



NSW GOVERNMENT
Department of Planning

DEVELOPMENT ASSESSMENT

DA 33-7-2007

***Demolition of Existing Building and Construction of
18 Apartments and a caretaker's residence at Lot 49
Black Bear Inn, Thredbo.***

Proposed by Kosciuszko Thredbo Pty Ltd

Planning Assessment Report
Part 4 of the
Environmental Planning and Assessment Act 1979

July 2008

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1. EXECUTIVE SUMMARY

This report is an assessment of Development Application DA 33-7-2007 under *State Environmental Planning Policy No. 73 – Kosciuszko Ski Resorts* (SEPP 73) submitted by Kosciuszko Thredbo Pty Ltd for Lot 49 Black Bear Inn, Thredbo. The application seeks consent for the demolition of an existing building and construction of 18 apartments and a caretaker's residence. The design of the external facade of the proposed building and the proposed landscaping treatment of the site will allow the development to integrate within the existing built environment of Thredbo Alpine Village while providing a superior use of space and high standard of accommodation. The works are wholly contained within the disturbed land of the existing lease area and as such will not require the removal of any significant native vegetation.

The age of the existing Black Bear Inn means that it contains a number of outdated design elements that do not satisfy modern day tourist accommodation. A series of renovations have been carried out on Black Bear Inn over the past several decades however the building has reached the point where modifications to the existing building are restricted by its size and structure. The existing structure does not meet current fire safety requirements and does not comply with the current Building Code of Australia (BCA). In addition, the potential comfort factor of the building, its space utilisation and energy consumption efficiency could be improved hence the subject application for the redevelopment of the site.

On 11 July 2007, the DA was lodged with the Department in accordance with the *Environmental Planning and Assessment Act 1979*. Under the provisions of the *State Environmental Planning Policy No. 73 – Kosciuszko Ski Resorts* (SEPP 73), the Minister for Planning is the consent authority.

The application was notified to the surrounding sub-lessees of Lot 98 Sasha's Apartments, Lot 5 Candlelight Lodge, Lot 100 Mowamba Apartments, Lot 6 High Noon Ski Club, Lot 7 Golden Eagle Ski Club and Lot 3 Pindari Lodge. No submissions were received.

During the assessment of the application both the Head Lessee and the Sub Lessee requested that the application be placed 'on hold'. This was due to lengthy negotiations between the Head Lessee and the Sub Lessee on the finer points of the design and the difficulties in obtaining a 'right of way' over the adjoining sub lease for access to the Village Square. These issues caused delays in the determination of the application but have now been resolved.

On 20 June 2008, the Department received final amended architectural plans from the applicant (and the Architect). It is these final plans that are the subject of this report.

State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007 (the Alpine SEPP) was gazetted on 21 December 2007. Clause 28(2) of the Alpine SEPP requires that a development application lodged, but not finally determined, prior to the commencement of this Policy must be determined under the provisions of any environmental planning instruments that were in force immediately before that commencement and that applied to the development the subject of the development application (in this case SEPP 73). However, Clause 28(3) requires that the consent authority must take into consideration the provisions of the Alpine SEPP that are of relevance to the development proposed.

The application has been assessed in accordance with the provisions of SEPP 73, the Alpine SEPP and the matters for consideration under section 79C(1) of the *Environmental Planning and Assessment Act, 1979*. Assessment of the application indicates that the proposed development accords with the relevant planning instruments and would not result in any significant environmental impact. The proposal demonstrates efficient building design, improved amenity and quality landscaping outcomes. Accordingly, the application is recommended for **approval** subject to conditions (**Refer to Schedule 2 – Conditions of Consent**).

2. BACKGROUND

2.1. Site Context

The subject site is known as Lot 49 'Black Bear Inn' Diggings Terrace, Thredbo. The site is located within the Inner Village precinct of Thredbo Alpine Village as indicated in the map below.



Map: Thredbo Alpine Village / Black Bear Inn

The buildings immediately adjacent the site are Candlelight Lodge to the east, Sashas Apartments to the west and Mowamba Apartments to the north. The site has an area of approximately 687 sqm with a frontage to Diggings Terrace of approximately 24 metres and a depth of approximately 28 metres. The site slopes steeply from Diggings Terrace to the rear at between 20 and 23 degrees. The site has a north-westerly aspect with excellent views of the Ramshead Range and the Thredbo ski slopes. Vegetation at the site is predominantly exotic species.

The site is currently occupied by a 40 year old commercial lodge which is proposed to be demolished as part of the redevelopment. The existing lodge comprises 5 levels clad primarily with vertical timber boards and has stone base, metal deck, shallow gable and some rendered concrete block work. The original building has doubled in size over the years through a series of additions.



Photos: Existing Black Bear Inn

In 1999, the current owners proposed minor additions to provide suitable accommodation for the manager and his family. The proposal did not proceed as the National Parks and Wildlife Service (NPWS), the determining authority at the time, demanded that the whole building be brought up to current BCA compliance standards. This was assessed to be impossible without demolishing and redeveloping the bulk of the building.

On 29 September 2003, the Department approved a redevelopment at the subject site comprising a 7 level ski lodge with 50 beds. The 2003 approval was abandoned and new architectural plans have been developed for the current proposal.

The subject site is part of the Kosciuszko Thredbo Pty Ltd (KT) head lease from the NPWS as Thredbo is located within the Kosciuszko National Park. The head lease is known as *Deed of Lease, 13 March 2007, Registered Number 643, Book 4513*. As the head lessee, KT is the applicant and lessee and is therefore considered to be the landowner in respect to being able to lodge a development application. The site has been subleased by Hidali Pty Ltd (the current owners) since December 1988.

2.2 History of the Proposal

- On 11 July 2007, the applicant submitted an application with the Department under the provisions of *State Environmental Planning Policy No. 73 – Kosciuszko Ski Resorts* (SEPP 73).
- On 17 July 2007, the application was referred to the Department of Environment and Climate Change (DECC) and the NSW Rural Fire Service (RFS).
- The application was notified from a period of 14 days from 26 July 2007 to 9 August 2007.
- On 7 August 2007, the Department advised the applicant of issues that needed to be addressed being (i) endorsement of the stormwater plan, (ii) a review of the design by an access consultant, and (iii) a right of way to the village square.
- On 10 August 2007, the Department received comments from DECC in relation to flora and fauna, Aboriginal heritage, leasing and licensing, and other matters (environmental performance and disabled access).
- On 28 August 2007, the RFS issued a bushfire safety authority and their general terms of approval.

- Also on 28 August 2007, additional information being an 'Access Report' and a letter from the Stormwater Engineer were received from the applicant.
- On 5 September 2007, the Department wrote to the applicant requesting clarification of Geotechnical issues.
- On 24 September 2007, the architect (acting on behalf of the sub lessee) requested that the application be placed on hold while the 'right of way' was being resolved with the Head Lessee (Kosciuszko Thredbo Pty Ltd) and the adjoining sub lessee (Mowamba Apartments).
- On 20 December 2007, the Department received amended plans from the applicant.
- On 31 January 2008, the Department received supplementary Geotechnical Advice from the applicant.
- On 20 May 2008, the Department received amended plans from the applicant.
- On 21 May 2008, the Department received a BCA compliance report from the applicant.
- On 3 June 2008, the applicant (Kosciuszko Thredbo – Head Lessee) requested that the application be placed on hold while they resolved aspects of the final design with the sub lessee.
- On 20 June 2008, the Department received final amended plans from the applicant.
- On 10 July 2008, the applicant was sent draft conditions.
- On 18 July 2008, the Department received comments from the applicant in relation to the draft conditions.

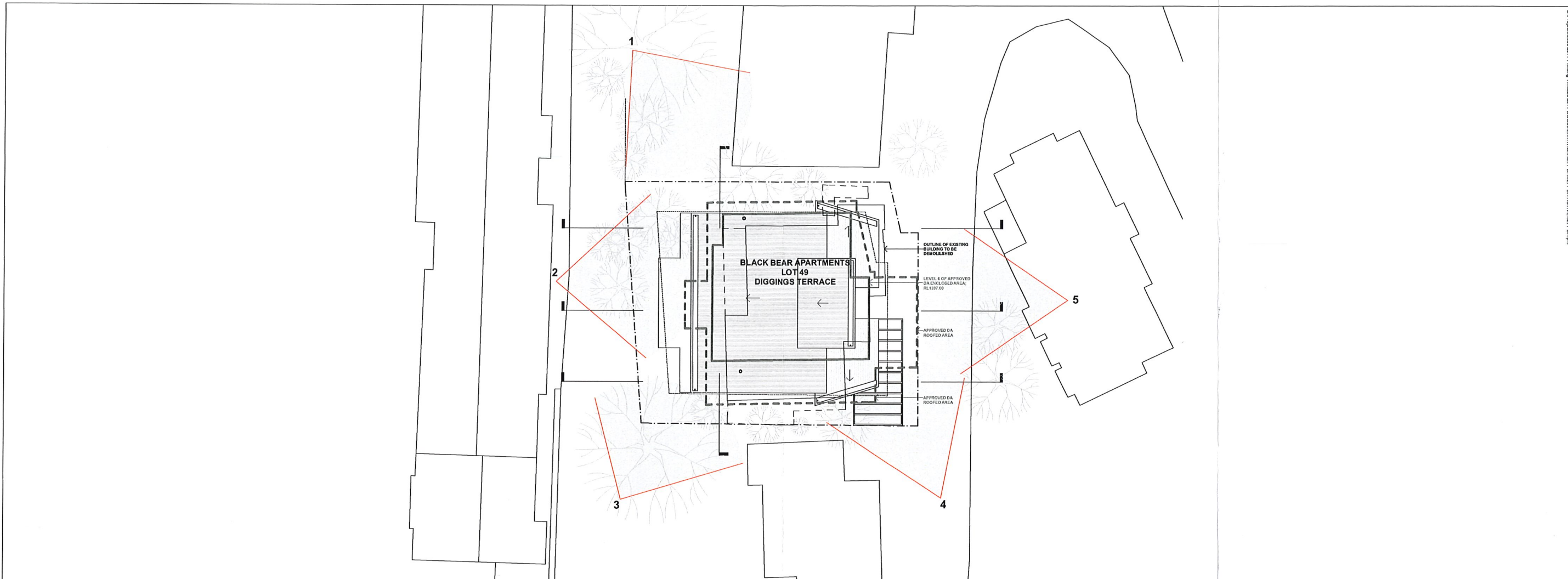
3. THE PROPOSED DEVELOPMENT

The proposed development includes the demolition of the existing building and the construction of a new 6 level building comprising apartment-style self-contained accommodation with 38 beds. This increases the total bed numbers of the current sub-lease by 2 beds. The ski lodge includes 5 levels of apartments siting over a lower ground level that houses lounge/waiting area, storage, bathroom, laundry, spa and sauna facilities. The footprint of the proposed structure is approximately 295 sqm.

The proposed development has addressed the building and design controls of the Thredbo Village Master Plan as follows:

	Thredbo Village Master Plan	Proposed
Building Height	15 metres	The proposed development generally complies with the 15 metre height control other than a small section of the roof and balcony on the northern edge of level 6.
Building Setbacks	3 metres	The proposed building is sited predominantly within the required 3 metre setbacks except where minor reduced setbacks are proposed on the east, west and north facades.
Site Coverage	No maximum specified	The proposed development has a site coverage of 42.7% (approximately 290 sqm).
Landscaping	No minimum specified	The proposed development has a landscaped area of 36.5 % (approximately 250 sqm).
Gross Floor Area	No maximum specified	The proposed development has a gross floor area of 1710 sqm.
Car Parking	No maximum specified	The proposed development includes 6 car spaces and a drop off zone.

The following page contains elevations diagrams of the proposed development.



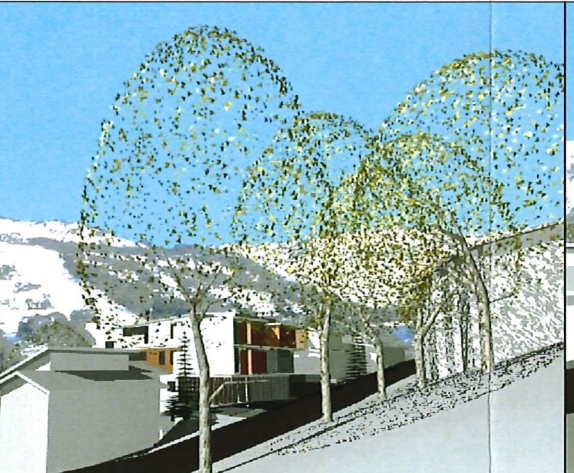
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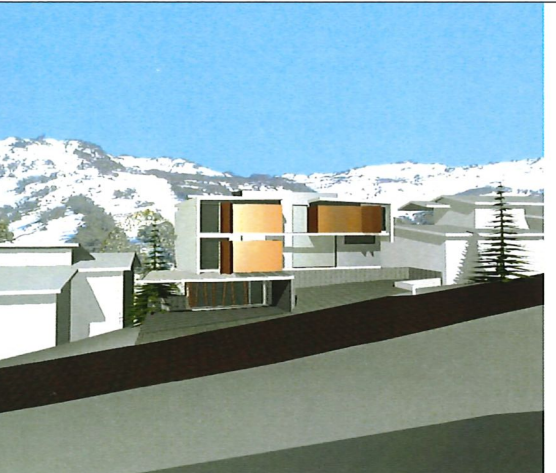
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Issue	Date	Amendment	Issue	Date	Amendment
-	21.11.2006	Sketch Design - Client Issue	J	21.05.2007	Final DA - Client Approval
A	28.11.2006	Sketch Design - RT Review	K	29.05.2007	DA Issue - BCA Consultant Issue
B	06.12.06	Sketch Design - Client Review	L	30.05.2007	DA Issue - DCP
C	14.12.06	Sketch Design - Release of previous DA certified			
D	28.02.07	Revised Scheme - RT Review			
E	28.03.2007	Client Review			
F	28.03.2007	RT & DCP Review			
G	06.05.2007	Issued to Landscape Architect			
H	27.05.2007	Development Application			

DEVELOPMENT APPLICATION

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Client
HIDALI Pty/Ltd

Project
BLACK BEAR APARTMENTS
Lot 49 Diggings Terrace
Thredbo

Title
**EXTERIOR PERSPECTIVE VIEWS
ARTISTS IMPRESSION**

Scale 1:100 on A1	Drawn By MD	Checked
Date 30.05.07	Drawing No. 0227-DA017	Issue L

This drawing is copyright of Alex Popov Architects Pty Ltd and may not be used without written consent. Do not scale off this drawing. Use figured dimensions only. Verify all dimensions on site.

The proposed floor uses are as follows:

- Level 1

There is no accommodation on level 1 however other facilities on this level include owners store room, cleaner's storeroom, a laundry, ski storeroom, showers and toilets, a spa and a sauna, a member's common lounge with kitchenette and a bag storage area. This level can be accessed externally from the Village square or internally from the egress stair or lift.

- Level 2

Suites 2.1, 2.2 & 2.3 are located on this level and each suite has 2 beds. Suite 2.1 is a manager flat which includes an office. Suite 2.2 is an accessible suite that has been designed to accommodate disabled persons. Suites 2.2 & 2.3 are interconnecting. This level can be accessed internally from the egress stair or lift.

- Level 3

Suites 3.1, 3.2, 3.3 & 3.4 are located on this level and each suite has 2 beds. Suites 3.1 & 3.2 and Suites 3.3 & 3.4 are interconnecting. This level can be accessed internally from the egress stair or lift.

- Level 4

Suites 4.1, 4.2, 4.3 & 4.4 are located on this level and each suite has 2 beds. Suites 4.1 & 4.2 and Suites 4.3 & 4.4 are interconnecting. This level also includes the main building entry, a reception area, garbage collection area, 6 car parking spaces and a drop off zone. Car space number 1 has been designed with additional width and a path adjacent to the building to allow for wheel chair access. This level can be accessed externally from Diggings Terrace or internally from the egress stair or lift.

- Level 5

Suites 5.1, 5.2, 5.3 & 5.4 are located on this level and each suite has 2 beds. Suites 5.1 & 5.2 and Suites 5.3 & 5.4 are interconnecting. This level can be accessed internally from the egress stair or lift.

- Level 6

Suites 6.1, 6.2, 6.3 & 6.4 are located on this level and each suite has 2 beds. Suites 6.1 & 6.2 and Suites 6.3 & 6.4 are interconnecting. This level can be accessed internally from the egress stair or lift.

The unit areas in square metres are as follows:

Suites	Area (sqm)
2.1	111.36
2.2	63.55
2.3	89.76
3.1	78.19
3.2	63.54
3.3	63.55
3.4	89.81
4.1	77.47
4.2	63.54
4.3	63.56
4.4	54.61
5.1	76.95
5.2	63.15
5.3	63.17
5.4	95.18
6.1	90.29
6.2	63.00
6.3	63.00
6.4	95.86

The proposed external finished materials comprise the following:

- Bagged and painted masonry walls.
- Timber clad privacy screens.
- Timber clad spandrel.
- Dark stained timber cladding.
- Stacked stone.
- Clear glass.
- Metal deck roof.
- Steel edge beam.
- Metal cladding.

The proposal's estimated cost of works is valued at \$3.8M.

4. STATUTORY FRAMEWORK

4.1. Statement of Permissibility

The subject site is within Thredbo Alpine Village in the Kosciuszko National Park. The proposal is permissible with consent under the provisions of *State Environmental Planning Policy No. 73 – Kosciuszko Ski Resorts* (SEPP 73).

4.2. Instrument of Consent

SEPP 73 is the relevant instrument of consent. The proposal complies with SEPP 73.

The only other relevant planning instrument applying to the land is the *State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007* which was gazetted on 21 December 2007. Clause 28(2) of the Alpine SEPP requires that a development application lodged, but not finally determined, prior to the commencement of this Policy must be determined under the provisions of any environmental planning instruments that were in force immediately before that commencement and that applied to the development the subject of the development application (in this case SEPP 73). However, Clause 28(3) requires that the consent authority must take into consideration the provisions of the Alpine SEPP that are of relevance to the development proposed.

4.3. Other statutory provisions

Other Plans and Policies apply as follows:

- *The Department of Planning's Geotechnical Policy – Kosciuszko Alpine Resorts.*

An assessment of the proposal against the provisions of the Environmental Planning Instruments is outlined in section 6 of this report.

5. CONSULTATION

5.1 Public consultation

The application was notified to the surrounding sub-lessees being Lot 98 Sasha's Apartments (comprising 9 individual sub-lessees), Lot 5 Candlelight Lodge, Lot 100 Mowamba Apartments (comprising 27 individual sub-lessees), Lot 6 High Noon Ski Club, Lot 7 Golden Eagle Ski Club and Lot 3 Pindari Lodge. No submissions were received.

5.2 Referrals

5.2.1 Integrated Approval Bodies

The development is subject to Section 91 of the *Environmental Planning & Assessment Act, 1979* as the development is classed as an 'integrated development'. This is due to the fact that the development is associated with tourist

accommodation which is classed as a "special fire protection purpose" under the provisions of the *Rural Fires Act 1997 and Environmental Assessment Legislation Amendment 2002* and thus requires a bush fire safety authority from the NSW Rural Fire Service.

The Department received a bushfire safety authority from the RFS with no specific conditions.

5.2.2 National Parks & Wildlife Service (per cl.11 SEPP 73)

The application was referred to the Department of Environment and Climate Change (DECC) requesting comments on Concessions and Leasing, Aboriginal Cultural Heritage and Fauna and Flora and other matters. No significant issues were raised and the comments from DECC are discussed in section 6 of the report.

6 CONSIDERATION

6.1 Section 79C 'Matters for Consideration' of the Environmental Planning & Assessment Act, 1979

In determining a development application, a consent authority must take into consideration such of the matters referred to in section 79C(1) of the *EP&A Act 1979* as are of relevance to the development. In accordance with this provision, the following matters are required to be assessed:

(a) Section 79C (1) (a) – Environmental Planning Instruments, Development Control Plans etc

The environmental planning instruments, draft environmental planning instruments, development control plans and the *Regulations* applicable to the land to which the development application relates, as outlined in Section 4 of this Report, are assessed in relation to this proposal in sections 6.2, 6.3, 6.4, 6.5 & 6.6 of this report. It is considered that the proposal is consistent with the provisions of these instruments.

(b) Section 79C (1) (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 matters generally considered within the provisions of section 79C(1)(b) concerning the 'likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality' have been considered in the assessment of the Thredbo Village Master Plan in section 6.7 of this report. In summary, the **Environmental impacts on natural & built environments** are considered acceptable with appropriate conditions to mitigate the potential adverse impacts and the **Social and Economic impacts in the locality** are also considered acceptable.

(c) Section 79C (1) (c) – Suitability of the Site

The proposed development is considered suitable for the subject site and is consistent with the objectives of SEPP 73. The new apartments will be contained within the existing modified site and generally within the required setbacks. The location means that it is within easy walking distance of the Village Square and other facilities at Thredbo Alpine Village. The works would not involve the removal of any intact native vegetation. Access to the site would be from Diggings Terrace. The existing landscape feature of the site would generally be maintained (however a number of exotic trees would be removed) and the scenic quality of the locality would not be compromised as a result of the new Black Bear Apartments. The proposal includes landscaping and rehabilitation of the site. There are no off site impact or impacts to adjoining properties.

(d) Section 79C (1) (d) – Submissions

The proposed development was notified to the adjoining sub-lessees and no submissions were received.

(e) Section 79C (1) (e) – Public Interest

The proposed development is considered to be consistent with the aims and objectives of SEPP 73 and the public interest is not compromised by the proposal subject to the conditions of consent.

6.2 Assessment of specific SEPP 73 clauses:

The application has been assessed in accordance with State Environmental Planning Policy No. 73 – Kosciuszko Ski Resorts (SEPP 73) and is considered to be consistent with this environmental planning instrument as follows:

6.2.1 Clause 9 – Objectives:

- (a) *to preserve and protect the outstanding scenery and natural and cultural features of the land to which this Policy applies,*
- (b) *to encourage the ski resorts on that land to develop as attractive, all year round mountain resorts where form and design complement the natural landscape and environment,*
- (c) *to encourage ski resort development in the Kosciuszko National Park to be carried out in an ecologically sustainable manner, and to be of a high standard and appropriate for a park of Kosciuszko's environmental quality and international stature,*
- (d) *to minimise any adverse impact on conservation values that may occur in achieving a sustainable balance between the use of land to which this Policy applies and the protection of those values*

The proposed development is consistent with the objectives of SEPP 73 in that the natural features of the site will be protected given the new lodge is within a similar footprint to the existing lodge, there are no significant environmental impacts. The new lodge will vastly improved design that facilitates year round resort use.

6.2.2 Clause 10 – Development will be authorised by or under National Parks and Wildlife Act 1974

Consent must not be granted for development of land to which this Policy applies unless the consent authority is satisfied that the development will be authorised by or under the National Parks and Wildlife Act 1974 when it is carried out.

The subject development application was referred to the Department of Environment and Climate Change (DECC). DECC has not identified any inconsistencies with the NPW Act 1974.

6.2.3 Clause 11 – Comments of Director-General of National Parks & Wildlife must be considered

..... the consent authority must consider any comments of the Director-General of National Parks and Wildlife received within 21 days after the referral of the application to that Director-General of National Parks and Wildlife.

i) Leasing and Licensing

DECC advised that the proposal requires 38 beds which are to be utilised in 19 sub-leased apartments. This involves 2 more beds than currently permitted for Black Bear Inn. DECC have no objection to this as the development will not cause the total number of beds permitted in the Thredbo head lease to be exceeded. No conditions were recommended.

ii) Aboriginal Cultural Heritage

DECC advised that the SEE did not adequately assess potential impacts to Aboriginal cultural heritage. However due to the minimal additional ground disturbance involved with the proposal it is considered that the development is unlikely to result in any adverse impacts. Furthermore, DECC advise that, 'If any Aboriginal objects are uncovered during construction activity, works impacting the object/s must cease immediately and DECC contacted as per Section 90 of the National Parks and Wildlife Act 1974'. The Department has included this advice as a condition of consent.

iii) Flora and Fauna

DECC advised that the proposal should not cause any significant impacts to native flora and fauna. The proposal to removal exotic trees and landscape with native plants is acceptable. DECC also recommended several conditions and the Department has included these in the consent.

iv) Health

On 5 September 2007, the Department received advice from DECC in relation to public pools and spas. DECC provided recommendations in accordance with the NSW Health document "Public Swimming Pool and Spa Pool Guidelines". The Department has included these as conditions of consent.

6.2.4 SEPP 73 Clause 12 – Additional matters to be considered

(a) Any master plan for ski slopes

There is no adopted master plan for ski slopes of the Thredbo Alpine Village.

(b) Any other master plan

There is no adopted master plan applicable for Thredbo Alpine Village.

(c) Any threat abatement plan

There is no threat abatement plan for the areas subject to the proposed works.

(d) Any recovery plan

The NPWS has recovery plans for the Southern Corroboree Frog (*Pseudophryne corroboree*), the Mountain Pygmy-possum (*Burramys parvus*) and for threatened Alpine Flora – Anemone Buttercup (*Ranunculus anemoneus*), Feldmark Grass (*Erythranthera pumila*), Raleigh Sedge (*Carex raleighii*) and Shining Cudweed (*Euchiton nitidulus*). Furthermore, the NPWS has a draft Recovery Plan for the Broad-toothed Rat (*Mastacomys fuscus*). The proposal will not have a detrimental environmental impact, especially in regard to threatened species, populations or communities or their habitats.

(e) Any development policy

The only development policy that applies under SEPP 73 is the *Department of Planning Geotechnical Policy – Kosciuszko Alpine Resorts*.

The subject site is located within the 'G' line as defined by the *Department of Planning Geotechnical Policy – Kosciuszko Alpine Resorts*.

The following geotechnical information has been submitted by the applicant:

- A Geotechnical Report prepared by Paran Moyes of Coffey Geotechnics Pty Ltd titled 'Black Bear Inn' referenced GEOTLCOV23158AA-AB Revision 1 dated 14 May 2007.
- A Form 1 signed by Peter Volk RPGeo dated 14 May 2007 with the application.
- Supplementary Geotechnical Advice prepared by Paran Moyes of Coffey Geotechnics Pty Ltd referenced GEOTLCOV23158AB-AA dated 31 January 2008.

The Departments assessment

The current report provides a review of previous advice for two other developments at the subject site that Coffey Geotechnics have carried out for a redevelopment in 2003 and for alterations and additions in 2000.

(i) *The hazards:*

The current report identifies the following 4 hazards and their associated risks:

	Hazard	Likelihood	Consequence	Risk
1	Failure of slope under 'High Noon' Lodge with debris moving down slope to 'Black Bear'	Unlikely	Medium	Low to Moderate
2	Failure of the retaining wall and supported fill in Diggings Terrace	Unlikely	Minor	Low
3	Failure of the slope under 'Black Bear Inn'	Rare	Major	Low to Moderate
4	Failure of the cut slope behind 'Mowamba' and down slope of 'Black Bear Inn'	Rare	Medium	Low

In relation to **Hazard 1**, the report has identified that there is no evidence of natural slope failure, the batter angle of slope under 'High Noon' Lodge is relatively flat (between 10 and 15 degrees) and that there were no significant gully features observed above the site that could produce a flow. The Department has relied upon these observations in accepting the 'low to moderate' risk presented by the hazard in the determination of the development application.

In relation to **Hazard 2**, the report has identified that there is relatively flat slope angle along Diggings Terrace and that there is not evidence of cracking or failure in the pavement through the asphalt. The report also assessed that slides would be very unlikely to develop and would be unlikely to result in a failure. In this regard, the Department supports the 'low' risk.

In relation to **Hazard 3**, the report has identified that saturation of the soils in altered slopes at the site may lead to failure. The report further identifies that the development will comprise the excavation of most of the fill and some of the colluvial materials in the slope. The Geotechnical Engineer has advised that if the development is constructed in accordance with standard engineering practice a 'low to moderate' hazard has been assessed. The Department has relied upon these observations in accepting the 'low to moderate' risk presented by the hazard in the determination of the development application.

In relation to **Hazard 4**, the report has identified that previous stabilisation works have been carried out for the Mowamba site and that there is no evidence of any instability. The report has also assessed that slides would be very unlikely to develop and result in a failure. In this regard, the Department supports the 'low' risk.

(ii) *The 'low to moderate' risk:*

The Departments Policy states that a 'moderate' risk level will only be tolerated where a treatment plan is implemented to maintain or reduce the risk. The report has associated a 'low and moderate' risk level with hazards 1 & 3. The Department has accepted this risk level in the determination of the subject development application based on the following:

- The likelihood of the above mentioned hazards has been reduced since August 1997 with the installation of slope management measures including improvements in the collection of surface runoff and roof water disposal systems at each lodge, construction of over 1km of stormwater trunk drains through the village and the construction of some 150 horizontal drains to lower groundwater levels.
- There is a routine assessment of the condition and performance of retaining walls throughout Thredbo Village.
- The proposed Black Bear Inn comprises the construction of a basement and foundations at a depth greater than the foundations of the existing Black Bear Inn. Based on the

geotechnical investigation undertaken for the proposed development, it is anticipated that the basement and foundations will be constructed in extremely weathered to highly weathered granodiorite. It is Coffey's assessment that the construction of footings in the deeper, more competent foundation material and the adoption of current design and construction methods for the proposed Black Bear Inn should not increase the assessed geotechnical risk above the assessed low to moderate risk, and the proposed development is a suitable for the site.

- Provided that the design and construction of the proposed development is undertaken in accordance with the recommendation provided in the report, the assessed low to moderate risk classification for the property and the risk to life which is below acceptable levels, should not be altered by the new development.
- The development will be undertaken in accordance with sound engineering principles and good hillside practice.
- The consequence of failure due to any of the hazards is less if the new Black Bear development is completed than if the existing Black Bear Inn remains given the improved structural effectiveness of the proposed building.

In this regard, the Department accepts the risks associated with the new Black Bear development. Furthermore the Department considered that the existing maintenance and monitoring regime carried out annually by Kosciuszko Thredbo Pty Ltd satisfies the requirements of the treatment plan.

(iii) Summary of the risk assessment

The assessment of the risk to property in terms of the qualitative risk assessment for the various hazards and the assessed likelihood and consequence of each hazard is presented in Appendix C of the geotechnical report. The overall outcome for the risk assessment process for the proposed development is assessed as 'low to moderate' risk in accordance with the risk matrix. Coffey considers that provided the development is carried out in accordance with sound engineering principles and good hillside practice that the development should be suitable for the site and the risk classification should not increase above the assessed 'low to moderate' risk.

The Thredbo Landslide assessment indicated that loss of life is generally associated with fast moving landslides derived from the natural slopes. The types of hazards that may pose a risk to residents at the site have been judged by Coffey's to be unlikely and rare. In this regard, the assessment to risk of loss of life is below the levels typically accepted by society.

(iv) Conclusion

In conclusion, the geotechnical report submitted by the Applicant has satisfactorily addressed the provisions of the Department's Geotechnical Policy and the proposed development is a suitable for the site.

(f) The Statement of Environmental Effects (SEE) required to accompany the development application

The applicant submitted a Statement of Environmental Effects (SEE) by NGH Environmental dated May 2007 is considered satisfactory.

(g) The visual impact of the proposed development particularly when viewed from the Main Range (defined by PoM)

The visual impacts for the proposed development have been addressed in the assessment of the Thredbo Village Master Plan. The proposed development is not visible from the Main Range.

(h) The measures proposed to address any geotechnical issues

Discussed in part (e) above.

(i) The sedimentation and erosion control measures proposed to mitigate adverse environmental impacts associated with any proposed earthworks and excavation works.

The applicant has prepared a conceptual stormwater management plans and SEMP for the proposed works to ensure that sediment and water is managed appropriately during construction of the new building. The Department is satisfied with the level of assessment undertaken by the applicant and the mitigating measures that are proposed. Conditions of consent have been included that address these issues.

(j) The measures proposed to mitigate potential adverse impacts associated with any proposed stormwater drainage works.

The proposed works include the implementation of temporary stormwater controls during construction and the provision of a stormwater management system once the building is complete.

A concept stormwater management plan has been developed by the Architect. It is proposed that surface water from hardstand areas and the roof would be collected via street drainage, concrete lined (gravel filled) trenches under the drip zone and braced guttering. This would discharge to KT's stormwater main adjacent to the north eastern corner of the site. Overland flow would be dispersed across the lower portion of the site with potential for infiltration offered by native plantings on the lower edge of the site.

The applicant has provided a letter of endorsement from a Stormwater Engineering in relation to the concept stormwater management plan. Department has been included conditions of consent to ensure that a final stormwater plan is submitted prior to the issue of a Construction Certificate.

6.3 Assessment of specific Alpine SEPP clauses:

In the assessment of the subject application SEPP 73 is the instrument of determination however the application has also been assessed in accordance with the Alpine SEPP and is considered to be consistent with this environmental planning instrument as follows:

- The proposal is consistent with the aims and objectives stated in clause 2 in that:
 - it will not have an adverse impact on the natural environment;
 - it improves accommodation within the resorts; and
 - it will not present any adverse risks to the community.
- The proposal is a land use permissible with consent under the provisions of clause 11.
- The proposal satisfies the matters for consideration stated in clause 14 in that:
 - it will not have an adverse impacts on car parking or affect access within the resort;
 - the existing infrastructure (including water, waste and effluent) is adequate and will not be affected by the proposal;
 - it will not adversely alter the character of the resort,
 - a satisfactory statement of environmental effects has been provided;
 - a satisfactory geotechnical assessment has been provided;
 - adequate erosions and sedimentation controls have been proposed;
 - adequate stormwater drainage has been proposed;
 - it will not have an adverse visual impacts, particularly when view from the Main Range; and
 - the site will be rehabilitated with native endemic species.
- The proposal satisfies the additional matters to be considered for buildings stated in clause 15 in that:
 - the proposed building height does not impact on privacy, does not limit solar access and does not have an adverse impact on views from other land;
 - the proposed building setbacks complement the adjoining uses, enable appropriate site access and facilitate management of accumulated snow; and
 - the landscaped area in this case, will comprise the general rehabilitation of the site upon completion of the development and the rehabilitation with native endemic species.

6.4 The provision of any draft environmental planning instruments

There are no draft environmental planning instruments that apply to the land.

6.5 The provision of any development control plans

No development control plans apply to the Thredbo Alpine Village and therefore the subject site.

6.6 The provision of any matters prescribed in the regulations

The development application has been assessed in accordance with clause 94 of the *Environmental Planning & Assessment Regulations 2000* and a summary assessment of the BCA was undertaken. Where applicable, BCA advisory notes have been included as conditions of consent.

6.7 Other Matters

The Department in its assessment of matters relevant to section 79(C)(1)(b) takes into consideration the Thredbo Village Master Plan – Environmental Impact Statement, 1988 & the NPWS Proposed Variations to the Determined 1988 Thredbo Village Master Plan – EIS, 1994. This is a non-statutory document that is not adopted under the SEPP.

The proposed development is considered to be consistent with these master plans as follows:

Land Use

The proposed land use is consistent with the objective of the Master Plan and permissible within the Inner Village zone.

Water and Soils

The SEE and SEMP have addressed potential impacts of erosion and sedimentation either by wind or by water. During construction hessian bales, silt fencing etc will be implemented to control stormwater runoff and dust can be controlled by watering if required. Upon completion of construction exposed areas of the site will be appropriately rehabilitated to ensure no ongoing water or wind erosion issues. Conditions of consent have been included to address these issues. In this regard, no short or long term adverse soil degradation impacts are expected.

There are no flooding issues associated with the redevelopment of the subject site.

Flora and Fauna

The applicant has addressed potential impacts to flora and fauna in the SEE. The Department's assessment of the subject proposal in relation to flora and fauna has not revealed any environmental impacts that would have an adverse affect on the existing vegetation condition of the site, disturb the connectivity of any plant or animal community or interfere with any threatened species.

Heritage and Archaeology

Indigenous Cultural Heritage Values

The proposed development is unlikely to result in any adverse impacts on Aboriginal Cultural Heritage. However, a precautionary condition of consent has been included should any Aboriginal objects be uncovered during construction.

Other Cultural Heritage values

The existing Black Bear Inn is not identified as a heritage item.

Visual Impacts

The proposed building will be viewed from the several vantage points within the village and the ski slopes. The selection of proposed materials and colour palette is in keeping with materials used throughout Thredbo. Stacked stone is proposed for the base of the building at the lowest level, where it is most visible from the Village Square, and part of the street facing elevation and pavement to add interest and articulation to this facade. Metal deck roofing, bagged and painted masonry and dark stained timber cladding in natural earthy colour tones provide the built form with a contextual expression appropriately assimilating it with the

surrounding hillside landscape and architecture when view from the ski slopes. In this regard, it is considered that there are no adverse visual impacts from the proposed development.

Infrastructure and Services

Kosciuszko Thredbo Pty Ltd (KT) is responsible for infrastructure and services within Thredbo. The subject site is adequately serviced and has the necessary infrastructure to support the development as proposed. The proposed development will increase the number of beds from 36 to 38 which would result in very minor increased demand on water supply, roads, power and waste management. The water supply and sewerage system of the Thredbo Alpine Village is able to manage a capacity of 4,810 beds. The increase in beds number of the proposed development is within this limit.

Access, Traffic and Parking

The applicant has addressed access, traffic and parking issues in the SEE. The site is accessed via Diggings Terrace from the Alpine Way and the proposed development maintains the existing access arrangement to the lodge. Access during construction will be undertaken in accordance with the conditions of consent and the traffic management plan. Disruption to vehicular access will occur during the construction period. This however will be managed in consultation with KT and will occur outside of Sunday and public holidays.

Disabled Access (AS 1428)

The applicant has submitted an 'Accessibility Review' by MGAC that provides accessibility advice for the proposed Black Bear Apartments. The report reviewed features of the proposed development such as apartment entry, emergency egress, path of travel, doors, lifts, ski store, laundry, accessible guest room and car parking. All aspects of the proposed development will achieve compliance if the recommendations of the report are adopted other than the car parking. In relation to the provision of accessible car parking, the proposed development includes a car space of 3.2 metres width and 5.4 metres length (car space No. 3) which complies with AS 2890.1 however the space has an extreme cross fall that does not comply with AS 1428.1 (i.e. proposed cross fall of approximately 1:13 and 1:33 is required). The report successfully demonstrates a case for 'unjustifiable hardship' in relation to the topographical constraints of the site. Significant excavation would be required to achieve compliance for the car space and this in turn would generate safety issues when accessing the other car parking spaces and the main building entry. The Department supports the findings of the report and the case for unjustifiable hardship.

Access to the Village Square

The Village Square is less than 100 metres distance from the base of the proposed Black Bear Apartments. Access to the Village Square will be upgraded and more direct with stairs leading from the ground level of the building. The lodge is within easy walking distance of the Post Office, shops, restaurants and numerous lodges, ski clubs, apartment buildings and community facilities. The Bottom Station for the chair lifts is also within walking distance or a shuttle bus service is also provided.

The Department supports access to the Village Square however notes access can only be achieved by crossing the sub-lease area of either Sasha's or Mowamba Apartments. In this regard, the applicant will be required to obtain an easement of one of the adjoining subleases and this issue has been addressed in the conditions of consent.

Car Parking

The existing Black Bear Inn has 6 car parking spaces and it is proposed to maintain this number of spaces with the addition of a drop off zone within the redevelopment. The new car parking spaces have been designed in accordance with AS 2890.1:2004 where the existing site conditions permit.

Waste

The applicant has addressed waste management included construction waste, hazardous materials and domestic waste in the SEE. Construction waste would either be removed to landfill or recycled. Any hazardous waste or contaminated matter would be removed and disposed of in accordance with the relevant

guidelines (e.g. work cover guidelines for the removal of asbestos). Conditions of consent will be included to address these issues.

In terms of waste generated by the occupants of the building once the apartments are operational, KT operates an effective and broad ranging recycling program that includes separation of recyclable materials (glass, aluminium, steel, paper, cardboard and PET at the source). Recycling receptacles are provided to apartment users and collection would occur at the site. Non-recyclable waste would be removed to landfill.

Air and Noise

The applicant has addressed air and noise in the SEE. Minor dust levels may emanate from the site during site filling, excavation and other construction works however impacts would be short term and of an acceptable level. Watering of the site would be carried out if considered necessary in order to minimise dust levels.

Noise from construction activities would emanate from the development site but impacts would be short term and control by the conditions of consent. In the longer term, external and internal acoustic control would be achieved via the use of double glazed windows and insulation of external walls (in accordance with the BCA). Noise emissions from washing machines, dryers, other household appliances, spas, pumps, air-conditioning units etc are expected to be negligible.

Social and Economic Impacts

The proposed development would be entirely funded by the applicant. Therefore, the development would not result in a cost to the Thredbo community, nor would it negatively affect the local community's economic stability. The development will be of benefit to those employed in its construction and more significantly will benefit the guest of the apartments post construction. The proposal seeks to increase the number of beds permitted under the sub-lease by 2 bed (to a total of 38 beds). The design of the apartment floor areas enables better quality living areas and sleeping accommodation. The new building demonstrates efficient building design, improved amenity and updated accommodation. A significant social improvement within the development is the provision of an accessible unit and complying access to all unique facilities of the building.

Negative impacts would be short term and limited to the construction phase. Although the work would occur in the construction period (summer and autumn) when visitation is lower, resort amenity may be slightly inconvenienced by construction traffic, noise, and disruption to vehicle and pedestrian traffic.

Water and Energy Efficiency

Energy and Water efficiency has been covered in the conditions of consent and the applicant will be required to demonstrate compliance with the BCA at the time of the construction certificate. Conditions of consent have also been included to ensure that energy efficient appliances, energy efficient lighting, ceiling insulation, water saving showerheads and AAA rated water fixtures are used within the building.

Contamination

A disused heating oil tank exists on the site and is located underneath the existing building. Due to the location of the tank it is difficult to undertake any preliminary contamination investigations. Given the proposal includes demolition of the existing building, it is considered that a reasonable case exists for conditioning the approval to ensure that testing for possible contamination and, if required, acceptable remediation be undertaken to the satisfaction of the Department during demolition of the building. The Department has conditioned the consent accordingly.

Building Design

- Height

The Thredbo Village Master Plan sets a maximum height of the ridgeline of a building above natural ground level. Within the Inner Village zone identified in the Master Plan the maximum height limit is 15 metres. The proposed development complies with the height control other than a small section of the

roof and balcony on the northern edge of level 6. The slight increase in height does not obstruct any views. The Department supports the slight increase in building height.

- Roof Design and Snow Deposition

The roof has been designed to direct water and snow to locations around the perimeter of the building that will not interfere with building access or pose a threat to people (i.e. from falling snow). In relation to snow deposition for the northern balconies of level 6, it is proposed to intercept snow at the roof gutter via a 'snow stopper' therefore minimising snow on the balconies below the roof.

- Landscaping and Rehabilitation

An objective of the proposed development is to utilise the existing disturbed area within the site to retain natural vegetation. Upon completion of construction exposed areas of the site will be appropriately rehabilitated. A landscape plan has been prepared by Jane Coleman Landscape Architect Pty Ltd that details the rehabilitation works to be undertaken at the completion of construction.

- Setbacks

Within the Inner Village zone identified in the Master Plan the minimum side and rear setback is 3 metres and the front setback is determined on an individual project basis. The proposed building is sited predominantly within the required 3 metre setbacks except where minor reduced setbacks are proposed on the east, west and north facades. These minor encroachments facilitate better building design by way of articulation to the facade, enhanced views of the ski slopes and improved natural light & ventilation to the bedrooms located on the southern side of the building. The department supports the minor encroachment of the side and rear setback.

The majority of the building is setback 6.2 metres from the front boundary other than an awning over the building entry which is setback 1.5 metres. The front setback also includes the car parking space. The scale and articulation of the street scape elevation has been designed to reduce the bulk and scale of the 2/3 storey built edge with framed 'box' elements protruding from the main built form.

- Site Coverage

There is no specific site coverage control within the Inner Village zone of the Master Plan and each application is assessed on its merits. The existing building has a site coverage of 42.3% and the proposed development has a site coverage of 42.7% (approximately 293.42 sqm). The Department considers this site coverage acceptable.

Impacts to Highnoon Ski Lodge from the proposed height and built form of Black Bear Apartments

Highnoon is located in an elevated position opposite Black Bear, to the south. This position affords its occupants expansive views of the ski slopes. The variable roof forms of Sash's, Black Bear and Candlelight frame the view. From the balcony of Highnoon the existing Black Bear Inn has a substantial gable roof form with the central ridge running away from Highnoon. The proposal has sought to break down this substantial roof form with the introduction of smaller roof planes addressing Diggings Terrace, the main roof form falls away from Diggings Terrace following the natural slope of the site with a simple skillion roof design. The views from Highnoon of the existing and proposed development are demonstrated on the following pages.

The proposal addresses the requirements of the current master plan in relation to view sharing. A maximum height of 15 metres above natural ground is permissible on this site and the proposal is mostly well below this requirement. In particular the southern building form which has been adjusted to ensure that, where possible, it sits below the railing height of Highnoon. The roof form accommodating the lift overrun (central portion of the built form) extends above Highnoon's railing height by 340mm, however the roof forms closest to Highnoon are well below this level (990mm to 1200mm below).

The perceived scale of the development has been controlled by breaking up the planes of the street facade, introducing elements that articulate the facade and visually reduce the bulk and scale.



VIEW OF EXISTING BLACK BEAR INN FROM THE BALCONY HIGHNOON SKI LODGE



ARTISTS IMPRESSION OF PROPOSED DEVELOPMENT AS VIEWED FROM BALCONY OF HIGHNOON SKI LODGE

7. CONCLUSION

This application has been assessed pursuant to Section 79C of the *Environmental Planning and Assessment Act, 1979*, State Environmental Planning Policy No. 73 – Kosciuszko Ski Resorts and *State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007*. Assessment of the application reveals the proposed development complies with the aims and objectives of SEPP 73 and the matters for consideration. Assessment of the application demonstrates the proposed development would not have an unreasonable impact on the local environment subject to the conditions of consent (refer to Schedule 2). The application was notified to the adjoining sublessees and no submissions were received. On balance, it is considered that the proposed development is acceptable, subject to the conditions of consent and is recommended for approval.

8. DELEGATIONS


It is considered that Michael Woodland, Director, Urban Assessment has the delegation to exercise the function as a consent authority as provided by the Minister for Planning, pursuant to section 23 of the Environmental Planning and Assessment Act. This exercise of delegations is considered to be appropriate in accordance with the adopted delegation guidelines, dated 9 July, 2008.

9. RECOMMENDATION

It is recommended that Michael Woodland, Director, Urban Assessment as delegate for the Minister for Planning under Instrument of Delegation dated (9 July, 2008) pursuant to Section 80(1)(a) of the *Environmental Planning and Assessment Act 1979* and State Environmental Planning Policy No. 73 – Kosciuszko Ski Resorts:

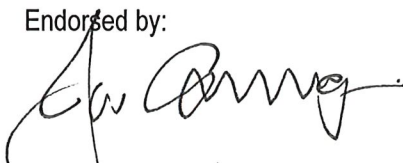
- (i) Grant consent to DA 33-7-2007 for the Demolition of Existing Building and Construction of 18 Apartments and a caretaker's residence, Lot 49 Black Bear Inn, Thredbo subject to the conditions of consent (**refer to Schedule 2**);
- (ii) Sign and date the Notice of Determination for DA 33-7-2007 (**refer to Notice of Determination**);

Prepared by:


18-7-2008

Daniel James
Planner
Urban Assessments
(Alpine Resorts Team)

Endorsed by:



Jim Corrigan 18.7.08
Team Leader
Urban Assessments
(Alpine Resorts Team)

Approved by:


23/7/08

Michael Woodland
Director
Urban Assessments
(Strategic Sites and Urban Renewals)
Determined as Delegate of the Minister for Planning