



## **ENVIRONMENTAL ASSESSMENT REPORT**

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

**Application No.:** DA 8783

**Applicant:** Ski Club of Australia

**Application Site:** Ski Club of Australia, Diggings Terrace and Buckwong Place, Thredbo Alpine Resort, Kosciuszko National Park

**Proposal:** Alterations and additions to an existing tourist accommodation building

**Date:** August 2018

## **1. BACKGROUND**

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### **1.1 Introduction**

This report provides an assessment of a Development Application (DA 8783) lodged by the Ski Club of Australia on 26 September 2017 under Part 4 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act). The application seeks consent for alterations and additions at Ski Club of Australia, corner of Diggings Terrace and Buckwong Place, Thredbo 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 Thredbo Village (Source: SIX Maps 2017)



## 1.2 The Site and Surrounding Development

The site is known as Ski Club of Australia, Thredbo Village, which is an existing three-storey tourist accommodation building licensed for forty-two beds located on the southern corner of Diggings Terrace and Buckwong Place, accessed off Buckwong Place (Lot 754 DP 1119757). The site has an area of approximately 1518m<sup>2</sup>.

The site adjoins tourist accommodation premises, including nearby lodges such as Ramshead Hut, Geehi Apartments, Sitzmark Apartments, Kiama Alpine Club, Schlupfwinkel Lodge, Boali Lodge, Rainbow Apartments, Sydney Ski Club and Sastrugi Lodge.

The land is mostly disturbed and is surrounded by other lodges of similar size, native and exotic grasses and some additional trees (noting that the majority of trees on the site have previously been cleared). Parking for guests and the main entrance is located off Buckwong Place. The site slopes from Buckwong Place down towards Diggings Terrace (western façade).



**Figure 2:** North-eastern elevation illustrating area of works to Ski Club of Australia (Source: Applicant's documentation)

## 2. PROPOSED DEVELOPMENT

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The application seeks approval for alterations and additions to the existing tourist accommodation building, including:

- extension of the sitting room and installation of a new gable roof to match the southern gable roof profile;
- removal of the existing north-eastern side deck accessed off the dining room;
- extension to the existing deck to the north accessed off the sitting room and replacement of the existing decking boards;
- construction of a new timber column to support the extended deck;
- replacement of the existing balustrade with BCA compliant handrail and vertical balustrade;
- installation of a new double glazed aluminium framed sliding doors to match existing widow profile; and
- relocation of the existing fire place to the north-western wall within the sitting room.

The Applicant advises that the proposed works would not increase the overall bed capacity of forty-two (42) for the building and would increase the overall size of the building by an additional 20m<sup>2</sup>.

The proposal has a cost of works of approximately \$198,000.

## 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 additions 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' are permissible with consent with the Thredbo Alpine Resort.

### 3.4. Notification

After accepting the application, the Department:

- publicly exhibited the application from 3 October 2017 until 16 October 2017 on its website and at its Jindabyne Office (Shop 5A, 19 Snowy River Avenue, Jindabyne); and
- notified relevant stakeholders (nearby lodges including Ramshead Hut, Geehi, Sitzmark, Kiama, Schlupfwinkel Lodge, Boali Lodge, Rainbow Apartments, Sydney Ski Club and Sastrugi 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 amenity and functionality of an 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 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 existing use of the site for tourist accommodation, while improving the amenity for the guests through the provision of an improved sitting room area and balcony.

## 4. CONSULTATION AND SUBMISSIONS

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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)

Tourist accommodation is a special fire protection purpose under clause 100B of the *Rural Fires Act 1997*. The 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, aboriginal cultural heritage, leasing, heritage conservation and public health.

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 E**.

## 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 and BFSA;
- Bushfire Safety Authority;
- built form and amenity; 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 due to the works involving the extension of the existing building, inclusion of additional floor area and the alteration of the exterior balcony. Consideration of access and egress, light and ventilation 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 as a result considered that components of the building should be upgraded. These observations included that:

- The uppermost floor level consisted of a loft bedroom accessed by a ladder type structure. Egress from this bedroom is considered inadequate.
- The external cladding of the building is combustible timber weatherboards which fails to meet current BCA deemed to satisfy provisions. A review of six maps aerial photos suggests there exists an offset of approximately 5m to two adjoining lodges. A potential exists for rapid transfer of fire from one level of the building to another via the external façade and to facilitate the spread of fire to buildings nearby.
- Minor inconsistency was noted between the fire safety schedule issued by James Alexander & Associates P/L with OC 080041 in 2009 and the annual fire safety statement issued by Alex Machin (Alpine Fire Safety) in March 2017. Lightweight construction (fire grade plasterboard) is not included on either document which warranted further investigation in relation to compartmentation and spread of fire within the building to ensure adequate protection of persons using the building.

Following concerns raised by the Applicant as to the relevance of the works recommended within the upgrade while noting the extent of the works sought by the application, the Department sought independent advice from BCA Logic. BCA Logic has recommended that the following upgrades be undertaken:

- (i) Seal the penetrations of the water pipes in the loft areas where they penetrate the plasterboard walls. This shall be carried out with an approved fire rated sealant in accordance with the manufacturer's details and test report.
- (ii) Replace the knob type handles to the final exit doors with lever type handles.
- (iii) The final exit doors that open inwards shall be provided with a hold open device, such as a 'parrot' latch.
- (iv) Provide a handrail to one side of the main stair from the ground to first floors. The handrail is to be nominally 30mm minimum in diameter and is to maintain a clear unobstructed width of 1000mm to the stair.
- (v) Provide a handrail to the 3 riser step at the end of the corridor on the first floor. A minimum unobstructed width of 1m is to be maintained to the corridor.
- (vi) The loft to room 13 be reinstated to its original use as a store room accessed from the corridor only. This would include the need to provide a fire rated wall between the store and room 13.

A condition is recommended to address the above independent advice by BCA Logic. The Applicant does not object to the above upgrade works.

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 ongoing use for tourist accommodation.



## 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); and
- the external works are to be carried out to meet BAL 12.5 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.

The site contains predominantly mown lawns with minimal native vegetation (it is noted that previous tree lopping has occurred on the site which has removed larger eucalyptus trees from the site). The Department is of the view that the Applicant can comply with the BFSA requirements with minimal or no additional vegetation management required. The OEH indicates that vegetation removal would be acceptable.

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' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

Dependant on the BFSA 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 BFSA requires the external works are to be carried out to meet BAL 12.5 construction requirements. A condition is recommended to ensure compliance with the BFSA construction requirements.

## 5.3. Built form and amenity

### Built form

The alterations and additions to the tourist accommodation building are minor in the context of the building and are designed to appear as a continuation of the existing building façade rather than having an indent, particularly along Diggings Terrace.

Comprising an additional 20m<sup>2</sup> of floor area, the removal of the existing exterior balcony and extension of the sitting room area extend the building to approximately 3.15 metres, with the amended balcony extending to 2.2 metres, to the Diggings Terrace frontage of the site. In addition, the modified roof pitch is complimentary in terms of streetscape appearance and does not alter the bulk and scale of the building.

The selected finishes, such as metal cladding for the roofline and colours such as 'Windspray' from the Colorbond range, are widely used in modern buildings and renovations throughout the Thredbo Village. The colours and finishes blend with their natural surroundings as well as nearby buildings.

The Department concludes that proposed extension is acceptable and will provide a positive visual impact that is complementary to the character of the locality.

### Amenity

With the extension of the sitting room (that adjoins the existing dining area) and modified balcony, additional opportunities are provided for members and visitors to interact while also viewing the ski slopes to the west.

The inclusion of the modified roof form and additional windows along the western facade, assist in improving this amenity, while maintaining views to the ski slopes for lodges located behind (to the east) the site. In addition to this, the adjoining properties were notified and given an opportunity to make submissions if they had concerns, no such submissions were received.

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

The Department concludes that the proposal is acceptable and increases the overall amenity of the site, while having consideration to visual impacts upon neighbouring lodges.

## **5.4. 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 involve an improvement to the use of the sitting room area through an extension of this area.

The proposal would involve vegetation management associated with the provision of an APZ that has been negotiated with the OEH, who do not object to the management of vegetation to reduce bushfire risk.

There is adequate parking on the site for construction equipment and vehicles, with access to the works area being provided through the existing garden areas or down the sides of the building. Material storage is likely to be provided on the car parking areas or within the building. The Applicant does consider that Diggings Terrace would be impacted through the construction or requiring temporary closure for site access.

Construction impacts such as noise and vibration will be short term and managed in accordance with conditions.



## 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 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;
- b) **considers** the draft key reasons listed in the notice of decision at **Appendix D**;
- c) **grants consent to** the Development Application (DA 8783), 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:



**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=8783](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8783)

## 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:

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| (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)(iiia) any planning agreement   | Not applicable.   |
| (a)(iv) the regulations  | The Department has undertaken its assessment in accordance with all relevant matters as prescribed by the regulations, the findings of which are contained within this report.  |
| (a)(v) any coastal zone management plan  | Not applicable.   |
| (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality, | The Department has considered the likely impacts of the development. All environmental impacts can be appropriately managed and mitigated through recommended conditions of consent.  |
| (c) the suitability of the site for the development,   | The site is suitable for the proposal and supports its approved 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 <b>Section 4</b> 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.<br><br>As such, the proposal is considered to be in the public interest, subject to the imposition of appropriate conditions. |

## APPENDIX C. CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

### State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007

| CI 14(1) – Matters to be considered by consent authority   |   |
|--|---|
| (a) the aim and objectives of this policy, as set out in clause 2  | The proposal is consistent with the aim and objectives of the Alpine SEPP in that it is consistent with the principles of ESD and supports the use of the site.   |
| (b) the conservation of the natural environment and any measures to mitigate environmental hazards (including geotechnical hazards, bush fires and flooding),              | The proposal is appropriate as it would allow for 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 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 at the rear of the building for the extension of the ground floor. The application is supported by a Form 4 which includes recommendations for the construction prepared by Asset Geotechnical Engineering Pty Ltd.</p> <p>Following further discussions with the Applicant on the geotech recommendations, additional advice and plans were received that included the planting of landscaping and remedial works along the Buckwong Place / Diggings Terrace frontage (in order to secure the embankment) and other works such as the inclusion of lined drip drains along the edge of the building to collect surface water.</p> <p>The Department concludes that potential geotechnical impacts have been addressed appropriately and subject to compliance with the</p> |



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|   | recommendations of the Geotech Assessment, no concerns are raised in relation to geotech matters.  |
| (g) any sedimentation and erosion control measures,   | Sedimentation and erosion control are adequately addressed in the SEMP and SEE. Conditions are recommended to ensure implementation 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 an increase in activities outside the ski season.  |
| (k) if the development involves the installation of ski lifting facilities,   | The proposal does not involve the installation of any new ski lifting facilities.  |
| (l) if the development is proposed to be carried out in Perisher Range Alpine Resort: the document entitled Perisher Range Resorts Master Plan and the document entitled Perisher Blue Ski Slope Master Plan, | Not applicable to proposal as site is in Thredbo Alpine Resort.  |
| (m) if the development is proposed to be carried out on land in a riparian corridor.  | Not applicable to proposal.  |
| CI 15 – Additional matters to be considered for buildings   |  |
| Building Height   | The proposed works do not increase the height of the existing building.  |
| Building Setback  | The works include an extension of the midfloor area towards the Diggings Terrace boundary, while still maintaining a minimum of 3 metres clear of the boundary (except for the eave / balcony extension).<br><br>The Department considers that the proposed extension does not cause additional impacts upon the adjoining neighbours.<br><br>The Department supports the proposal and raises no concerns with the proposed building setbacks. |
| 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 <b>Section 4</b> and discussion, where required, on proposal at <b>Section 5</b> .               |  |

| CI 26 – Heritage conservation |   |
|-------------------------------|---|
| European heritage             | The proposal is not considered to impact on any European heritage items.  |
| Aboriginal heritage           | <p>The OEH raised concerns that due diligence was not undertaken during the preparation of the SEE. However, the OEH states that:</p> <p><i>“To facilitate a timely assessment of the proposal, as a service to the Proponent, OEH have conducted the search of the AHIMS database and can confirm that no Aboriginal sites have been recorded within the proposed works area. In addition, the area of the proposed works is a previous disturbed site.</i></p> <p><i>However, 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.”</i></p> <p>Conditions are recommended to address the OEH comments.</p> |

## **APPENDIX D. NOTICE OF DECISION**

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The Notice of Decision can be found on the Department of Planning and Environment's website.

## **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.