

ENVIRONMENTAL ASSESSMENT REPORT

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

Application No.: DA 7923

Applicant: Lampada Ski Lodge Co-Op Ltd

Application Site: Lampada Ski Lodge, Banjo Drive, Perisher Range
Alpine Resort, Kosciuszko National Park

Proposal: Alterations and Additions

Date: March 2017

1. BACKGROUND

1.1 Introduction

This report provides an assessment of a Development Application (DA 7923) lodged by Lampada Ski Lodge Co-Op Ltd on 26 August 2016 under Part 4 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act). The application seeks consent for alterations and additions to Lampada Ski Lodge, Perisher Range Alpine Resort within the Kosciuszko National Park (**Figure 1**). The proposal is described in detail in **Section 2**.



Figure 1: Location of site within Perisher (Source: SIX Maps 2016)

1.2 The site and surrounding development

The subject site is located at Lampada Ski Lodge, within the Perisher Range Alpine Resort. The Lampada building (**Figure 2**) is a two storey tourist accommodation building that is licensed for 14 beds and accessed outside winter via Pretty Valley Road and during winter via over-snow transport. Lampada was constructed during the 1960s and has undergone various renovations in the 1990s and again in 2005/6. The lot is approximately 900m², east facing and sloping west to east.

Sparse vegetation is located within the site, mainly being native heath, some of which is impacted by this proposal. The site does not share any boundaries, and the nearest buildings, which are also used for tourist accommodation are Kalymaro Alpine Sports Club and Sydney Ski Club to the northeast of the site and Yaraandoo Ski Club and Hus-Ski Lodge to the south east.



Figure 2: Existing Lampada Ski Lodge within Perisher Valley (Source: SIX Maps 2016)

2. PROPOSED DEVELOPMENT

The development application seeks approval for the following:

- Works to the ground floor - the Applicant proposes to excavate the space adjacent to the existing games room on the ground floor, which is currently a subfloor space being used for storage (**Figure 3**), to provide a new bedroom, bathroom and storage space and associated windows and doors (**Figure 4**).
- Works to first floor - the first floor is proposed to be reconfigured by reducing the number of bedrooms from six to five and providing ensuites containing shower and toilet facilities to each room. Windows will be relocated to properly align with the new room configuration and the timber clad facades will be reclad with metal in the same colour and vertical profile as the existing.

With the reduction of one bedroom upstairs and the addition of a bedroom downstairs, the overall bed numbers of the building are not proposed to change.

The proposal also includes the replacement of timber cladding with metal cladding. The metal cladding would be a similar colour and profile as the existing timber.

The proposal has a cost of works of approximately \$250,000.



Figure 3: Space to be excavated for bedroom (Source: Department site inspection photo)

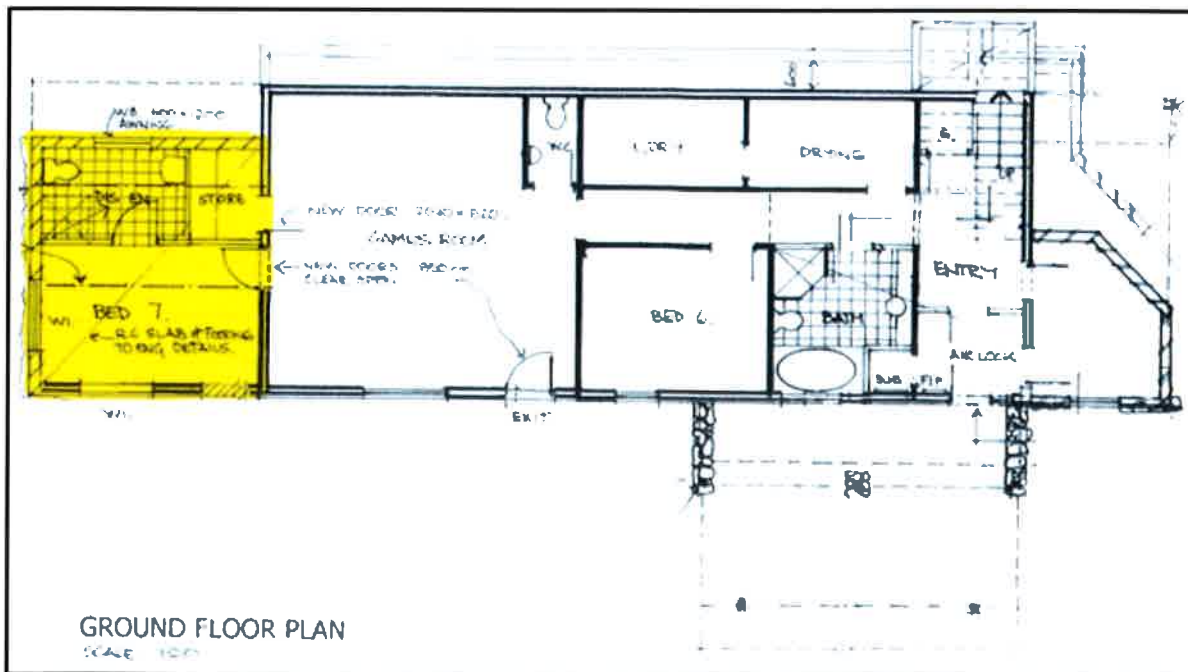


Figure 4: Proposed bedroom and bathroom (highlighted) (Source: Applicant's submitted plan)

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, 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 alterations and additions to a building consistent within 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. Notification

After accepting the application, the Department:

- publicly exhibited the application from Thursday 1 September 2016 until Thursday 15 September 2016 on its website and at its Jindabyne Office (Shop 5A, 19 Snowy River Avenue, Jindabyne); and
- notified representatives of nearby buildings (Sydney Ski Club, Kalymaro Alpine Sports Club, Hus-ski Lodge, and Yaraandoo Ski Club) 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
- the NSW Rural Fire Service pursuant to Section 91 of the EP&A Act (integrated development) as a Bushfire Safety Authority under the *Rural Fires Act 1997* is required in order for the development to be carried out.

3.5. 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.

3.6. 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.

3.7. 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 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 building.

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 3.8**).

3.8. Ecologically Sustainable Development

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.

3.9. 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

A total of two submissions were received, comprising two submissions from public authorities and no submissions from the general public.

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 D**.

Table 1: Summary of public authority submissions

NSW 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 <i>Rural Fires Act 1997</i> . The BFSA outlined general terms of approval regarding the provision of asset protection zones, emergency management, landscaping and design and construction standards. These terms have been incorporated into the recommended conditions.
Office of Environment and Heritage (OEH)
The OEH provided comment to the proposal, with the points raised below: <ul style="list-style-type: none">• The proposed development should not impact on Aboriginal cultural heritage as the site has been previously disturbed and is located in an area of low archaeological potential. Should any Aboriginal objects be uncovered during construction, any works impacting the objects must cease immediately and the NPWS contacted for assessment of the site.• The proposal is permissible under the lease. The OEH were also consulted in relation to vegetation management to achieve an appropriate Asset Protection Zone (APZ), refer to Section 5.3 for discussion. The OEH comments have been considered in the assessment of the application.

5. ASSESSMENT

The Department has considered the relevant matters for consideration under section 79C of the EP&A Act, the SEE and additional information provided by the Applicant in its assessment of the proposal. The key issues in the Department's assessment of this proposals are the following:

- compliance with the Building Code of Australia (BCA) and Disability Discrimination Act (DDA);
- bushfire risk reduction and Asset Protection Zone (APZ);
- managing environmental impacts during construction; and
- context and amenity.

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

5.1. Compliance with the Building Code of Australia (BCA) and Disability Discrimination Act (DDA)

The proposal is required to comply with the BCA, DDA and relevant Australian Standards. The Department has reviewed the proposal and considered the requirements of the BCA and DDA, this is summarised below.

Partial BCA upgrades are warranted in accordance with Clause 94 of the EP&A Reg. The alterations to the building are significant and provide an opportunity to improve provisions for fire safety. Installation of fire grade plasterboard to walls and ceilings throughout the building to provide compartmentation and resist the spread of fire is warranted. 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.

Compliance with the DDA and, the Premises Standards prepared under the DDA, is triggered at Construction Certificate stage. Ensuring compliance with the DDA is the responsibility of the building owner, manager and certifier. However, decisions made at the development approval stage can impact on compliance at Construction Certificate stage. The proposal is unlikely to comply with the Premises without utilising an exemption outlined in the Standard, such as unjustifiable hardship. The Applicant has received some preliminary advice and providing a case for unjustifiable hardship was recommended. The Applicant would be required to present their reasoning to explain how compliance with the Premises Standard would result in an unjustifiable hardship at the Construction Certificate stage.

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

5.2. Bushfire risk reduction and Asset Protection Zone (APZ)

The development is proposed on land identified as bushfire prone. Typically provision is made for an APZ to reduce the bushfire risk by providing a space for managed land to protect the building. The size of the APZ corresponds with the construction standard required, i.e a small APZ requires a higher standard of bushfire resistant construction.

In the Kosciuszko National Park, lessees do not have the same rights to manage land as they would elsewhere in NSW, particularly as in many instances they are confined to lease boundaries only a short distance off the building. Therefore the OEHL as the land manager were involved in negotiating an APZ during the assessment of the application.

The RFS initially advised that BAL FZ (the highest construction standard) would apply to the new works unless an APZ was established. To achieve BAL 40 (the second highest construction standard), the RFS requested an APZ was with the following dimensions:

- seven metres north of the building;
- nine metres east of the building;
- seven metres south of the building; and
- seven metres west of the building.

Following a review of the site, the above requirements were considered acceptable by the OEH and the site plan was amended to include the APZ. The RFS issued the BFSAs with BAL 40 subject to the APZ requirements.

The Department considers that a reasonable balance has been achieved between environmental conservation and bushfire risk reduction.

5.3. Managing environmental impacts during construction

Given the scope of the works, it is unlikely that the construction of the proposal will cause any adverse 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 with ground disturbance limited to the underfloor excavation that is currently bare earth (**Figure 3**). There will be vegetation removal and management associated with the provision of an APZ that has been negotiated with the OEH, who do not object to the management of vegetation to reduce bushfire risk.

There is adequate car parking on-site for construction equipment and vehicles. Material storage is proposed to be placed only during construction on the car parking area and possibly on the site (it is noted that construction is to occur outside the ski season). Construction impacts such as noise and vibration will be short term and managed in accordance with conditions.

5.4. Context and amenity

The works are largely internal aside from recladding and ground floor extension and are designed to integrate with the existing building. The internal reconfiguration and ground floor works are intended to improve the amenity of the building, while the external cladding proposes to use complementary materials and finishes, including metal cladding to match the existing timber clad façade in profile colour and orientation.

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 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 7923), 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**.

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e/3/2017

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=7923

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. 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

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 within the building footprint, minimal 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 and additional 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, due to works being largely internal only.
(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,	A Form 1 geotechnical risk assessment prepared by GHD was provided in support of the application. A Form 2 is required prior to the issuing of a construction certificate and Form 3 is required prior to occupation certificate.
(g) any sedimentation and erosion control measures,	No adverse impacts are expected due to works occurring largely within the building. External works including excavating will be managed by conditions of consent.
(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 proposed building works are within overall building footprint.
(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,	The proposal is consistent with the Perisher Range Resorts Master Plan.
(m) if the development is proposed to be carried out on land in a riparian corridor.	The site is more than 40 metres from a waterway and therefore is not taking place on a riparian corridor.
CI 15 – Additional matters to be considered for buildings	
Building Height	The building height is to remain unchanged.
Building Setback	The building setbacks are to remain unchanged.
Landscaped Area	Vegetation will be managed for the provision of the APZ. This will be done in accordance with RFS guidelines and the OEH advice.
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	The proposal will not impact on any European heritage items.
Aboriginal heritage	The proposal is unlikely to impact on any Aboriginal heritage items. However a condition is recommended that work cease if any artefacts are uncovered during excavation.

APPENDIX D. RECOMMENDED CONDITIONS OF CONSENT
