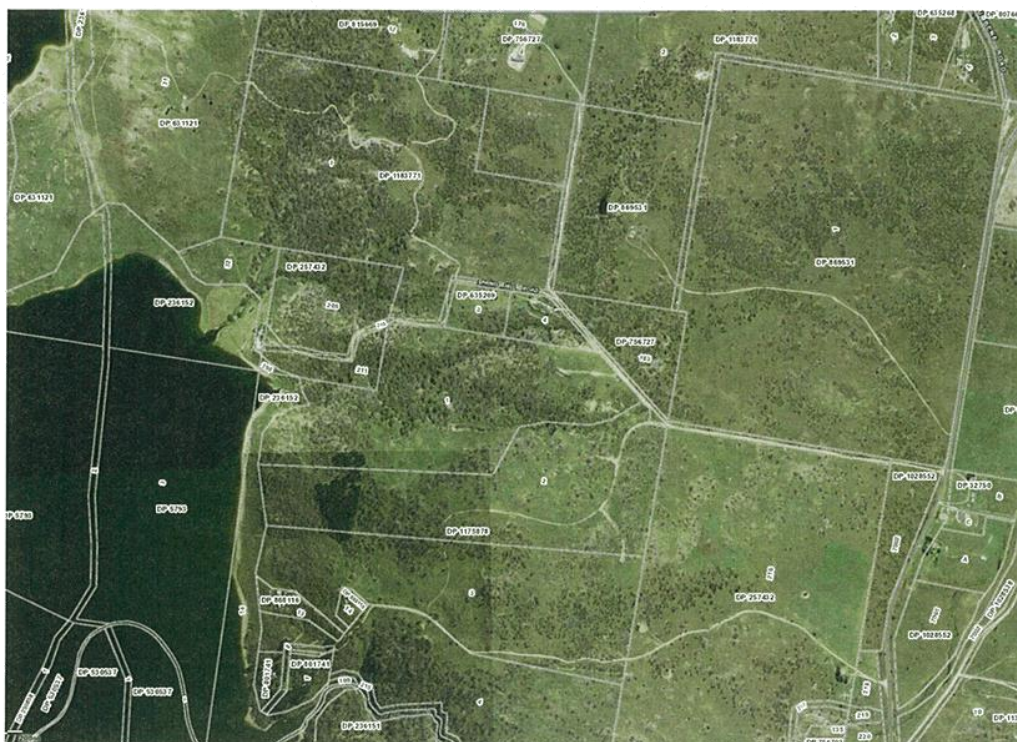
Regards



**Ivan Pasalich**  
Principal

9 December 2015

[illegible]



ATTACHMENT B



MF15/7126

Mr Ian Pasalich  
Partner  
Dabyne Planning Pty Ltd  
PO Box 179  
JINDABYNE NSW 2627

Dear Mr Pasalich

I refer to your letter of 9 December 2016 to the Hon Niall Blair MLC, Minister for Primary Industries and Minister for Lands and Water, on behalf of Mr Ian Barry, owner of Lot 3, Spring Hill Road (Lot 3 DP 1175878), regarding the transfer of Spring Hill Road, East Jindabyne to Snowy River Shire Council. The Minister has asked me to respond to you on his behalf.

Department of Primary Industries (DPI) – Lands responded to a request from Snowy River Shire Council for comment on Development Application 0118/2015. In its response DPI Lands was clear that if upgrade of the Crown road is required to service the proposed development, the Snowy River Shire Council should seek transfer of the Crown road to its control.

Snowy River Shire Council is the determining authority for Development Applications under *Environmental Planning and Assessment Act 1979* and it may set conditions as part of its determination. In relation to your client's proposal, DPI Lands usually recommends conditions such as transfer of the Crown road to Council as part of this assessment process.

Following determination of the development application, DPI Lands would generally negotiate the transfer process with Council. As you know, Spring Hill Road does not directly join Kosciusko Road and is separated by a Travelling Stock Reserve (TSR). Transfer of the Crown road to Council may would require Council acquiring a road corridor over the TSR to complete the legal access.

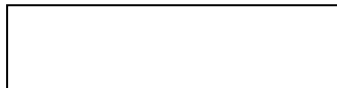
I understand that direct access to Mr Barry's Lot 3 is also available via a Right of Carriageway across Lots 216 and 218 (DP257432). This may provide you and your client with another option which may be pursued with Council.

Whilst ever Spring Hill Road remains a Crown road, minor maintenance may be permitted with the consent of DPI Lands. These works are limited to filling of potholes and minor surface grading.

DPI Lands will approach Council and discuss the future management of Spring Hill Road, including this matter.

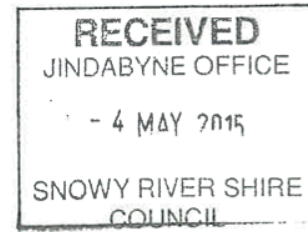
I have asked that Mr Stephen Watts, Natural Resource Management Project Officer, Goulburn, be available to discuss this matter further with you. Mr Watts can be contacted on (02) 4824 3712.

Yours sincerely



ALISON STONE  
DEPUTY DIRECTOR GENERAL  
LAND AND NATURAL RESOURCES

18/1/16



## **STATEMENT OF ENVIRONMENTAL EFFECTS**

**ECO-TOURIST FACILITY + COMMUNITY TITLE SUBDIVISION  
SPRING HILL ROAD, EAST JINDABYNE  
LOT 3 DP 1175878**



**APRIL 2015**

**Project: 03-15**

**Dabyne Planning Pty Ltd**

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## STATEMENT OF ENVIRONMENTAL EFFECTS

### ECO-TOURIST FACILITY + COMMUNITY TITLE SUBDIVISION SPRING HILL ROAD, EAST JINDABYNE LOT 3 DP 1175878

This report has been prepared by:



Ivan Pasalich BEnvP MPIA CPP MEIANZ  
**Principal**  
Dabyne Planning Pty Ltd

**APRIL 2015**

**Project: 03-15**

**Dabyne Planning Pty Ltd**  
Reproduction of the document or any part

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APPENDIX C – Water Supply Analysis

APPENDIX D – Copy of the Water Licence

APPENDIX E – Soil Analysis Report

APPENDIX F – Fauna and Flora Assessment

Attachment 1: Threatened Species Table

Attachment 2: Seven (7) Part Test

APPENDIX G – Aboriginal Heritage Information Management System Search Results

APPENDIX H – Correspondence with Local Land Services and Crown Lands

APPENDIX I – Snowy River DCP 2013 – Assessment Table

Lot 3 DP 1175878, Spring Hill Rd, East Jindabyne ♦ Statement of Environmental Effects | April 2015

## **1. INTRODUCTION**

### **1.1 Executive Summary**

Dabyne Planning Pty Ltd has been engaged to prepare a Statement of Environmental Effects to accompany a Development Application (DA) to Snowy River Shire Council.

The DA is for an Eco-tourist facility providing on-site tourist accommodation across five (5) new cabins at Lot 3 DP 1175878, Spring Hill Road, East Jindabyne.

Each proposed cabin is two (2) bedrooms and is single storey, to be constructed using shipping containers to form their basic structure, with foam insulation, battens and external cladding added, as well as skillion roof profiles, to ensure that the cabins present as one custom designed structure.

The proposal also includes a Community Title subdivision of the proposed Eco-tourist facility, with each proposed cabin being located on a Community Development Lot. The approved detached dual occupancy dwellings (approved under DA0067/2015) will be located on a separate Community Development Lot, with the second smaller (two bedroom) dwelling servicing the cabins as a Managers residence, whilst the larger three (3) bedroom dwelling is retained and occupied by the owner. The balance of the land within the entire lot will form part of the Community Association land, which will include the internal road network.

The property is legally described as Lot 3 DP 1175878 and is 40.21 Hectares in size. The lot was recently created by a rural subdivision. The property is currently vacant, except for a large shed, located below the proposed cabins.

Each proposed cabin will be serviced with water collected from their respective roofs as well as water extracted from the lake under licence to a 10,000 litre tank plus a 10,000 litre tank designated for firefighting purposes.

Electricity generation will be derived from solar photovoltaic panels and backup diesel generator.

To allow for the Applicant to fulfil their vision for the project to be founded on sustainability principles, the projects development and operation has been carefully designed to promote long-term economic, social and environmental sustainability.

This process has been underpinned by undertaking a comprehensive site analysis process to ensure that the proposed development components are sensitively designed and appropriately respond to the site.

This will allow for the Applicant to achieve Eco-Tourism level accreditation in accordance with relevant ISO 14000 standards relating to management and quality control.

A detailed description of the proposal is provided in Section 3 of the report.

Lot 3 DP 1175878, Spring Hill Rd, East Jindabyne ♦ Statement of Environmental Effects 1 April 2015

## **1.2 Purpose of the Report**

This report presents a Statement of Environmental Effects (SEE) for a proposal by Ian Barry for an Eco-tourist facility including Community Title Subdivision.

The purpose of this SEE is to:

- describe the land to which the DA relates;
- describe the form of the proposed works;
- define the statutory planning framework within which the DA is to be assessed and determined; and
- assess the proposed development against the matters for consideration listed under Section 79C(1) of the Environmental Planning and Assessment Act, 1979 (EP&A Act, 1979).

In accordance with Schedule 1 of the Environmental Planning and Assessment Regulations 2000, a statement of environmental effects must indicate the following matters:

- the environmental impacts of the development,
- how the environmental impacts of the development have been identified,
- the steps to be taken to protect the environment or to lessen the expected harm to the environment,
- any matters required to be indicated by any guidelines issued by the Director-General for the purposes of this clause.

## **1.3 Background**

In August 2014, a pre-application meeting was held with Council to seek input on a conceptual design for an Eco-tourist facility comprising of five (5) cabins, a Community Title Subdivision as well as a future dwelling for the owner and future managers residence. The matters raised at the meeting have been addressed through the detailed design work presented in this application and the appendices provided.

In December 2014, a DA (DA 0067/2015) was lodged for a detached dual occupancy comprising of a three (3) bedroom dwelling for the owners residence and a smaller two (2) bedroom dwelling. This second dwelling is proposed to be used by the Manager of the Eco-tourist facility. The DA was granted consent by Council on the 24 March 2015.

The approved detached dual occupancy dwellings (approved under DA0067/2015) will be located on a separate 'Community Development Lot'.

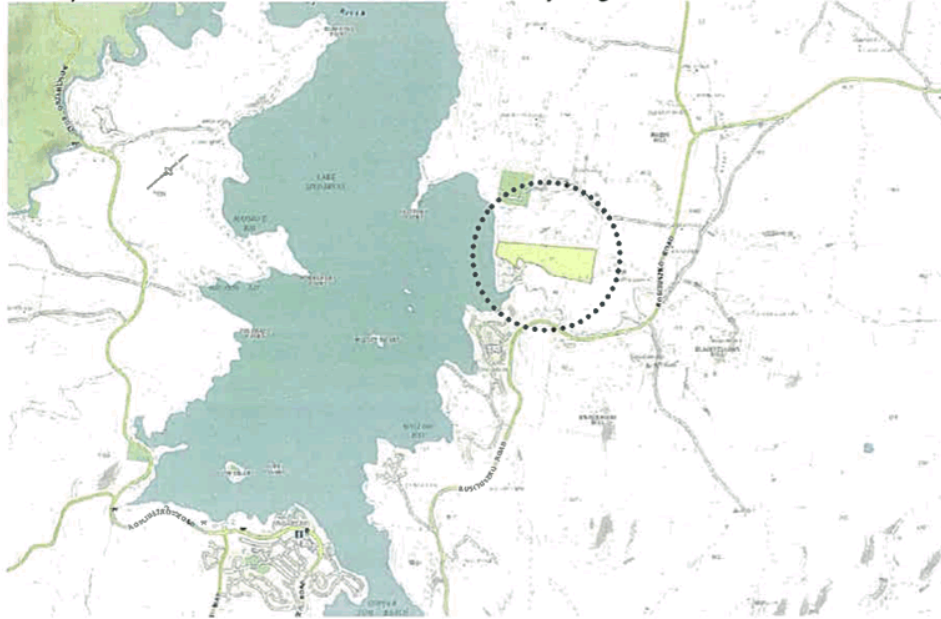
Lot 3 DP 1175878, Spring Hill Rd, East Jindabyne ♦ Statement of Environmental Effects | April 2015

## 2. THE LOCALITY AND SITE

### 2.1 The Locality

The subject site is located approximately 5km north-east of the Jindabyne township, with direct frontage to Lake Jindabyne.

The subject site is illustrated in context with the locality in figures 1 & 2 below:



*Figure 1: Context of the subject site in the locality (topographical)*

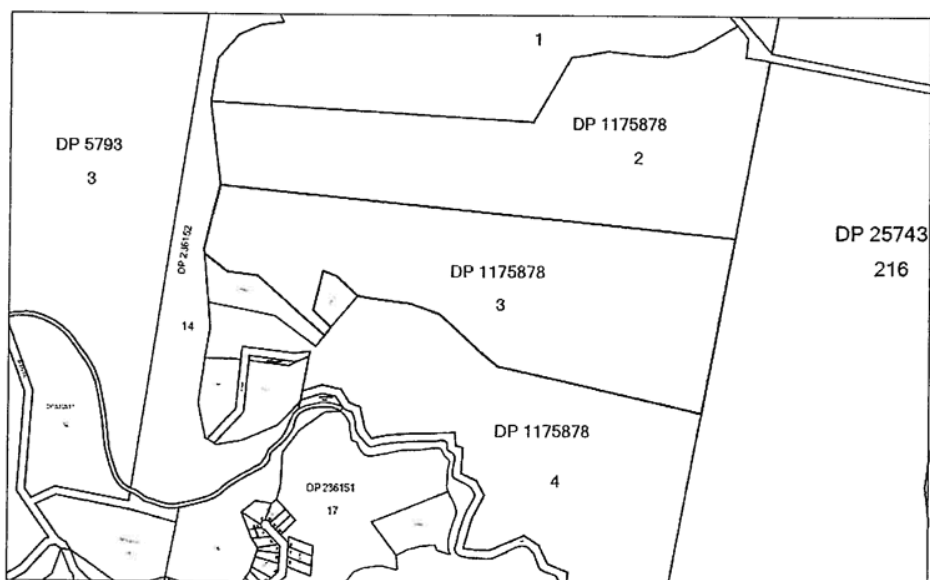
Lot 3 DP 1175878, Spring Hill Rd, East Jindabyne ♦ Statement of Environmental Effects | April 2015



*Figure 2: Context of the subject site in the locality (aerial)*

## 2.2 The Site

The subject property, located to the south of Spring Hill Road, west of Kosciuszko Road and east of Lake Jindabyne within East Jindabyne is legally described as Lot 3 DP 1175878, as shown in figure 3 below.



*Figure 3: Cadastral plan of the subject site*

Lot 3 DP 1175878, Spring Hill Rd, East Jindabyne ♦ Statement of Environmental Effects | April 2015

The allotment is 40.21 hectares in size and is currently vacant, except for a shed.

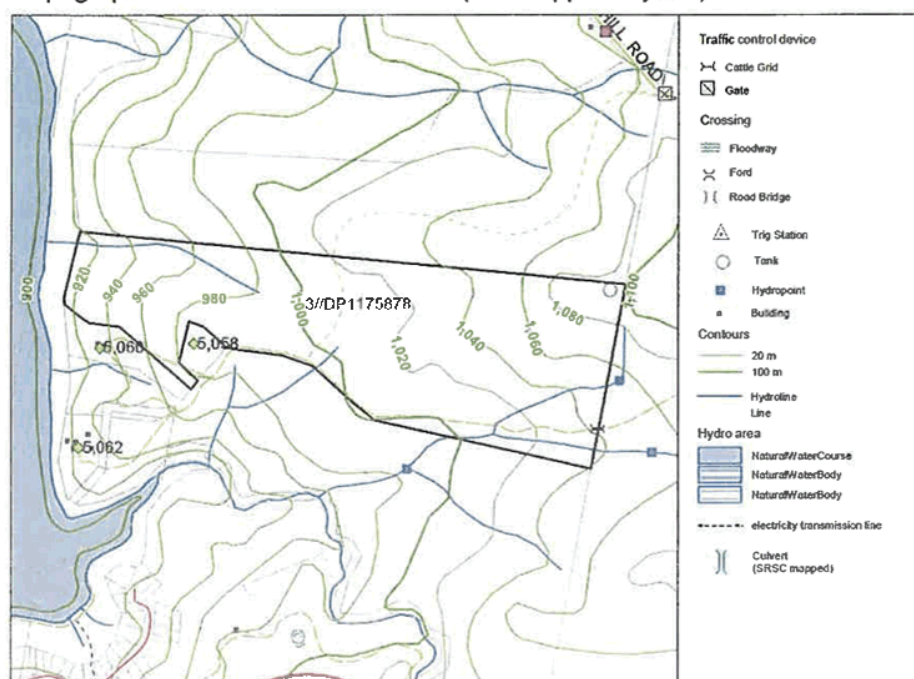
The property is bound by Lake Jindabyne to the west and rural properties to the north, south and east.

The property is subject to the start of some short watercourses, none of them perennial, as shown in figure 4 below.

The property includes a relatively flat bench in the middle area of the property between contour 1000 and 1020, where proposed cabins 1 & 2 are located and a further flatter benched area between 1020 and 1040 where proposed cabins 3,4 & 5 are located.

The property generally slopes from east to west, down to the lake from 1100m to 920m, as shown in the topographic plan provided in figure 4 below.

**Topographic information and Contours (data supplied by LPI)**



**Figure 4: Topographic Map showing the subject site**

The property includes a mixture of Woodland vegetation and cleared open areas, comprising mostly of exotics, with very little native grassland remaining. There is also a small group of plantation pines located on the site that extends north into Lot 2. The vegetation on the majority of the property is however generally open and has been subject to previous grazing.

Selected photos of the site and the proposed dwelling locations are provided in Appendix A.

Lot 3 DP 1175878, Spring Hill Rd, East Jindabyne ♦ Statement of Environmental Effects | April 2015

### 3. DESCRIPTION OF THE DEVELOPMENT

#### 3.1 General Description

##### 3.1.1 Eco-tourist facility – cabins

The proposal includes five (5) cabins, each single storey in height all sharing the same design, however orientated differently depending on their solar access and views over the lake towards the mountains.

Each cabin incorporates two (2) bedrooms, a combined kitchen, dining and living area and a bathroom. Each cabin can accommodate a maximum of six (6) guests with a maximum of thirty (30) guests across the proposed development.

On-site management will be undertaken within the already approved two bedroom dwelling located below the existing shed.

The design and style of the cabins has been driven by using shipping containers as their basic built form. Shipping containers are an abundant re-usable structure that are cost effective to use and transform into building structures, and are now widely used in the construction industry for cabins, granny flats, offices, etc.

The shipping containers will form the basic structure, located on piers allowing the building footprint to tread lightly on the ground with minimal cut and fill required. The structures will be insulated and protected with foam insulation, battens and external cladding added, as well as skillion roof profiles, to ensure that the cabins present as one custom designed structure. The external cladding will comprise of Weathertex panels (in both vertical and horizontal) with Colorbond metal roofing, barge boards, fascia, gutters and downpipes.

Each cabin includes a skillion roof that is sloped towards the north and west providing suitable roof surfaces for solar panels, the primary source of electricity for each building.

##### 3.1.2 Community Title Subdivision

The proposal seeks consent for the Community Title subdivision of the proposed cabins into six (6) 'Community Development Lots' with the residual land located in one (1) 'Community Property'.

Each proposed cabin will be located on a 'Community Development Lot', which each lot being approximately 5000m<sup>2</sup> (0.5ha) in size. The proposed size of each lot comprising of a single cabin has been reduced from the original concept plan (1ha -2 ha) in response to Councils pre-application comments.

The proposed allotment size has been determined to allow all the required infrastructure to service each cabin to be located within its own allotment, including the provision of two (2) parking spaces, an internal driveway, rainwater tanks, individual on-site effluent systems including absorption trenches and with regards to proposed cabins 1 & 2, native tree planting.

The approved main three (3) bedroom dwelling and second smaller two (2) bedroom dwelling (under DA 0067/2015) which will be used as a managers residence will be located on its own

Lot 3 DP 1175878, Spring Hill Rd, East Jindabyne ♦ Statement of Environmental Effects | April 2015

'Community Development Lot'. The purpose of locating the manager's residence within a 'Community Development Lot' and not the 'Community Property' is to allow the on-site manager to be licenced under the Property, Stock and Business Act, 2002 which requires the On-site manager to have an a "prescribed interest" in the property, which includes who hold title or is included to on the title to the property located within the scheme. If the Managers residence was located on 'Community Property', the on-site manager would not have a "prescribed interest" and could therefore not be licenced.

The remaining land within the entire property will form the 'Community Property', which will be centrally managed by the 'Community Association' and comprise of the internal road network and water supply from the lake.

A Community Management Statement will be prepared and will be submitted separately. The Statement sets out the rules and regulations for the appropriate management of the resort to ensure that the resort is appropriately centrally managed and will be used for eco-tourist purposes and not for permanent residential use.

### **3.2 Ecologically Sustainable Development**

The project has been designed to be a project founded on sustainability principles. The projects development and operation has therefore been designed to promote long-term economic, social and environmental sustainability, as set out below.

#### **3.2.1 Site Analysis Process**

The project has been subject to an extensive site analysis process to ensure that the development has been designed to be sensitive to the site and its constraints and opportunities. The site analysis process has informed the site selection, orientation & design for each of the cabins as follows:

- Exclude potentially constrained land from the proposed development, which included:
  - the bushfire prone land at the northern boundary, adjacent to the existing pine plantation;
  - the steep land in excess of 18° slope at the south-eastern end of the property;
  - the visually prominent land at the eastern, top part of the property.
- Locate the proposed cabins away from the approved main dwelling site and second dwelling site to be used as a managers residence for the facility, to provide separation;
- Locate proposed cabins 1 & 2 close to the existing road to limit the extent of new internal road works required for Stage 1.
- Locate proposed cabins 3,4 & 5 higher up on the property to gain solar access and views over the lake towards the mountains and provide for separation between each cabin.
- Provide an internal access road servicing proposed cabins 3,4 & 5 as part of Stage 2.
- Orientate each cabin towards the north-west for optimum solar access and orientate them individual to achieve the optimum views over the lake and towards the mountains.
- Locate the cabins on either flat or moderately sloped ground, which has predominantly been cleared and devoid of any significant native vegetation.
- Limit visual impacts by limiting the height of the cabins to single storey structures, no greater than 6m in height.

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- Limit visual impacts of proposed cabins 3,4 & 5 from the adjacent dwelling on Lot 4 to the south-east by locating the buildings on the northern side of the ridgeline
- Incorporate native tree planting to the south-east of proposed cabins 1 & 2 for visual screening from the adjacent dwelling to the south-east on Lot 4.
- Ensure that all the services and infrastructure required for each cabin is located within its own Community Development Lot (i.e. car parking, on-site effluent, etc.) while ensuring that the Community Association services and infrastructure remain in the Community Property land (i.e. the internal road network).

### 3.2.2 Design and Construction

Following the site analysis process, the design and construction of each building component is also founded on sustainability principles, incorporating passive solar design to allow for each building to gain heat in winter and reject solar heat in the summer and take advantage of the local climate. Each main component is described below.

#### *Piers:*

To limit cut and fill and minimise disturbance on the natural environment, each cabin will be founded on piers, allowing it to be lightweight and respond to the slope of the land.

#### *Shipping Container Built Form:*

The design and style of the cabins has been driven by using shipping containers as their basic built form. Shipping containers are an abundant re-usable structure that are cost effective to use and transform into building structures, and are now widely used in the construction industry for cabins, granny flats, offices, etc.

The use of shipping containers provide a number of advantages including their inherent strength, durability, availability and cost. They are a modular structure and also considered eco-friendly as they comprise of considerable embodied energy, saving thousands of kilograms of steel and also reduce the amount of traditional building materials needed (i.e. bricks and cement).

The structures will be insulated and protected with foam insulation, battens and external cladding added.

### 3.2.3 Construction Management

To ensure that the construction of the project is appropriately managed and undertaken to minimise impacts on the environment, a Construction Management Plan has been prepared and provided in Appendix B.

### 3.2.4 Renewable Energy

To reduce dependency on fossil fuels and reduce greenhouse gas emissions whilst also reducing operating costs over the long term, the development will source its primary energy supply, hot water as well as cooling and heating from renewable energy sources such as solar and geothermal as follows:

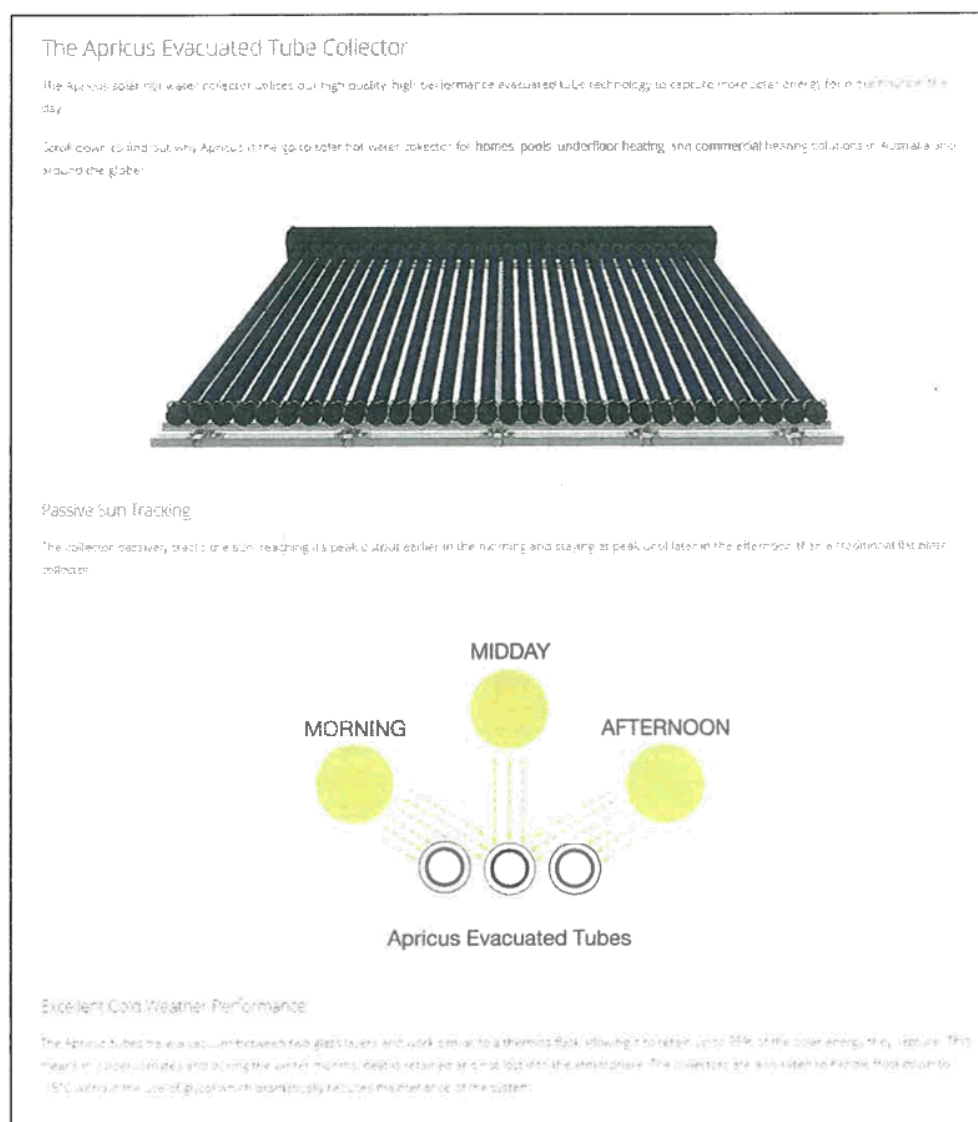
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#### *Solar:*

Each cabin will be serviced by its own 5kW solar photovoltaic system to provide power supply to the building and with both north and west facing roof systems, this is proposed to be roof mounted.

#### *Hot Water:*

Each cabin will be serviced by its own solar hot water system using evacuated tubes and separate standalone tanks, such as an Apricus system shown below.



**Figure 5: Apricus Evacuated Tube Hot Water System**

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*Geothermal heating and cooling:*

Heating for cabins will be provided by an 'earth to air' geothermal system. This system is a heat exchanger that draws ventilation supply air through buried ducts or tubes. As the temperature of the ground below 3m is practically constant, it substantially reduces ambient air temperature fluctuations. It therefore provides space conditioning throughout the year, with the incoming air being heated in winter and cooled in the summer by means of earth coupling.

The earth-to-air system benefits include:

- *Reduce heating/cooling expenditures up to 80%.*
- *Enhanced ultimate levels of indoor comfort.*
- *Improve aesthetics of the home - ETA technologies have no exposed and noisy outdoor equipment.*
- *Increase re-sale value.*

A diagram of how the system works is provided in figure 6 below.

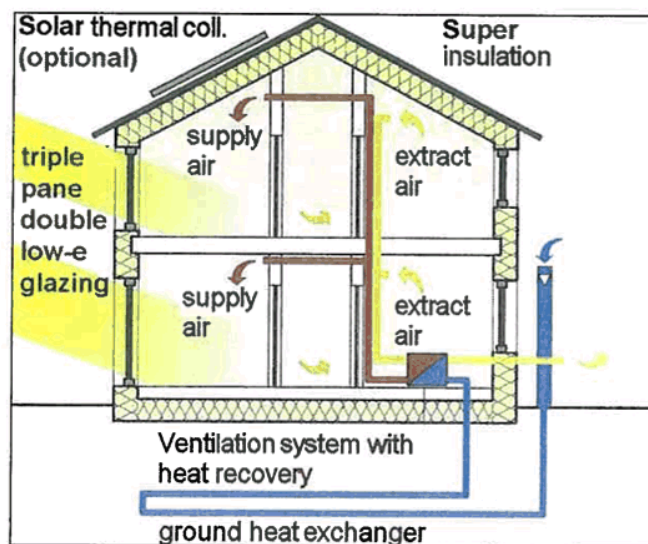


Figure 6: Illustration of how earth-to-air system operates

### 3.2.5 Education

The proposed facility represents the first of its kind located on Lake Jindabyne, with the lake to be the primary focus for guests with regard to both nature based recreation and education.

Passive and active recreation activities including kayaking, paddle boarding, stand-up surf paddling, fishing and swimming will be offered. This will provide summer activities, promoting year-round use.

Nature based walking trails to and from the lake and around the property will be constructed with interpretative signage highlighting the native flora and fauna features of the land. This

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could be incorporated with a shared use trail system including mountain bikes, which will allow for connection to the future proposed shared use trail around the lake.

This will provide both walking and mountain bike riding connectivity to the East Jindabyne township, Tyrolean Village and the Jindabyne township from the property as shown in figure 7 below.

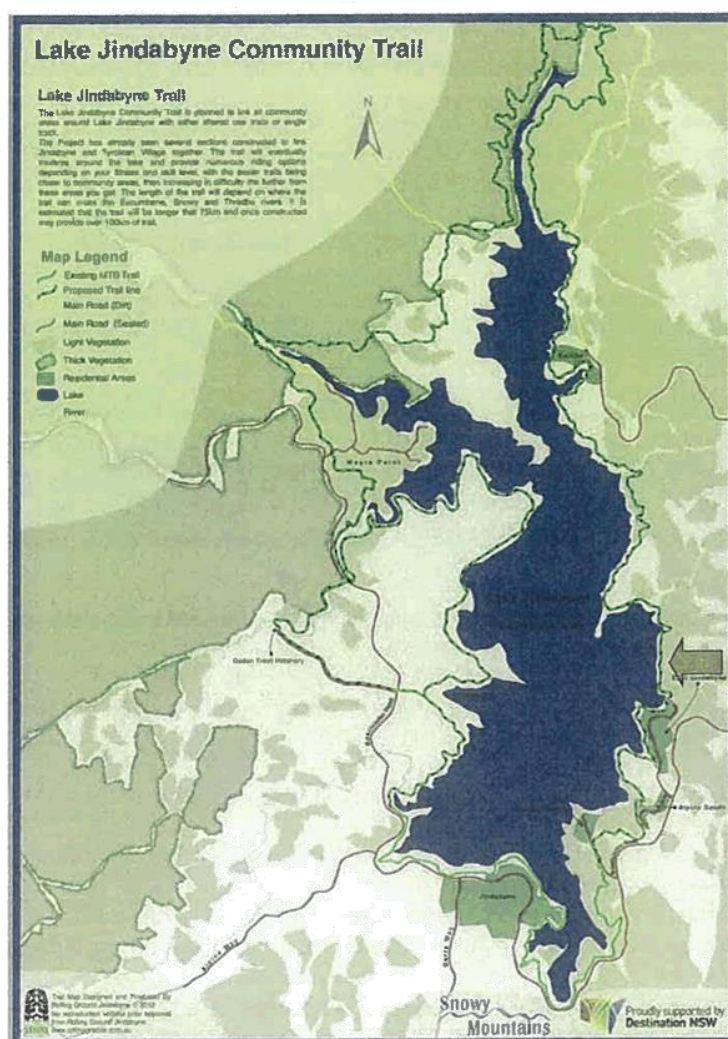


Figure 7: Lake Jindabyne Community Trail Map

Furthermore the unique heritage of old Jindabyne in concert with the Snowy Mountain Hydro Electric Scheme and relocated Jindabyne township will also be promoted with education opportunities through on-line learning, interpretative signage and written.

Another integral part of the Eco-tourist cabins will also be the learning and understanding of how they are built and operated and achieve a high level of sustainability.

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### 3.3 Services

#### 3.3.1 Water

Potable water supply for each cabin will be serviced with water collected from their respective roofs as well as water extracted from the lake under licence.

Each cabin will therefore comprise of a 10,000L tank for potable water supply from its roof and also be connected to the larger holding tank, with water supply provided by the lake.

The water supply analysis provided in Appendix C demonstrates that the average annual demand is more than the average annual rainfall based on a maximum accommodation capacity of 6 people with an occupancy rate of 66% (2/3rds).

Over an average rainfall year, the annual shortfall per cabin is approximately 56,000 litres.

Potable water supply will need to be supplemented by water extracted from the lake under licence (see Appendix D) to a 62,000L holding tank, filtered through UV and gravity fed to each cabin.

The water licence allows for 1ML (1,000,000 litres) per year to be extracted for the entire property, servicing the approved main residence, managers residence and five cabins. Over an average rainfall year with 66% occupancy, only 280,000 litres (0.28MLs) will need to be extracted from the lake as supplementary water supply for the five (5) cabins, with sufficient capacity left to service the main residence and managers residence which and allow for a low rainfall year/s.

This allows for the development to be totally sustainable in regards to its water supply and use, therefore fulfilling a key sustainability principle.

To further reduce water demand, the following water efficient devices and measures are to be incorporated into the development:

- Install showerheads with a minimum rating of 3 star (> 6 but <= 7.5 L/min) in all showers in the development.
- Install a toilet flushing system with a minimum rating of 5 star or waterless toilets in each toilet in the development.
- Install taps with a minimum rating of 5 star in the kitchen in the development.
- Install basin taps with a minimum rating of 5 star in each bathroom in the development
- Install water efficient appliances in the development.
- Provide written and electronic information to guests on reducing water use.
- Plant indigenous and low water use plants.

#### *Bushfire – Fire fighting:*

In accordance with the bushfire assessment report provided separately, an additional static water supply of 10,000 litres per cabin is required to be provided for fire fighting purposes. This will be provided by installing a separate 10,000 litre tank for each cabin, adjacent to the potable water supply tank, with the required storz fitting to be provided.

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### **3.3.2 Sewer**

A comprehensive analysis of the site and its soils has been undertaken by Watercheck Testing to determine the appropriate location, size and type of on-site effluent system to service the Eco-tourist facility cabins.

The proposed on-site effluent systems to be used will be worm farms. These systems are recognised as a natural, biological septic system, which provides a composting solution that effectively processes sewage, all household waste water and organic garbage, including food and vegetation, as well as weed. Combined with naturally occurring organisms, the worm liquid opens up and improves the quality of the soil – enabling the re-use and recycle as a liquid fertiliser for gardens, lawns and bushland.

The systems are odourless and emit no methane or carbon dioxide into the air, which is a positive for the atmosphere. They reduce the amount of organic waste that traditionally goes to land fill from each site by approximately 90%. On elevated sites, such as the proposed cabin sites that use a gravity system to distribute a natural liquid fertiliser, containing worm casting and worm eggs, directly into the soil, which is good for gardens and landscaping.

This report is provided in Appendix E.

### **3.3.3 Electricity**

Electricity generation will be derived from solar photovoltaic panels and backup diesel generator for each of the proposed cabins.

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## 4. KEY MATTERS FOR CONSIDERATION

### 4.1 FAUNA AND FLORA

The subject site is identified as being located within a 'Terrestrial Biodiversity' area under the Snowy River Local Environmental Plan 2013 as illustrated in the extracted map below.

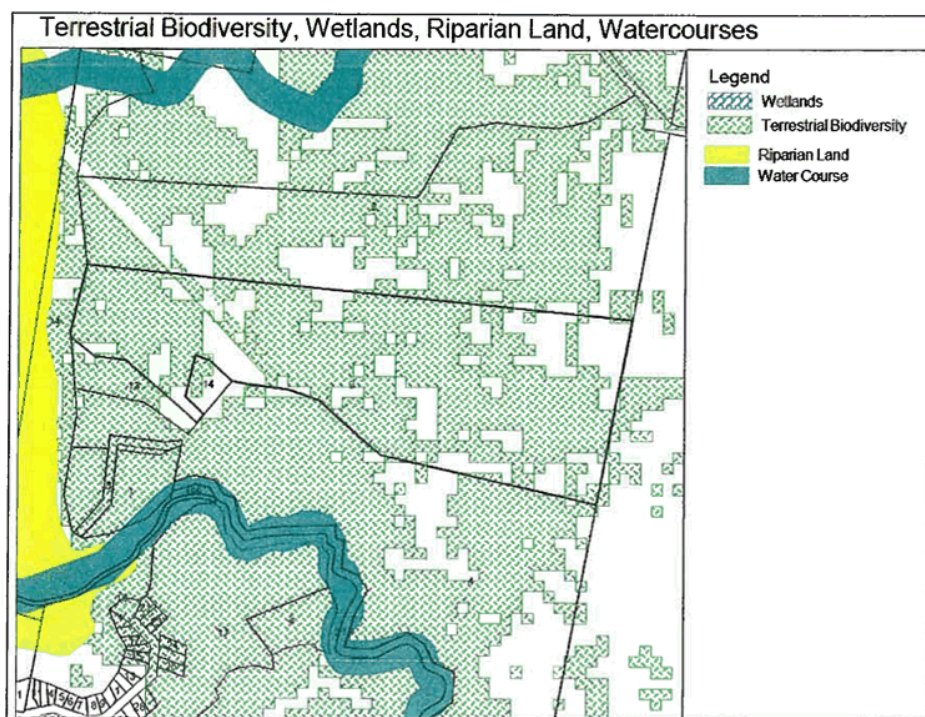


Figure 8: Snowy River LEP 2013 – Terrestrial Biodiversity & Riparian Land & Watercourses Map Extract

Although the site has been mapped with this constraint, it is acknowledged that the mapping only represents a predictive model which does not necessarily correlate with the vegetation communities present, their quality or level of previous disturbance.

To determine the potential impacts on fauna and flora in relation to the proposed development, a site specific fauna and flora assessment has been undertaken and provided in Appendix F.

This assessment has determined that the proposed development is unlikely to generate any adverse impacts on any fauna and flora, in particular any listed Threatened Species and or Endangered Ecological Communities given the siting and design of the development as part of the site analysis process undertaken and the level of previous disturbance. Through the establishment of a native tree planting to the south-east of proposed cabins 1 & 2, the development will result in a net environmental gain for the site.

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## 4.2 ABORIGINAL HERITAGE

The Office of Environment and Heritage (OEH) maintains the Aboriginal Heritage Information Management System (AHIMS). AHIMS includes:

- information about Aboriginal objects that have been reported to the Director General, Department of Premier and Cabinet,
- information about Aboriginal places which have been declared by the Minister to have special significance with respect to Aboriginal culture,
- archaeological reports.

A search of the AHIMS was undertaken and the results identified two (2) recorded Aboriginal sites have been recorded on Lot 4 to the south with no places or sites recorded within the subject site, Lot 3.

These sites were identified as part of the Rush's Resort study undertaken by Navin Officer and include Open Camp Sites (#12 & 15) as per the results provided in Appendix G.

The location of these sites have been mapped and identified below and being located on lot 4 to the south, are located well away from the proposed development on Lot 3.

These sites will therefore not be impacted as a result of the proposed development.



*Figure 9: Aerial of the subject site with the recorded Aboriginal site identified*

#### 4.3 VISUAL IMPACTS

With respect to proposed cabins 3,4 & 5, these are not visible from either the approach from the north on Lot 2 or from the existing dwelling to the south-east on Lot 4.

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To limit the visual impacts of proposed cabins 1 & 2, particularly from the south-east, native tree planting to the south-east of the proposed cabins is proposed to provide visual screening from the adjacent dwelling to the south-east on Lot 4.

#### 4.4 Access & Traffic

##### 4.4.1 Access

Access to the subject site is achieved via a right-of-carriageway over Lot 2 DP 1175878 to the north from Spring Hill Road. This right-of-carriageway was recently created and constructed in accordance with a development consent for a four (4) lot subdivision, which the subject lot was created from. The right-of-carriageway therefore has been created and constructed in accordance with Councils current requirements.

Spring Hill Road is a Crown Road, with the physical road sitting within the legal road reserve, providing coinciding legal and practical access to the subject site, as well as approximately seven (17) other dwellings and three (3) cabins that use the road for its primary access. Spring Hill Road is accessed from Kosciuszko Road.

Recently it was discovered that the first section of Spring Hill Road traverses a Travelling Stock Reserve (TSR) which is a form of Crown Land. Accordingly, support from the NSW Local Land Services (which the previous South East Local Health and Pest Authority now forms part of) has been obtained and is provided in Appendix H.

Crown Lands have previously advised that land owners consent is required to be granted on behalf of the Crown for access over a TSR. However recent advice from Crown Lands now advises that a formalised right-of-carriageway over a TSR is not longer required as set out in Section 75 of the Local Land Services Act 2013, which effectively creates a deemed right-of-carriageway, and therefore there is no need to register an easement to formally create the right-of-carriageway.

A copy of this correspondence in relation to a TSR on the Snowy River Way is provided in Appendix H with an extract of Section 75 of the Local Land Services Act 2013 provided below.

#### ***75 Certain occupiers of land to have a right of access over travelling stock reserves***

*(1) An occupier of land is entitled to a right of way over a travelling stock reserve (whether controlled or managed) to and from the road nearest to the land if no other access to and from the land by means of an established road or track is available.*

*(2) A right of way is subject to such conditions as to its exercise (including any conditions as to its position, construction or improvement) as may be imposed by Local Land Services in a particular case.*

*(3) Local Land Services is to give notice to the occupier of land of any condition imposed by it on a right of way of the occupier.*

*(4) The occupier may, with the approval of Local Land Services, and must if directed to do so by Local Land Services by notice in writing, construct or make improvements to the occupier's right of way over the reserve.*

*(5) Any construction or improvements are to be made at the expense of the occupier.*

DA0118/2015 ECO TOURIST RESORT  
ATTACHMENT 5 STATEMENT OF ENVIRONMENTAL EFFECTS - SUBMITTED AT LODGEMENT

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The subject site also has alternative coinciding legal and practical access via a right-of-carriageway over Lot 216 DP 257432 to the west, through to Kosciuszko Road. This road and intersection onto Kosciuszko Road is required to be upgraded as part of DA 105/2013 that applies to 5062 Kosciuszko Road, East Jindabyne.

*Internal Access within the Site:*

Proposed Cabin 1 will have direct access off the existing right-of-carriageway (ROC) road, with proposed Cabin 2 requiring an upgrade to the existing access track including turning area off the existing ROC road. This will form Stage 1 of the development.

Proposed Cabins 3,4 & 5 will require a new internal access road that extends from the existing ROC road for a total length of approximately 500m. This will form Stage 2 of the development.

The new internal road heads in an easterly direction from the existing road, using the contour of the land to limit the grade of the road. A joint turning circle for Cabins 3 & 4 is proposed with a separate turning circle for Cabin 5.

The internal road will be 4m wide, with 150mm gravel and include passing bays incorporated every 200m (at 6m wide). This will provide all-weather two wheel drive access to the cabins.

Photos of the existing access and locations of the proposed access are provided in Appendix A.

#### **4.4.2 - Traffic**

In accordance with the RTA 'Guide to Traffic Generating Developments', the average trip generation per unit used for tourist accommodation (motels) per day is three (3) trips.

Although there is no specific average trip generation for a cabin used for 'Eco-tourist accommodation', if the above guideline is used then the average trip generation per day would be six (6) for each cabin as they are all only two (2) bedrooms each, and therefore a total of thirty (30) trips for all of the cabins.

This guideline however is based on 100% occupancy and therefore the average trip generation is likely to be less, given the projected occupancy of 66%.

The proposed eco-tourist facility development will therefore generate on average 30 trips per day based on 100% occupancy, which is greater than the projected occupancy of 66%, which would reduce the average trip generation per day down to 20.

With the existing Spring Hill Road network servicing approximately twenty-two (22) existing or approved dwellings (22) dwellings (inc three cabins), the existing traffic generation would be in the order of approximately 150 trips per day, depending on the rate of occupancy.

The proposed development, with an increase in 20 trips per day would therefore result in an increase of traffic in the order of approximately 13%.

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This proportion of additional traffic is considered acceptable commensurate with the standard of the right-of-carriageway over Lot 2 to the north subject to regular ongoing maintenance and ongoing contribution made to the private maintenance regime on Spring Hill Road, being a Crown Road.

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## 5. ENVIRONMENTAL PLANNING ASSESSMENT

### 5.1 SECTION 79C(1)(a)(i) – ENVIRONMENTAL PLANNING INSTRUMENTS

The following environmental planning instruments apply:

- Snowy River Local Environmental Plan 2013

Each of the above environmental planning instruments is considered below.

#### 5.1.1 Local Environmental Plans

##### Snowy River Local Environmental Plan 2013

The property is located within the Snowy River Shire and therefore the Snowy River Local Environmental Plan 2013 (SRLEP, 2013) applies.

The subject property is zoned RU1 – Primary Production, as illustrated below.

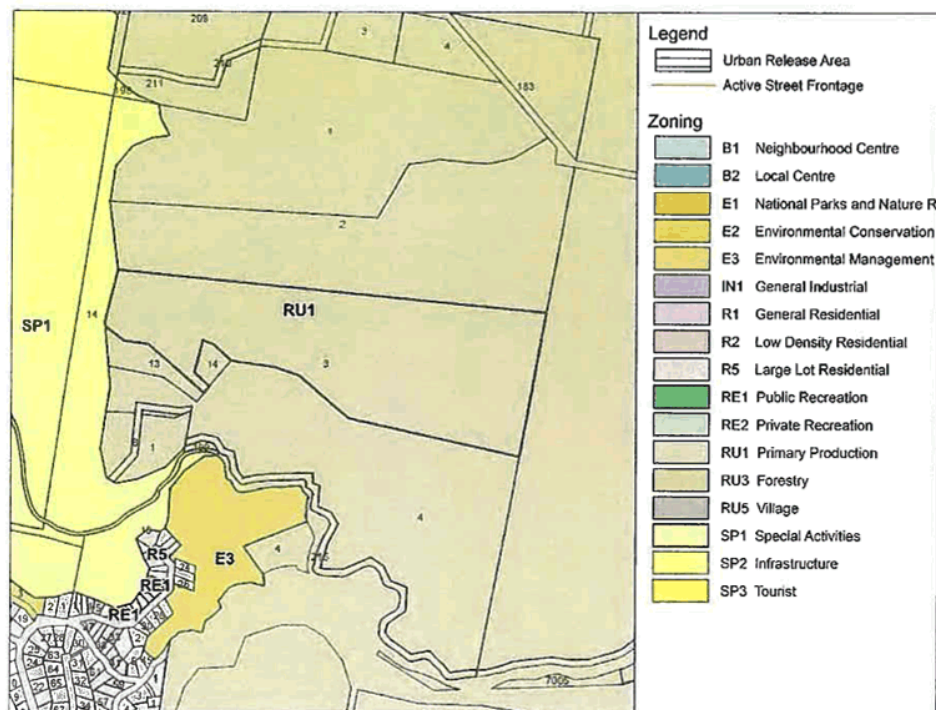


Figure 11: LEP Zoning Map Extract

Under the SRLEP 2013, an 'eco-tourist facility' is permissible with consent within the RU1 zone.

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An 'eco-tourist facility' is defined under the LEP as below:

**eco-tourist facility** means a building or place that:

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and
- (b) is located in or adjacent to an area with special ecological or cultural features, and
- (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

It may include facilities that are used to provide information or education to visitors and to exhibit or display items.

**Note.** See clause 5.13 for requirements in relation to the granting of development consent for eco-tourist facilities.

Eco-tourist facilities are not a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

The five (5) self-contained cabins form part of an Eco-tourist facility that provides short-term accommodation to visitors on a commercial basis and by being located on the subject site with frontage to Lake Jindabyne, is located adjacent to an area with special ecological and cultural features.

As documented in this SEE, the development has been sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

The proposed development is therefore permissible with consent.

In regards to the proposed development, the following clauses are considered applicable under the SRLEP, 2013:

**Clause 4.1AA Minimum subdivision lot size for community title schemes**

Clause	Response
(2) This clause applies to a subdivision (being a subdivision that requires development consent) under the <u>Community Land Development Act 1989</u> of land in any of the following zones: (a) Zone RU1 Primary Production, (b) Zone R5 Large Lot Residential, (c) Zone E3 Environmental Management.	<i>The subject site is zoned RU1 Primary Production and therefore complies.</i>
(3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the <u>Community Land Development Act 1989</u> ) is not to be less than the minimum size shown on the <u>Lot Size Map</u> in relation to that land.	<i>The proposal is for a Community Title Subdivision under the Community Land Development Act 1989 and therefore all of the lots are permitted to be less than the minimum lot size under the LEP.</i>
(3A) Despite subclause (3), development consent may be granted for a subdivision for an eco-tourist facility that will create more than one lot of a size that is less than the minimum size shown on the <u>Lot Size Map</u> in relation to that land if: (a) the subdivision is a subdivision of land under the <u>Community Land Development Act 1989</u> , and (b) all lots created by the subdivision are in the same community, neighbourhood or precinct scheme within the meaning of that Act.	<i>All of the proposed lots to be created will be in the same community scheme under the Act.</i>

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#### **Clause 4.3 Height of Buildings**

The maximum height of a building as shown on the Height of Buildings Map, with an extract provided in figure 12 below is 9m.

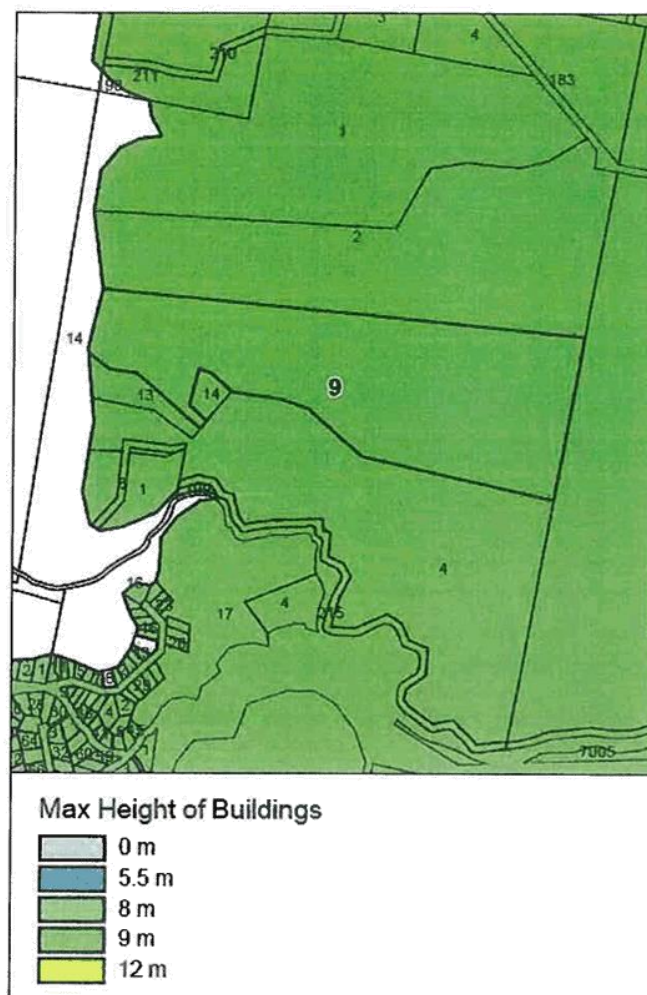


Figure 12: LEP Building Height Map Extract

The proposed development incorporates five (5) cabins with the same design. Due to the slope of the land, proposed Cabin 3 has the greatest height, with a maximum height of 5.8m (being the vertical distance between the ground level [existing] and the highest point of the building, excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like) which therefore complies with clause 4.3.

#### **Clause 5.13 Eco-tourist facilities**

Clause	Response
(2) This clause applies if development for the	The proposed development is for an eco-tourist

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purposes of an eco-tourist facility is permitted with development consent under this Plan.	<i>facility and therefore this clause applies.</i>
(3) The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that:	
(a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and	<i>As documented in this SEE, the proposed development has been subject to an extensive site analysis process and has been designed to be achieve an ecologically sustainable development, demonstrating a connection between the development and natural and cultural landscaping and setting.</i>
(b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and	<i>The development has been designed and located on land with marginal native fauna and flora value and in accordance with the CMP provided in Appendix B, the construction can be appropriately managed. The design of the building and elements incorporated will allow for its management and maintenance to minimise impacts on the natural environment.</i>
(c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and	<i>The development will allow for an appreciation of the environmental and cultural values through education and dissemination of information to guests.</i>
(d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and native flora and fauna will be minimal, and	<i>The development has been located well away from the closest watercourse, and is not located close to or in proximity to any heritage items and will have a minimal impact on native fauna and flora.</i>
(e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and	<i>The development includes a native tree planting to the south-east of proposed cabins 1 &amp; 2. This will result in a net environmental improvement for the site.</i>
(f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and	<i>Waste generation has largely been avoided by using recycled buildings (shipping containers) and will adhere to waste reduction and recycling principles as part of its operations.</i>
(g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours, materials and landscaping with local native flora, and	<p><i>The development has been located and designed to be of low scale, located below the higher ridgelines and steeper land associated with the property and well away from the lake and watercourses.</i></p> <p><i>Any potential visual impacts will be further minimised by the materials and their colour to be used, the buildings setting and setbacks and planting of a native trees to the south-east of cabins 1 &amp; 2.</i></p>
(h) any infrastructure services to the site will be provided without significant modification to the environment, and	<i>Most of the infrastructure to be installed is to allow for the development to be self-supporting and sustainable in regards to renewable energy, water supply and on-site effluent disposal.</i>

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(i) any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and	<i>A range of ESD elements have been designed and selected to be incorporated into the development including a wide range of renewable energy to be used for power, hot water heating and cooling along with a water efficient design that will rely on its own roofwater captured as well as water extracted from the lake for all potable water supply.</i>
(j) the development will not adversely affect the agricultural productivity of adjoining land, and	<i>The location and scale of the development and its position in context with the rural-residential, tourism accommodation and rural living land uses adjacent will ensure that the agricultural productivity of any adjoining land is not adversely affected.</i>
(k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment: (i) measures to remove any threat of serious or irreversible environmental damage, (ii) the maintenance (or regeneration where necessary) of habitats, (iii) efficient and minimal energy and water use and waste output, (iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment, (v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.	<i>All of these matters have been addressed through the comprehensive site analysis process undertaken, detailed design and construction technique process selected and use of ESD technologies as documented in Section 3.2 above.</i>  <i>The proposed development has been designed so that some form of Eco-Tourism accreditation can be achieved which is equivalent to ISO14000 standards.</i>

### **Clause 7.2 Terrestrial biodiversity**

A review of the Terrestrial Biodiversity Map shows that the majority of subject site is identified as "Biodiversity" as per the extract in figure 8 above. As the proposed development is located within an area identified as 'Biodiversity', clause 7.2 applies and has been addressed accordingly below.

<b>Clause</b>	<b>Response</b>
(2) This clause applies to land identified as "Biodiversity" on the <u>Terrestrial Biodiversity Map</u> .	<i>The majority of the property has been mapped as 'Biodiversity' and the proposed development is located within this area, therefore this clause applies.</i>
(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider: (a) whether the development is likely to have: (i) any adverse impact on the condition, ecological value and significance of the fauna and	<i>The fauna and flora assessment provided in Appendix F, has determined that the development will not have a significant impact on any Threatened Species or in particular any Endangered Ecological Communities.</i>

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<p>flora on the land, and</p> <p>(ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and</p> <p>(iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</p> <p>(iv) any adverse impact on the habitat elements providing connectivity on the land, and</p> <p>(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>	
<p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:</p> <p>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</p> <p>(b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>	<p><i>The proposed cabins and internal roads have been located within an area that is predominantly naturally cleared and does not comprise of any significant vegetation and will only require a small amount of vegetation to be removed.</i></p> <p><i>Given the extent of vegetation throughout the property, the impacts associated with the proposed development are not considered to be adverse and with the planting of additional native trees, these minor impacts can be appropriately mitigated.</i></p>

**Clause 7.3 Riparian land and watercourses**

As shown in figure 8 above, the subject site and proposed cabin locations are located well away from the nearest riparian land and watercourse, being Rushes Creek to the south.

**Clause 7.6 Development within the Lake Eucumbene and Lake Jindabyne scenic protection areas**

The entire property is located within the Lake Jindabyne scenic protection area as shown in figure 13 below.

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### Scenic Protection & Active Street Front

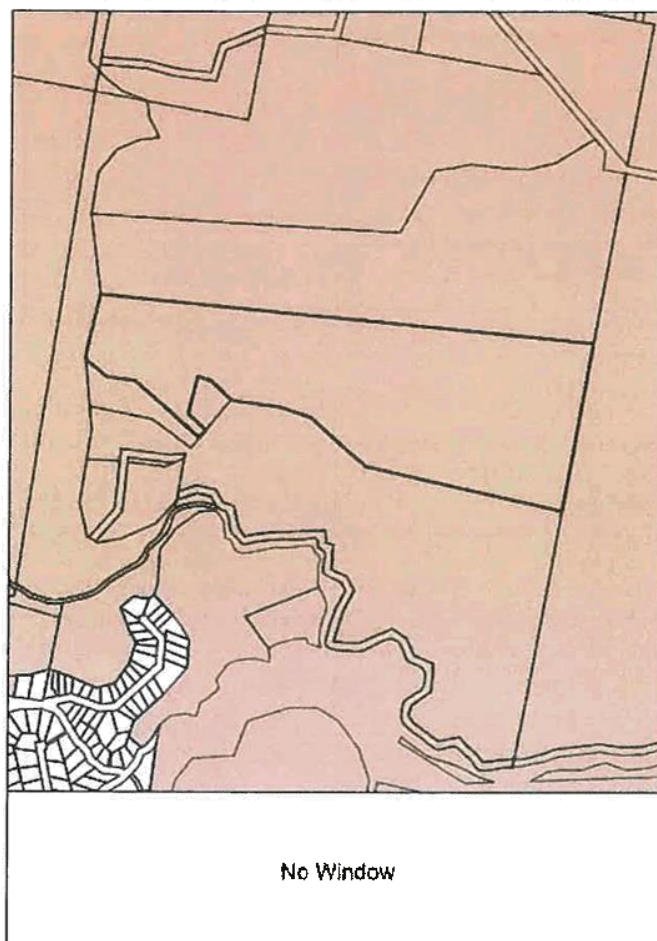


Figure 13: Scenic Protection Area Map Extract

Clause 7.6 therefore applies and has been addressed below.

Clause	Response
(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that: (a) the development will not have an unacceptable visual impact on the scenic quality of the area when viewed from the relevant lake at its full supply level or from a public place, and (b) the development has been designed to prevent any intrusion into the view from the lake at its full supply level.	<i>As addressed in Section 4.3 above, the proposed cabins will be located between 700m and 1000m from the foreshore of the lake and are not highly visible from any public place including a public road.</i>  <i>With the higher plateau, ridgeline and steep areas of the property excluded (as part of the site analysis process), the proposed cabins have been designed to prevent any intrusion into the view from the lake.</i>

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<p>(4) In deciding whether to grant development consent to development on any land to which this clause applies, the consent authority must consider:</p> <p>(a) the visual impact of the development when viewed from the relevant lake at its full supply level or from a public place, and</p> <p>(b) whether the design and construction of any new buildings (including ancillary development) prevent any intrusion into the view from the lake and minimises any adverse impacts on the view from the lake and surrounding areas, and</p> <p>(c) the number, type and location of existing trees and shrubs that are to be retained and the extent of landscaping to be carried out on the site, and whether provision has been made for the planting of appropriate native species where the planting would visually screen the development.</p>	<p><i>The design and construction of the five (5) cabins, which are well separated, will not intrude on views from the lake or surrounding areas.</i></p> <p><i>The cabin locations require very little native vegetation to be removed. The removal of any native vegetation (inc trees) will be more than offset by the planting of eighty (80) native Eucalypts to the south-east of both proposed Cabins 1 &amp; 2.</i></p>
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**Clause 7.9 – Essential services**

Clause	Response
<p>Development consent must not be granted for development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:</p> <p>(a) the supply of water,</p> <p>(b) the supply of electricity,</p> <p>(c) the disposal and management of sewage,</p> <p>(d) stormwater drainage or on-site conservation,</p> <p>(e) suitable vehicular access.</p>	<p><i>Water supply will be derived from rainfall collected on the roof and supplemented by water extracted from the lake under licence (refer to Appendix D) and stored within a central 62,000L tank.</i></p> <p><i>Each dwelling will be serviced by its own 10,000L tank.</i></p> <p><i>Electricity supply will be provided by solar pv panels and back-up diesel generator.</i></p> <p><i>On-site effluent will be managed by a new system, comprising of a worm farms for each cabin. A Soil Report Analysis is provided in Appendix E.</i></p> <p><i>All roofwater will be collected and diverted to the rainwater tank with any overflow be managed and dissipated before being dispersed downslope.</i></p> <p><i>Access is covered in Section 3.2 above.</i></p>

**5.2 SECTION 79C(1)(a)(ii) – DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS**

There are no draft Environmental Planning Instruments that are applicable to the site or proposed development.

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### **5.3 SECTION 79C(1)(a)(iii) – DEVELOPMENT CONTROL PLANS**

#### **Snowy River Development Control Plan 2013**

The Snowy River Development Control Plan 2013 applies to the subject site and a detailed assessment of the proposed development in accordance with the DCP is provided in Appendix I.

### **5.4 SECTION 79C(1)(a)(iia) – PLANNING AGREEMENTS**

There are no known Planning Agreements applicable to the proposed development or subject site.

### **5.5 SECTION 79C(1)(a)(iv) – REGULATIONS**

The development application has been made in accordance with the requirements contained in Clause 50(1A) of the Environmental Planning and Assessment Regulation 2000.

### **5.6 SECTION 79C(1)(b) – LIKELY IMPACTS**

#### **Natural Environment:**

An assessment of the impacts of the dwellings and associated works on any listed locally occurring threatened fauna and flora species or communities has been undertaken and provided in Appendix F.

This assessment has determined that the impacts on the natural environment are considered minimal and therefore acceptable.

#### **Built Environment:**

Impacts on the built environment are considered to be manageable and on balance will be minimised through the careful site selection and design process applied to each building and its scale.

#### **Social and Economic impacts in the locality:**

Potential amenity impacts have largely been mitigated through the site analysis process undertaken and design and scale of each building and its orientation, together with the proposed native tree planting.

The economic impacts are expected to be positive by the investment of capital into the property and the construction jobs generated.

### **5.7 SECTION 79C(1)(c) – SUITABILITY OF THE SITE**

The subject site is considered suitable for the proposed development, following the site analysis work undertaken. The site analysis has allowed for any constraints to be avoided and or mitigated by the siting and design of the development.

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By maximising its solar orientation to the north & west and optimisation of views towards the lake and mountains, the proposed development is considered to use the site's opportunities well.

#### **5.8 SECTION 79C(1)(d) -SUBMISSIONS**

The consent authority is required to consider any submissions made in response to any public notification undertaken.

#### **5.9 SECTION 79C(1)(e) - THE PUBLIC INTEREST**

The above assessment has demonstrated that the proposal satisfies the objectives and relevant clauses prescribed under the Snowy River LEP 2013 and Snowy River DCP 2013.

Consequently, the proposed development is considered to be within the public interest.

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## 6. CONCLUSION

The proposed development has been designed to achieve environmental sustainability through the use of renewable energies for heating, cooling, hot water and power plus the use of recycled material (through the re-use of shipping containers) to form the basic structure of the cabins.

To this end, a comprehensive site analysis process has been undertaken to ensure that the proposed development is sensitively designed and appropriately responds to the site.

Potential impacts on the environment have been minimised by selecting a site largely devoid of native vegetation and locating the development away from any constraints and utilising all of the opportunities afforded.

To ensure that all the planning, environmental and associated legislation is complied with and fulfilled, the proposed development has been considered in regard Section 79C of the Environmental Planning and Assessment Act, 1979, the Snowy River Local Environmental Plan 2013 and Snowy River Development Control Plan 2013.

The proposal has been found to be consistent with the above legislation, Environmental Planning Instrument and Development Control Plan, as detailed in this SEE.

Overall, the proposed development will generate positive economic impacts for the locality, will contribute to the built environment and will ensure impacts on the natural environment are minimised and therefore is considered an appropriate form of development for the site and the locality.



## **APPENDIX A**

### **PHOTOS**

Eco-tourist Facility, Lot 3 Spring Hill Road, East Jindabyne ♦ SEE Appendix A: Photos

*Figure 1:  
Intersection  
between Spring Hill  
Rd and the right-of-  
carriageway over Lot  
2*



*Figure 2: Right-of-  
carriageway over Lot  
2*



*Figure 3: Right-of-  
carriageway within  
the subject lot,  
heading east  
towards Lot 216*



Eco-tourist Facility, Lot 3 Spring Hill Road, East Jindabyne ♦ SEE Appendix A: Photos

*Figure 4: Right-of-carriageway within the subject lot heading west towards the lake*



*Figure 5: Existing shed within the subject site*

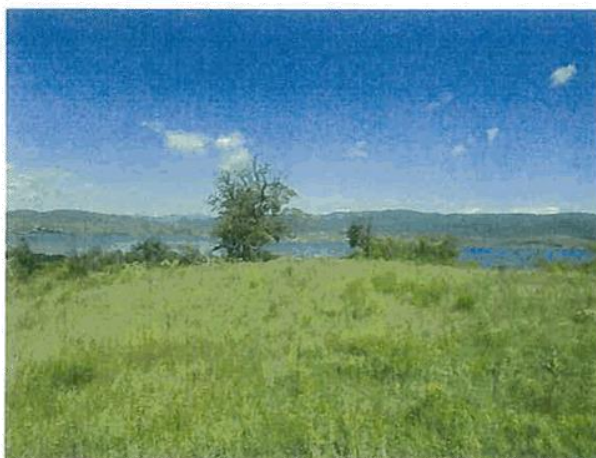


*Figure 6: Existing 62,000L tank*



Eco-tourist Facility, Lot 3 Spring Hill Road, East Jindabyne ♦ SEE Appendix A: Photos

*Figure 7: Photo of  
proposed cabin 1  
site – looking west*



*Figure 8: Photo of  
proposed cabin 1  
site – looking south-  
west*



*Figure 9: Photo of  
proposed cabin 1  
site – looking south-  
east*

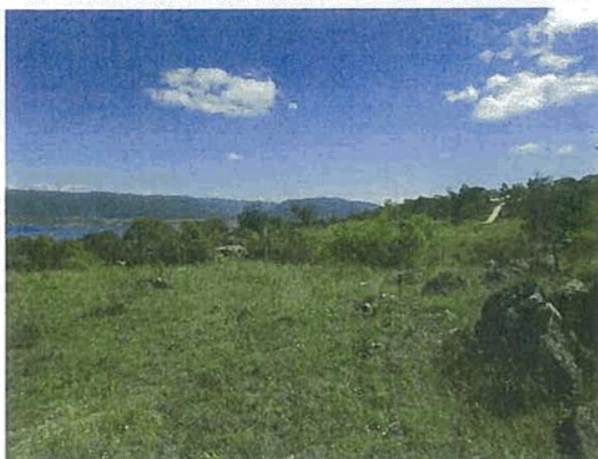


Eco-tourist Facility, Lot 3 Spring Hill Road, East Jindabyne ♦ SEE Appendix A: Photos

*Figure 10: Photo of  
proposed cabin 1  
site - looking north-  
west from road*



*Figure 11: Photo of  
proposed cabin 2  
site - looking north-  
west*



*Figure 12: Photo of  
proposed cabin 2  
site - looking south-  
west*



Eco-tourist Facility, Lot 3 Spring Hill Road, East Jindabyne ♦ SEE Appendix A: Photos

*Figure 13: Photo of  
proposed cabin 2  
site – looking south-  
east*



*Figure 14: Photo of  
proposed cabin 2  
site – looking south-  
east from a distance  
from the road*



*Figure 15: Photo of  
proposed cabin 3  
site – looking west*



Eco-tourist Facility, Lot 3 Spring Hill Road, East Jindabyne ♦ SEE Appendix A: Photos

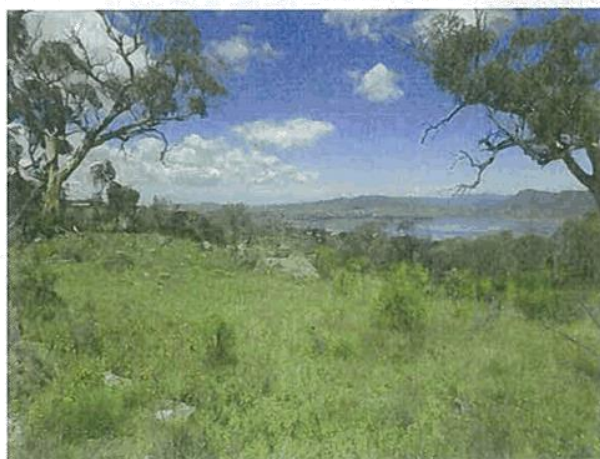
*Figure 16: Photo of proposed cabin 3 site - looking south-west*



*Figure 17: Photo of proposed cabin 4 site - looking north-west*



*Figure 18: Photo of proposed cabin 4 site - looking south-west*



Ecotourist Facility, Lot 3 Spring Hill Road, East Jindabyne ♦ SEE Appendix A: Photos

*Figure 19: Photo of  
proposed cabin 4  
site - looking south*



*Figure 20: Photo of  
proposed cabin 4  
site - looking south-  
east from the  
proposed internal  
access road*



*Figure 21: Photo of  
proposed cabin 5  
site - looking west*



Eco-tourist Facility, Lot 3 Spring Hill Road, East Jindabyne ♦ SEE Appendix A: Photos



*Figure 22: Photo of  
proposed cabin 5  
site – looking east*



## **APPENDIX B**

### **CONSTRUCTION MANAGEMENT PLAN**

Lot 3 DP 1175878, Spring Hill Rd, East Jindabyne ♦ SEE Appendix B: Construction Management Plan

## **1. INTRODUCTION**

### **1.1 Objectives**

The objectives of this Construction Management Plan are to:

- ensure compliance with the requirements of all relevant environmental legislation;
- identify specific responsibilities for ensuring the safeguards are implemented;
- ensure that works are managed to reduce adverse impacts on the environment;
- ensure environmental safeguards are implemented correctly; and
- provide a basis for the auditing, monitoring and reporting of environmental performance.

Lot 3 DP 1175878, Spring Hill Rd, East Jindabyne ♦ SEE Appendix D: Construction Management Plan

## **2. ENVIRONMENTAL ACTIONS**

### **2.1 Environmental Actions**

The environmental actions required for the proposed works are listed in Table 1 below.

This table also provides the timeframe and frequency for the actions and subsequent monitoring, as well as the designation of responsibilities.

This provides an all-inclusive checklist for the efficient use by Contractors and relevant staff.

Lot: 3 DP 1175878, Spring Hill Rd, East Jindabyne ♦ SEE Appendix B: Construction Management Plan

**Table 1 Environmental Actions Checklist**

**Flora**

<b>ACTION CHECKLIST</b>	<b>When to be undertaken</b>	<b>DONE (Initial/date)</b>
All site personnel shall observe the limits of the works area.	During Construction	
To reduce the risk of further spread of weeds; machinery and vehicles used on site are to be thoroughly washed before entering the site; and footwear and equipment are to be washed prior to being utilised to ensure they area free of weed seeds.	During Construction	
The site is to be progressively stabilised as works are completed.	Upon Completion	
The condition of rehabilitated areas shall be monitored seasonally until permanent vegetation cover is achieved.	Upon Completion	
Follow up weed control (spot spraying) is to be carried out if deemed necessary.	Upon Completion	

**Fauna**

<b>ACTION CHECKLIST</b>	<b>When to be undertaken</b>	<b>DONE (Initial/date)</b>
Accidental leakages and spillage of concrete, fuel or lubricant from machinery shall be dealt with by taking immediate measures to contain the spill.	During Construction	
Areas which have been disturbed are to be rehabilitated immediately following the completion of works.	Upon Completion	

**Erosion and Sedimentation**

<b>ACTION CHECKLIST</b>	<b>When to be undertaken</b>	<b>DONE (Initial/date)</b>
Where areas are to be disturbed, temporary sediment control structures are to be implemented.	Prior to Commencement	
Wherever practicable, during the course of construction, exposed areas shall be provided with a cover to minimise erosion and sedimentation.	During Construction	
Erosion and sedimentation controls shall be monitored on a daily basis or immediately following a rainfall event.	Following Rainfall/ Daily	
Construction activities shall be programmed to minimise the area of disturbed ground that is exposed to erosion at any one time.	During Construction	
All exposed soil areas shall be appropriately stabilised to prevent erosion.	During Construction / Prior to Rainfall	

Lot 3 DP 1175878, Spring Hill Rd, East Jindabyne ♦ SEE Appendix B: Construction Management Plan

<b>ACTION CHECKLIST</b>	<b>When to be undertaken</b>	<b>DONE (Initial/ date)</b>
All exposed soil areas shall be appropriately revegetated following stabilisation to prevent erosion.	Upon Completion	

### Water Quality

<b>ACTION CHECKLIST</b>	<b>When to be undertaken</b>	<b>DONE (Initial/ date)</b>
Spills of any liquids shall not be hosed or flushed away but swept or collected.	During Construction	
Equipment shall be properly maintained to prevent water pollution. All plant and equipment should be inspected daily to avoid leakage of fuel, oil or hydraulic fluid.	During Construction	
No maintenance other than emergency repairs shall be undertaken on site.	During Construction	
All plant/ equipment shall be washed out in an appropriately protected area to prevent erosion and pollution to existing drains or natural areas.	During Construction	
Spill kits shall be readily accessible.	Prior to Commencement	

### Site Working Area

<b>ACTION CHECKLIST</b>	<b>When to be undertaken</b>	<b>DONE (Initial/ date)</b>
Ensure that access to the site is restricted to authorised personnel only.	During Construction	
Ensure site and associated plant and equipment is secured when site activities conclude at the end of the day.	End of Each Day	
Upon completion of construction, the site working areas shall be removed, and the area reinstated as found originally.	Upon Completion	

### Air Quality

<b>ACTION CHECKLIST</b>	<b>When to be undertaken</b>	<b>DONE (Initial/ date)</b>
Materials transported in open trucks shall be covered to prevent generation of dust.	During Construction	
The tailgates of all vehicles transporting material from the construction site shall be securely fixed prior to loading and immediately after unloading.	During Construction	

Lot: 3 DP 1175878, Spring Hill Rd, East Jindabyne ♦ SEE Appendix B: Construction Management Plan

<b>ACTION CHECKLIST</b>	<b>When to be undertaken</b>	<b>DONE (Initial/date)</b>
Areas no longer required for construction activity shall be progressively stabilised as soon as practicable to assist in controlling dust.	Upon Completion	

#### **Fuel, Chemicals & Hazardous Material (Explosives)**

<b>ACTION CHECKLIST</b>	<b>When to be undertaken</b>	<b>DONE (Initial/date)</b>
A container of spill absorbent is to be made available and used for emergency spills of fuel, oil or other chemicals.	Prior to Commencement	
Any contaminated material (empty drums, rag, contaminated soil etc) shall be removed immediately from the site and disposed of in accordance with the appropriate regulations.	End of Each Day	

#### **Plant and Equipment**

<b>ACTION CHECKLIST</b>	<b>When to be undertaken</b>	<b>DONE (Initial/date)</b>
All plant and equipment used on the subject site is to be placed in existing disturbed corridors to prevent minimal disturbance to the native vegetation.	Prior to Commencement / During Construction	
Emergency procedures shall be displayed in a prominent position in the site working area.	Prior to Commencement / During Construction	
All work sites shall be restored in a satisfactory manner and where necessary in accordance with the appropriate regulations.	Upon Completion	

#### **Waste Management**

<b>ACTION CHECKLIST</b>	<b>When to be undertaken</b>	<b>DONE (Initial/date)</b>
All litter generated on site is to be placed in small garbage bags. At the end of each day, these bags are to be disposed of in appropriate bins.	End of Each Day	
A daily inspection shall be carried out to ensure the worksite is left in a rubbish free state.	End of Each Day	
All employees shall be informed of the need to maintain a clean worksite.	Prior to Commencement / During Construction	
All loads of rubbish removed shall be securely covered to ensure no spillage.	During Construction	

Lot 3 DP 1175878, Spring Hill Rd, East Jindabyne ♦ SEE Appendix B: Construction Management Plan

<b>ACTION CHECKLIST</b>	<b>When to be undertaken</b>	<b>DONE (Initial/ date)</b>
To the furthest extent possible, efforts shall be made to reduce, reuse and recycle materials used onsite.	During Construction	
The worksite shall be left in a tidy and rubbish free state upon completion of the Project.	Upon Completion	

#### **Aboriginal Heritage**

<b>ACTION CHECKLIST</b>	<b>When to be undertaken</b>	<b>DONE (Initial/ date)</b>
All staff and contractors working on the site shall be advised of the need to notify their supervisor and cease work, if either indigenous or non-indigenous heritage items are encountered.	Prior to Commencement	
Any evidence of Aboriginal relics discovered during construction shall be reported to OEH. Work in subject area to cease. If disturbance to any suspected relics or site is proposed, an excavation permit shall be sought from the OEH.	During Construction	

#### **Noise and Vibration**

<b>ACTION CHECKLIST</b>	<b>When to be undertaken</b>	<b>DONE (Initial / date)</b>
All equipment to be used shall be correctly maintained and in good working order.	Prior to Commencement	
All construction activities shall be restricted to the hours as stipulated in the development consent issued by SRSC.	During Construction	

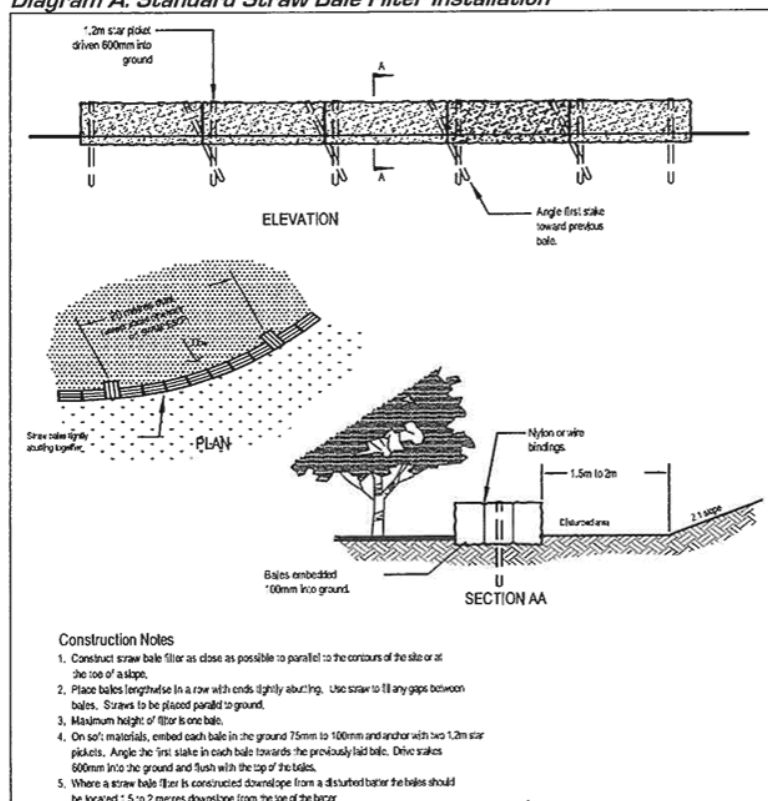
Lot 3 DP 1175873, Spring Hill Rd, East Jindabyne ♦ SEE Appendix B: Construction Management Plan

## 2.2 Soil, Water & Construction Management

### Erosion and Sedimentation Control

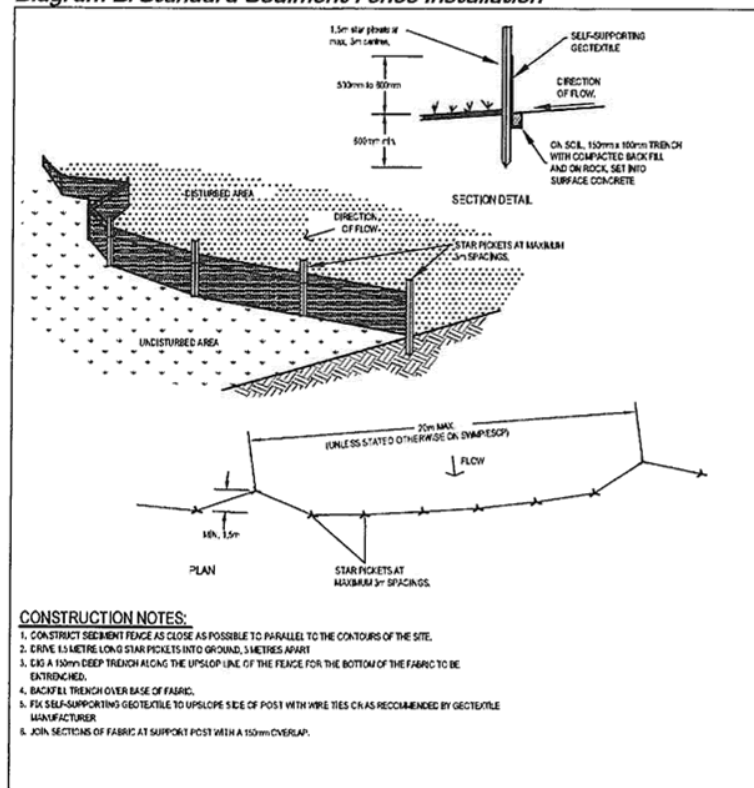
Given the various locations of the buildings, extent of previous disturbance and distance away from the closest watercourse, standard principles for implementation of sedimentation control will be applied. Temporary controls will include either a straw bale filter, installed as illustrated Diagram A or a sediment fence in accordance with Diagram B below.

**Diagram A: Standard Straw Bale Filter Installation**



Lot 3 DP 1175878, Spring Hill Rd, East Jindabyne ♦ SEE Appendix B: Construction Management Plan

**Diagram B: Standard Sediment Fence Installation**



The controls are to be installed in accordance with the following suite of criteria:

- Both straw bale and sediment control fencing should be installed on the low side of the work site;
- Both straw bale and sediment control fencing should be installed as close as possible to follow the existing contours of the site;
- A provision for the diversion of water, and stabilisation of channels, around the excavation site should be installed; and
- Areas where soil is to be stockpiled is to be surrounded by sediment control fencing and protected from runoff water.

## 2.3 Chemical Spill Prevention and Containment

The proposed development will not require the storage or use of any hazardous materials. If however any petroleum products, trade waste, garbage and other noxious substances are required for the subject works, although unlikely to be required in any substantial amount, this will be appropriately stored off-site.

## 2.4 Indigenous Heritage

Should any material suspected of being an Aboriginal object become unearthed in the course of works associated with the proposed works, all work at that location shall cease immediately

Lot 3 DP 1175878, Spring Hill Rd, East Jindabyne ♦ SEE Appendix B: Construction Management Plan

as per Section 90 of the *National Parks and Wildlife Act 1974*, and the Office of Environment and Heritage shall be contacted immediately to arrange for representatives to inspect the site.

## 2.5 Waste Management

To ensure that waste is managed, the following controls and measures are to be adhered to:

- All litter generated on site is to be placed in small garbage bags. These bags are to be disposed of appropriately in a timely manner.
- A daily inspection shall be carried out to ensure the worksite is left in a rubbish free state.
- All employees shall be informed of the need to maintain a clean worksite.
- Site generated waste including garbage, grouting and mortar and excess stabilisation materials shall be collected and removed from the site.
- All loads of rubbish removed shall be securely covered to ensure no spillage.
- To the furthest extent possible efforts shall be made to reduce, reuse and recycle materials used onsite.
- The worksite shall be left in a tidy and rubbish free state upon completion of the Project.

## 2.6 Noise and vibration pollution

The intended hours of construction is from 7am to 8pm Monday to Friday, 7am – 7pm on Saturday and 8am – 8pm on Sundays and Public Holidays.

## 2.7 Air pollution

The construction of the proposed development is not expected to create any unnecessary air pollution.

## 2.8 Traffic Management

The overall principles for traffic management during demolition, excavation and construction phases of the development are:

- minimise effects on traffic movements and amenity;
- manage and control vehicular movements to and from the site;
- maintain traffic capacity at intersections;
- maintain existing on-street parking in the vicinity of the site where practical;
- maintain access to other properties adjacent to the site;
- maintain safety for workers;
- provide appropriate access to the site for demolition, excavation and construction traffic; and
- manage and control vehicle activity in the vicinity of the site.

Lot 3 DP 1175878, Spring Hill Rd, East Jindabyne ♦ SEE Appendix B: Construction Management Plan

### 3. Responsibility and Requirements

All the contractors and staff involved with the works are to be made aware of the relevant requirements of this CMP. Site induction is to be undertaken prior to the commencement of works.

It is the responsibility of the Contractor to ensure that all staff and subcontractors working on the site are provided with environmental training to achieve a level of awareness and competence appropriate to their assigned activities. Persons, including subcontractors' personnel, without appropriate environmental training should not be permitted to work on the site.

Site induction is to include:

- a) Environmental awareness, the principal of due diligence, and other relevant codes of practice.
- b) Specific environmental issues including:
  - *This CMP*
  - *Relevant legislation (as identified in this Report)*
  - *Emergency preparedness/procedures*
  - *Incident reporting*
  - *Community consultation*
  - *Site environmental procedures*



## **APPENDIX C**

### **WATER SUPPLY ANALYSIS**

Lot 3 DP 1175878, Spring Hill Rd, East Jindabyne ♦ SEE Appendix C: Water Supply Analysis

**Eco-Tourist Facility**  
**Lot 3 DP 1175878 Spring Hill Road, East Jindabyne**  
**Water Supply and Consumption Calculations for Proposed Five (5) Eco-tourist Facility Cabins**

**Precipitation and Runoff:**

Average Annual Rainfall per month for Top of the Range' (mm):

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
59.5	54.2	56	41.7	43.6	48.6	40.6	44	51.4	62.9	64	57.4	626

Lot 3 DP 1175878, Spring Hill Rd, East Jindabyne ♦ SEE Appendix C: Water Supply Analysis

### **Proposed Cabins 1-5 @ 2 Bedrooms:**

Roof Runoff – Roof is 158m<sup>2</sup> (including awnings) in litres:

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
7268	6598	6826	5018	5258	5890	4879	5309	6244	7698	7837	7003	75827

Nb: (a) Calculated using enHealth Rainwater Tank Guidelines formula where 80% efficiency of collection and loss of 24mm per year with absorption and wetting of surfaces are factored.

### **Roof Run-off Summary:**

158m<sup>2</sup> of roof area:

75,827 litres average annually

### **Consumption (Demand):**

Average Consumption per person:

90 litres per person/ per day (based on SRSC Rural DCP)

Occupancy Rates:

66% (Based on 100% occupancy for July/August & January & 75% for June and September and 50% remainder of the year)<sup>2</sup>

Proposed Accommodation Capacity:

6 persons

Lot 3 DP 1175878, Spring Hill Rd, East Jindabyne ♦ SEE Appendix C: Water Supply Analysis

**Average Runoff & Demand: 158m<sup>3</sup> roof area with accommodation capacity of 6 persons with 66% occupancy:**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Runoff (litres/month)	7268	6598	6826	5018	5258	5890	4879	5309	6244	7698	7837	7003
Maximum Capacity	6	6	6	6	6	6	6	6	6	6	6	6
Occupancy	100%	50%	50%	50%	50%	75%	100%	100%	75%	50%	50%	50%
Average Occupancy Rate	6.0	3.0	3.0	3.0	3.0	4.5	6.0	6.0	4.5	3.0	3.0	3.0
Average Demand (litres/month)	16425	8212.5	8212.5	8212.5	8212.5	12318.75	16425	16425	12318.75	8212.5	8212.5	8212.5
Surplus (Runoff - Demand) each month (litres)	-9157	-1614	-1387	-3194	-2954	-6429	-11546	-11116	-6075	-515	-376	-1210
Cumulative Surplus (litres)		-10771	-12158	-15353	-18307	-24736	-36281	-47398	-53472	-53987	-54363	-55573

Lot 3 DP 1175878, Spring Hill Rd, East Jindabyne \* SEE Appendix C: Water Supply Analysis

### **Summary:**

#### **Proposed Cabins 1 -5 @ 2 bedrooms:**

The average annual demand is more than the average annual rainfall based on a maximum accommodation capacity of 6 people with an occupancy rate of 66% (2/3rds).

Over an average rainfall year, the annual shortfall per cabin is approximately 56,000 litres.

Potable water supply will need to be supplemented by water extracted from the lake under licence (see Attachment 2) to a 62,000L holding tank, filtered through UV and gravity fed to each cabin.

The water licence allows for 1ML (1,000,000 litres) per year to be extracted for the entire property, servicing the approved main residence, managers residence and five cabins. Over an average rainfall year with 66% occupancy, only 280,000 litres (0.28MLs) will need to be extracted from the lake as supplementary water supply for the five (5) cabins, with sufficient capacity left to service the main residence and managers residence which and allow for a low rainfall year/s.

### **References:**

<sup>1</sup> Rainfall records collected daily at Lynwood (BOM Station 071021).

<sup>2</sup> Occupancy rate of 66% annually based on 100% occupancy for July, August & January and 75% occupancy for June and September and 50% occupancy for the remaining months.



## **APPENDIX D**

### **COPY OF WATER LICENCE**



Department of  
Primary Industries  
Office of Water

Mr. I Barry  
PO Box 307  
Jindabyne NSW 2627

Contact: Wayne Ryan  
Phone: (02) 4429 4442  
Fax: (02) 4429 4458  
Email: [wayne.ryan@water.nsw.gov.au](mailto:wayne.ryan@water.nsw.gov.au)

File: 10SL057230

Dear Mr. Barry

**Subject: Surface Water Licence Application**

I am pleased to advise that your application for a water licence has been approved. The licence is issued under the Water Act (1912) for five (5) years subject to the terms and limitations set out herein and conditions as shown on the attached statement. The licence fee is \$60.00, of which you have already paid \$30.00 as a deposit. The balance payable is therefore \$30.00.

At any time within 28 days from the date of this letter, the Department will accept a written objection from you to the proposed terms, limitations or conditions. In this event, it will be necessary to refer your application to a Local Land Board for public inquiry.

The *Water Act 1912* allows a period of 5 weeks for the payment of the fee. This period commences from the date of this letter, or if you object to the proposed terms, limitations or conditions, from the date of the decision of the public inquiry.

This licence does not authorise the discharge of potentially polluted water from the property (see conditions 2 and 3). To discharge water without offence you should consult with the relevant department about a licence under the *Protection of the Environment Operations Act*.

In regard to condition (5) - if the proposed pump is an internal combustion powered work please ensure that the bunding wall is constructed from either compacted earth or concrete. It is suggested that the pump be housed in a roofed shed.

It may be necessary during periods of water shortage for the Department to restrict or suspend the rights held under this licence to take water for any purpose from a river or lake or section of a river.

Would you please now forward the licence fee with the attached account, or advise of your objection.

Please note that this letter is not an approval to use or construct any works. This may only occur after the licence is issued to you.

Yours sincerely



Water Regulation Officer  
Water Regulation Division

8/9/14

PAID \$30.00  
BY CARD 22/9/14  
WITH WAYNE  
PHONE 1  
OVER



**SCHEDULE****APPLICATION NO:** 10SL057230

<u>Works</u>	<u>River or Lake</u>	<u>Portion or Lot/Section/DP</u>	<u>Parish</u>	<u>County</u>
1 x 100mm Centrifugal Pump	Lake Jindahyne	Pt14//236152	Townsend	Wallace

Purpose  
Water supply for domestic purposes

**Details of Land to be Irrigated**

<u>Portion or Lot/Section/DP</u>	<u>Parish</u>	<u>County</u>
Area: Heclares		

10SL057230

**NSW Office of Water**  
**CONDITIONS STATEMENT**  
**10SL057230**

(1) THE HOLDER OF THE LICENSE SHALL WITHIN THREE MONTHS OF BEING CALLED UPON BY NSW OFFICE OF WATER TO DO SO, INSTALL TO THE SATISFACTION OF THE DEPARTMENT IN RESPECT OF LOCATION, FORM, TYPE AND CONSTRUCTION, AN APPLIANCE OR APPLIANCES FOR THE MEASUREMENT OF THE QUANTITY OF WATER DIVERTED OR TAKEN BY MEANS OF THE LICENSED WORK, SUCH APPLIANCE OR APPLIANCES TO CONSIST OF EITHER A MEASURING WEIR OR WEIRS WITH AUTOMATIC RECORDER OR METER OR METERS OF THE DETHRIDGE TYPE, OR SUCH OTHER CLASS OF METER OR MEANS OF MEASUREMENT AS MAY BE APPROVED BY THE DEPARTMENT, AND SHALL CONTINUOUSLY MAINTAIN SUCH APPLIANCE OR APPLIANCES IN GOOD WORKING ORDER AND CONDITION, AND SHALL, AFTER THE INSTALLATION OF SUCH APPLIANCE OR APPLIANCES, RECORD THE MEASUREMENTS OF ALL WATER DIVERTED OR TAKEN BY MEANS OF THE LICENSED WORK AND SUPPLY PARTICULARS OF SUCH MEASUREMENTS TO THE DEPARTMENT AT SUCH INTERVALS AS SHALL BE DIRECTED BY THE DEPARTMENT. WHENEVER CALLED UPON TO DO SO A TEST CERTIFICATE FURNISHED EITHER BY THE MANUFACTURER CONCERNED OR BY SOME PERSON OR AUTHORITY DULY QUALIFIED SHALL BE SUPPLIED BY THE HOLDER OF THE LICENCE AS TO THE ACCURACY OF THE APPLIANCE OR APPLIANCES INSTALLED.

(2) THE LICENSEE SHALL NOT ALLOW ANY TAILWATER DRAINAGE TO DISCHARGE INTO OR ONTO:

- ANY ADJOINING PUBLIC OR CROWN ROAD;
- ANY OTHER PERSONS LAND;
- ANY CROWN LAND;
- ANY RIVER, CREEK OR WATERCOURSE;
- ANY GROUNDWATER AQUIFER;
- ANY NATIVE VEGETATION AS DESCRIBED UNDER THE NATIVE VEGETATION CONSERVATION ACT 1997 OR THE NATIVE VEGETATION ACT 2003;
- ANY WETLANDS OF ENVIRONMENTAL SIGNIFICANCE.

(3) YOUR ATTENTION IS PARTICULARLY DRAWN TO THE PROVISIONS OF CONDITION (2) REGARDING DISPOSAL OF DRAINAGE WATERS. THE DISCHARGE OF POLLUTED WATERS INTO A RIVER OR LAKE OTHERWISE THAN IN ACCORDANCE WITH THE CONDITIONS OF A LICENSE UNDER THE PROTECTION OF THE ENVIRONMENT OPERATIONS ACT MAY RENDER THE OFFENDER SUBJECT TO PROSECUTION AND PENALTY UNDER THE ACT. THEREFORE WHERE AN APPROVED DRAINAGE DISPOSAL SYSTEM INVOLVES THE POSSIBLE DISCHARGE OF DRAINAGE WATER INTO A RIVER OR LAKE, A LICENSE MAY BE REQUIRED UNDER THE PROTECTION OF THE ENVIRONMENT OPERATIONS ACT TO AUTHORISE SUCH DISCHARGE.

(4) WORKS USED FOR THE PURPOSE OF CONVEYING, DISTRIBUTING OR STORING WATER TAKEN BY MEANS OF THE LICENSED WORKS SHALL NOT BE CONSTRUCTED OR INSTALLED SO AS TO OBSTRUCT THE REASONABLE PASSAGE OF FLOODWATERS FLOWING INTO OR FROM A RIVER.

(5) WHERE ANY INTERNAL COMBUSTION POWERED WORK IS USED FOR THE PURPOSE OF DIVERTING WATER AUTHORISED UNDER THIS LICENCE, THE POWER UNIT AND ANY ASSOCIATED FUEL STORAGE SHALL BE LOCATED OUTSIDE ANY WATERCOURSE OR DRAINAGE DEPRESSION AND A BUNDING WALL OF HAY BALES OR OTHER APPROVED MATERIAL SHALL BE INSTALLED AROUND THE PUMPING PLANT TO AVOID CONTAMINATION OF ANY RIVER OR LAKE THROUGH SPILLS OR LEAKS OF OILS, FUELS OR GREASES.

(6) THE PUMPING AND ANCILLARY EQUIPMENT AND PUMP SITES SHALL BE, AT ALL TIMES, PROPERLY SECURED AND/OR SEALED SO AS TO PREVENT ANY LEAKAGE OF PETROLEUM BASED PRODUCTS AND/OR NOXIOUS MATERIAL FROM ENTERING ANY RIVER OR LAKE.

(7) THE EXISTING PROFILE OF THE CHANNEL AND BANK OF ANY WATERCOURSE OR DRAINAGE DEPRESSION MUST NOT BE DISTURBED ANY MORE THAN IS NECESSARY IN ORDER TO SITE AND

10SL057230

MAINTAIN THE AUTHORISED DIVERSION WORK. ANY AREA THAT IS DISTURBED WHEN CARRYING OUT SUCH WORK SHALL BE STABILISED AND MAINTAINED BY GRASS COVER, STONE PITCHING OR ANY OTHER APPROVED MATERIAL AS DIRECTED AND TO THIS DEPARTMENT'S SATISFACTION SO AS TO PREVENT THE OCCURRENCE OF EROSION.

(8) ANY DRAINAGE CHANNELS OR CROSS BANKS ASSOCIATED WITH THE AUTHORISED DIVERSION WORK OR ACCESS ROADS, TO OR FROM THAT WORK, SHALL HAVE INSTALLED AND MAINTAINED A BUNDING WALL OF HAY BALES OR OTHER APPROVED MATERIAL, TO PREVENT SILTATION DUE TO THE AUTHORISED DIVERSION WORK OR ACCESS ROADS FROM REACHING ANY RIVER OR LAKE.

(9) (A) SUBJECT TO ANY ACCESS OR FLOW CONDITION CONTAINED IN THE LICENCE, THE HOLDER MAY IN ANY ONE YEAR COMMENCING 1 JULY DIVERT UP TO THE LICENCED VOLUME OF 1.0 MEGALITRES OF WATER FOR DOMESTIC USE.

(B) NOTWITHSTANDING PARAGRAPH (A), THE HOLDER MAY DIVERT UP TO TWICE THE LICENCED VOLUME IN ONE YEAR PROVIDED DIVERSIONS DO NOT EXCEED THREE TIMES THE LICENCED VOLUME IN ANY THREE YEAR PERIOD.

(C) THE HOLDER SHALL MAINTAIN RECORDS OF WATER USAGE AS SPECIFIED BY THE DEPARTMENT AND WHEN REQUESTED TO DO SO, SHALL FURNISH THE RECORDS TO THE DEPARTMENT.

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End Of Conditions

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Please Note: You are advised that the right to take and use water granted by this entitlement may be varied once the Departments' Sydney South Coast Water Management and River Flow Objectives Policy has been finalised



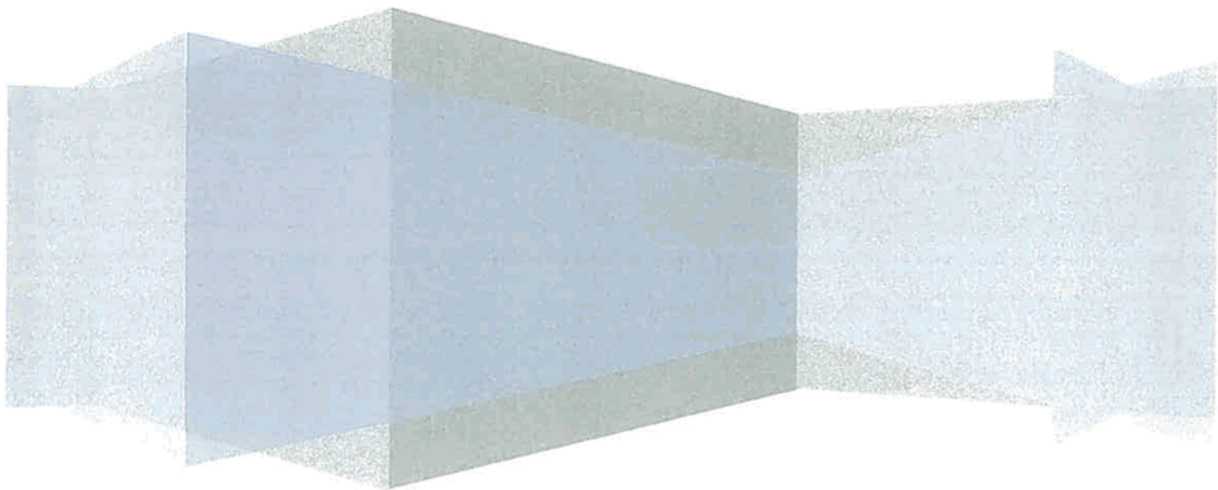
## **APPENDIX E**

### **SOIL TEST ANALYSIS**

## **WATERCHECK TESTING ON SITE SEWAGE MANAGEMENT ASSESSMENTS**

### **New System Installation**

Lot 3 DP 1175878 Spring Hill Rd East Jindabyne



**On Site Sewage Management Report  
New System Installation  
Lot 3 DP 1175878 Spring Hill Rd  
East Jindabyne**

**Prepared For:** Dabyne Planning On Behalf Of Ian Barry

---

**Prepared By:** Allan Mills Certificate On Site Sewage Management:  
TAFE  
Centre for Environment Training Newcastle

---

**Report No:** 2823

**Date of Assessment** 15-3-2015

---

**Watercheck Testing**

ABN 83642316606

Office

Rushes Bay Avenue

East Jindabyne 2627

TEL: 02 64567388

Postal Address

PO Box 352

Terrigal 2260

Email: [amills44@bigpond.net.au](mailto:amills44@bigpond.net.au)

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## **SITE INFORMATION**

Client Dabyne Planning/ Ian Barry

Address ivan@dabyneplanning.com.au

Site Lot 3 DP 1175878 Spring Hill Rd East Jindabyne

### Proposal For On Site Sewage Management Overview

The proposed development will consist of five cabins with two bedrooms in each cabin.

Each cabin will have its own effluent disposal system.

Cabins one, four & five will have a 4000 litre baffled septic tank with effluent gravity fed to a dosing chamber. Effluent will then be dosed to 2 X 13m "Wick" trenches.

Cabins two and three effluent disposal areas are situated up gradient from the cabins.

They will both have a 4000 litre baffled septic tank with effluent pumped dosed to 2 x13m "Wick" trenches

### Site Plan Attached

Site diagram as aerial photos are attached.

### Intended Water Supply

The proposed water supply will be from roof collected rain water.

### Expected wastewater generation

Expected maximum waste water generation for each cabin is 600 litres a day.

### Local experience (information regarding on site sewage management systems installed in the locality)

Septic tanks with absorption trenches are located in the region

## **SITE ASSESSMENT**

### Climate

Cool to cold climate with low temperatures to below 15 degrees centigrade.  
Low rainfall with high evaporation rates

### Where appropriate

Land application area calculation attached N/A

Wet weather storage area calculation attached N/A

## **Cabin One**

### Flood potential

Land application area above 1 in 20 year flood level Yes

Land application area above 1 in 100 year flood level Yes

Electrical components above 1 in 100 year flood level Yes

### Exposure

Effluent disposal area faces south and is fully exposed to sun and wind.

### Slope

2 degrees linear planar

### Landform

Mid slope

### Run on and seepage

No springs or soaks in the vicinity

### Erosion Potential

There is no potential for erosion in the effluent disposal area.

### Fill

Natural ground

### Ground water encountered

Test pits dug to 1000mm. Ground water was not encountered

Buffer distances from wastewater management system to:

Permanent waters

Jindabyne Lake is situated 700m down gradient west.

Other waters

Nil

Other sensitive environments

Nil

Boundary of premises (m)

Boundaries should be a minimum of 8m up gradient and 3m down gradient

Swimming pools (m)

Nil

Buildings (m)

Should be a minimum of 6m down gradient and 3m up gradient

Roads (m)

Access roads should be a minimum of 3m up gradient and 6m down gradient

Is there sufficient land area available for application system including buffer distances?

Yes

Reserve application area including buffer distances ?

There is reserve application area including buffer distances

Surface rocks

There are no surface rocks in the proposed effluent disposal area

## **Cabin Two**

### Flood potential

Land application area above 1 in 20 year flood level Yes

Land application area above 1 in 100 year flood level Yes

Electrical components above 1 in 100 year flood level Yes

### Exposure

Effluent disposal area faces west and is fully exposed to sun and wind.

### Slope

3 degrees linear planar

### Landform

Mid slope

### Run on and seepage

No springs or soaks in the vicinity

### Erosion Potential

There is no potential for erosion in the effluent disposal area.

### Fill

Natural ground

### Ground water encountered

Test pits dug to 1000mm. Ground water was not encountered

Buffer distances from wastewater management system to:

Permanent waters

Jindabyne Lake is situated 750m down gradient west.

Other waters

Nil

Other sensitive environments

Nil

Boundary of premises (m)

Boundaries should be a minimum of 8m up gradient and 3m down gradient

Swimming pools (m)

Nil

Buildings (m)

Should be a minimum of 6m down gradient and 3m up gradient

Roads (m)

Access roads should be a minimum of 3m up gradient and 6m down gradient

Is there sufficient land area available for application system including buffer distances?

Yes

Reserve application area including buffer distances ?

There is reserve application area including buffer distances

Surface rocks

There are no surface rocks in the proposed effluent disposal area

### **Cabin Three**

#### Flood potential

Land application area above 1 in 20 year flood level Yes

Land application area above 1 in 100 year flood level Yes

Electrical components above 1 in 100 year flood level Yes

#### Exposure

Effluent disposal area faces north and is fully exposed to sun and wind.

#### Slope

3 degrees linear planar

#### Landform

Mid slope

#### Run on and seepage

No springs or soaks in the vicinity

#### Erosion Potential

There is no potential for erosion in the effluent disposal area.

#### Fill

Natural ground

#### Ground water encountered

Test pits dug to 1000mm. Ground water was not encountered

Buffer distances from wastewater management system to:

Permanent waters

Jindabyne Lake is situated 970m down gradient west.

Other waters

Nil

Other sensitive environments

There is a dry gully situated 45m down gradient

Boundary of premises (m)

Boundaries should be a minimum of 8m up gradient and 3m down gradient

Swimming pools (m)

Nil

Buildings (m)

Should be a minimum of 6m down gradient and 3m up gradient

Roads (m)

Access roads should be a minimum of 3m up gradient and 6m down gradient

Is there sufficient land area available for application system including buffer distances?

Yes

Reserve application area including buffer distances ?

There is reserve application area including buffer distances

Surface rocks

There are no surface rocks in the proposed effluent disposal area

### **Cabin Four**

#### Flood potential

Land application area above 1 in 20 year flood level Yes

Land application area above 1 in 100 year flood level Yes

Electrical components above 1 in 100 year flood level Yes

#### Exposure

Effluent disposal area faces west and is fully exposed to sun and wind.

#### Slope

2 degrees linear divergent

#### Landform

Mid slope

#### Run on and seepage

No springs or soaks in the vicinity

#### Erosion Potential

There is no potential for erosion in the effluent disposal area.

#### Fill

Natural ground

#### Ground water encountered

Test pits dug to 1000mm. Ground water was not encountered

Buffer distances from wastewater management system to:

Permanent waters

Jindabyne Lake is situated 980m down gradient west.

Other waters

Nil

Other sensitive environments

There is a dry gully situated 60m down gradient

Boundary of premises (m)

Boundaries should be a minimum of 8m up gradient and 3m down gradient

Swimming pools (m)

Nil

Buildings (m)

Should be a minimum of 6m down gradient and 3m up gradient

Roads (m)

Access roads should be a minimum of 3m up gradient and 6m down gradient

Is there sufficient land area available for application system including buffer distances?

Yes

Reserve application area including buffer distances ?

There is reserve application area including buffer distances

Surface rocks

There are no surface rocks in the proposed effluent disposal area

### **Cabin Five**

#### Flood potential

Land application area above 1 in 20 year flood level Yes

Land application area above 1 in 100 year flood level Yes

Electrical components above 1 in 100 year flood level Yes

#### Exposure

Effluent disposal area faces southwest and is fully exposed to sun and wind.

#### Slope

5 degrees waxing convergent

#### Landform

Upper slope

#### Run on and seepage

No springs or soaks in the vicinity

#### Erosion Potential

There is no potential for erosion in the effluent disposal area.

#### Fill

Natural ground

#### Ground water encountered

Test pits dug to 1000mm. Ground water was not encountered

Buffer distances from wastewater management system to:

Permanent waters

Jindabyne Lake is situated 1000m down gradient west.

Other waters

Nil

Other sensitive environments

The flow path intersection of a dry gully is situated 40m down gradient

Boundary of premises (m)

Boundaries should be a minimum of 8m down gradient and 3m up gradient

Swimming pools (m)

Nil

Buildings (m)

Should be a minimum of 6m down gradient and 3m up gradient

Roads (m)

Access roads should be a minimum of 3m up gradient and 6m down gradient

Is there sufficient land area available for application system including buffer distances?

Yes

Reserve application area including buffer distances ?

There is reserve application area including buffer distances

Surface rocks

There are some surface rocks in the proposed effluent disposal area

## SOIL ASSESSMENT

### Soil sampling details

Three test pits were dug across the proposed application areas. Numerous soil samples were collected for testing

### Collection date

22<sup>nd</sup> March 2015

### Sampling Method

Auger

### Laboratory number

2823 C1, C2, C3, C4 & C5

### Depth to bedrock or hardpan (mm)

Test pits dug to 1000mm. Hardpan was not encountered

### Depth to high soil water table (mm)

Test pits dug to 1000mm. High soil water table was not encountered

### Soil texture structure and permeability category

Texture sandy loam

Structure weakly structured

Permeability category 3a

Coarse Fragments 15%-18% < 5mm

Ph CaCl2 5.7 – 5.9

EC mS/cm .062 – .097

Cation exchange capacity (cmol+/kg) 7 - 8 cmol/kg

Phosphorus Sorption Index kg/ha 4100 - 4400 kg/ha

Dispersion Class 3 non dispersive soils.

Presence of discontinuities None present

Presence of fractured subsoil Not detected

### Sizing effluent disposal area

2 x 13m "Wick" absorption trenches for each cabin are to be installed.

### **GENERAL COMMENTS & RECOMMENDATIONS**

Conservative figures were used for the Design Load Rating from AZ NZS 1547-2012 15mm/Day

"Wick" trenches are to be installed to achieve a smaller foot print without compromising the hydraulic capacity in peak periods.

Trenches will be pressure dosed thru pipes by way of electric pump or gravity dosing devices.

The effluent disposal area should have a minimum footprint of 15m x15m to ensure there is enough area for a reserve "Wick" trench. Buffer distance setbacks should be measured from this footprint.

Surface water diversion is to be implemented up gradient of effluent disposal areas.

### Aerial View Image



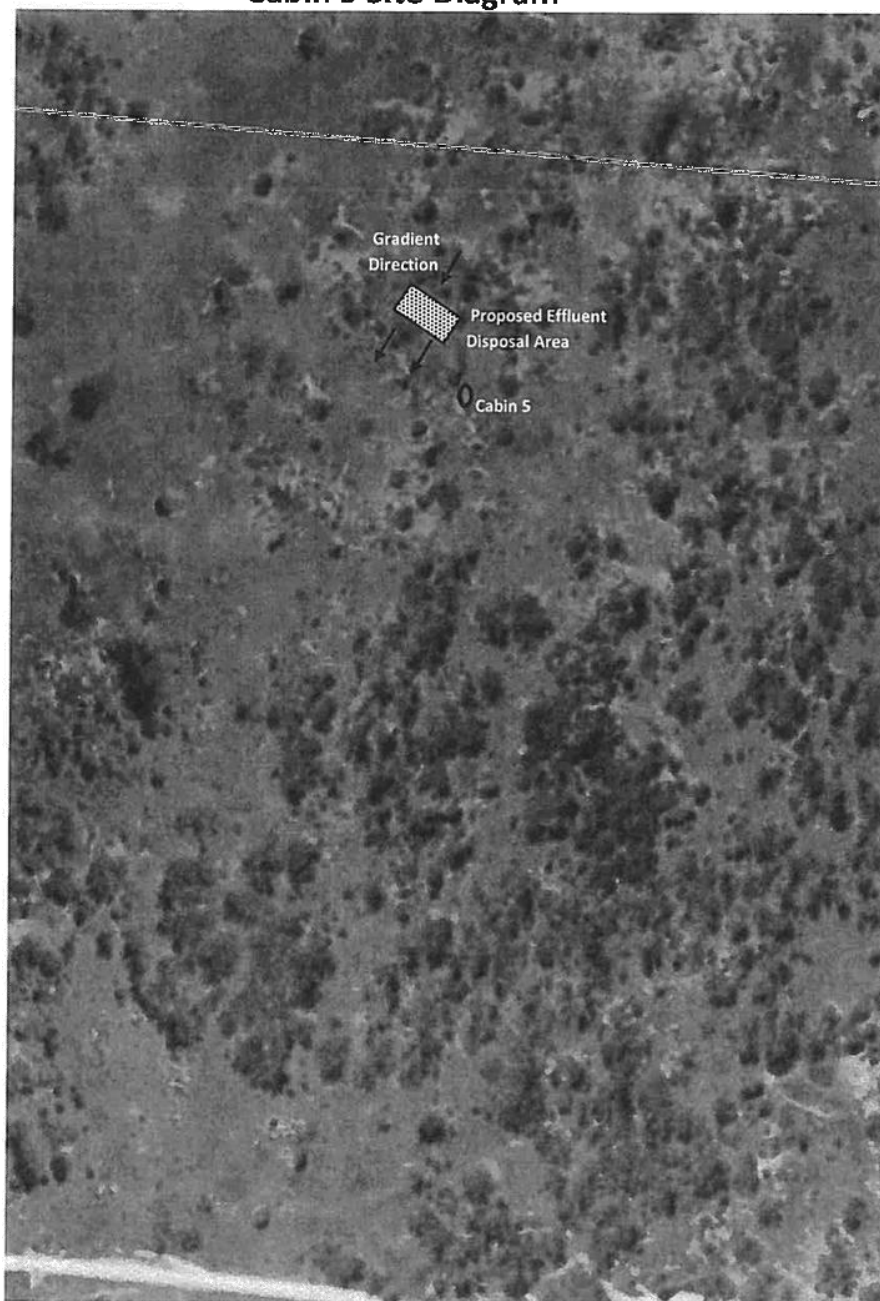
**Cabins 1 & 2 Site Diagram**



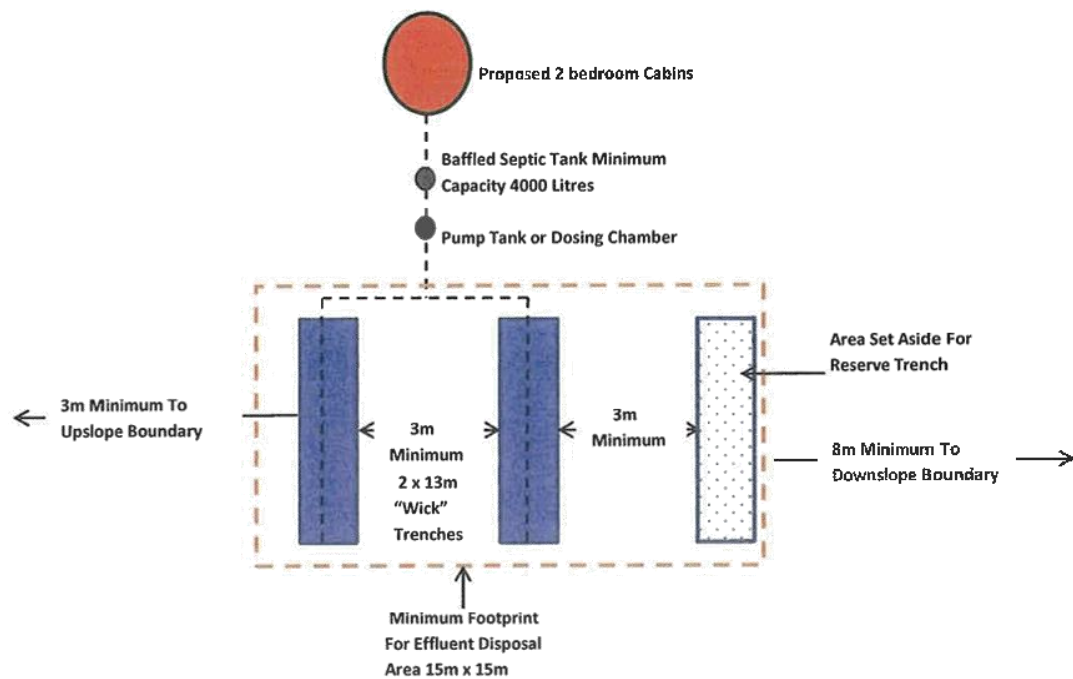
**Cabins 3 & 4 Site Diagram**



**Cabin 5 Site Diagram**



## Typical Effluent Disposal Layout



## Design and Installation of On-site Wastewater Systems



trench also allows reserve in the design. It can be used on sloping sites by creating terraces for each trench.

**'Wick' trench sizing**

Typically the 'Wick' trench will be built with an evapotranspiration bed approximately twice the width of the trench. For example, a bed 1,200 millimetres wide with a 600 millimetre wide trench as shown in Figure 10.12. The trench is built using an arch trench that is a plastic self supporting arch 410 millimetres wide and 1,500 millimetres long.

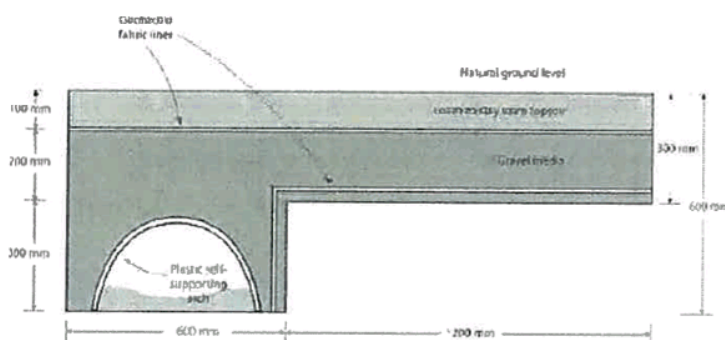


Figure 10.12 Cross section of a "Wick" trench

The required length of 'Wick' trench can be calculated using the daily design wastewater load (L/day) and the design loading rates (DLR) for absorption trenches and evapotranspiration beds in AS/NZS 1547:2012.

For a conservative design, the designer recommends using the formula:

$$L = Q / \text{DLR} \times (W/1.2)$$

Where:

- L = total length of 'Wick' trench required in metres
- Q = design daily wastewater load in litres a day
- DLR = design loading rate for trenches in mm per m<sup>2</sup> per day
- W = total width of trench and bed in the combined 'Wick' trench

**Example**

To size a 'Wick' trench for a typical three bedroom, five person home on a Category 4 clay loam soil with tank water supply:

Design daily wastewater load  $Q = 3 \times 200 \text{ L} = 600 \text{ L}$

Design loading rate = 10 mm/m<sup>2</sup>/day for primary treated effluent

- 1) For an arch trench of 0.6 m width alone, the required trench length is determined by

$$L = 600 / (10 \times 0.6)$$

$$L = 600/6$$

$$L = 100 \text{ m}$$

Therefore 5 X 20 m arch trenches are recommended.

## Design and Installation of On-site Wastewater Systems



- 2) For a 'Wick' trench comprising an arch trench of 0.6m width with a 1.2m 'Wick' bed.

$$L = 600 / (10 \times (1.8/1.2))$$

$$L = 600 / (10 \times 1.5)$$

$$L = 600 / 15$$

$$L = 40 \text{ m}$$

Therefore 3 x 14 m 'Wick' trenches are recommended.

The following points should be noted when installing a 'Wick' trench:

- NSW Health non-disinfected effluent to be disposed of at a soil depth of more than 300 millimetres for both trenches and beds (NSW Health, 2008).
- Avoid uneven areas when choosing where to put the trench. If a level area cannot be used, terrace the area for the trench.
- Ensure the trench has a uniform depth of soil across the finished surface for even, uniform performance along the trench.
- Avoid filling hollows across the contour as this may interfere with effluent distribution.
- The original ground level of the land application area should be 100 to 150 millimetres below the invert of the tank outlet. If the tank outlet invert is 400 millimetres from the top of the tank, the ground level where the trench will be built must be at least 550 millimetres lower than the ground where the tank is located.
- Where it is impossible to achieve 550 millimetres height separation between the tank and trench, use a pump and pump well to load the trench.
- The septic tank must be deslugged at appropriate intervals to ensure that sludge does not flow into the trench, reducing trench performance.

#### 'Wick' trench installation

1. Set out the trench area and instruct the excavator operator where to cut (Figures 10.13 and 10.14).



Figure 10.13 and 10.14 Excavation of the bed of the "Wick" trench



## **APPENDIX F**

### **FAUNA AND FLORA ASSESSMENT**

Lot 3 Spring Hill Rd, East Jindabyne ♦ SEE Appendix F: Fauna and Flora Assessment

## FAUNA AND FLORA ASSESSMENT

Lot 3 DP 1175878

Spring Hill Road, East Jindabyne

### 1.1 Introduction

This flora and fauna assessment was undertaken to review the environmental impacts associated with a proposed detached dual occupancy at Lot 3 Spring Hill Road, East Jindabyne.

The primary focus of this assessment was to identify the presence and potential presence of significant flora and fauna, including threatened species, populations, endangered ecological communities and habitats, so that any impact associated with the proposed work upon such biota could be assessed. Significant flora and fauna included those species listed under the *NSW Threatened Species Conservation Act 1995* (TSC Act), and the *NSW Fisheries Management Act 1994* (FM Act). Information was gathered from a field survey, database records and literature review.

### 1.2 Study Area

The subject property, located to the south of Spring Hill Road, west of Kosciuszko Road and east of Lake Jindabyne within East Jindabyne. The property is located approximately 5km north-east of Jindabyne

The property has a range of altitude between 920m and 1100m.

A series of photos illustrating the type and scale of the vegetation located within and around the development sites are provided below.



Figure 1: Cabin 1 site



Figure 2: Cabin 2 site

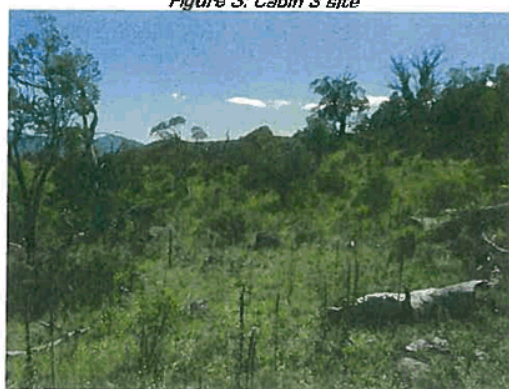
Lot 3 Spring Hill Rd, East Jindabyne ♦ SEE Appendix F: Fauna and Flora Assessment



*Figure 3: Cabin 3 site*



*Figure 4: Cabin 4 site*



*Figure 5: Cabin 5 site*

## 2. Desktop Study

### 2.1 Flora

In summary, seven (7) forbs, five (5) shrubs, two (2) trees, three (3) orchids and three (3) ecological communities of significance were identified as possibly occurring in the vicinity of the survey area as per the Threatened Species Table provided in Attachment 1 for the Monaro (Part C) CMA sub-region.

### 2.2 Fauna

Records of threatened and other significant fauna that were gathered and assessed for possible occurrence are listed in the table provided in Attachment 1.

Four (4) of the species are listed as critically endangered, six (6) of the species are listed as endangered with another thirty seven (37) species listed as vulnerable under the TSC Act. The likelihood of occurrence for each species was identified based upon reconciling known habitat, including special niche requirements, with the habitats recorded in the study area.

Lot 3 Spring Hill Rd, East Jindabyne ♦ SEE Appendix F: Fauna and Flora Assessment

### **3. Field Study**

#### **3.1 Flora**

Proposed Cabin 1 & 2 sites are largely devoid of native vegetation including the driveway and access corridors to each building.

Proposed Cabins 3, 4 & 5 comprise of some native vegetation, with little tree removal required. The proposed internal road to these cabins will likely require disturbance and removal of some native vegetation, and therefore this corridor was assessed for threatened floral species as identified in the attached Table.

Of the seven (7) forbs, five (5) shrubs, two (2) trees, three (3) orchids and three (3) ecological communities of significance listed in attached Table under the TSC Act, one was identified to likely occur within the allotment, being the Snowgum Grassy Woodland Endangered Ecological Community (EEC), as illustrated in the predicted distribution of Ecologically Endangered Communities and Threatened Species Habitat mapping provided by Council below in figure 6.

Lot 3 Spring Hill Rd, East Jindabyne ♦ SEE Appendix F: Fauna and Flora Assessment

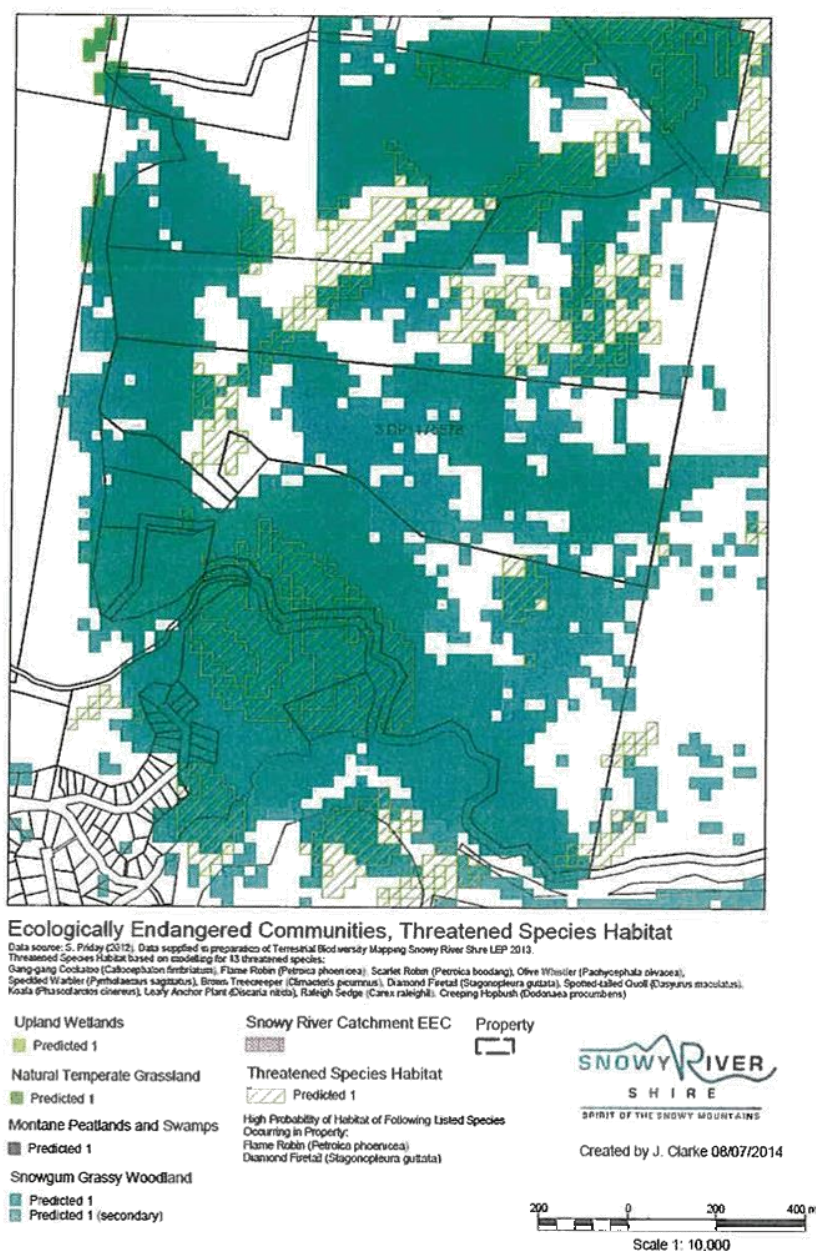


Figure 6: Predicted distribution of Ecologically Endangered Communities and Threatened Species Habitat

As identified above, proposed Cabins 3,4 & 5 as well as the new internal road is located within the area predicated to comprise of Snowgum Grassy Woodland Endangered Ecological Community (EEC) as mapped above.

Accordingly, an Assessment of Significant (7-Part Test) has been prepared and provided in Attachment 2.

Lot 3 Spring Hill Rd, East Jindabyne ♦ SEE Appendix F: Fauna and Flora Assessment

The assessment has determined that the proposal will not have a significant impact on this EEC.

### **3.2 Fauna**

The potential for fauna habitat listed under the TSC Act within the proposed disturbed area was considered overall low.

Of the forty-eight (48) significant fauna possibly occurring within or adjacent to the proposed development site as extracted from NPWS Wildlife Atlas, DEH Protected Matters, literature review and field survey, none (0) were observed.

## **4. Conclusion**

The proposed footprint of Cabins 1,2 & 3 and internal road corridor will likely require the clearing of an area of approximately 3200m<sup>2</sup> (including the driveway, parking and tanks) or 0.32 hectares of vegetation, representing a clearing of 0.8% of the vegetation on the allotment.

The on-site effluent absorption trenches below each cabin will also require partial clearance of about 100m<sup>2</sup> per cabin, 0.03 hectares.

The proposed cabins, driveway, parking, tanks and absorption trenches would therefore require the clearing of the predominant vegetation community (on the property) of up to 0.35 hectares or 0.9% of the property. This represents less than 1% of the total property size and is well below the 5 hectares afforded under the routine agricultural maintenance activity exemptions under the Native Vegetation Act 2003 and new 2013 Regulations.

Furthermore this disturbance will be in part rehabilitated by landscaping and the planting of additional trees, representing an offset ratio of more than 2:1, for each tree likely to be removed.

Given the small size of the clearing in relation to the size of the property and the unlikely impacts on any potential Threatened Species or Communities as discussed above, impacts on native fauna and flora are not considered to be significant and are considered acceptable.



## **Attachment 1**

4/9/2015

Threatened Species found in Monaro (Part C) CMA sub-region | NSW Environment &amp; Heritage


[Home](#) > [Threatened species](#) > [Search for threatened species](#)

## Threatened Species found in Monaro (Part C) CMA sub-region

Search using criteria below or filter existing results

### Status

☐ Show nationally listed species only ⓘ

Matching records: 98

[Save to CSV](#)

Click on column headers to sort

Scientific name	Common name	Conservation project	Type of species	NSW status	Occurrence	Vegetation class
<a href="#">Aprasia parapulchella</a>	<a href="#">Pink-tailed Legless Lizard</a>	<a href="#">Aprasia parapulchella conservation project</a>	Animal > Reptiles	Vulnerable	Predicted	<a href="#">Show 14 linked vegetation classes</a>
<a href="#">Calotis glandulosa</a>	<a href="#">Mauve Burr-daisy</a>	<a href="#">Calotis glandulosa conservation project</a>	Plant > Herbs and Forbs	Vulnerable	Known	<a href="#">Show 6 linked vegetation classes</a>
<a href="#">Calyptorhynchus lathamii</a>	<a href="#">Glossy Black-Cockatoo</a>	<a href="#">Calyptorhynchus lathamii conservation project</a>	Animal > Birds	Vulnerable	Known	<a href="#">Show 62 linked vegetation classes</a>
<a href="#">Cercartetus nanus</a>	<a href="#">Eastern Pygmy-possum</a>	<a href="#">Cercartetus nanus conservation project</a>	Animal > Marsupials	Vulnerable	Known	<a href="#">Show 62 linked vegetation classes</a>
<a href="#">Climacteris picumnus victoriae</a>	<a href="#">Brown Treecreeper (eastern subspecies)</a>	<a href="#">Climacteris picumnus victoriae conservation project</a>	Animal > Birds	Vulnerable	Known	<a href="#">Show 45 linked vegetation classes</a>
<a href="#">Dasyurus maculatus</a>	<a href="#">Spotted-tailed Quoll</a>	<a href="#">Dasyurus maculatus conservation project</a>	Animal > Marsupials	Vulnerable	Known	<a href="#">Show 74 linked vegetation classes</a>
<a href="#">Delma impar</a>	<a href="#">Striped Legless Lizard</a>	<a href="#">Delma impar conservation project</a>	Animal > Reptiles	Vulnerable	Known	<a href="#">Show 3 linked vegetation classes</a>
<a href="#">Discaria nitida</a>	<a href="#">Leafy Anchor Plant</a>	<a href="#">Discaria nitida conservation project</a>	Plant > Shrubs	Vulnerable	Known	<a href="#">Show 4 linked vegetation classes</a>
<a href="#">Dodonaea procumbens</a>	<a href="#">Creeping Hop-bush</a>	<a href="#">Dodonaea procumbens conservation project</a>	Plant > Shrubs	Vulnerable	Known	<a href="#">Show 6 linked vegetation classes</a>
<a href="#">Eucalyptus parvula</a>	<a href="#">Small-leaved Gum</a>	<a href="#">Eucalyptus parvula conservation project</a>	Plant > Mallees	Endangered	Known	<a href="#">Show 2 linked vegetation classes</a>
<a href="#">Eucalyptus pulverulenta</a>	<a href="#">Silver-leafed Gum</a>	<a href="#">Eucalyptus pulverulenta conservation project</a>	Plant > Mallees	Vulnerable	Known	<a href="#">Show 5 linked vegetation classes</a>
<a href="#">Euchiton nitidulus</a>	<a href="#">Shining Cudweed</a>	<a href="#">Euchiton nitidulus conservation project</a>	Plant > Herbs and Forbs	Vulnerable	Known	<a href="#">Alpine Herbfields</a>
<a href="#">Euphrasia scabra</a>	<a href="#">Rough Eyebright</a>	<a href="#">Euphrasia scabra conservation project</a>	Plant > Herbs and Forbs	Endangered	Known	<a href="#">Show 6 linked vegetation classes</a>
<a href="#">Falsistrellus tasmaniensis</a>	<a href="#">Eastern False Pipistrelle</a>	<a href="#">Falsistrellus tasmaniensis conservation project</a>	Animal > Bats	Vulnerable	Known	<a href="#">Show 55 linked vegetation classes</a>
<a href="#">Gentiana baeuerlenii</a>	<a href="#">Baeuerlen's Gentian</a>	<a href="#">Gentiana baeuerlenii conservation project</a>	Plant > Herbs and Forbs	Endangered	Known	<a href="#">Show 2 linked vegetation classes</a>
<a href="#">Heleioporus australiacus</a>	<a href="#">Giant Burrowing Frog</a>	<a href="#">Heleioporus australiacus conservation project</a>	Animal > Amphibians	Vulnerable	Known	<a href="#">Show 35 linked vegetation classes</a>

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<a href="#">Lathamus discolor</a>	<a href="#">Swift Parrot</a>	<a href="#">Lathamus discolor conservation project</a>	Animal > Birds	Endangered	Known	<a href="#">Show 48 linked vegetation classes</a>
<a href="#">Litoria aurea</a>	<a href="#">Green and Golden Bell Frog</a>	<a href="#">Litoria aurea conservation project</a>	Animal > Amphibians	Endangered	Known	<a href="#">Show 36 linked vegetation classes</a>
<a href="#">Litoria booroolongensis</a>	<a href="#">Booroolong Frog</a>	<a href="#">Litoria booroolongensis conservation project</a>	Animal > Amphibians	Endangered	Known	<a href="#">Show 34 linked vegetation classes</a>
<a href="#">Litoria castanea</a>	<a href="#">Yellow-spotted Tree frog</a>	<a href="#">Litoria castanea conservation project</a>	Animal > Amphibians	Critically Endangered	Known	<a href="#">Show 5 linked vegetation classes</a>
<a href="#">Litoria raniformis</a>	<a href="#">Southern Bell Frog</a>	<a href="#">Litoria raniformis conservation project</a>	Animal > Amphibians	Endangered	Known	<a href="#">Show 12 linked vegetation classes</a>
<a href="#">Litoria verreauxii alpina</a>	<a href="#">Alpine Tree Frog</a>	<a href="#">Litoria verreauxii alpina conservation project</a>	Animal > Amphibians	Endangered	Known	<a href="#">Show 7 linked vegetation classes</a>
<a href="#">Lophoictinia isura</a>	<a href="#">Square-tailed Kite</a>	<a href="#">Lophoictinia isura conservation project</a>	Animal > Birds	Vulnerable	Known	<a href="#">Show 70 linked vegetation classes</a>
<a href="#">Mastacomys fuscus</a>	<a href="#">Broad-toothed Rat</a>	<a href="#">Mastacomys fuscus conservation project</a>	Animal > Rodents	Vulnerable	Known	<a href="#">Show 5 linked vegetation classes</a>
<a href="#">Melanodryas cucullata cucullata</a>	<a href="#">Hooded Robin (south-eastern form)</a>	<a href="#">Melanodryas cucullata conservation project</a>	Animal > Birds	Vulnerable	Known	<a href="#">Show 58 linked vegetation classes</a>
<a href="#">Miniopterus schreibersii oceanensis</a>	<a href="#">Eastern Bentwing-bat</a>	<a href="#">Miniopterus schreibersii oceanensis conservation project</a>	Animal > Bats	Vulnerable	Known	<a href="#">Show 74 linked vegetation classes</a>
<a href="#">Myotis macropus</a>	<a href="#">Southern Myotis</a>	<a href="#">Myotis macropus conservation project</a>	Animal > Bats	Vulnerable	Predicted	<a href="#">Show 66 linked vegetation classes</a>
<a href="#">Neophema pulchella</a>	<a href="#">Turquoise Parrot</a>	<a href="#">Neophema pulchella conservation project</a>	Animal > Birds	Vulnerable	Known	<a href="#">Show 54 linked vegetation classes</a>
<a href="#">Ninox connivens</a>	<a href="#">Barking Owl</a>	<a href="#">Ninox connivens conservation project</a>	Animal > Birds	Vulnerable	Known	<a href="#">Show 68 linked vegetation classes</a>
<a href="#">Ninox strenua</a>	<a href="#">Powerful Owl</a>	<a href="#">Ninox strenua conservation project</a>	Animal > Birds	Vulnerable	Known	<a href="#">Show 50 linked vegetation classes</a>
<a href="#">Oxyura australis</a>	<a href="#">Blue-billed Duck</a>	<a href="#">Oxyura australis conservation project</a>	Animal > Birds	Vulnerable	Known	<a href="#">Show 11 linked vegetation classes</a>
<a href="#">Pachycephala olivacea</a>	<a href="#">Olive Whistler</a>	<a href="#">Pachycephala olivacea conservation project</a>	Animal > Birds	Vulnerable	Known	<a href="#">Show 28 linked vegetation classes</a>
<a href="#">Petaurus australis</a>	<a href="#">Yellow-bellied Glider</a>	<a href="#">Petaurus australis conservation project</a>	Animal > Marsupials	Vulnerable	Known	<a href="#">Show 40 linked vegetation classes</a>
<a href="#">Petaurus norfolcensis</a>	<a href="#">Squirrel Glider</a>	<a href="#">Petaurus norfolcensis conservation project</a>	Animal > Marsupials	Vulnerable	Known	<a href="#">Show 51 linked vegetation classes</a>
<a href="#">Petrogale penicillata</a>	<a href="#">Brush-tailed Rock-wallaby</a>	<a href="#">Petrogale penicillata conservation project</a>	Animal > Marsupials	Endangered	Known	<a href="#">Show 48 linked vegetation classes</a>
<a href="#">Petroica rodinogaster</a>	<a href="#">Pink Robin</a>	<a href="#">Petroica rodinogaster conservation project</a>	Animal > Birds	Vulnerable	Known	<a href="#">Show 12 linked vegetation classes</a>
<a href="#">Phascogale tapoatafa</a>	<a href="#">Brush-tailed Phascogale</a>	<a href="#">Phascogale tapoatafa conservation project</a>	Animal > Marsupials	Vulnerable	Predicted	<a href="#">Show 46 linked vegetation classes</a>
<a href="#">Phascolarctos cinereus</a>	<a href="#">Koala</a>	<a href="#">Phascolarctos cinereus conservation project</a>	Animal > Marsupials	Vulnerable	Known	<a href="#">Show 60 linked vegetation classes</a>
<a href="#">Prasophyllum petilum</a>	<a href="#">Tarengo Leek Orchid</a>	<a href="#">Prasophyllum petilum conservation project</a>	Plant > Orchids	Endangered	Known	<a href="#">Show 5 linked vegetation classes</a>
<a href="#">Prasophyllum sp. Majors Creek</a>	<a href="#">Majors Creek Leek Orchid</a>	<a href="#">Prasophyllum sp. Majors Creek conservation project</a>	Plant > Orchids	Critically Endangered	Known	<a href="#">Show 2 linked vegetation classes</a>
<a href="#">Pseudomys fumeus</a>	<a href="#">Smoky Mouse</a>	<a href="#">Pseudomys fumeus</a>	Animal >	Critically	Predicted	<a href="#">Show 7 linked</a>

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		<a href="#">conservation project</a>	Rodents	Endangered		<a href="#">vegetation classes</a>
<a href="#">Pseudophryne corroboree</a>	<a href="#">Southern Corroboree Frog</a>	<a href="#">Pseudophryne corroboree conservation project</a>	Animal > Amphibians	Critically Endangered	Known	<a href="#">Show 4 linked vegetation classes</a>
<a href="#">Pteropus poliocephalus</a>	<a href="#">Grey-headed Flying-fox</a>	<a href="#">Pteropus poliocephalus conservation project</a>	Animal > Bats	Vulnerable	Known	<a href="#">Show 65 linked vegetation classes</a>
<a href="#">Chthonicola sagittata</a>	<a href="#">Speckled Warbler</a>	<a href="#">Chthonicola sagittata conservation project</a>	Animal > Birds	Vulnerable	Known	<a href="#">Show 50 linked vegetation classes</a>
<a href="#">Rutidosia leiopis</a>	<a href="#">Monaro Golden Daisy</a>	<a href="#">Rutidosia leiopis conservation project</a>	Plant > Herbs and Forbs	Vulnerable	Known	<a href="#">Temperate Montane Grasslands</a>
<a href="#">Stagonopleura guttata</a>	<a href="#">Diamond Firetail</a>	<a href="#">Stagonopleura guttata conservation project</a>	Animal > Birds	Vulnerable	Known	<a href="#">Show 51 linked vegetation classes</a>
<a href="#">Suta flagellum</a>	<a href="#">Little Whip Snake</a>	<a href="#">Suta flagellum conservation project</a>	Animal > Reptiles	Vulnerable	Known	<a href="#">Show 9 linked vegetation classes</a>
<a href="#">Swainsona sericea</a>	<a href="#">Silky Swainson-pea</a>	<a href="#">Swainsona sericea conservation project</a>	Plant > Herbs and Forbs	Vulnerable	Known	<a href="#">Show 25 linked vegetation classes</a>
<a href="#">Thesium australe</a>	<a href="#">Austral Toadflax</a>	<a href="#">Thesium australe conservation project</a>	Plant > Herbs and Forbs	Vulnerable	Known	<a href="#">Show 27 linked vegetation classes</a>
<a href="#">Tymanocryptis pinguicollis</a>	<a href="#">Grassland Earless Dragon</a>	<a href="#">Tymanocryptis pinguicollis conservation project</a>	Animal > Reptiles	Endangered	Known	<a href="#">Temperate Montane Grasslands</a>
<a href="#">Tyto novaehollandiae</a>	<a href="#">Masked Owl</a>	<a href="#">Tyto novaehollandiae conservation project</a>	Animal > Birds	Vulnerable	Known	<a href="#">Show 65 linked vegetation classes</a>
<a href="#">Varanus rosenbergi</a>	<a href="#">Rosenberg's Goanna</a>	<a href="#">Varanus rosenbergi conservation project</a>	Animal > Reptiles	Vulnerable	Predicted	<a href="#">Show 36 linked vegetation classes</a>
<a href="#">Westringia kydrensis</a>	<a href="#">Kydra Westringia</a>	<a href="#">Westringia kydrensis conservation project</a>	Plant > Shrubs	Endangered	Known	<a href="#">Southern Montane Heaths</a>
<a href="#">White Box Yellow Box Blakely's Red Gum Woodland</a>	<a href="#">White Box Yellow Box Blakely's Red Gum Woodland</a>	<a href="#">White Box Yellow Box Blakely's Red Gum Woodland conservation project</a>	Community > Threatened Ecological Communities	Endangered Ecological Community	Known	<a href="#">Show 12 linked vegetation classes</a>
<a href="#">Montane Peatlands and Swamps of the New England Tableland, NSW North Coast, Sydney Basin, South East Corner, South Eastern Highlands and Australian Alps bioregions</a>	<a href="#">Montane Peatlands and Swamps of the New England Tableland, NSW North Coast, Sydney Basin, South East Corner, South Eastern Highlands and Australian Alps bioregions</a>	<a href="#">Montane Peatlands and Swamps of the New England Tableland, NSW North Coast, Sydney Basin, South East Corner, South Eastern Highlands and Australian Alps bioregions conservation project</a>	Community > Threatened Ecological Communities	Endangered Ecological Community	Known	<a href="#">Show 6 linked vegetation classes</a>
<a href="#">Callocephalon fimbriatum</a>	<a href="#">Gang-gang Cockatoo</a>	<a href="#">Callocephalon fimbriatum conservation project</a>	Animal > Birds	Vulnerable	Known	<a href="#">Show 53 linked vegetation classes</a>
<a href="#">Alteration to the natural flow regimes of rivers and streams and their floodplains and wetlands</a>	<a href="#">Alteration to the natural flow regimes of rivers, streams, floodplains &amp; wetlands.</a>	<a href="#">Alteration to the natural flow regimes of rivers and streams and their floodplains and wetlands conservation project</a>	Threat > Habitat Loss/Change	Key Threatening Process	Predicted	
<a href="#">Infection by Psittacine Circoviral (beak and feather) Disease affecting endangered psittacine species</a>	<a href="#">Infection by Psittacine circoviral (beak and feather) disease</a>	<a href="#">Infection by Psittacine Circoviral (beak and feather) Disease affecting endangered psittacine species and populations</a>	Threat > Disease	Key Threatening Process	Predicted	

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<a href="#">and populations</a>	<a href="#">affecting endangered psittacine species</a>	<a href="#">conservation project</a>				
<a href="#">Competition from feral honey bees, <i>Apis mellifera</i> L.</a>	<a href="#">Competition from feral honeybees</a>	<a href="#">Competition from feral honey bees, <i>Apis mellifera</i> L. conservation project</a>	Threat > Pest Animal	Key Threatening Process	Predicted	
<a href="#">Introduction of the Large Earth Bumblebee <i>Bombus terrestris</i> (L.)</a>	<a href="#">Introduction of the large earth bumblebee (<i>Bombus terrestris</i>)</a>	<a href="#">Introduction of the Large Earth Bumblebee <i>Bombus terrestris</i> (L.) conservation project</a>	Threat > Pest Animal	Key Threatening Process	Predicted	
<a href="#">Bushrock removal</a>	<a href="#">Bushrock Removal</a>	<a href="#">Bushrock removal conservation project</a>	Threat > Habitat Loss/Change	Key Threatening Process	Predicted	
<a href="#">Loss or degradation (or both) of sites used for hill-topping by butterflies</a>	<a href="#">Loss and/or degradation of sites used for hill-topping by butterflies</a>	<a href="#">Loss or degradation (or both) of sites used for hill-topping by butterflies conservation project</a>	Threat > Habitat Loss/Change	Key Threatening Process	Predicted	
<a href="#">Predation by the Feral Cat <i>Felis catus</i> (Linnaeus, 1758)</a>	<a href="#">Predation by feral cats</a>	<a href="#">Predation by the Feral Cat <i>Felis catus</i> (Linnaeus, 1758) conservation project</a>	Threat > Pest Animal	Key Threatening Process	Predicted	
<a href="#">Infection of frogs by amphibian chytrid causing the disease chytridiomycosis</a>	<a href="#">Infection of frogs by amphibian chytrid causing the disease chytridiomycosis</a>	<a href="#">Infection of frogs by amphibian chytrid causing the disease chytridiomycosis conservation project</a>	Threat > Disease	Key Threatening Process	Predicted	
<a href="#">Invasion of the Yellow Crazy Ant, <i>Anoplolepis gracilipes</i> (Fr. Smith) into NSW</a>	<a href="#">Invasion of the yellow crazy ant (<i>Anoplolepis gracilipes</i>) into NSW</a>	<a href="#">Invasion of the Yellow Crazy Ant, <i>Anoplolepis gracilipes</i> (Fr. Smith) into NSW conservation project</a>	Threat > Pest Animal	Key Threatening Process	Predicted	
<a href="#">Removal of dead wood and dead trees</a>	<a href="#">Removal of dead wood and dead trees</a>	<a href="#">Removal of dead wood and dead trees conservation project</a>	Threat > Habitat Loss/Change	Key Threatening Process	Predicted	
<a href="#">Herbivory and environmental degradation caused by feral deer</a>	<a href="#">Herbivory and environmental degradation caused by feral deer</a>	<a href="#">Herbivory and environmental degradation caused by feral deer conservation project</a>	Threat > Pest Animal	Key Threatening Process	Predicted	
<a href="#">High frequency fire resulting in the disruption of life cycle processes in plants and animals and loss of vegetation structure and composition</a>	<a href="#">Ecological consequences of high frequency fires</a>	<a href="#">High frequency fire resulting in the disruption of life cycle processes in plants and animals and loss of vegetation structure and composition conservation project</a>	Threat > Habitat Loss/Change	Key Threatening Process	Predicted	
<a href="#">Predation by the European Red Fox <i>Vulpes Vulpes</i> (Linnaeus, 1758)</a>	<a href="#">Predation by the European Red Fox</a>	<a href="#">Predation by the European Red Fox <i>Vulpes Vulpes</i> (Linnaeus, 1758) conservation project</a>	Threat > Pest Animal	Key Threatening Process	Predicted	
<a href="#">Predation by <i>Gambusia holbrooki</i> Girard, 1859 (Plague Minnow or Mosquito Fish)</a>	<a href="#">Predation by the Plague Minnow (<i>Gambusia holbrooki</i>)</a>	<a href="#">Predation by <i>Gambusia holbrooki</i> Girard, 1859 (Plague Minnow or Mosquito Fish) conservation project</a>	Threat > Pest Animal	Key Threatening Process	Predicted	
<a href="#">Competition and habitat degradation by Feral Goats, <i>Capra</i></a>	<a href="#">Competition and habitat degradation by Feral Goats,</a>	<a href="#">Competition and habitat degradation by Feral Goats, <i>Capra hircus</i> Linnaeus 1758</a>	Threat > Pest Animal	Key Threatening Process	Predicted	

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<a href="#">hircus Linnaeus 1758</a>	<a href="#">Capra hircus Linnaeus 1758</a>	<a href="#">conservation project</a>				
<a href="#">Invasion of native plant communities by exotic perennial grasses</a>	<a href="#">Invasion of native plant communities by exotic perennial grasses</a>	<a href="#">Invasion of native plant communities by exotic perennial grasses conservation project</a>	Threat > Weed	Key Threatening Process	Predicted	
<a href="#">Predation, habitat degradation, competition and disease transmission by Feral Pigs, Sus scrofa Linnaeus 1758</a>	<a href="#">Predation, habitat degradation, competition and disease transmission by Feral Pigs (Sus scrofa)</a>	<a href="#">Predation, habitat degradation, competition and disease transmission by Feral Pigs, Sus scrofa Linnaeus 1758 conservation project</a>	Threat > Pest Animal	Key Threatening Process	Predicted	
<a href="#">Importation of Red Imported Fire Ants Solenopsis invicta Buren 1972</a>	<a href="#">Importation of red imported fire ants into NSW</a>	<a href="#">Importation of Red Imported Fire Ants Solenopsis invicta Buren 1972 conservation project</a>	Threat > Pest Animal	Key Threatening Process	Predicted	
<a href="#">Clearing of native vegetation</a>	<a href="#">Clearing of native vegetation</a>	<a href="#">Clearing of native vegetation conservation project</a>	Threat > Habitat Loss/Change	Key Threatening Process	Predicted	
<a href="#">Competition and grazing by the feral European Rabbit, Oryctolagus cuniculus (L.)</a>	<a href="#">Competition and grazing by the feral European rabbit</a>	<a href="#">Competition and grazing by the feral European Rabbit, Oryctolagus cuniculus (L.) conservation project</a>	Threat > Pest Animal	Key Threatening Process	Predicted	
<a href="#">Anthropogenic Climate Change</a>	<a href="#">Human-caused Climate Change</a>	<a href="#">Anthropogenic Climate Change conservation project</a>	Threat > Habitat Loss/Change	Key Threatening Process	Predicted	
<a href="#">Infection of native plants by Phytophthora cinnamomi</a>	<a href="#">Infection of native plants by Phytophthora cinnamomi</a>	<a href="#">Infection of native plants by Phytophthora cinnamomi conservation project</a>	Threat > Disease	Key Threatening Process	Predicted	
<a href="#">Invasion of native plant communities by Chrysanthemoides monilifera</a>	<a href="#">Invasion of native plant communities by bitou bush &amp; boneseed</a>	<a href="#">Invasion of native plant communities by Chrysanthemoides monilifera conservation project</a>	Threat > Weed	Key Threatening Process	Predicted	
<a href="#">Invasion and establishment of the Cane Toad (Bufo marinus)</a>	<a href="#">Invasion and establishment of the Cane Toad</a>	<a href="#">Invasion and establishment of the Cane Toad (Bufo marinus) conservation project</a>	Threat > Pest Animal	Key Threatening Process	Predicted	
<a href="#">Invasion, establishment and spread of Lantana (Lantana camara L. sens. Lat)</a>	<a href="#">Invasion, establishment and spread of Lantana (Lantana camara L. sens. lat)</a>	<a href="#">Invasion, establishment and spread of Lantana (Lantana camara L. sens. Lat) conservation project</a>	Threat > Weed	Key Threatening Process	Predicted	
<a href="#">Invasion and establishment of exotic vines and scramblers</a>	<a href="#">Invasion and establishment of exotic vines and scramblers</a>	<a href="#">Invasion and establishment of exotic vines and scramblers conservation project</a>	Threat > Weed	Key Threatening Process	Predicted	
<a href="#">Dampiera fusca</a>	<a href="#">Kydra Dampiera</a>	<a href="#">Dampiera fusca conservation project</a>	Plant > Shrubs	Endangered	Known	<a href="#">Show 5 linked vegetation classes</a>
<a href="#">Invasion and establishment of Scotch Broom (Cytisus scoparius)</a>	<a href="#">Invasion and establishment of Scotch Broom (Cytisus scoparius)</a>	<a href="#">Invasion and establishment of Scotch Broom (Cytisus scoparius) conservation project</a>	Threat > Weed	Key Threatening Process	Predicted	

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<a href="#">Loss of Hollow-bearing Trees</a>	<a href="#">Loss of Hollow-bearing Trees</a>	<a href="#">Loss of Hollow-bearing Trees conservation project</a>	Threat > Habitat Loss/Change	Key Threatening Process	Predicted	
<a href="#">Forest eucalypt dieback associated with over-abundant psyllids and Bell Miners</a>	<a href="#">Forest eucalypt dieback associated with over-abundant psyllids and Bell Miners</a>	<a href="#">Forest eucalypt dieback associated with over-abundant psyllids and Bell Miners conservation project</a>	Threat > Other Threat	Key Threatening Process	Predicted	
<a href="#">Glossopsitta pusilla</a>	<a href="#">Little Lorikeet</a>	<a href="#">Glossopsitta pusilla conservation project</a>	Animal > Birds	Vulnerable	Known	<a href="#">Show 54 linked vegetation classes</a>
<a href="#">Predation and hybridisation by Feral Dogs, Canis lupus familiaris</a>	<a href="#">Predation and hybridisation by Feral Dogs, Canis lupus familiaris</a>	<a href="#">Predation and hybridisation by Feral Dogs, Canis lupus familiaris conservation project</a>	Threat > Pest Animal	Key Threatening Process	Predicted	
<a href="#">Petroica phoenicea</a>	<a href="#">Flame Robin</a>	<a href="#">Petroica phoenicea conservation project</a>	Animal > Birds	Vulnerable	Known	<a href="#">Show 47 linked vegetation classes</a>
<a href="#">Hieraetus morphnoides</a>	<a href="#">Little Eagle</a>	<a href="#">Hieraetus morphnoides conservation project</a>	Animal > Birds	Vulnerable	Known	<a href="#">Show 100 linked vegetation classes</a>
<a href="#">Petroica boodang</a>	<a href="#">Scarlet Robin</a>	<a href="#">Petroica boodang conservation project</a>	Animal > Birds	Vulnerable	Known	<a href="#">Show 54 linked vegetation classes</a>
<a href="#">Circus assimilis</a>	<a href="#">Spotted Harrier</a>	<a href="#">Circus assimilis conservation project</a>	Animal > Birds	Vulnerable	Known	<a href="#">Show 58 linked vegetation classes</a>
<a href="#">Daphoenositta chrysoptera</a>	<a href="#">Varied Sittella</a>	<a href="#">Daphoenositta chrysoptera conservation project</a>	Animal > Birds	Vulnerable	Known	<a href="#">Show 80 linked vegetation classes</a>
<a href="#">Epthianura albifrons</a>	<a href="#">White-fronted Chat</a>	<a href="#">Epthianura albifrons conservation project</a>	Animal > Birds	Vulnerable	Known	<a href="#">Show 24 linked vegetation classes</a>
<a href="#">Invasion of native plant communities by African Olive Olea europaea subsp. cuspidata (Wall. ex G. Don) Cif.</a>	<a href="#">Invasion of native plant communities by African Olive Olea europaea subsp. cuspidata (Wall. ex G. Don) Cif.</a>	<a href="#">Invasion of native plant communities by African Olive Olea europaea subsp. cuspidata (Wall. ex G. Don) Cif. conservation project</a>	Threat > Weed	Key Threatening Process	Predicted	
<a href="#">Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodland in the South Eastern Highlands, Sydney Basin, South East Corner and NSW South Western Slopes Bioregions</a>	<a href="#">Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodland in the South Eastern Highlands, Sydney Basin, South East Corner and NSW South Western Slopes Bioregions</a>	<a href="#">Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodland in the South Eastern Highlands, Sydney Basin, South East Corner and NSW South Western Slopes Bioregions conservation project</a>	Community > Threatened Ecological Communities	Endangered Ecological Community	Known	<a href="#">Show 10 linked vegetation classes</a>
<a href="#">Loss and degradation of native plant and animal habitat by invasion of escaped garden plants, including aquatic plants</a>	<a href="#">Loss and degradation of native plant and animal habitat by invasion of escaped garden plants, including aquatic plants</a>	<a href="#">Loss and degradation of native plant and animal habitat by invasion of escaped garden plants, including aquatic plants conservation project</a>	Threat > Weed	Key Threatening Process	Predicted	
<a href="#">Aggressive exclusion of birds from woodland and forest habitat by abundant Noisy</a>	<a href="#">Aggressive exclusion of birds from woodland and forest habitat by</a>	<a href="#">Aggressive exclusion of birds from woodland and forest habitat by abundant Noisy Miners Manorina</a>	Threat > Pest Animal	Key Threatening Process	Predicted	

4/9/2015

Threatened Species found in Monaro (Part C) CMA sub-region | NSW Environment & Heritage

[Miners Manorina](#)  
[melanocephala](#)

[abundant Noisy](#) [melanocephala](#)  
[Miners Manorina](#) [conservation project](#)  
[melanocephala](#)



## **Attachment 2**

## Appendix F - Attachment 2: EP&A ACT ASSESSMENT OF SIGNIFICANCE (7-PART TEST)

An assessment of the effects of the proposal on threatened species, populations and ecological communities, may be carried out by applying the seven factors from Section 5A of the amended NSW Environmental Planning and Assessment Act 1979 in accordance with gazetted assessment guidelines to each identified threatened species, population and ecological community.

This assessment of significance is presented below for the endangered ecological community, the *Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodland in the South Eastern Highlands, Sydney Basin, South East Corner and NSW South Western Slopes Bioregions* [hereafter referred to as the Snow Gum Grassy Woodland Ecological Community].

### **Part a)**

*In the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction.*

There are no threatened species that would be impacted within the study area.

### **Part b)**

*In the case of an endangered population, whether the life cycle of the species that constitutes the endangered population is likely to be disrupted such that the viability of the population is likely to be significantly compromised.*

There are no endangered populations within the study area.

### **Part c)**

*In the case of an endangered ecological community, whether the action proposed:*

- (i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or*
- (ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction.*

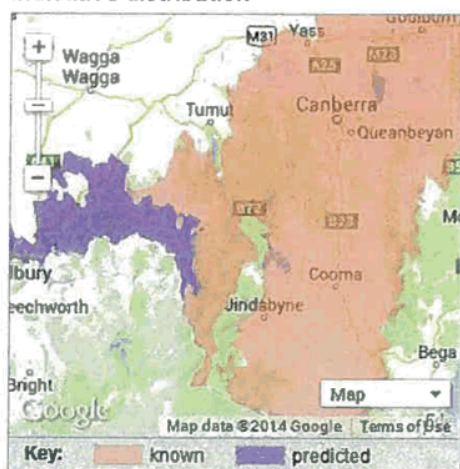
## **Snow Gum Grassy Woodland Ecological Community**

### **i. Extent of Local Occurrence**

The action proposed will affect up to approximately 0.39 hectares of the local occurrence of the the Snow Gum Grassy Woodland Ecological Community. This disturbance will be rehabilitated with landscaping of native grasses and ground cover with the tree removal offset by the planting of additional trees at a ratio of more than 2:1.

The extent of the local occurrence of the Snow Gum Grassy Woodland Ecological Community is not fully known, however it is likely to be very extensive and includes areas of Woodland vegetation between an altitude of 600m and 1400m, which predominates through the Snowy River Shire and wider region as shown in the map below:

Indicative distribution



#### ii. Composition of Local Occurrence

The composition of the Snow Gum Grassy Woodland Ecological Community was not surveyed as part of this assessment, however it is highly unlikely to be significantly different to the composition in similar habitats with the locality and region, given its broad distribution across the site and locality.

That is, it is highly unlikely that the study area supports a unique assemblage of the characteristic species of the Snow Gum Grassy Woodland Ecological Community that does not occur elsewhere within the local occurrence.

The action proposed is considered unlikely that the proposal would impact upon the extent or modify the community to a degree such that it would place the local occurrence of the community at risk of extinction.

#### Part d)

*In relation to the habitat of a threatened species, population or ecological community:*

- (i) the extent to which habitat is likely to be removed or modified as a result of the action proposed, and*
- (ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and*
- (iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality.*

#### i. Effects on Extent of Habitat

##### *Threatened Species*

There are no threatened species that would be impacted within the study area.

##### *Endangered Populations*

There are no endangered populations within the study area.

##### *Endangered Ecological Communities*

See below.

ii. Effects on Habitat Connectivity

*Threatened Species*

There are no threatened species that would be impacted within the study area.

*Endangered Populations*

There are no endangered populations within the study area.

*Endangered Ecological Communities*

See below.

iii. Importance of Habitat to be Affected

*Threatened Species*

There are no threatened species that would be impacted within the study area.

*Endangered Populations*

There are no endangered populations within the study area.

*Endangered Ecological Communities*

The proposal will impact upon habitat for Snow Gum Grassy Woodland in the form of direct clearing of this community and the extent of this impact is discussed in Appendix F. The areas of habitat within the site are already fragmented due to previous clearing, grazing pressure, the ingress of weeds and the occurrence of other vegetation communities in areas not suitable for Snow Gum Grassy Woodland. The proposal would not further fragment or isolate habitat for this community. The majority of suitable habitat likely to be removed by the proposal is in reasonable condition however, it is widespread, has been partly degraded by agricultural practices and given the small amount to be removed is not considered important habitat. The extent of clearing is not anticipated to impact the long-term survival of this ecological community in the locality.

**Part e)**

*Whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly).*

The action proposed will not affect any critical habitat.

**Part f)**

*Whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan.*

There are no recovery plans or threat abatement plans for this community.

**Part g)**

*Whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.*

Two identified Key Threatening Processes are relevant to this proposal.

***Clearing of native vegetation***

In the determination, the NSW Scientific Committee found that 'clearing of any area of native vegetation, including areas less than two hectares in extent, may have significant impacts on biological diversity'. Clearing can lead to direct habitat loss, habitat fragmentation and associated genetic impacts, habitat degradation, loss of the leaf litter layer increased habitat for invasive species and off-site impacts such as downstream sedimentation.

The proposal would not contribute significantly to the operation of clearing as a threatening process at the local or regional level, since the total disturbance area has been measured at approximately 0.39 hectares, representing less than 1% of the total allotment area. This disturbance, in part, will be rehabilitated with landscaping of native grasses and ground cover with the tree removal offset by the planting of additional trees at a ratio of more than 2:1

The significance of this clearing has been discussed above.

***The invasion of native vegetation by exotic perennial grass***

The invasion of native vegetation by exotic perennial grass is a further Key Threatening Process relevant to this proposal. Snow Gum Grassy Woodland is vulnerable to the introduction and spread of perennial grasses such as African Love Grass, Serrated Tussock, Phalaris, Cocksfoot, Yorkshire Fog, and Paspalum.

The proposal includes planting of native vegetation within any of the disturbed areas associated with the development. This will assist with weed management and together with ongoing weed management of the property, the proposal is not expected to significantly increase the impact of this Key Threatening Process in the study area.



## **APPENDIX G**

### **AHIMS SEARCH RESULTS**



Office of  
Environment  
& Heritage

## AHIMS Web Services (AWS) Search Result

Your Ref Number : 24-14

Client Service ID : 141424

dabyne planning

Date: 15 July 2014

Attention: Ivan Pasalich

Email: [ivan@dabyneplanning.com.au](mailto:ivan@dabyneplanning.com.au)

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Lot : 3, DP:DP1175878 with a Buffer of 0 meters, conducted by Ivan Pasalich on 15 July 2014.**

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

2	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

**If your search shows Aboriginal sites or places what should you do?**

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the NSW Government Gazette (<http://www.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

**Important information about your AHIMS search**

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.



Office of  
Environment  
& Heritage

## AHIMS Web Services (AWS) Extensive search - Site list report

Your Ref Number : 24-14  
Client Service ID : 141424

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
62-1-0142	Rush's Resort 12; Contact	AGD	55	648670	5971980	Open site	Valid	Artefact :-	Open Camp Site	216499585
62-1-0143	Rush's Resort 15; Contact	AGD	55	648810	5971920	Open site	Valid	Artefact :-	Open Camp Site	216499585

Report generated by AHIMS Web Service on 17/07/2014 for Ivan Passalich for the following area at Lot : 3, DP:DP1175878 with a Buffer of 0 meters. Additional Info : DA, Number of Aboriginal sites and Aboriginal objects found is 2  
This information is not guaranteed to be free from error omission. Office of Environment and Heritage (NSW) and its employees disclaim liability for any act done or omission made on the information and consequences of such acts or omission.



## **APPENDIX H**

### **CORRESPONDENCE WITH LOCAL LAND SERVICES AND CROWN LANDS**



Local Land  
Services  
South East

6 November 2014

Mr. Ivan Pasalich  
Principle  
Dabyne Planning Pty Ltd  
PO Box 179  
Jindabyne NSW 2627

Dear Mr. Pasalich,

**Ref: Right of Carriageway access over a Travelling Stock Reserve at East Jindabyne, Lot 7002 DP 1028552 to gain access to Lot 3 DP 1175878 and proposed eco tourist facility & community title subdivision**

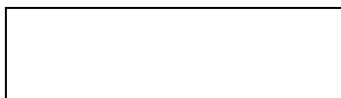
Please accept this letter in response to your correspondence dated 2 September 2014.

South East Local Land Services maintains no objection to you making representation to the Department of Lands for establishing legal access over the abovementioned Travelling Stock Reserve on the basis that:

- The proposed 'access way' does not interfere with the use of the said Travelling Stock Reserve for livestock grazing purposes,
- Any alterations to the infrastructure on this reserve and thereon ongoing maintenance for alterations remain the responsibility of your client,
- South East Local Land Services accepts no responsibility for your client, or any party to your client, for access over this reserve.

Should you require any further information or wish to discuss this matter further, please do not hesitate to Daniel Shaw on (02) 4464 6000

Regards



Gavin Whiteley  
**General Manager – South East Local Land Services**



PO Box 2215  
DANGAR NSW 2309  
Tel: 02 3424 3714  
Fax 02 4822 4287

Email: [John.Flarrety@lands.nsw.gov.au](mailto:John.Flarrety@lands.nsw.gov.au)  
[www.lands.nsw.gov.au](http://www.lands.nsw.gov.au)

Ref: 14/06056

Ms Theresa McKenzie  
PO Box 481,  
JINDABYNE NSW 2627

9<sup>th</sup> December 2014

Dear Ms McKenzie,

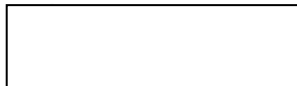
**SUBJECT: USE OF SECTION 75 OF THE LOCAL LAND SERVICES ACT 2013**

I refer to our conversation of today concerning the above matter.

To confirm the information provided, the Departments position regarding Section 75 of the *Local Lands Services Act 2013* is that this section of that Act creates a deemed right of carriageway (ROC). In the circumstances there is no need to register an easement to formally create the ROC.

If you have any further enquiries please contact me at the Goulburn Office phone number (02) 4824 3714 or Mobile 0427 108 717.

Yours sincerely



John Flarrety  
Group Leader, Goulburn



## **APPENDIX I**

### **SNOWY RIVER DCP 2013—ASSESSMENT TABLE**

Snowy River Development Control Plan 2013		
C1 Subdivision		
2. General Subdivision Requirements		
Control		Comment
<b>C1.2-1 Minimum Subdivision Lot Sizes</b> The minimum subdivision lot sizes are identified in the Snowy River LEP 2013 and the accompanying Lot Size Maps.		The proposal is for a Community Title Subdivision and in accordance with clause 4.14A of the LEP, the minimum lot size provision does not apply.
<b>C1.2-2 Subdivision Design</b> (a) The subdivision design must consider the physical characteristics of the land including bushfire hazard and ensure the protection of key environmental features including significant vegetation, natural landforms including rocky outcrops, topographic features and watercourses (refer Chapter C7 – Natural Hazard Management). (b) Subdivision design must consider the orientation of future dwellings on the site to encourage north facing dwellings. (c) Council may consent to the creation of a hatchet shaped allotment of land. Where this is proposed within Zone R1 General Residential, R2 Low Density Residential or RU5 Village the subdivision must not involve a lot being developed that is already a hatchet shaped allotment. (d) All hatchet-shaped allotments in Residential or Village zones must have a minimum access handle width of 6 metres. (e) The minimum area requirements for all hatchet-shaped allotments are to be measured excluding the access handle. (f) All allotments are to be of a regular shape. (g) The allotments to be created must be designed to minimise any bushfire hazard and are to be designed in accordance with Planning for Bushfire Protection 2006 (refer Chapter C7 – Natural Hazard Management). Perimeter roads should be used to assist in minimising fire risk rather than clearing the site.		The proposed subdivision has been designed following a comprehensive site analysis process. This has included ensuring each proposed lot can accommodate the proposed cabin and all its services including car parking, driveway, tanks, on-site effluent etc.
<b>C1.2-3 Agricultural Land</b> (a) If the subdivision includes any Class III agricultural land, and the land was taken out of agricultural production not less than 5 years prior to the date of gazettal of the Snowy River LEP 2013 (appointed day), a report prepared by a qualified agronomist demonstrating that the land comprising the subdivision is not well suited to grazing and pasture improvement is to be submitted with the development application.		N/A – The subject site does not include any Class 3 agricultural land and the mapping is no longer incorporated or referenced in the SR LEP 2013.
<b>C1.2-4 Flora and Fauna Protection</b> (a) If the subdivision includes any land significant for flora and fauna protection a targeted survey for threatened species must be carried out and an assessment of significance prepared by a suitably qualified person demonstrating that the subdivision will not have an adverse effect on flora and fauna. (b) The aquatic environment must not be detrimentally affected by subdivision and the proposed future use of the land.		The SR LEP 2013 does not include or refer to mapping in relation to 'land significant for flora and fauna protection'. Notwithstanding this, a fauna and flora assessment has been undertaken and provided in Appendix F.

Snowy River Development Control Plan 2013	
<b>C1.2.5 Visual Protection</b>	<i>The subject site is located within the Lake Jindabyne Scenic Protection Area and a visual impact analysis has been undertaken in Section 4.3 of the DEC.</i>
<p>(a) A visual impact assessment is to be undertaken for all proposed subdivision in the Lake Eucumbene or Lake Jindabyne Scenic Protection Area and Eastern Approaches to Kosciuszko National Park Scenic Protection Area.</p> <p>(b) The visual impact assessment is to be undertaken by a suitably qualified professional and is to demonstrate that:</p> <ul style="list-style-type: none"> <li>- any proposed or future buildings within the subdivision will not be visible from Lake Eucumbene; or</li> <li>- any proposed or future buildings within the subdivision will not have a negative visual impact on Lake Jindabyne or Eastern Approaches to Kosciuszko National Park Scenic Protection Area.</li> </ul> <p><b>Note:</b> the Snowy River LEP 2013 includes specific clauses for the Scenic Protection Areas (refer clauses 7.7 and 7.8).</p> <p><b>C1.2.6 Building Exclusion Areas</b></p> <p>The location of building exclusion areas is to be shown on the development application plans to identify areas that have development constraints (ie bushfire prone land, slope, significant vegetation, areas of heritage significance) and would not be suitable to subdivide for future building and development. Consequently areas not included in the building exclusion areas would be investigated as being suitable for future building and development.</p> <p>(a) The site plans are to identify building exclusion areas which are based on an analysis of site design and environmental constraints including (but not limited to): bushfire prone land, flooding, flora and fauna protection, slope and landslip, land contamination, impact on views, ridgelines and areas of heritage significance;</p> <p>(b) If the building and development sites identified outside the building exclusion areas are visible from an arterial road, a visual impact assessment undertaken by a suitably qualified professional is to be provided to demonstrate how the visual impact of the development can be minimised when viewed from the arterial road.</p> <p><b>C1.2.7 Provision of Services</b></p> <p>(a) An electricity supply must be provided to each allotment in accordance with the requirements of the relevant electricity authority.</p> <p>(b) The applicant must demonstrate that telecommunications (whether fixed line or mobile) can be provided to the site.</p> <p><b>C1.2.8 Access</b></p> <p>The subdivision must not create additional riparian access rights to streams, creeks, rivers or other waterways.</p> <p>All allotments created by subdivision (including boundary adjustments) must have coinciding legal and practical (properly constructed) access in accordance with Councils development design and construction specifications.</p> <p><b>Note:</b> detailed requirements for access are contained in Chapter C3 Car Parking, Traffic and Access.</p> <p><b>Note:</b> A 'Riparian access right' is a water right held by rural landowners for domestic, on-farm purposes. Riparian rights allow landowners whose property is adjoining to a body of water to make reasonable use of it, for purposes such as drinking water, domestic use and fishing. It does not relate to pedestrian access or recreation.</p>	<p><i>The proposed subdivision has been designed to exclude any of the bushfire prone land along the northern boundary, so that this only sits within the Community Property.</i></p> <p><i>The proposed development will be operated independent of reticulated electricity or fixed line telecommunications.</i></p> <p><i>All of the proposed lots will have coinciding and legal practical access through to either Spring Hill Road through Lot 2 to the north or Kosciuszko Road through Lot 216 to the east.</i></p> <p><i>No additional riparian access rights will be created.</i></p>

Snowy River Development Study of Plan 2013	
4. Tourist Development Subdivision	
Control	Comment
<p><b>C1.4.2 Type of Subdivision Proposed</b></p> <p>(a) Subdivision is by 'community title' pursuant to the Community Land Development Act 1989 and Community Land Management Act 1989, with appropriate provision for a central management facility and shared infrastructure and services to be provided within the community property.</p> <p>(b) All lots created as a result of the subdivision will each contain the whole or part of one or more accommodation buildings and their curtilage, but any lot containing access and other common facilities, infrastructure or landscaping will be held in common ownership by all owners of the other lots created by the subdivision.</p> <p><b>C1.4.3 Community Management Statement</b></p> <p>(a) A community management statement is to be prepared to ensure ongoing compliance with the requirements of Council.</p> <p>(b) Subdivision of tourist and visitor accommodation or eco-tourist facilities must not result in permanent or semi-permanent occupation of the accommodation.</p> <p>(c) All components of the facility must be centrally managed.</p> <p>(d) A community management statement is to accompany the development application and demonstrate:</p> <p>o Compliance with the relevant Chapters of this DCP</p> <p>o That guests occupying a unit or dwelling within the development (whether they are the owner or the dwelling or lessee) do not occupy the dwelling for a continuous period of more than three (3) months.</p> <p>o Management plans do not allow for the lease of buildings or bedrooms for a continuous period of more than three (3) months.</p>	<p>The proposed Community Title Subdivision has been designed to include all the shared infrastructure and services within the Community Property (i.e. roads, reticulated water, power), while each Community Lot will comprise of the accommodation buildings and a curtilage and also their individual services including car parking, driveway, tanks and on-site effluent system.</p> <p>A community management statement will be prepared and will stipulate that guests occupying the cabins do not occupy the dwelling for a continuous period of more than three (3) months and that management plans do not allow for the lease of buildings or bedrooms for a continuous period of more than three (3) months.</p>
C2 - Design	
1. Visual & Scenic Impact	
Control	Comment
<p><b>C2.1-1 Visual Landscape Character Assessment</b></p> <p>(a) Before granting development consent for development involving the carrying out of any works or building construction, the consent authority must have regard to the likely visual impacts of carrying out the development, including the visual impacts of ancillary uses like driveways and fencing and of the provision of electricity and other services to the site of the development.</p> <p>(b) When assessing visual impacts of the proposed development consideration must be given to:</p> <ul style="list-style-type: none"> <li>• Important visual features and the landscape character of the site and surrounding land;</li> <li>• Minimising the visual impact of the development on views from public areas, including public roads;</li> <li>• Reducing the visual impact of driveways and of the provision of services to the development;</li> <li>• Reducing the visual impact of proposed buildings by ensuring that external finishes are non-reflective and of a colour that blends in with the surroundings; and</li> <li>• Ensuring fencing and building styles are compatible with the visual character of the area.</li> </ul>	Refer to Section 4.3 of the SEE.

Snowy River Development Control Plan 2013	
<b>C2.1-2 Building on Ridgelines</b>	<i>The proposed cabins are located below the high plateau areas associated with the site, below any ridgeline.</i>
<p>(a) A building must not be erected on a ridgeline if the building would be visible from a public place such as an arterial road and appear as a skyline structure from that place or road. However, Council may consent to the erection of a building on a ridge line where:</p> <ul style="list-style-type: none"> <li>• The proposed location of the building comprises the only part of the land on which it is proposed to be erected which has reasonable vehicular access to a public road;</li> <li>• The whole of the land on which it is proposed to be erected is within the ridge line;</li> <li>• The function and architecture of the building has such significance to the community that, in the Council's opinion, it should stand out as a landmark.</li> </ul> <p>Development shall take into account the topography of the area avoiding significant skylines.</p> <p><b>C2.1-3 Development in Lake Eucumbene and Lake Jindabyne Scenic Protection Areas</b></p> <p>In addition to the objectives (above) the following also apply for sites within the Lake Eucumbene and Lake Jindabyne Scenic Protection Areas:</p> <ul style="list-style-type: none"> <li>• Protect the sense of isolation which can be enjoyed in many areas on and adjacent to Lake Eucumbene.</li> <li>• Protect the environmental attractions and recreational functions of Lake Eucumbene and Lake Jindabyne including its attraction as a prime fishing destination.</li> <li>• Ensure that the Lakes and adjacent urban settlements continue to have a clear rural setting.</li> <li>• Protect the water quality, water storage functions and groundwater of Lake Eucumbene and Lake Jindabyne Scenic Protection Areas.</li> <li>• Protect the flora and fauna, including aquatic habitats.</li> </ul> <p>(e) Consideration must be given to the visual impact of the development when viewed from Lake Jindabyne, and Lake Eucumbene at its full supply level.</p> <p>(b) Consideration must be given to whether the design and construction of any new buildings (including fencing) prevent any intrusion into the view from the Lake and surrounding areas.</p> <p>(c) Consideration must be given to whether provision has been made for the planting of appropriate native species where the planting would visually screen the development.</p> <p>(d) Development consent must not be granted to development where the development will have an unacceptable visual impact on the scenic quality of the area.</p> <p>(e) The development has been designed to prevent any visual intrusion into the view from Lake Jindabyne and Lake Eucumbene (at its full supply level).</p> <p>(f) A visual impact analysis must be provided of an appropriate scale clearly showing the potential of any buildings to intrude into the landscape sufficient to enable it to properly assess the visual impact of the proposed development on the views from the Lake.</p>	<i>The proposed development is located within the Lake Jindabyne Scenic Protection Area. This has been addressed under clause 7.6 of the SR LEP, 2013 in Section 5.1.1 of the SEE.</i>

Snowy River Development Control Plan 2013	
<p><b>C2.1-4 Development within the Eastern Approaches to Kosciuszko National Park</b></p> <p>Development consent must not be granted to development of land in the Eastern Approaches unless the consent authority has considered a visual impact analysis of an appropriate scale clearly showing the potential of any buildings to intrude into the landscape sufficient to enable it to properly assess the visual impact of the proposed development on the views from the Alpine Way and Kosciuszko Road.</p> <p>Development is to be designed and located so it causes no detriment to the scenic and rural character of land within the Eastern Approaches to Kosciuszko National Park, particularly when viewed from the Alpine Way or the Kosciuszko Road.</p>	<p><i>The subject site is not located within the Eastern Approaches to Kosciuszko National Park.</i></p>
<p><b>C2.1-5 Building Design</b></p> <p>(a) The design and size coverage of the development should reflect the slope of the site and it may be desirable to leave steeply sloping parts of sites in their natural state.</p> <p>(b) All structures are designed and sited in order to minimise the need for excavation or fill for foundations and associated hardstand areas.</p> <p>(c) Buildings should utilise suspended slab construction, pole or steel frame, or brick and/or steel piers in order to minimise the disturbance to the natural grade caused by the building. Where areas on a site are already disturbed, those areas should be used for siting of buildings.</p> <p>(d) On steeply sloping sites and treed hillsides, building height and bulk, particularly on the downhill side is to be minimised and the need for cut and fill is to be reduced by designs which minimise the building footprint and allow the building mass to step down the slope.</p> <p>(e) Sub-floor areas must be enclosed or otherwise treated so that they do not look untidy when viewed from a public place.</p> <p>(f) Building heights are similar to those in the surrounding landscape with taller buildings sized so as to minimise impacts on the landscape.</p> <p>(g) New structures are designed to blend rather than contrast with the existing environment and the use of external reflective finishes is restricted.</p> <p>(h) The building design is not to include highly reflective surfaces such as 'zincalume' or tinted glass panels. External finishes may be natural or untreated, or where colours are used, these should have a light reflectivity index of 12% or below.</p>	<p><i>The cabins have been designed to respond to the slope of each site with the use of piers limiting cut and fill.</i></p> <p><i>With the use of shipping containers as the basic structure, there will be elevated with sub-floor areas.</i></p> <p><i>The proposed external fabric of both buildings will include a mix of Weatherex cladding and metal roofing.</i></p> <p><i>Overall the development is expected to blend in with the existing natural and built environment.</i></p>
<p><b>C2.1-6 Landscaping</b></p> <p>(a) The design of any new development must integrate with the landscape, by building on and incorporating existing landscape features such as vegetation and rocky outcrops.</p> <p>(b) Development must not involve the removal of bushrock or significant areas of vegetation.</p> <p>(c) Planting is to be located to soften the view of the development from any existing public roads and public vantage points.</p>	<p><i>Additional landscaping, including native tree planting, will be undertaken when the development is completed.</i></p>

## Snowy River Development Control Plan 2013

## C2.1.7 View Sharing

- (a) All property owners should be able to develop their property, within existing planning controls, however, views should not be substantially affected where it is possible to design to share views.
- (b) The location and design of dwellings and outbuildings must reasonably maintain existing developed view corridors or vistas from the neighbouring dwellings, streets and public open space areas.
- (c) In assessing potential view loss impacts on neighbouring dwellings, retaining existing views from the living areas (living room, dining room, lounge and kitchen) should be given a priority over those obtained from the bedrooms and non-habitable rooms.
- (d) The design of fences and selection of plant species must minimise obstruction of views from the neighbouring dwellings and the public domain.

*The view corridor from the adjoining dwelling to the south-east on Lot 4 was assessed and proposed Cabins 3, 4 & 5 were located so they were not visible. Proposed Cabins 1 & 2 will however be visible, but located over 400m away. Together with the single storey design and trees planting to be located to the south-east of each cabin, any potential obstruction of views will be mitigated.*

Snowy River Development Control Plan 2013	
C3 Car Parking, Traffic & Access	
3. Vehicle Access	
Control	Comment
C3.1-1 Permanent and Practical Legal Access	
<p>(a) All development, including all allotments created by subdivision (including boundary adjustments) must have coinciding legal and practical (properly constructed) access in accordance with Councils development design and construction specifications.</p> <p>(b) Access roads are to be designed to minimise road infrastructure by utilising the most direct, and where possible the existing, legal routes.</p> <p>(c) An applicant wishing to construct a Crown public road is required to obtain Council's concurrence to the ownership of the road being transferred to Council. Where the applicant cannot obtain the concurrence of Council to the transfer of ownership, the application for road construction will not be accepted.</p> <p>(d) Access by undedicated roads (including undedicated Crown reserve roads, Forestry roads and Livestock Health and Pest Authority reserves) requires the consent of the public authority (eg. Roads and Maritime Services) and will only be permitted in similar circumstances to those for rights of carriageway and subject to the same conditions applicable to rights of carriageway.</p> <p>(e) Where the development requires a second bushfire access/egress route, this is to be a permanent legal and practical access.</p> <p>(f) Where the existing road alignment does not match the dedicated or legally recognised road alignment, the road alignment should be rectified through re-alignment, closure, road construction or dedication.</p> <p>(g) Any additional length of public road created as part of the development and proposed to be transferred to the control of Council is to be minimised.</p> <p>(h) Direct access from either the Alpine Way or Kosciuszko Road is not to be provided to a development unless the site has no other practical alternatives that exist or can be created.</p> <p>(i) Consideration must be given to whether traffic associated with the proposed development will cause the condition of the roads to deteriorate and whether funds are or will be available for road maintenance and whether any financial contributions from the proposed development are sufficient to upgrade the roads likely to be affected.</p>	<p>(a) All of the proposed lots will have coinciding and legal practical access. All of the proposed lots will have coinciding and legal practical access through to either Spring Hill Road through Lot 2 to the north or Kosciuszko Road through Lot 216 to the east.</p> <p>(b) The proposed internal access to cabins 1-5 will be located within the Community Property. This has been designed to be direct and will provide legal access to each cabin from the existing right-of-carriageway to either Spring Hill Road through Lot 2 to the north or Kosciuszko Road through Lot 216 to the east.</p> <p>(c) N/A.</p> <p>(d) The TSF at the end of the Spring Hill Road is currently and will be traversed and correspondence from both the Land Local Services and Crown Lands has been obtained and provided in Appendix H.</p> <p>(e) A second bushfire access/egress route is already available through an existing legal right-of-carriageway through Lot 216 to the east to Kosciuszko Road.</p> <p>(f) N/A.</p> <p>(g) The proposed subdivision will not require any additional length of public road being created or constructed.</p> <p>(h) The property only has access from Kosciuszko Road through Spring Hill Road to the north or directly through Lot 216 to the east.</p> <p>(i) Refer to Section 4.4.2 of the SEE.</p>

C3.1-2 Rights of Carriageway for Subdivision	Snowy River Development Control Part ED13
<p>(a) Where access to the allotment is via an existing right of carriageway, the subdivision will only be permitted in exceptional circumstances as follows, where:</p> <ul style="list-style-type: none"> <li>- the subdivision is for large rural property where the cost of providing public road access would be prohibitive; or</li> <li>- the subdivision is in remote rural localities of the Shire.</li> </ul> <p>(b) Access may be provided by a vehicular right of carriageway for development involving subdivision of land into up to five (5) additional residential lots (or development where traffic generation has a similar or greater impact) if:</p> <ul style="list-style-type: none"> <li>- the right of carriageway is constructed to a standard approved by the Council; and</li> <li>- where relevant, the consent of all adjoining land owners, whose land is burdened by the vehicular right of way, has been gained.</li> </ul> <p>(c) Access may be provided by a vehicular right of carriageway for new development (other than that referred to in sub-clauses a) and b) above) where traffic will have a minimal impact if:</p> <ul style="list-style-type: none"> <li>- the right of way is constructed to a standard agreed to by Council; and</li> <li>- where relevant, the consent of all adjoining land owners, whose land is burdened by the vehicular right of way, has been gained.</li> </ul> <p>(d) If further subdivision takes place utilising the right of carriageway and increasing the number of lots utilising the right of carriageway to more than six (6) allotments, the right of carriageway is to be replaced with a public road (refer below).</p> <p>(e) The right of carriageway in non-urban areas is to be a minimum of twenty (20) metres wide.</p> <p>(f) Construction and maintenance of the right of carriageway is the responsibility of the landowner and is to be in accordance with Councils development design and construction specifications.</p> <p>(g) Council may require a Deed of Agreement for the operation, management and maintenance of the right of carriageway.</p>	<p>(a) Access to the site is achieved either from the north through Lot 2 via a right-of-carriageway or from the east through Lot 216, also a right-of-carriageway. The proposal is for a Community Title subdivision, therefore the proposal does not create Torrens title allotments or the need for further rights-of-carriageway (easements). Given that the access through Lot 2 to the north, only traverses one allotment and the standard of the access was upgraded to allow the Subdivision to be undertaken, the objectives as set out under Section 3, can be achieved.</p> <p>(b) The proposal seeks to create five (5) community lots, each lot for each proposed cabin, with an additional lot around the already approved detached dwellings (with one of them to be the managers residence for the cabins). The right-of-carriageway to the north through Lot 2 to Spring Hill Road was recently upgraded in accordance with Councils standards.</p> <p>(c) &amp; (d) N/A</p> <p>(e) &amp; (f) Noted.</p>

C3.1.3 Public Roads		The proposal is for a Community Tide subdivision creating five (5) lots with a proposed cabin with each lot. The already approved detached dual occupancy dwellings will be located within its own allotment with the residual of the land being within the Community Property.
<p>(a) Where subdivision results in six (6) or more additional allotments, the access shall be by way of a public road.</p> <p>(b) Where a new road is to be constructed or an existing road is to be utilised for additional allotment access, it shall be constructed in accordance with Councils development design and construction specifications for access and subdivision on the following basis:</p> <ul style="list-style-type: none"> <li>- Two Lane Gravel Road - any road likely to be extended or form part of a through road and "no through roads" servicing six (6) to ten (10) allotments and not in a R15 Large Lot Residential Zone.</li> <li>- Two Lane Bitumen Road - any road servicing more than ten (10) allotments.</li> </ul> <p>Council may also require this type of road for short lengths of road which connect with an existing sealed road or which are over a gradient of 10%.</p> <p>(c) If the subdivision will result in six (6) or more lots in the R15 Large Lot Residential Zone, each lot is to be linked by a 2 lane bitumen sealed road to the nearest urban centre, constructed to Council's approved standards.</p> <p>(d) If the subdivision will result in six (6) or less lots in the R15 large Lot Residential Zone, each lot is to be linked to the nearest public road by a two lane road suitable for two wheel drive vehicles, constructed to Council's development design and construction specifications.</p> <p>(e) Where development (including subdivision) front existing public roads, and where the existing public road is unconstructed or is not constructed to a satisfactory standard for the proposed development (e.g. not presently maintained by Council), the full cost of upgrading that road is to be borne by the developer. This requirement may also apply to subdivision's that require the construction or upgrading of existing public roads to give access to the subdivision.</p> <p>(f) Each lot is to be provided with an adequate all weather access to enable satisfactory vehicular passage from the public road into the individual allotment. This will generally require graveling from the road shoulder to the boundary and in most cases will require the provision of a piped gutter crossing in accordance with Council's specification for property accesses.</p> <p>(g) Each lot to be created must include vehicular access that will be flood free in the event of a 1:50 year probability flood occurring.</p> <p>(h) The location of the individual access points are to be nominated by the developer and subject to approval of, and meeting the standards established by the Director Technical Services and Operations, having regard to road drainage requirements and sight distance.</p>	<p><b>C3.1.4 Development Fronting Main or Arterial Roads</b></p> <p>(a) Where development is proposed land which fronts a classified or arterial road; or relies solely on a classified or arterial road for its access; or has access to a road which intersects with a classified or arterial road, where the point of access is within 90 metres of the intersection of the road and the classified or arterial road, the following must be considered:</p> <ul style="list-style-type: none"> <li>- whether the traffic likely to be generated by the development will cause a traffic hazard or reduce the capacity and efficiency of the classified or arterial road;</li> <li>- access points and on-site management plans for vehicle movement and parking;</li> <li>- the effect the development will have on future improvements or realignment of the classified or arterial road.</li> </ul>	<p>Not applicable.</p>

<p><b>C3.1-5 Adequacy of Access</b></p>	<p>(a) The standard of all weather access roads to the development is to adequately cater for existing and potential traffic.</p> <p>(b) The road reserve width is to be sufficient to cater for all functions that the road is expected to fulfill, including the safe and efficient movement of all users and acting as a buffer from traffic nuisance for residents.</p> <p>(c) The carriageway width is to allow vehicles to proceed safely at the operating speed intended for that road.</p> <p>(d) The design of intersections is to allow all movement to occur safely and projected traffic volumes are to be used in designing all intersections.</p> <p>(e) All intersections and vehicular entrances are to satisfy the relevant design standards published by the Roads and Maritime Authority.</p> <p>(f) Access is designed in accordance with the design criteria set out in the Aust Roads Guide to Road Design and the Council's Development Design and Construction Specifications.</p>	<p><b>C3.1-6 Minimising Impacts</b></p> <p>(a) Consideration is to be given to the impact the traffic associated with the proposed development will have on existing roads, road safety and other road users.</p> <p>(b) Physical impact on the environment and on the visual landscape are to be minimised through site planning and design.</p> <p>(c) Car parking areas and access roads to be designed, surfaced and sloped to facilitate stormwater infiltration on-site.</p> <p>(d) Access roads are not to exceed 12% slope and are to be designed to work with the contours of the land (minimising cut and fill).</p> <p>(e) Access roads are not to proceed through rock outcrops, natural features or existing vegetation stands and are not to be located on prominent hill faces or ridgelines.</p>	<p><b>Note:</b> Refer to Planning for Bush Fire Protection 2006 (PBP) at <a href="http://www.rfs.nsw.gov.au">www.rfs.nsw.gov.au</a> for any special access requirements related to developments within Bush Fire Prone Land (Refer Chapter C7 - Natural Hazard Management).</p>
<p><b>Snowy River Development Control Plan 2013</b></p>	<p>This clause relates to new roads and access being constructed, which the proposal does not require (except for the new internal access road within the Community Property).</p> <p>In relation to the new internal road, the standard of such a road will be designed and constructed to provide all weather access, with sufficient width for passing of vehicles. Any intersection onto the existing road will need to comply with the requirements for intersections onto private roads.</p>	<p>With regards to the existing roads, this has been addressed in Section 4.4.2 of the SEE.</p> <p>With regard to the proposed internal road servicing cabins 3-5, the physical impacts associated with road have been minimised as part of the site analysis process undertaken and following the contour of the land where possible. This will ensure that the slope is minimised and also avoids rock outcrops and other features.</p>	

Snowy River Development Control Plan 2015	
C8 Environmental Management	
1. Minimising Conflicts	
Control	Comment
<p><b>C8.1.1 Minimising Conflicts</b></p> <p>(a) Locate residential, eco-tourist facilities and tourist and visitor accommodation to minimise land use conflicts between other land uses in rural areas including agriculture, intensive agriculture and extractive industries.</p> <p>(b) Where proposed residential or tourist based development adjoins or is in the vicinity of existing agriculture, intensive agriculture or extractive uses, the development application must be accompanied by an assessment demonstrating how land use conflicts have been considered and addressed.</p> <p>(c) In assessing development adjoining the existing uses, the Council must:</p> <ul style="list-style-type: none"> <li>• Consider whether or not the development is likely to have a significant impact on the use that, in the opinion of the Council having regard to land use trends, is likely to be the preferred use of the land in the vicinity of the development.</li> <li>• Evaluate any measures proposed by the applicant to avoid or minimise any incompatibility.</li> <li>• Design and site the development in a way to minimise land use conflicts between other uses including existing residential development.</li> </ul> <p>(g) Where proposed tourist and visitor accommodation or eco-tourist facility development adjoins or is in the vicinity of existing residential development, the development application is to be accompanied by an assessment demonstrating how land use conflicts have been considered and addressed.</p> <p>(h) In assessing development adjoining the existing residential uses, the Council must consider whether or not the development is likely to have a significant impact on the residential uses including increased vehicle movement and noise</p>	<p><i>The proposed cabins are located well away from the adjoining properties and closest dwelling being over 200m away.</i></p>

Snowy River Development Control Plan 2013	
3. Land Management – Erosion, Sediment & Stormwater Control	
Control	Comment
<b>C8.3-1 Erosion &amp; Sediment Control</b> (a) Measures are to be implemented during development construction to ensure that the land form is stabilised and erosion is controlled and that water quality in streams and lakes downstream of the development site is protected. (b) Systems are designed to optimise the interception, detention and removal of waterborne pollutants prior to discharge to receiving waters. (c) Vegetated riparian buffers to waterways are to be maintained. (d) A development application is to be accompanied by a stormwater and soil management plan demonstrating: <ul style="list-style-type: none"> <li>• how sedimentation and erosion of fill and soil is to be managed on the site; and</li> <li>• development adjacent to the bank or the bed of a watercourse, addressed the environmental impact on the receiving waters.</li> </ul> (e) Stormwater or surface water runoff is not to be redirected or concentrated onto adjoining properties or to create worsening effect on adjoining properties. (f) All disturbed areas are to be re-stabilised and re-vegetated as soon as practicable. (g) Landscaping is to use native species suitable to the locality and with consideration of bush fire requirements (Refer Recommended Landscaping Species – Appendix C5-1). <b>C8.3-2 Slopes &amp; Batters</b> (a) Cut and fill within sites are to be sensitively treated through gentle slopes and adequate stability to avoid erosion and slippage. (b) Where the foundation strata of the area permits slopes in excess of 1:3, and where supported by technical documentation prepared by a suitably qualified professional, steeper slopes will be considered.	<i>Standard erosion and sediment controls will be required as part of the construction management of the cabins as addressed in the Construction Management Plan provided in Appendix B.</i>
<b>4. Weed Management</b> <b>Control</b> <b>C8.4-1 Weed Management</b> (a) Development should occur in a manner that does not increase the potential for, or result in, the spread of noxious weeds. (b) Where development is to be located on a property with a current weed notice or history of weed management plan is to accompany the development application. The weed management plan must identify weeds to be controlled and in what area they are to be controlled, and timeframe and method of control to be employed.	<i>Cut and fill has been managed by the use of piers and elevated structures.</i>  <i>This can form a condition of consent.</i>
<b>5. Ecological Impacts</b> <b>Control</b>	<i>Comment</i>

<p><b>C8.5-1 Ecological Impacts</b></p>	<p>(a) The development is to minimise any impact on the local ecology including water quality, aquatic habitats and fish passage.</p> <p>(b) Where development may have an impact on threatened species, populations or ecological communities (including development on land significant for flora and fauna), an Assessment of Significance (AOS) is to be undertaken. Where it is found that there would be a significant impact on threatened species, their habitats or endangered ecological communities a Species Impact Statement (SIS) would be required.</p> <p><b>Note:</b> if a Species Impact Statement is required, the Office of Environment and Heritage will have a statutory role in concurrence of the development.</p> <p>Council will review an AOS as part of its determination of a development application and use the information provided to determine if the applicant has justified the level of impact by:</p> <ul style="list-style-type: none"> <li>- Avoiding the impact where possible;</li> <li>- Minimising the impact where it can not be avoided;</li> <li>- Offsetting the remaining impact after it has been minimised to the greatest extent possible.</li> </ul>
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*An assessment of the impacts of the proposed development on locally occurring threatened fauna and flora species and communities has been undertaken and provided in Appendix F.*

Snowy River Development Control Plan 2013		
C9 Energy & Water Efficiency, Water Supply & Effluent Disposal		
<b>2. Water Supply</b>		
<b>Control</b>	<b>Comment</b>	
<b>C9.2-2 Domestic or Potable Water Availability</b> The following controls apply to development on sites where the connection to reticulated town water supply is not available. (a) Sufficient domestic or potable water for the proposed development is to be provided by rainfall collected in on-site rainwater tanks and stored. (b) For domestic purposes the sizing of tanks for rainwater supply shall be 100KL for a 4 person household with a minimum roof catchment area of 400m <sup>2</sup> or in accordance with the National Health document titled 'Guidance on the use of Rainwater Tanks' (2004).	Water supply with be derived from rainfall collected on the roof and stored within a 10,000L tank servicing each cabin with supplementary water supply obtained from the lake via a license as set out under 3.3.1 of the SEE.	
<b>C9.2-5 Bush Fire Fighting Water Availability</b> (a) Sufficient water is to be available for bush fire fighting purposes at all times. (b) The proposed development is to provide a supply of water dedicated permanently to fire fighting, in accordance with the requirements of the NSW Rural Fire Service Planning for Bushfire Protection Manual 2006.	Each proposed cabin will be serviced by a separate 10,000L tank for firefighting purposes.	
<b>3. Effluent Disposal</b>		
<b>C9.3-1 General Controls</b> (a) New allotments smaller than 2 hectares in area and allotments within 2 kilometres of the reach of the Council's sewerage treatment system are encouraged to be connected to the Council's sewerage system. (b) Where connection to Council's reticulated sewerage system is not available and on-site effluent disposal is proposed, an analysis of soil suitability and topography demonstrating that the land is suitable for on-site effluent disposal is to be provided. (c) New allotments for residential development which are not connected to Council's sewerage system must demonstrate that there are suitable dwelling sites which are not affected by flooding, or seasonal high water table. Note: where development is connecting to Council's sewerage system, the relevant Council standards and guidelines will apply and consultation with Council is required.	Each proposed cabin will discharge its own effluent to an on-site effluent system comprising of a worm farm as covered in the report provided in Appendix E.	

Eco-tourist Facility, Lot 3 Spring Hill Road, East, Jindabyne ♦ SEE Appendix I: SP DCP 2013 - Assessment Table

### Shoony River Development Control Plan 2015

#### D1 Residential Accommodation

##### 3. Site Planning and Layout

Control	Comment																					
<p><b>D1.1.1 Site Planning</b></p> <p>a) Development should be appropriately located on the site to:</p> <ul style="list-style-type: none"><li>• consider the amenity of neighbouring properties is maintained or enhanced;</li><li>• consider the impact of the development on views and view sharing;</li><li>• facilitate solar access;</li><li>• protect significant landscape and vegetation;</li><li>• allow for the provision of landscaping and provide room for additional tree plantings to grow to maturity;</li><li>• facilitate the efficient use of the site; and</li><li>• minimise bushfire hazard by preserving 'fuel free' zone (where development is adjacent to high bushfire hazard areas).</li></ul>	<p>The development has been subject to a site analysis process to ensure that the cabins are appropriately designed and located. This process has allowed the buildings to achieve optimum solar access to the north and west with views to the west, locate the buildings away from any significant slope or vegetation and limit impacts on the neighbouring properties.</p>																					
<p><b>D1.1.3 Site Coverage</b></p> <p>a) The maximum site coverage is shown in the table below</p> <table><tr><th>Development Types</th><th>Land Use Zone</th><th>Site Coverage* including any car-parks, carports and outbuildings</th></tr><tr><td>Dwelling houses</td><td>R1 General Residential R2 Low Density Residential</td><td>Not to exceed 50% of the allotment</td></tr><tr><td>Attached dwellings</td><td>R1 General Residential R15 Village</td><td>Not to exceed 40% of the allotment</td></tr><tr><td>Dual occupancies</td><td>R1 General Residential R2 Low Density Residential</td><td>Not to exceed 50% of the allotment</td></tr><tr><td>Multi dwelling housing</td><td>R1 General Residential R15 Village</td><td>Not to exceed 40% of the allotment</td></tr><tr><td>Residential flat buildings</td><td>R1 General Residential R15 Village</td><td>Not to exceed 40% of the allotment</td></tr><tr><td>Semi-detached dwellings</td><td>R1 General Residential R15 Village</td><td>Not to exceed 50% of the allotment</td></tr></table> <p>*Site coverage area does not include any of the following: access ramp, balcony, deck, patio, pergola, terrace or veranda attached to the dwelling that is not enclosed by a wall higher than 1.4m above the floor level, driveway, pathway or parking, fence or screen, swimming tank that is attached to the dwelling, swimming pool or spa pool</p>	Development Types	Land Use Zone	Site Coverage* including any car-parks, carports and outbuildings	Dwelling houses	R1 General Residential R2 Low Density Residential	Not to exceed 50% of the allotment	Attached dwellings	R1 General Residential R15 Village	Not to exceed 40% of the allotment	Dual occupancies	R1 General Residential R2 Low Density Residential	Not to exceed 50% of the allotment	Multi dwelling housing	R1 General Residential R15 Village	Not to exceed 40% of the allotment	Residential flat buildings	R1 General Residential R15 Village	Not to exceed 40% of the allotment	Semi-detached dwellings	R1 General Residential R15 Village	Not to exceed 50% of the allotment	<p>Not applicable - the subject site is zoned RU1 Primary Production.</p>
Development Types	Land Use Zone	Site Coverage* including any car-parks, carports and outbuildings																				
Dwelling houses	R1 General Residential R2 Low Density Residential	Not to exceed 50% of the allotment																				
Attached dwellings	R1 General Residential R15 Village	Not to exceed 40% of the allotment																				
Dual occupancies	R1 General Residential R2 Low Density Residential	Not to exceed 50% of the allotment																				
Multi dwelling housing	R1 General Residential R15 Village	Not to exceed 40% of the allotment																				
Residential flat buildings	R1 General Residential R15 Village	Not to exceed 40% of the allotment																				
Semi-detached dwellings	R1 General Residential R15 Village	Not to exceed 50% of the allotment																				

Ecotourist Facility, Lot 3 Spring Hill Road, East Lindabryne ♦ SEE Appendix I: SR DDP 2013 - Assessment Table

Snowy River Development Controls Plan 2013	
<b>D1.1.4 Private Open Space</b>	<i>Not applicable.</i>
<p>a) Private open space is to be provided to each dwelling and is to be designed to meet the needs of occupants.</p> <p>b) Private open space is to be capable of serving as an extension of the dwelling for relaxation, dining and entertainment and is to have direct access from the major living area of the dwelling.</p> <p>c) Private open space is located to maximise views, natural features and orientation.</p> <p>d) Private open space at ground level is to:</p> <ul style="list-style-type: none"> <li>• Be orientated to the north (where possible)</li> <li>• Be protected from unfavourable winds</li> <li>• Have a minimum area of 25m<sup>2</sup></li> <li>• Have a width of 4 metres</li> <li>• Be screened as appropriate (shade, privacy and acoustic)</li> <li>• Receive a minimum 4 hours of uninterrupted direct sunlight per day</li> </ul> <p>e) Private open space above ground level is to:</p> <ul style="list-style-type: none"> <li>• Be orientated to the north</li> <li>• Have access from the main living area</li> <li>• Have a minimum area of 10m<sup>2</sup></li> <li>• Have a minimum width of 2 metres</li> <li>• Not be located facing directly towards adjoining development impacting on their privacy and amenity</li> </ul> <p>f) Where possible existing trees and natural landscape features (eg rock outcrops) are to be retained and incorporated into landscape design.</p>	<i>Not applicable.</i>
<b>D1.1.5 Communal Open Space</b>	<i>Not applicable.</i>
<p>a) Communal open space is to be provided to contribute to the character of the development and to provide for a wide range of uses and activities.</p> <p>b) A landscape concept plan for communal open space is to be provided with the development application.</p>	
<b>4. Building Envelope</b>	
<b>Control</b>	<b>Comment</b>

Eco-tourist Facility, Lot 3 Spring Hill Road, East Jindabyne ♦ SEE Appendix I: SP DCP 2013 – Assessment Table

Snowy River Development Control Plan 2013	
The proposal complies with the maximum building height permitted under the LEP.	
<p><b>D1.2-1 Building Height</b></p> <p>a) The height of a building must not exceed the maximum height shown for the land on the Snowy River LEP 2013 – Height of Buildings Map.</p> <p>b) The height of any new development (including alterations and additions) should minimise bulk and overshadowing.</p> <p>c) The development application drawings are to clearly identify ground level (existing), the proposed height of new development and the height of existing and neighbouring development.</p> <p>d) Shadow diagrams should be prepared and submitted for two storey buildings to illustrate the potential impact on sunlight to adjoining properties.</p> <p>e) New development and alterations and additions are to be stepped in recognition of sloping sites.</p>	

Eco-tourist Facility, Lot 3 Spring Hill Road, East Lindbryne ♦ SEE Appendix I: SR DCP 2013 ~ Assessment Table

### D1.2.3 Setbacks - General

*There are no prescribed setbacks for Eco-tourist facility cabins, however, the development is located approximately 50m to its closest boundary to the north.*

a) The minimum setback requirements at ground level are shown on the Table below.

b) Setbacks are to provide space for visual and acoustic privacy.

c) Variations to setbacks are permitted where the effect on adjoining owners, traffic safety/future road widening and special site conditions are assessed and considered acceptable.

d) Pergolas, screens, light fittings, electricity or gas meters, chimneys are permitted to encroach into the building setback without restriction.

e) Unroofed terraces, landings, steps and ramps not greater than 1 metre in height are permitted to encroach into the building setback without restriction.

#### Minimum Setback Requirements for Residential Accommodation

Development Types	Class of Building	Height of Building	Front Setback (where no adjoining dwellings)	Side Setback	Rear Setback
<i>Dwelling house</i>	1 & 2	1 storey	6.0 metres	675mm (gutter)	900mm
<i>Unit occupancies</i>					
<i>Attached dwellings</i>					
<i>Secondary dwellings</i>					
<i>Semi-detached dwellings</i>					
	2 storey		8.0m	1125mm (gutter)	1.5m
				1500mm (total)	
	3 storey		8.0m	1125mm (gutter)	2.5m
				1500mm (total)	
<i>Multi dwelling housing &amp; Residential flat buildings</i>					
	1 storey		6.0m	2200mm	3.0m
	2 storey		8.0m	2200mm	4.0m
	3 storey		8.0m	2200mm	5.0m

Eco-tourist Facility, Lot 3 Spring Hill Road, East Jindaoyne • SEE Appendix I: SR DCP 2013 - Assessment Table

### Stoney River Development Control Plan 2013

#### D1.2.4 Front Setback

- a) The front setback must be consistent with the average setbacks of the adjoining dwellings. Where there are no adjoining dwellings, the setbacks must be in accordance with the setback requirements in the Table below.
- b) For corner sites, the setback from the secondary street frontage must be in accordance with the following minimum requirements:
- 900mm for allotments with primary frontage width of less than 7 metres; or
  - 1500mm for all other sites.
- c) The front setback areas must be free of structures such as swimming pools, aboveground rainwater tanks and outbuildings.
- d) Developments that create streetscape variety and interest will be considered for variations to the front setback.

#### D1.2.5 Side Setbacks

- a) Garages, carports, outbuildings, above-ground water tanks and unroofed decks and terraces attached to the dwelling may encroach upon the side setback if they comply with other provisions of this DCP.
- b) Variations to side setbacks may be considered depending on adjoining owners, light and ventilation, site conditions and building provisions to prevent the spread of fire.
- c) Provided the distance is not less than 1 metre to a boundary, permitting encroachments of fascias, gutters, downpipes and eaves up to 0.675m outside that envelope.

#### D1.2.6 Rear Setbacks

- a) Garages, carports, outbuildings, swimming pools, above-ground water tanks and unroofed decks and terraces attached to the dwelling may encroach upon the rear setback if they comply with other provisions of this DCP.
- b) Irregular shaped allotments, or allotments with the longest boundary abutting the street or the rear adjoining neighbour (ie frontage width being longer than the site depth), the rear setback will be assessed on merit having regard to the following:
- Compatibility with the existing development pattern in the surrounding residential land;
  - Provision of adequate private open space as required under this DCP;
  - Potential impacts on neighbouring dwellings in terms of solar access, privacy and view sharing.

Eco-tourist Facility, Lot 3 Spring Hill Road, East Jindabyne ♦ SEE Appendix I, SR DCP 2013 – Assessment Table

Snowy River Development Control Plan 2013	
5. Building Design	
Control	Comment
<p><b>D1 3-1 All Residential Development</b></p> <p>a) New development should respect adjoining development and display "good manners" by:</p> <ul style="list-style-type: none"> <li>• Maintaining an appropriate distance between buildings to protect privacy;</li> <li>• Maintaining a sympathetic scale relationship; and</li> <li>• Ensuring a reasonable sharing of solar access.</li> </ul> <p>b) Built form must respect and follow the natural topography of the site. On sloping sites the building mass must be modeled on stepped in response to the land gradient and avoid concentrating the structural bulk on the uphill or downhill side of the site.</p> <p>c) New development should incorporate architectural relief and modulation of facades to avoid a bulky appearance. This may be achieved by measures such as: window openings, balconies or terraces, entry porches, staggered wall planes, combination of material and finishes and decorative architectural elements.</p> <p>d) Articulate all street elevations for development on corner allotments.</p> <p>e) Special care should be undertaken on sloping sites where the impact of heights and distances may be exaggerated. This may be achieved by:</p> <ul style="list-style-type: none"> <li>• The use of horizontal elements such as verandahs, pergolas or suitable planting schemes;</li> <li>• The use of articulated walls to provide enough space for taller growing plants;</li> <li>• Avoiding unrelieved walls in excess of 12 metres;</li> <li>• Incorporating variations in elevations to provide visual interest to buildings; and</li> <li>• The 'stepping back' of upper levels in order to avoid bulky vertical wall surfaces.</li> </ul> <p>f) The roof of the building should be designed so that it does not unduly increase the bulk of the building including:</p> <ul style="list-style-type: none"> <li>• Careful section of materials, colour and pitch; and</li> <li>• Use of low angled pitched roofs provided they are compatible with existing development and the existing streetscape character.</li> </ul> <p>g) Council may consider the inclusion of habitable rooms with the roof space.</p> <p>h) The building design, detailing and finish will be appropriate for the region and will consider the major design recommendations contained in the "Snowy River Design Guidelines".</p>	<p><i>Not applicable - these are considered urban controls.</i></p>

Ecotourist Facility, Lot 3 Spring Hill Road, East Lindabyne \*SEE Appendix I: SR DCP 2013 - Assessment Table

Showy First Development Control Plan 2013	
<b>D1.3.2 Alterations &amp; Additions</b>	Not applicable.
<p>a) Alterations and additions to an existing dwelling must present an integrated design with suitable configuration, materials and detailing so that the new and original structures are visualised as one whole building. Note: for heritage items it may be desirable to distinguish between the old and new works. Chapter C4 Heritage for further details.</p> <p>b) First floor additions should be well integrated into the design of the development to avoid overbearing bulk/scale relationship with neighbouring properties. This is particularly important on sloping sites and may be achieved by restricting changes of building height between existing and proposed development to not more than one storey. If this is exceeded, the appropriateness should be supported through the site analysis process.</p> <p>c) External finishes of the new building work should match or complement the existing finishes.</p> <p>d) Where appropriate, the roof pitch of alterations and additions should extend and/or replicate the original dwelling.</p>	
<b>D1.3.3 Visual Character &amp; Streetscape</b>	A visual impact assessment was undertaken as part of the site analysis process as set out in 4.3 of the SEE.
<p>a) A Visual Character Study may be used to determine the components of visual character in a particular area. The prominent characteristics of the neighbourhood should then be identified and considered as part of the site analysis. Note: Visual character is created by many features including: lot sizes, fencing, kerbs, setbacks, spatial separation, access arrangements, street tree planting, native vegetation and private gardens, as well as the architecture of individual residences and buildings.</p> <p>b) Development near ridge tops or ridge lines should consider the height, colour and pitch of the proposal to ensure the proposal does not dominate the surrounding area. This may be achieved by ensuring that development is: high quality; relates to a human scale and minimises overshadowing.</p> <p>c) Parking and garages must not dominate the frontage of the dwelling and the front and entry to dwellings must address the street.</p>	
<b>6. Amenity</b>	
<b>Control</b>	<b>Comment</b>
<b>D1.4.1 Solar Access to Proposed Development</b>	The design of the cabins will achieve a north-western orientation.
<p>a) A portion of the north facing living area windows of the proposed development must receive a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June (in so far as it does not contradict any BASIX requirements).</p> <p>b) The private open space of the proposed development must receive a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June. The area covered by the sunlight must be capable of supporting passive recreation activities.</p>	

Eco-tourist Facility, Lot 3 Spring Hill Road, East Jindabyne ♦ SEE Appendix I: SE DCP 2013 – Assessment Table

Snowy River Development Control Plan 2013	
<b>D1.4.2 Solar Access to Neighbouring Development</b>	
<p>a) A portion of the north facing living area windows of neighbouring dwellings must receive a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June or if less is being received prior to the development, the proposed development must not further reduce direct sunlight.</p> <p>b) The private open space of neighbouring dwellings must receive a minimum of 3 hour of direct sunlight between 8am and 4pm on 21 June. The area covered by sunlight must be capable of supporting passive recreation or if less is being received prior to the development, the proposed development must not further reduce direct sunlight.</p> <p>c) Existing solar panels on neighbouring dwellings, which are situated not less than 6 metres above ground level (existing) must retain a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June.</p> <p>d) Any variation from the above requirements will be subject to a merit assessment having regard to the following: how the proposed development meets the FSR, height, setback and site coverage controls; orientation of the subject and adjoining allotments; topography of the subject site and adjoining allotments; location and level of windows; and shadows cast by existing buildings on neighbouring allotments.</p>	
<b>D1.4.3 Visual Privacy</b>	<i>Not applicable.</i>
<p>a) All habitable room windows must be located to minimise any direct viewing of existing habitable room windows in adjacent dwellings by one or more of the following measures:</p> <ul style="list-style-type: none"> <li>• Offsetting or staggering windows away from those of the adjacent buildings;</li> <li>• Setting the window sills at a minimum of 1700mm above finished floor level;</li> <li>• Installing fixed or translucent glazing up to a minimum of 1700mm above finished floor level;</li> <li>• Installing fixed privacy screens outside the windows in question;</li> </ul> <p>b) The windows to the main living and dining rooms must be oriented away from the adjacent dwellings wherever possible, for example oriented to the front or rear of the allotment or a side courtyard.</p> <p>c) Upper floor balconies should be focused to the street or rear yard. Any elevated balconies or balcony returns on the side facade must have a narrow width to minimise privacy impacts on adjoining properties.</p> <p>d) First floor decks, balconies and roof top terraces are not supported where they overlook or have the potential to directly overlook habitable rooms or private open space.</p> <p>e) Screen planting and planter boxes may be used as a supplementary device for reinforcing privacy protection. However they must not be used as the sole privacy protection measure.</p> <p>f) For sloping sites, any ground floor decks or terraces must step down in accordance with the landform, and avoid expansive areas of elevated outdoor recreation space.</p> <p>g) A nine (9) metre separation should be provided between the windows of habitable rooms of dwellings that face each other or abut a public or communal street and a twelve (12) metre separation should be provided for windows above first floor level. Where windows are within the nine (9) metre or twelve (12) metre distance, direct views are to be screened by:</p> <ul style="list-style-type: none"> <li>• A 1.8 metre solid wall or landscaping on flat sites; or</li> <li>• Landscaping, offsetting windows and setting sill heights to 1700mm or fixed translucent glass on sloping sites.</li> </ul> <p>Note: a habitable room is defined in the BCA to generally mean: a room used for normal domestic activities, other than a bathroom, laundry, toilet, pantry, walk in wardrobe, hallway, lobby, clothes drying room or other space of a specialised nature that is not occupied frequently or for extended periods.</p>	

Eco-tourist Facility, Lot 3 Spring Hill Road, East Jindabyne ♦ SEE Appendix 1 SR DCP 2013 - Assessment Table

Snowy River Development Control Plan 2013	Not applicable.
<p><b>D1.4.4 Acoustic Privacy</b></p> <p>a) Dwellings must be sited and designed to limit the potential for excessive noise transmission to the sleeping areas of adjacent dwellings. Accordingly, the main living room windows, barbecues, swimming pools and spa pools, garbage collection areas, pumps and air conditioners must not be located immediately adjacent to the bedroom windows of adjoining dwellings.</p> <p>b) Attached dual occupancies and other dwellings with common walls must be designed to reduce noise transmission between dwellings through the following measures:</p> <ul style="list-style-type: none"> <li>• Locate noise generating areas adjacent to each other, and quiet areas next to each other (eg living rooms to living rooms)</li> <li>• Locate less sensitive areas, such as stairways, store rooms, toilets, built-in wardrobes and the like adjacent to the party wall for both dwellings to serve as a noise buffer</li> <li>• Avoid locating wet areas such as toilets, laundries and kitchens adjacent to the bedrooms of the adjoining dwelling.</li> </ul> <p>c) To improve acoustic privacy the following can be implemented into building design:</p> <ul style="list-style-type: none"> <li>• bedroom windows and car parking areas are to be a distance of three (3) metres apart;</li> <li>• doors and windows of adjoining dwellings are to be a distance of three (3) metres apart; and</li> <li>• shared walls and floors are to be constructed to reduce noise transmission</li> </ul> <p>d) Building setbacks are to be varied to ensure adjoining residents feel an adequate sense of acoustic privacy when using rooms fronting driveways, accessways, pathways and the street.</p> <p>e) Dwellings abutting major roads and other noise generating land uses should be designed and sited to minimise noise impacts. This may be achieved by:</p> <ul style="list-style-type: none"> <li>• Locating bedrooms and other noise sensitive rooms away from the road;</li> <li>• Using thick glass panes or double glazing to windows fronting the road;</li> <li>• Using solid core doors and appropriate seals to vents and other openings;</li> <li>• Mounding within the landscape; and</li> <li>• Solid wall construction</li> </ul>	

Eco-tourist Facility, Lot 3 Spring Hill Road, East Jiradabyne \*SEE Appendix I: SR DCP 2013 – Assessment Table

Snowy River Development Control Plan 2013	
<p><b>D1.4.5 Landscape Design</b></p> <p>a) The design of the development is to minimise site disturbance and preserve existing landscape elements such as rock formations, trees and other natural features. The use of a properly qualified arborist will assist in determining which trees should be retained, transplanted or removed.</p> <p>b) Existing mature native trees on the site must be retained and incorporated in the landscape design wherever possible. Where a development involves the removal of such existing trees, suitable replacement planting of equivalent or large size must be provided.</p> <p>c) Proposed and existing trees must be protected by locating paved areas, underground services (including rainwater tanks) and building structures away from their root zones.</p> <p>d) Landscaping is to be designed to meet user requirements including maintenance, specific design opportunities and shade provision without reducing aesthetic quality.</p> <p>e) Landscaping to the street frontage is to be substantial and aimed to enhance the appearance of the development.</p> <p>f) Landscaping design should account for the following:</p> <ul style="list-style-type: none"> <li>• climatic conditions of the area</li> <li>• siting of new trees, shrubs and ground cover based their full growth potential (root system and canopy spread)</li> <li>• scale of the street reserve width and bulk of the building</li> <li>• safety of pedestrians and potential for landscaping to damage services and roads</li> <li>• privacy between dwellings</li> </ul> <p>g) Paving is to be provided to walkways, areas in the vicinity of garbage enclosures, letter boxes and clotheslines in materials to complement the design of the building and in non-slip finishes suitable for use by people with disabilities</p> <p><b>D1.4.6 Tree Replenishment</b></p> <p>a) Development proposals should contribute to the retention and replenishment of trees so as to retain the predominant character for the area that provides for large canopy trees. A list of recommended landscape species is included in Chapter C5 Tree Preservation and Landscaping (Appendix C5-1).</p> <p>b) Lots with the following sizes should support a minimum number of trees capable of attaining a minimum height of 13 metres on decomposed granite soils:</p> <ul style="list-style-type: none"> <li>• Lots less than 850m<sup>2</sup> = one (1) tree</li> <li>• Lots 850 – 1000m<sup>2</sup> = three (3) trees</li> <li>• Lots 1000 – 1500m<sup>2</sup> = five (5) trees</li> <li>• Lots over 1500m<sup>2</sup> = seven (7) trees</li> </ul> <p>c) When siting trees consideration should be given to solar access in adjoining properties and impact on views and view sharing.</p>	
<p><i>These are considered urban controls, nonetheless proposed Cabins 1 &amp; 2 will include native tree planting to offset the loss of trees and provide a visual screen to the south-east.</i></p>	

Eco-tourist Facility, Lot 3 Spring Hill Road, East, Jindabyne • SEE Appendix I: SR DCP 2013 - Assessment Table

#### Shoalwater Development Concept Plan 2013

##### D1.4.7 View Sharing

- a) All property owners should be able to develop their property within existing planning controls however views should not be substantially affected where it is possible to design to share views.
- b) The location and design of dwellings and outbuildings must reasonably maintain existing developed view corridors or vistas from the neighbouring dwellings, streets and public open space areas.
- c) In assessing potential view loss impacts on neighbouring dwellings, retaining existing views from the living areas (living room, dining room, lounge and kitchen) should be given a priority over those obtained from the bedrooms and non-habitable rooms.
- d) The design of fences and selection of plant species must minimise obstruction of views from the neighbouring dwellings and the public domain.

##### D1.4.8 Safety & Security

- a) The main entry to a dwelling must be located on the front elevation facing the street and be readily identifiable, unless the site has a narrow frontage width.
- b) The street number of a dwelling must be clearly display near the main entry.
- c) Dwellings adjacent to public or communal streets or public space are to be designed to provide for casual surveillance.
- d) Front fences, parking facilities and landscaping must be designed so as not to obstruct casual surveillance to and from the dwelling and to permit safe access by residents and visitors.
- e) Adequate lighting is to be made available to all public areas.
- f) Dwellings must provide at least one (1) habitable room window with a glazed area large enough to provide surveillance and located so as to overlook the street or public place.

The view corridor from the adjoining dwelling to the south-east on Lot 4 was assessed and proposed Cabins 3, 4 & 5 were located so they were not visible. Proposed Cabins 1 & 2 will however be visible, but located over 400m away. Together with the single storey design and tree planting to be located to the south-east of each cabin, any potential obstruction of views will be mitigated.

Not applicable.

Ecotourist Facility, Lot 3 Spring Hill Road, East Jindabyne ♦ SEE Appendix I: SR OCP 2013 – Assessment Table

Snowy River Development Control Plan E013	
Control	Comment
<p><b>7. Car Parking &amp; Access</b></p> <p><b>1.5.1 Car Parking &amp; Access</b></p> <p>a) Carparking is to be provided to meet the number of dwellings and the occasional need for overflow and visitor parking and must be designed and located to provide easy access and on-site maneuverability and may include underground or semi basement parking.</p> <p>b) The size of parking structures should reflect:</p> <ul style="list-style-type: none"> <li>• Functional requirements;</li> <li>• Amount of space available (for example having regard to the location of existing buildings or trees); and</li> <li>• Bulk and scale relationship with existing development on-site and adjacent.</li> </ul> <p>c) Car parking areas, driveways, garages and carports are not to visually dominate the site and should be sympathetic to existing adjacent development and the streetscape.</p> <p>d) The visual impact of driveways and car parking areas should be reduced by:</p> <ul style="list-style-type: none"> <li>• the use of irregular driveway alignment;</li> <li>• minimising the width of driveways;</li> <li>• breaking up the appearance of driveways with landscaping;</li> </ul> <p>e) Minimising the visual dominance of a carport or garage may be achieved by:</p> <ul style="list-style-type: none"> <li>• Integrating structures within the development</li> <li>• Breaking up structures with different surface and wall treatments and landscaping;</li> <li>• Locating parking at the rear of the site where rear access is available;</li> <li>• Limiting garages to single or double; or</li> <li>• Aligning doors at right angles to the street.</li> </ul> <p>f) Hard surface driveways should be kept to a minimum.</p> <p>g) Construction of car parking spaces and driveways are to be adequately sealed drained and marked.</p> <p>h) The location of a carport or garage should have regard to:</p> <ul style="list-style-type: none"> <li>• The location of trees on site;</li> <li>• The position of windows and other structures on adjacent sites;</li> <li>• The heritage significance of heritage items and their settings and the heritage significance of conservation areas.</li> </ul> <p>i) Accessways, driveways and car parking spaces are to be designed to permit a vehicle to:</p> <ul style="list-style-type: none"> <li>• enter the car parking space in a single movement;</li> <li>• leave the car parking space in no more than 2 movements;</li> <li>• enter and leave the site in a forward direction;</li> <li>• enter and leave the site by a reversing movement where local conditions make it safe to do so. (e.g. cul-de-sacs).</li> </ul>	<p>Car parking and access has already been addressed as part of C2 of the DCP above.</p>

Ecotourist Facility, Lot 3 Spring Hill Road, East Jindabyne ♦ SEE Appendix I: SR DCP 2013 - Assessment Table

Shoony River Development Control Plan 2013	
<b>8. Services &amp; Site Facilities</b>	
<b>Control</b>	<b>Comment</b>
<b>D1.6-1 Services</b>	<i>Refer to the response provided to clause 7.9 of the SR LEP, 2013 in Section 5 of the SEE.</i>
a) The design and provision of sewerage, water, electricity, street lighting, telephone and gas services are to conform to the cost-effective performance measures of the relevant servicing authority.  b) The development shall include designed stormwater management systems which: <ul style="list-style-type: none"> <li>• Consider downstream capacity and the need for on-site stormwater detention and re-use</li> <li>• Opportunities for on-site infiltration of water</li> <li>• Minimise the impacts on water balance and quality</li> <li>• Consider the safety of pedestrians and vehicles</li> <li>• Incorporate emergency spillways and overland flow paths</li> </ul> c) Developments serviced by reticulated water supply are to comply with the relevant domestic and fire fighting standards.  d) Individual water meters are required to assist with the billing of individual dwellings.	
<b>D1.6-2 Site Facilities</b>	<i>Not applicable.</i>
a) Adequate and accessible open-air drying facilities are to be provided for residents. External drying facilities at a rate of 7.5m of line per dwelling is to be provided and located so as not to be visible from a public place.  b) Garbage bin areas, mail boxes and external storage facilities are to be easily accessible and designed for visual appearance.  c) Dwellings are to be provided with adequate storage areas and clothes drying facilities.  d) A garbage pick up area capable of accommodating one (1) garbage bin per dwelling is to be provided at the public road frontage. The garbage bin enclosure is to be designed in accordance with Chapter C10Waste and Recycling.  e) Only one (1) telecommunications/TV antenna is permitted for residential flat buildings.  f) Where air conditioning equipment is proposed it is to be located within the roof space or other non-visible location and not on the roof itself.	
<b>9. Fencing &amp; Ancillary Development</b>	
<b>Control</b>	<b>Comment</b>
<b>D1.7-1 Fencing - General</b>	<i>Not applicable.</i>
a) Fences are to be constructed with durable materials that are suitable for their purpose and can properly withstand war and tear and natural weathering.  b) Expensive surfaces of blank rendered masonry to the street frontages must be avoided.	

Eco-tourist Facility, Lot 3 Spring Hill Road, East Jindabyne • SEE Appendix I: SR DCP 2013 - Assessment Table

D1.7.2 Front Fences	Not applicable.
<p>a) The front fence must align with the front property boundary of the predominant fence setback line along the street.</p> <p>b) Gates must not open over public land.</p> <p>c) Front fences should be designed and located so as to:</p> <ul style="list-style-type: none"> <li>• Maintain the streetscape character</li> <li>• Be consistent with the established pattern of fencing</li> <li>• Allow private gardens to merge with their neighbours and support the landscape character of the area</li> <li>• Ensure an adequate amount of useable private open space</li> <li>• Be historically appropriate and retain the heritage significant of heritage items and their settings, and the heritage significance of conservation areas.</li> </ul> <p>d) The design of the development sets out the role of front fences or walls where they are a component of the streetscape.</p> <p>e) Front fences or walls enable some outlook from the buildings for safety and surveillance.</p> <p>f) The design of fences or walls is used to highlight entrances.</p> <p>g) The fence or wall is an integral part of the street frontage area and includes mailboxes and garbage collection areas.</p> <p>h) The use of front fences or walls creates private open spaces between the building and the street.</p> <p>i) Front fences or walls should be no more than 1.2m in height. This height may be increased to 1.8m if the fence has openings that make it not less than 50% transparent.</p> <p>j) Front fences or walls should be designed to use similar or compatible materials as used in the locality.</p> <p>k) The use of recesses, openings, landscape bays or variation in colour, texture or materials to create visual interest.</p>	Not applicable.

Ecotourist Facility, Lot 3 Spring Hill Road, East Jindabyne \*SEE Appendix I: SA DCP 2013 - Assessment Table

Snowy River Development Control Plan 2013	
<p><b>D1.7.3 Side and Rear Fences</b></p> <p>a) Side fences on corner allotments should be designed and located so as to:</p> <ul style="list-style-type: none"> <li>• Maintain the streetscape character;</li> <li>• Be consistent with the established pattern of fences;</li> <li>• Ensure an adequate amount of usable private open space, and</li> <li>• Retain the heritage significance of heritage items and their settings, and conservation areas.</li> </ul> <p>b) The maximum height of side, rear or common boundary fences is 1.8m, as measured from the ground level (existing). For sloping sites, the fence must be stepped to follow the topography of the land, with each step not exceeding 2200mm above ground level (existing).</p> <p>c) Where there is a significant level difference between the development site and adjoining allotments, the fencing height will be considered on merit.</p> <p>d) The side fence must be tapered down to match the height of the front fence once past the front facade alignment.</p> <p>e) Fences constructed of corrugated iron, untreated galvanised or zincalume metal panels chain wire are permitted where they do not follow the front or side boundary for a length of not more than 8 metres from the front boundary.</p> <p><b>D1.7.4 Outbuildings</b></p> <p>a) Outbuildings are to be located behind the alignment of the front building facade.</p> <p>b) Outbuildings in the backyard space must be positioned to optimise open space and must not be located within the requirement permeable surfaces.</p> <p>c) Outbuildings may be constructed to the side and rear boundaries where:</p> <ul style="list-style-type: none"> <li>• The external walls are finished and do not require frequent maintenance</li> <li>• There are no windows or openings facing the adjoining allotments</li> <li>• Adequate solar access to the adjoining dwellings is maintained</li> </ul>	<p><i>Not applicable.</i></p> <p><i>Not applicable.</i></p>

Eco-tourist Facility, Lot 3 Spring Hill Road, East Jindabyne ♦ SEE Appendix I: SR DCP 2013 – Assessment Table

### Snowy River Development Control Plan 2013

#### E1 Tourist Development

##### 4. Eco-tourist Facility

Control	Comment
<b>E1.3-1 Design of Eco-Tourist Facility</b> (a) The development is to be designed to utilise building materials that blend in with the surrounding landscape, promoting the use of recycled materials and materials sourced from the region. (b) The development is to maximise energy efficiency and use a minimum of non-renewable energy. (c) The development is to be designed on the basis of ecological sustainability and an understanding of the potential environmental impacts. (d) Any buildings and infrastructure is not to dominate the visual landscape and is to be compatible with the local cultural character.	<p><i>The proposed development has been designed utilising shipping containers, a recycled structure that will form the basic structure of the cabins.</i></p> <p><i>As outlined in Section 3.2 of the SEE, the development has been designed to maximise energy efficiency through the passive solar design principles applied and use of renewable energies including solar and geothermal. The development has been founded on sustainability principles and has identified and addressed any potential environmental impacts.</i></p> <p><i>All of the buildings have been designed and located so that they do not dominate the visual landscape and scenic character, as documented in Section 4.3 of the SEE.</i></p>
<b>E1.3-2 Operation of Eco-Tourist Facility</b> (e) An eco-tourist facility that accommodates over 15 guests must be centrally managed by on-site management with all structural and land components being the responsibility of one management whether or not individual structures are owned by different entities. (f) Where a manager's residence is provided as part of an eco-tourist facility, an existing or proposed dwelling is to operate as the manager's residence (where possible). (g) Only one manager's residence is permitted on land on which the eco-tourist facility is proposed. (h) The eco-tourist facility must operate on a year-round basis. (i) The eco-tourist facility accommodation must be used solely for the provision of temporary holiday accommodation (no more than three consecutive months).	<p><i>The smaller of the two dwellings approved on the site, will be used as a manager's residence to centrally manage the Eco-tourist facility.</i></p> <p><i>The proposed development has been founded on being a year-round operation, not dependent on winter or snow.</i></p> <p><i>The cabins are to be used for short-term holiday accommodation, not to be used more than three (3) consecutive months as required.</i></p> <p><i>The development will include an educational component to allow for the dissemination of information and knowledge and provide opportunities for visitors to experience the nature and culture of the development, its setting and locality as addressed in Section 3.2.5 of the SEE.</i></p>
<b>E1.3-3 Nature of Eco-Tourist Facility</b> (e) The development may contain facilities for the teaching, researching or dissemination of knowledge in respect of the natural and cultural history of the area. (b) The development will provide opportunities for visitors to experience nature and culture in ways that lead to a greater understanding, appreciation and enjoyment.	<p><i>As outlined above, the proposed development has been designed to provide adequate on-site parking in accordance with parking rates and design requirements in Chapter C3 of the DCP.</i></p>
<b>E1.3-4 Car Parking</b> (a) Adequate on-site car parking and bus parking and manoeuvrability is to be provided to cater for the peak use of the facility. (Refer to Chapter C3 Car Parking & Access for parking rates and design) (b) The development application may be required to be supported by a traffic assessment prepared by a suitably qualified traffic engineer demonstrating that adequate parking is provided for the peak use of the facility.	

Eco-tourist Facility, Lot 3 Spring Hill Road, East Jindabyne \*SEE Appendix I: SR DCP 2013 - Assessment Table

Snowy River Development Control Plan 2013	
<p><b>E1.3-5 Access for Persons with a Disability</b></p> <p>(a) Reasonable provision within the building and access areas is to be made for movement and circulation for people with disabilities.</p> <p>(b) The development must demonstrate consistency with the provisions of the Disability Discrimination Act 1992 (Commonwealth).</p> <p>(c) The development must comply with the Building Code of Australia with respect to access and circulation for persons with a disability.</p>	<p>Access for persons with a disability will be provided in accordance with the Commonwealth Disability (Access to Premises - Buildings) Standards 2010 (the Premises Standards).</p> <p>Consideration of the Premises Standard only occurs at the Construction Certificate stage, when the building is required to be assessed in accordance with the Building Code of Australia.</p>
<p><b>E1.3-6 Waste Management</b></p> <p>(a) Waste is to be managed in a safe, tidy and environmentally responsible manner and in accordance with legislative requirements.</p> <p>(b) Waste management is to be based on the principles of waste avoidance and maximising reuse and recycling of materials.</p> <p>(c) Details of the waste management strategy for the eco-tourist facility (both construction and operational phases) must be submitted to Council when a Development Application is lodged. (Refer to Chapter A2 Development Application Requirements).</p>	<p>Construction waste will largely be reduced due to the use of shipping containers, a recycled building structure.</p> <p>Any other construction waste can be managed as identified in the CEMP provided in Appendix B.</p> <p>Through the principles of waste minimisation &amp; recycling, the operational management of the development will further result in waste being appropriately minimised and managed. This can be achieved by applying the below waste reducing actions:</p> <ul style="list-style-type: none"> <li>• Implement recycling in all areas of the cabins.</li> <li>• Provide ample recycling bins and fewer waste bins, encouraging guests and staff to recycle rather than trash waste.</li> <li>• Purchase products with minimal or reusable packaging.</li> <li>• Replace disposable items with reusable ones, such as refillable soap and shampoo containers.</li> <li>• Compost organic wastes, including food and garden cuttings.</li> <li>• Use environmentally friendly cleaning and gardening supplies.</li> <li>• Inform staff and guests of waste reduction goals.</li> <li>• Monitor and measure waste and recycling levels.</li> </ul>



*All communications to be addressed to:*

Headquarters  
15 Carter Street  
Lidcombe NSW 2141

Headquarters  
Locked Bag 17  
Granville NSW 2142

Telephone: 1300 NSW RFS  
e-mail: [csc@rfs.nsw.gov.au](mailto:csc@rfs.nsw.gov.au)

Facsimile: 8741 5433



The General Manager  
Snowy River Shire Council  
PO Box 143  
BERRIDALE NSW 2628

Your Ref: DA0118/2015  
Our Ref: D15/1265  
DA15051296850 MD

**ATTENTION:** Dennis Trezise

28 July 2016

Dear Sir / Madam

**Integrated Development for 97 Spring Hill Road East Jindabyne 2627**

I refer to your letter dated 1 February 2016 seeking general terms of approval for the above Integrated Development in accordance with Clause 55(1) of the Environmental Planning and Assessment Regulation 2000.

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

1. The development proposal is to generally comply with the Concept Site Plan, prepared by unspecified, dated 28/1/2016 reference number BARRY-IAN-2-DA, Issue F.

NOTE - no approval is issued for those components marked on the plan as being "future".

**Asset Protection Zones**

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

2. Prior to issue of subdivision or occupation of the cabin (which ever occurs first), the corresponding asset protection zones (APZ) applicable for each cabin specified in the table below shall be created (as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones') and maintained for the life of the development:

Cabin Asset Protection Zones (APZ)

North East South West

1 - 40m 40m 50m 60m

2 - 40m 40m 50m 60m

3 - 40m 40m 50m 50m

3. Where any APZs specified in the Table above extend outside of the lot boundaries for any allotment, The Community Title Management Statement must include a requirement for a management regime that provides for the ongoing maintenance of the APZs for the life of the development.
4. Any proposed "screen" plantings and/or landscaping shall comply with the requirements for an Asset Protection zone if located within the distances specified above. If the "screen" plantings are located outside of the APZ requirements, then they shall comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006' to ensure they do not become a hazard.

**Water and Utilities**

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

5. Water and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.

**Access**

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

6. Prior to issue of subdivision or occupation of any cabin (which ever occurs first) the primary access road (being the southern access road which commences as a right of way), from the entrance point off Kosciuszko Road along the southern property boundary and for its length inside the site to the point where it joins up with Spring Hill Road in the north, shall be upgraded/constructed to comply with the following requirements of section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006':
  - Be lawfully available to access all proposed lots.
  - Be all weather surface.
  - Have a minimum trafficable width of 6.5 metres
  - Any carriageway constriction along the property access road shall be no less than 3.5 metres in width and for a distance of no greater than 30m.
  - Provide a minimum vertical clearance of 4 metres to any overhanging obstruction, including tree branches.

- Curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress.
  - The minimum distance between the inner and outer curves is 6 metres.
  - The crossfall is not to exceed 10 degrees.
  - Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.
  - Roads do not traverse through a wetland or other land potentially subject to periodic inundation (other than flood or storm surge) unless built to a suitable flood immunity level as determined by the Council.
  - Roads are clearly signposted and bridges clearly indicate load ratings.
  - The road surfaces and bridges have a capacity to carry fully loaded fire fighting vehicles (15 tonnes).
  - Vegetation within 6 metres of either side of the formed road shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'. Trees which are tall enough to fall and cut off access shall be removed to provide safe access and egress in the case of a fire. A suitable legal mechanism shall be provided to ensure the management of this land as required above is carried out for the life of the development.
7. Prior to issue of subdivision or occupation of any cabin (which ever occurs first) the access road servicing proposed cabins 1, 2 and 3, which comes off the internal access road shall be constructed to comply with the following requirements of section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006':
- An all weather surface, minimum carriageway width of 4 metres.
  - Any carriageway constriction along the property access road shall be no less than 3.5 metres in width and for a distance of no greater than 30m.
  - Provide a minimum vertical clearance of 4 metres to any overhanging obstruction, including tree branches.
  - Internal roads provide a turning circle with a minimum 12 metre outer radius within immediate proximity to each cabin.
  - Curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress.
  - The minimum distance between the inner and outer curves is 6 metres.
  - The crossfall is not to exceed 10 degrees.
  - Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.
  - Roads do not traverse through a wetland or other land potentially subject to periodic inundation (other than flood or storm surge) unless built to a suitable flood immunity level as determined by the Council.
  - Roads are clearly signposted and bridges clearly indicate load ratings.

### **Evacuation and Emergency Management**

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

8. An Emergency /Evacuation Plan for the facility is to be prepared consistent with the NSW Rural Fire Service document 'A guide to developing a Bush Fire Emergency Management and Evacuation Plan' 2014. The Emergency/Evacuation Plan is to include details on the following:
  - 1) under what circumstances will the complex be evacuated;
  - 2) where will occupants be evacuated to;
  - 3) roles and responsibilities of persons co-ordinating the evacuation;
  - 4) roles and responsibilities of persons remaining with the complex after evacuation; and
  - 5) a procedure to contact the NSW Rural Fire Service District Office / NSW Fire Brigade and inform them of the evacuation and where they will be evacuated to.

### **Design and Construction**

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

9. Each cabin shall be constructed at minimum, in accordance with Sections 3 and 5 (BAL 12.5) of Australian Standard 3959-2009 Construction of Buildings in Bushfire-prone Areas and in accordance with Addendum: Appendix 3 of 'Planning for Bushfire Protection' 2006.

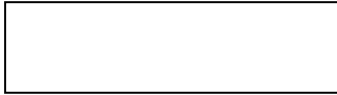
### **General Advice – consent authority to note**

- The developer should provide a copy of the above required Emergency and Evacuation Plan to the local Bush Fire Management Committee for their information prior to the occupation of any accommodation of a special fire protection purpose or community title subdivision.
- The RFS notes Council's advice that Spring Hill Road is available as an alternate access for occupants of the site and that no upgrade of Spring Hill Road is permitted by Crown Lands, the owners of Spring Hill Road as part of this proposal.

This letter is in response to a further assessment of the application submitted and supersedes our previous general terms of approval dated 3 September 2015.

For any queries regarding this correspondence please contact Martha Dotter on 1300 NSW RFS.

Yours sincerely



Amanda Moylan

**Team Leader Development Assessment and Planning**

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au) and search under 'Planning for Bush Fire Protection, 2006'.

Our Ref: STH15/00055/04  
Contact: Amanda Priestley (02) 4221 2771  
Your Ref: DA0118/2015



1 July 2016

Sophie Ballinger  
Snowy River Shire Council  
BY EMAIL: records@snowyriver.nsw.gov.au

**DEVELOPMENT APPLICATION 0018/2015 – LOT 1 DP 1216908, 97 SPRING HILL ROAD,  
EAST JINDABYNE, ECO TOURIST FACILITY**

Dear Madam

RMS has reconsidered the subject development application.

RMS maintains the appropriate treatments for the junctions of Kosciuszko Road with Spring Hill Road and the private access road to the south are BAL/BAR. For clarification purposes the location of these junctions with Kosciuszko Road are highlighted and labelled as Location A for Spring Hill Road and Location B for the private access road to the south, in the attached diagram.

RMS notes there may be challenges in upgrading the intersection of Kosciuszko Road and Spring Hill Road. Most significantly, RMS understands Spring Hill Road is affected by a Travelling Stock Route (TSR) and two separate land claims that may impact on the ability to achieve a complying BAL.

Given the above, RMS would not object to the development provided the following conditions are placed in the consent:

- Prior to the issuing of the construction certificate, the developer must enter into a Works Authorisation Deed (WAD) with the RMS for all works on Kosciuszko Road.
- The proponent must undertake necessary works to achieve Safe Intersection Sight Distance at the access in accordance with Austroads *Guide to Road Design – Part 4a: Unsignalised and Signalised Intersections* Table 3.2, in both directions, i.e. 300m in both directions for a design speed of 100km/h.
- Prior to any occupation, the developer must upgrade the junctions of Kosciuszko Road with Spring Hill Road and the existing private access road south of Spring Hill Road, to be a sealed Type Basic left turn (BAL) together with a sealed Type Basic right turn (BAR) configuration in accordance with Austroads *Guide to Road Design – Part 4a: Unsignalised and Signalised Intersections*. The access must be sealed a minimum distance of 10m back from the edge of seal.

Note: RMS understands access between this development and Spring Hill Road may be restricted. If this is the case, then RMS would not object to above condition being removed from the consent for the Spring Hill Road Intersection.

**Roads & Maritime Services**

Level 4, Southern Regional Office, 90 Crown Street, Wollongong NSW 2500 | PO Box 477 Wollongong East NSW 2520  
T 02 4221 2460 | F 02 4221 2777 | [www.rmservices.nsw.gov.au](http://www.rmservices.nsw.gov.au) |

- All roadworks, traffic control facilities and other works associated with this development, including any modifications required to meet RMS standards, will be at no cost to RMS. All works must be completed prior to occupation.
- All roadworks and traffic control facilities must be undertaken by a pre-qualified contractor. A copy of pre-qualified contractors can be found on the RMS website at:

<http://www.rta.nsw.gov.au/doingbusinesswithus/tenderscontracts/prequalifiedcontractors.html>

- RMS will be exercising its powers under Section 64 of the Roads Act, 1993 to become the roads authority for works on Kosciuszko Road. Given this, Section 138 consent under the Roads Act, 1993 must be obtained from the RMS prior to construction.

Note: It is requested that Council advise the applicant that conditions of development consent do not guarantee RMS final consent to the specific road work, traffic control facilities and other structures and works on the classified road network. In this regard, prior to undertaking any such work, the applicant is required to submit detailed design plans and all relevant additional information prior to commencing work on the State road network. The developer will need to pay all RMS fees and charges associated with works. In the first instance, to progress the post consent process, the applicant should email the conditions of development consent to: [WAD.southern@rms.nsw.gov.au](mailto:WAD.southern@rms.nsw.gov.au)

- The developer must apply for, and obtain a Road Occupancy Licence (ROL) from the RMS Traffic Operations Unit (TOU) prior to commencing roadworks on a State Road or any other works that impact a travel lane of a State Road or impact the operation of traffic signals on any road. The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Speed Zone Authorisation will also be required from the TOU. The developer must submit the ROL application 10 business days prior to commencing work. It should be noted that receiving an approval for the ROL within this 10 business day period is dependent upon RMS receiving an accurate and compliant TMP.

Notes: An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by RMS Project Manager.

Conditions of development consent relating to road work, traffic control facilities and other structures on the classified road network contrary to those outlined above are unlikely to receive RMS consent under the Roads Act, 1993.

RMS highlights that in determining the application under Part 4 of the Environmental Planning and Assessment Act, 1979, it is the consent authority's responsibility to consider the environmental impacts of any road works which are ancillary to the development. This includes any works which form part of the proposal and/or any works which are deemed necessary to include as requirements in the conditions of development consent. Depending on the level of environmental assessment undertaken to date and nature of the works, the consent authority may require the developer to undertake further environmental assessment for any ancillary road works.

In addition to the above, RMS notes that the revised application also proposes the installation of various signage along Spring Hill Road. RMS highlights any speed zone signs are a matter for RMS to approve. RMS generally do not support the installation of speed zone signage on an unformed road.

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#### Roads & Maritime Services

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Level 4, Southern Regional Office, 90 Crown Street, Wollongong NSW 2500 | PO Box 477 Wollongong East NSW 2520  
T 02 4221 2460 | F 02 4221 2777 | [www.rmservices.nsw.gov.au](http://www.rmservices.nsw.gov.au) |

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Upon determination of this matter, it would be appreciated if Council could email a copy of the Notice of Determination to RMS via [development.southern@rms.nsw.gov.au](mailto:development.southern@rms.nsw.gov.au).

Yours faithfully


Chris Millet  
Acting Network & Safety Manager  
Network Management, Southern Region

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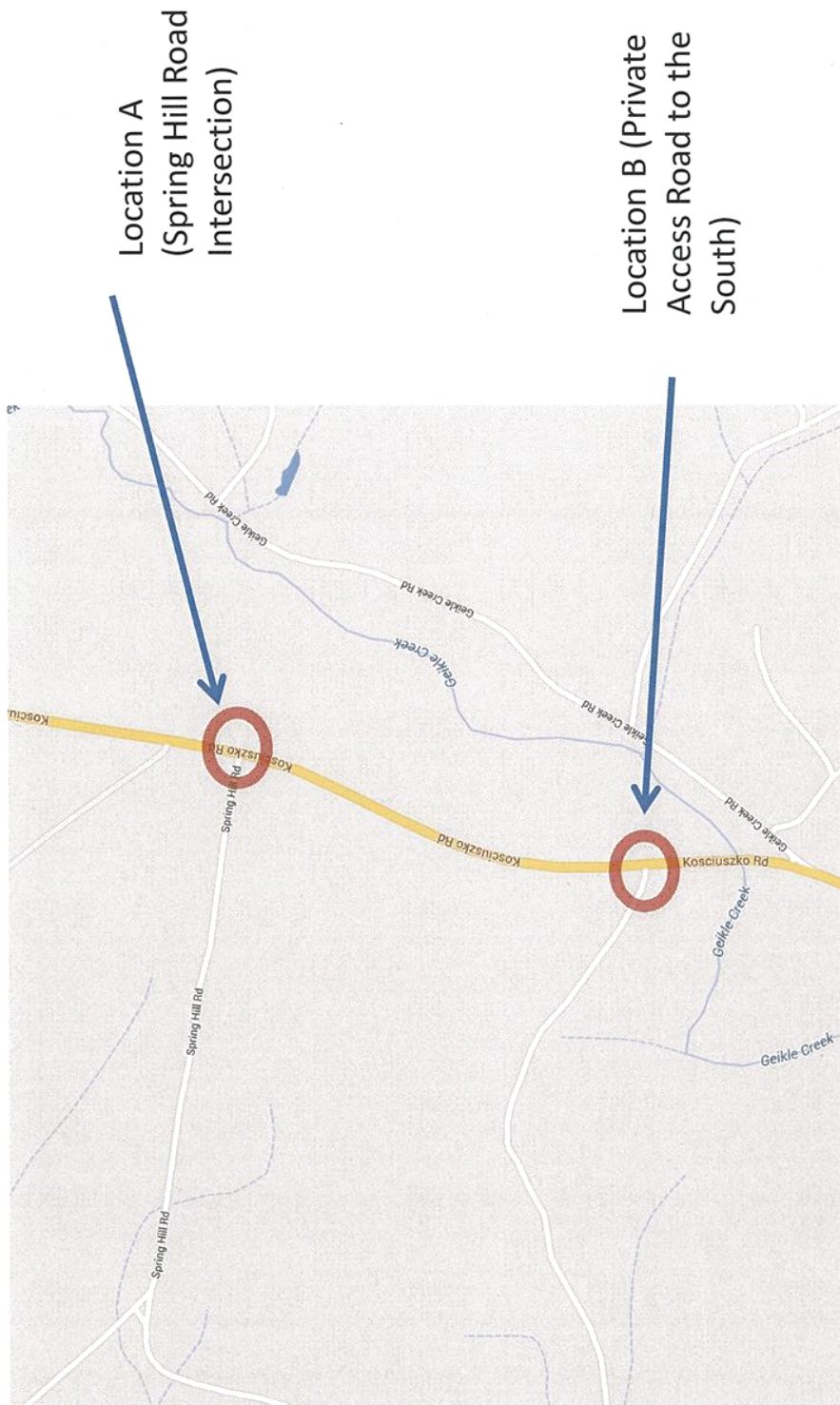
**Roads & Maritime Services**

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Level 4, Southern Regional Office, 90 Crown Street, Wollongong NSW 2500 | PO Box 477 Wollongong East NSW 2520  
T 02 4221 2460 | F 02 4221 2777 | [www.rmsservices.nsw.gov.au](http://www.rmsservices.nsw.gov.au) |

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11 September 2015

Contact: David Zerafa  
Phone: 02 4428 9142  
Fax: 02 4421 2172  
Email: david.zerafa@dpi.nsw.gov.au

The General Manager  
Snowy River Shire Council  
PO Box 143  
Berridale NSW 2628

Our ref: 10 ERM 2015/0769  
File No: 2015/0769  
Your Ref: DA0118/2015

**Attention:** Sophie Ballinger

Dear Sophie,

**Re: Development Application DA 0118/2105  
Proposed Eco tourist Facility including Community Title Subdivision  
at Lot 3 DP 1175878, 97 Spring Hill Rd, East Jindabyne.**

I refer to your correspondence dated 8 May to the NSW Office of Water regarding the abovementioned development Application (DA). DPI Water (formerly the NSW Office of Water) has considered the DA in terms of its statutory obligations under the Water Management Act 2000 and the Water Act 1912.

DPI Water apologises for the delay in providing this response

Water Management Act 2000

For the purposes of the *Water Management Act 2000* (WM Act), DPI Water advises that a controlled activity approval is not required for this proposal as no "works" are proposed on waterfront land. In this instance waterfront land is considered to be the bed of Lake Jindabyne, together with any land within 40 metres of the shore of the lake.

Should the proposed development be varied in any way that results in development extending onto land that is waterfront land, or encompassing works that are defined as controlled activities, then DPI Water should be notified.

Water Act 1912

As indicated in the Statement of Environmental Effects (SEE) accompanying the DA, DPI Water can confirm that the subject Lot 3 DP1175878 has been issued with a water extraction licence (10SL057230), under Section 10 of Part 2 of the Water Act 1912. The licence was issued in September 2014 for the purpose of domestic use for a five year, renewable period with an extraction entitlement of 1ML.

The DA proposes that this entitlement will be used to provide water supplies for the Eco tourist facility.

DPI Water advises that domestic use is defined as providing water supply to a single dwelling attaching to the property. However, the use of water pumped from Lake Jindabyne to supply the proposed Eco tourist cabins as part of a commercial business venture would be deemed contrary to the definition of domestic use.

2

In this regard, the proponent must apply for a replacement water licence to reflect the alternative purpose for which the water is to be used. That is, for both domestic use and water supply to tourist cabins (commercial/industrial).

Any application for a replacement licence would need to be processed in accordance with statutory guidelines for processing applications under Part 2 of the Water Act 1912.

It should be noted that the Water Act 1912 will likely be replaced by the Water Management Act 2000 (WMA), sometime this year. If an application to amend the purpose of the licence is lodged after the commencement of the Water Management Act 2000, then obviously, assessment procedures will be in accordance with the requirements of the Water Management Act 2000.

Further information on controlled activity approvals and the Water Management Act 2000 can be obtained from DPI Water's website: [www.water.nsw.gov.au](http://www.water.nsw.gov.au)

DPI Water requests that a copy of this advice be provided to the proponent.

Please direct any questions regarding this correspondence to David Zerafa on 4428 9142 or email [david.zerafa@dpi.nsw.gov.au](mailto:david.zerafa@dpi.nsw.gov.au)

Yours sincerely,

A rectangular box with a black border, used to redact the signature of David Zerafa. A small, faint mark is visible above the box.

David Zerafa  
Senior Water Regulation Officer  
Water Regulation Operations South  
NSW Department of Primary Industries - Water

10 March 2016

The General Manager  
Snowy River Shire Council  
PO Box 143  
BERRIDALE NSW 2628

Dear Sir

**RE: Proposed Development Application DA0118/2015  
97 Spring Hill Road, East Jindabyne NSW 2627  
Lot 3 DP 1175878**

We have reviewed the letter prepared by Dabyneplanning on behalf of the proprietor of the property Mr Ian Barry ("the Developer") dated 29 January 2016 proposing some amendments to the original application. We continue to object to the proposed development and have detailed our collective objections to the proposed amendments in the attached document headed ***"An outline of the community concerns regarding proposed development DA0118/2015"***.

We confirm as a matter of course that we have never made any reportable political donations to any local councillor, any gifts to any local councillor or any employee of the Snowy River Shire council.

We note that the recent letter written on behalf of the Developer has not in essence changed the original application, with the only material change being the reduced number of cabins from 5 to 3. The full 5 cabins, however, still remain in the Site Plan submitted to council.

It is our collective view that the issues and concerns, addressed in the attached document as well as in the objections already submitted to council on an individual basis, remain paramount to the fact that the application is flawed and should not be accepted. Fundamentally the application does not satisfy an eco-tourist facility, it is not in the public interest and the immediate local community is unanimous in its opposition.

**We unanimously consider that the findings and recommendations contained in the Manager of Development Assessments' report to Council prepared for the 10 November 2015 council meeting continue to be upheld. In particular we support the Manager of Planning's recommendation that this Development Application be refused.**

We urge you and Council to favourably consider the previous recommendations made by your Manager of Development Assessments and refuse the proposed Development Application accordingly.

Yours sincerely,

# DA0118/2015 Community Impact & Considerations

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An outline of the community concerns regarding  
proposed development DA0118/2015

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## SUMMARY OF KEY OBJECTIONS

The current DA submission does not deal with any of the concerns raised in the original objections or indeed council's planning department's original report and recommendation that the proposal be rejected.

Below is a summary of the key objections, broken down into 4 main areas of concern, more specific detail can be found in the attached appendices.

### 1. DEVELOPMENT IS A SUBDIVISION, NOT AN ECO-TOURIST DEVELOPMENT AND IS CONTRARY TO PUBLIC INTEREST

1. The proposed development does not satisfy the requirements under 5.13(3) of the Snowy River LEP 2013.
2. The development is essentially a subdivision of land, under the guise of an "Eco-Tourist facility" – which stands to benefit the Developer only, to the detriment and opposition of all neighbouring properties.
3. The proposed development is seriously contrary to the public interest as it will require council to take responsibility for an existing Crown Public Road and include this road within Council's public road network. S79C (1) (e).
4. The development requires access via various neighbouring properties, who oppose this subdivision and tourist facility, there is no direct access via public or even crown road.
5. The developer, as the only possible permanent resident on the proposed development should at all time be required to ensure that all legal, social and financial obligations to the local community are met, and yet as the current proposal stands there is no realistic opportunity for this to occur.

### 2. SOCIAL IMPACT

The proposed development will adversely affect the rural community on Spring Hill Rd, its properties, lifestyle, safety, security and environment. Impacts include:

1. Neighbouring properties and landowners will incur increased road maintenance costs.
2. Neighbouring properties and landowners will incur a devaluation of their own properties.
3. The development proposal in its current form does not adequately deal with either the expected financial imposition or the safety issues to be imposed on the neighbouring properties due to the increase in traffic.
4. If the development goes ahead as presently proposed Council will incur the majority of the cost for the upgrade of Spring Hill Rd. Neighbouring properties, and the community at large will be expected to further subsidise the proposed development in the form of rates. This is an entirely unacceptable outcome for all stake holders.
5. Extraordinary increase in traffic of between 21% and 125% depending on which part of Spring Hill Rd or Spring Hill Road South is referred to.
6. The proposed development does not have direct access to a public or crown road but instead relies on access via the properties of third parties, all of whom strongly oppose the development.

7. Introduction of Eco-Tourism signage on the road directing traffic to the proposed resort will invite passing tourist traffic into the road network for curiosities sake.
8. Visual impact of the future proposed cabins clearly illustrated on the Concept Site Plan being within line of sight from every window of the neighbouring house.
9. Extraordinary suggestion that Eco-Tourist facilities own traffic would access the lake via the right of carriage way over Lot 4 rather than the existing road network within Lot 3. This is wholly unacceptable outcome as it seeks to redirect resort traffic away from the developers proposed residence at the expense of the owners of Lot 4. We believe this action alone shows the utter contempt the developer has for the surrounding community.
10. The waterfront usage/access and environmental and social impacts have not been addressed or are seriously inadequate.
11. Increased 'Stranger Danger' poses an increased risk to neighbours, children and animals.

### 3. ROADS SAFETY AND INFRASTRUCTURE

The developer should be required to carry out all infrastructure improvements prior the commencement of any building of the "cabins". In the event of financial failure of the venture all necessary precaution should be taken to minimise any disadvantage to the local community.

1. The proposed development will require significant upgrade to the road to accommodate significant increase in traffic (including tourist traffic using a dirt road), to ensure safe access for tourists and the development occupants. S79C (1) (c)
2. A Previous application before council for development and subdivisions in the immediate vicinity of this development have been required to employ significant infrastructure improvements, specifically the proposed Mary's Hill subdivision, to the Spring Hill Road and Kosciuszko Rd intersection. In particular, and COMPLETELY ON POINT, this application involved a subdivision of a large acreage into 3 substantial residential dwelling lots that we submit would create an identical increase in traffic to the proposed 3 cabins in this development. ( See Appendix E, RMS Advice Regarding DA)
3. Due to significant financial burden to be suffered by council and local residents and the fact that this is a commercial development generating income, the developer should be responsible for the majority and very considerable cost of the upgrade to Spring Hill Rd as well as the alternate access route via Lot 216, including both intersections with Kosciuszko Rd, prior to the commencement of building.
4. We submit that the right-of-carriageway should be moved to enter Lot 3 closer to the proposed site of the cabins to reduce the impact of tourist traffic felt by the owners of Lot 2.
5. The future maintenance of the road is of major concern to all current road users. The local community requires confirmation and provision that any development application will ensure the developer makes financial contributions for ongoing road maintenance proportional to the actual expected increase in road use. The frequency and quality of road works to be carried out should be determined by the local community rather than the developer to prevent the developer 'cutting corners' in the future.
6. Lot 3 does not have direct access to either a public or crown road and therefore the development requires access via 3<sup>rd</sup> party properties to proceed. The owners of these properties strongly object to the development.

### 4. DESIGN DEFICITS

Major concerns still exist regarding the design and specifications of the proposed dwellings.

1. A thorough and realistic review of the solar system and power requirements must be made as the current models are likely to be significantly under efficient for uses proposed.
2. At the minimum, noise proof generator buildings to be designed and presented for approval prior approval of DA. This should include a bunded diesel storage facility in accordance with regulatory requirements for a commercial development. The community preference would be for mains power to be provided as backup thereby avoiding the environmental problems associated with diesel powered generators, with underground wiring provided to avoid visual pollution.
3. The worm farm impacts should be further investigated and explained prior to approval, we refer to the in-depth submissions previously made in this regard.
4. Concerns about the appearance of 'container homes' has not been fully addressed. Stating that 'locally sourced material including stone with revised cladding layout to achieve a contemporary alpine design' are simply not specific enough.

## CLOSING REMARKS

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Thank you for your careful consideration whilst evaluating our concerns regarding DA0118/2015.

We reiterate our concerns that this development does not satisfy requirements of an eco-tourist facility and is against the general public as well as the immediate communities' interest. The development requires access via 3<sup>rd</sup> party properties to go ahead, the property does not have direct access to either a public or crown road.

We hope that special consideration will be given to the considerable financial burden the surrounding properties will incur, the increase in road maintenance, devaluation of residential properties and subsidising the upgrade of Spring Hill Rd through rates should council be compelled to take over another crown road.

In the unfortunate event that council were to accept this application then we submit the following would need to be addressed:

- A full Community Management Statement should be provided prior to approval
- All mandated infrastructure improvements should be completed prior to the commencement of building works
- The developer should be responsible for the considerable cost of the upgrade to Spring Hill Rd as well as the alternate access route via Lot 216, including both intersections with Kosciuszko Rd, prior to the commencement of building.
- Lot 3's boundaries should be fully enclosed and fenced to prevent tourists trespassing on neighbouring properties.
- As currently a large portion of Spring Hill Rd South is in Lot 2, we submit that the right-of-carriageway be moved such that Spring Hill Rd South be diverted to enter Lot 3 near the proposed location of cabins 1,2&3. The right-of-carriageway would then re-join the existing right-of-carriageway close to the proposed sites of the 'future cabins'. This would result in a greater proportion of traffic noise, dust, erosion and pollution being felt by the owners of

the development rather than adjoining properties and help minimise the impact felt by the owners of Lot 2

- NO access to lake to be required to be across Lot 4, and any access to lake be via internal road access on Lot 2
- The Community Management Statement needs to be presented prior to any approval be granted. It should fully address all concerns raised within this document and previous submissions to council. It should clearly outline how community title holders will meet their obligations to the existing community both social and financial, as well as outlining who will be held responsible for ensuring community title holders fully abide by the Community Management Statement.

We look forward to being notified of when Council will meet to consider DA0118/2015.

Yours faithfully,

Linden Storey  
Lot 2  
Spring Hill Road  
East Jindabyne NSW 2627

Jeannette Korten  
Lot 2  
Spring Hill Road  
East Jindabyne NSW 2627

Lisa (Lil) Harding  
"Majockapilly"  
Lot 4  
Spring Hill Road  
East Jindabyne NSW 2627

Billy Harding  
"Majockapilly"  
Lot 4  
Spring Hill Road  
East Jindabyne NSW 2627

Anita Woods  
5223 Kosciusko Road  
East Jindabyne NSW 2627

Maree McIntosh  
Spring Hill Road  
East Jindabyne NSW 2627

Paul Woods  
5223 Kosciusko Road  
East Jindabyne NSW 2627

Dave McIntosh  
Spring Hill Road  
East Jindabyne NSW 2627

Conrad Gibb  
Spring Hill Road  
East Jindabyne NSW 2627

Leola Archer  
Spring Hill Road  
East Jindabyne NSW 2627

Sylvia Wall  
275 Spring Hill Road  
East Jindabyne NSW 2627

Steve Chandler  
Lot 5  
Kosciusko Road  
East Jindabyne NSW 2627

Kath Chandler  
Lot 5  
Kosciusko Road  
East Jindabyne NSW 2627

Russell Brown  
"The Hills"  
Spring Hill Road  
East Jindabyne NSW 2627

Robert Roehnelt  
"Lyndon"  
Spring Hill Road  
East Jindabyne NSW 2627

Helen Roehnelt  
"Lyndon"  
Spring Hill Road  
East Jindabyne NSW 2627

Robert Steege  
"Steegey's Place"  
Spring Hill Road  
East Jindabyne NSW 2627

Panpreeya Brown  
"The Hills"  
Spring Hill Road  
East Jindabyne NSW 2627

Dawn Steege  
"Steegey's Place"  
Spring Hill Road  
East Jindabyne NSW 2627

## APPENDIX A

### NOT AN ECO-TOURIST DEVELOPMENT AND NOT IN PUBLIC INTEREST

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1. THE PROPOSED DEVELOPMENT DOES NOT SATISFY THE MANDATORY REQUIREMENTS UNDER 5.13(3) OF THE SNOWY RIVER LEP 2013.

The latest proposal fails to address the previous submissions raised about its non-compliance under 5.13 (3). Under 5.13 Council must not grant consent to carry out development for the purposes of an Eco-Tourist Facility unless all conditions in 5.13 are met.

A more detailed indication of the non-compliance has been previously addressed in the submissions already before council and we have therefore not reiterated them here. However we state that the three most glaring examples are:

- (3) (a) There are no demonstrated ecological or cultural features pertaining to the application.
- 5.13 (3) (d) There is no demonstrated "positive" environmental outcome
- 5.13 (3) (k) There is no management strategy document to ensure compliance under this clause. Of particular concern is:
- 5.13 (k) (iv) there is no mechanism for monitoring and reviewing the effect of the development on the natural environment.(see 3.4 in this document 'Community Management Statement')

It is important to note that approval without full compliance with 5.13 ECO-tourist facilities document would constitute a procedural failure and open the way for a legal appeal.

Finally in an attempt to suggest the development will be eco-tourism, the Developer has merely attached a brochure from Ecotourism Australia. This information was provided in a generic response to an email from the developer (also attached). The documentation merely outlines what is required for the certification process. It in no way constitutes recognition of the development as an Eco-Resort.

The brochure provided from eco-tourism Australia states the following must be clearly achieved:

1. Sustainability principals must be core to the operation as well as, amongst other things, a commitment to delivering a quality tourism experience. Without being owned by the developer, and being sold off to buyers – none of these prime objectives can realistically be reached or are believable.
2. There must be a business management and operational plan in place – again nothing has been provided by the Developer at all in this regard
3. Contribution to Conservation – where is that demonstrated in the proposed DA?

Merely providing and Information Compendium listing items on offer in the area and interpretive signs does not constitute an Eco-Tourist facility.

The core values of the development have not been founded on eco-tourism principals but on a subdivision of land to sell off.

We reiterate that the Developer has advised us in person that he seeks to sell off the Eco-Tourist development for personal financial gain. The developer has no previous eco-tourism experience.

## 2. THE PROPOSED DEVELOPMENT IS SERIOUSLY CONTRARY TO THE PUBLIC INTEREST

This will require council to take responsibility for an existing Crown Public Road and include this road within Council's public road network. S79C (1) (e).

The costs to the local ratepayers of council, by adding this road to the public road network will be huge, both in the initial structure and building of the road stage as well as continual maintenance on an annual basis at the very least.

## 3. SUBDIVISION OF LAND

All adjoining landowners and residents in this area have paid a premium for their land on the understanding that the area is zoned RU1 and that their lifestyle and investments are protected under the current LEP. The minimum lot size of 40Ha is enjoyed by all for that reason.

No property can be subdivided under this area size, although 2 dwellings are permissible. The Developer ALREADY has 2 dwellings approved for the land.

The development is essentially a subdivision of land, under the guise of a "Eco-Tourist facility" – Which stands to benefit the Developer only, to the detriment and opposition of all neighbouring properties.

We question the developer's use of the loosely defined term 'Eco-tourism' and believe that the current development is an ill-conceived and cynical misuse of the term to circumvent the current LEP and the 40 hectare minimum block size.

We make further reference to the fact that the property is adjacent to the East Jindabyne village precinct, which although allows for more dense dwellings obviously that the subject property, it is the same in the fact that the zoning only permits for residential or long-term rentals only and not for tourism or short-term / holiday rentals. We therefore consider that council should ensure that any tourist development, under the guise of Eco-Tourism, proposed by the Developer is seriously in conflict with the whole of the East Jindabyne.

Why should this development be allowed to engage in short term holiday rentals when it is prohibited on all other properties within the immediate area?

## 4. COMMUNITY MANAGEMENT STATEMENT

Reference to the 'Community Management Statement' is made several times in the DA but it has never been presented for review. The developer's current approach of 'just approve what we want now and we'll fill in the detail later' is wholly unacceptable as the detail of this statement could adversely affect the local community.

The Community Management Statement would also seem to be a core requirement of the Eco-tourism certification process as outlined in the brochure they have attached. Nothing has been provided in this regard.

This document needs to detail the financial and social obligations to the local community of all potential owners of the community title including but not limited to;

1. Financial contributions towards ALL roads, Spring Hill Road, Spring Hill Road South and road through Lot 216 - who will be liable and what amount
2. How the developer will contribute to road maintenance in a practicable sense, ie set up fund account for same
3. How the development will adhere to eco-tourist principals in a sustainable and effective way
4. Privacy signs for adjoining landowners
5. Noise and disruption minimisation to neighbours
6. Weed and pest control, who, when and how much?
7. Reasonable water front usage and access
8. Waste management
9. Environmental management
10. Minimal disturbance to wildlife

## APPENDIX B

### SOCIAL IMPACT

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The majority of land owners on Spring Hill Rd have made a considerable financial investment specifically to escape the substantial tourist traffic in Jindabyne and the surrounding areas.

Our concerns regarding social impact have been addressed in the 10 submissions already made to council but we reiterate the following

- The development is essentially a subdivision of land, under the guise of an 'eco-tourist facility' – in which the developer intends to sell immediately, if not at "off the plan" stage.
- The sub-division of the land and creating a "tourist accommodation" facility is contrary to public interest.
- The subject property is a 40Ha lot that has currently been approved by council to build 2 dwellings on it in accordance with the current LEP.
- The developer seeks to sub-divide land and place poor quality, non-sustainable structures to sell off privately as "tourist accommodation" on rural land that enjoys a prestigious value by all land-owners within its immediate vicinity.
- East Jindabyne village itself doesn't allow for tourist or holiday rentals, rather long term rentals and permanent residents and yet this development, almost adjacent to the village would provide for the tourist accommodation that is strongly opposed to by all adjacent land owners.
- The introduction of significant numbers of tourists and tourist dwellings into a quiet rural community will have significant social, environmental and financial costs.
- The proposed DA would significantly devalue neighbouring properties (evidence from valuations from local real estate agents has already been provided) as well as negatively impact the quality of life of adjoining property owners.
- The proposed development will create increased security and safety risks to children and property. Children's current freedoms will be significantly curtailed and greater supervision will be required due to increased non-local traffic and stranger danger.
- There will also be an increase in waterfront usage of adjoining properties (not limited Snowy Hydro land). This includes foot traffic, vehicular traffic and potentially noisy power boats, jet skis etc. This will have a significant negative impact on the lifestyle of local residents including a reduction in privacy, noise pollution, reduced security, as well as increasing the environmental footprint of the proposed 'Eco-Tourism' development.

## APPENDIX C

### ROAD ACCESS AND SAFETY CONSIDERATIONS

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#### 1. ROAD USE STATISTICS QUOTED WITHIN DA0118/2015

The developer currently claims that there are potentially 17 dwellings as well as 3 cabins approved for tourist accommodation, generating a total of 122 trips per day over the Spring Hill Rd network. This is demonstrably false. The Spring Hill Rd network currently services only 14 properties in total.

Five existing residences are holiday houses only and several of which have no existing dwelling or have dwellings approved but not constructed.

Furthermore, the 3 cabins and residence on Lot 5 have NO legal right of way over the Spring Hill Rd network so should not be considered. The owners of Lot 5 have no intention of operating as a tourist facility, no intention of upgrading the access through Lot 216 and are signatories to this document.

In section 4.4.2 of the original DA 0118/2015 it states that each tourist cabin in the proposed development can expect a total of 6 trips per day. This number was then applied to every other property on the Spring Hill Rd network to calculate the percentage increase in traffic.

In the latest incarnation of the DA the developer claims only 4 trips per day per cabin in the development and 6 trips per day for every other existing or potential residence, giving a claimed 10% increase in traffic. This is **clearly wrong and misleading**.

We believe that a commercial development of this nature would in fact be responsible for greater traffic generation than a residential property due to the number of services required to service short term accommodation e.g. water trucks, cleaners, gas trucks, diesel trucks, waste disposal trucks etc.

Assuming each existing property (not specifically properties with dwellings or allowing for reduced traffic generated by holiday houses) generates 4 trips per day, a maximum of 56 trips per day can be expected from the existing rural community.

This gives a 21% increase in traffic Through the Spring Hill Rd/Kosciuszko Rd intersection far greater than the claimed 10% increase (or 36 % increase if you take into account the 2 dwellings already approved on Lot 3).

Furthermore, once Spring Hill Rd divides in two, the newer section of the road (referred to as Spring Hill Rd South in this document) services only 6 properties including Lot 3, the site of the proposed development.

One of these properties (Lot 13) is only a couple of acres in size, has no building permission and thus generates negligible traffic. Assuming that the remaining 4 Lots (excluding Lot 3 and Lot 13) serviced by Spring Hill Rd South generate 4 trips per day, this gives a total of 16 trips per day.

Using the currently claimed 12 trips per day generated by the development, this gives an 80% increase over Spring Hill Rd South (or 125% if you take into account the 2 dwellings already approved on Lot 3).

**The actual increase in traffic over the Spring Hill Rd network will be substantial enough that the previously mandated upgrades to Spring Hill Rd and its intersection with Kosciuszko Rd and the**

emergency egress over Lot 216 are still required and should be completed before any part of the development is approved for commercial use.

## 2. COST OF ROAD MAINTENANCE

The proposed development of 3 cabins combined with the 2 dwellings already approved for Lot 3 will result in a 36% increase in traffic through the current Spring Hill Rd/Kosciuszko Rd intersection and a 125% increase in traffic on the newer Spring Hill Rd South section due exclusively to Lot 3.

***The proposed 18% contribution to road maintenance by the developer is therefore completely inadequate.***

Spring Hill road is currently maintained by the property owners along Spring Hill Rd on a voluntary basis with all parties contributing equally. If the current DA 0118/2015 goes ahead, there is no assurance that the various owners of the community title will contribute fairly and equitably. This has the potential to significantly financially disadvantage other property owners.

***This issue needs to be addressed and become enforceable, through council's approval process in making it a requirement under any s88B instrument or in the Community Management Statement to ensure Lot 3 community title holders contribute financially in accordance with the proportion of expected road usage generated by the development before the development can be approved.***

With Lot 3 being held under community title it is also not clearly outlined who will be responsible for ensuring that the financial obligations of the community title holders are met.

Ultimately this responsibility should fall with the developer given that he will be the only community title holder legally able to occupy a dwelling on a permanent basis. This should be clearly outlined in the Community Management Statement to ensure all obligations to the local rural community are met.

## 3. INTERSECTION OF SPRING HILL RD AND KOSCIUSZKO RD

The intersection where Spring Hill Rd meets Kosciuszko road is at present poorly designed and barely adequate for local traffic. The addition of tourist traffic without specific knowledge of local hazards combined with the 100kmph speed limit at poses a 'beyond reasonable and foreseeable risk' to all traffic passing the intersection.

It should also be noted that previous proposed developments on Spring Hill Rd have all required significant road/intersection upgrades to achieve compliance.

3.1 No left turn lane from Kosciuszko Rd turning into Spring Hill Rd

When heading north from Jindabyne (fig 1) there is no pull out lane to allow traffic to decelerate safely. The line of sight from the intersection to closet corner is approximately 200m. At present there is great potential for a serious accident due to restricted line of sight, reaction times and braking distance.



Figure 1 View of Kosciuszko Rd from Spring Hill Rd looking south towards Jindabyne

3.2 No right turn lane from Kosciuszko turning right into Spring Hill Rd  
Kosciuszko Rd is at present of insufficient width to allow south bound traffic to pass to left of a stationary vehicle turning right into Spring Hill Rd

Visiblty to the north from Spring Hill Rd (fig 2) is also severely limited due to higher ground, trees and grass on the verge. To gain adequate visibility to the north, vehicles exiting Spring Hill Rd must encroach into the north bound lane to have reasonable vision of south bound traffic.



Figure 2 View of Kosciuszko Rd to the north from Spring Hill Rd intersection.



Figure 3 View of Kosciuszko Rd from Spring Hill Rd

#### 4. BLIND SPOTS AND ROAD WIDTH

Spring Hill Rd has several blind spots which are well known to local traffic but will not be known to tourist traffic. There are 2 blind crests on Spring Hill Rd proper and 1 blind curve on Spring Hill Rd South near the boundary of Lots 2&3. In all 3 locations the road is currently only 1 lane wide with no delineation.

##### 4.1 Blind Spot 1

Blind spot 1 is a crest 0.4km from the intersection of Kosciuszko Rd and Spring Hill Rd (figs 4&5) there is currently no delineation and the road is of insufficient width to allow oncoming vehicles to pass safely. Tourist traffic with no local knowledge will be unaware of the potential for serious accidents which will put not only tourists but locals at risk.



Figure 4 Blind spot 1; crest 0.4km from Kosciuszko Rd intersection looking west



*Figure 5 Blind spot 1; crest 0.4km from Kosciuszko Rd looking east.*

#### 4.2 Blind spot 2

Blind spot 2 is another crest 0.6km from Kosciuszko Rd intersection (fig 6&7). Again there is no delineation and the road is of insufficient width to allow for oncoming traffic to pass safely.

When travelling west along this section of road (fig6), the blind side of the crest has a slope in the order of 8%. In the event of wet, frosty, icy or snowy conditions this section of road will be potentially impassable for 2wd vehicles.

Peak periods on Spring Hill Rd road will be mornings and late afternoons. When travelling west, the late afternoon sun is blinding.

This crest poses a 'beyond reasonable and foreseeable risk' of head on collisions due to limited line of sight and increased braking distance in adverse conditions.

This section of road is also prone to heavy erosion due to the high gradient. An increase in traffic will greatly exacerbate this issue.



Figure 6 Blind spot 2; crest 0.6km from Kosciuszko Rd looking west.



Figure 7 Blind spot 2; crest 0.6km from Kosciuszko Rd looking east.

#### 4.3 Blind spot 3

Blind spot 3 is a curve close to the boundary of Lots 2&3 (fig 8&9). This curve is close to the main access road to Lot 2 and also in close proximity to the proposed sites of cabins 1&2.

This is the only concern from the original proposal that has been fully addressed by the developer in that he has agreed to move the right of carriage way to enter Lot 3 earlier which allows more direct access to the proposed cabins



Figure 8 Blind spot 3; curve 1.95km from Kosciuszko Rd looking north.



Figure 9 Blind spot 3; Curve 1.95km from Kosciuszko Rd looking south.

#### 5. FIRE AND EMERGENCY EGRESS

In the event of a bush fire, there is at present, only 1 exit option available to 2wd vehicles. The route through Lot 2 along Spring Hill Rd South as outlined in DA 0118/2015 (section 4.4.1 Access) This route is currently only 1 lane wide with passing bays as per requirements of previous developments.

This presents 2 serious issues to tourist traffic;

1. Tourist traffic will be largely unfamiliar with the dangers present in the case of a bush fire and will not have an action plan in place. They may also be unaware that fire trucks will be driving towards the fire down a single lane road with limited passing opportunities while they are driving away.
2. If the main access route is blocked, the second route of access via Lot 216 (DA 0118/2015 section 4.4.1) is also only 1 lane wide and impassable to 2wd traffic. In the event of a bush fire, this may result in vehicles becoming stranded, preventing access to emergency vehicles and posing a real threat of death or injury to both tourists and locals.

#### 6. COUNCIL COMPELLED TO TAKE OVER A CROWN ROAD

If the development goes ahead as presently proposed Council will incur the majority of the cost for the upgrade of Spring Hill Rd. Not only will the local land holders incur increased road maintenance costs and a devaluation of their own properties, they are expected to further subsidise the proposed development in the form of rates. This is an entirely unacceptable outcome for all stake holders.

## APPENDIX D

### DESIGN AND COMPLIANCE ISSUES NOT ADDRESSED IN CURRENT DA.

#### 1. ISSUES ASSOCIATED WITH SOLAR POWER AND COMMERCIAL DEVELOPMENTS.

Solar power alone is inadequate in the middle of winter in the Jindabyne area. Jindabyne has a yearly average of 3.8hrs per day of effective solar power generating sunlight. At 3.8hrs per day, a 5kW solar system will generate 19kWhrs per day (on average) which is in line with the average daily consumption of an average Australian house (approx. 20kWh/day).

This however, does not take into account the heating (or cooling ) requirements of living in our alpine requirement generally.

There are several major issues with solar power in the Jindabyne area;

1. In winter it is possible to go for several weeks without sufficient sunlight to generate total power requirements. This shortfall will result in the excessive use of generators creating both air and noise pollution. *Generators need to be installed in fully sound proof enclosures to prevent noise carrying to adjoining properties.*
2. Solar systems used for rental or tourist accommodation are inherently problematic. Unless people live with solar power on a day to day basis they will not be aware of their limitations in regards to high current draw devices and maintaining critical battery charge levels. Again this will result in the excessive use of generators.
3. Diesel storage for generators also needs to be in an approved 'bunded' area in accordance with regulatory requirements for a commercial development.
4. The following table contains generator run time statistics for house with 4 occupants and a standalone 48V, 3150 Ah solar system with 7.5kW's of tracking solar panels.

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
2015	4	4	6	21	9	8	24	18	14	8	7	7
2014	1	2	9	10	9	16	12	11	15	11	4	7
2013	2	13	12	12	13	24	14	6	7	2	7	3
2012	4	6	8	14	12	21	16	13	13	9	5	5
2011	8	4	2	8	14	14	13	19	12	12	1	9

This is a huge capacity system by residential standards, the residents are well aware of the problems associated with solar power and considerable generator run time is still required to supply adequate power to 4 residents.

The proposed cabin size is however 50% greater than this – accommodating a minimum of 6 adults !!

#### 2. ISSUES ASSOCIATED WITH WORM FARMS IN COMMERCIAL DEVELOPMENTS.

The use of worm farms is also problematic with non-residents in properties. The use of bleach or other common household chemicals or inorganics can result in complete failure of the system and possible environmental issues such as odour or ground water contamination.

Anecdotally worm farms are particularly problematic in the Jindabyne area due to the ground freezing in the winter

## APPENDIX E

### RMS ADVICE REGARDING MARY'S HILL/KOSCIUSZKO RD INTERSECTION

Our Ref: STH13/00098/03  
Contact: Andrea Boes 4221 2771



Dabyne Planning  
PO Box 179  
Jindabyne NSW 2627

Attention: Ivan Pasalich

**SNOWY RIVER SHIRE COUNCIL – DEVELOPMENT PROPOSAL – LOT 1 DP 869531,  
MR286, 'MARY'S HILL' 4970 KOZCIUSZKO ROAD, JINDABYNE – 3 LOT SUBDIVISION**

Dear Sir

Reference is made to your letter dated 12 December 2013 regarding the subject development proposal forwarded to Roads and Maritime Services (RMS) for consideration.

RMS has reviewed the submitted information and provides the following comment:

- It does not appear that Safe Intersection Sight Distance is achieved at the intersection of Spring Hill Road and Kosciuszko Road, in particular to the south of Spring Hill Road along Kosciuszko Road. In assessing development proposals, it is RMS' responsibility to ensure that safety is maintained for all road users. RMS would not support the intensification of the use of an access/intersection that does not meet current sight distance requirements in accordance with Austroads *Guide to Road Design Part 4a: Unsignalised and Signalised Intersections* in both directions, i.e., 262m for a 100km/hr speed zone.
- Generally, RMS requires all access to be via the lowest order road which in this instance is Spring Hill Road. However, due to the lack of sight distance at this intersection, for road safety reasons, all access would need to be via a single access point direct from the subject site to Kosciuszko Road at a location where sight distance requirements are achieved.
- As previously advised, the access would need to be constructed to provide Basic Left (BAL) and Basic Right (BAR) turn treatments in accordance with Austroads standards. The access would need to be sealed for a minimum of 10m from the edge of Kosciuszko Road. Concept plans should be provided.
- The existing access would need to be physically closed and reinstated by fencing and revegetating the access.

Roads & Maritime Services

Level 4, Southern Regional Office, 90 Crown Street, Wollongong NSW 2500 | PO Box 477 Wollongong East NSW 2520  
T 02 4221 2460 | F 02 4221 2777 | [www.rmservices.nsw.gov.au](http://www.rmservices.nsw.gov.au) |

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Please note that the above is pre DA advice based on the information provided by the proponent. RMS' position is subject to change, dependant on the information provided in any future development application. If you have any questions please contact Andrea Boes on 4221 2771.

Yours faithfully



Rob Reynolds  
Network & Safety Manager  
Network Management, Southern Region

Cc – The General Manager, Snowy River Shire Council (via email)

Roads & Maritime Services

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Level 4, Southern Regional Office, 90 Crown Street, Wollongong NSW 2500 | PO Box 477 Wollongong East NSW 2520  
T 02 4221 2460 | F 02 4221 2777 | [www.rmservices.nsw.gov.au](http://www.rmservices.nsw.gov.au) |

Our Ref: STH13/00098  
Contact: Chris Millet 4221 2570



Mr Ivan Pasalich  
Dabyne Planning  
PO Box 179  
Jindabyne NSW 2627

(Sent via email to [ivan@dabyneplanning.com.au](mailto:ivan@dabyneplanning.com.au))

**SNOWY RIVER SHIRE COUNCIL – DEVELOPMENT PROPOSAL – LOT 1 DP 869531,  
MR286, 'MARY'S HILL' 4970 KOSCIUSZKO ROAD, JINDABYNE – 3 LOT SUBDIVISION**

Dear Sir

Reference is made to your letter dated 7 June 2013, RMS response dated 19 June 2013 and your telephone discussion with Chris Millet (RMS) on 25 June 2013 regarding the subject development proposal forwarded to Roads and Maritime Services (RMS) for consideration.

RMS recognises the topographical constraints that restrict the ability to provide access to Eucumbene Road. On this basis RMS would not object to a three lot subdivision of the subject lot with all access to be obtained via a single access to Kosciusko Rd, subject to the following:

- The access would need to have adequate sight distance. Specifically, the access would need to have safe intersection sight distance in both directions in accordance with Austroads Guide to Road Design.

Note: RMS does not consider that the existing access has safe intersection sight distance. On this basis, the existing access would need to be closed and new access constructed to the north at a location that has the appropriate

- Access treatment would need to be BAL/BAR in accordance with Austroads Guide to Road Design.
- The access would need to be sealed a minimum of 10m from the edge of the Monaro Highway pavement.
- Concept plans would need to be provided for acceptance to demonstrate that a BAR could be constructed within road reserve prior to determination of any future development application. If it could not be constructed within the road reserve, RMS would not support the subdivision unless appropriate legally binding arrangements were in place to ensure that the appropriate land required to construct the BAR could be obtained.

Roads & Maritime Services

Level 4, Southern Regional Office, 90 Crown Street, Wollongong NSW 2500 | PO Box 477 Wollongong East NSW 2520  
T 02 4221 2460 | F 02 4221 2777 | [www.rmservices.nsw.gov.au](http://www.rmservices.nsw.gov.au) |

Please note that the above is pre DA advice based on the information provided by the proponent. RMS position is subject to change, dependant on the information provided in any future development application.

If you have any questions please contact Chris Millet on 02 4221 2570.

Yours faithfully



9/7/2013

Brian Lefoe  
Road Safety and Traffic Manager  
Network Management, Southern Region

CC – The General Manager, Snowy River Shire Council (via email)

Roads & Maritime Services

Level 4, Southern Regional Office, 90 Crown Street, Wollongong NSW 2500 | PO Box 477 Wollongong East NSW 2520  
T 02 4221 2460 | F 02 4221 2777 | [www.rmsservices.nsw.gov.au](http://www.rmsservices.nsw.gov.au) |

POK

To The General Manager Snowy River Shire

24-2-2016

With reference to development application (amended) DA0118/2015 Lot 3 DP1175878 Townsend

Dear Sir

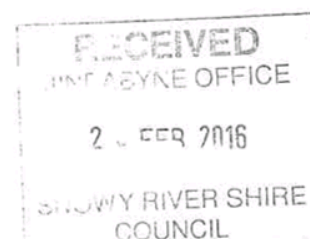
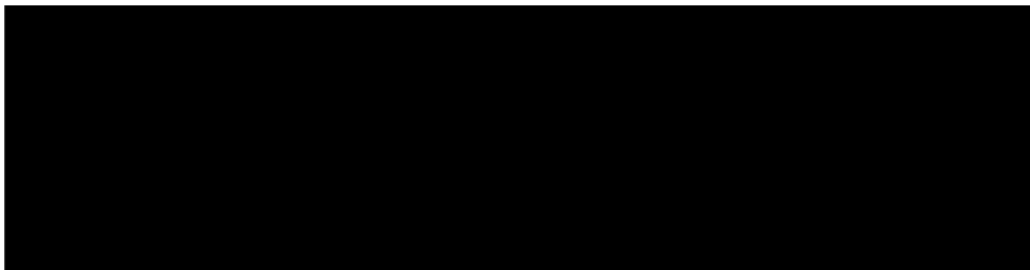
As the owner/occupiers of [REDACTED] we now object

to the above development on the grounds that should the developer make his access through our

property on the carriageway mentioned paragraph(vi) It would severely impact on our primary production of fat lambs and wool this being our sole income. We are concerned that traffic, both construction and occupation of proposed cabins will almost certainly lead to gates being left open and stock straying. If this should occur to the Kosciuszko Road, it would cause a traffic hazard, on the opposite side of the property stock would be extremely difficult to muster if they got out due to the overgrown and weed infested nature of Lot 3. There is also the danger of loss of stock life should they come into contact with the increase of traffic on the carriageway.

#### Section 3 Impact on Primary Production

The land is not classed as minimal having supported crops in the past ie Lucerne and oats, and may be under cultivation of the same in the future.



**11.3 DA0118/2015 - ECO TOURIST FACILITY, COMPRISING FIVE (5) CABINS AND COMMUNITY TITLE SUBDIVISION**

Record No: ED/15/44592

Responsible Officer:	Manager Community & Strategic Planning
Author:	Manager Development Assessment
Key Direction:	6. Managing Development and Service Delivery to Retain the Things We Value
Delivery Plan Strategy:	DP6.10 Ensure that Council's policy, land use planning, development assessment enhance liveability.
Operational Plan Action:	OP 6.25 Ensure development assessment is undertaken in accordance with adopted Local Environmental Plans, Development Control Plans, Council Policy and State and Federal legislation.
Attachments:	<ol style="list-style-type: none"><li>1. Plans submitted for Eco Tourist Facility <i>(Under Separate Cover)</i></li><li>2. Statement of environmental effects <i>(Under Separate Cover)</i></li><li>3. Bushfire assessment report <i>(Under Separate Cover)</i></li><li>4. Submissions with names removed <i>(Under Separate Cover)</i></li><li>5. Applicant Response Letter to Submissions <i>(Under Separate Cover)</i></li><li>6. Response From Department of Primary Industries DPI Water <i>(Under Separate Cover)</i></li><li>7. Adjoining Comments from Crown Lands <i>(Under Separate Cover)</i></li><li>8. RFS Bushfire Safety Authority <i>(Under Separate Cover)</i></li><li>9. Development application form <i>(Under Separate Cover)</i></li><li>10. Response from RMS <i>(Under Separate Cover)</i></li></ol>

Further Operational Plan Actions:

Applicant Number:	Da0118/2015
Applicant:	Dabyne Planning
Owner:	Ian Barry
DA Registered:	6 May 2015
Property Description:	Lot 3 DP 1175878 Ph Townsend
Property Number:	107911
Area:	40.21 hectares
Zone:	RU1 – Primary Production
Current Use:	Residential – Dual occupancy dwelling approved and shed
Proposed Use:	Eco Tourist Facility – 5 cabins and community title subdivision
Permitted in Zone:	Yes
Recommendation:	That the development be refused

## EXECUTIVE SUMMARY

The purpose of this report is seek a refusal for the development of an eco tourist development and associated community title subdivision. Council has received an application for an eco tourist facility comprising five cabins and an associated community title subdivision on a 40 hectare parcel of land in East Jindabyne. The development will be accessed from the Kosciuszko Road via Spring Hill Road through a right of carriage way to the property. There has been significant public objection to the development with Council receiving ten objections to the development. The issues raised in the objections are generally similar in theme with the majority of the concern surrounding the suitability of the access to the development and the state of Spring Hill Road.

As the applicant has not satisfactorily demonstrated that the development complies with the requirements of Clause 5.13 of the LEP and the inability of the access to be upgraded to meet Council requirements it is recommended that the development be refused.

## RECOMMENDATION

A. That pursuant to Section 80(1)(b) of the Environmental Planning and Assessment Act it is recommended that the application DA0118/2015 for an Eco Tourist Facility comprising 5 cabins plus Community Title Subdivision on Lot 3 DP 1175878 Ph Townsend, (being 97 Spring Hill Road EAST JINDABYNE NSW 2627) be refused with the following reasons:

1.	The applicant has not demonstrated to Councils satisfaction that the proposal meets the requirements of an Eco Tourist Facility as required by clause 5.13(3) of the Snowy River LEP 2013.
2.	Under the provisions of Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, the application is considered contrary to the public interest as it will require Council to take responsibility for an existing Crown Public Road and include this road within Councils public road network.
3.	Under the provisions of Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, the site is not suitable for the proposed development as the required road upgrades to ensure safe access for tourists to the site could not be carried out.

B. That those persons that made submissions be advised of Councils Determination.

## BACKGROUND

Council has received an application for an Eco Tourist Facility made up of 5 cabins with associated water tanks, car parking and internal road works on a 40 hectare site in East Jindabyne. The cabins proposed are single storey, two bedroom buildings that will be constructed from shipping containers which will be re-roofed (in a skillion profile) and be reclad in Hardy Plank (or similar). The buildings are proposed to be constructed on piers to limit the amount of site disturbance and be dispersed throughout the site. A redesigned layout has been submitted to Council in response to objections by neighbouring properties. This revised site layout has been included below. The development is proposed to be off grid using a combination of solar power, geothermal heating and water tanks and will have back up diesel generators sited at each cabin. Council has already

## Revised Site Plan

**CONCEPT SITE PLAN**

Proposed Eco-Tourist Facility Development including Community Title Subdivision  
at Lot 3 DP117587B, 97 Springhill Road Jindabyne  
For Ian Barry

Development Application

## ASSESSMENT

<b>State Environment Planning Policies (SEPPs)</b>	SEPP (Rural Lands)
<b>Local Environmental Plan (LEP) (including draft LEPs)</b>	Snowy River LEP 2013
<b>Development Control Plans</b>	Snowy River DCP 2013

**SECTION 79C**

Section 79C and EP&A Act Checklist

<p><b>The suitability of the site for the development:</b></p>	<p>The site is considered unsuitable for development due to access and impact on neighbouring properties.</p> <p>The development will require upgrades to roads accessing the site of which Council is not the roads authority as such any condition requiring the road to be upgraded would not be valid as Council cannot direct works to occur on a Crown Road. If works are required, then Council would need to take responsibility for the road as a public road under its road network. This is not acceptable to Councils Technical Services and Operations Department and as such the site is not suitable for the development as proposed.</p>
<p><b>The provisions of any environmental planning instrument and draft environmental planning instrument:</b></p>	<p>The proposal has been assessed against the provisions of all relevant SEPP's and the development has been found to achieve an acceptable level of compliance.</p> <p>The application does comply in part with the provisions of the Snowy River LEP 2013 however there are areas in which it is considered non-compliant. An assessment of those areas within the plan that are considered noncompliance is provided below.</p>
<p><b>The provision of any development control plan:</b></p>	<p>The application has been assessed against the provisions of the Snowy River DCP 2013 there are a number of areas in which the development is deemed not to comply with the provisions of the DCP. How the development complies with Chapter E1 is discussed in detail below.</p>
<p><b>Any matters prescribed by the regulations:</b></p>	<p>The application generally complies with the <i>EP&amp;A Regulation 2000</i>.</p>
<p><b>The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and</b></p>	<p>The environmental impacts of the development are considered reasonable however the development is likely to cause unacceptable</p>

<b>economic impacts in the locality:</b>	social impacts on surrounding properties, these will be discussed in further detail below. The development if approved would also have unacceptable economic impacts on Council which will be further discussed below.
<b>Any submissions made in accordance with the EP&amp;A Act or the regulations:</b>	The application was notified and advertised. Details of notification and submissions received are discussed below.
<b>The public interest:</b>	The proposal in its current form is considered not in the public interest. The built form proposed and the number cabins in a location which is primarily low scale residential in nature would have an unacceptable level of impact on the surrounding properties and has the potential to create an undesirable precedent. Council has allowed for development of this type in the RU1 Zone however it must meet the objectives of the zone and be suitable for the location. It is considered in this case that the development as proposed would is not acceptable. The requirement for Council to take care and control of an additional rural road is not considered in the public interest due to the costs involved in maintaining additional road infrastructure. Council is currently in the process of reviewing the standard of Council roads and how this standard is to be upheld in the future and additional road added to its network would put added pressure on funding of existing roads and is considered on in the public interest.

### **Suitability of the site for development – Access**

The main issues with the development are the access to the site from Kosciuszko through Spring Hill Road (a formed Crown Road) then through an unnamed right of carriageway to the site. Several objections were received for the development the majority of which raised concerns with access in particular the state of Spring Hill Road and the need for the road to be upgraded to allow for tourist accommodation to be approved using the road.

The application was referred to Councils Technical Services and Operations (TSO) Department for comment as to the condition of Spring Hill Road and its suitability (in its current form) to be used for access for the development. The TSO Department commented as follows in relation to the suitability of the road for the development:

- *The standard of road in Springhill Road (width, pavement composition, vertical and horizontal alignment - inadequate sight distance) does not meet Council's current minimum standard for this type of development. Therefore, the upgrading of Springhill Road to Council's minimum standard is required.*

As Spring Hill Road is a constructed Crown Road the application was referred to the Crown for their comment as an adjoining land owner. The response received outlined the Crowns position that their core business is not as a roads authority and this is better placed with the local Council who has experience in managing roads. As such the Crown will not accept any condition of consent which requires work to be carried out on the road without Council undertaking to have the road transfer to their care and control. The NSW Rural Fire Service issued a Bushfire Safety Authority for the proposal, which included requirements for the upgrade of Spring Hill Road. These upgrades along with those which would be required by Council should the development be approved would require that Council undertake a transfer of the road to Council and that Council take on responsibility for maintenance. In relation to this requirement from the Crown Councils TSO Department has provided the following comments:

- *Springhill Road is located on a crown road reserve and as such SRSC is not the Roads Authority. It is therefore not possible to impose a condition to upgrade the road as appropriate and in proportion to the development.*
- *If the crown road reserve is transferred to Council as a public road, Council will become the Roads Authority.*
- *However, Council will not accept Springhill Road as a public Road and accordingly recommends that this development application be refused.*

As such it is considered that without the transfer of the road to Council the development could not proceed.

### **Assessment against relevant provisions of Snowy River LEP 2013**

Is the development permitted within the zone? *Eco Tourist Facilities are a use permitted with consent in the RU1 – Primary Production Zone.*

How is an Eco Tourist Facility defined under the LEP?

***eco-tourist facility*** means a building or place that:

- (a) *provides temporary or short-term accommodation to visitors on a commercial basis, and*
- (b) *is located in or adjacent to an area with special ecological or cultural features, and*
- (c) *is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.*

*It may include facilities that are used to provide information or education to visitors and to exhibit or display items.*

**Note.** See clause 5.13 for requirements in relation to the granting of development consent for eco-tourist facilities.

*Eco-tourist facilities are not a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.*

<b>Objectives of the RU1 – Primary Production Zone</b>	
To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.	The proposal may have the effect of limiting the adjoining lands ability to be used for primary production as the development of 5 cabins that are intending to house 6 persons each would lead to 30 tourists housed on the site at any given time in addition to those persons living permanently in the approved dual occupancy on the site.
To encourage diversity in primary industry enterprises and systems appropriate for the area.	No primary industry is proposed on the site.
To minimise the fragmentation and alienation of resource lands.	The land would not be considered “resource lands”
To minimise conflict between land uses within this zone and land uses within adjoining zones.	The development has the potential for land-use conflicts both with agricultural uses on neighbouring land and also on the residential amenity of the adjoining lots.
To promote tourism, educational and recreational development and living opportunities that are compatible with agricultural activities and the environmental, historical and cultural values of the zone.	Whilst the development would promote tourism it is not considered to be compatible with agricultural activities in the zone.
To ensure that development maintains and protects the scenic values and rural landscape characteristics of the zone through compatible, small-scale development.	The scale of the development (potentially housing 30 guests and those persons living permanently in the dual occupancy on site) on a 40 hectare allotment of land it is not considered compatible with adjoining land-uses. The development intended to be constructed of low cost materials and the buildings have little architectural merit. It will be visible from both the Lake and adjoining properties and is not considered compatible with the zone.
<b>4.1AA Minimum subdivision lot size for community title schemes</b>	
(1) The objectives of this clause are as follows:	
(a) to ensure that land to which this clause	The development would not create additional

applies is not fragmented by subdivisions that would create additional dwelling entitlements.	dwelling entitlements however it would fall to Council to ensure that the development is being managed and used in the way in which it was approved. The sale of each cabin to an individual would allow for 6 potential owners on site to use the properties as they wish.
<p>(2) This clause applies to a subdivision (being a subdivision that requires development consent) under the <u>Community Land Development Act 1989</u> of land in any of the following zones:</p> <p>(a) Zone RU1 Primary Production,</p> <p>(b) Zone R5 Large Lot Residential,</p> <p>(c) Zone E3 Environmental Management.</p>	The development complies
<p>(3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the <u>Community Land Development Act 1989</u>) is not to be less than the minimum size shown on the <u>Lot Size Map</u> in relation to that land.</p>	Does not apply to the subject development
<p>(3A) Despite subclause (3), development consent may be granted for a subdivision for an eco-tourist facility that will create more than one lot of a size that is less than the minimum size shown on the <u>Lot Size Map</u> in relation to that land if:</p> <p>(a) the subdivision is a subdivision of land under the <u>Community Land Development Act 1989</u>, and</p> <p>(b) all lots created by the subdivision are in the same community, neighbourhood or precinct scheme within the meaning of that Act.</p>	The development complies
<p><b>Clause 4.3 Height of Buildings</b></p> <p>The development complies with the 9m height limit as all cabins are single storey with a maximum height of 5.8m</p>	
<p><b>Clause 5.13 Eco Tourist Facilities</b></p> <p>(1) The objectives of this clause are as follows:</p>	
(a) to maintain the environmental and cultural	It is considered that the development complies

values of land on which development for the purposes of eco-tourist facilities is carried out,	with this objective.
(b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.	It is considered that the development in its current form would not meet the requirements of this objective, due to its scale and design.
(2) This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Plan.	Eco Tourist Facility is a use permitted in the RU1 Zone therefore this clause applies.
(3) The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that	
a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and	The applicant has not adequately provided to Council satisfaction that there is any connection between the development and the ecological environmental and cultural values of the site or area other than it is in proximity to the Kosciuszko National Park and Lake Jindabyne.
(b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and	The construction of the buildings will be of low impact being on piers with minimal excavation required for their footings. There will however be excavation required throughout the lot to create driveways and parking areas for the five cabins.
(c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and	The applicant has not demonstrated to Councils satisfaction that the development will enhance an appreciation of the environmental and cultural values of the site or area. The only detail provided in the statement of environmental effects is that the guest will be able to access interpretative signage within the property however no example of this signage or what its content may be has been submitted.
(d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and native flora and fauna will be minimal, and	It is considered that the application has addressed this requirement adequately. The cabins proposed are unlikely to have a significant impact on flora or fauna, water quality or soil quality. There are no heritage items or areas of heritage significance on the site.

(e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and	It is considered that the applicant has provided adequate information to demonstrate that the development will meet this requirement.
f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and	The applicant has provided detail of what waste mitigation will be in place during construction and whilst the development is operational as such it is considered that the application satisfies this requirement.
g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours, materials and landscaping with local native flora, and	The development is considered to not adequately address these requirements due to the number of cabins to be located on land of which much is visually prominent both from Lake Jindabyne and from neighbouring residences. The design whilst low in height has no specific architectural merit. No colour or materials schedule has been submitted with the application however the applicant has provided that the development will be of a colour that will blend with the environment. No landscaping plan has been submitted for the development detailing the types of planting to be installed. It is therefore not considered that there is adequate information provided for Council to be satisfied that the development meets the requirements of this clause.
(h) any infrastructure services to the site will be provided without significant modification to the environment, and	The development complies with the requirements of this clause.
i) any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and	The development complies with the requirements of this clause.
j) the development will not adversely affect the agricultural productivity of adjoining land, and	The applicant has not adequately demonstrated that the development will not have an adverse impact on adjoining agricultural land. Subdividing the proposed development will increase the possibility that guests in the tourist accommodation may wander into adjoining land and impact on the agricultural use of that land. The noise and potential for antisocial behaviour

	are also factors that may impact on the use of adjoining land for the purposes of agriculture.
k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment	
(i) measures to remove any threat of serious or irreversible environmental damage	The applicant has not provided a management strategy which specifically details how the development will address these requirements other than general information provided in the statement of environmental effects.
ii) the maintenance (or regeneration where necessary) of habitats	
iii) efficient and minimal energy and water use and waste output	
iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment	
v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.	
<b>7.6 Development within the Lake Eucumbene and Lake Jindabyne scenic protection areas</b>	
1) The objective of this clause is to protect the following attributes within the catchments of Lake Eucumbene and Lake Jindabyne: a)the visual qualities and scenery, b)the sense of isolation that can be enjoyed in many areas on and adjacent to the lakes, (c)the recreational functions of the lakes, including its attraction as a fishing destination, (d)the water storage functions of the lakes.	
(2) This clause applies to land identified as “Lake Eucumbene and Lake Jindabyne” on the <u>Scenic Protection Area Map</u> .	The land is identified as being within the Lake Jindabyne Scenic Protection area Map
(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:	
(a) the development will not have an unacceptable visual impact on the scenic quality of the area when viewed from the relevant lake at its full supply level or from a public place, and  (b) the development has been designed to prevent any intrusion into the view from the lake at its full supply level.	The applicant has situated the development so as to minimise its visual impact from the lake. Areas which are steep and the higher plateau have been excluded from the building area.
(4) In deciding whether to grant development consent to development on any land to which this	

clause applies, the consent authority must consider:	
(a) the visual impact of the development when viewed from the relevant lake at its full supply level or from a public place, and	It is considered that the development whilst being visible will be of a built form that minimises its visual impact from public land.
(b) whether the design and construction of any new buildings (including ancillary development) prevent any intrusion into the view from the lake and minimises any adverse impacts on the view from the lake and surrounding areas, and	The visual impact whilst minimises from the Lake will be an issue to neighbouring properties. Due to the number of buildings proposed for the site some will be visible to neighbouring properties and therefore impact on their views.
(c) the number, type and location of existing trees and shrubs that are to be retained and the extent of landscaping to be carried out on the site, and whether provision has been made for the planting of appropriate native species where the planting would visually screen the development.	The applicant has proposed that minimal trees are to be removed for the development to occur and that native landscaping will be installed around the cabins to minimise their impact. No landscaping plan detailing the types of locations of this landscaping has been submitted as part of this development application.

**Assessment against the provisions of Snowy River Development Control Plan 2013 – Chapter E1 Tourist Development**

1.1 Aims The aims in relation to tourist development are :	
<p>To encourage environmentally sustainable tourist development for the economic and social benefit of the Shire</p> <p>To ensure that tourist development provides quality outcomes for the built environment of the Shire</p> <p>To ensure that the subdivision of tourist development does not lead to permanent residential settlement in areas outside the townships within the Shire.</p> <p>To ensure that tourist-based development results in a net benefit to the condition of the land upon which is located.</p>	
Chapter 4 – Eco Tourist Facilities	
4.1 Objectives The objectives for the establishment of an eco-tourist facilities are:	
To strive to improve the environment of a site through appropriate design and integration of all elements of the development.	The applicant has not addressed how the development will improve the environment other than it will be low impact in terms of excavation and there will be native vegetation planted to screen the buildings.
To focus on minimal site disturbance with a	The applicant has addressed how the cabins

requirement for design to reflect not alter the natural existing landscape.	are to be constructed with limited site disturbance. There will still be excavation required for road works and car parking areas.
To integrate waste minimization and energy efficiency within the design and operation of a development.	The applicant has stated that there will be waste minimisation strategies included in the development.
To reduce the footprint of development components to the minimum required for development to proceed.	The buildings are proposed to be on piers to reduce the excavation needed to facilitate the construction.
To recognise the importance of key natural features to the visitor experience, and where these are off site (eg National Parks), recognise and address the potential indirect impacts associated with a development.	It is considered that the applicant has not clearly identified the potential indirect impacts associated with the development.
To acknowledge the social fabric of the locality and the need to respect, support, and not adversely affect, the local community	Due to the location of the proposal within an area that is being predominantly used for single dwellings on large lots, the inclusion of 5 additional buildings housing 30 people on an allotment that is already approved for two dwellings has the potential to adversely on the direct neighbours and those which use the access road to the site. It is not considered that the applicant has clearly addressed how the development will meet with this objective.
To incorporate visitor education and environmental awareness as integral components of the development.	The proposal does not clearly define how this is to be achieved. The applicant has stated that there will be walking trails to and from the lake with interpretative signage highlighting the native flora and fauna features of the land. No example of where these trails will be constructed or how they will be constructed has been provided. The applicant has not clearly addressed what about the property makes it suitable for this type of development other than it is a rural setting with views to Lake Jindabyne.
To incorporate ongoing monitoring of the development in total and continually assess cumulative impacts, striving to improve the environment within which the development is	This objective could be met with an appropriate community management statement however it would fall to Council to ensure that the development is being used

situated.	appropriately. As the proposal is to subdivide the cabins into single ownership it adds complexity to compliance and there are additional people involved.
To utilise alternative available technology for essential services, avoiding the use of non-renewable resources where practicable	The development complies as it is to be serviced by renewable energy excepting when back up electricity generation is required.
<b>4.2 Controls E1.3-1 Design of Eco-Tourist Facility</b>	
(a) The development is to be designed to utilize building materials that blend in with the surrounding landscape, promoting the use of recycled materials and materials sourced from the region.	The buildings are to be constructed from shipping containers which are a reuse of an existing resource. The containers however are to be clad in new materials with little reference to the region. They would not be locally sourced it is not considered that they are being designed to blend with the local environment other than being small in size.
(b) The development is to maximise energy efficiency and use a minimum of non-renewable energy.	The development is to be off grid using, solar power (with back up generators) and geothermal heating.
(c) The development is to be designed on the basis of ecological sustainability and an understanding of the potential environmental impacts.	The power use and heating of the development has been designed with ecologically sustainable principles. The use of worm farms for the disposal of septic waste while being a "greener" alternative due to the ability to compost matter in the systems are problematic when used in a tourist situation. These systems need constant monitoring and need to be used correctly. The issues for use of these systems in this case is that they will be dormant for some time when the cabin is not in use and then must be used properly when being let out for short term use. The management and maintenance of these systems will be a burden on onsite management and Council will need to inspect the systems on a regular basis to ensure they are operating effectively.
(d) Any buildings and infrastructure is not to dominate the visual landscape and is to be compatible with the local cultural character.	It is considered that whilst the buildings are low in stature they will dominate the landscape due to their number when combined with the built form proposed for the balance of the lot.

	There will be in total 8 buildings on the site all of a similar built form but of varying sizes and heights. It is not considered that they have been designed to be compatible with the local cultural character.
<b>E1.3-2 Operation of Eco-Tourist Facility</b>	
e) An eco-tourist facility that accommodates over 15 guests must be centrally managed by on-site management with all structural and land components being the responsibility of one management whether or not individual structures are owned by different entities.	The development will accommodate 30 guests and as such onsite management is proposed.
(f) Where a manager's residence is provided as part of an eco-tourist facility, an existing or proposed dwelling is to operate as the manager's residence (where possible).	In this case the one of the dual occupancy dwellings is to be used for this purpose.
(g) Only one manager's residence is permitted on land on which the eco-tourist facility is proposed.	Only one manager's residence is being proposed however it is the second dwelling on the site so there will be an additional dwelling other than the five eco tourist cabins and the managers residence. This is not strictly an issue as the land has a dwelling entitlement and two dwellings, not related to the eco tourist development are permitted.
(h) The eco-tourist facility must operate on a year-round basis. (i) Eco-tourist facility accommodation must be used solely for the provision of temporary holiday accommodation (no more than three (3) consecutive months).	The application presents that this will be the function of the development however it is a concern that when the development is subdivided that there will be up to five owners that will need to understand the implications of purchasing into such a development. This will become a compliance issue for Council.
<b>E1.3-3 Nature of Eco-Tourist Facility</b>	
(a) The development may contain facilities for the teaching, researching or dissemination of knowledge in respect of the natural and cultural history of the area.	The applicant has provided only that the development will include information for learning both on-line and in situ about how the buildings were constructed and their sustainability credentials. It is also stated (with no additional detail provided) that there is intended to be interpretative signage on walking paths within the development. The location of this signage and its content has not

	been provided to Council at the time of assessment.
b) The development will provide opportunities for visitors to experience nature and culture in ways that lead to a greater understanding, appreciation and enjoyment.	As detailed above the applicant has provided little information as to how the development will provide opportunities for visitors to experience nature and culture in way that would lead a greater understanding, appreciation and enjoyment. The response in the SEE to these requirements is minimal at best with only generalized information that there will be opportunities for water sports in the lake, walking tracks and some information on how the development was constructed. IT is not considered that this meets with the requirements of this clause.
<b>E1.3-4 Car Parking</b>	
(a) Adequate on-site car parking and bus parking and manoeuvrability is to be provided to cater for the peak use of the facility.	The development provides adequate onsite car parking for guest, no provision of bus parking has been provided No traffic study was provided with the application
(b) The development application may be required to be supported by a traffic assessment prepared by a suitably qualified traffic engineer demonstrating that adequate parking is provided for the peak use of the facility	
<b>E1.3-5 Access for Persons with a Disability</b>	
(a) Reasonable provision within the building and access areas is to be made for movement and circulation for people with disabilities.	The applicant has advised that the development will comply with the provisions of the Premises Standard, which would require for one of the cabins to be constructed to allow for persons with a disability to be accommodated. No detail of how this will be achieved was submitted with the development application however the applicant is correct that the onus for compliance with the standard is borne by the architect and certifier and not Council.
(b) The development must demonstrate consistency with the provisions of the Disability Discrimination Act 1992 (Commonwealth).	
(c) The development must comply with the Building Code of Australia with respect to access and circulation for persons with a disability.	
<b>E1.3-6 Waste Management</b>	
(a) Waste is to be managed in a safe, tidy and environmentally responsible manner and in accordance with legislative requirements.	The application was accompanied by a waste management strategy.
(b) Waste management is to be based on the principles of waste avoidance and maximising reuse and recycling of materials.	

(c) Details of the waste management strategy for the eco-tourist facility (both construction and operational phases) must be submitted to Council when a Development Application is lodged.	
---	--

## SUBMISSIONS

The application was notified and advertised, in accordance with relevant DCP requirements and the relevant statutory regulations. Notification letters were sent out to adjoining landowners and the application was advertised for period of "21" days.

Council received ten submissions to the development all of which had concerns regarding aspects of the proposal. The areas of concern raised in the submissions are summarized below.

### Submission 1

- Objects to the development
- When the property owner purchased their land they did so as they wanted to be surrounded by bush and not houses or large developments.
- The development will greatly impact on the submitters privacy and tranquility.
- Council has maintained that development should occur around existing township, close to existing infrastructure.
- The submitter understood that they could construct an additional dwelling on the property as it was within an area of scenic beauty.
- The proposal is too large in scale
- Extra traffic on Spring Hill Road

### Submission 2

- If solar power is insufficient the diesel generators could cause a noise problem
- Additional traffic is a concern
- The existing residents understand the dangers of the road the tenants of the tourist development will not, therefore the road should be upgraded.
- Access to Kosciuszko Road is dangerous, adequate signage should be installed and the section sealed.

### Submission 3

- Increased traffic on Spring Hill Road
- Does not want to be responsible for the extra costs involved in the increased use of the road by the development.
- The Crown do not maintain the road and it falls back to the residents.

### Submission 4

- Increase in usage of Spring Hill Road more than that described in the SEE.
- The applicant should state how the development will contribute to all levels of ongoing road maintenance.
- The SEE fails to state clearly the feeder roads ability to manage safe traffic.
- Spring Hill Road is not an all weather two-wheel drive as it has steep hills and is boggy in parts when wet. The road is not wide enough for two cars to pass.
- Feeder roads will require safety signage and engineering upgrading to a level of two way all sealed road starting at Kosciuszko Road and ending in the Eco Village entrance.

- Access in and out of Kosciuszko Road is difficult, a dedicated in/out turn lane would provide a safe access.
- Approval of the development would set a precedent, it would impact on landscape, native animals noise and erosion of rural lifestyle and should not be allowed to proceed.
- Should the development be approved upgrade works should be carried out by the developer at their cost prior to work commencing.

Submission 5

- Additional traffic the development would generate warrants a full upgrade of the intersection of Spring Hill Road and Kosciuszko Road as the current intersection is considered unsafe.

Submission 6

- Eco Tourist Facility has not been satisfied as there are no special ecological or cultural features pertaining to the application. No sustainable “eco” factors regarding the development and the development would be detrimental to the surrounding natural environment.
- Development is purely a subdivision of land which is currently restricted with a 40-hectare minimum lot size.
- Development is proposed directly in the line of sight from every window in the front of the submitter’s dwelling and there is no likelihood that given the high wind zone area and the alpine climate that any vegetation would reduce this impact for several years.
- Both Spring Hill Road and the right of carriageway are low quality dirt roads barely able to carry the current local residential traffic. Serious concerns regarding the impact of increased traffic (up to a 94% increase). The development requires as a minimum a sealed all weather road.
- Access off Kosciuszko Road is dangerous.
- Significant social impacts for neighboring properties.
- Due to the zoning of the land Council should maintain a more stringent control on the property development of tourist facilities within its precinct. The proposed development opens up the opportunity or significantly hampers future control by Council for any loosely submitted eco tourist facility. See the potential for this type of development for every landowner with lake frontage to be eligible without requiring significant infrastructure improvement and causing significant fiscal implications on all local tax payers and Council.

Submission 7

- Opposed to the development on the grounds of visual pollution in an area deemed “scenic beauty”.
- The built form is more suited to temporary housing and is not appropriate in an area of natural scenic beauty.

Submission 8

- No objection to the construction elements of the proposal
- Concern with access issues that have not been fully addressed.
- Issues that need to be reexamined
  - Width and make up of Spring Hill Road
  - Hazards are not known to visitors
  - Kosciuszko Road intersection has visibility issues
  - Increase in volume of traffic
- How ongoing maintenance will be addressed and the payment of such.

Submission 9

- Disputes the road use statistics that were provided by the applicant in the SEE, contends that the numbers are much higher than those stated by the applicant.
- Ongoing road maintenance costs may significantly financially penalize other parties that are sharing the right of way.
- The Kosciuszko Road intersection is poorly designed and barely adequate for local traffic the addition of tourist traffic without specific knowledge of local hazards poses a “beyond reasonable and foreseeable risk” to all traffic passing the intersection.
- There are blind spots on Spring Hill Road which are dangerous
- Concerns with the adequacy of fire and emergency access.
- Cost of road maintenance and who would be required to pay.
- Issues with the use of solar power in commercial developments
- Issues with the use of worm farms in commercial developments
- Weed and pest control issues
- The addition of tourists to a quiet rural community will have significant social, environmental and financial costs. These will be negative impacts such as devaluation of properties, safety risks for children and property, financial costs of road maintenance.
- Increase in waterfront usage including foot traffic, vehicular traffic and potentially noisy power boats etc. This would negatively impact on privacy and lifestyle of surrounding residences.

Submission 10

- Concern that the developer is trying to subdivide the land in a way that is not currently allowed in this area
- Owners in the area do not enjoy facilities that other ratepayers do with respect to rubbish collection, sewerage or water services; concern is that due to this the cabins will not be sustainable.
- Five more dwellings on the property would indicate building low density residential zone; this does not fit with the current zoning. If this is allowed can other owners subdivide their properties?
- Spring Hill road is impacted by weather and traffic and requires annual maintenance by landowners. The proposed DA will expose the submitter to additional expense.
- Concerned about the impact of the increased traffic and human presence on local fauna.
- Cannot agree that there is any environmental gain concerning the proposal.

Across all submissions the quality of the surface and the width of Spring Hill Road was raised in various ways. The road is considered by the submitter's to be not of a standard that would be suitable for tourist use. The maintenance of Spring Hill Road was also raised as an issue as the current users of the road are maintaining it out of their own funds. The additional traffic on the road was considered an unreasonable impost on the existing users.

The intersection of Spring Hill road with the Kosciuszko Road was also considered an issue with the lack of sight distance raised as a concern with submitters. The application was referred to the RMS who replied that they had no objection to the development and would not require road works at the intersection to facilitate the development.

The concern with the state of Spring Hill Road has been further supported by comments from Councils Technical Services and Operations Department who would require upgrades to the road to facilitate the development. Due to the status of the road Council would need to take over

control of the road to allow for these works to be carried out. This is not supported by Council as it would increase the number of roads in the Council road network.

A number of the submissions raise the built form of the development as an issue and its use of containers as a low cost method of construction was considered undesirable. The visual impact of the development has also been raised. The use of containers as a built form is not generally unacceptable to Council however it must be carried out in a way that is sympathetic to the setting. In this case some of the buildings would be visible from surrounding properties and could cause an unreasonable visual impact.

The proposal to subdivide the development is a cause for concern in a number of submissions. The community title subdividing of eco tourist facilities is permissible under the provisions of the LEP however the subdivision may increase Councils compliance responsibility as it will now be managing a number of different owners rather than one resort. Having a robust community management statement and good onsite management would go some way to mitigating these issues.

How the development will impact on neighbouring properties is a concern for a number of submitters. It is perceived that the quiet enjoyment of their properties will be impacted. It is considered reasonable to contend that with an additional 30 people potentially recreating on an adjoining allotment and using a right of carriageway through the neighbouring property will impact negatively on the neighbors. A community management statement and onsite management could go some way to mitigating these impacts however the potential for noise generation is real and out of character with the existing uses in the area.

The applicant was provided copies of the submissions and responded to the concerns raised. The applicants' response has been included in full as an attachment to this report as such it will not be summarised here. Some changes were made to the development in response to the submissions being the change in location of two of the cabins and a change to access to the site from the right of carriageway and a concession that the developer will pay for upgrades to the roads in question.

## **CONCLUSION**

The development has been assessed against the provisions of Section 79C of the Act and has not met all requirements to allow for approval. It is considered therefore that refusal of the development application be recommended.

## **QUADRUPLE BOTTOM LINE REPORTING**

### **1. Social**

It is considered that the development would have an unreasonable social impact on the surrounding landholders and may lead to an undesirable precedent with respect to what Council considers to be Eco Tourist Development, where this should occur and in what form it should take. The development would create noise and traffic impacts on the surrounding properties and being subdivided under community title would generate an enforcement issue for Council with respect to longer term tenancy of the development. The development whilst only 5 cabins would lead to a density of the property of 7 dwellings. Should the new owners of the cabins choose not to let the buildings as short term tourist development but live in the dwellings (even as holiday homes), it would lead to a situation where on a 40-hectare allotment of land there would be more than the two dwellings allowable under the current LEP.

### **2. Environmental**

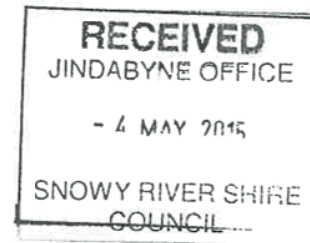
It is not considered that the development would have significant negative environmental impacts on the locality; however it is considered that it would have negative visual impacts when viewed from Lake Jindabyne and surrounding properties. The potential for weed control may be impacted due to a number of owners being responsibly for weed eradication on the site. This could be mitigated with appropriate inclusions in a community management statement however.

### **3. Economic**

For the proposed development to be approved upgrade works would be required to Spring Hill Road. Being a crown road any such works could only occur if Council took control of the road and it became a public road under Councils road network. The application was referred to Councils Technical Services and Operations Department and their response has been included in the report. It was not favourable with respect to the taking over of Spring Hill Road and as such it was recommended that without the road works required the application should not be approved.

### **4. Civic Leadership**

As per Councils request to determine all applications that deal with tourist development in rural areas within the Shire the application has been present to Council for final determination. The application also received a number of objections and both the applicant and some of the objectors wished to be present when the application was determined.



## BUSHFIRE ASSESSMENT

**ECO-TOURIST FACILITY INC COMMUNITY TITLE SUBDIVISION  
SPRING HILL ROAD, EAST JINDABYNE  
LOT 3 DP 1175878**



**APRIL 2015**

**Project: 03-15**

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## GLOSSARY

<b>APZ</b>	Asset Protection Zone
<b>AS 3959</b>	Australian Standard 3959:2009 Construction of buildings in bushfire prone areas
<b>BCA</b>	Building Code of Australia
<b>CC</b>	Construction Certificate
<b>DA</b>	Development Application
<b>EP&amp;A Act</b>	Environmental Planning Assessment Act
<b>FDI</b>	Fire Danger Index
<b>kW/m<sup>2</sup></b>	kilowatts per square metre (being a measure of radiant heat)
<b>PBP</b>	Planning for Bushfire Protection
<b>RF Act</b>	Rural Fires Act 1997
<b>RFS</b>	NSW Rural Fire Service

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## 1. INTRODUCTION

### 1.1 Purpose

Dabyne Planning Pty Ltd has been engaged to undertake a Bushfire Assessment Report to accompany a Development Application for an Eco-tourist facility providing on-site tourist accommodation across five (5) new cabins at Lot 3 DP 1175878, Spring Hill Road, East Jindabyne.

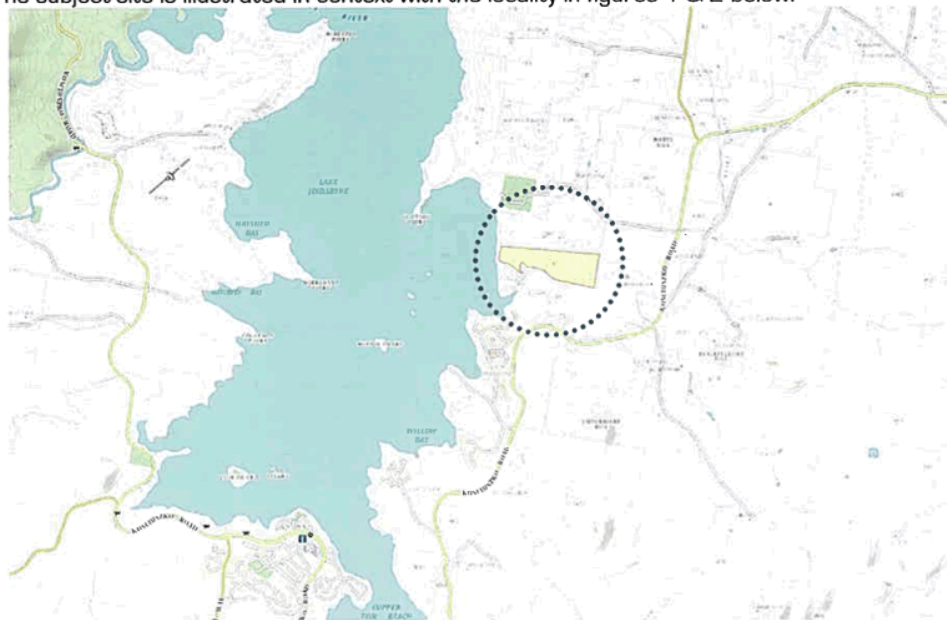
The proposal also includes a Community Title subdivision of the proposed Eco-tourist facility, with each proposed cabin being located on a Community Development Lot. The approved detached dual occupancy dwellings (approved under DA0067/2015) will be located on a separate Community Development Lot, with the second smaller (two bedroom) dwelling servicing the cabins as a Managers residence, whilst the larger three (3) bedroom dwelling is retained and occupied by the owner. The balance of the land within the entire lot will form part of the Community Association land, which will include the internal road network.

The report has therefore been prepared in accordance with Section 91A of the Environmental Planning and Assessment Act, 1979 (EP&A Act, 1979), and Section 100B of the NSW Rural Fires Act 1997 (RF Act, 1997) and based on the published Planning for Bushfire Protection 2006 Guidelines (PBP).

### 1.2 Site Description

The subject site is located approximately 5km north-east of the Jindabyne township, with direct frontage to Lake Jindabyne.

The subject site is illustrated in context with the locality in figures 1 & 2 below:



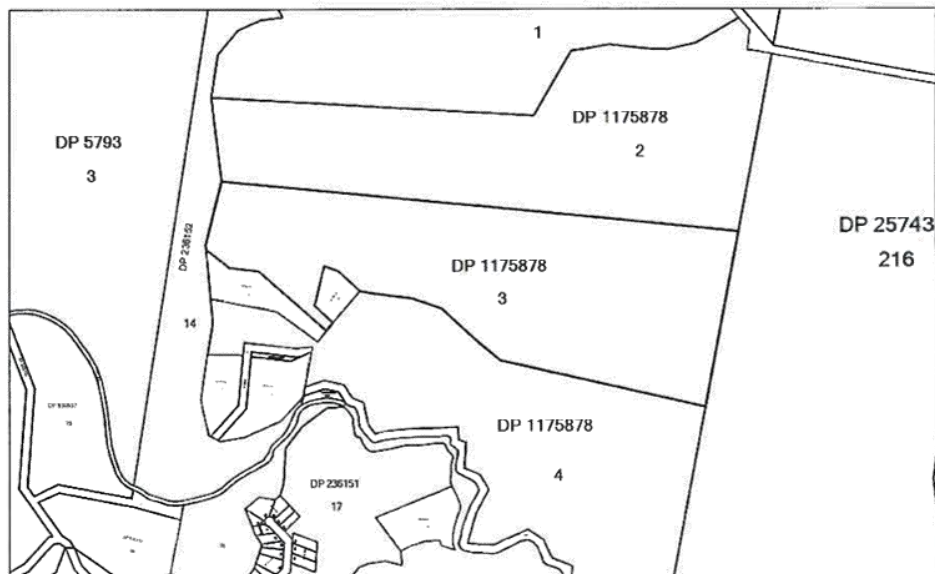
*Figure 1: Context of the subject site in the locality (topographical)*

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Figure 2: Context of the subject site in the locality (aerial)

The subject property, located to the south of Spring Hill Road, west of Kosciuszko Road and east of Lake Jindabyne within East Jindabyne is legally described as Lot 3 DP 1175878, as shown in figure 3 below.



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The allotment is 40.21 hectares in size and is currently vacant, except for a shed.

The property is bound by Lake Jindabyne to the west and rural properties to the north, south and east.

The property generally slopes from east to west, down to the lake from 1100m to 920m, as shown in the topographic plan provided in figure 4 below.

Topographic information and Contours (data supplied by LPI)

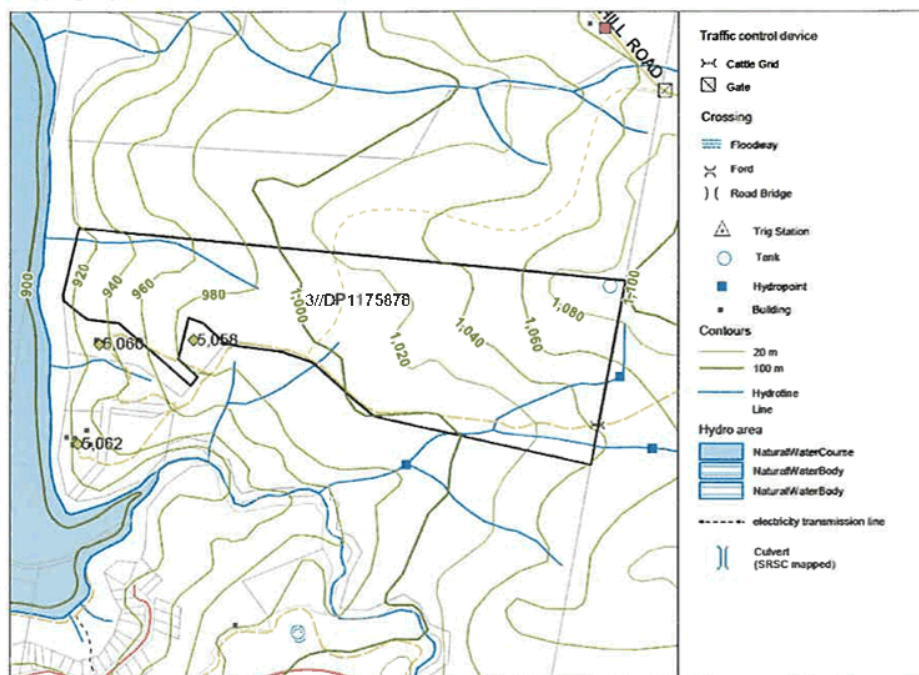


Figure 4: Topographic Map showing the subject site

The property includes a mixture of Woodland vegetation and cleared open areas, comprising mostly of exotics, with very little native grassland remaining. There is also a small group of plantation pines located on the site that extends north into Lot 2. The vegetation on the majority of the property is however generally open and has been subject to previous grazing as shown in the aerial map provided in figure 5 below.

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*Figure 5: Aerial Map of the subject site*

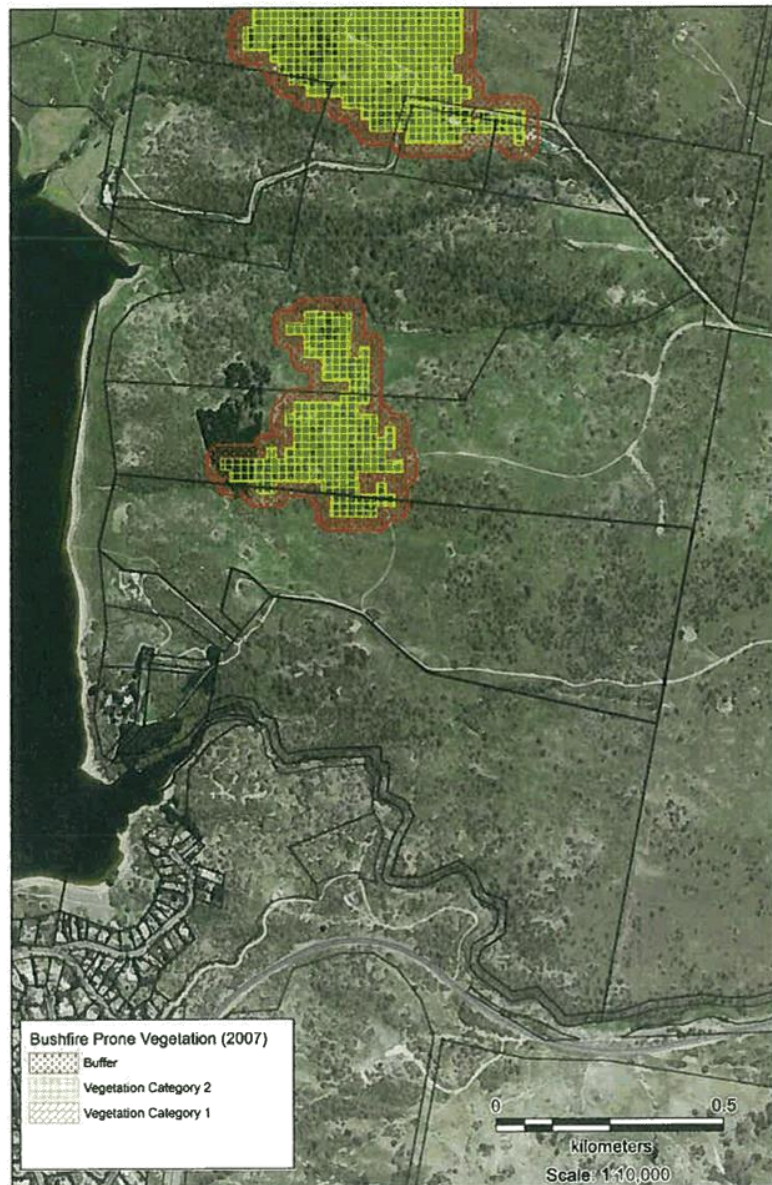
Selected photos of the site and the proposed cabin locations are provided in Appendix A of the SEE.

### **1.3 Bushfire Prone Land**

The Bushfire Prone Land Map obtained from the Snowy River Shire Council indicates that only a very small part of the subject site is located within a designated bushfire prone area. This area is located along the northern boundary, within the western lower part of the property, due to the combination of the Pine Planation and Woodlands vegetation predominantly located within Lot 2 to the north, as shown in figure 6 below.

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**Bushfire Prone Vegetation. Imagery 2011 supplied by LPI**



*Figure 6: Bushfire Prone Land Map*

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## 1.4 Proposed Development

### Eco-tourist facility – cabins

The proposal includes five (5) cabins, each single storey in height all sharing the same design, however orientated differently depending on their solar access and views over the lake towards the mountains.

Each cabin incorporates two (2) bedrooms, a combined kitchen, dining and living area and a bathroom. Each cabin can accommodate a maximum of six (6) guests with a maximum of thirty (30) guests across the proposed development.

On-site management will be undertaken within the already approved two bedroom dwelling located below the existing shed.

The shipping containers will form the basic structure, located on piers allowing the building footprint to tread lightly on the ground with minimal cut and fill required. The structures will be insulated and protected with foam insulation, battens and external cladding added, as well as skillion roof profiles, to ensure that the cabins present as one custom designed structure. The external cladding will comprise of Weathertex panels (in both vertical and horizontal) with Colorbond metal roofing, barge boards, fascia, gutters and downpipes.

Each cabin includes a skillion roof that is sloped towards the north and west providing suitable roof surfaces for solar panels, the primary source of electricity for each building.

### Community Title Subdivision

The proposal seeks consent for the Community Title subdivision of the proposed cabins into six (6) 'Community Development Lots' with the residual land located in one (1) 'Community Property'.

Each proposed cabin will be located on a 'Community Development Lot', which each lot being approximately 5000m<sup>2</sup> (0.5ha) in size.

The proposed allotment size has been determined to allow all the required infrastructure to service each cabin to be located within its own allotment, including the provision of two (2) parking spaces, an internal driveway, rainwater tanks, individual on-site effluent systems including absorption trenches.

The approved main three (3) bedroom dwelling and second smaller two (2) bedroom dwelling (under DA 0067/2015) which will be used as a managers residence will be located on its own 'Community Development Lot'.

The remaining land within the entire property will form the 'Community Property', which will be centrally managed by the 'Community Association' and comprise of the internal road network and water supply from the lake.

To provide adequate static water supply for fire-fighting purposes, each cabin will be provided with a 10,000 litre rainwater tank with the appropriate storz fitting. All the tanks will be metal.

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## 2. LEGISLATION

### 2.1 NSW Environmental Planning and Assessment Act 1979 and Rural Fires Act 1997

As identified above, the subject site is partially located within a designated bushfire-prone area and as the development is for an Eco-tourist facility, a form of 'tourist accommodation', the development is classed as being for a 'Special Fire Protection Purpose'.

Additionally, the development includes a Community Title Subdivision.

The development application is therefore categorised as an Integrated Development under S.91 of the EP&A Act, 1979 and therefore requires a Bushfire Safety Authority from the NSW Rural Fire Service under S.100B of the RF Act, 1997.

Clause 46 of the Rural Fires Regulation 2002 sets out the matters that must be assessed in an application for a Bush Fire Safety Authority including a description of the property, classification of the vegetation, slope assessment, identification of significant environmental features, and details of threatened species and Aboriginal relic or place.

Clause 46(1)(g) of the Rural Fires Regulation 2002 specifies that a bushfire assessment for a proposed development must address the following matters:

- (i) the extent to which the development is to provide for setbacks, including asset protection zones,*
- (ii) the siting and adequacy of water supplies for fire fighting,*
- (iii) the capacity of public roads in the vicinity to handle increased volumes of traffic in the event of a bush fire emergency,*
- (iv) whether or not public roads in the vicinity that link with the fire trail network have two-way access,*
- (v) the adequacy of arrangements for access to and egress from the development site for the purposes of an emergency response,*
- (vi) the adequacy of bush fire maintenance plans and fire emergency procedures for the development site,*
- (vii) the construction standards to be used for building elements in the development, and*
- (viii) the adequacy of sprinkler systems and other fire protection measures to be incorporated into the development.'*

This Bushfire Assessment Report has been undertaken in accordance with the requirements stipulated above, where considered relevant in context of the proposed development.

### 2.2 Planning for Bushfire Protection 2006

The NSW Rural Fire Service 'Planning for Bushfire Protection, 2006: A Guide for Councils, Planners, Fire Authorities and Developers' applies to the proposed development including the recently adopted Appendix 3 Addendum.

The subject site is located within the Snowy River Shire, which is located within the Monaro Alpine fire area, which has a corresponding FDI of 80.

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### **3. METHODOLOGY**

#### **3.1 Site Inspection**

A site inspection was undertaken by Dabyne Planning in March 2015 to determine the potential bushfire risks associated with the site. The guidelines for bushfire risk assessment as set out in PBP were used to determine the potential bushfire risks.

#### **3.2 Vegetation Communities**

The vegetation and plant communities within 140m of the existing building were determined by undertaking a site inspection and consulting PBP and the vegetation types identified in '*Ocean Shores to Desert Dunes*', by Kieth (2004).

The classification under David Keith's '*Ocean Shores to Desert Dunes*' (used in PBP) were then converted to the 'Sprect' classifications using Table A3.5.1 in the Appendix 3 Addendum.

#### **3.3 Slope**

Slope affects the speed and intensity of bushfires, with steep upslopes carrying a greater hazard than flatter slopes or downslopes.

The slope assessment has been based on topographical maps, contour lines as well as an on-site inspection.

The effective slope has been determined by measuring the slope over a distance of at least 100m from the location of the proposed buildings towards the vegetation that provides the greater bushfire threat.

#### 4. VEGETATION CLASSIFICATION, SEPERATION & SLOPE ASSESSMENT

The vegetation that forms the bushfire hazard to the north and west of the proposed cabins, along the northern boundary of the subject site, as shown in the Bushfire prone land map in figure 6 above is a combination of both Pine Plantations and Sub-Alpine Woodland, with the Sub-Alpine Woodlands being the predominant vegetation community.

David Keith's <i>Ocean Shores to Desert Dunes</i>	AUSLIG (1990) Pictorial Analysis [AS3959-2009]
Forests (Wet & Dry Sclerophyll)	Forest
Pine Plantations	
Forested Wetlands	
Woodlands (Grassy, Semi-Arid)	Woodland
Tall Heath (Scrub)	Scrub
Freshwater Wetlands	
Short Heath (Open Scrub)	Shrubland
Arid Shrubland	Mallee/Mulga
Alpine Complex (Sedgeland)	Tussock Moorland
Rainforest	Rainforest
Grassland	Grassland

[illegible]

*Figure 7: Proposed development in context with the vegetation that provides the greatest bushfire threat*

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In relation to the above, the following vegetation separation distances have been determined and provided in the following table.

Proposed Building	Closest Hazard	Distance
Cabin 1	North-West	>80m
Cabin 2	North-West	>200m
Cabin 3	West	>200m
Cabin 4	West	>250m
Cabin 5	West	>300m

#### 4.2 Slope Assessment

The effective slope over a distance of at least 100m from the location of the proposed buildings in relation to the vegetation that will form a hazard has been determined. The effective slope, being the slope under the greatest hazard has been assessed to be as follows:

Proposed Building	Closest Hazard	Distance	Slope
Cabin 1	North-West	>80m	Downslope 5-10 degrees
Cabin 2	North-West	>200m	N/A (>100m)
Cabin 3	West	>200m	N/A (>100m)
Cabin 4	West	>250m	N/A (>100m)
Cabin 5	West	>300m	N/A (>100m)

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## **5. SIGNIFICANT ENVIRONMENTAL FEATURES**

The Statement of Environmental Effects (SEE) that is submitted with the Development Application addresses the matters in respect to threatened species, populations, endangered ecological communities or critical habitat and Aboriginal heritage.

The SEE does not identify any significant environmental features that would need to be considered in context with this bushfire assessment report.

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## 6. BUSHFIRE ASSESSMENT

### 6.1 Eco-Tourist Facility Accommodation Cabins: Special Fire Protection Purpose Developments

As stated above, the proposed development consists of constructing five (5) cabins as part of an Eco-tourist facility. Each cabin will comprise of two (2) bedrooms and therefore the total capacity of the cabins is thirty (30) guests.

The specific objectives for special fire protection purpose developments are to:

- *provide for the special characteristics and needs of occupants. Unlike residential subdivisions, which can be built to a construction standard to withstand the fire event, enabling occupants and firefighters to provide property protection after the passage of fire, occupants of SFPP developments may not be able to assist in property protection. They are more likely to be adversely affected by smoke or heat while being evacuated.*
- *provide for safe emergency evacuation procedures. SFPP Developments are highly dependent on suitable emergency evacuation arrangements, which require greater separation from bush fire threats. During emergencies, the risk to firefighters and other emergency services personnel can be high through prolonged exposure, where door-to-door warnings are being given and exposure to the bush fire is imminent.*

In relation to Eco-tourism, the following commentary outlines particular matters for consideration.

- *A major challenge arises with 'eco-tourism' facilities in which accommodation has traditionally been built into a remote bushland environment. Eco-tourism aims to foster environmental and cultural understanding, appreciation and conservation, be ecologically sustainable and based on relatively undisturbed natural areas.*
- *Clearly this can conflict with bush fire safety objectives, which aim to reduce a building's vulnerability to ignition from heat radiation, flame or embers and to provide safe access and a minimum defendable space for firefighter safety. Access can also be problematic and the requirements for access possibly across adjoining properties will need to be carefully assessed. This should recognise the risk faced by fire fighters trying to gain access and occupants trying to evacuate to safer areas (see page 39).*

Fortunately the development is not located within a remote bushland area, with all the proposed cabins located wholly outside of the land identified as being bushfire prone, including the 100m bushfire buffer.

The development also has two separate access roads providing coinciding legal and practical access, through to Kosciuszko Road to the east, as discussed further below.



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## 6.2 Community Title Subdivision

As stated above, the proposal seeks consent for the Community Title subdivision of the proposed cabins into six (6) 'Community Development Lots' with the residual land located in one (1) 'Community Property'.

Each proposed cabin will be located on a 'Community Development Lot', which each lot being approximately 5000m<sup>2</sup> (0.5ha) in size.

All of the proposed Community Development Lots, comprising each of the five (5) proposed cabins and the two (2) approved dwellings, are all wholly located outside of bushfire prone land. Only the residual Community Property will comprise the small parcel of bushfire prone land located along the northern boundary, within the western part of the property.

Notwithstanding that the bushfire prone land will not be subdivided, the relevant provisions of PBP have been considered and addressed below.

## 6.3 Standards for Bush Fire Protection Measures for Special Fire Protection Purpose Developments

### 6.3.1 Asset Protection Zones (APZs)

*Intent of measures: to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants.*

The minimum APZ for Woodlands vegetation formation with a downslope of 5-10 degrees can be achieved in accordance with Table 2.6 in PBP, as provided below:

Table A2.6 Minimum Specifications for Asset Protection Zones (m) for Special Fire Protection Purposes in bush fire prone areas (<10kW/m <sup>2</sup> )					
Vegetation Formation	Effective Slopes				
	Upslope/Flat	>0°-5°	>5°-10°	>10°-15°	>15°-18°
Rainforests	30	40	50	60	65
Forests	60	70	85	100	100
Woodland (Grassy)	40	50	60	70	75
Plantations (Pine)	50	60	70	85	95
Tall Heath (Scrub)	45	50	55	60	65
Short Heath (Open Scrub)	35	35	40	45	45
Freshwater Wetlands	35	35	40	45	45
Forested Wetlands	50	60	75	90	95
Semi-Arid (Woodland)	30	35	40	45	50
Arid Shrubland	30	35	40	45	45
Alpine Resorts	(see page 31 and Table A3.5 on page 66)				

Proposed Cabin 1 is located 90m from the northern boundary and over 80m from the bushfire hazard located to the north-west.

As for proposed Cabins 2-5, they are all well located over 100m from the bushfire hazard located to the north-west.

All of the proposed building can therefore comply with the APZ required.

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An assessment of the proposal in accordance with the performance criteria and acceptable solutions has been provided below.

Performance Criteria	Acceptable Solutions	Comply	Comments
Radiant heat levels of greater than 10kW/m <sup>2</sup> will not be experienced by occupants or emergency services workers entering or exiting a building.	An APZ is provided in accordance with the relevant tables/figures provided.	✓	Complies.
	Exits are located away from the hazard side of the building.	✓	Each of the cabin exits are located to the south and east, away from the bushfire hazard to the north/west.
	The APZ is wholly within the boundaries of the development site.	✓	The APZ is retained within the property boundary.
APZ maintenance is practical, soil stability is not compromised and the potential for crown fires is negated.	Mechanisms are in place to provide for the maintenance of the APZ over the life of the development.	✓	To be conditioned.
	The APZ is located on lands with a slope less than 18 degree.	✓	The slope of the land is less than 18 degrees.
APZs are managed and maintained to prevent the spread of a fire towards the building.	In accordance with requirements of Standards for Asset Protection Zones (RFS, 2005)	✓	A sufficient APZ is can be provided.
Vegetation is managed to prevent flame contact and reduce radiant heat to buildings, minimise the potential for wind driven embers to cause ignition and reduce the effect of smoke on residents and fire-fighters.	Compliance with Appendix 5.	✓	As above.

### 6.3.2 Access – Property Access

*Intent of measures: to provide safe access to/from the public road system for firefighters providing property protection during a bush fire and for occupants faced with evacuation.*

Performance Criteria	Acceptable Solutions	Comply	Comments
Access to properties is provided in recognition of the risk to fire fighters and/ or evacuating occupants.	At least one alternative property access road is provided for individual dwellings (or groups of dwellings) that are located more than 200 metres from a public through road	✓	Alternative access is achieved via the existing right-of-carriageway to the east, through Lots 216 & 218 DP 257432 to Kosciuszko Road.
The capacity of road surfaces and bridges is sufficient to carry fully loaded firefighting	Bridges clearly indicate load rating and pavements and bridges are capable of carrying a load of 15 tonnes	N/A	No bridges required or proposed.

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vehicles.  Till weather access is provided.	Roads do not traverse a wetland or other land potentially subject to periodic inundation (other than a flood or storm surge).	N/A	Access to the development does not require traversing through a wetland.
*road widths and design enable safe access for vehicles	A minimum carriageway width of four metres for rural-residential areas, rural landholdings or urban areas with a distance of greater than 70 metres from the nearest hydrant point to the most external part of a proposed building (or footprint).  <i>Note: No specific access requirements apply in a urban area where a 70 metres unobstructed path can be demonstrated between the most distant external part of the proposed dwelling and the nearest part of the public access road (where the road speed limit is not greater than 70kph) that supports the operational use of emergency firefighting vehicles (i.e. a hydrant or water supply).</i>	✓	Can comply.
	In forest, woodland and heath situations, rural property access roads have passing bays every 200 metres that are 20 metres long by two metres wide, making a minimum trafficable width of six metres at the passing bay.	✓	Can comply.
	A minimum vertical clearance of four metres to any overhanging obstructions, including tree branches.	✓	Can comply.
	Internal roads for rural properties provide a loop road around any dwelling or incorporate a turning circle with a minimum 12 metre outer radius.	✓	Can comply.
	Curves have a minimum inner radius of six metres and are minimal in number to allow for rapid access and egress.	✓	Can comply.
	The minimum distance between inner and outer curves is six metres.	✓	Can comply.
	The crossfall is not more than 10 degrees.	✓	Can comply.

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	Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads. <i>Note: Some short constrictions in the access may be accepted where they are not less than the minimum (3.5m), extend for no more than 30m and where the obstruction cannot be reasonably avoided or removed. The gradients applicable to public roads also apply to community style development property access roads in addition to the above.</i>	✓	Can comply.
	Access to a development comprising more than three dwellings have formalised access by dedication of a road and not by right of way.	The subject site has two forms of legal and coinciding practical access through to Kosciuszko Road, via Lot 2 to the north to Spring Hill Road (a Crown Road) and via Lots 216 & 218 DP 257432 to the east to Kosciuszko Road.	

#### Access – Internal Roads

*Intent of measures: to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area*

Performance Criteria	Acceptable Solutions	Comply	Comments
Internal road widths and design enable safe access for emergency services and allow crews to work with equipment about the vehicle.	Internal roads are two-wheel drive, sealed, all-weather roads;	✓	The internal access road will be an all-weather road, suitable for two-wheel drive vehicles.
	Internal perimeter roads are provided with at least two traffic lane widths (carriageway 8 metres minimum kerb to kerb) and shoulders on each side, allowing traffic to pass in opposite directions;		There is no existing or proposed internal perimeter road, with no cabin or road located within the bushfire prone land area.  To ensure an appropriate access width and enable safe access for emergency services,

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	Roads are <b>through</b> roads. Dead end roads are not more than 100 metres in length from a through road, incorporate a minimum 12 metres outer radius turning circle, and are clearly sign posted as a dead end;	the following has been included: <ul style="list-style-type: none"> <li>- Passing lanes to be included.</li> <li>- Although the access road is only 4m, the vegetation on the side comprises of predominantly grasses, therefore allowing vehicles to pass each other along any part of the road (therefore achieving an 8m width).</li> <li>- Turning areas incorporating a minimum 12m radius can be achieved at each building.</li> </ul>	
	Traffic management devices are constructed to facilitate access by emergency services vehicles.	N/A	There are no existing or proposed traffic management devices.
	A minimum vertical clearance of four metres to any overhanging obstructions, including tree branches, is provided.	✓	Can comply.
	Curves have a minimum inner radius of six metres and are minimal in number to allow for rapid access and egress.	✓	Can comply.
	The minimum distance between inner and outer curves is six metres.	✓	Can comply.
	Maximum grades do not exceed 15 degrees and average grades are not more than 10 degrees.	✓	Can comply.
	Crossfall of the pavement is not more than 10 degrees.	✓	Can comply.
	Roads do not traverse through a wetland or other land potentially subject to periodic inundation (other than flood or storm surge).	N/A	Access to the development does not require traversing through a wetland.
	Roads are clearly sign-posted and bridges clearly indicate load ratings.	N/A	Access to the development does not require traversing over a bridge.
	The internal road surfaces and bridges have a capacity to carry fully-loaded firefighting vehicles (15 tonnes).	N/A	No bridges required or proposed.

### 6.3.3 Services – Water, gas & electricity

*Intent of measures: to provide adequate water services for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to buildings*

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Performance Criteria	Acceptable Solutions	Comply	Comments
<b>Reticulated water supplies</b> • water supplies are easily accessible and located at regular intervals.	Access points for reticulated water supply to SFPP developments incorporate a ring main system for all internal roads.	N/A	The subject site does not have access to a reticulated water supply.
	Fire hydrant spacing, sizing and pressures comply with AS 2419.1 – 2005. Where this cannot be met, the RFS will require a test report of the water pressures anticipated by the relevant water supply authority, once development has been completed. In such cases, the location, number and sizing of hydrants shall be determined using fire engineering principles.	N/A	
	The provisions of public roads in section 4.1.3 in relation to parking are met.	N/A	
<b>Non-reticulated water supply areas</b>  a water supply reserve dedicated to firefighting purposes is installed and maintained. The supply of water can be an amalgam of minimum quantities for each lot in the development and be reticulated within dedicated fire fighting lines.	10,000 litres is the minimum dedicated water supply required for fire fighting purposes for each occupied building, excluding drenching systems.	✓	Each building to be connected to a minimum static water supply of 10,000 litres.
	The provision for suitable connection for RFS and/or NSW Fire Brigades purposes in section 4.1.3 in relation to water supplies is made available.	✓	The new rainwater tank/s are to have the appropriate required connections.
<b>Electricity Services</b> location of electricity services will not lead to ignition of surrounding bushland or the fabric of buildings or risk to life from damaged electrical infrastructure.	Electrical transmission lines are underground.	The existing overhead transmission lines are only to be used as a back-up power supply to the renewable energies to be used, which include solar and geothermal.	
<b>Gas services</b> • location of gas services will not lead to ignition of surrounding bushland or the fabric of buildings	Reticulated or bottled gas is installed and maintained in accordance with AS 1596 and the requirements of relevant authorities. Metal piping is to be used.	✓	Can comply.

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	All fixed gas cylinders are kept clear of all flammable materials to a distance of 10 metres and shielded on the hazard side of the installation.		
	If gas cylinders need to be kept close to the building, the release valves are directed away from the building and at least 2 metres away from any combustible material, so that they do not act as a catalyst to combustion. Connections to and from gas cylinders are metal.		
	Polymer sheathed flexible gas supply lines to gas meters adjacent to buildings are not used.		

#### 6.3.4 Emergency & Evacuation Planning

*Intent of measures: to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments.*

Performance Criteria	Acceptable Solutions	Comply	Comments
An Emergency and Evacuation Management Plan is approved by the relevant fire authority for the area.	An emergency/evacuation plan is prepared consistent with the RFS Guidelines for the <i>Preparation of Emergency/Evacuation Plan</i> .	✓	Can comply as per the recommendation provided.
	Compliance with AS 3745-2002 'Emergency control'	✓	
Suitable management arrangements are established for consultation and implementation of the emergency and evacuation plan.	An Emergency Planning Committee is established to consult with residents (and their families in the case of aged care, accommodation and schools) and staff in developing and implementing an Emergency Procedures Manual.	N/A	The formation of an Emergency Management Committee is not required for this specific development, as an existing committee is already in place for the Shire.
<b>In relation to eco-tourist accommodation:</b>  Suitable refuge areas and evacuation/management arrangements are in place commensurate with the bush fire risk.	At least one building should be used as a local refuge area and comply with the APZ's and construction requirements for residential buildings.	The proposed eco-tourist cabins and associated community development lots are all wholly located outside of bushfire prone land, including the buffer.  Therefore the provision for a refuge area and building is not necessary, similarly a limitation for 12 guests only – which is commensurate with the bush fire risk.	
	Cabins are within 50 metres of a refuge building and are clearly signposted.		
	The paths from cabins to the refuge area are safe, with management of surface fuels to ≤ 4 tonnes/ha.		
	The overall accommodation for tourists does not exceed 12 persons.		

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	A mechanism for the relocation of occupants on days of a total fire ban or adverse fire activity is provided in the local area in which the development operates.	
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## 7. CONCLUSION

The proposed development has been located and is designed so that it can achieve compliance with the performance criteria standards set out in Planning for Bushfire Protection, 2006 and AS 3959-2009.

Through the implementation of the recommendations provided below, the proposed development can achieve the required bushfire risk outcome:

### Recommendations:

1. That proposed Cabin 1 be constructed in accordance with Level BAL-12.5 under AS 3959-2009.
2. That a minimum APZ be maintained in accordance with table A2.6 of by PBP.
3. That the minimum static water supply available for fire fighting for each of the proposed cabins is 10,000 litres and this be provided within one or a combined non-combustible rainwater tanks within proximity to the new buildings.
4. That a Bushfire Evacuation Plan be prepared in consultation with the local NSW RFS office in accordance with the RFS Guidelines, prior to the issue of the Occupation Certificate.

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Title of Policy	Policy Number – Health & Safety		
<b>Responsible Department</b>	All Council workers All Council worksites	<b>Document Register ID</b>	250.2016.61.1
<b>Policy Owner</b>	Risk Officer	<b>Review Date</b>	August 2019
<b>Date of Council Meeting</b>	Date Approved	<b>Resolution Number</b>	Number
<b>Legislation, Australian Standards, Code of Practice</b>	<i>Work Health and Safety Act 2011</i> <i>Work Health and Safety Regulation 2011</i> All subordinate Codes of Practice and Australian Standards		
<b>Aim</b>	This Health and Safety Policy outlines Council's commitment to a safe and healthy work environment for all its people, partners and community, so far as is reasonably practicable, in accordance with the Work Health and Safety Act 2011 and its subordinate legislation.		

## 1 Policy Details

Council wants to see every worker go home to their family at the end of their working day.

The Council is committed to safeguarding the health, safety and wellbeing of all our people, our partners and the communities in which we operate. People are at the heart of Councils capacity to deliver innovative solutions for industry and society.

Safety is a core value upheld by individuals and organisations as every workplace safety incident carries with it a personal and social cost to all individuals, organisations, communities and ultimately the nation.

We believe that:

- Safety is vital in everything we do;
- All safety incidents are preventable;
- All workplace hazards can be managed and controlled on the basis of risk;
- Everyone is responsible for work, health and safety; and
- Good safety values bring good business results.

Through this policy and our risk orientated safety management system Council is endeavouring to meet all of its legislative requirements. Further, the Council is delivering a workplace guided by health and safety policy that states clearly its safety philosophy and objectives.

This policy reflects that leadership in safety is the responsibility of all our people. They reflect a governance structure that ensures effective and continuously improving safety management. This includes mechanisms such as our health and safety committee, our work groups and our elected health and safety representatives. These mechanisms are supported by our consultation and issue resolution procedures that will allow specific areas of concern to be raised, discussed and resolved in a supportive and cooperative environment.

SNOWY MONARO  
REGIONAL COUNCIL

Policy Number – Health & Safety

Effective two way communication on safety, including reporting of all health and safety incidents and hazards will assist the Council to manage work place health and safety challenges and monitor progress as we work towards delivering a workplace which is injury free.

***WE ENCOURAGE YOU TO SHARE OUR COMMITMENT TO HEALTH AND SAFETY, AND WORK SAFELY AT ALL TIMES.***

#### Documentation

List the name and document reference number of any other document referred to in this document, including any related policies and procedures

#### Variation

Council reserves the right to review, vary or revoke this policy and should be reviewed periodically to ensure it is relevant and appropriate.