



**DEVELOPMENT ASSESSMENT REPORT
DA 26-5-2007 MOD 1**



Proposed s 96(1A) modification

**Alterations and additions to existing
lodge at Lot 53, Alpenhof (Kosciuszko
Alpine Club), Perisher Valley**

***Proposed by Julius Bokor Architects Pty
Ltd***

Part 4 of the
Environmental Planning and Assessment Act 1979

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1 EXECUTIVE SUMMARY

This report is an assessment of an application to modify development consent DA 27-5-2007 pursuant to s 96(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The application is assessed pursuant to Part 4 of the EP&A Act, the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), and *State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007* (the Alpine SEPP).

Consent authority

Under the provisions of the Alpine SEPP, the Minister for Planning and Infrastructure is the consent authority for development within the NSW alpine resorts.

Background

Development consent was granted to Julius Bokor Architects Pty Ltd on 20 September 2007 for alterations and additions to the existing lodge at Lot 53, Alpenhof (Kosciuszko Alpine Club) within Perisher Valley, Kosciuszko National Park.

Proposal

Since the original development consent was granted, the NSW Office of Environment and Heritage (OEH) have allocated an additional twelve beds to the lodge, bringing the total number of allocated beds to 58. To accommodate these additional beds, the applicant proposes to modify the alterations and additions originally approved. These changes can be described as minor alterations to the proposed internal layout, a small increase in the floor area at each level, deleting the external stairs, altering the car parking layout, and changing the external materials and colour schedule.

Permissibility

Pursuant to cl 11 of the Alpine SEPP and the Perisher Range alpine resort land use table, 'tourist accommodation' is permissible with consent. The changes are consistent with the existing tourist accommodation building.

Key considerations

The Department is satisfied that the proposed modifications are substantially the same development as the development for which consent was originally granted. Furthermore, the proposed modifications are of minimal environmental impact. The application may be determined under section 96(1A) of the EP&A Act.

The key matters arising from an assessment of the proposed modification against the relevant matters for consideration, including those set out in s 79C(1) of the EP&A Act and the Alpine SEPP, are internal and external amenity, car parking accessibility, bushfire protection and compliance with the Department's Geotechnical Policy. These matters have been adequately addressed by the applicant and through conditions contained in Schedule 2.

Consultation

NSW Rural Fire Service (RFS)

The development, being tourist accommodation, is a 'special fire protection purpose' and requires the Commissioner of the NSW Rural Fire Service (RFS) to issue a bushfire safety authority pursuant to s 100B of the *Rural Fires Act 1997*. The RFS have issued a revised bushfire safety authority for the modified proposal.

NSW Office of Environment and Heritage (OEH)

The proposal was referred to OEH pursuant to cl 17 of the Alpine SEPP. The OEH have provided comments and these have been incorporated into the conditions contained in Schedule 2.

Conclusion

After consideration of the proposal against the relevant statutory considerations, including s 96(1A) and s 79C of the EP&A Act, and the provisions of the Alpine SEPP, it is concluded that the proposed modification to development consent DA 26-5-2007 is appropriate and acceptable. The proposed modifications are considered substantially the same and of minimal environmental impact, the changes will improve the amenity of the building without any adverse impacts on the environment or the locality, and the RFS have issued a bushfire safety authority for the modified proposal. The application is therefore recommended for approval subject to the conditions contained in Schedule 2.

2 BACKGROUND

2.1 Site description

The subject site, known as Alpenhof Ski Lodge Kosciuszko Alpine Club, is located within the South Perisher precinct adjacent to the Kahane and Corroboree lodges. The site is described as Portion 53 Parish of Guthega and has an area of approximately 1610 square metres. Access to the lodge is via Kosciuszko Road and the South Perisher access road during non-winter months and by oversnow vehicles during winter. The lodge has extensive views to the north and west across Perisher Creek to Front and Centre Valley.

The site is currently occupied by a concrete block and stone two and three storey building. The first stage of construction has commenced including new retaining walls and drainage works at the rear of the building. Since the determination of the original development application the lessee has obtained twelve additional beds taking the total number of approved beds in the lodge to 52.

Vegetation at the site is predominantly grass with some sparse heath and trees.

2.2 The original development consent DA 26-5-2007

The original development consent comprised of alterations and additions to an existing lodge including:

- a new airlock at the entry;
- a relocated managers flat within improved manager accommodation facilities and office;
- enlarged dining room, games room, ski room and lobby;
- relocated boiler room
- improved staff accommodation including the provision of ensuites and a laundry;
- an accessible bedroom (with access to the kitchen, dining room and living area on the first floor),
- two bedrooms with ensuites on the first level;
- new toilet facilities;
- a cool room and freezer;
- a new bar area;
- a new balcony;
- an accessible entry to the rear of the building;
- two enlarged bedrooms and a new bedroom all with ensuites on the second level; and
- a disable car space and drop off zone at the rear of the building.

The proposal's original estimated cost of works was valued at \$750,000.

3 THE PROPOSED MODIFICATION

The subject modification application seeks consent for the following:

- at the ground floor the staff laundry, boiler room, ski room, and drying room will be reconfigured, a new staff bedroom proposed, and the stair landing increased;
- the first floor will be increased in area by 18 square metres, changes to the accessible bedroom, changes to the freezer/cool room, alterations to the accessible ramp to the lounge room and the kitchen door, and the stair landing increased;
- the second floor will be increased in area by 18 square metres, and the internal layout reconfigured to accommodate two new bedrooms;
- a new concrete accessible car space is proposed to the north west of the building;
- external stairs deleted and new direct bridge access proposed to the second floor;
- handrail and tactile ground surface indicators (TGSi) added to the central staircase on ground, first and second floor levels;
- clad the exterior of the building in Colorbond; and
- finalise the external colour schedule.

4 STATUTORY FRAMEWORK

4.1 Development assessment

The application has been made and assessed pursuant to Part 4 of the EP&A Act and the EP&A Regulations.

4.2 Statement of permissibility

'Tourist accommodation' is permissible with consent pursuant to cl 11 of the Alpine SEPP and the Perisher Range alpine resort land use table.

4.3 Statutory considerations

The proposal has been considered against the relevant statutory considerations, including:

- the principles of Ecologically Sustainable Development (ESD);
- the objects of the EP&A Act;
- s 79C(1) and s 96(1A) of the EP&A Act; and
- the Alpine SEPP.

The full assessment is provided in Appendix A and a discussion of the key considerations are provided in section 6 of this report.

5 CONSULTATION

5.1 NSW Office of Environment and Heritage

The application was referred to the OEH pursuant to cl 17 of the Alpine SEPP. The OEH have advised that:

- the current vegetation conditions at the site comply with the required asset protection zone (APZ);
- the applicant should seek advice from the OEH prior to undertaking any landscape planting to ensure that suitable plants are selected and the planting areas do not interfere with the fence the OEH will be installing above the site;
- in accordance with conditions C.2 of the original consent, the applicant will require a licence from the OEH to develop the driveway access and disabled car park area where they fall outside the existing lease boundary;

- prior to the commencement of works, municipal services that could be potentially impacted by construction are to be accurately located and the depth of these services determined;
- the applicant must accurately locate where the proposed driveway will cover the sewer main, pour this section as a separate section of concrete, and locate the centreline of this section directly above the sewer centreline and with a minimum width of 900mm;
- references to 'DECC MSU' in condition D.8 of the original consent should be replaced with 'the OEH Senior Environmental Health Officer'; and
- there are no comments relating to Aboriginal Heritage.

The comments and recommendations have been incorporated into the conditions in Schedule 2 as appropriate.

In March 2012, after the issue of the original development consent, a heavy rainfall event triggered a small slope failure to the south of the lodge and adjacent to the road. Following this event, the OEH required that Kosciuszko Alpine Club undertake a number of geotechnical related recommendations. The OEH, in their advice relating to the current modification, have indicated that the applicant has still yet to comply with their final recommendation requiring a geotechnical risk assessment be undertaken to confirm (now that remedial works have been undertaken) that an 'acceptable' risk level has been achieved, and if not, what measures will be taken to achieve this level.

For the purposes of the current s 96 application, the applicant has provided a geotechnical review and a Form 4 which satisfies the Department's Geotechnical Policy. This assessment confirms that the proposed modified development presents minimal or no geotechnical impact on the site or related land, and makes a number of recommendations. It also indicates that this assessment does not relate to the landslide remedial works external to the building envelope which will be reviewed once the snow cover has cleared.

In this regard, the applicant has satisfied the requirements of the Department's Geotechnical Policy for the s 96 application, and it is recommended that the determination of this application be accompanied by a cover letter reminding the applicant of their obligation to comply with the OEH requirements for the works external to the building envelope.

5.2 NSW Rural Fire Service

The development, being tourist accommodation, is a 'special fire protection purpose' and requires the Commissioner of the RFS to issue a bush fire safety authority for the development pursuant to s 100B of the *Rural Fires Act 1997*. As the proposed modifications include changes to the external footprint and façade of the building, re-referral to the RFS was necessary.

The RFS have issued a revised bush fire safety authority for the development subject to conditions relating to asset protection zones, evacuation and emergency management, and design and construction. These conditions can be achieved without any adverse environmental impact and have been incorporated in full into the conditions in Schedule 2.

6 CONSIDERATION

The proposed modifications have been considered against the relevant matters for consideration and an assessment is provided in Appendix A. The following is a discussion of the key matters arising from this assessment.

6.1 S 96(1A) of the EP&A Act

The Department is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally

granted. Furthermore, the proposed modification is of minimal environmental impact and the application may be determined under section 96(1A) of the EP&A Act.

6.2 Internal amenity of the building

Since the original development consent was granted, the OEH have allocated an additional twelve beds to the lodge, bringing the total number of allocated beds to 58.

To accommodate these additional beds, the applicant proposes minor alterations to the proposed internal layout and a small increase in the floor area at each level. This will provide an additional three bedrooms and six additional beds. The applicant has indicated that the remaining six approved beds will be used only on a temporary basis if required.

The modification also includes alterations to the building's internal layout and accessibility for disabled persons. A number of these proposed internal changes will ensure compliance with the Building Code of Australia and current standards.

The Department considers the internal alterations to be minor in nature and is satisfied that the proposed modification will not adversely impact on the internal amenity of the building.

6.3 External modifications

The modification proposes to change the building's external cladding materials and colour scheme. The proposed Colorbond cladding will provide longevity and improve the thermal performance of the external walls, as well as reducing the amount of maintenance required. The nominated colours (Surfmist, Windspray, Shale Grey, and Woodland Grey) will blend with the natural summer environment and will be consistent with the existing lodges within the locality.

The modification also seeks to delete the external staircase and instead provide direct bridge access to the road to the south of the building. An accessible parking space at the rear of the building is also proposed. These alterations are considered minor in nature and are consistent with the objectives of the original application.

6.4 Geotechnical Policy – Kosciuszko Alpine Resorts (2003)

The original application was supported by Geotechnical Advice and a Form 4 in accordance with the Department's Geotechnical Policy. The original determination required compliance with the recommendations included in this advice.

The s 96 application has been accompanied by a new and recent Geotechnical Review and a new Form 4. This assessment confirms that the proposed modified development presents minimal or no geotechnical impact on the site or related land, and makes a number of recommendations. Schedule 2 includes a modified condition requiring compliance with these latest geotechnical recommendations and Form 4.

7 CONCLUSION

After consideration of the proposal against the relevant statutory considerations, including s 96(1A) and s 79C of the EP&A Act, and the provisions of the Alpine SEPP, it is concluded that the proposed modification to development consent DA 26-5-2007 is appropriate and acceptable. The proposed modifications are considered substantially the same and of minimal environmental impact, the changes will improve the amenity of the building without any adverse impacts on the environment or the locality, and the RFS have issued a bushfire safety authority for the modified proposal. The application is therefore recommended for approval subject to the conditions contained in Schedule 2.

8 DELEGATIONS

It is considered that Daniel James, Team Leader, Alpine Resorts Team has the delegation to exercise the function as a consent authority as provided by the Minister for Planning and Infrastructure, pursuant to s 23 of the *Environmental Planning and Assessment Act 1979*. This exercise of delegations is considered to be appropriate and in accordance with the *Instrument of Delegation* dated 14 September 2011.

9 RECOMMENDATION

It is recommended that Daniel James, Team Leader, Alpine Resorts Team as delegate for the Minister for Planning and Infrastructure, under the *Instrument of Delegation* dated 14 September 2011, pursuant to s 96(1A) of the *Environmental Planning and Assessment Act 1979* and State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007:

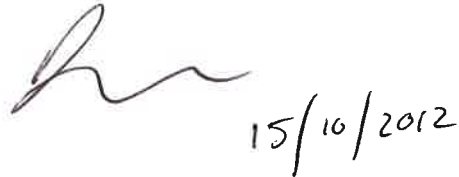
- (i) grant consent to **DA 26-5-2007 MOD 1** subject to conditions (refer to **Schedule 2**); and
- (ii) sign and date the **Notice of Determination** for DA 26-5-2007 MOD 1 (refer to **Notice of Determination**).

Prepared by:



Erin Fuller
Senior Planner
Alpine Resorts Team

Approved by:



Daniel James
Team Leader
Alpine Resorts Team

**Determined as Delegate of the Minister for
Planning and Infrastructure**

A1 ECOLOGICALLY SUSTAINABLE DEVELOPMENT

The Department has considered the proposed development against the five principles of ESD set out in s 3 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The proposed modification does not alter the conclusions reached in the original assessment relating to ESD.

A2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Objects

The proposal as modified is considered consistent with the objects of the EP&A Act in that there will not be an adverse environmental impact, the proposal is consistent with the principles of ESD and will contribute to the orderly development of the resort.

Section 79C(1) - Matters for consideration – general

In determining a development application, including a modification of a development application, a consent authority must take into consideration the matters referred to in s 79C(1) of the EP&A Act as are of relevance to the development:

S 79C(1)(a)(i) the provisions of any environmental planning instrument
The proposed modification, being alterations to the internal layout and external works has been considered against the provisions of the Alpine SEPP. The Department has concluded that the modification is appropriate in this respect in that: <ul style="list-style-type: none">➤ the development will continue to be consistent with the aim and objectives;➤ the changes improve the amenity of the 'tourist accommodation' building;➤ there are no known hazards that would make it an inappropriate development;➤ there are no proposed changes to the height and landscaping of the development;➤ the materials and colours blend with the natural summer environment and are consistent with other lodges in the locality; and➤ there are no impacts on Aboriginal or European heritage items.
S 79C(1)(a)(ii) the provisions of any proposed instrument
None are applicable to the proposal.
S 79C(1)(a)(iii) the provisions of any development control plan
There are no development control plans applicable to the subject site.
S 79C(1)(a)(iiia) the provisions of any planning agreement
None are applicable to the proposal.
S 79C(1)(a)(iv) the provisions of any regulations
<u>CI 92 of the EP&A Regulation 2000</u> – Demolition will need to be undertaken in accordance with <i>AS 2601 The demolition of structures</i> and this is reflected in the conditions contained in the original determination.
S 79C(1)(a)(v) any coastal zone management plan
The subject site is not within the coastal zone.
S 79C(1)(b) the likely impacts of that development
The likely impacts of the internal and external alterations to the lodge have been considered, and the relevant matters discussed below:

Context and setting – The proposed alterations and additions are small in scale and are in keeping with the existing lodge. The proposal does not impact on the context and setting of the locality.

Amenity – The proposed changes to the internal layout will increase the amenity and accessibility of the accommodation by providing a higher level of design. The selected materials and colours for the building’s exterior are consistent with the surrounding natural and built environments.

Natural hazards – Geotechnical issues have been assessed in accordance with the Department’s Geotechnical Policy and Schedule 2 includes conditions requiring compliance with the geotechnical recommendations. The RFS have issued a revised bushfire safety authority for the development. The site is not affected by flooding. There are no other known natural hazards associated with the site.

Technological hazards – The proposal is required to comply with the BCA and relevant Australian Standards. Fire safety can be appropriately addressed by compliance with the BCA.

S 79C(1)(c) the suitability of the site for the development

The proposed modification is to include alterations to the internal layout and changes to the building’s exterior. This will improve amenity for the guests and staff without a detrimental impact on adjoining properties.

S 79C(1)(d) any submissions made in accordance with the Act or the regulations

The original application was not notified and the application did not trigger advertised development.

S 79C(1)(e) the public interest

The proposed development is considered to be consistent with the aims and objectives of the Alpine SEPP and the public interest is not compromised by the proposal.

Section 96(1A) – Modifications involving minimal environmental impact

Pursuant to s 96(1A) of the EP&A Act, the consent authority may, on application being made by the applicant or any other person entitled to act on the development consent, modify the consent if it is satisfied of the following matters:

The proposed modification is of minimal environmental impact

The application proposes modifications to the internal layout and external alterations. The proposed modifications will involve minor alterations to the existing approval and will result in minimal environmental impacts.

The development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted

Having regard to the physical and qualitative nature of the proposed modification, the Department is satisfied that the consent as modified is substantially the same development as the development for which consent was originally granted.

The application is notified in accordance with the regulations or any DCP

It was also not considered necessary to notify the modification application.

Having regard to any submissions made

No submissions were received.