

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

**Application No.:** DA 8151  
**Applicant:** DJRD Architects  
**Application Site:** Perisher Valley Hotel, Perisher Valley, Perisher Range Alpine Resort, Kosciuszko National Park  
**Proposal:** Internal and external alterations  
**Date:** March 2017

## 1. BACKGROUND

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### 1.1 Introduction

This report provides an assessment of a Development Application (DA 8151) lodged by DJRD on 8 December 2016 under Part 4 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act). The application seeks consent for internal and external alterations to the Alpine Suite, Perisher Valley Hotel, Perisher Valley, Perisher Range 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 Perisher Valley and ski slopes (Source: SIX Maps 2017)

## 1.2 The Site and Surrounding Development

The subject site is located within the Perisher Centre, which is a mixed use building that includes the Perisher Valley Hotel on its upper two floors. The Perisher Valley Hotel includes the Alpine Suite, a two bedroom suite that overlooks the Front Valley ski slope.

The surrounding development is characterised by commercial outlets including eateries, retail shops, ski hire, bars and Perisher administration offices, with the ski slopes located to the west.

## 2. PROPOSED DEVELOPMENT

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The application seeks approval for internal alterations comprising:

- use the existing balcony as a kitchenette as an extension to the living area on the lower level;
- extend the master bedroom on the upper floor into the current void;
- replace the curved ceiling above the master bedroom with a raking ceiling;
- install a new window on the western façade of the building for the master bedroom and two new windows on the eastern facade of the building (one for the existing bathroom and one for Bedroom 2); and
- upgrade the balcony glazing and blockwork.

The proposed external materials and windows are designed to match and integrate with the existing building.

The proposal has a cost of works of approximately \$220,000.

## 3. STATUTORY CONTEXT

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### 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 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 and external works 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 Perisher Range Alpine Resort.

### 3.4. Notification

After accepting the application, the Department placed the application on its website. Due to the nature of the proposal and that the works are located away from other premises, the Department did not exhibit or notify the application.

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 suite within the Perisher Valley Hotel. 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**).

### 3.8. 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.

### 3.9. 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

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

The NSW Rural Fire Service (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, water and utilities, evacuation and emergency management and design and construction standards. These terms have been incorporated into the recommended conditions.

The OEH noted the proposed works and raised no concerns, subject to conditions.

The comments received have been considered by the Department by way of recommended condition in the instrument of consent at **Appendix D**.

## 5. ASSESSMENT

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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 Disability Discrimination Act and amenity for the occupants.

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

The proposal is to comply with the BCA, DDA and relevant Australian Standards. The Department's review of the proposal considered the requirements of the BCA and DDA.

The Department notes that a skylight within the below office spaces is located within 3 metres of the southern wall of the subject suite, which raises a potential fire risk between uses. Conditions are recommended for this to be considered during the Construction Certificate stage.

Compliance with the DDA, and therefore the Access to 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 Applicant has indicated that the proposal would be exempt from the Access to Premises Standard due to the lessee exemption. This component can be reviewed by the Certifying Authority prior to issuing the Construction Certificate.

The Department is satisfied 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. Amenity for the occupants

The proposed alterations to the suite:

- improve the functionality of the existing main bedroom and improves its solar access and views of the ski slopes;
- provides a kitchenette area;
- include direct access to the ensuite off the bedroom rather than off the corridor; and

- provides an upgraded bathroom for bedroom 2, 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. The proposal works will only have minimal impact upon the amenity of adjoining properties during construction, however these will only be short term and when the Perisher Valley Hotel is not in operation.

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

## 6. CONCLUSION

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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 works improve the amenity for the occupants of the suite;
- 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

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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 8151), 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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Approved by:



Daniel James  
Team Leader  
Alpine Resorts Team

## **APPENDIX A. RELEVANT SUPPORTING INFORMATION / SUBMISSIONS**

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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=8151](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8151)

## 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 <b>Appendix C</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	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 that the works occur above ground level. 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.	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.  As such, the proposal is considered to be in the public interest, subject to the imposition of appropriate conditions.

## 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	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 predominantly within the building and the only external changes occur above ground level, 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 and will support its existing use for accommodation purposes.
(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,	<p>The Department notes that the Perisher Centre building is partly located within and outside of the G zone on the geotechnical maps. The works site are located outside of the G zone.</p> <p>The Applicant states that the proposed works would have no impact upon the load bearing capacity of the building noting that the building during winter caters for snowloads and the attendance of visitors.</p> <p>The Departments assessment has considered the objectives and requirements of the Geotechnical Policy.</p> <p>The proposed works include structural additions and alterations within an existing tourist accommodation building located on the third floor of the Perisher Valley Hotel. These works add to the existing load being placed onto the footings of the building.</p> <p>The Department has reviewed the objectives of the policy, the scope of works and the Applicants</p>



	<p>views and has concluded that no further assessment on geotechnical and structural matters is considered necessary at DA stage.</p> <p>The Department has recommended a condition to address the structural stability of the existing building prior to issue of a Construction Certificate.</p>
(g) any sedimentation and erosion control measures,	No adverse impacts are expected due to nature of the proposed works occurring either within or on the external façade of 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, noting the works include principally internal amendments, with exterior alterations to match the existing 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,	<p>The proposal has been considered against the criteria within the PRRMP and the Department concludes that the proposal adequately addresses the requirements of the PRRMP.</p> <p>The Applicant also states that accessibility issues will be addressed at the Construction Certificate stage, if the proposal does not fall within the sub-lessee exemptions.</p>
(m) if the development is proposed to be carried out on land in a riparian corridor.	As the works are located outside of 40 metres of a watercourse, no concerns are raised with impacts upon riparian corridors.
<b>Cl 15 – Additional matters to be considered for buildings</b>	
Building Height	The proposal does not impact the overall height of the building.
Building Setback	The proposal does not impact the building setbacks to adjoining properties.
Landscaped Area	The proposal does not impact the landscaped areas provided around the Perisher Valley Hotel.
<b>Cl 17 – applications referred to the Office of Environment and Heritage (OEH)</b>	
The proposal was referred to the OEH, who raised no concerns with the proposal.	

CI 26 – Heritage conservation	
European heritage	Due to works, the proposal will not impact on any European heritage items.
Aboriginal heritage	Due to works, the proposal will not impact on any Aboriginal heritage items.

## **APPENDIX D. RECOMMENDED CONDITIONS OF CONSENT**

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