

**DEVELOPMENT ASSESSMENT REPORT  
DA 5796**



**Recladding of existing lodge Lot 24 DP  
756697, Gunuma Lodge, Smiggin Holes,  
Perisher Range alpine resort**

***Proposed by Gunuma Lodge***

Part 4 of the  
*Environmental Planning and Assessment Act 1979*

August 2013

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NSW Department of Planning and Infrastructure  
[www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)

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# 1 EXECUTIVE SUMMARY

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This report is an assessment of development application No. DA 5796 under the provisions of Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) (and associated Regulations) and State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007 (Alpine SEPP). The application is integrated development pursuant to s 91 of the EP&A Act.

## **Proposal**

The applicant, Gunuma Lodge, is seeking development consent for the re-cladding of Gunuma Lodge (Lot 24, DP 756697), the Link Road, Smiggin Holes. The proposal includes the installation of metal cladding over the existing timber cladding and having the existing window, frames, external doors, fascia, deck support structure and balustrades re-painted. The purpose of the proposal is to improve the maintenance of the building and update its appearance.

## **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.

## **Permissibility**

Pursuant to cl 11 of the Alpine SEPP and the Perisher Range alpine resort land use table, 'tourist accommodation' is permissible with consent and the proposal is ancillary to the use of the site for tourist accommodation.

## **Consideration and key matters**

The proposal has been considered against the relevant matters for consideration and the key considerations arising from this assessment are outlined below.

### *Managing environmental impacts during construction*

Adequate site environmental management measures will be in place during construction.

### *Compliance with the Building Code of Australia (BCA)*

The proposal will improve maintenance of the building and will comply with the BCA and relevant Australian Standards. Wind and snow loading requirements can be appropriately addressed through compliance with the BCA.

### *Bushfire safety*

The proposal will provide acceptable bushfire safety to the building.

### *Context and amenity*

The proposed works are small in scale, in keeping with the existing development on the site, and consistent with the surrounding built and natural environment.

## **Consultation**

### *NSW Office of Environment and Heritage (OEH)*

The proposal was referred to OEH pursuant to cl 17 of the Alpine SEPP. The OEH advised that the proposal is permissible under the lease and licence held by the applicant, the works should be wholly contained within the existing lease and licence areas, the site is highly disturbed with limited habitat value, the site is not identified as having Aboriginal cultural heritage potential, and there are no municipal infrastructure in the proposed work site.

### *NSW Rural Fire Service (RFS)*

The development, being tourist accommodation, is a 'special fire protection purpose' and requires the Commissioner of the RFS to issue a Bushfire Safety Authority for the development pursuant to s.100B of the *Rural Fires Act 1997*. The RFS have issued a bush fire safety authority for the development containing general terms of approval (GTA) and these have been incorporated in full in the conditions of consent in Schedule 2.

### *Notification*

The proposal was notified to neighbouring lodges Windarra, IMBAC, and The Lodge, and to Perisher Blue (as ski resort operator). No submissions were received.

### **Conclusion**

After consideration of the proposal against the relevant statutory considerations, including s 79C of the EP&A Act and the Alpine SEPP, it is concluded that the proposed re-cladding of the external alterations will reduce maintenance and update the overall appearance of the lodge. The amenity of the surrounding locality will not be affected by the development, and the works will be contained wholly within the lease and license area. The proposal is considered appropriate and is therefore recommended for approval subject to the imposition of the conditions in Schedule 2.

## **2 BACKGROUND**

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### **2.1 Locality**

The Perisher Range alpine resort is located within Kosciuszko National Park, approximately 35 kilometres from Jindabyne. The subject site is located in the eastern precinct of Smiggin Holes within the Perisher Range alpine resort.

### **2.2 Site description**

The works are proposed on Lot 24 DP 756697, the Link Road, Smiggin Holes. Situated on this site is Gunuma Lodge which provides tourist accommodation.

Land uses within the vicinity include the Smiggin Holes carpark to the north-west and existing tourist accommodation buildings (Lots 179 and 195) to the south-east. The site slopes from south-east to north-west.





**Figure 1:** Site location within Smiggin Holes



**Figure 2:** Gunuma Lodge building

### 2.3 Background to the proposal

Re-cladding the building is proposed to improve the aesthetics of the building and to reduce building maintenance requirements.

## 3 THE PROPOSED DEVELOPMENT

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### 3.1 Overview

The proposed development is described as external alterations to the lodge, including:

- Installing new external cladding over the existing timber cladding on the building facades; and
- Repainting the existing window frames, external doors, fascia, deck support structure and balustrades.

The new cladding is 'Lysaght Easyclad' metal cladding, which will be painted in Colorbond 'Deep Ocean' (dark blue). The window frames, external doors, fascia, deck support structure and balustrades will be painted in Colorbond 'Dune' (light grey).

The estimated cost of the works is \$101,785.00.

## 4 STATUTORY FRAMEWORK

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### 4.1 Development assessment

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

### 4.2 Statement of permissibility

The Alpine SEPP applies to the NSW ski resort areas which includes the Perisher Range alpine

resort.

'Tourist accommodation' is permissible with consent pursuant to cl 11 of the Alpine SEPP and the Perisher Range alpine resort land use table, and the proposal is considered ancillary to the use of the site for tourist accommodation.

#### **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 of the EP&A Act; and
- the Alpine SEPP.

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

## **5 CONSULTATION**

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### **5.1 NSW Office of Environment and Heritage (OEH)**

The proposal was referred to the OEH pursuant to cl 17 of the Alpine SEPP, and the comments provided can be broadly summarised as:

- advice that vegetation within the lease area is predominantly mown grass with a number of live and dead snowgums around the building;
- conditions under which vegetation removal and management for the purpose of management of the lease area as an Asset Protection Zone; and

The recommended conditions for vegetation removal and management for an Asset Protection Zone have been incorporated into Schedule 2 as appropriate.

### **5.2 NSW Rural Fire Service (RFS)**

The proposal was referred to the RFS as integrated development pursuant to s 91A of the EP&A Act. The development, being tourist accommodation, is a 'special fire protection purpose' and requires the Commissioner of the RFS to issue a Bushfire Safety Authority for the development pursuant to s 100B of the *Rural Fires Act 1997*.

The RFS initially provided a Bushfire Safety Authority on the basis that the proposal was in the Bushfire Attack Level Flame Zone (BAL FZ). Conditions of this Authority required substantial building upgrades to meet the relevant Australian Standard AS3959-2009 for the BAL FZ.

Following discussions between the Department, OEH (as adjoining landowner), the RFS and the applicant, the submission of further information by the applicant and advice from OEH that vegetation management for the purpose of an Asset Protection Zone, the RFS issued a revised Bushfire Safety Authority based on the proposal being in the BAL 12.5, which is the lowest BAL that has specific construction requirements.

The revised Bushfire Safety Authority contains general terms of approval (GTA) in relation to asset protection zones (APZs), evacuation and emergency management, and design and construction. The GTA also include general advice for the consent authority (i.e. the Department) to note that the RFS' approval has been issued as a result of additional information submitted by the applicant that indicates that adjoining landowners will permit vegetation management as an Asset Protection Zone to a distance of 15 metres from the building. These GTA (except for the general advice, which is advice for the Department as the consent authority, rather than advice for the applicant) have been incorporated into the conditions of consent in Schedule 2.

## 6 CONSIDERATION

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The proposal has been assessed against the relevant statutory considerations and a full assessment is provided in Appendix A. The following is a discussion of the key matters arising from this assessment.

### 6.1 Managing environmental impacts during construction

Materials will be stored on the driveway of a neighbouring lodge (subject to permission from the owners of that lodge) or on the disturbed access track on the western side of the lodge. A condition has also been included in Schedule 2 to ensure that no materials are stored on any native heath or below the canopy of any trees.

Construction access will be from Plum Pine Road, on the south-eastern side of the lodge. There are parking bays on Plum Pine Road directly opposite the site that are expected to be available for construction vehicles during the summer construction period.

Construction impacts such as noise, dust and vibration will be relatively minor and short term only. Conditions have been included in Schedule 2 to ensure there is not an adverse impact on the amenity of the locality.

### 6.2 Compliance with the Building Code of Australia (BCA)

The proposal is required to comply with the BCA and relevant Australian Standards. Wind and snow loading requirements can be appropriately addressed by compliance with the BCA. Conditions have been included in Schedule 2 to ensure the relevant provisions are addressed at the construction certificate stage.

### 6.3 Bushfire Safety

The proposed materials are considered to provide adequate bushfire safety to the building, subject to the management of an Asset Protection Zone to a distance of 15 metres from the building. Conditions have been included in Condition 2 requiring this Asset Protection Zone. As discussed above, the RFS has issued a bush fire safety authority in relation to this project.

### 6.4 Context and amenity

The proposed changes to the façade of the lodge building are considered to be appropriate to its natural and built form context. The dark blue metal cladding provides a contemporary, low maintenance alteration to the building that will be sympathetic to the range of colours in the surrounding natural environment.

## 7 CONCLUSION

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After consideration of the proposal against the relevant statutory considerations, including s 79C of the EP&A Act and the Alpine SEPP, it is concluded that the proposed re-cladding and re-painting of the lodge building is permissible and appropriate. The amenity of the surrounding locality will not be affected by the development, and the works will be contained wholly within the lease and license area. The proposal is considered appropriate and is therefore recommended for approval subject to the imposition of the conditions in Schedule 2.

## 8 DELEGATIONS

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Under the instrument of delegation signed on the 14 September 2011 and effective as of 1 October 2011, the Minister delegated his functions under Section 80 of the EP&A Act to the Team Leader, Alpine Resorts Team applications in relation to land to which *State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007* applies, and where there are less than 10 public submissions in the nature of objections to the subject application.

The application relates to land to which *State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007* applies and no public submissions have been received. It is therefore considered that Daniel James, Team Leader, Alpine Resorts Team has delegation to determine the application.

## 9 RECOMMENDATION

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It is recommended that Daniel James, Team Leader, Alpine Resorts Team as delegate for the Minister for Planning and Infrastructure under Instrument of Delegation dated 14 September 2011 pursuant to Section 80(1)(a) of the *Environmental Planning and Assessment Act 1979* and State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007:

- (i) Grant consent to **DA 5796** for the re-cladding of the lodge at Lot 24, DP 756697, the Link Road, Smiggin Holes subject to the conditions of consent (**refer to Schedule 2**);
- (ii) Sign and date the Notice of Determination for DA 5796 (**refer to Notice of Determination**);

Prepared by:



**Alexander Scott**  
Planning Officer  
Alpine Resorts Team

Approved by:



**Daniel James**  
Team Leader  
Alpine Resorts Team

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



# APPENDIX A – STATUTORY ASSESSMENT & CONSIDERATION

## A1. ECOLOGICALLY SUSTAINABLE DEVELOPMENT

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The Department has considered the proposed development against the five principles of ESD as set out in s 3A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act):

Integration principle – The environmental, economic and social aspects of the proposal have been considered. The proposal would not adversely impact upon the natural environment; the proposal is within the existing property boundary and in keeping with the use of the development as a tourist accommodation.

Precautionary principle – The proposal does not pose a threat of serious or irreversible environmental damage. The proposal improves the amenity and safety of an existing tourist accommodation building.

Inter-generational principle – The proposal represents the sustainable use of the site. The proposal would not adversely impact upon the health, diversity or productivity of the environment for future generations. Vegetation removal at the site will be undertaken in accordance with the OEH recommendations.

Biodiversity principle – The proposal would not result in a loss of biodiversity as there would be no minimal disturbance to any native vegetation. Vegetation removal for the APZ recommended by the RFS will be undertaken in accordance with the OEH recommendations and can be achieved with minimal environmental damage.

Valuation principle – The site will be appropriately rehabilitated.

## A2. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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### Objects

The objects provide an overarching framework that informs the purpose and intent of the legislation and gives guidance to its operation. The consideration and determination of a development application under Part 4 must be informed by the relevant provisions of the EP&A Act, consistent with the objects of the EP&A Act.

The proposal is considered to be consistent with the objects of the EP&A Act in that:

- the proposal will not result in an adverse environmental impact;
- all works are within the existing property boundary;
- the re-cladding is in keeping with the existing building;
- the proposal is consistent with ESD principles; and
- the proposal will not have a negative impact upon any threatened species, their habitats or ecological communities that are within the locality.

### Section 79C(1) matters for consideration – general

In determining 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:

<b>S 79C(1)(a)(i) the provisions of any environmental planning instrument</b>
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The applicable environmental planning instrument is State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007. The proposal complies with the Alpine SEPP. An assessment of the proposal against the Alpine SEPP is provided in section A3.
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S 79C(1)(a)(ii) the provisions of any proposed environmental planning instrument
None are applicable to the proposal.
S 79C(1)(a)(iii) the provisions of any development control plan
None are applicable to the proposal
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
None are applicable to the proposal
S 79C(1)(b) the likely impacts of that development
<p><u>Context and setting</u> – The proposed external refurbishment is considered small in scale and in keeping with the existing development. The proposal does not impact on the context and setting of the locality.</p> <p><u>Access, transport and traffic</u> – The proposal will not increase in traffic to the site or impact upon access, transport or traffic management within the Resort.</p> <p><u>Public domain</u> – The proposed works are within the existing property boundary and will not impact upon the public domain.</p> <p><u>Utilities and energy</u> – Energy and utility requirements will not be altered by the proposal.</p> <p><u>Heritage</u> – The proposal is not envisaged to impact upon any European or Aboriginal archaeological heritage items.</p> <p><u>Other land resources</u> – The proposal will not impact on any valuable land resources.</p> <p><u>Water</u> – The proposal will not impact upon water usage for the lodge.</p> <p><u>Soils</u> – The proposal does not disturb any soil and is not expected to alter existing water runoff from the site.</p> <p><u>Noise and vibration</u> – Any noise and vibration associated with construction will be short term and managed in accordance with conditions contained in Schedule 2. It is not envisaged that the alterations would increase the existing noise and vibration levels within the apartments. There is adequate separation from neighbouring buildings.</p> <p><u>Air and microclimate</u> – Impacts in this regard will be small-scale and short-term during construction and involve primarily dust and vehicle emissions. These will be managed in accordance with conditions of consent. No long term impacts are expected.</p> <p><u>Flora and fauna</u> – The proposed building works are within the existing property boundary. Removal of native vegetation within and outside the site for the purpose of an APZ will be conducted in accordance with OEH recommendations. There will not be a significant impact on any threatened species, populations, or their habitats, or endangered ecological communities (s 5A of the EP&amp;A Act).</p> <p><u>Waste</u> – The proposal does not increase the need for waste disposal on site. A condition is included in schedule 2 to ensure all building waste is appropriately managed.</p> <p><u>Natural hazards</u> – The proposal does not require geotechnical assessment under the Department's Geotechnical Policy as it proposes non-structural external alterations.</p> <p><u>Technological hazards</u> – The proposal is required to comply with the BCA and relevant Australian Standards. Wind and snow loading requirements can be appropriately addressed by compliance</p>

with the BCA. Conditions are included in Schedule 2 to ensure these issues are addressed at the construction certificate stage.

Safety, security and crime prevention – The re-cladding of the lodge is unlikely to have a detrimental impact upon security or crime prevention in the locality.

Social impact –The social impacts are positive. The proposal modernises and reduces the maintenance requirements of an existing tourist accommodation building.

Economic impact – The proposal is small in scale and will not have an adverse economic impact. The development will be funded by the applicant and will create 0.1 full-time construction jobs.

Site design and internal design – The works will be within the existing lease and licence area boundaries. The site is considered to be adequately serviced by pedestrian linkages and provides an acceptable level of access. The re-cladding has been designed to integrate with the existing building. BCA compliance can be achieved.

Construction – The proposal is small in scale and no adverse impacts are envisaged during the construction phase.

Cumulative impacts – No cumulative impacts are envisaged as a result of this proposal. The proposal consists of re-cladding and repainting the facades of an existing building that does not impact the locality.

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

The site is considered suitable for the proposal as it does not alter the existing land use (tourist accommodation) already located on the site. The proposal will enable improvements in the amenity and safety of the building. Impacts to vegetation for the purpose of maintaining an APZ will be conducted in accordance with OEH recommendations. The refurbishment is in keeping with the existing building and other development in the locality. Which the exception of some vegetation clearing on adjoining OEH controlled land, there are no impacts to the adjoining properties as a result of the proposal.

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

The application was referred to the OEH and RFS. The comments and recommendations from these agencies have been considered in the assessment of this application. No other submissions were received.

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

The proposed development is considered to be consistent with the aim and objectives of the Alpine SEPP and the public interest would not be compromised by the proposal subject to conditions of consent. There would not be an adverse impact on the environment and the proposal is consistent with the principles of ESD.

**A3. COMPLIANCE WITH ENVIRONMENTAL PLANNING INSTRUMENTS**

**State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007**

**CI 2 – Aim and objectives:**

The proposal is considered to be consistent with the aim and objectives of the Alpine SEPP in that it is consistent with the principles of ESD and comprises the replacement of external stairs to the existing building. The proposal improves the amenity and safety of an existing tourist accommodation facility.

**CI 11 – Land Use Table**

The proposal is for the re-cladding of the existing lodge. Pursuant to cl 11 of the Alpine SEPP and the Perisher Range alpine resort land use table, 'tourist accommodation' is permissible with consent.

**CI 14(1) – Matters to be considered by consent authority**

<b>(a) the aim and objectives of this policy, as set out in cl 2,</b>	
See discussion above.	
<b>(b) the conservation of the natural environment and any measures to mitigate environmental hazards (including geotechnical hazards, bush fires and flooding),</b>	
The proposal is considered appropriate as it would allow for the re-cladding and repainting of an existing building in a manner that will provide an acceptable level of bush fire safety, subject to the provision of a 15 metre Asset Protection Zone surrounding the building. As the proposed development is non-structural external alterations to an existing building, it is not expected to create any geotechnical hazard.	
<b>(c) the cumulative impacts of development on existing transport, effluent management systems, waste disposal facilities or transfer facilities, and existing water supply</b>	
The proposal does not modify the capacity or use of the existing building. The subject site contains the necessary infrastructure and services to support the development as proposed.	
<b>(d) any statement of environmental effect,</b>	
The SEE and additional information supplied are considered adequate to enable a proper assessment of the proposal.	
<b>(e) the character of the alpine resort,</b>	
The proposal is of a small scale and it will not significantly alter the character of the resort. The colours and materials of the cladding are considered to be consistent with the surrounding built and natural environment.	
<b>(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,</b>	
As the proposed development is non-structural external alterations to an existing building, a geotechnical report was not required to be lodged with the development application, pursuant to Section 3.1 of the Geotechnical Policy.	
<b>(g) any sedimentation and erosion control measures,</b>	
The proposal is small in scale and as such no adverse impacts are expected. Appropriate site environmental management measures shall be put in place during construction and this is reinforced by way of conditions included in Schedule 2.	
<b>(h) any stormwater drainage works proposed,</b>	
The existing storm water drainage system is adequate and will not be affected by the proposed works.	
<b>(i) any visual impact of the proposed development, particularly when viewed from the Main Range,</b>	
The proposal will not result in an unacceptable visual impact. The refurbishment is considered minor in nature and consistent with the existing building. There is adequate separation and landscape screening to neighbouring buildings. The site is not visible from the Main Range.	
<b>(j) any significant increase in activities, outside of the ski season,</b>	
The proposal will not result in a significant increase in activities outside the ski season.	
<b>(k) if the development involves the installation of ski lifting facilities</b>	
The proposal does not involve the installation of any new ski lifting facilities.	
<b>(l) if the development is proposed to be carried out in Perisher Range Alpine Resort: the document entitled Perisher Range Resorts Master Plan and the document entitled Perisher Blue Ski Slope Master Plan</b>	
The proposal is not inconsistent with these plans.	
<b>(m) if the development is proposed to be carried out on land in a riparian corridor:</b>	
The works are not within a riparian corridor.	
<b>Cl 15 – Additional matters to be considered for buildings</b>	
<b>Building Height</b>	The proposed external refurbishment is contained within the existing lease and licence areas. The height of the building is not being increased. Impacts such as overshadowing will not change. The existing levels of amenity for adjoining properties will be maintained.

<b>Building Setback</b>	The proposed works are contained within the existing lease and licence area boundaries. The building setbacks are not changing. There is adequate separation and landscape screening to neighbouring buildings. The existing levels of amenity for adjoining properties will be maintained.
<b>Landscaped Area</b>	The existing landscaped areas will be maintained. Given the small scale of the proposed development, additional landscaping is not required.
<b>CI 17 – Applications referred to the Office of Environment and Heritage (OEH)</b>	
<p>The proposal was referred to OEH pursuant to cl 17 of the Alpine SEPP. The OEH support the proposal. Comments and recommendations were made in relation to flora and fauna.</p> <p>The flora and fauna comments noted that vegetation on the site has been extensively cleared of understorey vegetation, that there are several live and dead snowgums within the site, and that vegetation surrounding the site includes low scattered heath and exotic grasses.</p> <p>OEH also specified acceptable vegetation removal for the purpose of establishing an Asset Protection Zone. These specifications are included as conditions within Schedule 2.</p>	
<b>CI 26 – Heritage conservation</b>	
<b>European heritage</b>	The proposal will not impact on any European heritage items.
<b>Aboriginal heritage</b>	The proposal is unlikely to impact on any Aboriginal heritage items. However, conditions of consent have been included to ensure that works cease if any item become unearthed during excavation.