



# Introduction of Snowy Mountains Special Activation Precinct

---

Discussion Paper

June 2021



Published by NSW Department of Planning, Industry and Environment

[planning.nsw.gov.au](http://planning.nsw.gov.au)

Title: Introduction of Snowy Mountains Special Activation Precinct

Subtitle: Discussion Paper

---

© State of New South Wales through Department of Planning, Industry and Environment May 2020. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning, Industry and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing May 2020 and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning, Industry and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

## **Acknowledgment of Country**

The Department of Planning, Industry and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

We wish to acknowledge the motherland of the Ngarigo Monero in Jindabyne, and their relations with the Walgalu, Ngunnawal and Bidjawal, who, through their connection, look after this beautiful landscape - the snow, the rivers and creeks, and the snow gums. We plan by thinking, and we talk about this place and its Aboriginal story.

# Contents

<b>Acknowledgment of Country .....</b>	<b>3</b>
<b>1. Purpose of this Discussion Paper .....</b>	<b>7</b>
<b>2. The Special Activation Precinct Program .....</b>	<b>11</b>
<b>2.1 Jobs and economic development in Regional NSW .....</b>	<b>11</b>
<b>2.2 The Special Activation Precinct program .....</b>	<b>11</b>
2.2.1 What is a Special Activation Precinct? .....	11
2.2.2 The key agencies involved in the Special Activation Precinct program .....	12
2.2.3 Key milestones in the Snowy Mountains Special Activation Precinct process .....	13
<b>2.3 Description of the Snowy Mountains Special Activation Precinct .....</b>	<b>14</b>
<b>3. Proposed addition to the Activation Precincts SEPP – Schedule X – Snowy Mountains .....</b>	<b>15</b>
<b>3.1 Introduction.....</b>	<b>15</b>
<b>3.2 The Special Activation Precinct planning framework .....</b>	<b>16</b>
<b>3.3 The application process .....</b>	<b>16</b>
<b>3.4 Land use and zoning .....</b>	<b>17</b>
3.4.1 Intent of the land use zoning strategy .....	17
3.4.2 New land use terms and definitions .....	23
3.4.3 Land Use Tables.....	24
3.4.4 Activation Precinct Certificates.....	26
3.4.5 Complying Development.....	26
3.4.6 Exempt Development.....	27
3.4.7 Activated Development Application.....	27
3.4.8 Designated Development.....	29
3.4.9 Other licences and approvals.....	29
3.4.10 Environmentally sensitive areas.....	29
3.4.11 Biodiversity and vegetation .....	29
3.4.12 Protection of Aboriginal cultural heritage.....	29
3.4.13 Bushfire .....	29
<b>3.5 Infrastructure contributions.....</b>	<b>30</b>
<b>3.6 Delivery Plans .....</b>	<b>30</b>
<b>3.7 Additional uses permitted without consent.....</b>	<b>30</b>
<b>3.8 Savings and Transitional provision.....</b>	<b>30</b>
<b>3.9 Relationship between the Activation Precincts SEPP and the Snowy River Local Environmental Plan 2013.....</b>	<b>31</b>
<b>4. Facilitating Growth in Jindabyne .....</b>	<b>32</b>
<b>4.1 Area to which the Self-Repealing SEPP applies .....</b>	<b>32</b>
<b>4.2 Land use zoning .....</b>	<b>32</b>
4.2.1 Intent of the land use zoning strategy .....	32

<b>4.3</b>	<b><i>Additional uses permitted without consent</i></b>	<b>36</b>
<b>4.4</b>	<b><i>Savings and transitions provisions</i></b>	<b>36</b>
<b>5.</b>	<b>Proposed Amendment to the Alpine SEPP</b>	<b>37</b>
<b>5.1</b>	<b><i>Alpine Region framework</i></b>	<b>37</b>
<b>5.2</b>	<b><i>Area to which the Alpine SEPP applies</i></b>	<b>38</b>
<b>5.3</b>	<b><i>Land use and zoning</i></b>	<b>38</b>
5.3.1	Intent of the land use zoning strategy	38
5.3.2	New land use terms and definitions	41
5.3.3	Land Use Tables	41
5.3.4	Amendments to existing clauses	45
5.3.5	New provisions: Compliance with Draft Snowy Mountains Special Activation Precinct Master Plan and Alpine Development Control Plan	46
5.3.6	New Provisions: Complying Development	47
5.3.7	New provisions: Amendment to SEPP boundary	47
5.3.8	Development applications in licence areas	47
5.3.9	<i>Activated</i> Development Application	47
5.3.10	Development in Kosciuszko National Park outside Sub-Precincts	49
5.3.11	Designated Development	50
5.3.12	Other licences and approvals	50
5.3.13	Environmentally sensitive areas	50
5.3.14	Protection of Aboriginal cultural heritage	51
5.3.15	Bushfire	51
5.3.16	Geotech	52
<b>5.4</b>	<b><i>Additional uses permitted without consent</i></b>	<b>52</b>
<b>5.5</b>	<b><i>Savings and Transitional provision</i></b>	<b>52</b>
<b>6.</b>	<b>Other Legislation</b>	<b>53</b>
<b>6.1</b>	<b><i>Legislation that does not apply</i></b>	<b>53</b>
<b>6.2</b>	<b><i>Legislation that will continue to apply</i></b>	<b>53</b>
<b>6.3</b>	<b><i>State Environmental Planning Policy (Infrastructure) 2007</i></b>	<b>54</b>
<b>6.4</b>	<b><i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i></b>	<b>54</b>
<b>6.5</b>	<b><i>State Environmental Planning Policy No 33—Hazardous and Offensive Development</i></b>	<b>54</b>
6.5.1	Activation Precincts SEPP	54
6.5.2	Alpine SEPP	55
<b>6.6</b>	<b><i>State Environmental Planning Policy No 55—Remediation of Land</i></b>	<b>55</b>
<b>6.7</b>	<b><i>State Environmental Planning Policy (State and Regional Development) 2011</i></b>	<b>55</b>

---

# Have your say

The Department of Planning, Industry and Environment welcomes your feedback on the proposed addition of the Snowy Mountains Special Activation Precinct to State Environmental Planning Policy (Activation Precincts) 2020, State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007 and the Snowy River Local Environmental Plan 2013 (via a Self-repealing State Environmental Planning Policy).

Your feedback is invited on this *Discussion Paper* for Snowy Mountains Special Activation Precinct draft Master Plan.

The Department will publish all individual submissions and a consultation summary report once it has assessed and analysed the submissions.

You can view the Discussion Paper (Explanation of Intended Effects), the Snowy Mountains Special Activation Precinct draft Master Plan and supporting documents at [www.planningportal.nsw.gov.au/SnowyMountainsSAP](http://www.planningportal.nsw.gov.au/SnowyMountainsSAP)

## To make a submission online please follow the steps below:

- 1) Read our Privacy Statement and decide whether to include your personal information in your submission.
- 2) Fill in the online submission form. Your submission can either be typed or uploaded as a PDF and should include:
  - a) The name of the proposal (Activation Precincts SEPP, Alpine SEPP, LEP Amendments, Snowy Mountains Special Activation Precinct draft Master Plan or a combination)
  - b) A brief statement on whether you support or object to the proposal
  - c) The reasons why you support or object to the proposal
- 3) Ensure you disclose reportable political donations. Anyone lodging submissions must declare reportable political donations (including donations of \$1,000 or more) made in the previous two years.
- 4) Agree to our online statement and lodge your submission.

You may also lodge your submission via post by sending it to:

Executive Director

Key Sites and Regional Assessment

Department of Planning, Industry and Environment

Locked Bag 5022, Parramatta NSW 2124

All submissions will be made public in line with our objective to promote an open and transparent planning system. If you do not want your name or other personal identifying details published, please state this clearly at the top of your submission.

To find out more, please visit [www.planningportal.nsw.gov.au/SnowyMountainsSAP](http://www.planningportal.nsw.gov.au/SnowyMountainsSAP)

# 1. Purpose of this Discussion Paper

The aim of this Discussion Paper is to describe, and provide justification for, proposed amendments to the *State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007* (Alpine SEPP), *State Environmental Planning Policy (Activation Precincts) 2020* (Activation Precincts SEPP) and the *Snowy River Local Environmental Plan 2013* (Snowy River LEP). The changes will identify the proposed ‘Snowy Mountains Special Activation Precinct’ and include provisions for lands within that Precinct under each of these environmental planning instruments.

**Figure 1** shows the Snowy Mountains Special Activation Precinct investigation area and the application of existing environmental planning instruments, being the Alpine SEPP and the Snowy River LEP. **Figure 1** also identifies the Sub-Precincts that are the subject of proposed changes to the Activation Precincts SEPP, the Alpine SEPP and the Snowy River LEP, respectively.

Technical investigations have been carried out to support planning of the Snowy Mountains Special Activation Precinct. These technical investigations are to support the preparation of the Draft Snowy Mountains Special Activation Precinct Master Plan, as well as upfront technical assessments to support a streamlined approval pathway. These investigations demonstrate the need for a tailored legislative framework for the Snowy Mountains Special Activation Precinct. This is due to:

- The need to protect and enhance sensitive environmental values present in the Kosciuszko National Park and surrounds
- The need to protect public safety in the Alpine region
- The need to appropriately plan for a diverse range of land use types throughout the Snowy Mountains Special Activation Precinct.

This Discussion Paper describes amendments to three (3) environmental planning instruments, which are described separately in this Discussion Paper, namely:

- Jindabyne Region – A proposed amendment to the **Activation Precincts SEPP** (*Applies only to the ‘Catalyst Sub-Precincts’ in the Jindabyne Region – see **Figure 1***). **Chapter 3** describes the proposed new Schedule for the Snowy Mountains Special Activation Precinct (Jindabyne Region), which will include:
  - Identification of catalyst development sites as Sub-Precincts, to which the Activation Precincts SEPP will apply
  - Provision for Exempt and Complying Development
  - Provision for a streamlined development application process that utilises upfront evidence and design guidance to enable shorter timeframes for assessment.
- Jindabyne Region Growth Areas – A proposed amendment to the **Snowy River LEP** (*Applies only to the identified ‘Growth Areas’ in the Jindabyne Region – see **Figure 1***). **Chapter 4** describes the proposed new Self-repealing State Environmental Planning Policy (referred to as the Self-Repealing SEPP) that will amend the Snowy River LEP. The proposed rezoning of land in key sites of change and introducing provisions to support streamlined approval for development that is consistent with the Draft Snowy Mountains Special Activation Precinct Master Plan. Development will be facilitated through the Draft Snowy Mountains Special Activation Precinct Master Plan and a new or updated Development Control Plan.
- Alpine Region – A proposed amendment to **Alpine SEPP** (*Applies only to the identified ‘Alpine Sub-Precincts’ in the Kosciuszko National Park – see **Figure 1***). **Chapter 5** describes the proposed amendments to the Alpine SEPP, which include:
  - Inclusion of additional development areas as Alpine Sub-Precincts (locations that contain existing development)
  - An amended land use table and development standards
  - Authority to prepare a Master Plan for the Alpine Sub-Precincts
  - Requirement to prepare a development control plan (the Alpine Development Control Plan) to guide development
  - Expand/clarify exempt development provisions to more clearly define the nature of exempt

development in the Alpine Sub-Precincts

- Introduce Complying Development pathway for minor building or maintenance works and basic operational works. For example, replacing existing ski infrastructure (structural components and parts) with upgraded infrastructure where it results in the same capacity and scale, or snow gutters/awnings on existing lodge buildings. The purpose of this is to avoid minor works, which cannot strictly meet exempt development controls, requiring development consent
- An amendment is required to support streamlined approval for development in the Alpine Sub-Precincts that is consistent with the Draft Snowy Mountains Special Activation Precinct Master Plan. Strategic planning and a carrying capacity analysis will support the amendment to the Alpine SEPP in order to facilitate redevelopment within the Alpine Sub-Precincts through the Draft Snowy Mountains Special Activation Precinct Master Plan and a new Alpine Development Control Plan.

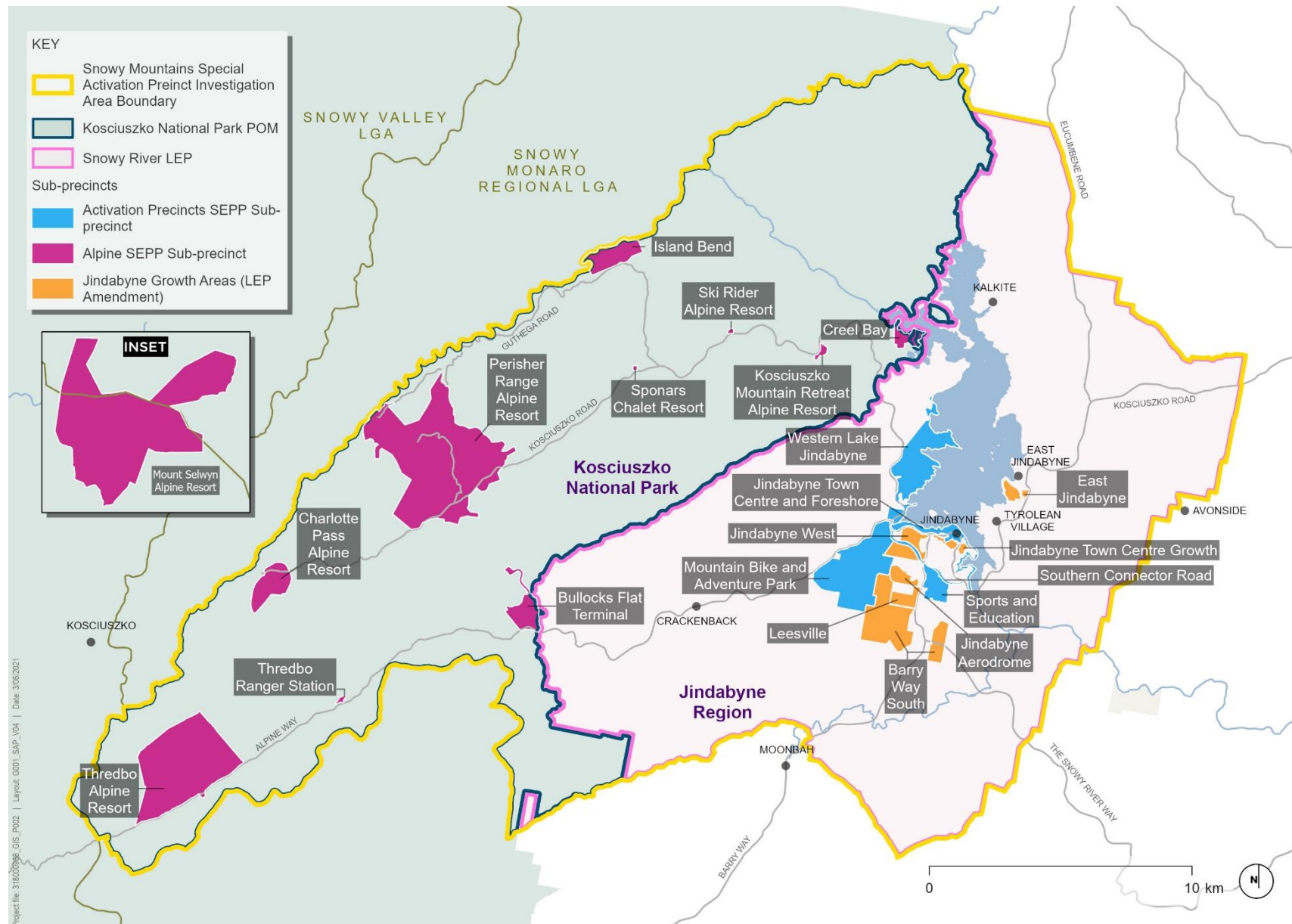
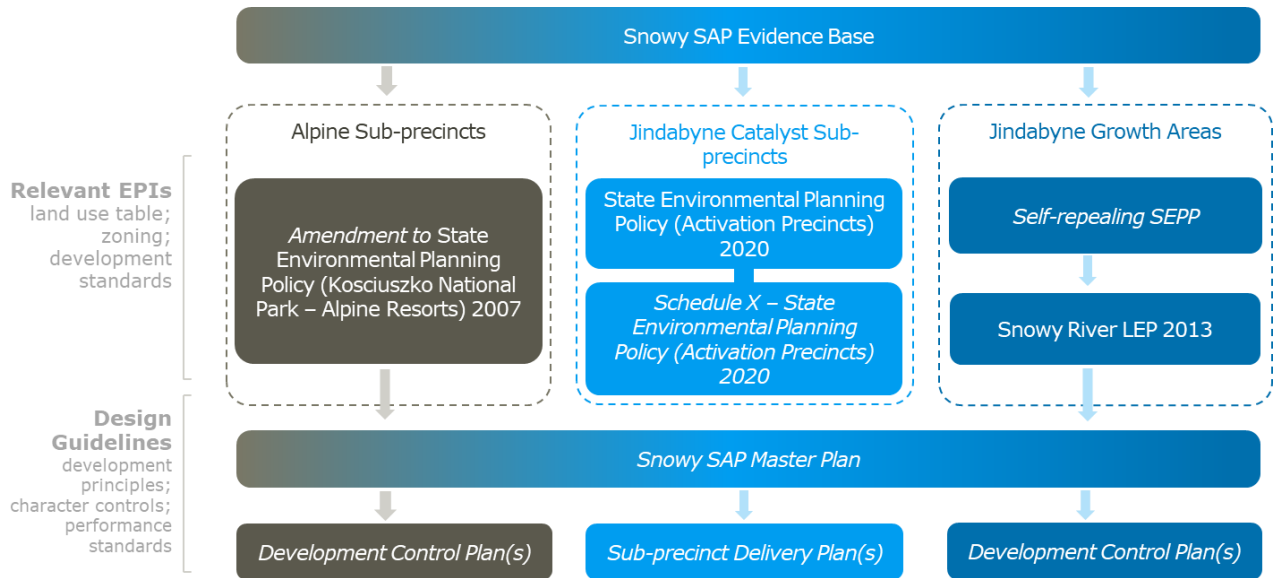


Figure 1 – Locality Plan – Snowy Mountains Special Activation Precinct Sub-Precincts

**Figure 2** illustrates the legislative framework for the Snowy Mountains Special Activation Precinct under these three environmental planning instruments.

The amendments to each of these environmental planning instruments are designed to support the vision for the Snowy Mountains Special Activation Precinct as described in the Master Plan as well as to implement the relevant findings of supporting technical studies.



**Figure 2 – Legislative framework –Snowy Mountains Special Activation Precinct**

**Table 1** describes the planning approval pathways proposed for under the three environmental planning instruments.

**Table 1 Planning approval pathways**

Precinct	Applicable EPI and planning provisions	Applicable Delivery Plan or Development Control Plan	Minor, low impact development	Site is identified as Environmental Sensitive Land	Development is consistent with the relevant EPI and Delivery Plan/DCP	
					Yes	No
Jindabyne Catalyst	Activation Precincts SEPP	Relevant Delivery Plan	Exempt Development using specific provisions contained in the Activation Precincts SEPP	Activated Development Application process	Complying Development	Activated Development Application process
Jindabyne Growth	Snowy River LEP	Snowy River Development Control Plan	Exempt Development using specific provisions contained in the Snowy River LEP	Development Application	Complying Development or Development Application as required under the Snowy River LEP	Development Application
Alpine Region	Alpine SEPP	Alpine Development Control Plan	Exempt Development using specific provisions contained in the Alpine SEPP	Activated Development Application process	Complying Development	Activated Development Application process

The relevant sections of the Snowy Special Activation Precinct Master Plan will be adopted under each of the environmental planning instruments.

## 2. The Special Activation Precinct Program

### 2.1 Jobs and economic development in Regional NSW

The NSW Government is committed to supporting economic development and job creation in regional NSW. Regional NSW has one of Australia's largest and most diverse regional economies, with an array of industries including agriculture, energy and resources, and strong tourism, service and manufacturing sectors. Across NSW, economic or industry specialisations have arisen from locational or competitive advantages, access to a large, skilled workforce, investment, and/or the ability to co-locate supporting or product or value-add industries or activities.

The purpose of the Special Activation Precincts program is to create streamlined planning pathways and secure investment in catalyst infrastructure, to create economic opportunity and growth. The creation of Special Activation Precincts aligns with the existing Department of Planning, Industry and Environment's Regional Plans and the Department of Premier and Cabinet's Regional Economic Development Strategies, which set the strategic vision and economic engines for each Functional Economic Region across NSW.

### 2.2 The Special Activation Precinct program

#### 2.2.1 What is a Special Activation Precinct?

Special Activation Precincts are existing or proposed employment precincts in regional NSW that have been identified by the NSW Government as having potential for growth, and where planning and investment will be prioritised. The Special Activation Precinct program is an important part of the NSW Government's 20-Year Economic Vision for Regional NSW and will be delivered through the \$4.2 billion Snowy Hydro Legacy Fund.

The Special Activation Precinct consists of five core components:



#### Streamlined planning

The Department of Planning, Industry and Environment conducts technical studies to inform the development of master plans and to ensure that land uses, and development occurs in the right locations for each precinct. This up-front planning takes the burden away from investors wanting to grow or start up a business in the precincts.



#### Government-led studies

Once the master plan and other supporting planning instruments are endorsed, this will provide investors with streamlined planning and environmental approvals. This may include providing for land uses that suit complying development or approval exemptions.



#### Government-led development

The Regional Growth NSW Development Corporation will support orderly development, sensitive to market drivers, landowners and infrastructure delivery and will lead and coordinate the delivery, through Delivery Plans according to the master plan.



#### Infrastructure investment

Government will upgrade existing, or invest in new, or upgrade roads, water, power, digital connectivity and social infrastructure for each precinct, removing barriers for investors to establish and grow.



#### Business Concierge

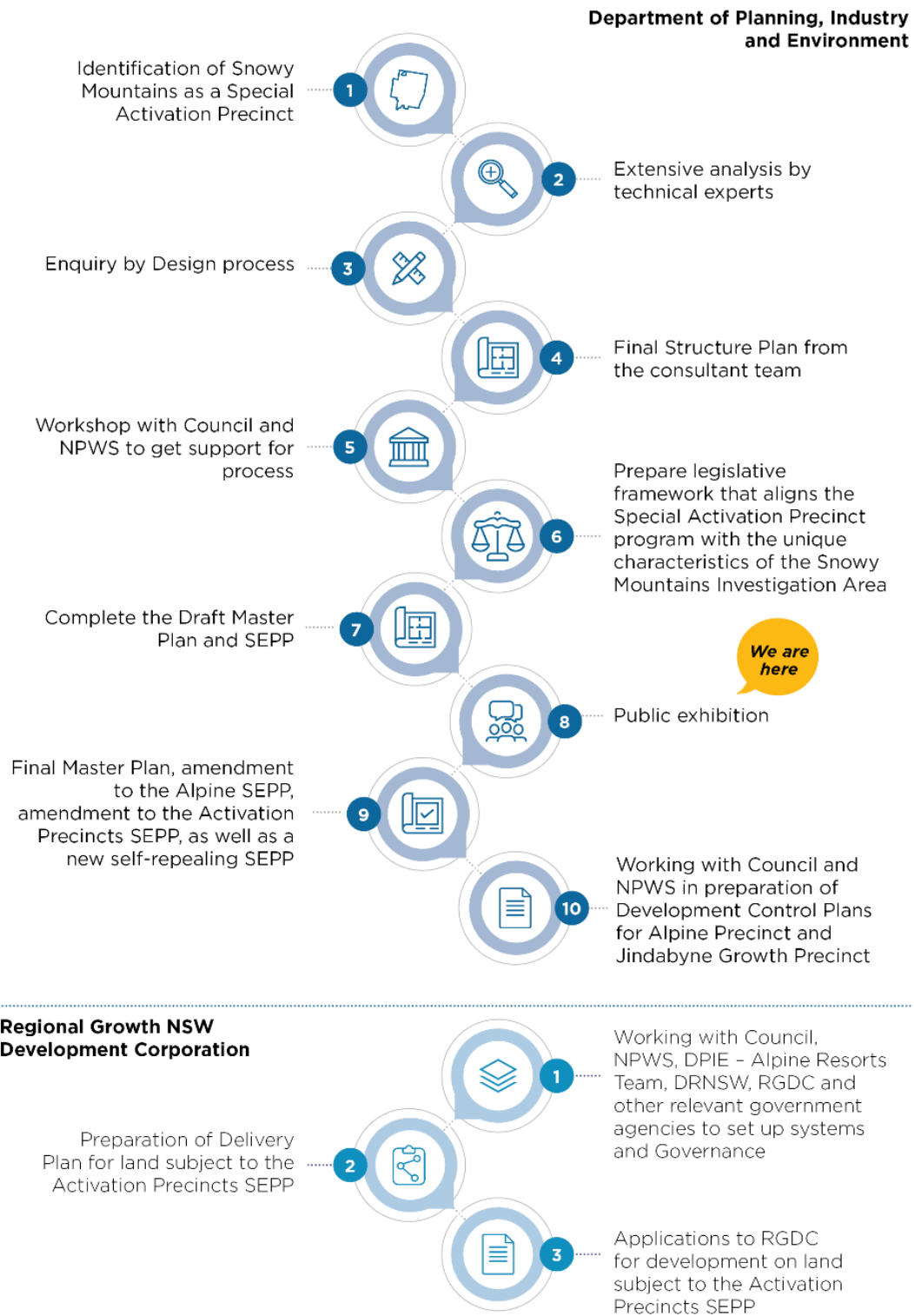
The Regional Growth NSW Development Corporation offers targeted business concierge services to attract investment and support businesses to establish and grow in each precinct.

## 2.2.2 The key agencies involved in the Special Activation Precinct program

The Special Activation Precinct Program is a collaboration between the following key agencies:

- The **Department of Regional NSW** is the lead agency for the Special Activation Precincts Program, part of the \$4.2 billion Snowy Hydro Legacy Fund. Overseeing the funding, planning and development of each precinct, the Department of Regional NSW works closely with the Department of Planning, Industry and Environment and the Regional Growth NSW Development Corporation to create a Master Plan, identify and invest in common user enabling infrastructure, and provide ongoing concierge services to help investors establish and grow in regional NSW.
- The **NSW Department of Planning, Industry and Environment** (the Department) is responsible for the planning of Special Activation Precincts in regional NSW. The Department leads the master planning process, including community and stakeholder engagement, the technical studies required to inform the preparation of a structure plan and development of the simplified planning framework for each Precinct.
- The **Regional Growth NSW Development Corporation** is the agency responsible for delivering and implementing Special Activation Precincts. Regional Growth NSW Development Corporation is working with all levels of Government, the private sector and the community to secure economic development and investment attraction opportunities to these unique areas. Regional Growth NSW Development Corporation is a one-stop shop to support investors and will develop catalyst, enabling infrastructure, support the attraction and facilitation of investment in the Special Activation Precincts, providing support on planning and environmental approval processes, and create strategic partnerships to foster education, training and collaboration opportunities.
- The **NSW National Parks and Wildlife Service** (NPWS) is a key landowner and partner in the development of the Snowy Mountains Special Activation Precinct and have provided strategic and technical guidance, with a focus on the Alpine Region and matters related to biodiversity, cultural heritage, and alpine tourism. Exhibition of the Master Plan will occur concurrently with the proposed amendments to the Kosciuszko National Park Plan of Management. The proposed amendments will enable the delivery of the core elements of the Master Plan and adjust parkwide policy on built accommodation within the National Park.
- The **Snowy Monaro Regional Council** is a key partner in the development of the Draft Snowy Mountains Special Activation Precinct Master Plan and will continue to have a regulatory and approval role for development in certain Sub-Precincts outside the Kosciuszko National Park. In addition, Council's existing and future infrastructure, as well as advocacy and influence, will play a key role in realising the vision of the Snowy Mountains Special Activation Precinct.

## 2.2.3 Key milestones in the Snowy Mountains Special Activation Precinct process



## 2.3 Description of the Snowy Mountains Special Activation Precinct

The Snowy Mountains Special Activation Precinct investigations included a range of technical assessments and preparation of a Structure Plan and Draft Master Plan. The vision for the Snowy Mountains Special Activation Precinct includes:

- increasing year-round tourism to grow the regional economy
- creating year-round employment opportunities
- investing in the region's infrastructure to meet the growing needs of residents, seasonal workers and temporary visitors
- attracting more visitors to the region from Australia and the world, transforming the Snowies into Australia's Alpine Capital.

To achieve the vision for the Snowy Mountains Special Activation Precinct, the proposed changes to environmental planning instruments described in this Discussion Paper support the vision for the Snowy Mountains Special Activation Precinct by streamlining approval pathways.

### 3. Proposed addition to the Activation Precincts SEPP – Schedule X – Snowy Mountains

#### 3.1 Introduction

The proposed amendment to the Activation Precincts SEPP will introduce new controls for lands within the Snowy Mountains Special Activation Precinct (catalyst sites only – as shown in Figure 1). The Activation Precincts SEPP will include provisions guiding development on land within the identified Jindabyne Region catalyst sites, which are referred to as Sub-precincts.

The Snowy River LEP will no longer apply to land within the Snowy Mountains Special Activation Precinct.

The land includes the sites within the Jindabyne Region that have been identified as ‘catalytic opportunities’ to promote and facilitate the vision of the Special Activation Precinct including:

- Jindabyne Town Centre and Foreshore
- Mountain Bike and Adventure Park
- Western Lake Jindabyne
- Sports and Education Precinct
- Southern Connector Road.

These sites will be referred to as ‘Sub-Precincts’ within the Snowy Mountains Special Activation Precinct and development will also be supported by transport connections in Jindabyne and Kosciuszko National Park including, but not limited to, park and ride facilities.

The Activation Precincts SEPP will also:

1. Identify exempt and complying development for the Snowy Mountains Special Activation Precinct (Jindabyne Catalyst Precinct)
2. Provide for a streamlined development application process that utilises front-loaded evidence and design guidance to enable shorter timeframes for assessment and decision making (referred to as an *activated* development application).

In accordance with the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) (Clause 50C and Clause 129) each application for a Complying Development Certificate or development application, other than applications by public authorities (other than Regional Growth Development Corporation), on land to which the Activation Precincts SEPP applies, must be accompanied by an Activation Precinct Certificate.

## 3.2 The Special Activation Precinct planning framework

There are three key parts to the Special Activation Precinct planning framework:



### State Environmental Planning Policy (Activation Precincts) 2020

- Identifies each Special Activation Precinct.
- Requires that an Activation Precinct Certificate be obtained prior to a development application or application for a complying development certificate, for development, to ensure the development is consistent with the Master Plan and Delivery Plan.
- Provides the land use tables which set out the zone, objectives and permissible land uses
- Identifies Exempt and Complying Development pathways for certain development.

### Special Activation Precinct Master Plans

- Made by the NSW Department of Planning, Industry and Environment and approved by the Minister.
- Identifies the Vision, Aspirations and Principles for the Precinct.
- Provides more detailed, Sub-Precinct land use controls where required.
- Identifies Performance criteria for identified Sub-Precincts for amenity, environmental performance and infrastructure provision.
- It also describes particular matters that should be addressed in more detail as part of Delivery Plan(s).

### Special Activation Precinct Delivery Plans

- Prepared by the Regional Growth NSW Development Corporation and approved by the Planning Secretary.
- Identifies development controls.
- Provides detailed strategies and plans for:
  - Aboriginal cultural heritage
  - Environmental protection and management
  - Protection of amenity
  - Infrastructure and services
  - Staging
- Provides procedures for ongoing monitoring and reporting.

## 3.3 The application process

The Activation Precincts SEPP provides for many uses to be Complying Development in each Special Activation Precinct.

An application for development consent in a Special Activation Precinct must be accompanied by an Activation Precinct Certificate. For the purposes of the Snowy Mountains Special Activation Precinct, this applies to lands within identified catalyst Sub-Precincts, which collectively comprise the lands to which the Activation Precincts SEPP applies. Certificates are issued in 30 days or less by Regional Growth NSW Development Corporation (or the Planning Secretary in certain situations) if proposed development is consistent with a relevant Master Plan and Delivery Plan applying to land the subject of the proposed development. This process creates a strategic gateway to ensure that development is consistent with the provisions and intent of the Master Plan and Delivery Plan, before a development proceeds as an application for Complying Development or a development application.

Exempt Development will not require an Activation Precinct Certificate. Development by public authorities (other than development undertaken by the Regional Growth NSW Development Corporation) will also not require an Activation Precinct Certificate.

Where Regional Growth NSW Development Corporation is the applicant, the issuing authority for an Activation Precinct Certificate is the Planning Secretary.

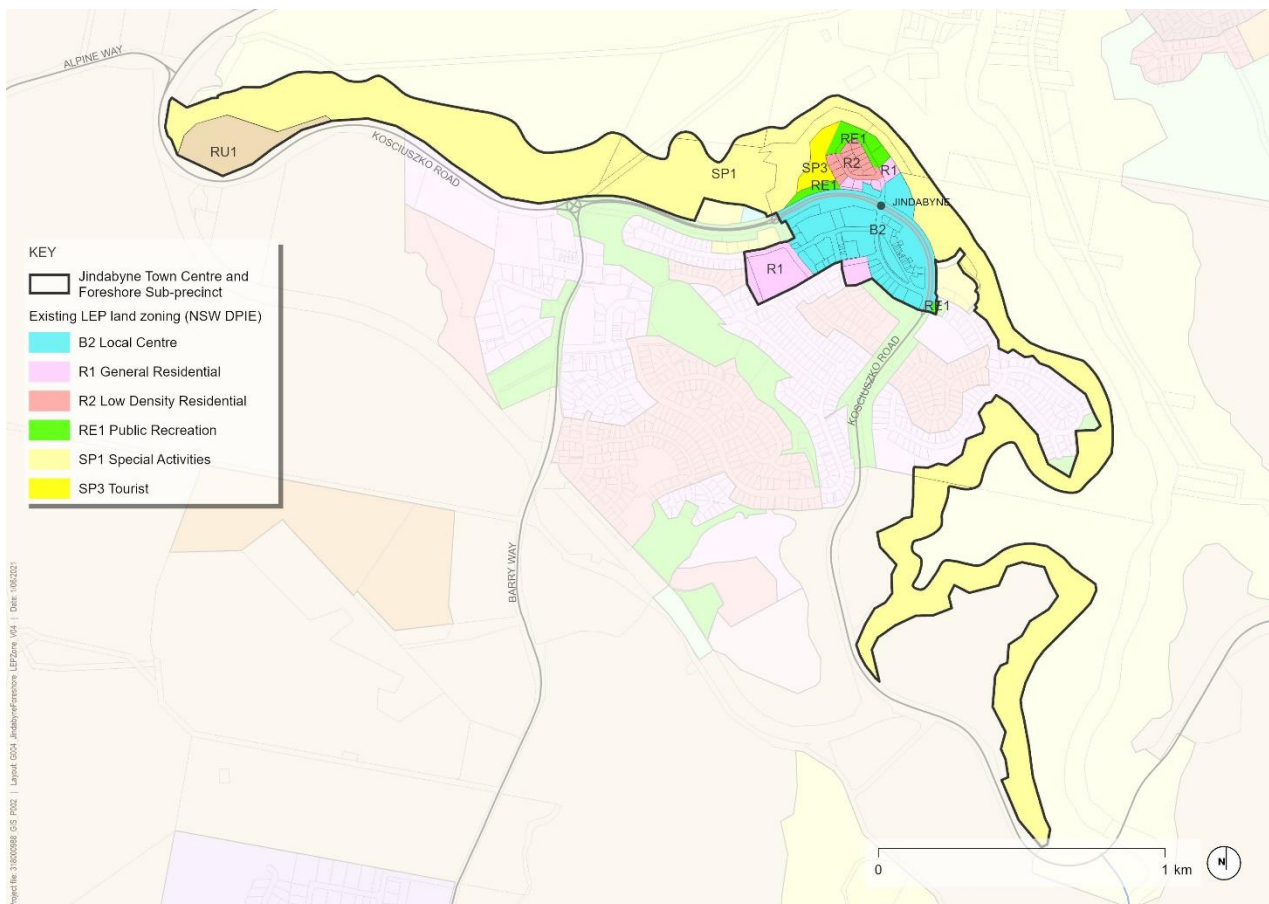
## 3.4 Land use and zoning

### 3.4.1 Intent of the land use zoning strategy

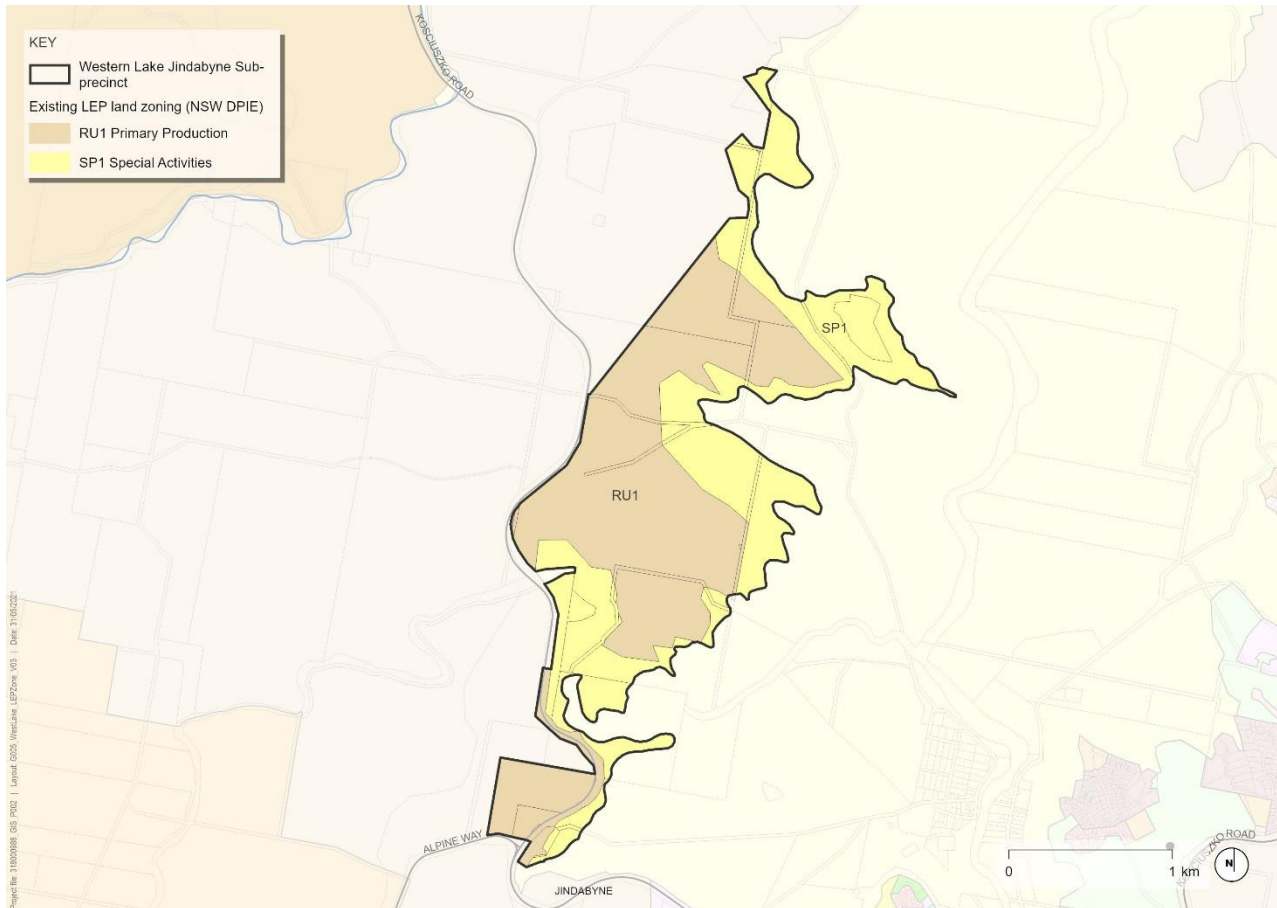
Currently, lands to which the Activation Precincts SEPP is proposed to apply, are primarily used for the following purposes:

- Jindabyne Town Centre Sub-Precinct: commercial, tourist accommodation and residential land uses (refer to Figure 7).
- Western Lake Jindabyne Sub-Precinct: rural activities (grazing), tourist accommodation, landscape (scenic) protection
- Mountain Bike and Adventure Park: grassland, bushland and landscape (scenic) protection
- Sports and Education Centre: sports, education, camp accommodation, infrastructure and recreation
- Southern Connector Road: grassland and landscape (scenic) protection.

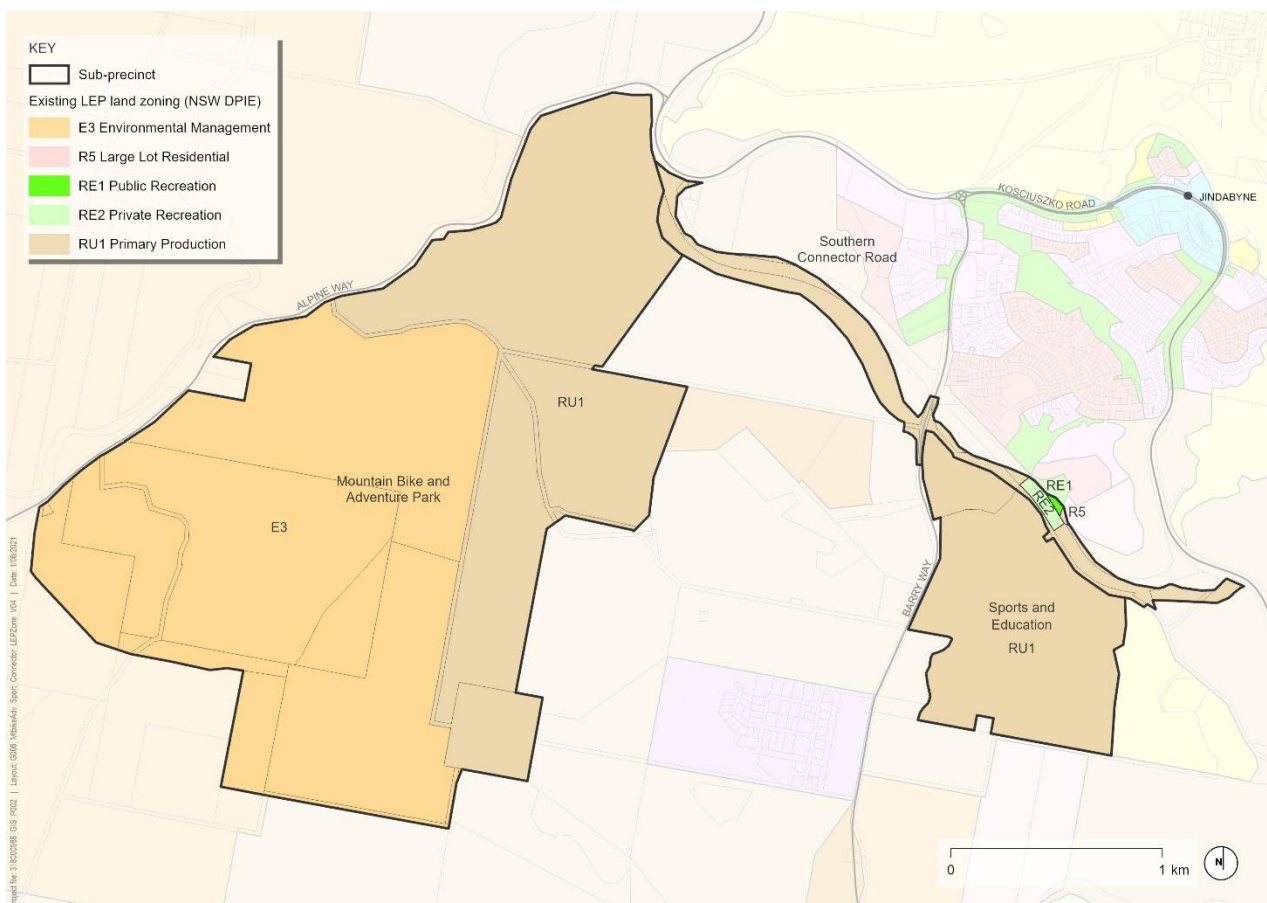
The current zoning of land within the proposed Snowy Mountains Special Activation Precinct, to which the Activation Precincts SEPP is proposed to apply, is shown in **Figure** , **Figure** and **Figure Error! Reference source not found.**



**Figure 3 – Current land use zoning – Jindabyne Town Centre and Foreshore Sub-Precinct**



**Figure 4 – Current land use zoning: Western Lake Jindabyne Sub-Precinct**



**Figure 5 – Current land use zoning: Mountain Bike and Adventure Park, Sports and Recreation, Southern Connector Road Sub-Precincts**

The land use strategy for the Snowy Mountains Special Activation Precinct seeks to enable catalytic opportunities that promote and facilitate the vision of the Special Activation Precinct (refer **Figure** , **Figure** and **Figure Error! Reference source not found.**) is described below.

### **Jindabyne Town Centre and Foreshore Sub-Precinct**

#### Tourist Enterprise Zone

The new Tourist Enterprise Zone (or Special Purposes SP4 – Local Enterprise Zone, as described below) focuses tourist and employment activity within the Jindabyne Town Centre. The Jindabyne Town Centre land use zone will provide opportunities for complimentary mixed commercial and tourist focused businesses.

The *Proposed Employment Zones Framework Position Paper* (DPIE, May 2021) describes new land use zones considered for inclusion in the Standard Instrument. At the time of writing, this Paper is on exhibition, here: <https://www.planningportal.nsw.gov.au/employment-zones-reform>. These new land use zones may be appropriate to apply to lands in the Snowy Mountains Special Activation Precinct. Further consideration of these zones will occur as the outcomes of the Proposed Employment Zones Framework become known. In particular, the application of the SP4 – Enterprise Zone would be considered for the Jindabyne Town Centre. Regardless of the land use zone nomenclature, the land use table proposed for the Snowy Mountains Special Activation Precinct will be consistent with the descriptions in this Discussion Paper.

*The land uses identified under the Draft Snowy Mountains Special Activation Precinct Master Plan that are intended to proceed through a Complying Development pathway on land zoned Tourist Enterprise include (but not limited to): Mixed use, Retail, Commercial premises, Business premises, Tourist accommodation, Public realm improvements, Community facilities, Car parks, Entertainment facilities.*

#### Public Recreation Zone

The foreshore area in the Jindabyne Town Centre is proposed to be rezoned from Special Activities SP1 to Public Recreation RE1 to signal the importance of this location for public recreation facilities, including public realm treatments, kiosks, parks, car parking and uses that activate the foreshore.

*The land uses identified under the Draft Snowy Mountains Special Activation Precinct Master Plan that are intended to proceed through a Complying Development pathway on land zoned Tourist Enterprise include (but not limited to): Jindabyne Waterfront Development, Mixed use, Retail, Commercial premises, Business premises, Tourist accommodation, Public realm improvements, Community facilities, Car parks, Entertainment facilities.*

It is noted that the Draft Snowy Mountains Special Activation Precinct Master Plan envisages improvements to (and possible expansion of) existing walking and cycling trails along the eastern Lake Jindabyne foreshore, which can be undertaken under the current Snowy River LEP zone.

### **Western Lake Jindabyne Sub-Precinct**

The existing SP3 Tourist zone under the Snowy River LEP will be retained under the Activation Precincts SEPP and applied to the Western Lake Jindabyne Sub-Precinct to promote new tourist facilities. The Activation Precincts SEPP, the Snowy Mountains Special Activation Precinct Master Plan and Delivery Plan will guide the footprints of tourist development within these zones.

*The land uses identified under the Draft Snowy Mountains Special Activation Precinct Master Plan that are intended to proceed through a Complying Development pathway on land zoned SP3 include (but not limited to): Tourist accommodation, Eco-tourist facilities; Golf course and Waterfront infrastructure (jetty, pontoon) and Public realm improvements (foreshore park).*

### Sports and Education and Mountain Bike and Adventure Park Sub-Precincts

The existing SP1 Special Activities zone under the Snowy River LEP will be retained under the Activation Precincts SEPP and applied to the Sports and Education Sub-Precinct and the Mountain Bike and Adventure Park Sub-Precinct. The Activation Precincts SEPP, the Snowy Mountains Special Activation Precinct Master Plan and Delivery Plan will guide the footprints of tourist development within these zones.

These SP1 zone will provide for specific tourist, recreation, sports and education land uses that are not provided for in other zones.

*The land uses identified under the Draft Snowy Mountains Special Activation Precinct Master Plan that are intended to proceed through a Complying Development pathway include (but not limited to):*

- *SP1 – Sports and Education: Educational establishments, Health services facilities, Community facilities, Recreation areas, Recreational facilities, Office premises, Staff accommodation, Serviced apartments, restaurant and cafes, Eco-tourist facilities, Car parks*
- *SP1 – Mountain Bike and Adventure Park: Camping grounds, Caravan parks, Eco-tourist facilities, Restaurants or cafes, Specialist retail premises (mountain bike and adventure park related), Car parks, Environmental facilities, Recreation areas, Recreation facilities (outdoor) and Environmental protection works.*

### Southern Connector Road Sub-Precinct

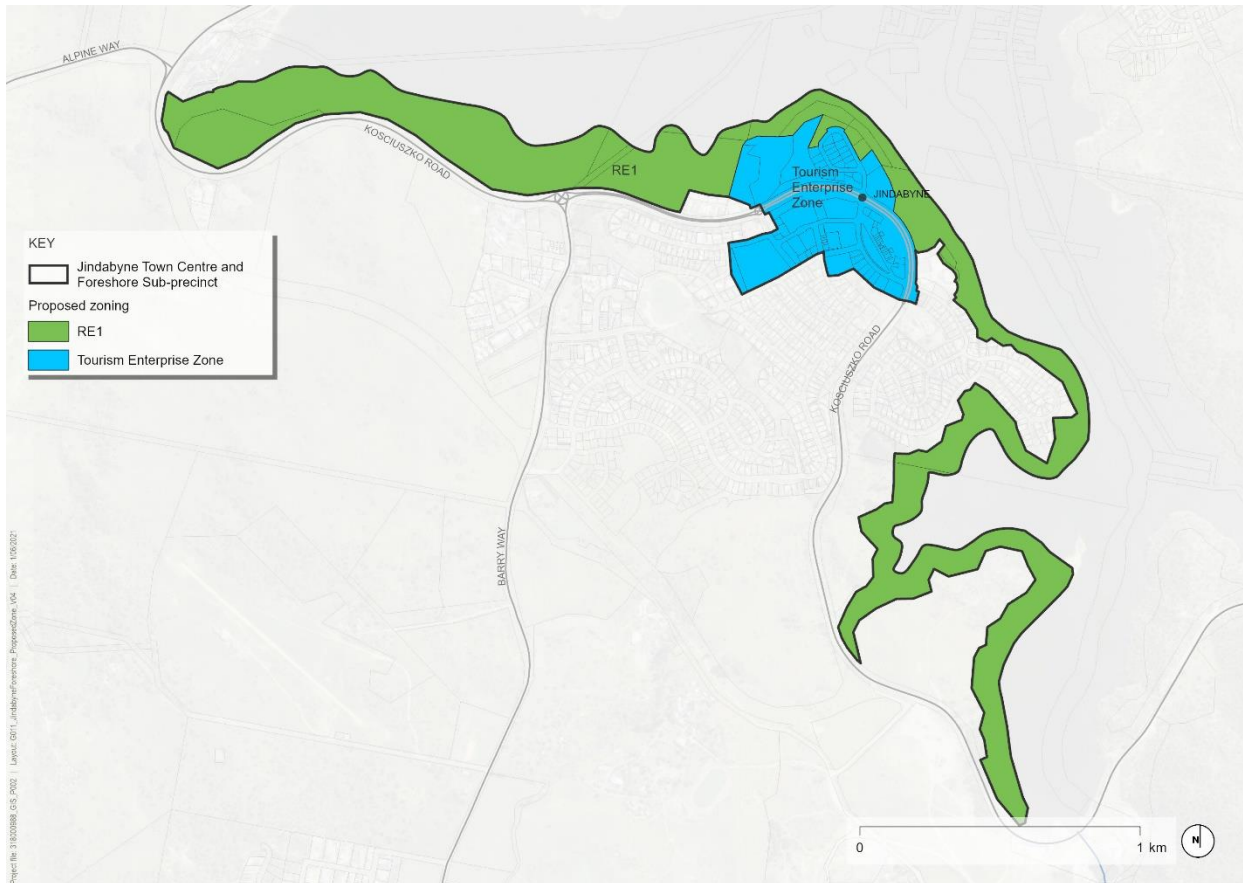
The existing SP2 Infrastructure zone under the Snowy River LEP will be retained under the Activation Precincts SEPP and applied to the Southern Connector Road Sub-Precinct to enable establishment of the Southern Connector Road as associated infrastructure.

The intent of each zone is described in **Table 2**.

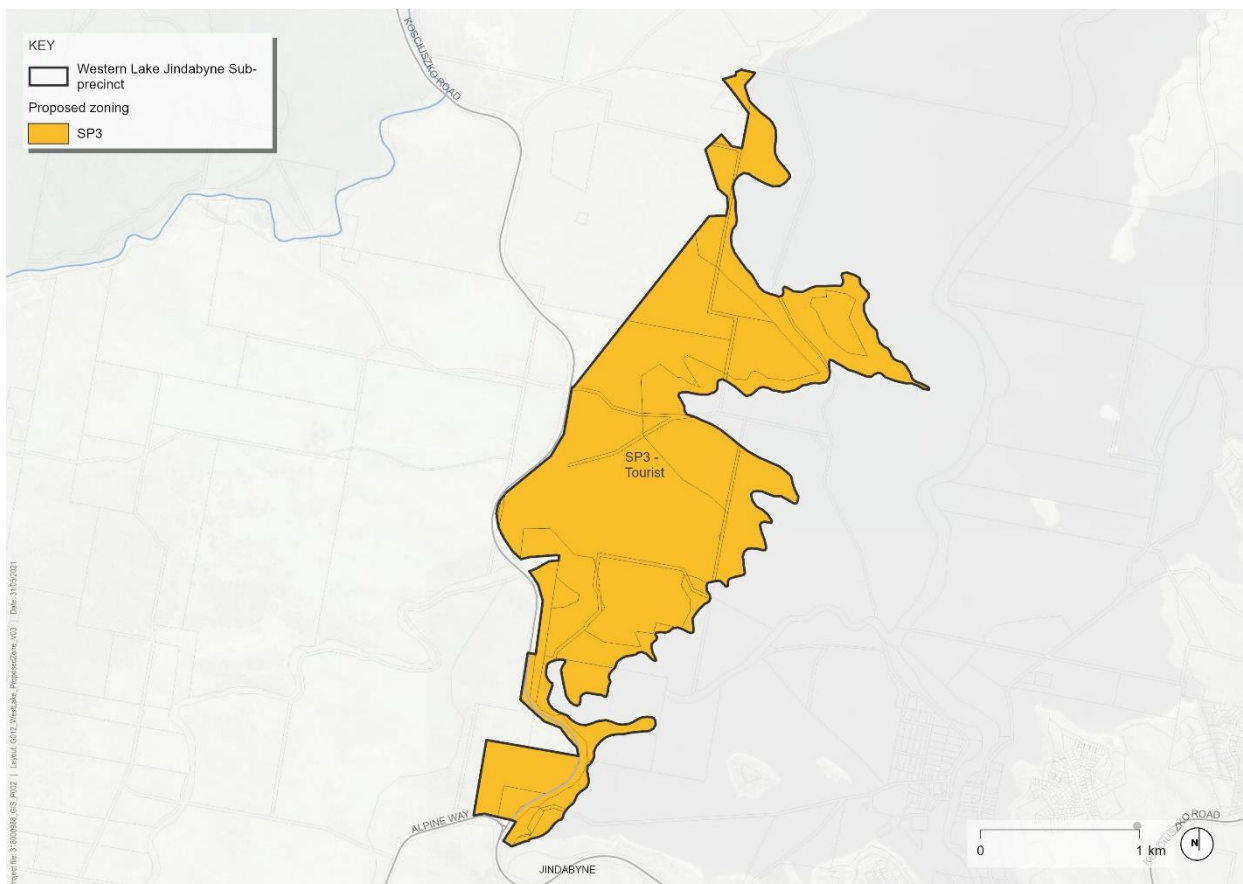
**Table 2 Intent of the zones within the Snowy Mountains Special Activation Precinct**

Zone	Intent of the zone
<b>Tourist Enterprise Zone (or SP4 – Local Enterprise Zone)</b>	<ul style="list-style-type: none"> <li>- To promote an integrated Town Centre, including revitalisation of the public realm, strategic redevelopment and access improvements, to create a modern and vibrant 'Alpine Village' that supports year-round tourism and a thriving local community</li> <li>- To accommodate a wide range of tourist, accommodation and employment uses to service local and tourist needs.</li> <li>- To ensure that the services and infrastructure required to support these uses can be delivered in an orderly way.</li> <li>- To ensure the intended uses are located to optimise access and integrate with surrounding public realm improvements.</li> <li>- To provide for recreation opportunities and appropriate businesses services and amenities in suitable locations.</li> </ul>
<b>Public Recreation RE1</b>	<ul style="list-style-type: none"> <li>- To provide for the Lake Jindabyne foreshore as a public recreation and tourist destination that is integrated with the Jindabyne town centre public realm.</li> <li>- To improve the quality, function and usability of open space on the Lake Jindabyne foreshore.</li> <li>- To enable land to be used for public open space or recreational purposes.</li> <li>- To provide a range of recreational settings and activities and compatible land uses.</li> <li>- To protect and enhance the natural environment for recreational purposes.</li> </ul>

Zone	Intent of the zone
<b>Special Purpose Tourist SP3</b>	<ul style="list-style-type: none"> <li>- To provide for a variety of tourist-oriented development and related uses, including tourist attractions, and accommodation and recreation opportunities in suitable locations.</li> <li>- To provide for development that protects areas of special ecological, scientific, cultural or aesthetic values.</li> <li>- To provide tourist development that is sympathetic with the rural setting as well as environmental, scenic or landscape qualities of the area.</li> <li>- To enable other uses that complement tourist development without eroding the retail hierarchy of the local centres and villages.</li> </ul>
<b>Special Activities SP1</b>	<ul style="list-style-type: none"> <li>- To accommodate Sports and Education and Mountain Bike Adventure Park land uses, including high-performance winter sports training centre, community sport and recreation facilities, and supporting education, accommodation and commercial uses.</li> <li>- To give stakeholders certainty about the location of environmental impact-generating activities.</li> <li>- To ensure that the services and infrastructure required to support these uses can be delivered in an orderly way.</li> <li>- To ensure the intended uses are located to optimise access and integrate with surrounding public realm improvements, including transport connections.</li> <li>- To provide for sports, education and recreation opportunities and appropriate businesses services and amenities in suitable locations.</li> </ul>
<b>Special Purposes Infrastructure SP2</b>	<ul style="list-style-type: none"> <li>- To provide for infrastructure and related uses.</li> <li>- To prevent development that is not compatible with or that may detract from the provision of infrastructure.</li> <li>- To enable the growth of the Town Centre as a destination that encourages a range of employment opportunities in accessible location.</li> </ul>



**Figure 6 – Proposed land use zoning – Jindabyne Town Centre and Foreshore Sub-Precinct**



**Figure 7 – Proposed land use zoning: West Lake Jindabyne Sub-Precinct**

### 3.4.2 New land use terms and definitions

- Adventure tourism facilities (mountain bike trails, luge, and similar uses, established as part of a commercial enterprise)
- Staff accommodation (residential accommodation that is used solely for staff that are employed within the Snowy Mountains Special Activation Precinct).

### 3.4.3 Land Use Tables

The following are draft objectives and permitted and prohibited uses for each of the zones within the Snowy Mountains Special Activation Precinct.

The intent of this land use table is to communicate the types of land uses proposed in each zone, the identified land uses are subject to review.

#### Tourism Enterprise Zone

##### 1. Objectives of the zone

- To provide a range of retail, business, recreation, entertainment and community uses to service local and tourist needs.
- To ensure the intended uses are located to optimise access and integrate with public realm improvements and improve connectivity with the Lake Jindabyne foreshore.
- To promote the unique scenic and built character of Jindabyne and the Alpine Region.
- To promote high quality urban design of built forms.
- To ensure that the services and infrastructure required to support these uses can be delivered in an orderly way.
- To provide for recreation opportunities and appropriate businesses services and amenities in suitable locations.

##### 2. Permitted without consent

Environmental protection works; Home businesses; Home industries; Home occupations; Roads.

##### 3. Permitted with consent

Any development not specified in item 2 or 4.

##### 4. Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Cemeteries; Crematoria; Depots; Dwelling houses; Dual occupancies; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Industries; Mortuaries; Open cut mining; Research stations; Resource recovery facilities; Rural industries; Rural workers' dwellings; Sewage treatment plants; Sex services premises; Storage premises; Transport depots; Truck depots; Waste disposal facilities; Water recreation structures; Water recycling facilities.

#### SP1 Special Activities Zone

##### 1. Objectives of the zone

- To provide for special land uses that are not provided for in other zones
- To provide for sites with special natural characteristics that are not provided for in other zones
- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.

##### 2. Permitted without consent

Roads.

##### 3. Permitted with consent

Adventure tourism facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Car park, Charter and tourism boating facilities; Community facility; Centre-based child care facility; Educational establishment; Emergency service facility; Environmental facilities; Environmental protection works; Information and education facility; Jetties; Kiosks; Marinas; Mooring pens; Moorings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research station; Roads; School-based child care; Water recreation structures; Wharf or boating facilities; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose.

#### 4. Prohibited

Any development not specified in item 2 or 3.

### SP2 Special Purpose Infrastructure

#### 1. Objectives of the zone

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.
- To enable the growth of the Town Centre as a destination that encourages a range of employment opportunities in accessible locations.

#### 2. Permitted without consent

Environmental protection works.

#### 3. Permitted with consent

Roads, sewerage system, water supply system, aquaculture.

#### 4. Prohibited

Any development not specified in item 2 or 3.

### SP3 Special Purpose Tourist Zone

#### 1. Objectives of the zone

- To provide for tourist facilities, recreation opportunities and appropriate businesses services and amenities in suitable locations.
- To ensure that the services and infrastructure required to support these uses can be delivered in an orderly way.
- To ensure the intended uses are located to optimise access and integrate with surrounding public realm improvements
- To provide tourist development that is compatible with the environmental, scenic or landscape qualities of the area.
- To enable other uses that complement tourist development without eroding the retail hierarchy of the local centres and villages.
- To ensure that development is sympathetic with the rural setting, scenic values and landscape features of the area.

#### 2. Permitted without consent

Extensive agriculture; Roads.

#### 3. Permitted with consent

Agritourism\*; Artisan food and drink industry; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Car parks; Caravan parks; Charter and tourism boating facilities; Community facilities; Eco-tourist facilities; Emergency services facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Farm events\*; Farm gate activities\*; Farm stay accommodation\*; Food and drink premises; Function centres; Helipads; Information and education facilities; Jetties; Kiosks; Marinas; Markets; Mooring pens; Moorings; Passenger transport facilities; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Research station; Roads; Staff accommodation; Tourist and visitor accommodation; Water recreation structures; Wharf or boating facilities.

#### 4. Prohibited

Any development not specified in item 2 or 3.

*Note: Uses identified with an asterisk (\*) reflect proposed definitions according to Explanation of Intended Effect: Agritourism and small-scale agriculture development - Proposed amendments to support farm businesses and regional economies (DPIE, March 2021). <https://www.planningportal.nsw.gov.au/draftplans/exhibition/agriculture-changes>*

## Zone RE1 Public Recreation

### 1 Objectives of zone

- To enable land to be used for public open space or recreational purposes that support the Jindabyne Town Centre and activate the foreshore area.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To maintain the efficient operation of Lake Jindabyne for water storage.

### 2 Permitted without consent

Environmental facilities; Environmental protection works; Roads.

### 3 Permitted with consent

Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Car parks; Charter and tourism boating facility; Community facilities; Emergency services facilities; Information and education facilities; Jetties; Kiosks; Marina; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Research stations; Water recreation structures; Water storage facilities; Wharf and boating facility.

### 4 Prohibited

Any development not specified in item 2 or 3.

## 3.4.4 Activation Precinct Certificates

Activation Precinct Certificates are required to be obtained for all development that is permissible with consent. Activation Precinct Certificates are not required for Exempt Development or where the development is to be carried out by a public authority (other than the Regional Growth NSW Development Corporation).

The purpose of an Activation Precinct Certificate is to ensure that development is consistent with the Activation Precincts SEPP, the Snowy Mountains Special Activation Precinct Master Plan and the relevant Delivery Plan. Regional Growth NSW Development Corporation will be responsible for issuing Activation Precinct Certificates, unless they are the applicant, in which case, the Planning Secretary will be the Issuing Authority.

Once a Certificate has been issued, relevant planning approvals must still be obtained. The pathways for consent/approval where an Activation Precinct Certificate is required are:

- Complying Development under the *Environmental Planning and Assessment Act 1979* (EP&A Act) through the issuing of a Complying Development Certificate (from the relevant council or an accredited principal certifier)
- Development Application or State Significant Development application under Part 4 of the EP&A Act.

## 3.4.5 Complying Development

A key objective for Special Activation Precincts is to create a streamlined approval pathway for specified types of uses, where the planning and environmental risks can be managed strategically through the Snowy Mountains Special Activation Precinct Master Plan and via upfront technical assessment. The Complying Development Pathway will be the primary approval pathway for development within the catalyst sites. The Department needs to be satisfied that the Complying Development pathway provides the same protections as a development application process.

Specified tourist and employment uses, that would otherwise require a development application under the current planning framework, are proposed to be able to be undertaken as Complying Development in the Snowy Mountains Special Activation Precinct (Jindabyne Region). Complying Development will not be advertised and will not require an Environmental Impacts Statement nor Statement of Environmental Effects.

The planning framework seeks to provide a comparable level of impact assessment through the following:

- Upfront strategic environmental and planning studies that informs the Snowy Mountains Special Activation Precinct Master Plan to include measurable criteria for environmental performance and land use controls designed to minimise land use conflict.
- To be complying development, the development must:
  - comply with the Building Code of Australia
  - not be for the purpose of remediation work within the meaning of *State Environmental Planning Policy No 55—Remediation of Land*, and
  - not be a major hazard facility as defined by the *Work Health and Safety Regulation 2017*, and
  - be carried out in accordance with the relevant provisions of the Blue Book, and
  - not be carried out within 1m of any public sewer, if the development comprises the erection of a building, except with the written approval of the authority that has management or control of that sewer, and
  - not involve the removal of asbestos, unless that removal is undertaken in accordance with Code of Practice: How to safely remove asbestos dated August 2019 published by SafeWork NSW published by the WorkCover Authority, and
  - not be located:
    - (i) within the licence area of a pipeline for gas, or for petroleum or other liquid fuels, licensed under the *Pipelines Act 1967*, or
    - (ii) within 20m of the centreline (measured radially) of a relevant pipeline, or within 20m of land the subject of an easement for a relevant pipeline.
  - must be installed in accordance with the manufacturer's specifications, if applicable.
  - In the case of development other than for the purposes of environmental protection works or recreation areas—not be carried out on land identified as within an environmentally sensitive area on the Activation Precincts SEPP Snowy Mountain Activation Precinct Environmentally Sensitive Areas Map
  - Must not be carried out on land on which a heritage item or Aboriginal object is located or that is within a heritage conservation area or Aboriginal place of heritage significance.

All complying development must be carried out in accordance with the relevant Delivery Plan.

Environmentally sensitive areas (comprising high value vegetation, key fish habitat, category 2 land under the *Local Land Services Act 2013*, historical heritage and areas of Aboriginal cultural heritage significance) are to be mapped in the Activation Precincts SEPP. Development in these areas will not be Complying Development, recognising that development assessment in these areas should be subject to a site-specific impact assessment and that the application should be publicly notified prior to determination.

### 3.4.6 Exempt Development

Types of low impact land uses will be identified as Exempt Development, and will not require planning or building approval, where they meet the development standards outlined in the Activation Precincts SEPP. Development that will be exempt development includes, but are not limited to development involving: change of use, demolition, pathways and paving, rainwater tanks, maintenance works, street furniture, minor structures and specified signage.

### 3.4.7 Activated Development Application

For development in catalyst sites that is not complying development, planning approval will be required in the form of a local Development Application. Development applications within catalyst sites will be streamlined via:

- Reliance on upfront technical assessments and design guidelines to reduce assessment requirements for individual development applications (commensurate with the upfront assessment)
- Reducing evaluation and exhibition requirements for individual development applications.

The *activated* Development Application under the Activation Precincts SEPP involves a concurrent application for a Activation Precinct Certificate and a Development Application. A Development Consent

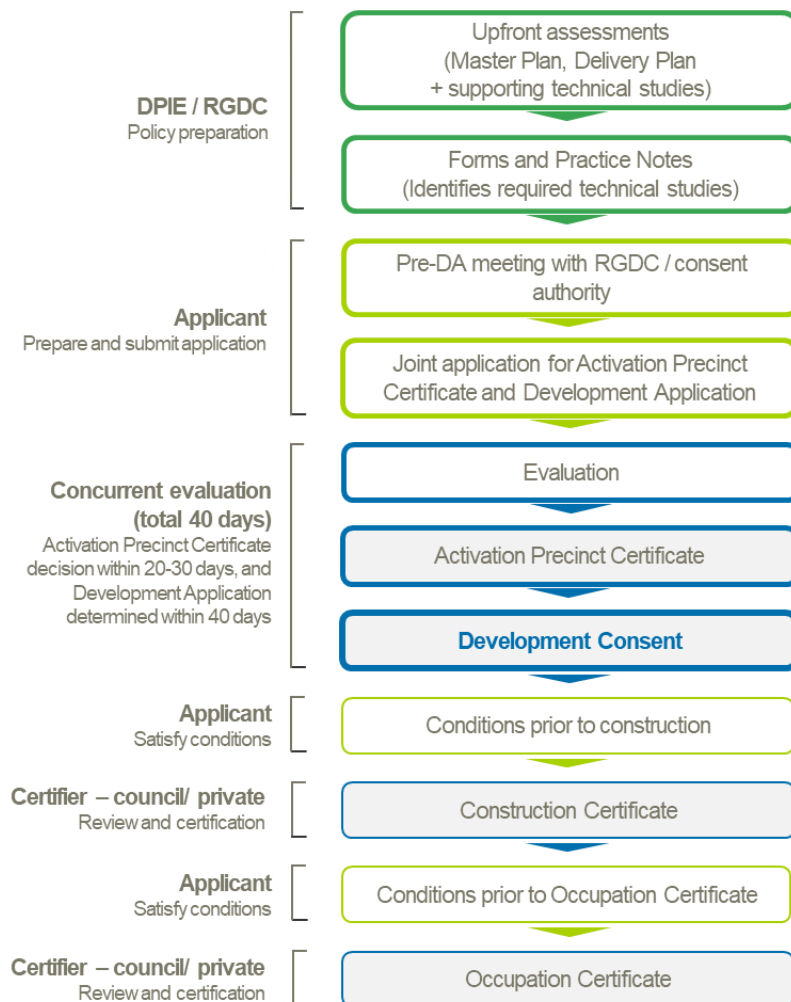
cannot be determined until the Activation Precinct Certificate is issued. Where an Activation Precinct Certificate has been issued for a development, exhibition is not required and the Development Application will consider only those matters not addressed under the Activation Precinct Certificate.

A Community Participation Plan will be prepared that identifies which development does not require exhibition. A Practice Note will be prepared that will describe the application preparation and evaluation process for concurrent assessment of applications for Activation Precinct Certificate and Development Consent.

Where the proposal is for development that would be integrated development, additional assessment may be required. It is noted that, where nominated integrated development (defined under *Schedule 1 – Community participation requirements* of the EP&A Act<sup>1</sup>) is proposed, exhibition requirements required by the EP&A Act would apply.

The Activation Precinct SEPP will specify the consent authority for specified development.

The *activated* Development Application process, applicable to land under the Activation Precincts SEPP, is illustrated in **Figure 9**.



**Figure 9 – Activated Development Application and certificate process: Activation Precincts SEPP**

Note: EPA involvement would be required for proposals that require an Environment Protection Licence.

<sup>1</sup> Nominated integrated development includes integrated development that requires approval in accordance with the EP&A Act, under a provision of the *Heritage Act 1977* (section 4.46(1)), the *Water Management Act 2000* (specified in section 4.46(1)), or the *Protection of the Environment Operations Act 1997* (section 4.46(1)).

### 3.4.8 Designated Development

The EP&A Regulation identifies certain high-impact development (e.g. likely to generate pollution) or development that is located in or near an environmentally sensitive area (e.g. a wetland) as 'designated development'. These types of development require an Environmental Impact Statement and must be publicly exhibited for a minimum of 28 days.

A review of the types of designated development has been undertaken and the types of uses that trigger designated development are not identified as catalyst development under the Snowy Mountains Special Activation Precinct.

Should development be proposed on land to which the Snowy Mountains Special Activation Precinct applies that triggers designated development provisions, such development will need to follow the designated development approval pathway.

### 3.4.9 Other licences and approvals

Processes, approvals and licenses required under other legislation, such as the *Protection of the Environment Operations Act 1997*, *Biodiversity Conservation Act 2016*, the *Roads Act 1993* and the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* will continue to be required.

### 3.4.10 Environmentally sensitive areas

Environmentally sensitive areas within the Snowy Mountains Special Activation Precinct comprises high value vegetation, historical heritage and areas of Aboriginal cultural heritage. These locations have been mapped and exempt and complying development provisions will not apply to these areas.

### 3.4.11 Biodiversity and vegetation

The approach to the protection of biodiversity and vegetation in the Snowy Mountains Special Activation Precinct is to survey and map the high value vegetation, and limit development. Development proposed in these areas will require assessment as part of a Development Application.

The Environmentally Sensitive Areas Map in the Activation Precincts SEPP will identify high value vegetation. The function of this map is to trigger the need for a permit for impacts on biodiversity in identified areas. Processes, approvals and licenses required under *Biodiversity Conservation Act 2016* continue to be required.

The Snowy Mountains Special Activation Precinct Master Plan and Delivery Plan aim to protect biodiversity across the Precinct through inclusion of development principles, design guidance and development controls.

### 3.4.12 Protection of Aboriginal cultural heritage

Aboriginal Cultural Heritage sites within the catalyst sites will be managed in consultation with local Aboriginal representatives. They will be protected, maintained and enhanced to preserve the significance of sites, culturally significant vegetation and artefacts. The Draft Snowy Mountains Special Activation Precinct Master Plan incorporates Aboriginal planning and design considerations ensuring the Precinct has a sense of place, history and spirit when we pass it onto the next generation.

### 3.4.13 Bushfire

Snowy Monaro Regional Council maintains a map identifying areas of bushfire prone land in the local government area. The endorsed bushfire prone land map is the trigger for the consideration of bush fire protection measures for new development, consistent with *Planning for Bush Fire Protection 2019* (NSW Rural Fire Service) and *Australian Standard 3959-2009 – Construction of buildings in bush fire prone areas*).

Amendments to the Activation Precincts SEPP are recommended on the basis of continued application of Section 100B of the *Rural Fires Act 1997*. In accordance with Section 100B, the development for Special Fire Protection Purposes (as defined under the *Rural Fires Act 1997*) is not be complying development on land that is bushfire prone within the Snowy Mountains Special Activation Precinct. Instead, such development requires a development application.

In accordance with the Bushfire Assessment prepared as part of the Snowy Mountains Special Activation Precinct investigations, bushfire protection controls and management measures will be included within the Draft Snowy Mountains Special Activation Precinct Master Plan and detailed controls for development provided in the Delivery Plans.

Further consultation is underway with the Rural Fire Service to clarify the approach to identifying bushfire mitigation measures and appropriate controls that apply within the Snowy Mountains Special Activation Precinct in accordance with *Planning for Bushfire Protection 2019*.

### 3.5 Infrastructure contributions

Some infrastructure in the Snowy Mountains Special Activation Precinct will be funded through the NSW Government's Snowy Hydro Legacy Fund. Infrastructure will be funded through a combination of NSW Government funding, the proceeds of land sales by the Regional Growth Development Corporation and through other potential funding mechanisms, such as a Special Infrastructure Contribution.

Snowy Monaro Regional Council is in its preliminary stages of producing a new Snowy Monaro Development Contributions Plan under sections 7.11 and 7.12 of the EP&A Act. Through collaboration with the Department, Snowy Monaro Regional Council will align this plan with the provisions of the Activation Precinct SEPP to ensure adequate provision of infrastructure. Contributions under section 64 of the *Local Government Act 1993* (water, sewer and stormwater) are also in draft form (under preparation by Snowy Monaro Regional Council) and will be aligned with the Snowy Mountains Special Activation Precinct.

### 3.6 Delivery Plans

Delivery Plan(s) for the Sub-Precincts within the Snowy Mountains Special Activation Precinct will be prepared by the Regional Growth Development Corporation and be approved by the Planning Secretary. Consistent with the Activation Precincts SEPP, the Delivery Plan may apply to all land or specified land within each Sub-precinct and will contain specific development controls for particular development. The Delivery Plan is to be consistent with the Snowy Mountains Special Activation Precinct Master Plan.

An amendment to Clause 9 of the Activation Precincts SEPP (commences 16 July 2021) requires that Delivery Plans are placed on public exhibition prior to finalisation, to allow for the community and agencies to make formal submissions on the details of the Delivery Plan.

### 3.7 Additional uses permitted without consent

A shared cycle and walking track, which forms part of a shared track that extends around Lake Jindabyne, will be permitted without consent under the Activation Precincts SEPP. Works associated with this trail will be subject to assessment under Part 5 of the EP&A Act.

### 3.8 Savings and Transitional provision

A savings and transitions provision is proposed for development where a development application has been lodged but not yet determined. This allows for continuation of current land uses and for those developments to be determined as per the controls that were in force at the time the development application was lodged.

The savings and transitional provision will also allow for the continuation of current land uses in the R1 and R2 zones prior to transitioning to catalyst development envisaged under the Tourism Enterprise zone. In this regard, the Snowy River LEP will continue to apply to land within the Town Centre Sub-Precinct that is currently zoned R1 or R2 zone, until a defined date.

### 3.9 Relationship between the Activation Precincts SEPP and the Snowy River Local Environmental Plan 2013

As previously outlined in this Discussion Paper, the Activation Precincts SEPP will “turn off” the Snowy River LEP for land within the Activation Precincts SEPP land application boundary (refer to Figure 6) and the Activation Precincts SEPP will be the primary environmental planning instrument applying to the land.

However, the following clauses under the Snowy River LEP will continue to apply:

- Clause 2.8 Temporary use of land
- Clause 5.2 Classification and reclassification of public land
- Clause 5.11 Bush fire hazard reduction

The intent of the following clauses under the Snowy River LEP, updated to reflect the findings of the Snowy Mountains Special Activation Precinct technical studies, will be integrated into performance standards under the relevant Delivery Plan:

- Clause 7.1 Flood planning
- Clause 7.2 Terrestrial biodiversity
- Clause 7.3 Riparian land and watercourses
- Clause 7.4 Wetlands
- Clause 7.5 Active street frontages
- Clause 7.6 Development within the Lake Eucumbene and Lake Jindabyne scenic protection areas
- Clause 7.7 Development within the eastern approaches to Kosciuszko National Park
- Clause 7.8 Serviced apartments
- Clause 7.9 Essential services.

There will also be consequential amendment to the Snowy River LEP maps to excise the Precinct from that instrument. Consideration will also be given to rezoning land that has been identified as having potential for development consistent with the Snowy Mountains Special Activation Precinct Master Plan.

The effect of the Activation Precincts SEPP in relation to the Snowy River LEP will be reflected in the new consolidated Snowy Monaro Local Environmental Plan, currently under preparation by Council.

## 4. Facilitating Growth in Jindabyne

### 4.1 Area to which the Self-Repealing SEPP applies

It is proposed to amend the Snowy River LEP to rezone certain lands (Growth Areas) that are identified under the Draft Snowy Mountains Special Activation Precinct Master Plan as suitable for development that supports the vision for the Snowy Mountains Special Activation Precinct. These lands will remain subject to the Snowy River LEP.

The Draft Snowy Mountains Special Activation Precinct Master Plan identifies potential development opportunity sites that support the vision of the Snowy Mountains Special Activation Precinct. In accordance with upfront technical assessments, it is proposed to rezone these lands via a self-repealing State Environmental Planning Policy (referred to as the Self-Repealing SEPP) to amend the Snowy River LEP. The lands to which the Self-Repealing SEPP applies are shown in [Figure 1](#). The Sub-Precincts that make up lands to which the proposed Self-Repealing SEPP applies, includes lands within the Jindabyne urban area, lands to the south of Jindabyne, as well as lands in the East Jindabyne village.

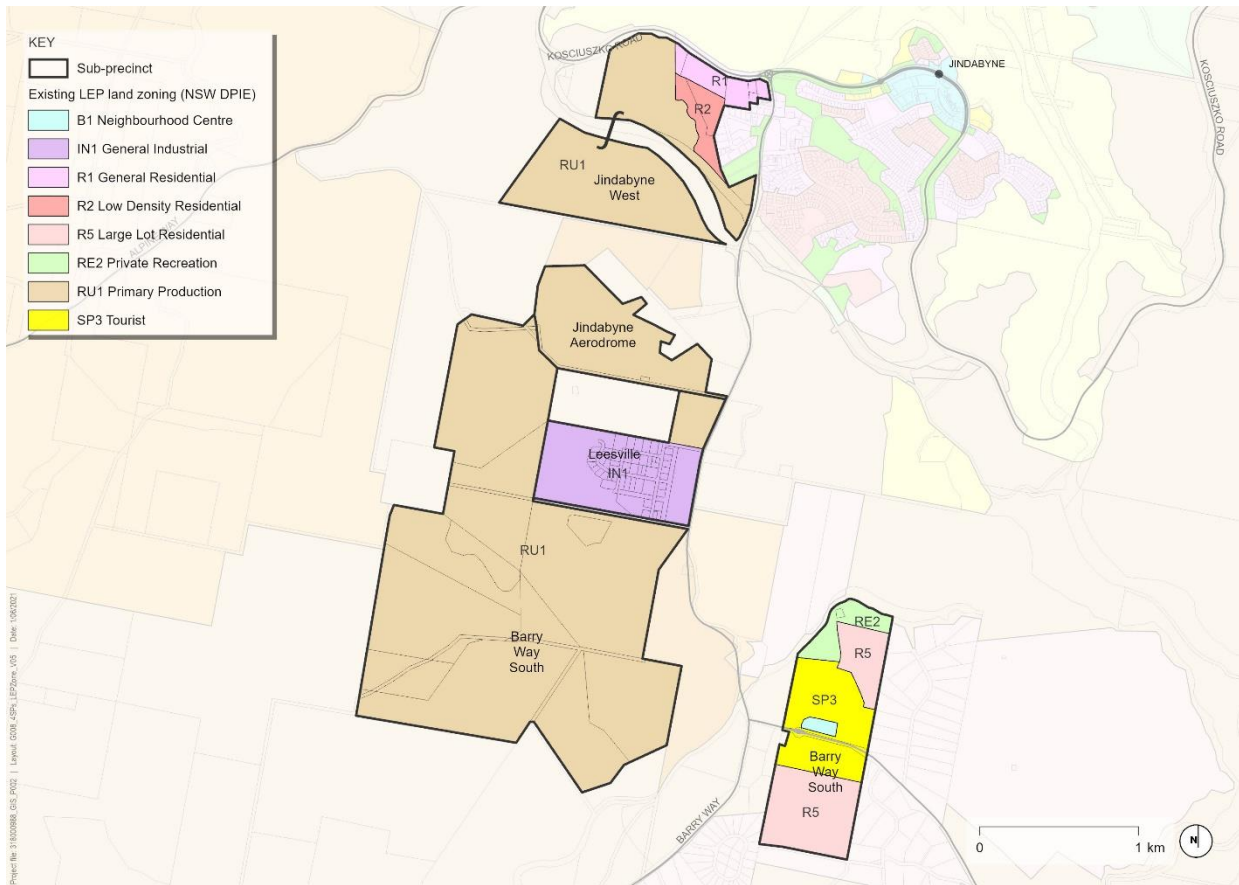
### 4.2 Land use zoning

#### 4.2.1 Intent of the land use zoning strategy

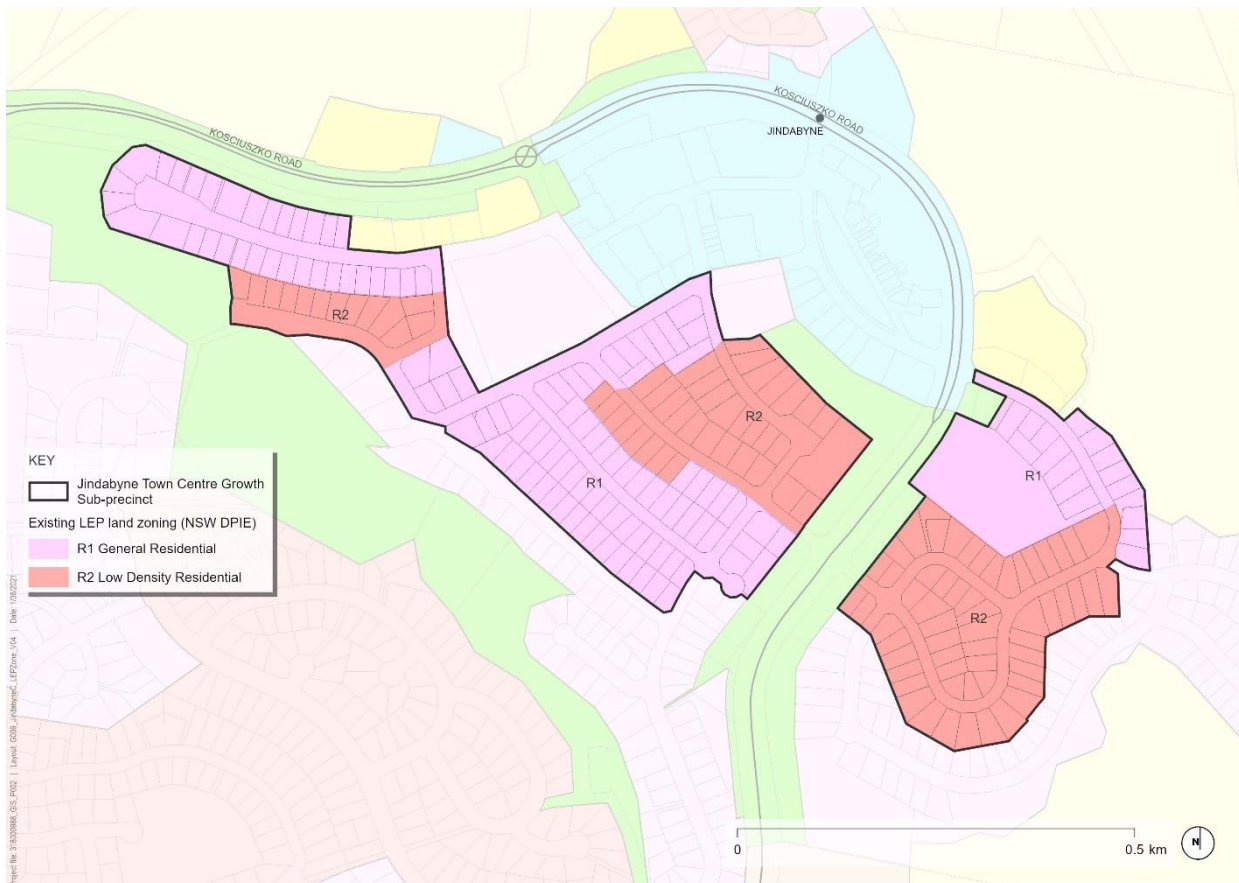
Currently, land proposed to be rezoned under the Snowy River LEP is primarily used for the following purposes:

- Jindabyne Town Centre Growth – three central Jindabyne Sub-Precincts currently zoned R1 and R2
- Leesville Industrial Area – one Sub-Precinct comprising IN1 zoned industrial land and small portion of RU1 zoned land
- Barry Way South – Bungarra and Station land currently zoned a combination of RU1, B1, RE1 and SP3.
- Jindabyne West – area of potential residential development current zoned a combination of RU1, R1 and R2.
- East Jindabyne Village – two Sub-Precincts of land in the East Jindabyne village currently zoned a combination of R1, R5 and RE2.
- Jindabyne Aerodrome – single Sub-Precinct that provides for continued operation of the Jindabyne Aerodrome, currently zoned RU1.

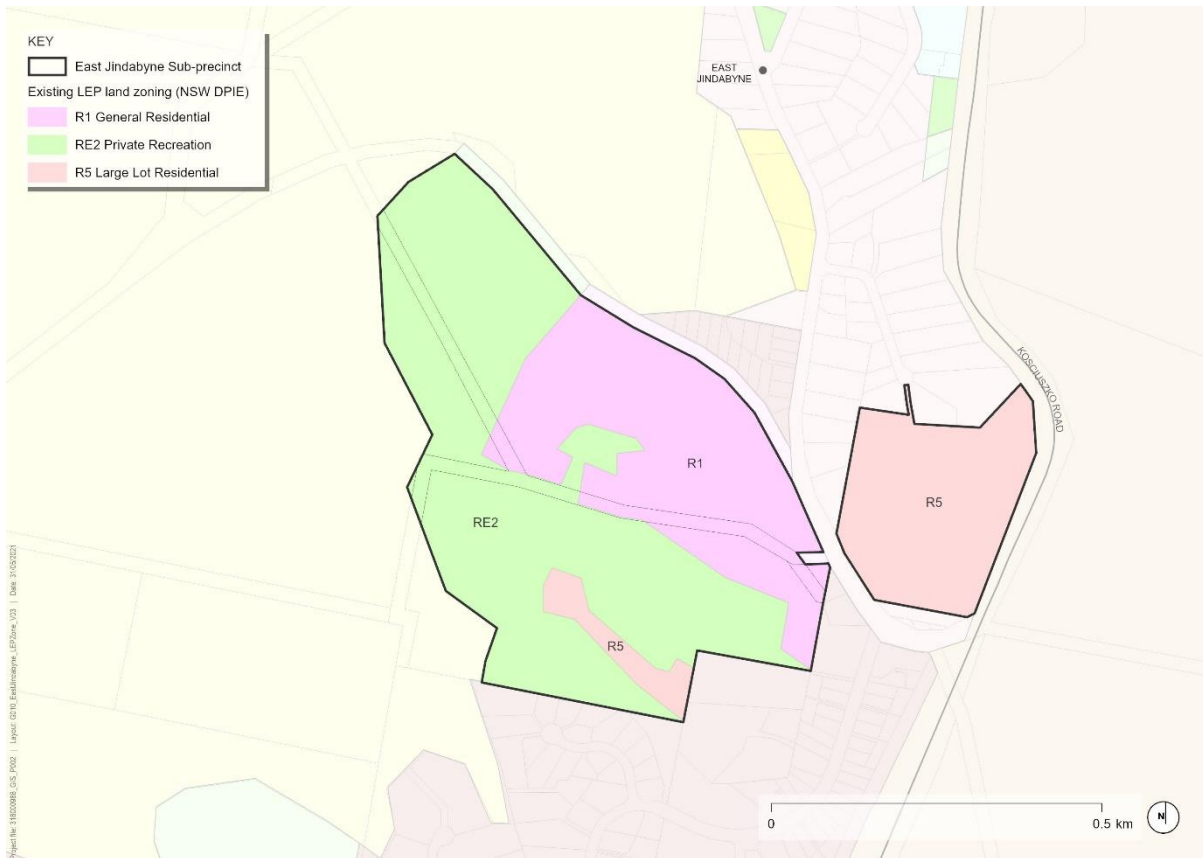
The current zoning is illustrated in [Figure 3](#), [Figure 4](#) and [Figure 5](#).



**Figure 30 – Current land use zoning: Southern Jindabyne Sub-Precincts**



**Figure 41 – Current land use zoning: Jindabyne Town Centre Growth Sub-Precinct**



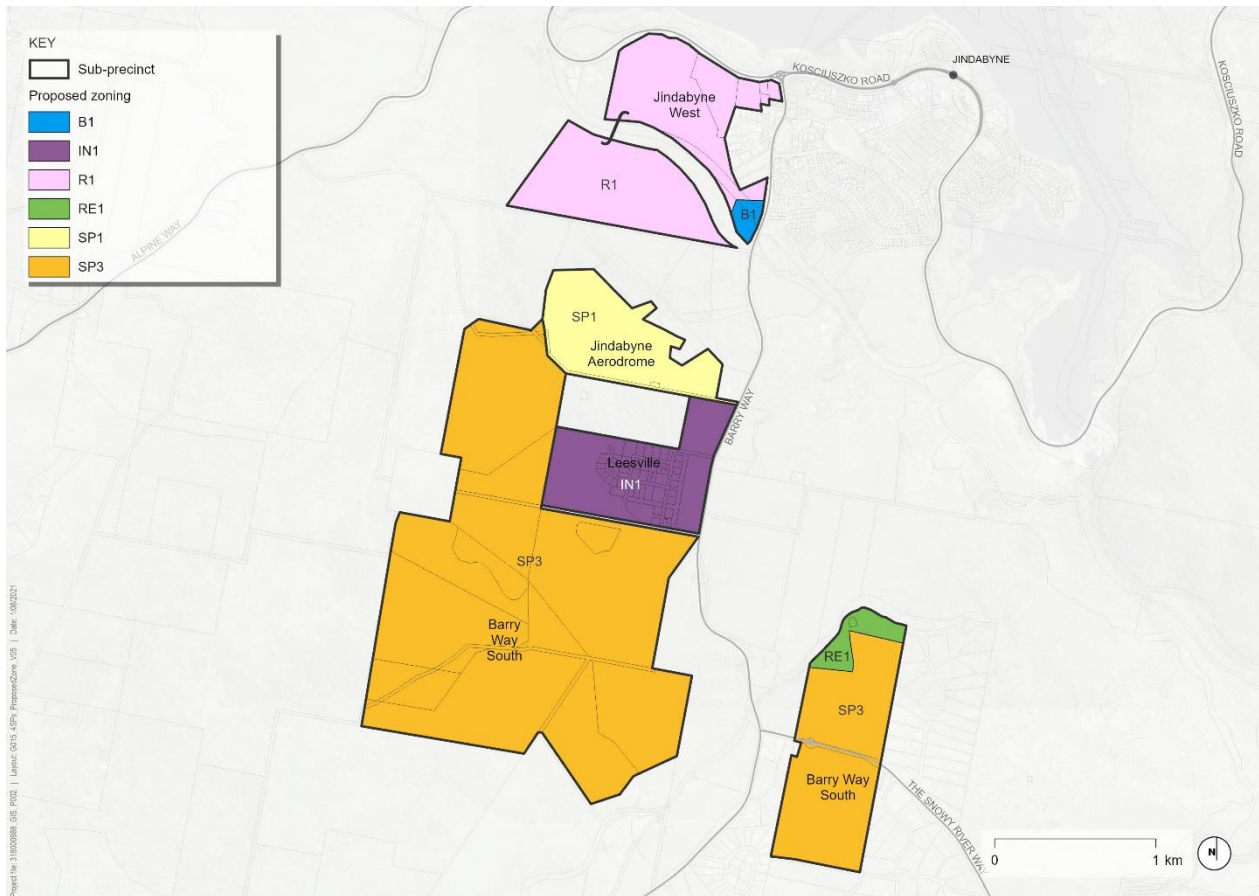
**Figure 52 – Current land use zoning: East Jindabyne Village**

The land use strategy for the Snowy Mountains Special Activation Precinct (refer [Figure](#) , [Figure 6](#) and [Figure 7](#)) comprises:

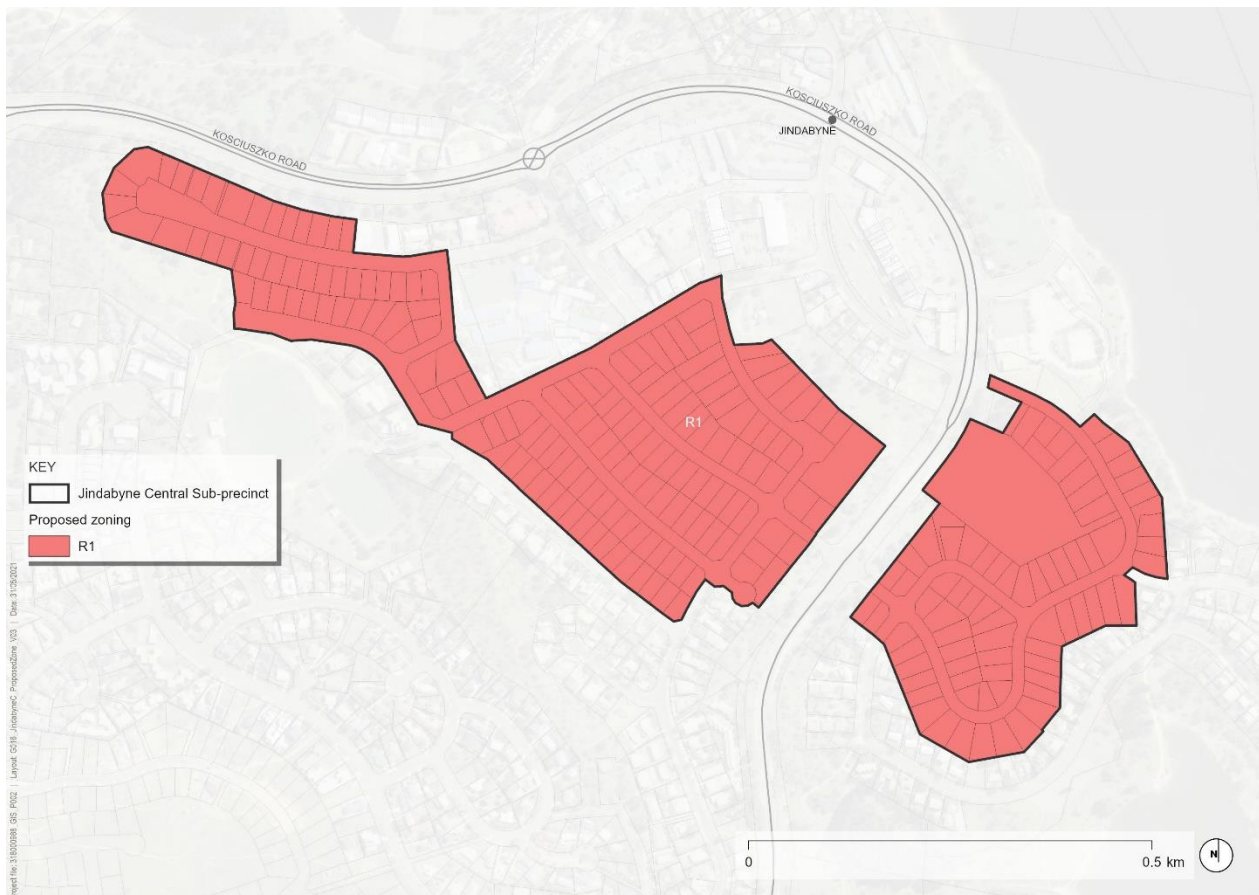
- Existing land use zones under the Snowy River LEP are to be applied to new land area, to provide for development in areas that support the vision for the Snowy Mountains Special Activation Precinct. The Snowy Mountains Special Activation Precinct Master Plan will be a matter for consideration under the Snowy River LEP to guide development on these sites. The application of these zones:
  - SP3 Tourist – Will be appropriate where tourism is considered a focus a particular location.
  - SP1 Special Activities – Applies to land for which a specific land use activity is identified, in this case, Jindabyne Aerodrome site. The Snowy River LEP proposes to include a provision to ensure development in the Aerodrome Sub-Precinct does not have any impacts on surrounding residential and educational uses, including noise, vibration and emissions impacts.
  - R1 General Residential – Applies to land release areas in Jindabyne West and areas of increased density adjacent to Jindabyne Town Centre
  - B1 Local Centre – Applies to land near the Barry Way and Southern Connector Road intersection to enable commercial development, passenger transport facility and specialised retail premises that does not compete with the Jindabyne Town Centre
  - RE1 Public Recreation – applies to land along the Lake Jindabyne Foreshore and to waterfront land in East Jindabyne.

The LEP amendment will need to include a provision that endorses the Snowy Mountains Special Activation Precinct Master Plan, to give it statutory weight for areas not covered by the Activation Precincts SEPP. Council will remain the consent authority for development in the growth areas. The Snowy River LEP planning framework will continue to apply (note: an Activation Certificate is not required) and development will be subject to a new/revised Development Control Plan and Contributions Plan.

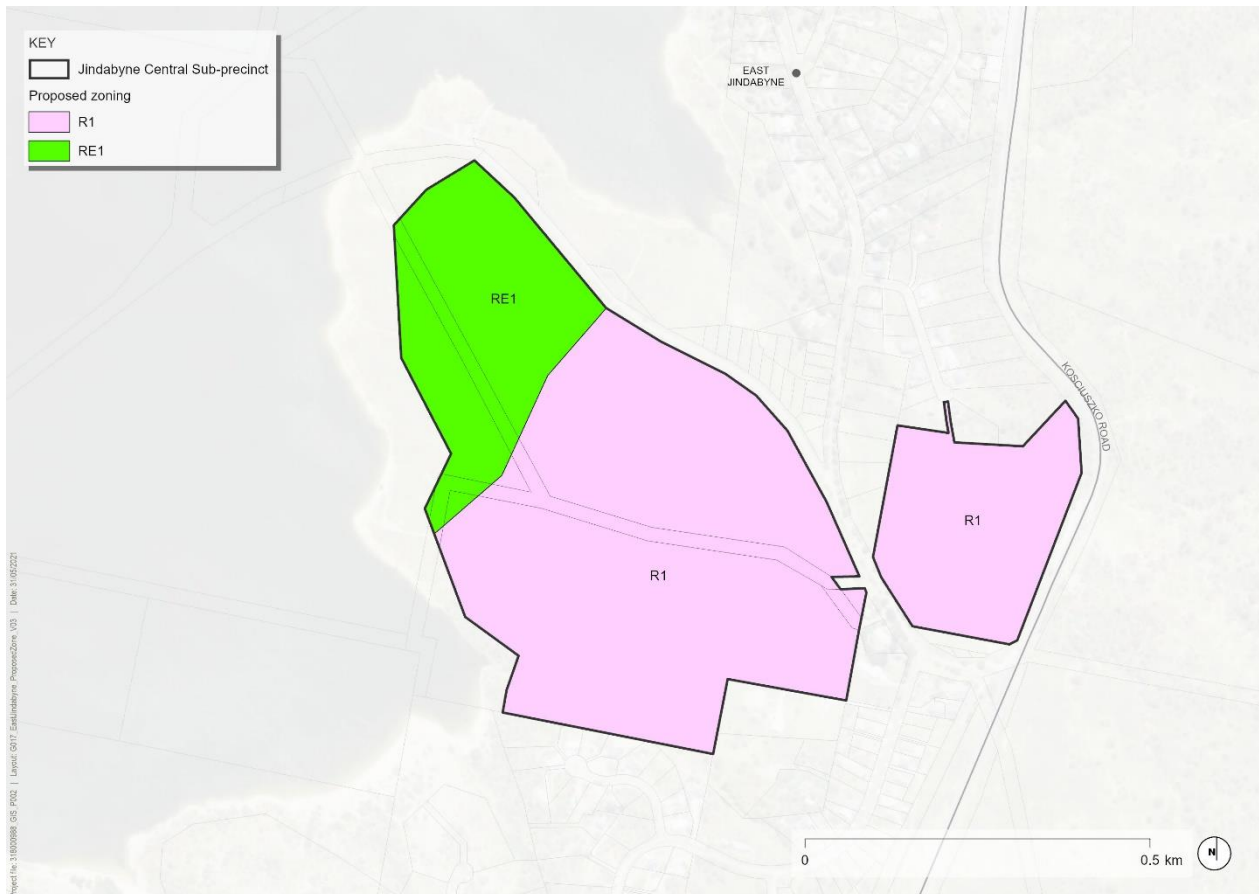
The proposed rezoning is illustrated in [Figure](#) , [Figure 6](#) and [Figure 7](#).



**Figure 13 – Proposed land use zoning: Southern Jindabyne Sub-Precincts**



**Figure 64 – Proposed land use zoning: Jindabyne Town Centre Growth Sub-Precinct**



**Figure 75 – Proposed land use zoning: East Jindabyne Village**

*Note: Following further environmental surveys (biodiversity and heritage) the extent and distribution of the proposed Residential R1 and Public Recreation RE1 zones in the western area of East Jindabyne Sub-Precinct may need to be adjusted to ensure protection of environmental and landscape values, and provision of recreational open space that is integrated with residential development.*

### 4.3 Additional uses permitted without consent

A shared cycle and walking track, which forms part of a shared track that extends around Lake Jindabyne, will be permitted without consent under the Activation Precincts SEPP. Works associated with this trail will be subject to assessment under Part 5 of the EP&A Act.

### 4.4 Savings and transitions provisions

A savings and transitions provision is proposed for development where a development application has been lodged but not yet determined. This allows for those developments to be determined as per the controls that were in force at the time the development application was lodged.

## 5. Proposed Amendment to the Alpine SEPP

### 5.1 Alpine Region framework

It is proposed to retain the Alpine SEPP as the primary environmental planning instrument for the Alpine Region and to amend the provisions of the Alpine SEPP to give effect to the outcomes of the Snowy Mountains Special Activation Precinct investigations.

Rather than being replaced by the Activation Precincts SEPP, the Alpine SEPP is retained as it provides:

- A robust existing framework for managing development within the Alpine Sub-Precincts
- Embedded protections to safeguard environmental values of the Kosciuszko National Park and to protect public safety for people visiting the Alpine Sub-Precincts.

The land within Kosciuszko National Park that is captured under the Alpine SEPP will expand to include existing disturbed areas in a manner that is consistent with the *National Parks and Wildlife Act 1974*.

The existing Alpine SEPP provides for a range of permitted land uses within the identified Alpine Region. The current framework under the Alpine SEPP includes provision for Exempt Development and development permitted with consent. There is currently no complying development pathway under the Alpine SEPP.

The proposed amendments to the Alpine SEPP are aimed towards streamlining development within the Alpine Sub-Precincts and leveraging the upfront of design and assessment conducted as part of the Snowy Mountains Special Activation Precinct investigations.

An amendment is required to support streamlined approval for development in the Alpine Sub-Precincts that is consistent with the Draft Snowy Mountains Special Activation Precinct Master Plan. The relevant provisions of the Draft Snowy Mountains Special Activation Precinct Master Plan will be applied the Alpine Sub-Precincts. Strategic planning and a carrying capacity analysis will support the amendment to the Alpine SEPP in order to facilitate redevelopment within the Alpine Sub-Precincts.

The amendments to the Alpine SEPP will provide for:

- An amended land use table and development standards for each Alpine Sub-Precinct. The land use table will outline the approval pathways for land uses, including exempt, complying and prohibited development.
- Provisions requiring preparation of a Master Plan and requirement for development to be consistent with the Master Plan. The Master Plan will include the vision, objectives and performance criteria and limitations on development that apply within the Alpine Sub-Precincts.
- Provisions requiring preparation of a Development Control Plan (the Alpine Development Control Plan) and requirement for development to be consistent with the Development Control Plan. The Alpine Development Control Plan will include design guidance, detailed infrastructure planning, ski field and trails planning, specific development controls applicable to development and description of how development is to achieve the Master Plan vision and objectives (i.e. design guideline).
- Proposed development in proximity to a Sub-Precinct (subject to approval under *National Parks and Wildlife Act 1974*) will need to align, support and complement the future intent and desired land uses in each precinct or Sub-Precinct.

Alongside the introduction of the above mechanisms, amendments to the Alpine SEPP will also:

1. Expand/clarify exempt development provisions to more clearly define the nature of exempt development in the Alpine Sub-Precincts
2. Introduce Complying Development pathway for minor building or maintenance works and basic operational works. For example, replacing existing ski infrastructure (structural components and parts) with upgraded infrastructure where it results in the same capacity and scale, or snow gutters/awnings on existing lodge buildings. The purpose of this is to avoid minor works, which cannot strictly meet exempt development controls, requiring development consent
3. Provide for a streamlined Development Application process that utilises upfront evidence and design guidance to enable shorter timeframes for assessment and decision making (referred to as an *activated* Development Application).

## 5.2 Area to which the Alpine SEPP applies

The land within the Snowy Mountains Special Activation Precinct that is the subject of proposed amendments to the Alpine SEPP is shown in **Figure 2**. The Precinct includes land that is currently identified as 'Alpine Resorts' under the Alpine SEPP as well as additional disturbed or developed locations that are identified as part of the Draft Snowy Mountains Special Activation Precinct Master Plan. This Discussion Paper provides indicative boundaries for land to which the Alpine SEPP applies (referred to as 'Sub-Precincts'). Detailed review of boundary locations will be carried out to align all relevant planning instruments. Further, the boundaries will align with lease agreement boundaries.

## 5.3 Land use and zoning

### 5.3.1 Intent of the land use zoning strategy

#### Current Alpine SEPP land use strategy

Currently, the Alpine SEPP describes the permitted uses in each of the nominated 'Alpine Resorts'. Land within the existing 'Alpine Resorts' is primarily used for commercial, tourist accommodation and tourist facilities (winter and summer infrastructure) uses (refer to **Figure** ).

Under Clause 5, the Alpine SEPP applies to the following 'alpine resorts':

- (a) Thredbo Alpine Resort
- (b) Perisher Range Alpine Resort
- (c) Bullocks Flat Terminal
- (d) Mount Selwyn Alpine Resort
- (e) Charlotte Pass Alpine Resort
- (f) Kosciuszko Mountain Retreat Alpine Resort
- (g) Sponars Chalet Alpine Resort
- (h) Ski Rider Alpine Resort.

The 'Alpine Resorts' identified are unzoned under the Alpine SEPP. Instead the Alpine SEPP applies a land use table that differentiates the permissibility of land uses according to the 'Alpine Resort' (see Section 5.3.3). The Snowy River LEP zones the land within the Kosciuszko National Park as E1 National Parks and Nature Reserves, but this zoning does not apply under the Alpine SEPP.

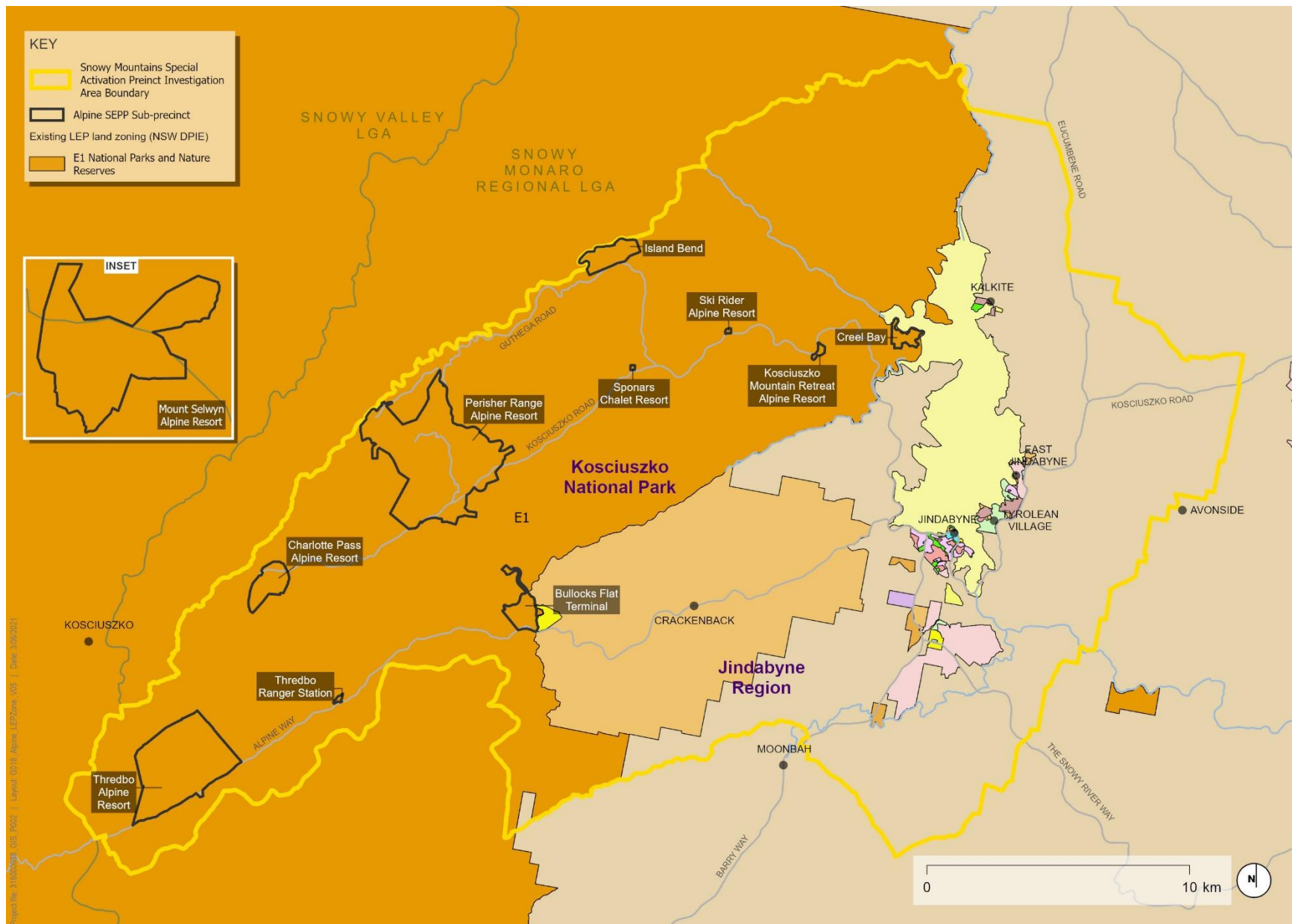


Figure 16 – Alpine Sub-Precincts

## Proposed Alpine SEPP land use strategy

The proposed amendment to the Alpine SEPP retains the structure of the land use table, but applies new nomenclature to define the principal purpose of each Sub-Precinct.

The land use strategy for the Alpine Region (refer [Figure](#) ) comprises:

- Current 'Alpine Resorts' will become Sub-Precincts and new Sub-Precincts will be added within Kosciuszko National Park.
- New Sub-Precincts in the Alpine SEPP comprise:
  - Island Bend
  - Creel Bay
  - Thredbo Ranger Station.
- It is proposed to continue the current land use table structure, which identifies permissibility of land uses according to the nominated Sub-Precinct rather than land use zones.

The Sub-Precincts identified under the Draft Snowy Mountains Special Activation Precinct Master Plan will be integrated into the Alpine SEPP under the following Sub-Precinct types:

- Alpine Resorts – Sub-Precincts that comprise skiable locations:
  - Charlotte Pass
  - Perisher Range (including Guthega)
  - Thredbo
  - Mount Selwyn
- Alpine Accommodation – Sub-Precincts that contain buildings but where skiing does not take place:
  - Ski Rider
  - Sponars Chalet
  - Thredbo Ranger Station
  - Creel Bay
  - Bullocks Flat
  - Kosciuszko Mountain Retreat
  - Island Bend.

Subject to detailed statutory review, land within the Sub-Precincts may be identified as suitable locations for the following key uses under the Alpine Development Control Plan:

- **Alpine Village** – Comprises land that is identified as suitable for tourist accommodation or ancillary commercial activities.
- **Alpine Ski Field** – Comprises land that is skiable, but may also provide opportunities for summer season recreation, such as mountain bike trails, ziplines and the like
- **Alpine Recreation** – Comprises non-skiable areas that could provide opportunities for snow play or other summer season recreation, such as mountain bike trails, ziplines and the like
- **Alpine Infrastructure** – Comprises land that is suitable for a range of infrastructure facilities, such as (but not limited to) road and/or transport facilities, water supply or sewage treatment infrastructure, board walks, electricity facilities, emergency services works, research and monitoring stations, stormwater management, telecommunications and the like.

### 5.3.2 New land use terms and definitions

It is proposed to add definitions of the following terms:

**Alpine Region** means all land to which the Alpine SEPP applies

**Master plan** means a master plan for the Alpine Region that is prepared and approved by the Minister

In some cases, the Alpine SEPP provides for different definitions to the Standard Instrument. To ensure consistency with the definitions in the Alpine SEPP with the Standard Instrument, it is recommended that the following definitions in the Alpine SEPP are amended to align with the Standard Instrument:

- aboriginal object
- commercial premises
- demolish
- educational establishment
- emergency services facility
- entertainment facility
- food outlet – to be replaced by ‘food and drink premises’
- gross floor area
- health profession consulting room
- heritage item
- hotel – defined under Standard Instrument as a ‘pub’
- maintenance
- medical centre
- public utility undertaking
- recreation facility – to be replaced by ‘recreation facility (indoor)’ and ‘recreation facility (outdoor)’
- serviced apartments
- sewerage treatment works
- shop
- staff accommodation
- the Department
- telecommunication facility
- tourist accommodation
- vehicle repair station
- waste management facility.

### 5.3.3 Land Use Tables

It is important that suitable land uses be included for each Sub-Precinct, to enable uses that may be envisaged under the relevant Master Plan but are not inconsistent with the objects of the *National Parks and Wildlife Act 1974*.

The following are draft objectives and permitted and prohibited uses for each of the zones within the Snowy Mountains Special Activation Precinct.

#### **Alpine Resorts**

##### **Thredbo Alpine Resort**

1 Permitted without consent

Nil

2 Permitted with consent

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

stations; Telecommunications facilities; Tourist accommodation; Transport facilities; Vehicle repair stations; Weather stations

### 3 Prohibited

Any development not otherwise specified in item 1 or 2

## **Perisher Range Alpine Resort**

### 1 Permitted without consent

Nil

### 2 Permitted with consent

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

### 3 Prohibited

Any development not otherwise specified in item 1 or 2

## **Mount Selwyn Alpine Resort**

### 1 Permitted without consent

Nil

### 2 Permitted with consent

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

### 3 Prohibited

Any development not otherwise specified in item 1 or 2

## **Charlotte Pass Alpine Resort**

### 1 Permitted without consent

Nil

### 2 Permitted with consent

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

**3 Prohibited**

Any development not otherwise specified in item 1 or 2

**Alpine Accommodation****Bullocks Flat Terminal Alpine Accommodation**

1 Permitted without consent

Nil

2 Permitted with consent

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

3 Prohibited

Any development not otherwise specified in item 1 or 2

**Sponars Chalet Alpine Accommodation**

1 Permitted without consent

Nil

2 Permitted with consent

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

3 Prohibited

Any development not otherwise specified in item 1 or 2

**Ski Rider Alpine Accommodation**

1 Permitted without consent

Nil

2 Permitted with consent

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

3 Prohibited

Any development not otherwise specified in item 1 or 2

**Creel Bay Alpine Accommodation**

1 Permitted without consent

Nil

2 Permitted with consent

Advertisements; Building identification signs; Business identification signs; Camping grounds; Community facilities; Conference facilities; Eco-tourist facility; Educational establishments;

Infrastructure facilities; Management trails; Public utility undertakings; Recreation infrastructure; Telecommunications facilities; Transport facilities.

3 Prohibited

Any development not otherwise specified in item 1 or 2

### **Thredbo Ranger Station Alpine Accommodation**

1 Permitted without consent

Nil

2 Permitted with consent

Advertisements; Building identification signs; Business identification signs; Camping grounds; Community facilities; Conference facilities; Eco-tourist facility; Educational establishments; Infrastructure facilities; Management trails; Public utility undertakings; Recreation infrastructure; Telecommunications facilities.

3 Prohibited

Any development not otherwise specified in item 1 or 2

### **Kosciuszko Mountain Retreat Alpine Accommodation**

1 Permitted without consent

Nil

2 Permitted with consent

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

3 Prohibited

Any development not otherwise specified in item 1 or 2

### **Island Bend Alpine Accommodation**

1 Permitted without consent

Nil

2 Permitted with consent

Advertisements; Building identification signs; Business identification signs; Camping grounds; Community facilities; Conference facilities; Eco-tourist facility; Educational establishments; Infrastructure facilities; Management trails; Public utility undertakings; Recreation infrastructure; Telecommunications facilities.

3 Prohibited

Any development not otherwise specified in item 1 or 2

### 5.3.4 Amendments to existing clauses

Amendments to existing clauses will include the following.

#### **Part 1 Preliminary**

##### **Clause 2 – Aim and objectives of Policy**

Clause 2 outlines the aims and objectives of the Policy. This clause will be amended to reflect the tourist and economic significance of the Alpine Sub-Precincts to NSW and the critical importance of ensuring fire safety in the Alpine Sub-Precincts in the context of the Snowy Mountains Special Activation Precinct.

##### **Clause 8 – Maps**

Clause 8 will be amended to refer to both electronic and paper maps relating to the new Activation Precincts SEPP and including additional Alpine Sub-Precincts. The maps will be amended to include the additional Sub-Precincts (refer to proposed land use table described in Section 5.3.1).

##### **Clause 10 – Application of other environmental planning instruments**

Clause 10 will be amended to delete references to Schedule 1 as the environmental planning instruments listed in Schedule 1 have since been repealed.

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

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

Clause 14 provides for detailed matters for consideration in addition to those provided for by Section 4.15 of the EP&A Act. This clause will be amended to include consideration of the cumulative impacts relating to impacts on flora and fauna and matters for consideration for development with frontage to a classified road (current clause 23(2)). It is also proposed that matters for consideration in clauses 14, 15 and 16 are amended to refer to the relevant Master Plan and the Alpine Development Control Plan.

The Alpine Development Control Plan is intended to replace the existing *Perisher Range Resorts Master Plan* and *Perisher Blue Ski Resort Ski Slope Master Plan* referred to in Clause 14(l).

##### **Land Use Table**

The Land Use Table will be amended and updated to include reference to the new Sub-Precincts and to improve consistency with the Standard Instrument.

##### **Clause 17 - Development applications to be referred to Department of Environment and Climate Change (now National Parks and Wildlife Service – DPIE)**

Clause 17 will be amended to support streamlined approvals, while ensuring safeguards to protect the sensitive environment in the Kosciuszko National Park.

If the proposed development is consistent with the relevant Master Plan a referral to NPWS will not be required, unless the proposal is for nominated integrated development or threatened species development within the meaning of clauses 7 and 8A of the EP&A Act.

Note: Clause title to also be updated to refer to NPWS.

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

Clause 18 is proposed to remain.

#### **Part 4 Exempt development**

Clause 19 and Schedule 2 will be amended to expand and clarify the standards relating to exempt development. Development that will be exempt development includes, but not limited to: change of use, demolition, pathways and paving, rainwater tanks, maintenance works, public realm improvements, minor structures and specified signage.

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

Subclause (2) of Clause 21 will be amended as this largely duplicates the Permitted with consent Category in Land Use Table for Perisher Range Alpine Report.

**Clause 22 – Development in vicinity of Kangaroo Ridgeline**

Subclause (2) of Clause 22 also duplicates Permitted with consent category in Land Use Table for Charlotte Pass Alpine Sub-Precinct. This subclause will be amended to simplify the clause.

**Clause 23 – Classified Roads**

Clause 23(2) will be re-located to Clause 14 to recognise this provision as a matter for consideration by the consent authority. It is considered appropriate to retain this in the SEPP, rather than the relevant Master Plan or Alpine Development Control Plan.

**Clause 26 – Heritage conservation**

Clause 26 aims to conserve the environmental heritage and heritage significance of heritage items, including associated fabric, settings and views. This clause will be updated to ensure it is consistent with the Standard Instrument, which deals more directly with Aboriginal archaeology.

### 5.3.5 New provisions: Compliance with Master Plan and Alpine Development Control Plan

The Alpine SEPP will be amended to require a Master Plan to be prepared for the Alpine Sub-Precincts. The Draft Snowy Mountains Special Activation Precinct Master Plan includes guidance that will apply to the Alpine Sub-Precincts. In addition, the Alpine SEPP would be amended to require a Development Control Plan be prepared for the Alpine Sub-Precincts.

**Clause X Master Plan for Alpine Region**

A Master Plan must be prepared that applies to all land within the Alpine Sub-Precincts (approved by the Minister).

The Master Plan is to be placed on public exhibition prior to finalisation, to allow for the community and agencies to make formal submissions on the content. The Master Plan will describe the particular matters that should be addressed in more detail in the development control plan.

All development must be consistent with the relevant provisions of the Master Plan.

**Clause X Development control plan for Sub-Precincts**

A development control plan must be prepared for land within the Alpine Sub-Precincts (approved by the Planning Secretary). This is referred to as the Alpine Development Control Plan.

A Sub-Precinct may not be subject to more than one development control plan. A development control plan will include design guidance, detailed infrastructure planning, ski field and trails planning, specific development controls applicable to development and description of how development is to achieve the Master Plan vision and objectives (i.e. design guideline).

Development control plan(s) are to be placed on public exhibition prior to finalisation, to allow for the community and agencies to make formal submissions on the content

All development must be consistent with the provisions of the relevant development control plan.

### 5.3.6 New Provisions: Complying Development

A new clause and Schedule X will be included to enable complying development within the Alpine Sub-Precincts, such as:

- Internal alterations (Note: may include works to external facades, including windows and treatments where no change in capacity of the building and where improve the bushfire 'rating' of building facades)
- Change of use of premises (where the change of use does not trigger requirement for a bushfire safety authority under *Rural Fires Act 1997*)
- Telecommunications facilities
- Ski related infrastructure (repairs and maintenance).

### 5.3.7 New provisions: Amendment to SEPP boundary

The Alpine SEPP will include a new provision to enable the Minister for Planning and Public Spaces to make amendments to the boundaries of the Sub-Precincts in the following situations:

1. Minor amendments for approved development, where the footprint of the development extends beyond the Sub-Precinct boundary. This will comprise a concurrent amendment to the boundaries, assuming the *National Parks and Wildlife Act 1974* lease is duly amended. The exhibition of the application for development approval will be sufficient for this amendment.
2. Major amendments to be considered during each five (5) year review or subject to a SEPP amendment process. Exhibition of major boundary amendments or new Sub-Precincts will be required to align with the requirements of the EP&A Act.

Note: Subsequent amendments to leasing arrangements under the *National Parks and Wildlife Act 1974* will be considered concurrently.

### 5.3.8 Development applications in licence areas

The current leasing arrangements for Perisher Resort are a combination of (130+) strip leases, lodge leases and a consolidated mountain licence (CML), held by a range of lessees/licensee directly with NPWS as the lessor/licensor. Where works are proposed in the CML area (i.e. not covered by a lease) landowner's approval is required from the Minister for Energy and Environment (landowner) prior to seeking approval from the Minister for Planning and Public Spaces (consent authority).

To support streamlined approval of development applications in the Alpine Sub-Precincts, the *Environmental Planning and Assessment Regulation 2000* is proposed to be amended to enable licensees within the Perisher Alpine Sub-Precinct to lodge Development Applications and Complying Development Applications without the need for landowner's consent.

### 5.3.9 Activated Development Application

For development that is not complying development, approval will be subject to a Development Application that leverages available upfront assessment and exhibition of Master Plan, which is referred to as an *activated* Development Application. The upfront technical assessments and design guidance reduces the assessment requirements for applicants (commensurate with extent of upfront assessment) and reduce evaluation and exhibition timeframes.

Where the proposal is consistent with the relevant Master Plan and the Alpine Development Control Plan, exhibition of development applications in the Alpine Region will not be required.

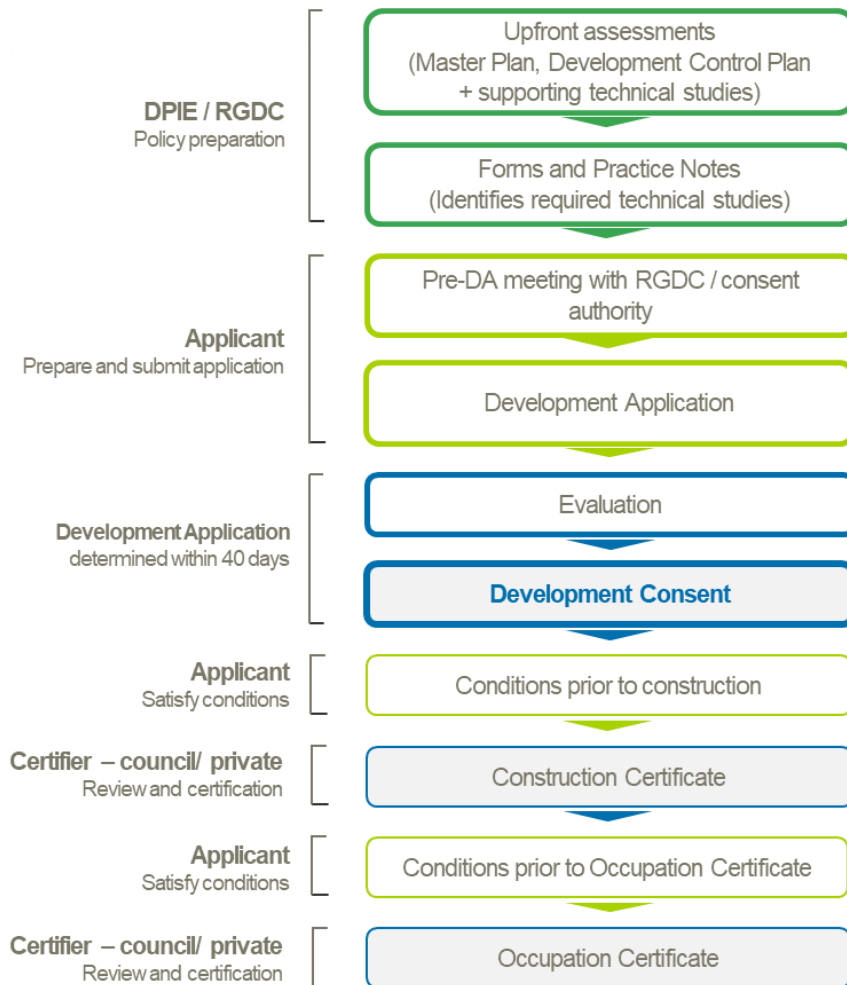
A Community Participation Plan will be prepared that identifies which development does not require exhibition. A Practice Note will be prepared that will describe the application preparation and evaluation process for Development Applications.

Where the proposal is for development that would be integrated development, additional assessment may be required. It is noted that, where nominated integrated development (defined under *Schedule 1 – Community participation requirements* of the EP&A Act<sup>2</sup>) is proposed, exhibition requirements required by

<sup>2</sup> Nominated integrated development includes integrated development that requires approval in accordance with the EP&A Act, under a provision of the *Heritage Act 1977* (section 4.46(1)), the *Water Management Act 2000* (specified in section 4.46(1)), or the *Protection of the Environment Operations Act 1997* (section 4.46(1)).

the EP&A Act would apply.

The activated development applications process, applicable to land under the Alpine SEPP, is illustrated in **Figure 8**.



**Figure 87 – Activated Development Application and certificate process: Alpine SEPP**

Note: EPA involvement would be required for proposals that require an Environment Protection Licence.

### 5.3.10 Development in Kosciuszko National Park outside Sub-Precincts

Where works are proposed outside the identified Sub-Precincts, these works are currently subject to approval under Part 5 of the EP&A Act (NPWS is the Determining Authority) and in accordance with the provisions of the *National Parks and Wildlife Act 1974* and Kosciuszko National Park Plan of Management. NPWS is currently updating the Kosciuszko National Park Plan of Management to be consistent with the Draft Snowy Mountains Special Activation Precinct Master Plan and proposed amendments to the Alpine SEPP.

The Draft Snowy Mountains Special Activation Precinct Master Plan identifies the following works that may occur outside the Sub-Precincts:

- **Park and Ride Shuttle Service:** Works to roads within Kosciuszko National Park may be required to support a bus network focused on transporting people quickly, sustainably and safely from Jindabyne to the Alpine Villages of the KNP. This is proposed to include development of a Park and Ride facilities that may be staged to meet changing demand. The location of such facilities is described in the Draft Snowy Mountains Special Activation Precinct Master Plan.
- **KNP Active Connections:** a range of existing and potential walking and mountain biking trails are identified in the Kosciuszko National Park under the Draft Snowy Mountains Special Activation Precinct Master Plan.
- **Porcupine Rocks Viewing Deck:** Potential to develop a new viewing platform. The site is located on the under construction Snowies Iconic Walk Trail from Charlotte Pass to Perisher and is also accessible in winter on the cross-country skiing trail network. The cantilevered viewing deck may be located a short distance away from the granite pinnacles of Porcupine Rocks. Engagement with Monero Ngarigo representatives is proposed to ensure that cultural impacts are avoided, and that the appropriate cultural values inform the design and siting of any view deck structure and access paths.
- **Charlotte Pass Turning Circle:** The Charlotte Pass Turning Circle, located at the head of Kosciuszko Road, is a popular, and often busy, starting point for summit walks and other trails. It is also a destination for day visitors who can park at Charlotte Pass and enjoy views via a short boardwalk to the Mount Kosciuszko and Main Range Lookout. Potential for a formalised roadside parking and access for day visitors along Kosciuszko Road. The location of formal car spaces will prioritise the northern verge for improved safety. A new shuttle bus stop will provide multi-day visitors with an alternative transport connection to Charlotte Pass and encourage day visitor parking at Charlotte Pass Resort to reduce demand on Kosciuszko Road verge parking, and support commercial opportunities at the Resort. Other locations, such as Perisher may also be considered to provide park and ride for Charlotte Pass Trail Head. Improved wayfinding and signage (including real-time parking information signage) is also proposed to direct visitors to park at Charlotte Pass Resort, rather than on Kosciuszko Road. This will be supported by improved footpath connections between the resort and Main Range walking trails.
- **Snow Play areas:** Snow Play experiences will be accommodated in the redeveloped Selwyn Snow Resort in the northern region of Kosciuszko National Park however, there is one formal designated area for Snow Play within the southern regions of Kosciuszko National Park within Perisher Village. It is proposed that a new and/or additional formal location/s for visitors to access alpine areas for snow play is required. Sites identified for snowy play may include provision for car parking, public transport connections, kiosks and amenities. Investigations and assessments of potential locations have identified a number of options which will be further explored and identified through the preparation of the Alpine Development Control Plan (which will also include the Alpine Sub-Precinct Ski Slope Master Plan). Options identified for further exploration include:
  - Pipers Gap (this location could also be serviced by the Park and Ride shuttle service).
  - Within each of the Alpine Sub-Precincts.

These proposals will continue to be subject to approval under Part 5 of the EP&A Act and the Kosciuszko National Park Plan of Management will include provisions to manage associated impacts.

If sites are identified and suitable upfront assessment of these locations prepared, these locations may be included as discrete Sub-Precincts in the Alpine SEPP, along with a land use table and suitable provisions

to streamline assessment and approval (refer to Section 5.2 for description of amendments to Sub-Precincts). However, mountain bike or working trails outside the Sub-Precincts will likely remain subject to the provisions of the Kosciuszko National Park Plan of Management.

It is proposed that a clause be included in the Kosciuszko National Park Plan of Management that requires such works to be consistent with the Master Plan and leverage the upfront technical assessments to support streamlined approval.

### 5.3.11 Designated Development

The EP&A Regulation identifies certain high- impact development (e.g. likely to generate pollution) or development that is located in or near an environmentally sensitive area (e.g. riparian vegetation) as 'designated development'. This development is required to be the subject of an Environmental Impact Statement and public exhibited for a minimum of 28 days.

A review of the types of designated development has been undertaken and the types of uses that trigger designated development are not identified as catalyst tourist development under the Alpine SEPP.

Should development be proposed on lands to which the Alpine SEPP applies that triggers designated development provisions, such development will need to follow the designated development approval pathway.

### 5.3.12 Other licences and approvals

Processes, approvals and licenses required under other legislation, such as the *Protection of the Environment Operations Act 1997*, *Biodiversity Conservation Act 2016*, the *Roads Act 1993* and the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* will continue to be required.

Leasing requirements under the *National Parks and Wildlife Act 1974* will be resolved by the applicant, prior to an application for complying development or development consent being made.

### 5.3.13 Environmentally sensitive areas

Environmentally sensitive areas within the Alpine Sub-Precincts will be mapped and included within the Master Plan and Alpine Development Control Plan. Controls will be established to protect these areas from the adverse impacts of development in the Alpine Sub-Precincts. These controls will reflect the conditions of approval under the *Environment Protection and Biodiversity Conservation Act 1999* (strategic assessment process) and/or Biodiversity Certification under the *Biodiversity Conservation Act 2016*.

Complying development will only apply where clearing of vegetation or impacts on biodiversity is not required (i.e. no impact on vegetation), or where it is done in accordance with an existing strategic assessment under the *Environment Protection and Biodiversity Conservation Act 1999* and an existing bio-certification under the *Biodiversity Conservation Act 2016*.

These processes are subject to ongoing discussion with relevant government agencies. The details of these assessments and outcomes of any approval will be integrated into the Alpine SEPP, Master Plan and Alpine Development Control Plan, as appropriate.

### 5.3.14 Protection of Aboriginal cultural heritage

The Aboriginal Cultural Heritage Report (OzArk, 2021) prepared as part of the Snowy Special Activation Precinct investigations state that proposed development within the Snowy Special Activation Precinct should be managed according to existing process and mapped 'zones of archaeological potential'.

The 'zones of archaeological potential' are proposed to be incorporated into the Alpine SEPP and the Activation Precincts SEPP in order to determine permissibility and where further impact assessment is required. Despite the surveys and consultations carried out as part of the Snowy Special Activation Precinct investigations, further assessment may be necessary once the development footprints and 'site specific impacts' are known with greater certainty. It is proposed that the permissibility described in **Table 3** be adopted in the Alpine SEPP.

**Table 3 Zones of archaeological potential**

Archaeological potential	Proposed permissibility
<b>Disturbed Land</b>	Potential to be complying development, subject to suitable unanticipated finds protocol. This will include requirement to check disturbed lands for existing/known Aboriginal objects or sites prior to works commencing.
<b>Low Archaeological Potential</b>	As part of preparing the Alpine Development Control Plan, each location proposed for development should be "assessed to determine if the need to undertake test excavation has been completely removed by previous development".
<b>Moderate and High Archaeological potential, or where known heritage items are located.</b>	Complying development may be possible, subject to further assessment in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW as part of preparing the Alpine Development Control Plan.

If, during assessment of development proposals artefacts are found, an Aboriginal Cultural Heritage Permit will be required.

Further review of this approach is required as part of the detailed Statutory Review and preparation of the Master Plan and Alpine Development Control Plan and in light of any further archaeological investigations or consultation that may be carried out.

### 5.3.15 Bushfire

Snowy Monaro Regional Council maintains a map identifying areas of bushfire prone land in the local government area. The bushfire prone land map is the trigger for the consideration of bush fire protection measures for new development, consistent with *Planning for Bush Fire Protection 2019* (NSW Rural Fire Service) and *Australian Standard 3959-2009 – Construction of buildings in bush fire prone areas*. A bushfire safety authority is to be issued for development specified under Clause 100B(1) of the *Rural Fires Act 1997*.

Amendments to the Activation Precincts SEPP are recommended on the basis of continued application of Section 100B of the *Rural Fires Act 1997*. In accordance with Section 100B, the development of Special Fire Protection Purposes (as defined under the *Rural Fires Act 1997*) is not be complying development on land that is bushfire prone within the Snowy Mountains Special Activation Precinct. Instead, such development requires a development application. Subject to detailed review of the relevant provisions, this will be reflected in the land use table of the Alpine SEPP.

In accordance with the Bushfire Assessment prepared as part of the Snowy Mountains Special Activation Precinct investigations, bushfire protection controls and management measures will be included within the Master Plan and detailed controls for development provided in the Alpine Development Control Plan.

Further consultation is underway with the Rural Fire Service to clarify the approach to identifying bushfire mitigation measures and appropriate controls that apply within the Snowy Mountains Special Activation Precinct in accordance with *Planning for Bushfire Protection 2019*.

### 5.3.16 Geotech

The recommended approach for the Alpine Sub-Precincts is to continue the current approach under the Alpine SEPP, which requires site specific assessment of Geotech conditions and design solutions as part of a development application. The Geotech controls under the Geotech Policy (which outlines structural and geotechnical requirements for development in the Alpine Sub-Precincts) will be supplemented by the Risk susceptibility maps prepared as part of the Geotech Study (prepared as part of the Snowy Special Activation Precinct investigations). The Geotech Study concludes that Geotech conditions would not preclude development in any areas but will have a design (and potentially cost) implication for proposed development.

Complying development includes development that does not typically require new foundations or substantial changes to structural elements of buildings or civil works that would otherwise trigger the need for site-specific Geotech assessment.

Design and construction solutions to respond to Geotech conditions are likely to be performance-based solutions, designed specifically to the site proposed for development. It is unlikely that development standards would be able to consider the range of solutions for every site condition experienced within the Snowy Mountains Special Activation Precinct, particularly in relation to sensitive conditions prevalent in the Alpine Sub-Precincts. Accordingly, assessment of the ground conditions and design solutions will be required to be prepared as part of submitting development applications within the Alpine Sub-Precincts.

Performance standards will be included in the Master Plan and Alpine Development Control Plan to guide development and identify high risk areas in accordance with the findings of the Geotech Study prepared as part of the Snowy Mountains Special Activation Precinct investigations. The controls will either require development to meet certain standards or signal where additional investigation is required prior to approving development proposals.

## 5.4 Additional uses permitted without consent

A shared cycle and walking track, which forms part of a shared track that extends around Lake Jindabyne, will be permitted without consent under the Activation Precincts SEPP. Works associated with this trail will be subject to assessment under Part 5 of the EP&A Act.

## 5.5 Savings and Transitional provision

A savings and transitions provision is proposed for development where a development application has been lodged but not yet determined. This allows for those developments to be determined as per the controls that were in force at the time the development application was lodged.

## 6. Other Legislation

### 6.1 Legislation that does not apply

The following environmental planning instruments do not apply to land to which the Alpine SEPP applies:

- *State Environmental Planning Policy No 64—Advertising and Signage*
- *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*
- *Snowy River Local Environmental Plan 2013.*

### 6.2 Legislation that will continue to apply

The intent is that the following key legislation and environmental planning instruments will continue to apply to the Snowy Mountains Special Activation Precinct, amongst others:

- *Biodiversity Conservation Act 2016 No 63*
- *Environment Protection and Biodiversity Conservation Act 1999*
- *Heritage Act 1977 No 136*
- *Local Land Services Act 2013*
- *National Parks and Wildlife Act 1974*
- *Protection of the Environment Operations Act 1997 No 156*
- *Water Act 1912 No 44*
- *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*
- *State Environmental Planning Policy No 33—Hazardous and Offensive Development*
- *State Environmental Planning Policy No 55—Remediation of Land*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Koala Habitat Protection) 2019*
- *State Environmental Planning Policy (State and Regional Development) 2011*
- *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*  
(Note: Will not apply under Alpine SEPP)
- *State Environmental Planning Policy (Affordable Rental Housing) 2009*  
(Note: Will not apply under Alpine SEPP)

Definitions described in the Dictionary to the *Standard Instrument—Principal Local Environmental Plan* would be adopted for the purposes of proposed amendments, as described in this Discussion Paper.

## 6.3 State Environmental Planning Policy (Infrastructure) 2007

*State Environmental Planning Policy (Infrastructure) 2007* assists the NSW Government, private infrastructure providers, local councils and the communities they support by simplifying the process for providing infrastructure like hospitals, roads, railways, emergency services, water supply and electricity delivery.

If a clause under *State Environmental Planning Policy (Infrastructure) 2007* specifies that land uses are permissible without consent in a 'prescribed zone', that clause will not apply to bespoke zones or where land is not a prescribed zone.

In this context, the Tourism Enterprise Zone under the Activation Precincts SEPP is a bespoke zone and is not a 'prescribed zone' under the *State Environmental Planning Policy (Infrastructure) 2007*.

As such, it is recommended that specified *State Environmental Planning Policy (Infrastructure) 2007* provisions continue to apply in the Alpine SEPP or the Activation Precincts SEPP, including (as relevant to either Alpine SEPP or Activation Precincts SEPP):

- Roads and road infrastructure facilities
- Data Storage
- Electricity generating works
- Emergency services facilities and bushfire hazard reduction
- Health service facilities
- Railways and rail infrastructure facilities
- Research and monitoring stations
- Sewerage systems
- Travelling stock reserves
- Water Supply Systems.

## 6.4 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Due to the diversity of possible land uses within the Jindabyne Region, it is expected that certain provisions under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* will continue to apply or replaced by equivalent provisions under the Activation Precincts SEPP and the Alpine SEPP.

This allows for the creation of Precinct-specific exempt or complying development provisions, where required, while retaining the flexibility to support the nature and diversity of land uses envisaged for the Snowy Mountains Special Activation Precinct. A detailed review of the provisions of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* is required to clarify the provisions that will continue to apply.

## 6.5 State Environmental Planning Policy No 33—Hazardous and Offensive Development

### 6.5.1 Activation Precincts SEPP

Clauses 12 and 13 of *State Environmental Planning Policy No 33—Hazardous and Offensive Development* apply to an application for an Activation Precinct Certificate that relates to complying development. This requires a preliminary hazard analysis to be prepared, planning circulars to be considered, as well as land use safety requirements.

Prior to an Activation Precinct Certificate being issued, the development must be identified as either low, medium or high risk by the Department. Potentially hazardous development that is high risk is not to be complying development and will require a development application (to be determined by the Department under delegation), which will be streamlined through not requiring notification. Conditions for complying

development will include conditions for low and medium risk development which will include fire safety study, emergency plan etc.

The Delivery Plan must detail how hazard audits and compliance reports for potentially hazardous developments will be conducted. Hazard audits must be conducted every 12 months after the commencement of operation and every three years thereafter.

### 6.5.2 Alpine SEPP

*State Environmental Planning Policy No 33—Hazardous and Offensive Development* will continue to apply to land under the Alpine SEPP.

## 6.6 State Environmental Planning Policy No 55— Remediation of Land

The planning and development process is subject to the EP&A Act, *State Environmental Planning Policy No 55—Remediation of Land* and the *Managing Land Contamination: Planning Guidelines SEPP 55 - Remediation of Land* (SEPP 55 Guidelines). The process ensures that:

- planning authorities consider contamination when making rezoning and development decisions
- local councils provide information about land contamination on planning certificates issued under section 10.7 of the EP&A Act
- remediation is enabled and controlled through *State Environmental Planning Policy No 55—Remediation of Land*.

Development for the purpose of remediation cannot be complying development and will be required to be conducted as development without consent or require a development application under *State Environmental Planning Policy No 55—Remediation of Land*. A process for assessing development on contaminated lands is outlined in the Draft Snowy Mountains Special Activation Precinct Master Plan.

## 6.7 State Environmental Planning Policy (State and Regional Development) 2011

Technical Government-led studies have informed the strategic planning for the Draft Snowy Mountains Special Activation Precinct Master Plan and identified where there are constraints, land where development should be avoided, land where specified development is suitable as well as management and mitigation requirements. These studies comprise upfront assessment which means a streamlined approval pathway can be facilitated.

Clause 9 of the *State Environmental Planning Policy (State and Regional Development) 2011* states that where another environmental planning instrument provides that the particular development is complying development, and the development is not carried out as part of another State significant development, that development is not State significant development. Accordingly, allowing development to be complying development under the Activation Precinct SEPP or Alpine SEPP will mean that the State significant development under the *State Environmental Planning Policy (State and Regional Development) 2011* will not apply to these developments and these developments can be undertaken as complying development.