



Riverside Cabins, Thredbo Village

*Development Application
Assessment
(DA 9635)*

December 2018

© Crown Copyright, State of NSW through its Department of Planning and Environment 2018

Cover photo

Main Range, Kosciuszko National Park (Source: DPE file photo)

Disclaimer

While every reasonable effort has been made to ensure this document is correct at time of printing, the State of NSW, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance or upon the whole or any part of this document.

Copyright notice

In keeping with the NSW Government's commitment to encourage the availability of information, you are welcome to reproduce the material that appears in the Riverside Cabins, Thredbo Village Assessment Report. This material is licensed under the Creative Commons Attribution 4.0 International (CC BY 4.0). You are required to comply with the terms of CC BY 4.0 and the requirements of the Department of Planning and Environment. More information can be found at: <http://www.planning.nsw.gov.au/Copyright-and-Disclaimer>.



Glossary

Abbreviation	Definition
BCA	Building Code of Australia
Consent	Development Consent
Department	Department of Planning and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
Minister	Minister for Planning
OEH	Office of Environment and Heritage
RtS	Response to Submissions
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy



Executive Summary

This report provides an assessment of a Development Application (DA 9635) seeking approval for internal alterations to existing tourist accommodation building (cabin 1 and 11) at Riverside Cabins, Lot 772, Thredbo Alpine Resort within Kosciuszko National Park. The Applicant is Modern Mountain Construction.

The Minister for Planning is the consent authority for development within a ski resort in Kosciuszko National Park and the proposal is permissible with consent under the provisions of *State Environmental Planning Policy (Kosciuszko National Park-Alpine Resorts) 2007* (the Alpine SEPP).

The proposal was not exhibited due to the works being wholly within the buildings. The proposal was not referred to the Office of Environment and Heritage (OEH) pursuant to clause 17 of the Alpine SEPP as they advised that due to the scale and type of works referral was not necessary. No public submissions were received during the assessment of the application.

The Department has considered the merits of the proposal in accordance with relevant matters under section 4.15(1), the objects of the *Environmental Planning and Assessment Act, 1979* (EP&A Act), and the principles of Ecologically Sustainable Development. The key issue include compliance with the Building Code of Australia (BCA) and amenity and safety.

The Department considers that the proposal can comply with the provisions of the BCA, which is to be demonstrated during the construction certificate process. The amenity and safety of the unit is improved through the redesigned stairs in the building that will replace ladder style stairs. The Department is satisfied that impacts associated with the construction of the internal works can be appropriately mitigated.

The Department concludes that the application is, on balance, in the public interest as it supports the ongoing use of the unit for tourist accommodation which in turn supports the Alpine SEPP and regional plan for the locality.

The application is recommended to be approved, subject to conditions.



Contents

Glossary	iii
Executive Summary	iv
1. Introduction	1
1.1 Site Description	1
1.2 Site Context	2
2. Project	3
3. Strategic Context	4
4. Statutory Context	5
4.1 Consent Authority	5
4.2 Permissibility	5
4.3 Mandatory Matters for Consideration	5
5. Engagement	7
Department's Engagement	7
6. Assessment	8
6.1 Compliance with the Building Code of Australia (BCA)	8
6.2 Amenity and safety	8
7. Evaluation	9
8. Recommendation	10
9. Determination	11
Appendices	12
Appendix A – List of Documents	12
Appendix B – Statutory Considerations	13
Appendix C – Recommended Instrument of Consent/Approval	15



1. Introduction

This report provides an assessment of a Development Application (DA 9635) to undertake internal alterations to Riverside Cabins, Thredbo Village, Thredbo Alpine Resort within Kosciuszko National Park.

This application has been lodged by Modern Mountain Constructions (the Applicant) under Part 4 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act).

1.1 Site Description

Riverside Cabins are located in the south-western end of the Thredbo Village adjacent to the Thredbo golf course (**Figure 1**). The cabins are an array of approximately 56 one and two-bedroom cedar clad cabins constructed in the mid-1990s which are used for tourist accommodation and accessed via a carriageway off Diggings Terrace. The cabins are bordered by the Thredbo River and golf course to the north, eucalypt bushland to the south and west and Diggings Terrace to the east.



Figure 1: Riverside Cabins location in context to Thredbo Village (Source: SIX Maps 2018)

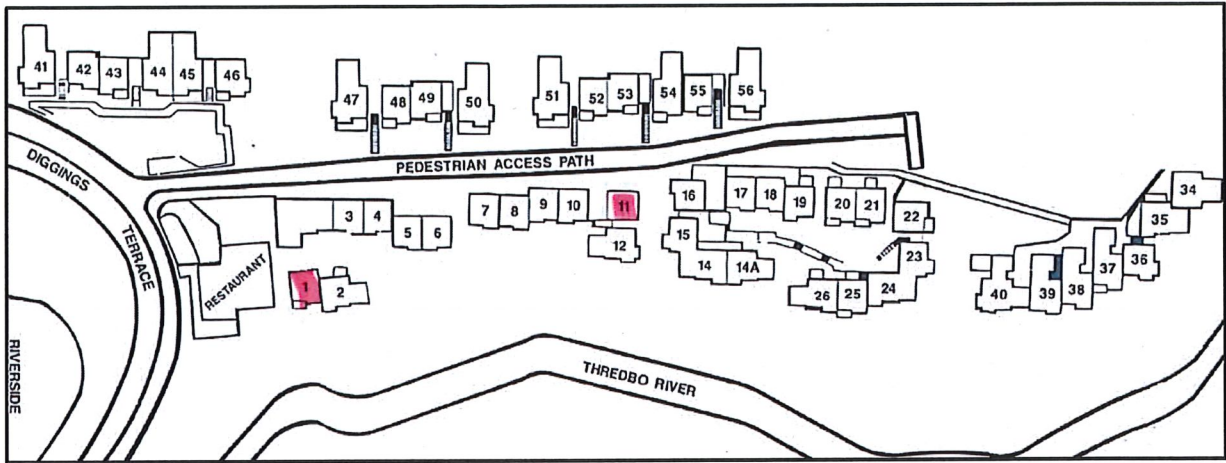


Figure 2: Riverside Cabins 1 and 11 within the Riverside Cabins development, Thredbo Village

1.2 Site Context

Thredbo Alpine Resort is located within Kosciuszko National Park and provides a year-round destination resort catering for both winter and summer activities, with mountain biking continuing to be one of the main attractions during the summer months.



2. Project

The application seeks approval for internal alterations to two existing tourist accommodation buildings within the Riverside Cabins complex comprising the following:

- replacement of existing ladders with stairs to the loft area within Cabin 1 and 11 (**Figure 3**)
- removal of an internal wall within the kitchen of Cabin 11
- renovation of kitchen in cabin 11

The replacement of the ladders with stairs is intended to provide a safer method of access to the loft area which is used as a bedroom and is frequently accessed. The current ladders are at a gradient which could be challenging and unsafe for some guests to use.

The proposal has a cost of works of approximately \$50,000.



Figure 3: Existing ladder proposed to be replaced (Source: DPE inspection photo and applicant SEE)



3. Strategic Context

The Snowy Mountains region offers a diverse and unique mix of visitor destinations including the Kosciuszko National Park (KNP), the alpine resorts, the iconic Snowy River and the highest mountains on the Australian continent. A strong tourism economy is driven mainly by skiing and related winter sport experiences during the peak winter season. The region, including the alpine resorts, also provides opportunities for a range of other recreational activities during the warmer months such as hiking, fishing, kayaking and mountain-biking. The resorts are important to NSW due to their economic and social contribution as well as their location within a unique alpine environment.

The two main documents that support the strategic context of the alpine resorts are the Alpine SEPP and the *South East and Tableland Regional Plan 2036*.

The Alpine SEPP governs development on land within the ski resort areas of KNP and aims to protect the natural and cultural heritage of land within the resorts and to encourage ecologically sustainable development. Under the provisions of the Alpine SEPP, the OEHL have a commenting role as the land manager which includes administering the Plan of Management framework for KNP that incorporates objectives, principles and policies to guide the long-term management of the broad range of values found in the park.

The South East and Tableland Regional Plan 2036 which was released by the Department in July 2017 describes the vision, goals and actions that will deliver greater prosperity for those who live, work and visit the region. The plan is an overarching framework to guide more detailed land use plans, development proposals and infrastructure funding decisions.

In relation to the alpine resorts, the plan recognizes that the sustainability of natural snow conditions within a changing climate will be a challenge if the area is to capitalise on higher number of visitors. It also seeks to promote diverse tourism opportunities in the Snowy Mountains that will strengthen long-term resilience. This can be partly addressed by promoting an extended tourism season that will make the Snowy Mountains a year-round destination for mountain biking, bushwalking, horse riding, kayaking, cultural and educational tourism, and recreational fishing.

The proposed development is consistent with the Alpine SEPP and South East and Tableland Regional Plan 2036 as:

- the proposal provides upgrades to a tourist accommodation building in the resorts; and
- the proposal can be undertaken with minimal environmental impact consistent with the principles of ecologically sustainable development.



4. Statutory Context

4.1 Consent Authority

Under clause 7 of 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*.

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
- there are less than 25 public submissions in the nature of objections

4.2 Permissibility

The proposal includes internal alterations within existing tourist accommodation buildings consistent with the definition of 'tourist accommodation' as defined in the Alpine SEPP. Pursuant to clause 11 of the Alpine SEPP, 'tourist accommodation' is permissible with consent within the Thredbo Alpine Resort.

4.3 Mandatory Matters for Consideration

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 promoting the orderly and economic use of the site as the Applicant seeks to make improvements an existing building
- would not have an impact on the environment thus being ecologically sustainable development

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.

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 as outlined in **Table 1** below.

The table represents a summary for which consideration is provided for in **Section 6** (Assessment) and relevant appendices or other sections of this report, referenced in the table.

Table 1 | Section 4.15(1) Matters for Consideration

(a)(i) any environmental planning instrument (EPI)	Satisfactorily complies. The Department's consideration of the relevant EPIs is provided in Appendix 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	<p>The application satisfactorily meets the relevant requirements of the EP&A Regulation, particularly the procedures relating to development applications (Part 6) and fees (Part 15, Division 1).</p> <p>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.</p>
(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,	<p>The Department has considered the likely impacts of the development.</p> <p>All environmental impacts can be appropriately managed and mitigated through recommended conditions of consent.</p>
(c) the suitability of the site for the development,	The site is suitable for the development as discussed in Section 6 of this report.
(d) any submissions made in accordance with this Act or the regulations,	Due to the minor nature of the proposed works, no submissions were received on the application.
(e) the public interest.	<p>The proposed development is consistent with the aim and objectives of the Alpine SEPP in that it is minor internal alterations to an existing tourist accommodation building. There would be no environmental impact and the proposal is consistent with the principles of ESD.</p> <p>As such, the proposal is considered to be in the public interest, subject to the imposition of appropriate conditions.</p>



5. Engagement

Department's Engagement

The Department determined that due to the site's location and nature of the proposal, the application was not notified or exhibited. However, the Department placed the application:

- on its website available to the public
- at its Jindabyne Office (Shop 5A, 19 Snowy River Avenue, Jindabyne)

Due to the minor nature of the proposed works, the Office of Environment and Heritage (OEH) advised that they would not require a referral pursuant to clause 17 of the Alpine SEPP.



6. Assessment

The Department has considered the objectives of section 4.15 of the EP&A Act, the Statement of Environmental Effects (SEE) in its assessment of the proposal. The Department considers that the key issue associated with the proposal to be:

- compliance with the Building Code of Australia (BCA)
- amenity and safety

Each of these issues are discussed in the following sections of this report.

6.1. Compliance with the Building Code of Australia (BCA)

The proposal is required to comply with the BCA and relevant Australian Standards. Based on the plans and documents that were submitted, the proposed stairs in both cabins would not comply with the Deemed-To-Satisfy (DTS) provisions of the BCA.

The SEE identified that the rise and run of the proposed stairs would not meet the prescribed dimensions outlined in the BCA and that a performance solution is required to comply with the performance requirements rather than the DTS provisions. Noting this, the Department is satisfied that this issue is capable of being considered during the Construction Certificate stage via a performance solution.

While noting the above, the Department is satisfied that the Applicant can address these matters during the Construction Certificate stage and has recommended appropriate conditions of consent.

6.2. Amenity and safety

The proposed internal alterations, including the kitchen renovation, are designed to improve the amenity and safety of the cabin. The Applicant notes that guests, as well as the owner, have reported difficulty and concern in climbing the existing ladder to access the loft bedroom.

The Department supports the proposal in that the proposed stair, while not in accordance with the DTS provisions, would provide a safer and more user-friendly method of access to the bedroom, therefore improving the safety and amenity of the cabin.

In addition, as the works are internal only, the proposed works will only have minimal impact upon the amenity of nearby properties during construction, however these will only be short term.



7. Evaluation

The Department has assessed the merits of the proposal taking into consideration the issues and is satisfied that the impacts have been satisfactorily addressed within the proposal and the recommended conditions.

In relation to the proposal, the Department considers that:

- the works are minor in nature and unlikely to cause any impacts on the adjoining buildings
- 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.

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.



8. Recommendation

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

- **considers** the findings and recommendations of this report;
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application;
- **agrees** with the key reasons for approval listed in the notice of decision;
- **grants consent** for the application in respect of DA 9635; and
- **signs** the attached development consent and recommended conditions of consent.

Recommended by:

Robin Ward
Planning Officer
Alpine Resorts Team



9. Determination

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

Daniel James
Team Leader
Alpine Resorts Team

21/12/2018

as delegate of the Minister for Planning.



Appendices

Appendix A – List of Documents

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows.

- Statement of Environmental Effects:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9635

Appendix B – Statutory Considerations

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

To satisfy the requirements of section 4.15(a)(i) of the EP&A Act, this report includes references to the provisions of the EPIs that govern the carrying out of the project and have been taken into consideration in the Department’s environmental assessment.

State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007 (Alpine SEPP) is the only EPI applicable to the development. Consideration of the matters to be considered is provided below:

CI 14(1) - Matters to be considered by consent authority	
(a) the aim and objectives of this policy, as set out in clause 2	See discussion above.
(b) the conservation of the natural environment and any measures to mitigate environmental hazards (including geotechnical hazards, bush fires and flooding),	Due to the works being wholly within the building and not increasing the size or scale of the building, no impact is expected on the natural environment.
(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 and supporting information supplied are 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, the works are internal only.
(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,	The Department notes that the works are internal building alterations that would be exempt under the Policy as it is considered that the alterations do not result in the load-bearing capacity of the building being exceeded.
(g) any sedimentation and erosion control measures,	No adverse impacts are expected, works are entirely internal.
(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. The proposal is for internal building works only.

(j) any significant increase in activities, outside of the ski season,	The proposal will not result in a significant increase in activities outside the ski season.
(k) if the development involves the installation of ski lifting facilities,	The proposal does not involve the installation of any new ski lifting facilities.
(l) if the development is proposed to be carried out in Perisher Range Alpine Resort: the document entitled Perisher Range Resorts Master Plan and the document entitled Perisher Blue Ski Slope Master Plan,	Not applicable to this development.
(m) if the development is proposed to be carried out on land in a riparian corridor.	The works are within 40 metres of riparian land, however internal works do not require referral to the NSW Office of Water.
CI 15 – Additional matters to be considered for buildings	
Building Height	Not applicable, internal works only.
Building Setback	Not applicable, internal works only.
Landscaped Area	Not applicable, internal works only.
CI 17 – applications referred to the Office of Environment and Heritage (OEH)	
The OEH was advised of the application, however due to the minor nature of the works did not require a referral pursuant to clause 17 of the Alpine SEPP.	
CI 26 – Heritage conservation	
European heritage	Due to works being internal only, the proposal will not impact on any European heritage items.
Aboriginal heritage	Due to works being internal only, the proposal will not impact on any Aboriginal heritage items.

Appendix C – Recommended Instrument of Consent/Approval

