



**DEVELOPMENT APPLICATION
ASSESSMENT REPORT**

**Proposed External Alterations to Hus-ski Lodge,
Burrmys Road Perisher Valley**

DA 6174



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

February 2015

Cover image: Department of Planning and Environment site photo

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1 BACKGROUND

1.1 Introduction

This report provides an assessment of a Development Application (DA 6174) lodged by Hus-ski Lodge Limited on 1 October 2013 under Part 4 of the *Environmental Planning and Assessment Act 1979*. The application seeks consent for the recladding of the Illabunda Lodge in Perisher Valley within Kosciuszko National Park, approximately 37 kilometres west-south-west from Jindabyne.

1.2 The Site and Surrounding Development

The subject site is known as Hus-Ski Lodge, which is a two storey building constructed of stone and timber cladding with colour bond roofing. The surrounding lodges, figure 1, include Yaraandoo, Fjelheim and Christina Ski lodges. Vegetation at the site consists of native heath and trees. The land outside of the lease is characterised by native vegetation, which provides habitat for native animals.

Figure 1: Locality (source: Six Maps)



Figure 2: Subject site (Source: Six Maps)



2 THE PROPOSED DEVELOPMENT

The development application seeks approval for the following:

- replace western wall weatherboard with Hardieplank weatherboard and paint to match existing colour;
- replace existing single glazed windows with double glaze; and
- replace original section of roof and insulation as per drawing to match existing.

The proposed external alterations are being undertaken to maintain deteriorating portions of original roofing and walls of the building. The works will bring about improved BCA compliance, sustainability, and bushfire safety.

The full extent of the works is described in the architectural plans supplied by Hus-ski Lodge Limited. The estimated cost of the works is \$40,000.

3 STATUTORY FRAMEWORK

3.1 Consent Authority

The Minister for Planning is the consent authority for the application under clause 7 of *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 Delegated Authority

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 Perisher Range Alpine Resort 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 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 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:

- (i) 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,*
- (ii) the promotion and co-ordination of the orderly and economic use and development of land,*
 - (iii) 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 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 building footprint;
- the external alterations are 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.

3.7 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:

- *the precautionary principle;*
- *inter-generational equity;*
- *conservation of biological diversity and ecological integrity; and*
- *improved valuation, pricing and incentive mechanisms.*

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

Precautionary Principle – The proposal is minor in nature and does not pose a threat of serious or irreversible environmental damage. The proposal improves the amenity and sustainability of the lodge.

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

Biodiversity Principle – There is to be no impact on biodiversity. The OEH have provided vegetation management recommendations.

Valuation Principle – There is to be no environmental degradation as a result of this proposal, therefore the value of environmental factors do not need to be incorporated in this proposal.

3.8 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

Due to the minor nature of the alterations, neighbouring lodges were not notified of the development. No public submissions were received.

4.2 Public Authority Submissions

Two (2) submissions were received from public authorities in response to the development application. The submissions are summarised as follows:

Office of Environment and Heritage – National Parks and Wildlife Service

The proposal was referred to OEH pursuant to cl 17 of the Alpine SEPP. The OEH have advised that the proposal is permissible under the lease and that there are no Aboriginal cultural heritage issues. Vegetation at the site is likely habitat for Broad-toothed rat and the Alpine she-oak skink.

Rural Fire Service (RFS)

This type of development is integrated development under section 91 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 section 100B of the *Rural Fires Act 1997* and section 91 of the *EP&A Act*.

There have been long running negotiations with the RFS regarding the provision of asset protection zones (APZ) and flame zone construction standards. The OEH did not support the extent of removal of vegetation required for the provision of the APZ and the applicant indicated that they would not build to flame zone construction standard due to cost and appearance. The RFS have now issued an amended Bush Fire Safety Authority containing general terms of approval (GTA) in relation to design and construction. These now do not require an APZ and allow an equivalent or improved fire resistant material to be used. These GTAs have been incorporated into the recommended conditions.

5 ASSESSMENT

5.1 Section 79C Evaluation

The proposal has been assessed against the relevant statutory considerations (as outlined in section 3.3 of this report above). A full assessment is provided in **Appendix A** and a discussion of the key matters arising from this assessment is provided below.

Table 1 Section 79C Evaluation

| Section 79C(1) Matters for Consideration - General | Consideration |
|--|---|
| (a)(i) any environmental planning instrument | Satisfactorily complies - see Appendix A of this report. |
| (a)(ii) any proposed instrument | Not applicable. |
| (a)(iii) any development control plan | Not applicable. |

| | |
|--|--|
| (a)(iia) any planning agreement | Not applicable. |
| (a)(iv) the regulations | <p>Complies – The application satisfactorily meets the 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><u>Clause 92</u>; the proposal involves minor demolition works. Reference to AS 2601, The Demolition of Structures, is included in the conditions of consent.</p> <p><u>Clause 94</u>; the proposed building works are not considered to be more than 50% of the building. The existing measures in building are adequate to protect persons using the building, and facilitate their egress from the building, in the event of fire. The measures will also restrict the spread of fire from the building to other buildings nearby. The level of compliance of the existing building is considered to be adequate. Given the level of works proposed and the suitability of the existing fire safety measures further BCA upgrade requirements are not considered necessary.</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 A of this report. |
| (c) the suitability of the site for the development | The suitability of the site has been considered in Section 5.3 of this report. |
| (d) any submissions | Consideration has been given to submissions received during see Section 4.2 . |
| (e) the public interest | The public interest of the development has been considered in Section 5.4 of this report. |
| Biodiversity values impact assessment not required if: | Not applicable. |
| (a) On biodiversity certified land | |
| (b) Biobanking Statement exists | |

5.2 Key and Other Issues

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

Managing environmental impacts during construction

The proposal will not impact upon the natural environment. The proposal is in keeping with the use of the lodge. The works are small scale and within the existing building footprint. No earthworks are required.

There is adequate car parking in the locality for construction equipment and vehicles. Construction impacts such as noise and vibration will be short term and managed in accordance with the Site Environmental Management Plan (SEMP) and the recommended conditions. It is not envisaged that the external alterations would increase the existing noise and vibration levels within the lodge. There is adequate separation from neighbouring

buildings. Dust and vehicle emissions could occur during construction however no long term impacts are expected.

The Department therefore concludes that the impacts upon the environment during construction will be minimal and can be adequately managed.

Compliance with the Building Code of Australia (BCA) and Australian Standards

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. Based on the plans and documents that were submitted, the Department is satisfied that BCA compliance can be achieved. Full details of compliance will be demonstrated by the applicant at the construction certificate stage.

The adequacy of fire safety measures within the building has been assessed to ensure the safety of occupants in the event of an internal building fire. The building contains a smoke detection and alarm system along with other systems to protect occupants. These measures are certified in the annual fire safety statement for the lodge.

The Department is satisfied with the documentation that has been provided. Conditions are recommended to ensure that BCA compliance is addressed at the construction certificate stage.

Ensuring the external alterations integrate with the existing building

The proposed external alterations are small in scale and are in keeping with the existing lodge. The materials and colour have been selected to match the existing. The proposal does not impact on the context and setting of the locality. There are no privacy issues. The proposal improves the safety and amenity of an existing tourist accommodation building.

The new cladding will be Hardieplank weatherboard and it will be painted to match the colour of the existing lodge.

Protecting the amenity of the adjoining properties

The proposed works are within the existing building footprint. The height of the building is not being increased and the existing setbacks are being maintained. No views are obstructed by the proposed development. The shadows cast by the existing building will not change. The existing levels of natural light to neighbouring buildings will be maintained.

5.3. Suitability of the Site

The proposed development is considered suitable for the site in that it is of minor 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 OEHL have provided vegetation management recommendations. The development will not be visually intrusive in the context of the Perisher Valley and construction works can be appropriately managed to avoid or mitigate any adverse impacts. The site has always been used for tourist accommodation purposes.

5.4. The Public Interest

The public will benefit from the proposed works, in the form of improvement to the quality of the building for the future guests. The proposal is consistent with the aim and objectives of the Alpine SEPP and the principles of ESD. The Department concludes that the proposed works are in the public interest.

The Department supports the proposed works. Where necessary, conditions of consent have been included to address any of the above issues.

6 CONCLUSION AND RECOMMENDATION

6.1 Conclusion

The Department has assessed the merits of the proposal taking into consideration the referral agencies' comments and conditions, the environmental factors of the site, and bushfire safety, and is satisfied that the impacts have been satisfactorily addressed within the proposal and the recommended conditions. The Department considers that the proposed works are appropriate.

In relation to the proposal, the Department concludes 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; and
- construction works can be undertaken in accordance with the BCA and relevant Australian Standards.

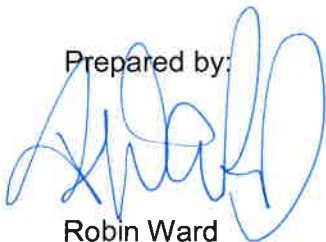
Overall, the Department is satisfied that proposal will support the objectives of the Alpine SEPP and recommends that the application be approved subject to the imposition of conditions.

6.2 Recommendation

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

- (i) **consider** the recommendations of this report; and
- (ii) **approve** the Development Application (DA 6174) 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**.

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6/2/2015

APPENDIX A – STATUTORY ASSESSMENT & CONSIDERATION

A1. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Objects of the EP&A Act

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.

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:

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

Context and setting – The proposed external alterations are small in scale and are in keeping with the existing lodge. The materials and colours have been selected to match the existing. The proposal does not impact on the context and setting of the locality.

Access, transport and traffic – Traffic impacts will be confined to the construction stage and can be adequately managed by the current capacity of the road network. There will be no decrease in access to neighbouring lodges and on-site parking is supplied.

Public domain – The proposed works are within the existing building footprint and will not impact upon the public domain.

Utilities and energy – Energy and utility requirements will not be altered by the proposal.

Heritage – The proposal will not impact upon any known European or Aboriginal archaeological heritage items.

Other land resources – The proposal will not impact on any known valuable land resources.

Water – The proposal will not generate any increase of water use on site.

Soils – The works are small in scale and within the existing building footprint. No soil works are proposed and no impacts on the soil are expected.

Noise and vibration – There will be an increase in noise and vibration during construction which will be short term and managed in accordance with conditions of consent. It is not envisaged that the external alterations would increase the existing noise and vibration levels within the lodge. There is adequate separation from neighbouring buildings.

Air and microclimate – 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.

Flora and fauna – The proposed works are within the existing building footprint. The proposal would not adversely impact upon the natural environment during the construction phase.

Waste – The proposal does not increase the need for long term waste disposal on site. A condition is included in the recommended conditions to ensure all building waste is appropriately managed.

Natural hazards – Bushfire issues have been assessed. 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 addressed by compliance with the BCA.

Safety, security and crime prevention – The external alterations are unlikely to have a detrimental impact upon security or crime prevention in the locality.

Social impact – The proposal improves the safety and amenity 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 lessee.

Site design and internal design – The works are within the existing building footprint. The site is considered to be adequately serviced by pedestrian linkages and provides an acceptable level of access. The external alterations have been designed to integrate with the existing lodge.

Construction – The proposal is small in scale and no adverse impacts are envisaged during the construction phase on surrounding land uses. No long term impacts are expected.

Cumulative impacts – No cumulative impacts are envisaged as a result of this proposal. The proposal consists of external alterations to an existing lodge that do not impact the locality.

A2. COMPLIANCE WITH ENVIRONMENTAL PLANNING INSTRUMENTS

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

| |
|---|
| CI 2 – Aim and objectives: |
| The proposal is consistent with the aim and objectives of the Alpine SEPP in that it is consistent with the principles of ESD and includes of minor external alterations 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 external alterations to an existing tourist accommodation building. Pursuant to cl 11 of the Alpine SEPP and the Perisher Range Resort 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 the external alterations to an existing building without an adverse impact on the environment. |
| (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 small scale and it will not significantly alter the character of the resort. The proposed external alterations are in keeping with the existing development and the surrounding environment. |
| (f) the Geotechnical Policy – Kosciuszko Alpine Resorts, |
| The proposed external alterations are within the existing footprint of the building and no excavation is required. The works are exempt in accordance with the Departments Geotechnical Policy. |
| (g) any sedimentation and erosion control measures, |
| The proposal is small in scale and as such no adverse impacts are expected. The applicant has submitted SEMP that contains appropriate mitigating measures during the construction |

| | |
|---|---|
| phase. | |
| (h) any stormwater drainage works proposed, | |
| The existing stormwater drainage system is adequate from the proposed external alterations. | |
| (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 external alterations 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 and landscape screening to neighbouring buildings. The site is not visible from the main range. | |
| (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 | |
| N/A | |
| (m) if the development is proposed to be carried out on land in a riparian corridor: | |
| N/A | |
| CI 15 – Additional matters to be considered for buildings | |
| Building Height | The proposed external alterations are within the existing building footprint. 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. |
| Building Setback | The proposed external alterations are within the existing building footprint. 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. |
| Landscaped Area | The existing landscaped areas will be maintained. Given the small scale of the proposed development additional landscaping is not required. |
| CI 17 – applications referred to the Office of Environment and Heritage (OEH) | |
| 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, conditions of consent have been included to ensure that works cease if any item become unearthed during excavation. |