



Planning &
Environment

**DEVELOPMENT APPLICATION
ASSESSMENT REPORT:**

**Minor External Alterations to Granite Peaks Six,
Thredbo Village, Thredbo Alpine Resort,
Kosciuszko National Park**

DA 7116



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

September 2015

ABBREVIATIONS

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

Cover Image: Granite Peaks, Unit 6 (Source: Applicant's DA Application)

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1. BACKGROUND

1.1 Introduction

This report provides an assessment of a Development Application (DA 7116) lodged by Kosciuszko Thredbo Pty Ltd on 12 June 2015 under Part 4 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) that seeks consent for minor external alterations to Granite Peaks Six, Thredbo Village, Thredbo Alpine Resort, within the Kosciuszko National Park. The development application does not include the existing deck on the eastern elevation. This is being managed as a separate compliance matter.

The proposal is described in detail in **Section 2** of this report.

1.2 The site and surrounding development

The subject site is known as Granite Peaks Six, Lot 588, Summit Way, Thredbo Village. The lodge is a tourist accommodation facility licensed for two beds. The structure is a stone, masonry and timber building with a metal roof. The site is located within the Woodridge precinct and contains seven similar apartments. It shares its boundaries with six lots with neighbouring properties being: The Quackery, Mosswood Apartments, Milkwood Apartments, Merrits Alpine Lodge, Bundaleer and Feathers Lodge.

The site has an area of approximately 1,150m². The land is mostly disturbed and 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 depending on conditions during winter, the site is accessible via car or over snow transport.



Figure 1: Location of the proposed additions (Source: Six Maps 2015)



Figure 2: Subject Site in context with the Thredbo Village (Source: Six Maps 2015)

2. PROPOSED DEVELOPMENT

The development application seeks approval for the construction of the following:

New window:

The proposal seeks to replace an existing window on the eastern side of the building with a larger window. This is to increase the levels of natural sunlight that is able to penetrate into the living area and also improve ventilation.

New glass sliding door:

The proposal seeks to replace the existing door to the outside deck with a larger glass sliding door. This is to increase the levels of natural sunlight, improve ventilation and also amenity into the living room of the chalet.

All of the glass in both alterations will be double glazed for thermal insulation, window frames will be powder-coated aluminium and designed to match the existing materials and finishes.

There is a recently constructed deck on the eastern elevation of the building which is shown on submitted plans. This deck was constructed without authorisation and may not meet the exempt provisions of the Alpine SEPP. This assessment does not include the deck as it is being handled as a separate compliance matter with the applicant.

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 the determination of development applications 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 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:

- publicly exhibited the application from Monday 20 April 2015 until Monday 4 May 2015 on its website and at its Jindabyne Office (Shop 5A, 19 Snowy River Avenue, Jindabyne); and

- notified relevant stakeholders (adjoining four lodges) and State government authorities in writing.

The proposal was referred to the Office of Environment and Heritage (OEH) pursuant to clause 17 of the Alpine SEPP and also to the NSW Rural Fire Service pursuant to section 91 (integrated development) of the EP&A Act as a Bushfire Safety Authority under the *Rural Fires Act 1997* is required in order for the development to be carried out.

The OEH raised no objections to the proposal. The OEH recognised that the works are within a highly disturbed area and that no flora or fauna are likely to be impacted.

The RFS are not opposed to the proposal and have provided a Bushfire Safety Authority (BFSA) 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 3.4 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. The Department has considered matters such as accessibility and bushfire protection and based on the plans and documents that were submitted, is satisfied that the certifier, building designer and lodge owner are aware of their legislative obligations. 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. Context, character and setting

The works are minor in nature and are designed to integrate with the existing building, while also not having an adverse impact on the context or character of the Woodridge area within the Thredbo Village.

5.3. Suitability of the site

The proposed building alterations are suitable for the site and improve the amenity of the building by providing a larger sliding door and window which open onto a deck, without having any adverse impacts on adjoining properties or vegetation. Construction works can be appropriately managed to avoid or mitigate any adverse impacts.

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 7116), 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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14/9/2015

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=7116

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. The proposed increase of glazing on the eastern side of building will allow more morning sunlight to warm the living area, reducing heating requirements during morning hours.

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

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

Water – There will be no impact on water resources. The site is more than 40 metres away from any watercourse.

Soils – The proposed works will not impact the surrounding soils.

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.

Natural hazards – The site is located on bushfire prone land. The RFS has provided a Bushfire Safety Authority which the proposed works will be built in accordance with.

<p><u>Technological hazards</u> – The proposal is required to comply with the BCA and relevant Australian Standards. No concerns are raised in relation to the proposal.</p> <p><u>Safety, security and crime prevention</u> – The proposed works will have no impact on safety, security and crime prevention.</p> <p><u>Social impact</u> – The proposal will have no social impact.</p> <p><u>Economic impact</u> – The proposal is minor in scale and will have no negative economic impact.</p> <p><u>Site design and internal design</u> – The proposed alterations are appropriate and will provide the lodge guests with an improved heating during morning hours.</p> <p><u>Construction</u> – The construction of the proposal will have minimal impacts.</p> <p><u>Cumulative impacts</u> – No cumulative impacts are envisaged as a result of this proposal.</p>
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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 minor alterations to an existing building. The proposal improves the access to the lodge, natural lighting, heating and ventilation.	
CI 11 – Land Use Table	
The proposal is for external alterations to an existing lodge. Pursuant to clause 11 of the Alpine SEPP and the Thredbo Land Use Table, 'tourist accommodation' is permissible.	
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),	Due to the works being minor in nature and to an existing building, 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 effects,	The SEE and supporting information supplied are considered adequate to enable a proper assessment of the proposal.

(e) the character of the alpine resort,	The proposal will not alter the character of the resort.
(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,	This type of development is exempt from geotechnical review or certification under the Department’s geotechnical policy.
(g) any sedimentation and erosion control measures,	No adverse impacts are expected as the works do not involve any ground disturbance.
(h) any stormwater drainage works proposed,	The works will not alter current stormwater management at the site.
(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.
(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 to proposal.
(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 are sufficiently setback from the boundary.
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 will not impact Aboriginal cultural heritage.

APPENDIX C. RECOMMENDED CONDITIONS OF CONSENT
