



Planning &
Environment

***DEVELOPMENT APPLICATION
ASSESSMENT REPORT:***

**Alterations and Additions to Yalara Ski Lodge,
Perisher Valley, Kosciuszko National Park**

DA 7467



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

July 2016

ABBREVIATIONS

Alpine SEPP	State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007
Applicant	Public Service Officers Ski Club Co-Op 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: Yalara Ski Lodge (Source: Department of Planning site inspection photo)

© Crown copyright 2016
Published July 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 7467) lodged by Public Service Officers Ski Club Co-Op Ltd on 7 January 2016 under Part 4 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) that seeks consent for alterations and additions to Yalara Ski Lodge, Perisher Valley within 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 Yalara Ski Club, Lot 73, Wheatley Road, Perisher Valley (**Figure 1**). The building is a two storey ski lodge used for tourist accommodation consisting of timber and masonry construction that is licensed for 24 beds.

The Lot is north-west facing, approximately 1,038m² and is accessed directly from Wheatley Road. During winter there is no road access to the lodge, with the site only accessed by over-snow vehicle. The nearest other buildings are all used for tourist accommodation and include Highway Alpine lodge to the north-east and Kunapipi lodge to south-west.

The site is previously disturbed and contains predominantly exotic grasses with other forms of vegetation located outside of the lease boundary.



Figure 1: Yalara Ski Lodge (Source: Six Maps 2016)

2. PROPOSED DEVELOPMENT

The development application seeks approval for alterations and additions to the upper storey of the building including:

- increase in floor space of bedrooms number 2, 3 and 4;
- addition of ensuite bathrooms (shower and toilet in each) to bedrooms 3 and 4;
- new cladding and roof to extension housing the ensuites on the southern façade; and
- replacement of timber cladding with metal cladding on the north-western (front) and north-eastern (side) facades.

The addition will be supported from the ground by at least three posts and footings that would be finished with materials and colours to match the existing building. The addition in total is approximately 17.5m². The number of bedrooms or licenced beds within the building will not be changing as a result of this proposal.

The proposed colours and materials have been selected to match the existing building in profile and use a similar green tone as the current colour of the lodge.

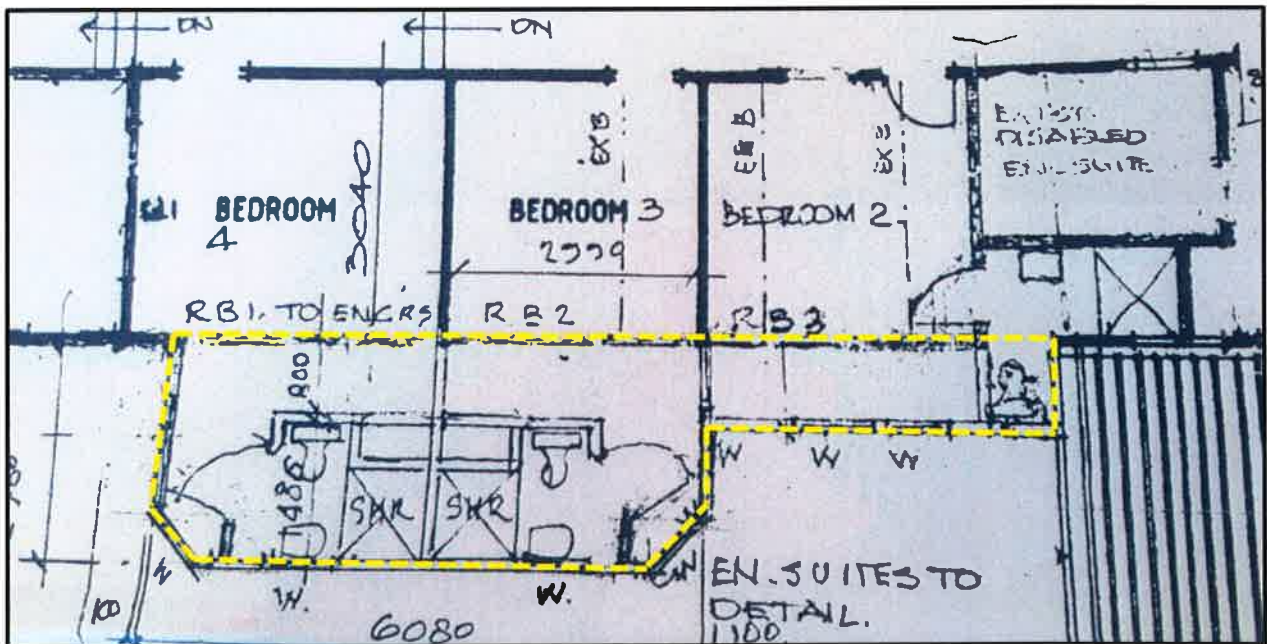


Figure 2: Yalara floor plan (proposed addition highlighted in yellow) (Source: Applicant's documentation)

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

In accordance with the Minister's delegation of 16 February 2015, the Team Leader of the 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 external 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 Perisher Range 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 allow for improved lodge facilities;
- it would be complementary to the existing building and locality; 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 Act, as set out in Section 5 of the Act. The proposal complies with the objects as it seeks approval for alterations and additions that are aimed at improving the amenity of an existing tourist accommodation building. The proposal will not result in any detrimental impacts to the amenity of the surrounding locality or users of the subject, or adjacent buildings.

The proposal also 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 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 and notified two nearby tourist accommodation buildings being:

- Highway Alpine Lodge; and
- Kunapipi Lodge.

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 Bush Fire Safety Authority (BFSA) 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.

The OEH raised no objections to the proposal while recognising that the works are within a highly disturbed area and that the works are unlikely to impact any flora or fauna.

The RFS are not opposed to the proposal and have provided a BFSA with general terms of approval which will be incorporated into the recommended conditions of consent. The terms of approval apply Bushfire Attack Level (BAL) 40 construction standards.

The RFS also provided a separate advisory letter explaining the risks presented by ember attack during a bushfire event, and how best to upgrade a building to protect against it.

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 appendices 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)(iia) 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 5.3 & 5.4 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 5.5 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 5.6 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:

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

5.3. 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 bushfire protection, accessibility, wind and snow load and structural matters and based on the plans and documents that were submitted, is satisfied that BCA compliance is achievable.

The alterations and additions are on the upper storey of the lodge. The new works will be supported from the ground by at least three posts and footings. Final designs for the posts and footings will be prepared by an engineer at construction certificate stage. The geotechnical engineer has confirmed that the works present minimal or no geotechnical impact and has also provided a number of design recommendations.

The site is located on land which is identified as bushfire prone, and as such the application was referred to the RFS. The RFS has identified the Bushfire Attack Level (BAL) which applies to the site in accordance with Australian Standard 3959, construction of building in bushfire prone areas. As outlined in the BFSA the site was identified as BAL 40 and must comply with the corresponding construction standard for that BAL.

The building includes one existing accessible bathroom that was constructed in the early 2000s on the same level as the principal entrance. The access to premises standard applies to this development and must be considered and investigated at the construction certificate stage.

Full details of compliance with the above are required to 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.

5.4. Context and amenity within the locality

The works are minor in nature and designed to integrate with the existing building. Complementary materials and finishes are proposed, including metal cladding to match the existing southern façade in profile colour and orientation. The visual impact of the modified

facades would be minor as the new works are located off the south-eastern façade (rear of the building) where there are no buildings located nearby and the area is not visible from the road or public spaces.

The amenity for the occupants of the bedrooms would be positively impacted by the addition of new bathrooms and larger bedrooms.

5.5. Managing environmental impacts during construction

It is unlikely that the proposal will cause any impact upon the natural environment. The proposal is in keeping with the use of the building for tourist accommodation and the works are of a minor nature.

Construction access for vehicles and machinery will be downslope from Wheatley Road likely north-east through Highway Alpine Ski Club and around to the southern side of the lodge. There is sufficient disturbed ground surrounding the lodge for storage of materials and parking of construction vehicles during the summer construction period. There is sufficient space to the southwest within the lease area for construction works however this section is likely to be steep for vehicles. Construction access conditions have been included in the consent which would allow agreement from the neighbouring land of Highway Alpine Club to be used if required.

Construction impacts such as noise, dust and vibration will be relatively minor and short term only. Conditions are recommended to ensure that there is not an adverse impact on the amenity of the locality.

5.6. Suitability of the site

The proposed building alterations and additions are suitable for the site. The works would improve the amenity of the building without having any adverse impacts upon adjoining properties or vegetation. Construction works can be appropriately managed to avoid or mitigate any adverse impacts.

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. 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 application has been appropriately designed, has taken into account site restraints 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 7467), 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**.

Prepared by:



Robin Ward
Planning Officer
Alpine Resorts Team

Reviewed by:



Mark Brown
Senior Planner
Alpine Resorts Team

Approved by:



Daniel James
Team Leader
Alpine Resorts Team

19/7/2016

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=7467

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 consistent with the context and setting of the Perisher Valley. The proposed design and materials have been selected to match the appearance of the building while providing improvements to the facilities of the building. Refer to **Section 5.4** for further discussion.

Access, transport and traffic – The proposal would not increase traffic to the site or impact upon access, transport or traffic management within the resort. Construction vehicles may need to access the south-eastern side of the building to construct footings. This area is largely exotic grasses and access is considered achievable downslope.

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

Utilities and energy – The proposal will not have an impact on utilities or energy at the site.

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

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

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

Soils – Soils are unlikely to be impacted by the proposal. Some minor excavation and will be required for the construction of footings that is considered acceptable.

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 will increase the need for wastewater disposal on site, bathrooms will be designed and installed by licensed tradespeople in accordance with current standards and the BCA. Waste generated during demolition and construction will be managed in accordance with conditions of consent.

Natural hazards – The site is located on bushfire prone land. The RFS has provided a Bushfire Safety Authority. The Applicant has also provided a Form 4 in accordance with the Department’s geotechnical policy.

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 minimal social impact other than providing improved facilities within an existing tourist accommodation building.

Economic impact – The proposal will have a minor positive economic impact in the form of short term construction employment.

Site design and internal design – The proposed alterations are appropriate and will provide the lodge with improved amenity and exterior cladding.

Construction – The construction of the proposal will have minimal impacts if managed in accordance with the conditions of consent. Construction vehicles have access and sufficient space for the storage of materials.

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 consists of external alterations to an existing tourist accommodation building.	
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 Perisher 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 on a highly disturbed site, no impact is expected on the natural environment. The works have been reviewed by the RFS and the OEH and will be undertaken in a way which most appropriately mitigates risks.
(c) the cumulative impacts of development on existing transport, effluent management systems, waste disposal facilities or transfer	The proposal does not increase the capacity of the building. The subject site contains the necessary infrastructure to support the development as proposed.

facilities, and existing water supply	
(d) any statement of environmental effects,	The SEE and supporting information are considered adequate to enable a proper assessment.
(e) the character of the alpine resort,	The proposal will not alter the character of the resort.
(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,	The Applicant has provided a Form 4 minimal impact certification in accordance with the Department’s geotechnical policy.
(g) any sedimentation and erosion control measures,	No adverse impacts are expected as the excavations and ground disturbance involved are minor involving footing constructions.
(h) any stormwater drainage works proposed,	Stormwater flows and drainage will not be impacted by the proposal.
(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 designed to match the appearance of the building.
(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.
(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	The works will not result in a change in building height.
Building Setback	The works will not significantly impact on the existing setbacks.
Landscaped Area	No landscaping is proposed.
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 is unlikely to impact on any European heritage items.
Aboriginal heritage	The works are unlikely to impact Aboriginal cultural heritage.

APPENDIX C. RECOMMENDED CONDITIONS OF CONSENT
