



## ENVIRONMENTAL ASSESSMENT REPORT

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

Application No.: DA 8968

Applicant: Mulpha Norwest Pty Ltd

Application Site: Marritz Hotel, Porcupine Road, Perisher Valley,  
Perisher Range Alpine Resort, Kosciuszko National  
Park

Proposal: Alterations and repairs / maintenance to an existing  
tourist accommodation building

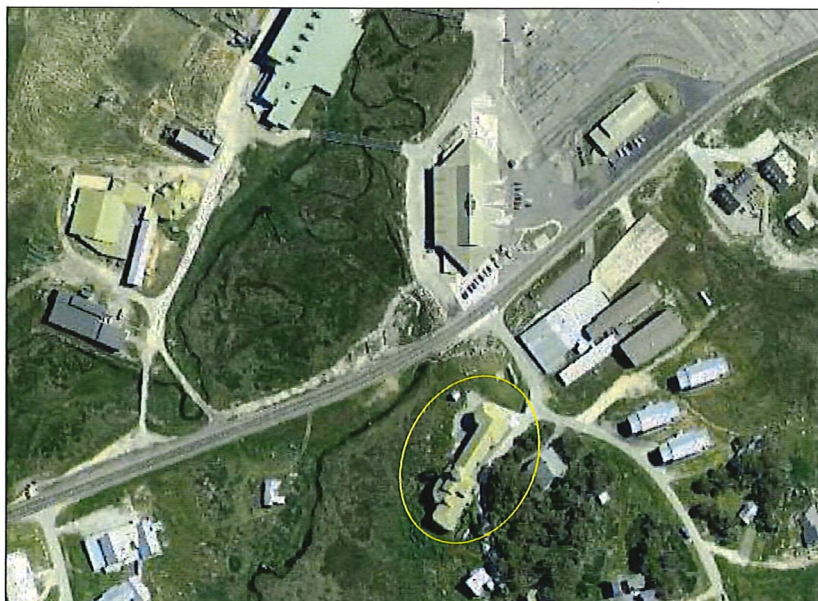
Date: July 2018

### 1. BACKGROUND

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#### 1.1 Introduction

This report provides an assessment of a Development Application (DA 8968) lodged by the Mulpha Norwest Pty Ltd on 21 December 2017 under Part 4 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act). The application seeks consent for alterations and repairs / maintenance to the existing Marritz Hotel, 12 Porcupine Road, 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 adjoining buildings (Source: SIX Maps 2018)

## 1.2 The Site and Surrounding Development

The subject site is known as 'Marritz Hotel' (Lot 601 DP 1158969), 12 Porcupine Road, Perisher Valley (**Figure 1**). The hotel is located 200 metres from the Perisher Front Valley slopes to the west. The hotel currently has 27 hotel rooms, a bar and restaurant and an indoor heated pool and sauna across three levels.

The site has an area of approximately 4,300m<sup>2</sup> and adjoins tourist accommodation premises, including Eremo Ski Lodge to the east, The Man from Snowy River to the north and Waratah Ski Club to the south.

Access to the site is available of Porcupine Road during summer and during winter via over-snow transport. Existing native vegetation is located to the east across Porcupine Road and adjoining the perimeter of the site on the southern and western boundaries. A disturbed access driveway / parking area is provided to the north.



**Figure 2:** Western elevation of Marritz Hotel (Source: Marritz Salzburg website)

## 2. PROPOSED DEVELOPMENT

The application seeks approval for alterations and repairs / maintenance to the existing tourist accommodation building across two stages, as follows:

### Stage 1

- north façade - repair and rectification, replacement of cladding and windows (**Figure 3**)
  - Remove existing structural flooring inside balconies to rooms 202-208 and 212.
  - Remove all board and batten cladding, on the northern façade.
  - Remove wall cladding to bar area and repair as required.
  - Remove wall framing between glazing levels.
  - Assess with structural engineer, treat and repair damaged concrete surfaces.
  - Install new structural steel beam at the front edge of balcony.
  - Install new steel columns between beams at the mid span of each balcony.
  - Replace structural flooring.

- Replace timber framing at floor levels between glazed units and reclad with trim deck cladding.
- Replace linings internal as required.
- Replace glazing.
- Replace aluminium doors and framing to subfloor areas to ensure safety at main switchboard.

Other general works in Stage 1, include:

- Repair and resurface damaged painted masonry surfaces around the building.
- Repair or replace aging timber fascia's then encase in colorbond steel flashing.
- Repoint damaged joints in stone façade particularly on all west facing stone walls.
- Check waterproofing issues at window sills throughout and provide solution to moisture ingress, particularly Rooms 401 and 402.
- Replace restaurant windows with aluminium framed double-glazed units to meet bushfire regulations.
- Stone infill panels at subfloor level.
- Replace all board and batten cladding with Trimdeck (classis cream)
- Replace the timber horizontal cladding (painted green in Figure 3 below) with a metal cladding in a timber like profile (type of material to be confirmed prior to the construction certificate being issued).



**Figure 3:** Northern elevation of Marritz Hotel (Source: Applicant's documentation)

### Stage 2

- East, south and west façade - repair and rectification, replacement of cladding and windows
  - Repair or replace aging timber fascia's then encase in colorbond steel flashing.
  - Repoint damaged joints in stone façade.
  - Check waterproofing issues at window sills throughout, replace windows as necessary.
  - Replace all board and batten cladding with Trimdeck (classis cream).

The Applicant states that the intent of the works is to upgrade the external materials and windows to provide a modern design that also maintains consistency with the general character of the village feel of this part of Perisher.

The proposal has a cost of works of approximately \$381,000.

### Current Orders (separate to DA works)

- On 3 March 2017, the Department issued an Order No. 4 under Section 121B of the Act to repair and make structural alterations to Marritz Hotel, involving the removal of the damaged stone façade on the south-east wall at the entry to the hotel, prop the roof at the mid span and reinstate the struts to under purlin in the roof above the staff quarters, and adequately fix all windows in place on the north west façade.

The works were to be completed by 19 May 2017. On 14 June 2017, the Department advised that the works have been complied with.

- On 1 December 2017, the Department issued an Order No. 4 under Section 121B of the Act to repair and make structural alterations to Marritz Hotel, involving works to three zones being the pool area and roof over the lounge area including two chimneys (Zone 1), front entry and staff quarter's roof (Zone 2) and the southern corridor including the hardstand area adjacent to the road (Zone 3).

The works are split into two stages, with Stage 1 (being Zone 3) to be completed by 31 May 2018 and stage 2 (being Zone 1 and 2) to be completed by 31 May 2019.

- On 29 May 2018, the Department issued a Development Control Order No. 1 for fire safety to ensure or promote the safety of persons in Marritz Hotel in the event of fire. The DCO requires construction works within the staff area.

The works are to be completed by 30 May 2019.

## **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 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 alterations and repairs / maintenance to 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 with the Perisher Range Alpine Resort.

### **3.4. Notification**

After accepting the application, the Department:

- publicly exhibited the application from 15 January 2018 until 29 January 2018 on its website and at its Jindabyne Office (Shop 5A, 19 Snowy River Avenue, Jindabyne); and

- notified relevant stakeholders (nearby adjoining lodges including Waratah Ski Club, the Man from Snowy River and Eremo Ski Lodge) 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 4.46 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 appearance, fire safety and structural stability of the existing tourist accommodation building;
- has regard to protecting the environment through limiting impacts upon native vegetation except for compliance with bush fire requirements; 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 assists with this by maintaining the use of the site for tourist accommodation, while improving the exterior appearance and structural stability of the building.

## 4. CONSULTATION AND SUBMISSIONS

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A total of two submissions were received (provided in **Appendix A**), 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, design and construction and landscaping standards.

Comments received from the OEHL related to fauna and flora, aboriginal cultural heritage, leasing and heritage conservation. No concerns were raised in relation to municipal services or public health.

The Department has considered the comments received from the NSW RFS and the OEHL in **Section 5** or through recommended conditions 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 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;
- Bushfire Safety Authority; and
- managing construction impacts.

Each of these issues are discussed below:

### 5.1. Compliance with the Building Code of Australia

The proposal requires works to comply with the BCA and relevant Australian Standards. Consideration of access (i.e. compliance with the *Disability Discrimination Act 1992*) and egress provisions, fire safety (Clause 94 of the EP&A Regulation) and construction standards for the new works (i.e. snow and wind loading, structural integrity of the existing building and fixing of the metal cladding) all form part of the Department's assessment of the proposal. Each of these matters are discussed below:

- 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 reviewed the previous structural and fire safety upgrades carried out over the past few years. At the time of writing this report, an existing Order is in place on the site to address structural matters to the building (with part to be completed prior to 31 May 2018 and another component to be completed by 31 May 2019). Another separate order has also recently been issued for fire safety upgrades to part of the staff component of the building.

Noting that a number of consents and Orders have been issued or are currently being carried out on the site, the Department recommends that additional upgrades are not necessary under the current DA for this proposal.

- Ensuring the proposal meets snow and wind loading requirements is a key consideration of the Departments assessment in the NSW Alpine environment. With adverse weather conditions at times, the fixing of the metal cladding to the exterior and the durability of the metal cladding compared to previous timber cladding would impact the buildings resistance to environmental impacts and ongoing maintenance.

The Department has recommended conditions to ensure structural matters are adequately addressed at the construction certificate stage (requiring structural drawings and a statement) and that certification is provided from a structural engineer prior to the issue of any occupation certificate verifying that structural works have been completed in accordance with the approved plans and specifications.

The Department concludes that subject to compliance with the conditions of consent, including references to the BCA which is to be addressed at the Construction Certificate stage, the proposal is satisfactory and would improve the existing building's appearance and integrity.

## 5.2. Bushfire Safety Authority

The development is proposed on land identified as bushfire prone. The Bushfire Safety Authority (BFSA) issued by the NSW RFS requires that:

- to meet the Asset Protection Zone (APZ) requirements at the commencement of building works and in perpetuity the entire leasehold lot shall be managed as an Inner Protection Area (IPA);
- the external works are to be carried out to meet BAL 40 (roof and south-eastern elevation) and BAL 29 (north-eastern, north-western and south-western elevation) construction requirements.

### Asset Protection Zone (APZ)

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 (**Figure 4**).

The implementation of the APZ may require some removal of native vegetation within the leasehold lot.



**Figure 4:** Allotment boundary of the site (Source: SIX Maps 2018)

Comments received from the OEH stated that:

*"No vegetation clearing is proposed, however OEH should be consulted if native vegetation clearing is required by the NSW RFS to fulfil the Standards for Asset Protection Zones. Prior to the removal of any native vegetation, the Proponent must contact the NPWS Assessment Coordinator ... to arrange for an onsite inspection."*

The site contains native vegetation along the western and southern boundaries of the site, with Porcupine Road located to the east. The Department is of the view that the Applicant can comply with the BFSAs requirements with minimal or no additional vegetation management required.

Noting the comments received from the OEH, discussions are to occur on site between the Applicant and the OEH prior to any vegetation removal. A condition is recommended to ensure consultation occurs prior to the vegetation removal taking place, with details demonstrating compliance with the condition to be provided to the principal certifying authority.

### Design and Construction

Works to external parts of the building are required to meet Australian Standard AS 3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

Dependant on the BFSAs issued by the NSW RFS, construction requirements differ based on site characteristics and the standard required to withstand the potential impacts of bush fire. The



construction requirements may include the provision of screens on windows, additional glazing requirements, use of non-combustible materials and potentially the implementation of additional sprinkler measures.

For these works, the BFSAs requires the external works are to be carried out to meet BAL 40 (roof and south-eastern elevation) and BAL 29 (north-eastern, north-western and south-western elevation) construction requirements.

A condition is recommended to ensure compliance with the BFSAs construction requirements.

### 5.3. Managing construction impacts

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 not expected to generate ground disturbance except with movements from vehicles or workers (it is noted that construction is to occur outside the ski season).

Car parking is available along Porcupine Road, with material storage to be placed on the site (**Figure 5**). Construction impacts such as noise and vibration will be short term and managed in accordance with conditions.



**Figure 5:** Proposed waste material storage zone (Source: Applicant's documentation)

Site Environmental Management information is provided within the SEE, commenting on dust / litter / noise control measures, erosion and sedimentation controls, site fencing proposals, waste storage and access points.

#### **5.4. Built form**

The proposed works involve alterations to the existing tourist accommodation building to improve the external appearance and structural stability. The Department notes that most of the works involve the Applicant:

- repairing and replacing existing eaves and fascia (to be replaced with metal cladding for protection) around the building;
- repointing of stonework;
- repairing existing render and paint; and / or
- checking or replacing existing windows.

The identified works are appropriate and improve the overall appearance of the building, which supports the Applicant's intention of providing a modern design, while also reducing ongoing maintenance in the future. The replacement of windows also improves the energy efficiency of the building during the winter when in use.

The Department concludes that the proposed external works do not negatively impact the built form and compliment other lodges within the locality.

## **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 exterior appearance and improve the safety of Marritz Hotel;
- 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.

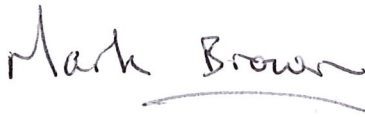
## 7. RECOMMENDATION

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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 4.15 of the EP&A Act, including the findings and recommendations of this report; and
- b) **considers** the draft key reasons listed in the notice of decision at **Appendix D**;
- c) **grants consent to** the Development Application (DA 8968), subject to conditions, under section 4.16(1)(a) of the EP&A Act, having considered matters in accordance with (a) above; and
- d) **signs** the Development Consent at **Appendix E**.

Prepared by:



**Mark Brown**  
Senior Planner, Alpine Resorts Team

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## DECISION

Approved by:



25/7/2018

**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=8968](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8968)

## APPENDIX B. CONSIDERATIONS UNDER THE EP&A ACT

### 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 <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,	The Department has considered the issues raised in the OEH and NSW RFS submissions in <b>Section 4</b> and <b>5</b> of this report.
(e) the public interest.	<p>The proposed development is 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 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	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 for tourist accommodation.
(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 alterations to an existing tourist accommodation building while having considered its impact on the environment. Natural hazards have been adequately addressed.
(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 and maintains its use for tourist accommodation.
(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,	<p>The Department notes that the site is located within the G zone on the geotechnical maps.</p> <p>The Department has considered the Applicant's comment that the Geotech Policy does not apply to the proposal (i.e. works are non-structural alterations) against the objectives of the Policy.</p> <p>It is noted that separate geotech advice was submitted for the Orders that have been issued on the site for structural matters. These includes Form 4 and recommendations for these works.</p> <p>Based on the scope of works for this proposal, the works are not likely to increase existing loads.</p> <p>No further assessment on geotechnical matters is considered necessary for the project, however, the Department has recommended that structural drawings and a design statement is to be provided at the Construction Certificate stage, with certification of the works carried out to be provided at the Occupation Certificate stage.</p>

(g) any sedimentation and erosion control measures,	Implementation of sedimentation and erosion control measures are recommended.
(h) any stormwater drainage works proposed,	The existing storm water drainage system is considered satisfactory for the existing building.
(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 upon neighbouring lodges. The Department notes that the proposal is not visible from the Main Range.
(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 has been considered against the criteria within the PRRMP and the Department concludes that the works support its use under the PRRMP. Disabled access into the premises is to be considered by the Certifying Authority prior to issuing the Construction Certificate.
(m) if the development is proposed to be carried out on land in a riparian corridor.	The proposal does not include works within a riparian corridor.
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 the existing setbacks of the building.
Landscaped Area	Vegetation is to be managed to achieve the BFSAs 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 <b>Section 4</b> and discussion, where required, on proposal at <b>Section 5</b> .	
CI 26 – Heritage conservation	
European heritage	The OEH commented that the site is not identified as having heritage conservation significance.
Aboriginal heritage	The OEH recommended that 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. A condition

	addressing the comments is included in the recommendation.
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## APPENDIX D. NOTICE OF DECISION

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

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The recommended conditions of consent can be found on the Department of Planning and Environment's website.