



ENVIRONMENTAL ASSESSMENT REPORT

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

Application No.: DA 8266

Applicant: Kosciuszko Thredbo Pty Ltd

Application Site: Merritts Mountain House, Thredbo Alpine Resort,
Kosciuszko National Park

Proposal: Installation of a Cool Room

Date: March 2017

1. BACKGROUND

1.1 Introduction

This report provides an assessment of a Development Application (DA 8266) lodged by Kosciuszko Thredbo Pty Ltd on 15 February 2017 under Part 4 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act). The application seeks consent for the installation of a cool room within the Merritts Mountain House (Merritts), Thredbo Alpine Resort within 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 2017)

1.2 The Site and Surrounding Development

Merritts is a two storey timber clad licensed restaurant located at the bottom of the Cruiser chair-lift and at the top of the Merritt's chair-lift. The restaurant serves guests for lunch and dinner, as well as take-away coffees and other drinks and snack.

The site is accessed outside the ski season off public roads via mountain access tracks and during the ski season by chair lift or skiing/ snowboarding down the mountain. The restaurant only operate during the winter ski season.

The surrounding areas are characterised by established vegetation in the form of eucalypts and heath as well as maintained ski slopes.

1.3 Previous Approval

On 29 July 2010, the Director of Metropolitan Projects approved the construction of a new mesh platform and a storage area comprising three shipping containers. The purpose of the development is to provide increased storage for the operations of the restaurant and to provide guests with a large platform for outdoor eating.

On 3 May 2011, the Team Leader of Alpine Resorts Team approved a modification to remove the three (3) shipping containers from the application and construct a purpose built storage area for food items. No permanent refrigeration or freeze storage was approved as part of the application. The sub-lessee addressed compliance with the Food Act with the use of moveable fridges and freezers located with the new storage area.

2. PROPOSED DEVELOPMENT

The application seeks approval for the installation of a freezer (from Kareela to Merritts) and a cool room within an existing building at Merritts Mountain House.

The Applicant advises that both of the rooms are to be used for storage for food to be utilised within the adjacent restaurant area. The cool room is to as a "defrost fridge" to defrost items at the correct temperatures ready for the use within the kitchen.

The proposal has a cost of works of approximately \$17,600.

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 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 construction of a cool room within an existing building consistent with the definition of 'food outlets' as defined in the Alpine SEPP. Pursuant to clause 11 of the Alpine SEPP, 'food outlets' are permissible with consent with the Thredbo Alpine Resort.

3.4. Notification

After accepting the application the Department placed the application on its website available to the public. Due to the location and nature of the works (being mainly internal and in an isolated location) the application was not notified or exhibited.

The proposal was referred to the Office of Environment and Heritage (OEH) pursuant to clause 17 of Alpine SEPP. No public submissions were received during the assessment of the application.

Comments received from the OEH related to material storage and public health requirements, which the Department has recommended conditions to address the OEH comments in the instrument of consent at **Appendix D**.

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 construction of a cool room in association with the existing restaurant use of the site, which is similar to the original approval for use of the site as discussed above. The proposal will not result in any detrimental impacts to the amenity of the surrounding locality.

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 (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. 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, food safety and managing environmental impacts during construction.

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

The proposal requires works 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.

Conditions of consent are recommended to ensure that BCA compliance is addressed at the Construction Certificate stage.

4.2. Food safety

Given the nature of the proposal, being works to construct freezer and cool room facilities associated with the restaurant use of the site, the proposal is required to comply with the *Food Act 2003*. Comments received from the OEH recommended conditions to ensure compliance with the *Food Act 2003*, which are included within the Department's recommended conditions at **Appendix D**.

4.3. Managing environmental impacts during construction

It is unlikely that the proposal will cause any adverse impact upon the natural environment. The proposal is in keeping with the use of the buildings and the works will not impact on any endangered ecological communities.

There is adequate hardstand area on-site for construction equipment and vehicles. Material storage will be placed only during construction on suitable ground or on the existing platform adjacent to the works area. Construction impacts such as noise and vibration will be short term and managed in accordance with conditions.

Access to the site is achieved through established access trails.

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 8266), 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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Approved by:



17/3/2017

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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=8266

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 restaurant use of the site.
(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 as a restaurant.
(b) the conservation of the natural environment and any measures to mitigate environmental hazards (including geotechnical hazards, bush fires and flooding),	The proposal is appropriate as it allows for works within an existing building without any adverse impact on the environment. The site is identified as bushfire prone land however development of this type is not required to adhere to any bushfire planning controls. There are no other known natural hazards.
(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 restaurant. 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, noting that the proposal is in keeping with the existing use.
(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,	<p>The associated deck and existing building, which is to contain the proposal, was approved in 2010 and modified in 2011.</p> <p>During consideration of the applications, the Department considered the 'Geotech Policy' and was satisfied that the construction and subsequent use for storage of food would be satisfactory, subject to addressing the geotech recommendations during construction.</p> <p>The construction of the current proposal on the site, within the building, does not raise additional geotech assessment as the works would not exceed the load bearing capacity of the existing building.</p>
(g) any sedimentation and erosion control measures,	No sedimentation or erosion issues are likely to arise from the proposal due to the works being inside existing buildings.

(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.
(j) any significant increase in activities, outside of the ski season,	The proposal will not result in an 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 as site is located in Thredbo Alpine Resort.
(m) if the development is proposed to be carried out on land in a riparian corridor.	Not applicable to proposal.
CI 15 – Additional matters to be considered for buildings	
Building Height	The proposal does not include any changes to building heights.
Building Setback	The proposal will not change setback distances.
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 for information, who raised no concerns with the proposal, subject to conditions relating to public health and material storage.	
CI 26 – Heritage conservation	
European heritage	The proposal is not considered to impact on any European heritage items.
Aboriginal heritage	The proposal is not considered to impact on any Aboriginal heritage items.

APPENDIX D. RECOMMENDED CONDITIONS OF CONSENT
