



ENVIRONMENTAL ASSESSMENT REPORT

(under Section 4.15 of the Environmental Planning and Assessment Act 1979)

Application No.: DA 8154

Applicant: Judy Lenne

Application Site: Granite Peaks 5, 7 Summit Way, Thredbo Village,
Thredbo Alpine Resort, Kosciuszko National Park

Proposal: Alterations and additions to an existing tourist
accommodation building

Date: May 2018

1. BACKGROUND

1.1 Introduction

This report provides an assessment of a Development Application (DA 8154) lodged originally by Elizabeth Pugh Building Design on 9 December 2016 under Part 4 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act).

Note the Applicant is now Judy Lenne (the sub-lessee of the building).

The application seeks consent for the construction of a new entry area at Granite Peaks 5, 7 Summit Way, Thredbo Village, Thredbo Alpine Resort within the Kosciuszko National Park. The proposal is described in detail in **Section 2** of this report.

1.2 The Site and Surrounding Development

The subject site is known as Granite Peaks 5, Lot 588, 7 Summit Way, Thredbo Village (**Figure 1**). The existing building is a tourist accommodation facility licensed for two beds. The structure is a stone, masonry and timber building with a metal roof and provides ground level parking within an enclosed garage.

The site is located within the Woodridge precinct and contains seven similar apartments. It shares its boundaries with six lots with neighbouring properties being: 'Southpoint 88' (The Quackery / Cabin 13), 'Mosswood Apartments', 'Milkwood Apartments', 'Merrits Alpine Lodge', 'Bundaleer' and 'Feathers Lodge'.

The site has an area of approximately 1,150m². The land is mostly disturbed and is surrounded by eucalypt trees, native and exotic grasses and buildings of similar size and style.

The site is accessible via a gravel driveway off Summit Way that connects onto Friday Drive.

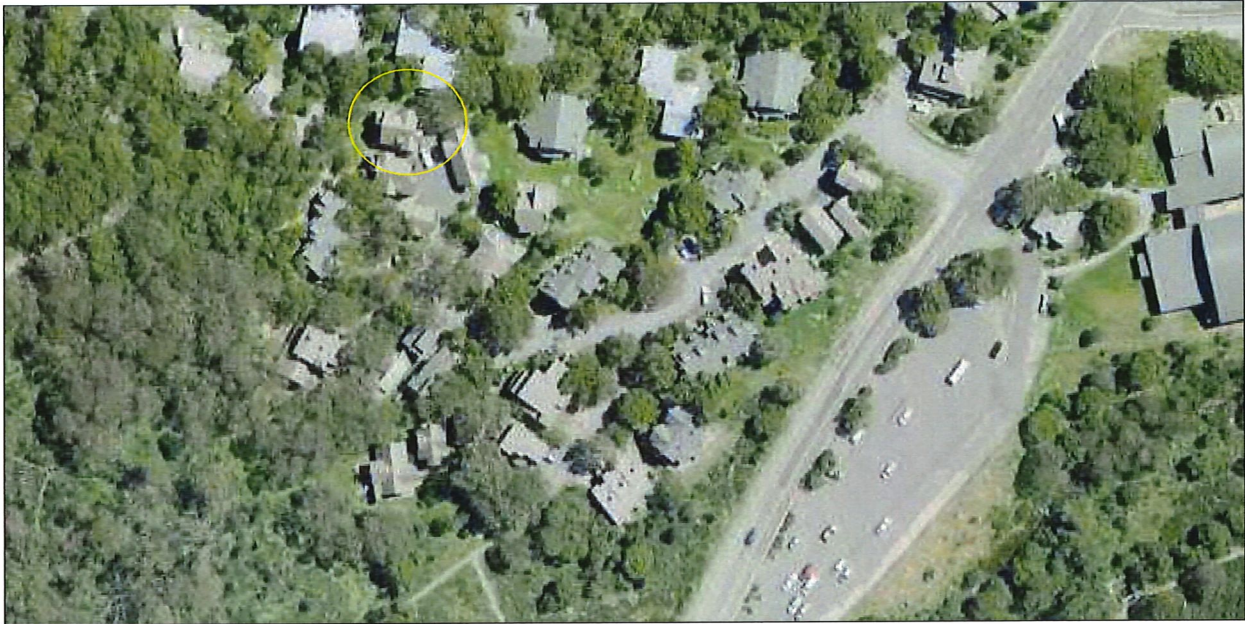


Figure 1: Site location in context to Thredbo Village (Source: SIX Maps 2017)

2. PROPOSED DEVELOPMENT

The application seeks approval for the construction of a formal entry structure on the northern façade of the building (**Figure 2**). The Applicant states that the works are proposed as the existing design of the building does not allow internal access from the garage parking area to the living areas of the building. This has also created difficulty in guests locating the front door in the past.

The proposal has a cost of works of approximately \$30,000.



Figure 2: Area of works on northern elevation (Source: Department site inspection)

The Department notes that a separate Building Certificate application has been submitted (not yet determined at the time of writing this report) which is under consideration to address a new skylight and internal stairs between the loft and second floor level that has been installed without consent.

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 1 to the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017*.

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 additions and works to 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. Notification

After accepting the application, the Department:

- publicly exhibited the application from 16 December 2016 until 31 January 2017 on its website and at its Jindabyne Office (Shop 5A, 19 Snowy River Avenue, Jindabyne); and
- notified relevant stakeholders (adjoining Granite Peaks property, Albury Ski Club and Southpoint 88 (The Quackery / Cabin 13)) and State government authorities in writing.

The proposal was referred to the following State government authorities:

- 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 for the development to be carried out.

3.5. Considerations under section 4.15 of the EP&A Act

Under section 4.15 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 4.15.

The Department's consideration of the development against the provisions of section 4.15 of the EP&A Act is contained in Section 5 and within **Appendix B** of this report.

3.6. Environmental Planning Instruments

Under section 4.15 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 that:

- are aimed at improving the overall the amenity for visitors to the existing tourist accommodation building by providing a covered entry area from the outside and from within the existing garage area;
- has regard to protecting the environment through limiting impacts upon native vegetation except for compliance with bush fire requirements (noting that the majority of the land within the lease area is mown grass); and
- would 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 2036 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 through the improvement of an existing tourist accommodation building does not impact upon this aim.

4. CONSULTATION AND SUBMISSIONS

The Department received two (2) submissions from public authorities and no submissions from the public in objection or providing comments to the proposal. Copies of the submissions may be viewed at **Appendix A**.

A summary of the issues raised in the submissions is provided below.

NSW Rural Fire Service (RFS)

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.

Office of Environment and Heritage (OEH)

Comments received from the OEH related to fauna and flora, leasing, aboriginal cultural heritage, and heritage conservation. In relation to vegetation management to comply with the RFS requirements, the OEH has recommended that the Applicant contact the NPWS Assessment Coordinator for an onsite inspection prior to removing any native vegetation.

The Department has considered the comments received from the NSW RFS and the OEH in **Section 5** or through recommended conditions in the instrument of consent at **Appendix D**.

5. ASSESSMENT

The Department has considered the relevant matters for consideration under section 4.15 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 BFSA;
- built form and amenity; and
- managing environmental impacts during construction.

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

5.1. Compliance with the Building Code of Australia and BFSA

The proposal requires works to comply with the BCA and relevant Australian Standards due to the works involving the creation of a new entry into the building and access to the basement / ground floor car parking area. Consideration of fire separation, access and egress, light and ventilation, compatibility of the uses in terms of functionality and amenity impacts, noise emissions and circulation space all form part of the Department's assessment of the proposal.

Compliance with the *Disability Discrimination Act 1992*, 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. This component can be reviewed by the Certifying Authority prior to issuing the Construction Certificate.

Clause 94 of the EP&A Regulation allows a consent authority to review a building and consider whether upgrades are warranted to bring the existing building into total or partial compliance with the BCA. The Department inspected the building and considers that no additional upgrades are recommended as a result of the proposal.

The building is also located on land identified as bushfire prone and, to comply with the BCA, the proposal is required to comply with the BFSA issued by the RFS. The BFSA requires that:

- at the commencement of building works and in perpetuity the entire leasehold lot shall be managed as Inner Protection Area (IPA); and
- new construction shall comply with BAL 29 construction requirements.

The implementation of the IPA requirements may require some vegetation management on the site, however it is noted that the majority of the allotment is mown grass. The OEH indicates that

the vegetation removal would be acceptable and a condition is provided to ensure the OEH are consulted prior to the vegetation removal taking place to conduct an inspection and provide advice.

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

5.2. Built form and amenity

Built form

The alterations and additions to the tourist accommodation building are proposed to provide a formal enclosed foyer area rather than the existing exposed staircase into the building. The new foyer area would provide direct access into the basement / ground level car parking area rather than walking outside of the building.

The current design has carefully considered the constraints of the site and the appearance to adjoining properties to the north. The works are considered to be a minor addition to the existing building and no objections were received from adjoining properties.

The Department concludes that the external addition would not negatively impact upon the existing built form of the building or upon the adjoining property.

Amenity

With the modified entry area, additional amenity opportunities are provided for visitors and occupants of the building, particularly during adverse weather conditions. The proposal also provides a formal visitor entry area adjacent to the car parking area, which the Applicant identifies as an issue with the existing arrangement.

Due to the nature of the works, the works will have an impact upon the amenity of adjoining buildings during construction, however these will only be short term.

The Department concludes that the proposal is acceptable and enables an opportunity to provide an improved entry into the existing building without impact upon adjoining properties.

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 construction of the new entry area.

The proposal may involve vegetation management associated with the provision of an APZ as required by the RFS BFSA. Further discussion on site between the OEH and the Applicant prior to works occurring is recommended.

There is adequate parking adjoining the site for construction equipment and vehicles. Material storage is likely to be located on the adjoining mown grass. Construction impacts such as noise and vibration will be short term and managed in accordance with conditions.

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 4.15 of the EP&A Act, including the findings and recommendations of this report; and
- b) **grant consent to** the Development Application (DA 8154), subject to conditions, under section 4.16 of the EP&A Act, having considered matters in accordance with (a) above; and
- c) **signs** the Development Consent at **Appendix D**.

Prepared by:



Mark Brown
Senior Planner, Alpine Resorts Team

DECISION

Approved by:



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

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=8154

APPENDIX B. CONSIDERATIONS UNDER SECTION 79C

Section 4.15 – Matters for consideration

Section 4.15 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)(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,	The Department has considered the issues raised in agency submissions in Section 4 of this report.
(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

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 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 works to an existing building while having consideration of its impact on the natural environment. Bushfire and geotechnical issues have been addressed in the assessment of the proposal. 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 tourist accommodation 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 outside of the G zone on the geotechnical maps.</p> <p>The works involve excavation for footings along the northern elevation and is supported by a Geotech Assessment prepared by JK Geotechnics Pty Ltd which includes recommendations for the construction and a Form 4 – Minimal Impact Certification.</p> <p>The Department concludes that potential geotechnical impacts have been addressed appropriately and subject to compliance with the recommendations of the Geotech Assessment, no concerns are raised in relation to geotech matters.</p>
(g) any sedimentation and erosion control measures,	Sedimentation and erosion control are conditioned to be implemented during works.
(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 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,	Not applicable to proposal as site is 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	<p>The works include construction of an entry area off the northern elevation, which reduces the setback to the northern boundary. It is however noted that this still maintains a minimum of 3 metres clear of the boundary.</p> <p>The Department considers that the proposed extension does not cause additional impacts upon the adjoining neighbours.</p> <p>The Department supports the proposal and raises no concerns with the proposed building setbacks.</p>
Landscaped Area	Vegetation is to be managed to achieve the BFSA requirements, with consultation to occur with the OEH prior to any removal or trimming.
CI 17 – applications referred to the Office of Environment and Heritage (OEH)	
The proposal was referred to the OEH pursuant to clause 17 of the Alpine SEPP. Refer to comments received at Section 4 and discussion, where required, on proposal at Section 5 .	
CI 26 – Heritage conservation	
European heritage	The proposal is not considered to impact on any European heritage items.
Aboriginal heritage	The OEH raised no concerns with the proposal, however requested that should any Aboriginal objects be uncovered during construction, any works

	<p>impacting the objects must cease immediately and the NPWS contacted for assessment of the site.</p> <p>A condition is recommended to address the OEH comments.</p>
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APPENDIX D. RECOMMENDED CONDITIONS OF CONSENT
