



Planning &
Environment

***DEVELOPMENT APPLICATION
ASSESSMENT REPORT:***

**Use of Space and Construction for Workshop
and Storage Area**

**Shop 2, Squatters Run, Thredbo Village,
Thredbo Alpine Resort, Kosciuszko National
Park**

DA 7661

Environmental Assessment Report under
Section 79C of the *Environmental Planning and
Assessment Act 1979*

May 2016

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

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1. BACKGROUND

1.1 Introduction

This report provides an assessment of a Development Application (DA 7661) lodged by Kosciuszko Thredbo Pty Ltd on 9 May 2016 under Part 4 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act). The application seeks consent for the use of a void space and also for construction to enable the use of the space as storage / workshop related to the rear of Shop 2, Squatters Run, Thredbo Village within Thredbo Alpine Resort, Kosciuszko National Park.

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

1.2 The Site and Surrounding Development

The site is located in the Thredbo Village Square (**Figure 1**), a shopping precinct within the Thredbo Alpine Resort that contains retail premises, a café and bakery and other tourists orientated premises.

The site currently contains the Jindabyne Sports hire premises. At the rear of the shop is a void space previously containing an unauthorised storeroom / workshop for ski related storage and boot repair. The Applicant indicates that the storeroom / workshop was constructed some time in the early 1990.

Following recent investigations by the Department and a subsequent compliance order to rectify geotech stability issues (to rectify unauthorised excavation works), the current application was submitted to formalise the use of the area at the rear of the shop.

Access to the site is the Village Square forecourt area to the west of the shop front.



Figure 1: Location of site in relation to the Thredbo Village (yellow) (Source: SIX Maps 2016)

2. PROPOSED DEVELOPMENT

The development application seeks consent for the following:

- use of the area as a workshop and storage area associated with the use of the shop by Jindabyne Sports; and
- construction associated with the use, excluding any works undertaken in accordance with the compliance order.

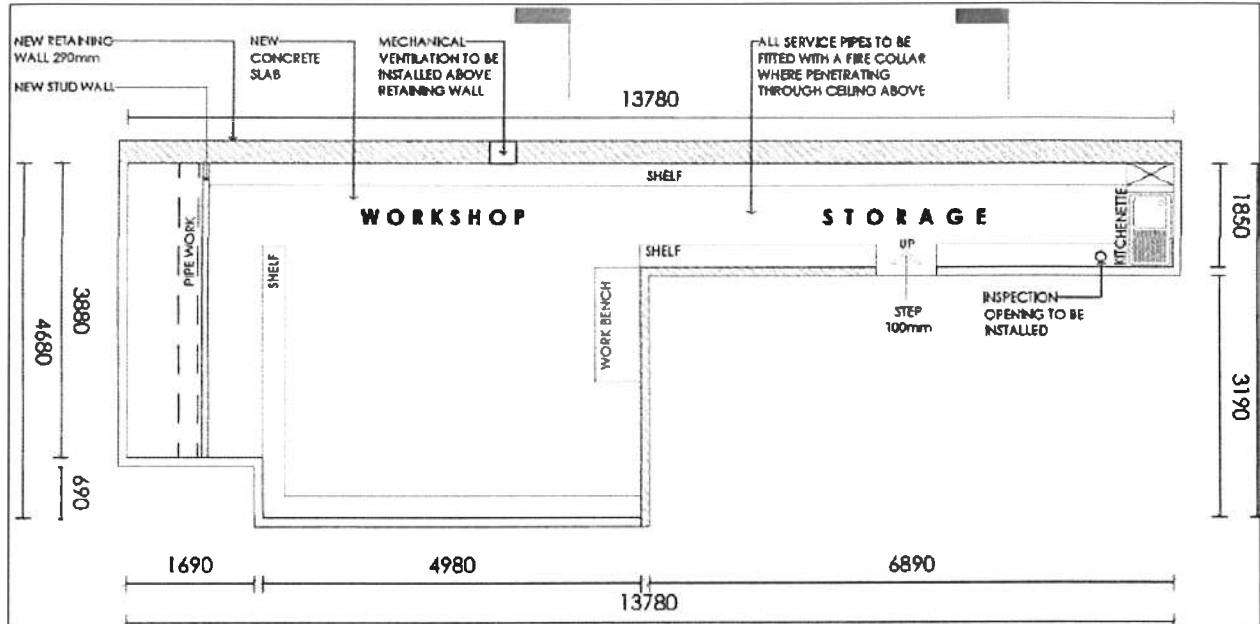


Figure 2: Layout of space at the rear of Shop 2 accessed via a step off the main shop floor (Source: Applicant's plans)

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 EP&A Act.

3.2 Determination under Delegation

In accordance with the Minister's delegation of 16 February 2015, the Team Leader, Alpine Resorts Team may determine the application as:

- 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 the use of an area, and construction, located behind the existing Jindabyne Sports premises consistent with works to a 'shop' or 'commercial premises'. Pursuant to clause 11 of the Alpine SEPP, a 'shop' or 'commercial premises' 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 in that:

- it would enable the continued use of a workshop / storeroom that does not result in adverse environmental, social or economic impacts on the natural or cultural environment;
- it would support the carrying out ski related development; and
- the proposed works have regard to the State and regional significance of 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 EP&A Act, as set out in Section 5. The proposal complies with the objects as it seeks approval for a previously unauthorised use of a space associated with a premises providing maintenance of ski related materials within the Thredbo Village. The works promote the orderly and economic use of the site through improved access to facilities for visitors to Thredbo Alpine Resort, particularly during the winter period.

The proposal would not result in an adverse environmental impact and includes measures to deliver an ecologically sustainable development (refer to **Section 3.6**).

3.6 Ecologically Sustainable Development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991* (POEO Act). Section 6(2) of the POEO Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes.

The Department has considered the proposal in relation to the ESD principles and concludes that the proposal does not pose any threat of serious or irreversible environmental damage. The precautionary and inter-generational equity principles have been applied in the decision making process via an assessment of the environmental impacts 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 nature of the proposed works, the Department did not exhibit or notify the application or refer the application to the OEH. No public submissions were received during the assessment of the application.

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 further sections of the report and relevant appendices.

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).
(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 Section 5.6 of this report.
(d) any submissions	Refer to Section 4 .
(e) the public interest	Refer to Section 5.7 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 key issues in the Department's assessment are:

- compliance with the Building Code of Australia (BCA); and
- amenity for employees.

Each of these key issues is discussed in the following sections of the report.

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

The proposal is required to comply with the BCA and relevant Australian Standards. 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 Department is satisfied with the documentation that has been provided to enable consideration of the application for use. The use of the premises as a storeroom / workshop is considered to be appropriate and supports the ongoing use of the remainder of the premises for ski relating services.

Conditions of consent are recommended to ensure that BCA compliance is addressed at the Construction Certificate stage for the construction component of the application, which will ensure that employees and the type of uses proposed are adequately considered.

5.4. Amenity for the employees

The use of the area located behind the existing premises has previously been used by employees for a number of years. With the compliance action undertaken by the Department and the need for the works to be carried out having regard to current standards, the amenity for works should be greatly improved once the proposal has been fully constructed (noting that the compliance action only required works to address the geotech situation of the site).

The Department concludes that the proposal is acceptable and improves the overall amenity of the workshop / storage area compared to the previous confined area.

5.3 Suitability of the site

The proposed development is considered suitable for the site as it provides additional space to be utilised in association with the Jindabyne Sports use. The proposal will not impact on any threatened species populations, ecological communities, or their habitats.

The works are consistent with the aim and objectives of the Alpine SEPP and will improve access to ski related premises. The Department concludes that the site is suitable for the development.

5.4 Public Interest

The proposed development is considered to be in the public interest as:

- it is consistent with the Alpine SEPP (refer to **Section 3.4** and **Appendix B**);
- the proposal formalises a previously unauthorised use; and
- improves the amenity for the employees who utilise this room.

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:

- there will not be a significant impact on any threatened species, populations or ecological communities;
- the use of the site as a workshop / storeroom is consistent with the ski related uses of Thredbo Village; and
- issues raised during the assessment of the site have been addressed in this report or through recommended conditions of consent.

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 7661), under section 80(1)(a) of the EP&A Act, having considered matters in accordance with (a) above; and
- c) **sign** the Notice of Determination at **Appendix C**.

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Approved by:



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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=7661

APPENDIX B. CONSIDERATION OF RELEVANT LEGISLATION

ENVIRONMENTAL PLANNING & 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) – Matters for consideration

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 proposal seeks to formalise a previously unauthorised use by providing additional floor area to an existing premises servicing ski visitors to Thredbo Village. The proposal is appropriate in the context of the locality.

Access, transport and traffic – The proposal will not generate an increase in traffic to the site or impact upon access, transport or traffic management within Thredbo Village.

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

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

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

Other land resources – No impact on other land resources.

Water – Water resources are not impacted by the proposal.

Soils – Soils are not impacted by the proposal.

Noise and vibration – There will be an increase in noise from construction activities to finishes the workshop / storage room. This is expected to be short term and managed in accordance with conditions of consent, which is considered reasonable.

Air and microclimate – No impact on the air and microclimate is expected.

Flora and fauna – No impact on flora and fauna.

Waste – Any waste generated by the works or the ongoing use of the premises would be collected and disposed of appropriately.

Natural hazards – It is not envisaged that any natural hazards would prevent or impact on the development. The Department's Geotechnical Policy – Kosciuszko Alpine Resorts is discussed below under the requirements of the Alpine SEPP.

Technological hazards – The proposal is required to comply with the BCA and relevant Australian Standards. Conditions are recommended to ensure compliance.

Safety, security and crime prevention – The proposal does not have an impact on security

and crime prevention.

Social impact – No adverse social impacts are envisaged as a result of the proposal.

Economic impact – The proposal is small in scale and therefore is expected to have minimal additional economic impact on Thredbo Alpine Resort in general.

Site design and internal design – The works seeks to formalise a previously unauthorised use of the rear of the premises. The layout of the proposal has taken into account the requirements of the BCA and is supported.

Construction – The proposal involves the construction of minor walls which is not expected to have adverse impacts.

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

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 improves the amenity for employees utilising the workshop / storage area.	
CI 11 – Land Use Table	
The proposal includes the use of an area and construction behind the existing Jindabyne Sports premises consistent with works to a 'shop' or 'commercial premises'. Pursuant to clause 11 of the Alpine SEPP, a 'shop' or 'commercial premises' is permissible with consent within the Thredbo Alpine Resort.	
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 does not negatively impact upon the conservation of the natural environment and any measures to mitigate environmental hazards.
(c) the cumulative impacts of development on existing transport, effluent management systems, waste disposal facilities or transfer facilities, and existing water supply	No adverse cumulative impacts are anticipated as the proposal will not result in any changes to existing transport, effluent management systems, waste disposal facilities, transfer facilities or water supply.
(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 will not significantly alter the character of the resort and will contribute the needs of the tourists

	and staff.
(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,	Not applicable to proposal.
(g) any sedimentation and erosion control measures,	No sedimentation or erosion impacts are expected as a result of the proposed use and construction activities.
(h) any stormwater drainage works proposed,	No negative impacts to stormwater or drainage are anticipated.
(i) any visual impact of the proposed development, particularly when viewed from the Main Range,	The proposal 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,	Not applicable to proposal due to the site being located in Thredbo Village.
(m) if the development is proposed to be carried out on land in a riparian corridor.	The proposal is not located within a riparian corridor.
CI 15 – Additional matters to be considered for buildings	
Building Height	Not applicable to proposal.
Building Setback	The works are located at the rear of an existing commercial premises, within an area that has previously been excavated. No impacts are expected.
Landscaped Area	Not applicable to proposal.
CI 17 – Applications referred to the Office of Environment and Heritage (OEH)	
Due to the nature of the works, the proposal was not referred to the OEH.	
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
