



***DEVELOPMENT APPLICATION
ASSESSMENT REPORT***

**Internal and External Alterations and Additions
to Feathers Lodge, Mountain Drive, Thredbo
Village**

DA 6707



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

December 2014

ABBREVIATIONS

Applicant	Kosciuszko Thredbo Pty Ltd
Consent	This development consent
Department	Department of Planning and Environment
EIS	Environmental Impact Statement
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
LEP	Local Environmental Plan
Minister	Minister for Planning
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
Alpine SEPP	State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007

Cover Image: Feathers Lodge
(Source: Department of Planning and Environment site inspection photo)

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1. BACKGROUND

1.1 Introduction

This report provides an assessment of a Development Application (DA 6707) lodged by Kosciuszko Thredbo Pty Ltd on 23 September 2014 under Part 4 of the *Environmental Planning and Assessment Act 1979*. The application seeks consent for internal and external alterations and additions of Feathers Lodge in Thredbo Village within the Kosciuszko National Park, approximately 37 kilometres west-south-west from Jindabyne.

1.2 The Site and Surrounding Development

The subject site is known as 'Feathers Lodge', Lot 603 Mountain Drive, Thredbo Village. The site accommodates two adjoining lodges which share a central dividing wall, Feathers and Bundaleer (**Figure 1**). The existing building was constructed in 1984 to accommodate seasonal staff. The site has irregular boundaries and is accessible from Mountain Drive (**Figure 2**). There is sparse vegetation within the site. The land outside of the sub-lease is characterised by native vegetation which provides habitat for native animals.



Figure 1: Subject Site (Source: Six Maps)



Figure 2: Locality (Source: Six Maps)

2. PROPOSED DEVELOPMENT

The application seeks approval for the following:

- reconfiguration of the interior, relocating bedrooms from the first floor to the ground floor and the kitchen, family/living area to the first floor;
- extension to the west increasing the building footprint by 46m²;
- construction of a first floor deck above the west extension; and
- tiering of existing three car spaces.

The estimated cost of works is \$100,000.

3. STATUTORY CONTEXT

3.1. Consent Authority

The Minister for Planning is the consent authority under clause 7 of the *State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007* (Alpine SEPP) as the development is to take place within a ski resort area as referred to in Clause 32C (2)(a) of Schedule 6 to the *Environmental Planning and Assessment Act 1979* (EP&A Act).

3.2. Determination under Delegation

The Minister for Planning has delegated responsibility for the determination of development under Part 4 of the EP&A Act to the Team Leader, Alpine Resorts Team where:

- the application is in relation to land which the Alpine SEPP applies; and
- there are less than 25 public submissions in the nature of objections.

The proposal complies with the terms of delegation as the application relates to land which the Alpine SEPP applies and no public submissions were received in the nature of objections.

Accordingly, the Team Leader, Alpine Resorts Team may determine the application in accordance with the Minister's delegation.

3.3. Permissibility

Pursuant to clause 11 of the Alpine SEPP and the Thredbo land use table, 'tourist accommodation' is permissible with consent.

3.4. Environmental Planning Instruments

The Alpine SEPP is the only environmental planning instrument (EPI) which applies to the site for this type of development. An assessment of compliance with the Alpine SEPP is provided in **Appendix B**. In summary, the Department is satisfied that the application is consistent with the requirements of the Alpine SEPP.

3.5. Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects of the Act, as set out in Section 5 of the Act and read as follows:

(a) *to encourage:*

- the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- the promotion and co-ordination of the orderly and economic use and development of land,*
- the protection, provision and co-ordination of communication and utility services,*

- (iv) the provision of land for public purposes,
- (v) the provision and co-ordination of community services and facilities, and
- (vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and
- (vii) ecologically sustainable development, and
- (viii) the provision and maintenance of affordable housing, and
- (b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and
- (c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.

The proposal complies with the above objects, particularly (a)(ii) and (vii) as the proposal promotes the orderly and economic use of the site and includes measures to deliver an ecologically sustainable development (**Section 3.6**).

3.6. Ecologically Sustainable Development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) the precautionary principle;
- (b) inter-generational equity;
- (c) conservation of biological diversity and ecological integrity; and
- (d) improved valuation, pricing and incentive mechanisms.

The development has considered the proposed development in relation to the ESD principles and has made the following conclusions:

Precautionary Principle – The proposed alterations and additions will improve the amenity, BCA compliance and fire safety of the lodge. The proposal will not result in any serious or irreversible environmental damage.

Inter-Generational Equity – The proposed works will not adversely impact upon the health, diversity or productivity of the environment for future generations.

Biodiversity Principle – Impacts upon biodiversity are minor and has the support of the Office of Environment and Heritage. The proposal would not disturb any significant flora or fauna.

Valuation Principle – There is to be minimal environmental degradation as a result of this proposal, therefore the value of environmental factors do not need to be incorporated in this proposal.

3.7. Environmental Planning and Assessment Regulation 2000

Subject to any other references to compliance with the Regulation cited in this report, the requirements for Notification (Part 6, Division 7) and Fees (Part 15, Division 1) have been complied with.

4. CONSULTATION AND SUBMISSIONS

4.1. Notification

After accepting the application, the Department exhibited the application from 1 October 2014 to 14 October 2014, and notified eight nearby lodges. No submissions were received.

The proposal was referred to the OEH pursuant to clause 17 of the Alpine SEPP and to the Rural Fire Service (RFS) pursuant to clause 91 of the EP&A Act, and clause 100B of the Rural Fires Act.

4.2. Public Authority Submissions

A total of two submissions were received from public authorities.

The issues raised by the public authorities are summarised in the **Table 1** below. The issues raised have been addressed in detail in **Section 5** and/or by way of a recommended condition in the instrument of consent at **Appendix C**.

Table 1: Summary of public authority submissions

Rural Fire Service (RFS)
<p>The RFS did not object to the proposal and have issued a Bush Fire Safety Authority (BFSA) under clause 100B of the Rural Fires Act.</p> <p>The BFSA outlined general terms of approval regarding the provision of asset protection zones, design and construction standards, water and utilities, and evacuation and emergency management.</p> <p>These terms have been incorporated into the recommended conditions.</p>
Office of Environment and Heritage (OEH)
<p>The OEH did not object to the proposal, and provided comments which can be summarised as follows:</p> <p><u>Flora and fauna</u> The proposed removal of one tree is considered acceptable.</p> <p><u>Aboriginal cultural heritage</u> A precautionary condition is recommended in case any Aboriginal objects are uncovered during excavation.</p> <p><u>Leasing</u> The proposal is permissible under the lease held by Kosciuszko Thredbo Pty Ltd.</p>

5. ASSESSMENT

5.1. Section 79C Evaluation

Table 2 identifies the matters for consideration under section 79C of the EP&A Act that apply to the development. The table also represents a summary for which additional information and consideration is provided for in **Section 5.2** (Key and Other Issues), the appendix or other sections of this report, referenced in the table.

Table 2: Section 79C(1) Matters for Consideration

Section 79C(1) Matters for Consideration	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies - see Appendix B of this report.
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan*	Not applicable.
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations	Complies – The application satisfactorily meets the

	<p>relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6 of the Regulations), the requirements for notification (Part 6, Division 7) and fees (Part 15, Division 1).</p> <p>Clause 94 of the EP&A Regulation is applicable to the development application as the proposed works represent more than half the total volume of the building. As such, partial compliance with the BCA is warranted and the referring building surveyor's recommendations will be incorporated into the recommended conditions.</p>
(a)(v) any coastal zone management plan	Not applicable.
(b) the likely impacts of that development	Impacts of the development have been considered and additional detail is provided in Appendix B of this report.
(c) the suitability of the site for the development	Suitable as discussed in Sections 5.3 .
(d) any submissions	Refer to Section 4 .
(e) the public interest	Refer to Section 5.4 of this report.
Biodiversity values impact assessment not required if: (a) On biodiversity certified land (b) Biobanking Statement exists	Not applicable.

5.2. Key and Other Issues

The Department has considered the objectives of section 79C of the EP&A Act, the SEE, and the issues raised in submissions in its assessment of the proposal. The Department considers the key issues associated with the proposal to be:

5.2.1. Compliance with the Building Code of Australia

The proposal includes construction and demolition of internal walls. An engineer's designs has been included that demonstrate compliance with the BCA and relevant structural standards. All room uses within the building are changing as a result of reconfiguring of the building. Some existing windows will be retained and new windows will be added. Light and ventilation compliance can be achieved.

Other areas of BCA compliance associated with the proposal including an internal stair being reconfigured, new balustrades (internal and external) are being added, an acoustic layer is to be installed on the central dividing wall for sound proofing, and some fire safety measures are being retained. The proposal is required to comply with the BCA and relevant Australian Standards for wind and snow loads.

Conditions have been included to ensure compliance with the BCA is achieved for each of the above at the construction certificate stage.

5.2.2. Context and amenity

The proposed works have been designed to complement this existing building and the character of the area. The character of the lodge will be well preserved. Stonework, which is a characteristic of the area, is used internally and externally, as well as weatherboard to match existing, and timber profile vertical cladding.

Amenity of the nearby lodges will be maintained. The design includes privacy screens and, although the setback distance is decreasing, the extension is of a sufficient distance from other lodges which creates a reasonable buffer and will maintain acoustic privacy. Visual privacy has

been addressed by the applicant in the SEE and views from the proposed deck area demonstrate minimal impact on privacy.

The site will be landscaped with stonework retaining wall, and apart from one tree, the existing vegetation will be retained. The three car parking bays will be surfaced with blue metal and aligned.

5.2.3. Managing environmental impacts during construction

It is unlikely that the proposal will cause any adverse impact upon the natural environment. The proposal is in keeping with the use of the building as tourist accommodation. The works are of a moderate nature and the proposed increase in floor area to the west is not going to produce an undesirable bulk or scale.

There is adequate car parking on-site for construction equipment and vehicles. Material storage will be placed only during construction on the car parking area and possibly on the site. Construction impacts such as noise and vibration will be short term and managed in accordance with conditions.

It is not envisaged that the works would increase the existing noise and vibration levels within the building. There is a fire resistant wall separating the Lodge from the neighbouring Bundaleer Lodge. The owners of Bundaleer have written a letter in support of the proposal. Dust and vehicle emissions may occur during construction however no long term impacts are expected.

5.2.4. Managing natural hazards – Geotechnical and Bushfire

The new construction must comply with AS 3959 - Construction of Buildings in Bushfire Prone Areas, this will ensure that the development is appropriately prepared in the event of a bushfire. There are also other conditions outlined within the bushfire safety authority which will mitigate this risk.

The proposed works involve approximately 1.2 metres of excavation. The works have been assessed by a geotechnical engineer and a report outlining recommendations and a Form 4 has been provided in accordance with the Department's Geotechnical Policy.

5.3. Site Suitability

The proposed development is considered suitable for the site in that it is of reasonable scale and there will not be an impact on any threatened species, populations, ecological communities, or their habitats as a result of the proposal.

The development will also not be visually intrusive in the context of the Thredbo Village and construction works can be appropriately managed to avoid or mitigate any adverse impacts. The site has been occupied by the tourist accommodation building for a number of years.

5.4. 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. There would not be an adverse impact on the environment and the proposal is consistent with the principles of ESD.

6. CONCLUSION AND RECOMMENDATION

6.1. Conclusion

The Department has assessed the merits of the proposal taking into consideration the issues raised in all submissions and is satisfied that the impacts have been satisfactorily addressed within the proposal and the recommended conditions. The Department considers that the proposed internal and external alterations and additions are appropriate.

In relation to the proposal, the Department considers that:

- there will not be a significant impact on any threatened species, populations, ecological communities,
- the proposal will not be visually intrusive in the context of the locality;
- construction works can be undertaken in accordance with the BCA and relevant Australian Standards; and
- the proposal is appropriate from a geotechnical perspective.


Overall, the Department is satisfied that the Development Application has been appropriately designed and recommends that the application be approved subject to the imposition of conditions.

6.2. Recommendation

It is recommended that the Team Leader, Alpine Resorts Team, as delegate of the Minister for Planning:

- a) **consider** the recommendations of this report; and
- b) **approve** the Development Application (DA 6707), under section 80 of the EP&A Act, having considered matters in accordance with (a) above, and **sign** the attached development consent at **Appendix C**.

Prepared by:



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Planning Officer
Alpine Resorts Team

Approved by:



Mark Brown
A/Team Leader
Alpine Resorts Team

6/1/15

APPENDIX A. RELEVANT SUPPORTING INFORMATION / SUBMISSIONS

The following supporting documents and information to this assessment report can be found on the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6707

APPENDIX B. CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS/ SEPPS

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

To satisfy the requirements of section 79C(a)(i) of the EP&A Act, this report includes references to the provisions of the environmental planning instruments that govern the carrying out of the project and have been taken into consideration in the environmental assessment of the project.

Controls considered as part of the assessment of the proposal are:

Section 79C (1) of the EP&A Act

In determining a DA, a consent authority must take into consideration the matters referred to in section 79C (1) of the EP&A Act as are relevant to the development. **Section 5.1** of this report details consideration of the matters in section 79C (1), however a detailed consideration of the likely impacts of the development is provided below:

S 79C(1)(b) the likely impacts of that development

Context, setting and visual – The proposed works will integrate with the existing building and the character of the Thredbo Village.

Access, transport and traffic – The site is accessible from Mountain Drive and has three car spaces for storage of materials and vehicles during construction. The works will not generate an increase in local traffic.

Public domain – The public domain will not be impacted by the proposed works.

Utilities and energy The proposed works will not generate an increase in the use of utilities and energy.

Heritage – The lodge is not a heritage item. There will be no impact on European or Aboriginal heritage.

Other land resources – No impact on other land resources.

Water – The site is adequately supplied with water and the proposed works will not generate an increase in demand.

Soils – The proposal includes excavation to 1.2 metres that will be retained by a rock wall. A Geotechnical Engineer has provided a Form 4 in accordance with the Department's requirements. A stormwater management plan has been provided and the Department is satisfied the impact on soils will be minimal.

Noise, vibration, air and microclimate – During construction noise and vibration are likely to occur, however these will be short term and managed by appropriate conditions.

Flora and fauna – No adverse impacts are expected. The OEH has provided comments and support the removal of some vegetation.

Waste – Any waste generated will be during construction only and appropriate conditions have been recommended regarding site clean-up.

Natural Hazards – The site is identified as bushfire prone land. The RFS have reviewed the application and provided a Bushfire Safety Authority under clause 100B of the *Rural Fires Act 1997* with recommendations which will be incorporated into the recommended conditions.

Social impact – The proposal is not envisaged to have any adverse social impacts.

Economic impact – The proposal will have a positive economic impact through the generation of short term construction employment.

Site design and internal design – The existing external site design and appearance will be preserved. The internal layout will change, however the proposed floor plan is logical and will be conducive to acoustic privacy and general comfort of residents. The setbacks of the lodge will change due to the extension to the west. There remains sufficient setback space between the proposed extension and other nearby lodges. An acoustic layer is being added to the party wall between Bundaleer and Feathers to improve mutual acoustic privacy.

Construction – A site environmental management plan has been provided, and construction will occur during the quieter summer months, and will be completed by the winter season.

Cumulative impacts – It is not considered that the proposal will result in any adverse cumulative visual or environmental impacts.

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 consists of alterations and additions to the existing lodge. The proposal improves the safety and amenity of an existing tourist accommodation facility.	
CI 11 – Land Use Table	
The proposal is for alterations and additions to an existing tourist accommodation building. Pursuant to clause 11 of the Alpine SEPP and the Thredbo Land Use Table, 'tourist accommodation' is permissible with consent.	
CI 14(1) – Matters to be considered by consent authority	
(a) the aim and objectives of this policy, as set out in clause 2	See discussion above.
(b) the conservation of the natural environment and any measures to mitigate environmental hazards (including geotechnical hazards, bush fires and flooding),	The proposal is considered appropriate as it would allow for alterations and additions to an existing building without any adverse impact on the environment. The RFS conditions have been incorporated into the recommended conditions. The applicant has submitted a Geotechnical Policy Form 4 minimal certification. There are no other known natural hazards. There are no other known natural hazards.
(c) the cumulative impacts of development on existing transport, effluent management systems, waste disposal facilities or transfer facilities, and existing water supply,	The proposal does not modify the capacity or use of the existing lodge. The subject site contains the necessary infrastructure and services to support the development as proposed.
(d) any statement of environmental effects,	The SEE and additional information supplied are considered adequate to enable a proper assessment of the proposal.
(e) the character of the alpine resort,	The proposal is of a moderate scale and will not significantly alter the character of the resort. The proposed alterations and additions are in keeping with the existing development and the surrounding environment.
(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,	A Geotechnical Policy Kosciuszko Alpine Resorts Form 4 has been submitted by Asset Geotechnical Pty Ltd.
(g) any sedimentation and erosion control measures,	The proposal is moderate in scale and no adverse impacts are expected. The applicant has submitted a SEMP and stormwater management plan that

	contains appropriate mitigating measures during the construction phase.
(h) any stormwater drainage works proposed,	The existing storm water drainage system is adequate for the proposed alterations and additions. The works will not restrict any stormwater flows.
(i) any visual impact of the proposed development, particularly when viewed from the Main Range,	The proposal will not result in an unacceptable visual impact. The alterations and additions are of a scale that is consistent with the existing building. The proposed materials and colours are compatible in the locality. There is adequate separation from neighbouring buildings.
(j) any significant increase in activities, outside of the ski season,	The proposal will not result in a significant increase in activities outside the ski season.
(k) if the development involves the installation of ski lifting facilities	The proposal does not involve the installation of any new ski lifting facilities.
(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	NA.
(m) if the development is proposed to be carried out on land in a riparian corridor:	NA.
CI 15 – Additional matters to be considered for buildings	
Building Height	The proposed alterations and additions do not increase the building height. While an extension to the west and a first floor deck increase the building footprint, the building is still considered reasonable in terms of bulk and scale. The existing levels of amenity for adjoining properties will be maintained.
Building Setback	The proposed alterations and additions are reasonably setback from the lot boundaries. There is adequate separation to neighbouring buildings. The existing level of amenity for adjoining properties will be maintained. Neighbours have been notified of the proposal.
Landscaped Area	The proposed alterations and additions include minimal landscaping.
CI 17 – applications referred to the Office of Environment and Heritage (OEH)	
The proposal was referred to the OEH pursuant to clause 17 of the Alpine SEPP. This is discussed in Section 4.2 .	
CI 26 – Heritage conservation	
European heritage	The proposal will not impact on any European heritage items.
Aboriginal heritage	The proposal will not impact on any Aboriginal heritage items. However, recommended conditions have been included to ensure that works cease if any item becomes unearthed during excavation.

APPENDIX C. RECOMMENDED CONDITIONS OF CONSENT
