



Planning &
Environment

***DEVELOPMENT APPLICATION
ASSESSMENT REPORT:***

**Construction of a Waste Room, Narraburra
Lodge, Perisher Valley, Kosciuszko National
Park**

DA 6866



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

March 2015

1. BACKGROUND

1.1 Introduction

This report provides an assessment of a Development Application (DA 6866) lodged by Michalandos Architects Pty Ltd on 10 December 2014 under Part 4 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) that seeks consent for the construction of a waste room at Narraburra Lodge, Perisher Valley within the Kosciuszko National Park.

1.2 The site and surrounding development

The subject site is the Narraburra Lodge, Lot 609, 35 Candle Heath Road, Perisher Valley. Constructed in the mid-1960s, the lodge is a tourist accommodation facility licensed for 19 beds. It is a two storey masonry, stone and timber building with a metal roof. The lodge does not share its boundaries with any other property. There are four lodges within close proximity being, Valhalla, Avalanche, Barina Milperra and Chez Jean. The lodges are approximately 46 to 61 metres from Narraburra to the north, east and west.

The site has an area of approximately 1365m². The land is mostly disturbed. The site is surrounded by eucalypt trees, native and exotic grasses and lodges of similar size and style. During summer the site is accessible via a gravel track at the end of Candleheath Road and during winter, due to snow cover, the site is only accessible via over snow transport.



Figure 1: Location of the Waste Room (Source: Six Maps 2015)

2. PROPOSED DEVELOPMENT

The development application seeks approval for the construction of an attached waste room (6.2m²) off the west-south-west facade of the building. The waste room will be constructed from masonry block work with an external roller door access and metal roof designed to match the existing lodge. The purpose of the proposal is to improve the waste management process, including the collection and disposal of the waste generated at the lodge.

The proposal will involve some vegetation removal and trimming as the entire leasehold area is to be managed as an inner protection area in accordance with the Rural Fire Service conditions.

The proposal has a cost of works of approximately \$40,000.

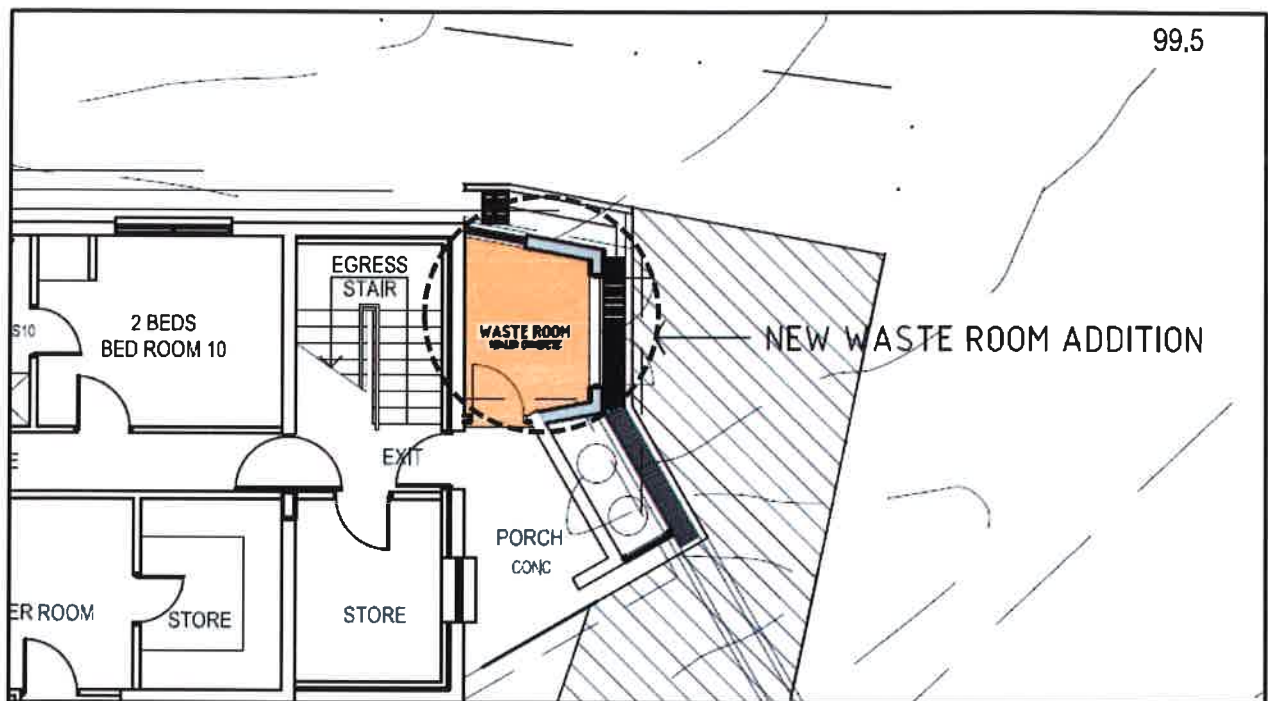


Figure 2: Floor Plan (Source: Applicant's DA documentation)

3. STATUTORY CONTEXT

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* (the Alpine SEPP) as the development takes 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 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 to the site for this type of development. An assessment against the requirements of 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:*
 - (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 consistent with the above objects, particularly (a)(ii), (vi) and (vii) as the proposal promotes the orderly and economic use of the site, satisfactorily addresses the environmental significance of the site and includes measures to deliver an ecologically sustainable development. Further discussion on compliance with the above is provided in **Appendix B**.

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 proposal does not pose a threat of serious or irreversible environmental damage. Due to the works being to the existing building, the proposal does not have an impact on any threatened species, populations, ecological communities or their habitats.

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

Biodiversity Principle – The proposal would not result in a loss of biodiversity as there would be no disturbance to any native vegetation. All works are to an existing building.

Valuation Principle – Due to the minor nature of the works, there is minimal environmental impact as a result of the proposal.

3.7. Environmental Planning and Assessment Regulation 2000

Subject to any other references to compliance with the EP&A 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

After accepting the application, the Department placed the application on its website. Due to the minor nature of the works, the Department did not exhibit or notify the application. No public submissions were received during the assessment of the application.

The proposal was referred to the Office of Environment and Heritage (OEH) and the NSW Rural Fire Service (RFS).

The OEH raised no objections to the proposal, however advised that the site has low to moderate archaeological sensitivity. The OEH recognised that the works are within a highly disturbed area and recommend conditions be applied regarding the cessation of work if artefacts are uncovered.

The RFS are not opposed to the proposal and have provided a Bushfire Safety Authority (BFS) with general terms of approval which will be incorporated into the recommended conditions of consent.

5. ASSESSMENT

5.1. Section 79C Evaluation

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

Section 79C(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies - see Section 3.5 and 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	The application satisfactorily meets the relevant requirements of the EP&A Regulation.
(a)(v) any coastal zone management plan	Not applicable.
(b) the likely impacts of that development	Impacts of the development have been considered in Section 5.2 and additional detail is provided in Appendix B 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 from public agencies during the exhibition of the application in Section 4 .
(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: (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 issues raised in submissions in its assessment of the proposal. The Department considers that the key issues associated with the proposal to be:

5.2.1. Compliance with the Building Code of Australia (BCA)

The proposal is required to comply with the BCA and relevant Australian Standards. To comply with the BCA the addition must comply with Australian Standard 3959 2009 Construction of Buildings in Bushfire-Prone Areas, and the flame zone construction requirements outlined within. The addition must also be fire separated from the main building to prevent the potential spread of fire to the main building.

Based on the plans and documents that were submitted, the Department is satisfied that full BCA compliance can be achieved. Full details of compliance will be demonstrated by the Applicant at the Construction Certificate stage. Conditions of consent are recommended to ensure that BCA compliance is addressed at the Construction Certificate stage.

5.2.2. Bushfire Safety

Due to site topography and proximity to vegetation, the site is assessed to be within the flame zone which is the highest risk category of bushfire prone land. The proposal creates new openings which can be entry points for burning embers. The RFS has reviewed the proposal and advised that new construction must comply with flame zone construction standards which include shutters on windows and appropriately sealed openings.

The Department is satisfied that the new construction can comply with flame zone construction standards and reduce the risk presented by bushfire attack to an acceptable level.

5.3. Suitability of the site

The proposed building alterations are suitable for the site. The alterations improve the waste management of the building without having any adverse impacts. The works will not impact any adjoining properties or vegetation. Construction works can be appropriately managed to avoid or mitigate any adverse impacts. The site has been occupied by the lodge since the mid-1960s.

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. There would also 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.

In relation to the proposal, the Department considers that:

- the proposed works will not have an impact on threatened species, populations and ecological communities;
- construction works will be undertaken in accordance with the BCA and relevant Australian Standards; and
- the proposal is appropriate and does not impact upon any adjoining properties.

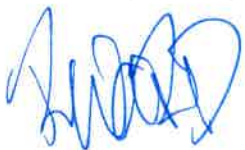
Overall, the Department is satisfied that the Development Application has been appropriately designed and recommends that the application be approved subject to the imposition of conditions.

6.2. Recommendation

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

- a) **consider** all relevant matters prescribed in section 79C of the EP&A Act, including the findings and recommendations of this report; and
- b) **approve** the Development Application (DA 6866), under section 80(1)(a) of the EP&A Act, having considered matters in accordance with (a) above, and **sign** the Notice of Determination at **Appendix C**.

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Approved by:



26/3/2015

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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=6866

APPENDIX B. CONSIDERATION OF RELEVANT LEGISLATION

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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.

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 and setting – The proposed works are minor in nature and will be consistent with the context and setting of the locality and the existing building. The proposed design and materials have been selected to match the character and materials of the existing lodge.

Access, transport and traffic – The proposal will not increase traffic to the site or impact upon access, transport or traffic management within the resort.

Public domain – The proposed works will not impact upon the public domain.

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

Heritage – The proposal will not impact upon any European or Aboriginal archaeological heritage items. The site is located in an area identified as having low to moderate Aboriginal archaeological sensitivity, however the land is highly disturbed and conditions have been recommended regarding the uncovering of any artefacts.

Other land resources – The proposed works do not impact on other land resources.

Water – There will be minimal impact on water resources as no new development is taking place and demand or impact on water is unchanged. The site is more than 40 metres away from any watercourse.

Soils – The proposed works involve small excavation and levelling work. The applicant has provided site environmental management measures in relation to drainage and erosion. If these are adhered to soils will not be impacted.

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.

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 will not impact upon flora or fauna.

Waste – The proposal does not increase the need for waste disposal on site. The proposed work are being undertaken in order to better manage and store the waste generated by the lodge.

Natural hazards – The site is located on bushfire prone land. See **Section 5.2.2** for discussion. A form 4 minimal impact certification has also been provided by a geotechnical engineer.

Technological hazards – The proposal is required to comply with the BCA and relevant Australian Standards. No concerns are raised in relation to the proposal.

Safety, security and crime prevention – The proposed works will have no impact on safety, security and crime prevention.

Social impact – The proposal will have no social impact.

Economic impact – The proposal is minor in scale and has no negative impact.

Site design and internal design – The proposed alterations are appropriate and will provide the lodge guests with an improved waste storage facility.

Construction – The construction of the proposal will have minimal impacts.

Cumulative impacts – No cumulative impacts are envisaged as a result of this proposal.

STATE ENVIRONMENTAL PLANNING POLICY (KOSCIUSZKO NATIONAL PARK – ALPINE RESORTS) 2007

Cl 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 minor alterations to an existing building. The proposal improves the waste management and storage of an existing tourist accommodation facility.	
Cl 11 – Land Use Table	
The proposal is for external alterations to an existing lodge. Pursuant to clause 11 of the Alpine SEPP and the Perisher Range Land Use Table, 'tourist accommodation' is permissible with consent.	
Cl 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),	Due to the works being minor in nature and on a highly disturbed site, no impact is expected on the natural environment. The new works have been reviewed by the RFS and will be constructed in a way which best mitigates bushfire risk.
(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 building. The subject site contains the necessary infrastructure and services to support the development as proposed.
(d) any statement of environmental	The SEE and supporting information supplied are considered adequate to enable a proper assessment

effects,	of the proposal.
(e) the character of the alpine resort,	The proposal will not alter the character of the resort, due to works being minor only.
(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,	A form 4 minimal impact certificate has been provided by a geotechnical engineer.
(g) any sedimentation and erosion control measures,	No adverse impacts are expected, however conditions are recommended to ensure sedimentation and erosion control measures are in place prior to work commencing.
(h) any stormwater drainage works proposed,	The existing storm water drainage system is adequate for the proposed works.
(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 proposal is for minor building works only. The chosen materials will match the existing building and its surrounding environment.
(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	Not applicable for minor building works.
(m) if the development is proposed to be carried out on land in a riparian corridor:	The proposal is not within a riparian corridor.
CI 15 – Additional matters to be considered for buildings	
Building Height	Not applicable, no change in building height.
Building Setback	The works extend off the western elevation of the building and slightly decrease the existing setback. However the setback change will have no adverse impact on adjoining lodges in the vicinity.
Landscaped Area	Not applicable, no changes landscaped area.
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. No objections to the proposal were raised from OEH, see Section 4 for discussion.	
CI 26 – Heritage conservation	

European heritage	The proposal will not impact on any European heritage items.
Aboriginal heritage	The works are unlikely to impact Aboriginal cultural heritage. The works are located in a highly disturbed area.

APPENDIX C. RECOMMENDED CONDITIONS OF CONSENT
