



## **ENVIRONMENTAL ASSESSMENT REPORT**

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

**Application No.:** DA 8972

**Applicant:** Modern Mountain Construction

**Application Site:** Riverside Cabins 2 and 7, Thredbo Village, Thredbo Alpine Resort, Kosciuszko National Park

**Proposal:** Internal alterations to existing tourist accommodation buildings

**Date:** January 2018

### **1. BACKGROUND**

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#### **1.1 Introduction**

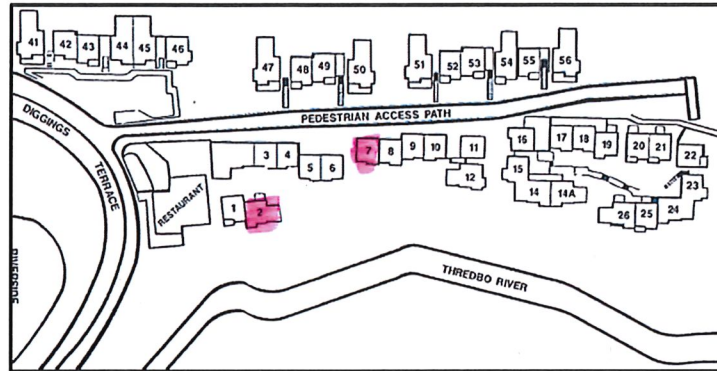
This report provides an assessment of a Development Application (DA 8972) lodged by Modern Mountain Construction on 9 January 2018 under Part 4 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act). The application seeks consent for internal works to Cabin 2 and Cabin 7 in the Riverside Cabins complex, Thredbo Village, Thredbo Alpine Resort within Kosciuszko National Park (**Figure 1**). The proposal is described in detail in **Section 2** of this report.



**Figure 1:** Riverside Cabins location in context to Thredbo Village (Source: SIX Maps 2017)

## 1.2 The Site and Surrounding Development

Riverside Cabins are located in the south-western end of the Thredbo Village adjacent to the Thredbo golf course (**Figure 1**). The cabins are an array of approximately 50 one and two-bedroom cedar clad cabins constructed in the mid-1990s and are used for tourist accommodation. The cabins are accessed via a carriageway off Diggings Terrace and are bordered by the Thredbo River and golf course to the north, eucalypt bushland to the south and west and Diggings Terrace to the east.



**Figure 2:** Riverside Cabins 2 and 7

## 2. PROPOSED DEVELOPMENT

The development application seeks approval for the replacement of an existing ladder to the loft area with a set of stairs in two cabins (2 and 7).

The replacement of the ladders with stairs is intended to provide a safer method of access to the loft area which is used as a bedroom and is frequently accessed. The current ladders are at a gradient which could be challenging and unsafe for some guests to use.



**Figure 3:** Example of a ladder stair within Riverside Cabins and a completed stair

### 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 11 October 2017, 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 internal alterations to improve facilities within an existing 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 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 internal only nature of the proposal, the application was not notified or exhibited. The application is supported by the Riverside Cabins Owner's Association. No public submissions were received during the assessment of the application.

The Department consulted with the OEH who advised that, due to the scale and type of works, they would not require a formal referral.

#### 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 providing improved facilities within two existing tourist accommodation buildings. 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.

### **3.10. Strategic context**

The Department considers the proposal is consistent with the South East and Tableland Region Plan which was released by the Department of Planning in July 2017. The plan aims to, among other things, increase visitation to the NSW ski resorts.

The proposed development assists with this by providing updated facilities for visitors to the Kosciuszko National Park.

## **4. 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 are:

- compliance with the Building Code of Australia; and
- amenity and safety.

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

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

The proposal is required to comply with the BCA and relevant Australian Standards. Based on the plans and documents that were submitted, the proposal is unlikely to comply with the Deemed-To-Satisfy (DTS) provisions of the BCA.

The SEE identified that the rise and run of the proposed stairs would not meet the prescribed dimensions outlined in the DTS provisions of the BCA and that an alternative solution is required to comply with the performance requirements rather than the DTS provisions. Noting this, the Department is satisfied that this issue is capable of being considered during the Construction Certificate stage.

The Department is satisfied that the Applicant can comply with the BCA at the Construction Certificate stage and has recommended appropriate conditions of consent.

## 4.2. Amenity and safety

The proposed internal alterations are designed to improve the amenity and safety of the existing tourist accommodation cabins. The Applicant notes that guests and owners have reported difficulty and concern in climbing the existing ladder to access the loft bedroom.

The Department supports the proposal in that the proposed stair within each cabin, while not in accordance with the DTS provisions, would provide a safer and more user-friendly method of access to the bedroom, therefore improving the safety and amenity of the cabin.

In addition, as the works are internal only, the proposal works will only have minimal impact upon the amenity of nearby properties during construction, however these will only be short term.

## 5. 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 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.

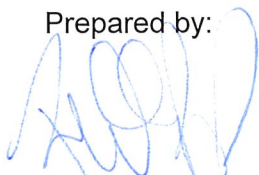
## 6. RECOMMENDATION

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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 8972), 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:



**Robin Ward**  
Planning Officer, Alpine Resorts Team

Approved by:



**Daniel James**  
Team Leader, Alpine Resorts Team  
As delegate of the Minister for Planning

## **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=8972](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8972)

## 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)(iia) 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.
(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 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.
(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 would allow for improved facilities within the building while having minimal to no impact on the natural environment. 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 building. 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 Department notes that the site is located inside the G zone on the geotechnical maps.</p> <p>The Department has considered the documentation provided by the Applicant and the objectives of the Geotechnical Policy.</p> <p>The works are internal only requiring no excavation. There would be minimal to no additional loads imposed on the load bearing members of the building. The Department has formed the view that the works are minor and would not exceed the load bearing capacity of the building.</p> <p>No further assessment on geotechnical or structural matters is considered necessary at the DA stage. Further matters to construct the proposal are to be considered at the Construction Certificate stage.</p>
(g) any sedimentation and erosion control measures,	Sedimentation and erosion control are not anticipated to be an issue.



(h) any stormwater drainage works proposed,	The proposed works do not impact upon the existing storm water drainage system.
(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 proposed works do not increase the height of the existing building.
Building Setback	The proposed works do not impact upon existing setbacks.
Landscaped Area	The proposed works do no impact upon the landscaped areas.
CI 17 – applications referred to the Office of Environment and Heritage (OEH)	
The proposal was not referred to the OEH for comment due to the nature of the works.	
CI 26 – Heritage conservation	
European heritage	The proposal is not considered to impact on any European heritage items.
Aboriginal heritage	The proposal is internal only and will not impact on Aboriginal heritage.

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

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