

ENVIRONMENTAL ASSESSMENT REPORT
(under Section 79C of the Environmental Planning and Assessment Act 1979)

Application No.: DA 8065

Applicant: Dr M Philip Rack

Application Site: Ridge Creek 2, Crackenback Drive, Thredbo Village, Thredbo Alpine Resort, Kosciuszko National Park

Proposal: Internal alterations

Date: November 2016

1. BACKGROUND

1.1 Introduction

This report provides an assessment of a Development Application (DA 8065) lodged by Dr Mark Philip Rack on 11 November 2016 under Part 4 of the Environmental Planning and Assessment Act, 1979 (EP&A Act). The application seeks consent for internal alterations at Ridge Creek 2, Crackenback Drive, Thredbo Village, Thredbo Alpine Resort within the Kosciuszko National Park (**Figure 1**).

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



Figure 1: Site location in context to Thredbo Village (Source: SIX Maps 2016)

1.2 The Site and Surrounding Development

'Ridge Creek 2' is a tourist accommodation building located in the north-western end of Thredbo Village on Lot 520 in the Crackenback Ridge area. The site accommodates two three storey tourist accommodation buildings (car parking and storage on ground level and living areas on the first and second floor level) attached by a common wall. The site was constructed in 1996 / 97, with the site accessed from Crackenback Drive.

The site is bordered by other tourist accommodation premises, including The Lodge (to the north), Holmwood (to the east), Paringa Chalets (to the south across Crackenback Drive) and vegetation to the west.

2. PROPOSED DEVELOPMENT

The application seeks approval for internal alterations comprising:

- replacement of existing kitchen, installation of a gas fire place and associated works on the first floor level;
- reconfiguration of the second floor level existing bathroom / laundry area; and
- construction of a new ensuite and works to the load bearing wall on the second floor level; and
- works to the dividing fire wall to achieve a satisfactory level of compliance.

Associated works within the application include tiling, waterproofing, plumbing, electrics, joinery and a new gas fireplace.

The proposal has a cost of works of approximately \$180,000.

3. STATUTORY CONTEXT

3.1. Consent Authority

Under clause 7 of *State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007* (the Alpine SEPP), the Minister for Planning is the consent authority for the application 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, 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 internal alterations within 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 with the Thredbo Alpine Resort.

3.4. Considerations under section 79C of the EP&A Act

Under section 79C of the EP&A Act, in determining a development application, a consent authority is required to take a number of matters into consideration in relation to the proposed development. The Department has given due consideration to the matters prescribed by section 79C.

The Department's consideration of the development against the provisions of section 79C of the EP&A Act is contained in Section 5 and within Appendix B of this report.

3.5. Environmental Planning Instruments

Under section 79C of the EP&A Act, the consent authority, when determining a development application, must take into consideration the provisions of any environmental planning instrument (EPI) and draft EPI (that has been subject to public consultation and notified under the EP&A Act) and development control plan/s (DCP) that apply to the proposal.

The Alpine SEPP is the only EPI which applies to the site for this type of development. An assessment against the requirements of the Alpine SEPP is provided in **Appendix C**. The Department is satisfied that the application is consistent with the requirements of the Alpine SEPP.

3.6. Objects of the EP&A Act

In determining an application, the consent authority should consider whether the proposal is consistent with the relevant objects of the EP&A Act.

The proposal complies with the objects as it seeks approval for internal works aimed at improving the amenity and functionality 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 3.7**).

3.7. Ecologically Sustainable Development (ESD)

The EP&A Act adopts the definition of 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.

3.8. 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 proposal and that the works are wholly within the existing apartment, the Department did not exhibit or notify the application. No public submissions were received during the assessment of the application.

The Department consulted with the Office of Environment and Heritage (OEH), while noting the scope of works within the proposal. No concerns were raised from the OEH.

5. ASSESSMENT

The Department has considered the relevant matters for consideration under section 79C of the EP&A Act, the SEE and supporting information in its assessment of the proposal. The key issues in the Department's assessment of this proposal is in relation to the proposal's compliance with the Building Code of Australia and amenity for the occupants.

5.1. Compliance with the Building Code of Australia

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 inclusion of a new ensuite and modification / removal of part of a load bearing wall will require further documentation (structural stability analysis) to be provided to the Certifier at the Construction Certificate stage. The works proposed to the existing dividing wall between occupancies is required to comply with the recommendations included in the Fire Engineering Report No: 0340-Rev A by J Squared Engineering Pty Ltd, dated 8 November 2016.

The Department is satisfied with the documentation that has been provided. Conditions of consent are recommended to ensure that BCA compliance is addressed at the Construction Certificate stage.

5.2. Amenity for the occupants

The proposed internal alterations to the building improve the functionality of the existing bathroom, provide an ensuite off the bedroom, improve the kitchen and living areas, which increases the amenity for occupiers of the building. The new works are designed to upgrade the existing facilities in the building to meet current accommodation requirements.

As the works are internal only, the proposal works will only have minimal impact upon the amenity of adjoining properties during construction, however these will only be short term.

The Department concludes that the proposal is acceptable and increases the overall amenity of the apartment.

6. 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 internal 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.

7. 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 8065), 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 D**.

Prepared by:



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Senior Planner
Alpine Resorts Team

Approved by:



23/11/2016

Daniel James
Team Leader
Alpine Resorts Team

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=8065

APPENDIX B. CONSIDERATIONS UNDER SECTION 79C

Section 79C of the EP&A Act requires that the consent authority, when determining a development application, must take into consideration the following matters:

(a)(i) any environmental planning instrument (EPI)	Consideration of the provisions of all EPIs that apply to the proposed development is provided in Appendix C 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 Department has undertaken its assessment in accordance with all relevant matters as prescribed by the regulations, the findings of which are contained within this report.
(a)(v) any coastal zone management plan	Not applicable.
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department has considered the likely impacts of the development and notes that the works are internal only. All environmental impacts can be appropriately managed and mitigated through recommended conditions of consent.
(c) the suitability of the site for the development,	The site is suitable for the proposal and supports its approved tourist accommodation use.
(d) any submissions made in accordance with this Act or the regulations,	No submissions were received for this proposal.
(e) the public interest.	<p>The proposed development is considered to be consistent with the aim and objectives of the Alpine SEPP and would be compatible to the uses of the locality. There would also not be an adverse impact on the environment and the proposal is consistent with the principles of ESD.</p> <p>As such, the proposal is considered to be in the public interest, subject to the imposition of appropriate conditions.</p>

APPENDIX C. CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007

Cl 14(1) – Matters to be considered by consent authority	
(a) the aim and objectives of this policy, as set out in clause 2	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 supports the use of the site for tourist accommodation.
(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 wholly within the building, no impact is expected on the natural environment.
(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 lodge. The subject site contains the necessary infrastructure and services to support the development as proposed.
(d) any statement of environmental effects,	The SEE is 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, due to the works being internal only.
(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,	No geotech assessment is considered necessary for this proposal as the works would not exceed the load bearing capacity of the existing building.
(g) any sedimentation and erosion control measures,	No adverse impacts are expected due to works occurring wholly within the building.
(h) any stormwater drainage works proposed,	The existing storm water drainage system is adequate for the proposed works.
(i) any visual impact of the proposed development, particularly when viewed from the Main Range,	The proposal will not result in an unacceptable visual impact. The proposal is for internal 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	Not applicable to proposal as site is located in Thredbo.

Master Plan and the document entitled Perisher Blue Ski Slope Master Plan,	
(m) if the development is proposed to be carried out on land in a riparian corridor.	Not applicable for internal building works.
CI 15 – Additional matters to be considered for buildings	
Building Height	Not applicable for internal building works.
Building Setback	Not applicable for internal building works.
Landscaped Area	Not applicable for internal building works.
CI 17 – applications referred to the Office of Environment and Heritage (OEH)	
The proposal was referred to the OEH for information, who raised no concerns with the proposal.	
CI 26 – Heritage conservation	
European heritage	Due to works being internal only, the proposal will not impact on any European heritage items.
Aboriginal heritage	Due to works being internal only, the proposal will not impact on any Aboriginal heritage items.

APPENDIX D. RECOMMENDED CONDITIONS OF CONSENT
