

**DEVELOPMENT APPLICATION ASSESSMENT
REPORT**

**Alterations and Additions at 'Rileys Run' 24
Mountain Drive, Woodridge, Thredbo Alpine
Resort, Kosciuszko National Park**

DA 7444



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

February 2016

ABBREVIATIONS

Alpine SEPP	State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007
Applicant	Myson Berkery Architects 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: The subject site (Source: Department of Planning and Environment site inspection photo)

© Crown copyright 2016
Published February 2016
Department of Planning and Environment
www.planning.nsw.gov.au

Disclaimer:

While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

1 BACKGROUND

1.1 Introduction

This report provides an assessment of a Development Application (DA 7444) lodged by Myson Berkery Architects Pty Ltd on 10 December 2015 under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The application seeks consent for alterations and additions to Rileys Run, an existing tourist accommodation building in Thredbo Village within the Kosciuszko National Park.

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 'Rileys Run', Lot 610 Mountain Drive, Woodridge, Thredbo Alpine Resort (**Figure 1**). The Lot is an irregular shape level site and approximately 600m². The existing four bedroom building is two storeys with a metal clad and stonework exterior. The building is licensed for eight beds and used for tourist accommodation. The Lot is accessed directly off Mountain Drive and shares boundaries with three similar buildings on Mountain Drive (on Lots 608, 609 and 611) to the north, east and west.

Established eucalypt woodland vegetation is located within the site, three of which will be removed for the proposal.



Figure 1: Subject site (yellow circle) (Source: Six Maps 2016)

2 THE PROPOSED DEVELOPMENT

2.1 Project description

The development application seeks approval for the following:

- construction of a two car garage and driveway;
- installation of a skylights on the existing roof; and
- removal of three trees.

The proposed garage addition will be approximately 6 x 6 metres on the southern façade of the building. Three eucalypt trees (two medium and one small) will be required to be removed for the proposal. The works will be constructed in the same materials and colours as the existing building which includes the use of Colorbond custom orb for the new roof and walls in a horizontal direction and stonework cladding.

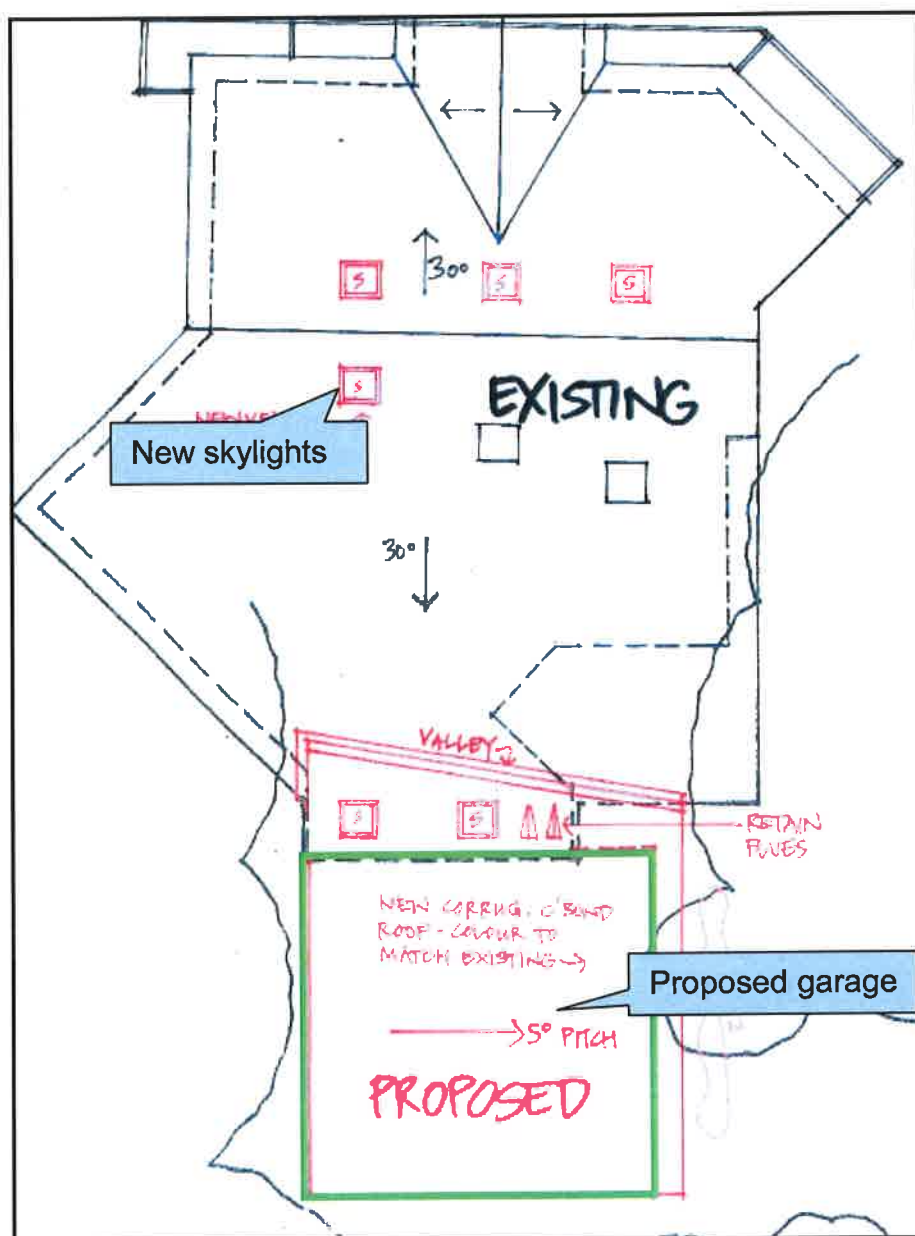


Figure 2: Proposed works (Source: Applicant's submitted plans)



Figure 3: Proposed works location and trees to be removed (Source: Applicant's submitted documentation)

2.2 Justification for development

There is a shortage of car parking space in Thredbo and as such, the Applicant has applied to undertake works in order to provide improved parking for users of the building. Also, with the increasing popularity of mountain bike riding, secure storage for biking equipment is becoming necessary.

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 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.

3.3. Permissibility

The proposal includes alterations and additions to a building consistent with the definition of 'tourist accommodation' as defined in the Alpine SEPP. Pursuant to clause 11 of the Alpine SEPP, 'tourist accommodation' is permissible with consent within the Thredbo Alpine Resort

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. Consistent with the aim of the Alpine SEPP, the Department is satisfied that the proposal has adequately considered measures to protect and enhance the environment and also have regard to the principles of Ecologically Sustainable Development (ESD).

The proposal is also consistent with the objectives of the Alpine SEPP as the proposal results in improved functionality of an existing tourist accommodation building that has potential to increase social and economic benefits to the locality.

An assessment against the requirements of the Alpine SEPP is provided in Appendix B. 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. The proposal complies with the objects as it seeks approval for alterations and additions aimed at improving the amenity of an existing tourist accommodation building. The proposal will not result in any detrimental impacts to the character of the surrounding locality or users of the subject, or adjacent buildings.

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 will not have an impact on the environment thus being 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. The Department has considered the project in relation to the ESD principles. The precautionary and Inter-generational Equity principles have been applied in the decision-making process via an assessment of the impacts of the 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:

- publicly exhibited the application from Friday 11 December 2015 and extended due to school holidays until Monday 8 February 2016 on its website and at its Jindabyne Office (Shop 5A, 19 Snowy River Avenue, Jindabyne);
- notified relevant stakeholders (including neighbouring buildings on Lot 603, 604, 605, 606, 607, 608, 609, 610, 611, and 612, along Mountain Drive, Thredbo) and State government authorities in writing.

The proposal was referred to the Office of Environment and Heritage (OEH) pursuant to clause 17 of Alpine SEPP and to the NSW Rural Fire Service (RFS) 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.

No public submissions were received during the assessment of the application.

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)
The RFS did not object to the proposal and has issued a Bush Fire Safety Authority (BFSA) under clause 100B of the Rural Fires Act 1997. The BFSA outlined general terms of approval regarding the provision of asset protection zones and design and construction standards. These terms have been incorporated into the recommended conditions. The BFSA determined that the building was Bushfire Attack Level (BAL) 19 and as such construction standards must be in accordance with the relevant sections of Australian Standard 3959-2009 Construction of buildings in bushfire-prone areas.
Office of Environment and Heritage (OEH)
The OEH did not object to the proposal and provided comments which can be summarised as follows: <i>Flora and Fauna</i> <ul style="list-style-type: none">• The trees proposed to be removed should be checked for hollows, nests or other evidence of fauna presence or use.• Excavation machinery should be cleaned prior to entering the National Park to prevent spread of weeds.• If straw bales are used for mulching or sediment control they must be certified as weed free. <i>Aboriginal Cultural Heritage</i> <ul style="list-style-type: none">• Should any Aboriginal objects be uncovered during excavation works must cease immediately. <i>Leasing</i> <ul style="list-style-type: none">• The proposed works are permissible under the lease held by Kosciuszko Thredbo Pty Ltd. The OEH comments have been considered in the assessment of the application. Where necessary, these comments and recommendations have been incorporated into the conditions of consent.

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 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). Clause 94 of the EP&A Regulation is not applicable to the application as the proposed works are not considered more than half the building.
(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 5.6 .
(d) any submissions	Refer to Section 4 regarding public authority submissions.
(e) the public interest	Refer to Section 5.7 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 the issues raised in submissions in its assessment of the proposal. The Department considers the key issues associated with the proposal to be:

- compliance with the Building Code of Australia (BCA);
- context and amenity; and
- managing environmental impact during construction.

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

The proposal includes the addition of a double garage and installation of skylights, which is required to comply with the BCA. Compliance with the BCA and the BFSA will trigger compliance with AS 3959-2009 (construction of building in bushfire prone areas) and the requirements for construction in bushfire prone area - BAL 19 for this site. This is considered achievable with the materials and design proposed.

The structural works, including the new roof on the addition, will be designed by a structural engineer confirming that it is designed and built in compliance with the BCA for relevant snow and wind loads.

The addition will reduce the setback on the southern boundary however approximately 1500mm at the closest point will be available. It is considered that compliance with the BCA is achievable for the proposal.

Conditions have been included to ensure compliance with the BCA is achieved at the Construction Certificate stage.

5.4. Context and amenity

The proposed works involve an approximately 6 x 6 metre addition designed to match the existing materials and finishes of the building. Stonework, which is characteristic of the alpine resorts, will be utilised on the extension in order to maintain consistency with the building and locality.

While the addition will increase the overall size of the building its bulk and scale will remain in proportion to the Lot and the surrounding buildings. No overshadowing, view loss or privacy loss is anticipated to be experienced by adjoining properties as a result of the proposal.

In addition, with the introduction of skylights, the proposed works improve the amenity of the internal components of the building while also being of complementary to the locality. The Department concludes that the impact on context and amenity to be acceptable.

5.5. 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 and the works will not impact on any endangered ecological communities.

The Applicant has submitted a Site Environmental Management Plan (SEMP) outlining measures to minimise impacts during construction. The SEMP will be incorporated into conditions of consent and if adhered to will mitigate any adverse environmental impacts.

The three eucalypts to be removed will be checked first for evidence of fauna use and if fauna use is evident the OEH will be consulted.

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 adjacent to the works area within the Lot. Construction impacts such as noise and vibration will be short term and managed in accordance with conditions.

5.6. Site Suitability

The proposed development is suitable for the site as it is of a scale and design, including materials and finishes, which are consistent with the surrounding development and the character of the locality. There is also no 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 proposal will improve an existing tourist accommodation building while having minimal impact on the environment.

5.7. 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 also not be an adverse impact on the environment and the proposal is consistent with the principles of ESD. The works will improve the amenity of an existing tourist accommodation building.

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 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;
- construction works can be undertaken in accordance with the BCA and relevant Australian Standards; and
- the proposal does not negatively impact upon adjoining properties.

Overall, the Department is satisfied that Development Application 7444 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 for the Minister for Planning:

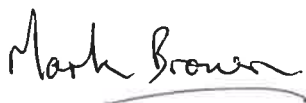
- a) **consider** the recommendations of this report; and
- b) **approve** the Development Application (DA 7444) under section 80 of the EP&A Act, having considered matters in accordance with (a) above and;
- c) **sign** the attached development consent at **Appendix C**.

Prepared by:



Robin Ward
Planning Officer
Alpine Resort Team

Reviewed by:



Mark Brown
Senior Planner
Alpine Resorts Team

Approved by:



Daniel James
Team Leader
Alpine Resorts Team

7/3/2015

APPENDIX A. RELEVANT SUPPORTING INFORMATION

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=7444

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 locality. The selected materials and finishes, including the stonework characteristic of Thredbo, will be utilised to ensure consistency with the character of the building and locality. Refer to **Section 5.4** for further discussion.

Access, transport and traffic - The proposal will not impact upon traffic management within the resort. The site is accessible from Mountain Drive and has sufficient space for construction vehicles and materials. The changes proposed will improve car parking facilities at the site by increasing the available parking from one formal car space to three.

Public domain – The public domain will not be impacted by the proposed works. The works are in keeping with the character of the area and are setback from the lot boundaries.

Utilities and energy – The proposed works will create a minor increase in floor area in the building, this will likely generate an increase in energy consumption at the site. The existing infrastructure is sufficient to accommodate this increase.

Heritage – No adverse heritage impacts are expected. The building is not a heritage item.

Other land resources – No impact on any land resources.

Water – The site is adequately supplied with water and the proposed works will not generate an increase in demand. The design includes a grated drain spanning the width of the driveway to manage stormwater runoff from the roof.

Soils – Soils are not likely to be adversely impacted by the proposed works. The addition to the building will involve minor excavations for the concrete floor, however the application is accompanied by an SEMP and a geotechnical assessment ensuring minimal impact on soils.

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. Construction will occur during approved hours.

Flora and fauna – Three eucalypt trees are to be removed as part of the proposal, the OEH have reviewed the proposal and do not object to the tree removal.

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 are incorporated into the recommended conditions. The site and proposed works have been assessed by a geotechnical engineer and a Form 4 Minimal Impact Certification has been provided. There are no other known hazards at the site.

Social impact – The proposal will improve the facilities available within the existing tourist accommodation building and have positive social impacts for the guests of the building.

Economic impact – The proposal will generate a minor positive economic impact through short term construction employment.

Site design and internal design – The proposed works are designed to integrate with the existing building and match the current materials and finishes. A two car garage will improve car parking and bike storage at the site.

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 an existing building. The proposal improves the amenity of an existing tourist accommodation facility.	
CI 11 – Land Use Table	
The proposal is for the construction of a two car garage and installation of a skylight on a 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 appropriate as it allows for additions on an existing building without any adverse impact on the environment. The RFS requirements and geotechnical recommendations are incorporated into the conditions where appropriate. There are no other known natural hazards.
(c) the cumulative impacts of development on existing transport, effluent management systems, waste	The proposal does not modify the capacity or use of the existing building aside from car parking which is considered reasonable. The subject site contains the

disposal facilities or transfer facilities, and existing water supply,	necessary infrastructure and services to support the development as proposed.
(d) any statement of environmental effects,	The SEE supplied is considered adequate to enable a proper assessment of the proposal.
(e) the character of the alpine resort,	The proposal is of a consistent scale with buildings in the locality and will not significantly alter the character of the resort. The proposal is in keeping with the existing development and the surrounding environment.
(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,	A Form 4 has been provided in accordance with the DP&E Geotechnical Policy.
(g) any sedimentation and erosion control measures,	No sedimentation or erosion issues likely to arise from the proposal. An SEMP and geotechnical assessment was provided with the application and conditions of consent are recommended to ensure erosion and sediment control measures are in place.
(h) any stormwater drainage works proposed,	The storm water drainage system is adequate for the proposed addition and the works incorporate drainage including a drainage swale, grated drain running the width of the driveway and a new stormwater pit.
(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 is of a scale that is consistent with the existing building and materials and colours are compatible to the locality.
(j) any significant increase in activities, outside of the ski season,	The proposal will not result in an 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 proposal includes, among other things, a new roof area over the new garage with a height of approximately 3.3 metres. The height of the main building will not change.
Building Setback	The proposed garage addition is setback from the lot

	boundary approximately 1.5 metres at its closest point and two metres at then its furthest point (western corner). Neighbours were notified of the proposal and no submissions were received. Kosciuszko Thredbo have reviewed the setback distance and will manage any vehicle overhang off the lot boundary in accordance with their policies.
Landscaped Area	Three trees are proposed to be removed and there is no additional landscaping required.
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. In summary the OEH made no objection to the proposal and provided advice which has been passed on the lessee and incorporated into conditions of consent where appropriate. Reference is made to the OEH referral advice 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.

APPENDIX C. RECOMMENDED CONDITIONS OF CONSENT
