

MODIFICATION ASSESSMENT REPORT

Modification to the approved Mittabah Lodge development, Thredbo Alpine Resort, Kosciuszko National Park

MOD 9420 (DA 017-06-2012 MOD 4)

1. INTRODUCTION

This report provides an assessment of an application to modify a development consent (DA 017-06-2012) for the construction of eight self-contained apartments at Mittabah lodge, Thredbo Village within Thredbo Alpine Resort, Kosciuszko National Park.

The application has been lodged by Side-Cut Pty Ltd (the Applicant) under Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The application seeks approval to amend the internal layout of apartments, the external façade of the building and confirm the external materials and finishes. The proposed modifications are described in detail in **Section 4** of this report.

2. SUBJECT SITE

The site is located at Lot 716 Bobuck Lane within the Thredbo Village (**Figure 1**) and has a site area of 624 m². The Mittabah Ski Lodge previously occupied the site in the 1960s but was demolished in 2005.

Neighbouring buildings to the site include Pindari to the south-west, Winterhaus upslope to the south-east, Pure upslope to the east, Sevens to the north-east, and Roslyn downslope to the north-west on the opposite side of Bobuck Lane.

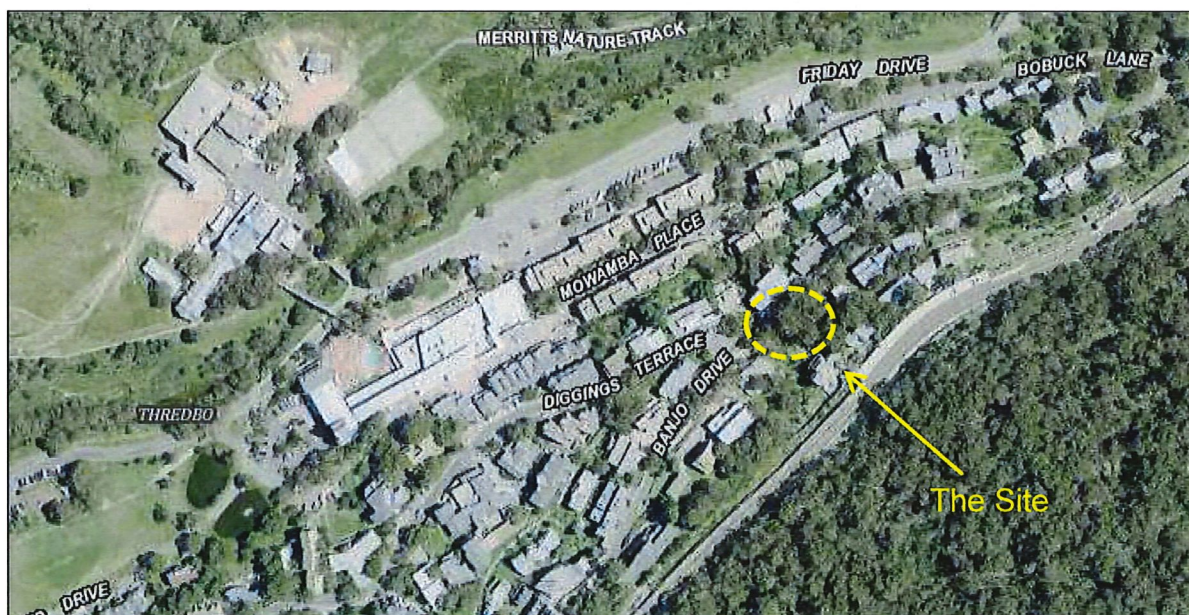


Figure 1: Mittabah Lodge in context with Thredbo Village (Source: SIX Maps 2018)

3. DEVELOPMENT HISTORY

On 31 January 2013, the Team Leader of the Alpine Resorts Team granted approval to DA 017-06-2012 for the construction of a lodge consisting of eight self-contained apartments on the site, which included:

- ten car parking spaces, a plant room, a garbage room, the lift lobby, and two storage rooms per apartment at the basement level;
- two one-bedroom apartments at Level 1;
- two accessible one-bedroom apartments with treatment rooms on Levels 2 and 3; and
- two two-bedroom apartments over Levels 4 and 5 with one containing a spa and sauna.

Since development consent, three modification applications have been submitted by the Applicant to amend the proposal. A summary of the planning approvals' history of the site is provided in **Appendix B**.

The new apartment building is currently under construction.

4. PROPOSED MODIFICATION

The proposed modification seeks approval under Section 4.55(1A) of the EP&A Act to amend the internal floor layout and exterior of the building as follows:

Internal changes

- amended reception / amenities layout on the ground floor and inclusion of entry stone paving details;
- deletion of the steam shower in both apartments and reconfiguration of the adjoining spaces on Level 1;
- alterations to the laundry / WC's on Level 2 and 3;
- increase in size to the treatment room within Apartment A2.1 and A3.1 on Level 2 and 3;
- alterations to the laundry / WC's / ensuite on Level 4; and
- inclusion of a high light window added in Apartment A4.2.

External changes

- reducing window widths, adding and deleting windows and increasing window heights;
- provision of snowstoppers and guttering on the upper roof areas;
- provision of external downpipes on the facades;
- providing gas fireplace vents to the north-east and south-west elevations;
- reducing eave / roof overhang when viewed from Diggings Terrace;
- amending the roof pitch on the south-east elevation (rear of the site); and
- amending the location of the bin storage area to reflect the current lot alignment.

The proposed external modifications are illustrated in **Figure 2**.

The Applicant has also confirmed the proposed materials and finishes for the building (**Figure 3**) which were previously unknown and to be resolved via condition of consent (Condition C.12).

The proposed modification seeks to improve the external appearance and internal functionality of the building. There would be no increase in the bed capacity of the building due to the proposed modification.

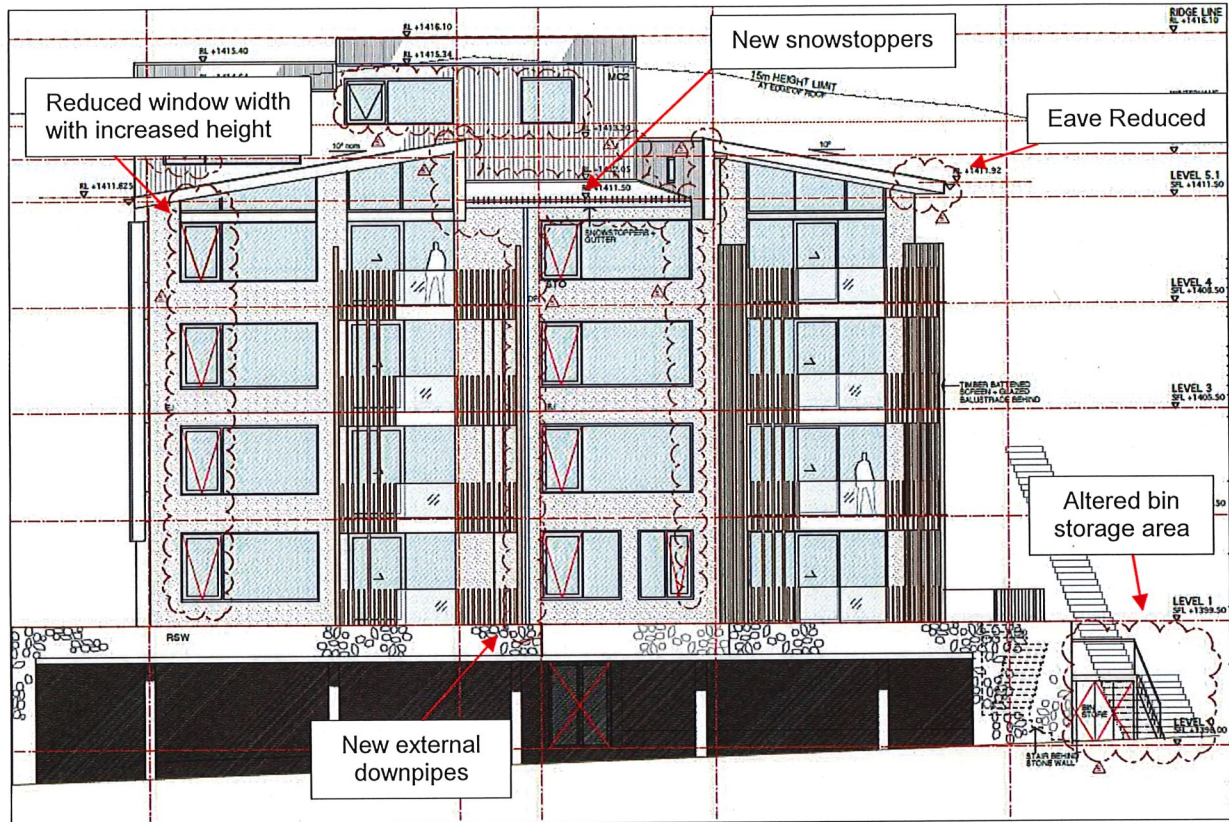


Figure 2: Proposed amendments to north-west elevation (Source: Applicant's documentation)

5. STATUTORY FRAMEWORK

5.1 Modification of Approval

The modification application has been lodged with the Department under Section 4.55(1A) of the EP&A Act. Section 4.55(1A) of the EP&A Act provides that a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority, and subject to and in accordance with the *Environmental Planning and Assessment Regulations 2000* (Regulations), modify a consent that is deemed to be substantially the same development.

Section 4.55(1A) of the EP&A Act requires the following matters to be assessed in respect of all applications which seek modifications to approvals:

Table 1: Consideration under Section 4.55(1A) of the EP&A Act

Section 4.55(1A) matters for consideration	Comment
That the proposed modification is of minimal environmental impact	Section 7 of this report provides an assessment of the impacts associated with the proposal. The Department is satisfied that the proposed modifications will have minimal environmental impact.
The development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and	The proposal does not seek to change the use and the changes to the built form and internal apartment layouts are minor in nature. On this basis, the Department is satisfied that the development to which the consent as modified relates is substantially the same development

before that consent as originally granted was modified (if at all)	as the development for which consent was originally granted.
Whether notification has occurred and any submissions have been considered	There is no development control plan in place that requires the modification application to be notified. However, the Department publicly notified the initial and amended modification application for a period of 14 days to neighbouring properties. No submissions were received.
Consideration of relevant matters referred to in Section 4.15(1) of the EP&A Act	The relevant consideration under Section 4.15(1) is the impact upon the existing environment. The proposed modification would not have an increased impact to that of the original approved proposal.

5.2 Environmental Planning Instruments (EPIs)

The *State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007* is the only relevant EPI to the application.

The modification application is consistent with the aim and objectives of the Alpine SEPP. The proposal does not negatively impact the assessment carried out by the Department for the original application. 'Tourist accommodation' is permissible with consent pursuant to Clause 11 of the Alpine SEPP and the Thredbo Alpine Resort land use table.

5.3 Delegation

The original application was determined under the delegation of the Minister for Planning, therefore the Minister remains as the consent authority for any subsequent applications to modify the consent.

In accordance with the Minister's delegation of 11 October 2017, the Team Leader, Alpine Resorts Team may determine the application as:

- the application relates to land to which *State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007* applies; and
- there are less than 25 public submissions in the nature of objections.

6. CONSULTATION

After accepting the application, the Department made the application publicly available on its website and notified adjoining properties of the application for 14 days between 21 June 2018 and 5 July 2018. No public submissions were received during the assessment of the modification.

The modification was referred to the NSW Rural Fire Service for comment in accordance with the Regulations and to the Office of Environment and Heritage.

NSW Rural Fire Service (RFS)

The RFS issued a Bushfire Safety Authority (BFS) that includes standard conditions referring to the submitted plans prepared by Myson Berkery Architects, asset protection zones, water and utilities, evacuation and emergency management and design and construction requirements.

Office of Environment and Heritage (OEH)

The OEH advised the proposed works are unlikely to have additional environmental impact and are permissible under the Head Lease held by Kosciuszko Thredbo Pty Ltd.

7. CONSIDERATION

The Department considers the key issues associated with the proposed modifications to be:

- external design changes; and
- internal design changes.

All other issues are assessed in **Section 7.3**.

7.1 External design changes

The key external design changes include altering window widths and configurations, provision of external downpipes and gas fireplace vents on the facades and reducing eave / roof overhangs (**Figure 2**).

The Department considers these to be minor detailed design changes and notes they have been undertaken to improve the overall appearance of the building.

Importantly, the Department notes these changes do not alter the approved height, bulk or scale of the approved building. As a result, the Department considers the changes are unlikely to result in any significant additional visual impacts to adjoining properties.

In terms of privacy, it is noted in many instances windows are either to be deleted or would have their widths reduced. Notably, where window head heights are proposed to be increased on the main north-west elevation, window widths would be reduced so that approximately the same window area is maintained (**Figure 2**). As such, the Department is satisfied the proposed window alterations are unlikely to result in any significant additional privacy impacts to adjoining properties.

The proposed colours and materials palette also incorporates:

- use of Fielders cladding in 'Prominence' profile and painted Colorbond 'Basalt' and 'Monument' for the roof and walls to Level 5 (as shown in **Figure 3**);
- rendering on the walls between Level 1 and 4 (in a mushroom colour); and
- use of stone on the façade above the car parking area.

The Department considers the colours and materials are sympathetic to the existing environment and complimentary to other lodges within the immediate locality. Further, the use of a metallic material also ensures longevity, compliance with BFSA construction requirements and reduced ongoing maintenance. The Department is therefore satisfied that Condition C.12 (requiring a detailed schedule of material and finishes) can be deleted noting this information has now been provided within this modification.

No issues of concerns were raised in submissions regarding the proposed external design changes.

The Department supports the proposed external design changes as they are minor in nature, would improve the overall appearance of the building and are unlikely to result in significant additional impacts to adjoining properties.

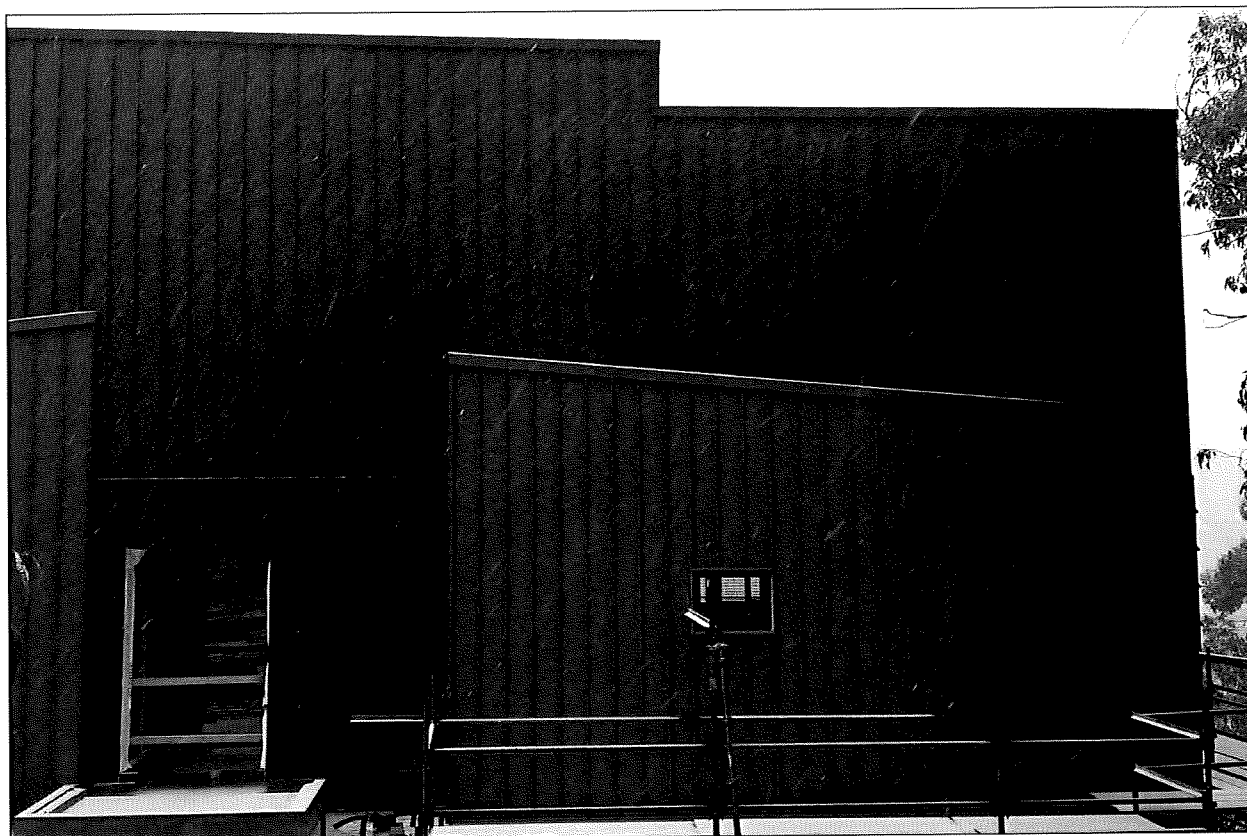


Figure 3: Example photograph of proposed cladding for the roof and walls to Level 5 (Source: Department)

7.2 Internal design changes

The proposed internal apartment design changes result from detailed design development of the building and would improve functionality and internal amenity for the occupants of the building.

The Department notes the proposed internal design changes comprise minor amendments and reconfigurations, do not increase the height, bulk or scale of the approved building, would not be visible from the exterior / public domain and are unlikely to result in any significant additional impacts (e.g. visual, privacy etc) to adjoining lodges.

Further, it is noted no issues of concerns were raised in submissions regarding the proposed internal design changes.

The Department supports the proposed internal design changes as they would improve functionality and internal amenity within the building without adversely impacting adjoining properties.

7.3 Other issues

The Department is satisfied all other issues (e.g. compliance with the Building Code of Australia, construction management etc) are minor and can be managed in accordance with the existing conditions of consent.

8. CONCLUSION

After consideration of the proposal against the relevant statutory considerations, Section 4.15 and 4.55(1A) of the EP&A Act and the provisions of the Alpine SEPP, it is concluded that the proposed modifications to the approval are appropriate. The proposal is permissible and no public submissions were received regarding the application.

The Department considers the modification request is acceptable as:

- the proposal remains substantially the same as originally approved and there will be minimal environmental impact as a result of the proposed amendments;
- the proposed external changes would improve the overall appearance of the building and are unlikely to result in significant additional impacts to adjoining properties;
- the proposed internal changes would improve functionality and internal amenity within the building; and
- the proposal does not result in any additional matters under Section 4.55(1A) of the EP&A Act.

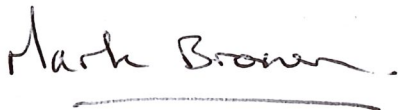
On this basis, the Department supports the proposed amendments.

9. RECOMMENDATION

It is recommended that the Acting Team Leader, Alpine Resorts Team, as delegate for the Minister for Planning:

- a) **consider** the findings and recommendations of this report;
- b) **accept and adopt** all of the findings and recommendations in this report as the reasons for making the decision to approve this modification;
- c) **determine** that the application (MOD 9420) falls within the scope of Section 4.55(1A) of the EP&A Act;
- d) **modify the consent** DA 017-06-2012; and
- e) **signs** the Modification of Development Consent at **Appendix C**.

Recommended by:



Mark Brown
Senior Planner, Alpine Resorts Team

DECISION

The recommendation is **Adopted / Not Adopted** by:



Andrew Hartcher
Acting Team Leader, Alpine Resorts Team
as delegate of the Minister for Planning

APPENDIX A. RELEVANT SUPPORTING INFORMATION / SUBMISSIONS

The following supporting documents and information to this assessment report can be found on the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9420

APPENDIX B. DEVELOPMENT HISTORY

DA 316-12-2004

In October 2005, the Department granted consent to DA 316-12-2004 for the demolition of the old Mittabah Ski Lodge and the erection of a new building comprising six self-contained apartments. Acting on this consent, the old Mittabah Ski Lodge was demolished but work subsequently ceased.

DA 017-06-2012

On 31 January 2013, the Team Leader of the Alpine Resorts Team granted approval to DA 017-06-2012 for the construction of a lodge consisting of eight self-contained apartments on the site, which included:

- ten car parking spaces, a plant room, a garbage room, the lift lobby, and two storage rooms per apartment at the basement level;
- two one-bedroom apartments at Level 1;
- two accessible one-bedroom apartments with treatment rooms on Levels 2 and 3; and
- two two-bedroom apartments over Levels 4 and 5 with one containing a spa and sauna.

Physical commencement of works was achieved with the removal of two oil tanks.

DA 017-06-2012 MOD 1

On 31 October 2013, the Team Leader of the Alpine Resorts Team granted approval to MOD 6137 (MOD 1 to DA 017-06-2012) that sought consent to modify the approval as follows:

- changes to the external façade of the building, including finishes, roof alignments, external walls, balconies, architectural treatments and overall bulk and scale;
- a re-configuration of the internal layout of the building, including the location of services, storage areas, and apartment layouts;
- increase the height of the central roof ridge by 260mm; and
- amendments to the entry point of the building.

DA 017-06-2012 MOD 2

On 7 July 2015, the Team Leader of the Alpine Resorts Team granted approval to MOD 6894 (MOD 2 to DA 017-06-2012) that sought consent to modify the approval as follows:

- minor adjustments to floor layout on all levels;
- changes to external materials and finishes; and
- increase excavation at the rear of the building.

DA 017-06-2012 MOD 3

On 1 December 2016, the Team Leader of the Alpine Resorts Team granted approval to MOD 8002 (MOD 3 to DA 017-06-2012) that sought consent to modify the approval as follows:

- additional excavation under the rear eastern and western footprint; and
- modifications to the Level 0 (Ground Floor) and Level 1, as follows:
 - Level 0 (Ground Floor) – amendments to the lobby, ski and dry room layout and inclusion of a new bike store / ski tune room.
 - Level 1 – amendments to Apartment A1.1 to include a walk-in robe off the bedroom (instead of a media room) and addition of a steam shower and amendments to Apartment A1.2 to include a steam shower and an increase in size to the approved media room.

APPENDIX C. RECOMMENDED MODIFICATION OF DEVELOPMENT CONSENT

The recommended conditions of consent can be found on the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9420