



# ***Stillwell Hotel, Charlotte Pass***

*Development  
Application Assessment  
(DA 9709)*



March 2019

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### Cover photo

Main Range, Kosciuszko National Park (Source: Alpine Resorts Team)

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# 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>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
Minister	Minister for Planning
OEH	Office of Environment and Heritage
RFS	NSW Rural Fire Service
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 9709) seeking approval for alterations and additions at Stillwell Hotel, Charlotte Pass Village, Charlotte Pass Alpine Resort within Kosciuszko National Park. The Applicant is Charlotte Pass Snow Resort Pty Ltd.

The proposal seeks approval for external additions involving construction of two airlocks at the entry / exit points to the ground floor restaurant level, internal bathroom and bar alterations within the restaurant area, and reconfiguration of rooms on Level 5 to form a two bedroom suite. The proposal also includes the replacement of all windows on Level 5 with double glazed aluminium frames.

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 publicly exhibited between 19 November 2018 to 3 December 2018 (14 days). The Department received a total of two submissions during the exhibition, including two submissions from government agencies (the NSW Rural Fire Service and the Office of Environment and Heritage) and no submissions from the public.

The Department has considered the merits of the proposal in accordance with relevant matters under section 4.15(1) and the objects of the *Environmental Planning and Assessment Act, 1979* (EP&A Act), the principles of Ecologically Sustainable Development, and issues raised in all submissions as well as the Applicant's response to these issues.

The Department has assessed the proposal and has found the key issues to be compliance with the Building Code of Australia (BCA) and the Bushfire Safety Authority issued by the NSW RFS and amenity impacts of the alterations.

The Department considers that the proposal can comply with the provisions of the BCA, which is to be demonstrated during the construction certificate process.

Compliance with the Bushfire Safety Authority issued by the NSW RFS is capable of being demonstrated during construction of the works. Where vegetation is to be managed, additional discussions with the OEHL is to be organised. Additional discussions were held with the NSW RFS in relation to upgrading the building to improve ember protection, with further details outlining proposed works to be included within the Construction Certificate documentation.

The works to the Level 5 improves the amenity of the apartment for its occupants and the works to the ground floor entry areas and internal restaurant area improves wet and adverse weather access for visitors and guests.

The Department has considered the matters raised by the State government agencies, which have either been addressed through this assessment or recommended conditions of consent.

The Department concludes that the application is, on balance, in the public interest as it supports the ongoing use of the site for tourist accommodation, which in turn supports the Alpine SEPP and regional plan for the locality. The works also improve access into the premises and facilitates the ongoing use of Stillwell Hotel to the general public.

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





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# 1. Introduction

This report provides an assessment of a Development Application (DA 9709) to undertake alterations and additions at Stillwell Hotel, Charlotte Pass Village, Charlotte Pass Alpine Resort within Kosciuszko National Park.

This application has been lodged by Charlotte Pass Snow Resort Pty Ltd (the Applicant) under Part 4 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act).

## 1.1 The Site and Surrounding Development

The subject site is historically identified as Lot 24, within Charlotte Pass Village (**Figure 1**). The site is occupied by a five-level tourist accommodation building known as 'Stillwell Hotel' (**Figure 2** and **3**), built in the 1980's. The hotel contains an occupancy of 60 beds and includes a public restaurant area and outdoor seating area on a terrace, lounge area, spa / pool, entertainment facilities and drying rooms. The lodge is constructed of timber cladding with a metal roof.



**Figure 1:** Stillwell Hotel in context of Charlotte Pass (Source: SIX Maps 2019)





**Figure 2:** Existing Stillwell Hotel (Source: Applicant's documentation)

The site has an area of approximately 1,113m<sup>2</sup> and adjoins tourist accommodation premises, including Jerrabomberra, Burrawong, Knockshannoch, Tar-Gan-Gil, Arlberg, Snowbird and Southern Alps Ski Club. Access to the site is available off the access road into Charlotte Pass during summer and winter.

Pockets of existing native vegetation are located to the southeast adjacent to the southern boundary of the building outside of the lease area, with the remainder predominantly disturbed managed grassland or gravel.



**Figure 3:** Stillwell Hotel and adjoining lodges as seen from Kosciuszko Road (Source: Department inspection)



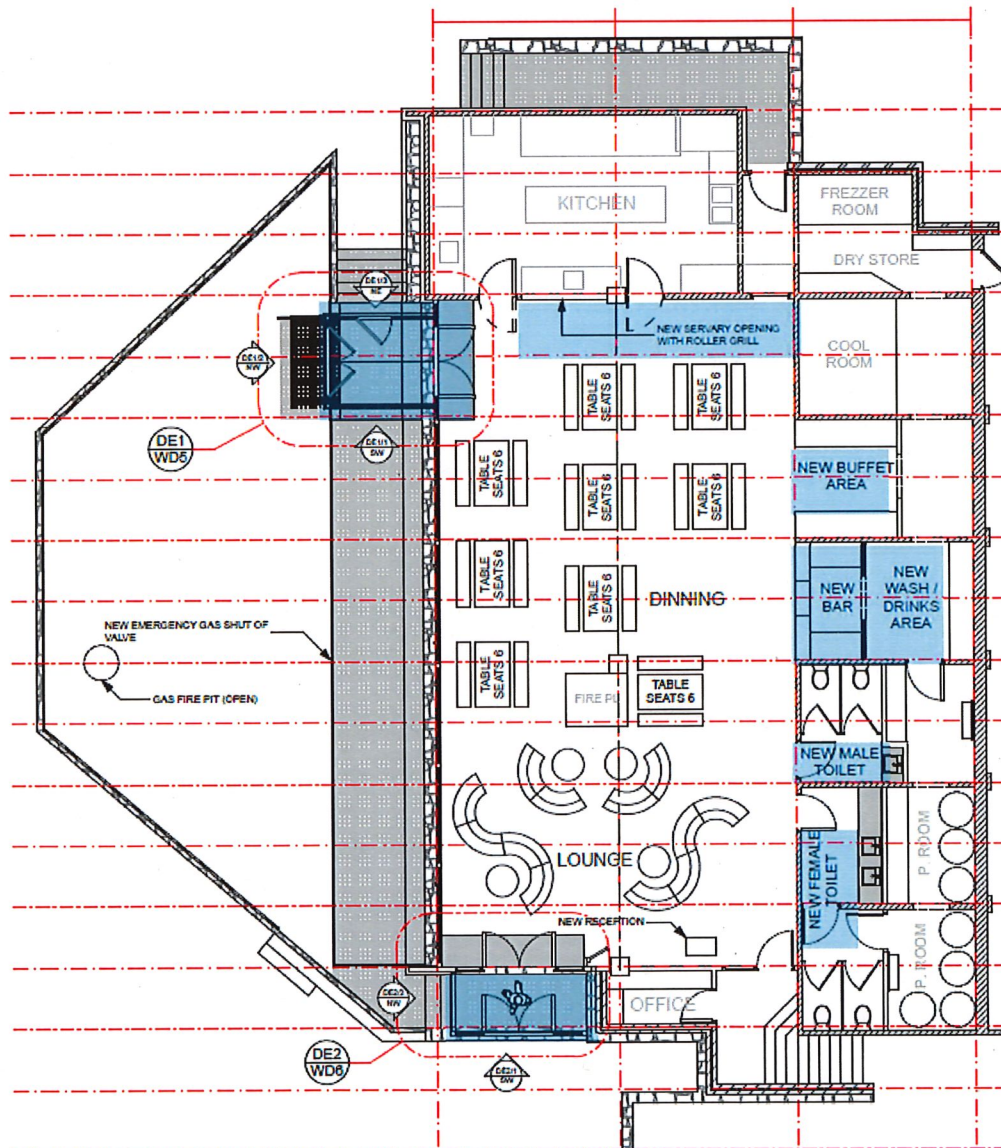


## 2. Project

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

- external additions involving construction of two airlocks at the entry / exit points to the Level 1 restaurant level
- bathroom, kitchen servery, buffet and bar alterations adjoining the restaurant area (**Figure 4**)
- reconfiguration of rooms on Level 5 to form a two-bedroom suite
- replacement of all windows on Level 5 with double glazed aluminum frames

The works do not increase the overall floor area of the building or increase the bed capacity of the building. The proposal has a cost of works of approximately \$87,000.



**Figure 4:** Proposed Level 1 works (Source: Applicant's documentation)





## 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 environmentally 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 more 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 incorporates works to an existing tourist accommodation building to improve its ongoing use while satisfying the principles of ecologically sustainable development
- the proposal maintains the existing use of the site for tourist accommodation and for public restaurant facilities, which supports visitation to the NSW ski resorts



## 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 additions and alterations to the tourist accommodation and restaurant components of the building, while maintaining the use of the site consistent with the definition of 'tourist accommodation' and 'food outlet' as defined in the Alpine SEPP. Pursuant to clause 11 of the Alpine SEPP, 'tourist accommodation' and 'food outlet' is permissible with consent within the Charlotte Pass Alpine Resort.

### 4.3 Other Approvals

#### Rural Fires Act 1997

As the works include external alterations to a tourist accommodation building located on bushfire prone land, an approval is required from the NSW Rural Fire Service (RFS) under Section 100B of the *Rural Fires Act 1997* in the form of a Bushfire Safety Authority. Refer to **Section 5** for further discussion on this component.

### 4.4 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:

- facilitates ecologically sustainable development through minimising impacts on the environment while improving the use of an existing tourist accommodation building
- supports the orderly and economic use of the site for the benefit of staff and guests by updating the hotel
- protect the environment through limiting impacts upon native vegetation

#### 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 and that ESD can be achieved through the implementation of:



- the precautionary principle
- inter-generational equity
- conservation of biological diversity and ecological integrity
- improved valuation, pricing and incentive mechanisms

ESD initiatives and sustainability measures are proposed to be incorporated into the design, including:

- the precautionary principle – The proposal does not pose a threat of serious or irreversible environmental damage and relates to works to an existing tourist accommodation building without impacting the existing environment.
- inter-generational equity – The proposal is not expected to adversely impact upon the health, diversity or productivity of the environment for future generations.
- conservation of biological diversity and ecological integrity – The proposal would not result in a loss of biodiversity or have an ecological impact. The APZ requirement recommended by the NSW RFS can be achieved with minimal environmental impact.
- improved valuation, pricing and incentive mechanisms – The Applicant has recognised the value of the environment and designed the development accordingly with no ground disturbance proposed.

Overall, the proposal is consistent with ESD principles and the Department is satisfied the proposed works have been development having regard to the ESD principles, in accordance with the objects of the EP&A Act.

### **Biodiversity Conservation Act 2016**

Section 1.7 of the EP&A Act requires the application of the *Biodiversity Conservation Act 2016* (BC Act) in connection with the terrestrial and aquatic environment. The BC Act commenced on 25 August 2017, with transitional arrangements in place until 25 February 2018. The BC Act, together with the *Biodiversity Conservation Regulation 2017* (BC Regulation), introduced framework for the assessment and approval of biodiversity impacts associated with developments that require consent under the EP&A Act.

The BC Act introduced a Biodiversity Offsets Scheme that applies when:

- the amount of native vegetation being cleared exceeds a certain threshold area, or
- the impacts occur within an area mapped on the Biodiversity Values Map (BVM) published by the Minister for Environment, or
- a significant impact is likely according to a 'test of significance' carried out as per section 7.3 of the BC Act, or
- the works are carried out in a declared area of outstanding biodiversity value.

As part of the BC Act, native vegetation clearing thresholds have been set, above which the Biodiversity Offset Scheme applies. In order to meet the NSW RFS requirements, some native vegetation may need to be managed, however the extent of works is considered to be minimal and highly unlikely to exceed the threshold.

As part of the implementation of the BC Act the Minister released a BVM of all public and private land areas in the State whose biodiversity is protected by the BC Act. Parts of the ski resorts are incorporated in this mapping as an area of protected biodiversity value (coloured on the BVM). The Department has reviewed the mapping and considers the site to be located outside of the BVM.

Given the extent of works proposed (being wholly with the building footprint), the proposal is not considered to have a significant affect threatened species or ecological communities, or their habitats.

There are currently no declared area of outstanding biodiversity value within Kosciuszko National Park.

### 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)	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 <b>Appendix B</b> . The Department is satisfied that the application is consistent with the Alpine SEPP.
(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 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).  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	The Department has considered the likely impacts of the development and concludes that the environmental impacts can be appropriately managed and mitigated through recommended conditions of consent. The proposal is considered to have positive economic and social impacts for Charlotte Pass village.
(c) the suitability of the site for the development,	The site is suitable for the development and supports its approved tourist accommodation and restaurant, that is open to the public, use.
(d) any submissions made in accordance with this Act or the regulations,	Consideration has been given to the agency submissions received during the exhibition period. See <b>Section 5</b> of this report.
(e) the public interest.	The proposed development is consistent with the aim and objectives of the Alpine SEPP and would be compatible to the uses of the locality. There would also not be an adverse impact on the environment and the proposal is consistent with the principles of ESD.  As such, the proposal is considered to be in the public interest, subject to the imposition of appropriate conditions.





# 5. Engagement

## 5.1 Department's Engagement

The Department exhibited the application from 19 November 2018 until 3 December 2018:

- on the Department's website
- at its Jindabyne Office (Shop 5A, 19 Snowy River Avenue, Jindabyne)

The application was also exhibited to nearby lodges (Jerrabomberra, Burrawong, Knockshannoch, Tar-Gan-Gil, Arlberg, Snowbird and Southern Alps Ski Club) and State government agencies in writing, including:

- the Office of Environment and Heritage (OEH) pursuant to clause 17 of the Alpine SEPP
- 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

## 5.2 Summary of submissions

The Department received two State government agency submissions on the proposal (OEH and RFS). No public submissions were received.

## 5.3 Key Issues - Government Agencies

None of the State government agency submissions objected to the proposed works, and the key issues raised have been addressed through the provision of submitted information, or through the recommended conditions of consent.

**Table 2** | Summary of Government Agency Submissions

<b>NSW Rural Fire Service (RFS)</b>	<p>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.</p> <p>The Department notes that the Applicant obtained separate approval prior to the lodgment of the application from the OEH to manage the existing lease area as an Asset Protection Zone in accordance with the Rural Fire Service "Standards for Asset Protection Zones".</p>
<b>Office of Environment and Heritage (OEH)</b>	<p>The OEH did not object to the proposal and provided comments on flora and fauna, leasing, Aboriginal cultural heritage, heritage conservation and public health. The OEH recommended conditions to address waste management, vegetation management and public health requirements in order to comply with the <i>Food Act 2003</i>.</p> <p>The OEH requested confirmation if there were any ground disturbance with the proposal. The Applicant has advised that no ground disturbance is proposed.</p>

The Department has considered the comments received from the RFS and the OEH in **Section 5** or through recommended conditions in the instrument of consent at **Appendix C**.



## 6. Assessment

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
- compliance with the Bushfire Safety Authority
- amenity impacts of the proposed works

Each of these issues are discussed in the following sections of this report. Other issues were taken into consideration during the assessment of the application and are discussed at **Section 6.3**.

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

The proposal requires works to comply with the BCA and relevant Australian Standards. Some key aspects of the Department's consideration include access and egress provisions, fire safety (Clause 94 of the EP&A Regulation) and construction standards for the new works (i.e. snow and wind loading and structural integrity of the existing building). Each of these matters are discussed below:

- Compliance with the *Disability Discrimination Act 1992* (DDA), 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. The Department has recommended an Advisory Note to ensure the building owner, manager and certifier are aware of the obligations.
- Clause 94 of the EP&A Regulation requires 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 considers that no additional fire upgrades are recommended to be conditioned in the subject application.
- Ensuring the proposal meets snow and wind loading requirements is a key consideration of the Department's assessment in the NSW Alpine environment. With adverse weather conditions at times, the fixing of the airlocks to the existing building needs to be constructed appropriately. The Department has recommended that structural certification of the works be provided prior to occupation certificate.

The Department concludes that subject to compliance with the conditions of consent, including references to the BCA which is to be addressed by the certifying authority at the Construction Certificate stage, the proposal is satisfactory and would improve access into the premises during adverse weather events, the functionality of the restaurant area to cater for guests and visitors and would improve the amenity of the reconfigured Level 5 unit.

### 6.2. Compliance with the Bushfire Safety Authority

The development is proposed on land identified as bushfire prone and the RFS has issued a BFA for the proposed works. The Department notes that the existing site is predominantly disturbed land, with managed grassland and minimal native vegetation.



Noting the comments from the OEH, the Department has recommended a condition requiring the Applicant to discuss with the NPWS Assessment Coordinator any required vegetation removal to comply with the BFA from the NSW RFS.

The Applicant raised concerns in relation to compliance with Condition No. 6 of the Bushfire Safety Authority (BFA) issued by the NSW RFS that required the existing building to be upgraded to improve ember protection. The concern related to the nature of works and that compliance with the condition would be "excessive" and that the location of the building in respect of the village means that it is unlikely that the building would be subject to flying embers unless a significant bushfire threat was already active and threatening the entire resort area. In this type of scenario all occupants of the building would have already been evacuated from the whole of building and the water sprinkler Fire Suppression System would be activated providing protection to the building.

The NSW RFS reviewed the Applicant's request and updated Condition No. 6 of the BFA to state (underlined sections are amendments):

*The existing building is required to be upgraded to improve ember protection (if not already constructed to the relevant Bushfire Attack Level under AS3959).*

*This can be achieved by undertaking some or all of the following; enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2 mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.*

*Details of the proposed upgrades to improve ember protection shall be submitted with the application for the Construction Certificate.*

The Department's assessment notes that some introduction of measures to improve the ember protection of the building is an improvement rather than the implementation of no ember protection measures.

The amended BFA condition is supported and requires the Applicant to provide details with the Construction Certificate.

### **6.3. Amenity impacts of the proposed works**

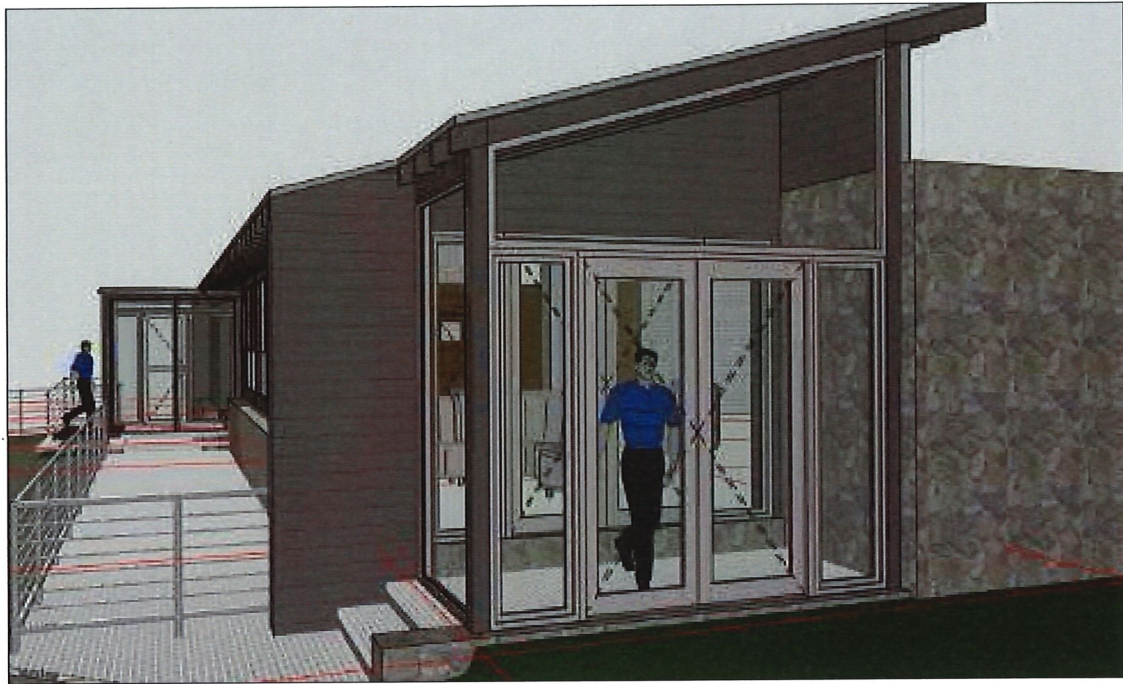
The proposed alterations and additions to the building improve the functionality of the existing building, particularly with the introduction of the new airlocks at the entry / exit points to the Level 1 restaurant (**Figure 4** and **5**). The works to Level 1 improves wet and adverse weather access into the existing building and improves the overall functionality of the restaurant level without impacting on any adjoining properties.

The reconfiguration of Level 5 to provide a two-bedroom suite (with consolidating three apartments), improves the functionality of the apartment and provides an improved amenity for its occupants with views onto the ski slopes.

The works have minimal impact upon the amenity of adjoining properties, except during construction, however these will only be short term. The Department concludes that the proposal is acceptable and increases the overall amenity of the building.

Adjoining properties were notified and raised no concerns regarding the proposed works. The OEH also raised no changes in terms of leasing and recommended that the works comply with the *Food Act 2003* (noting the amendments to the kitchen servery and provision of new buffet and bar area).

The Department's assessment concludes that the proposed works to the building are acceptable and ensures the ongoing operation of the building (with improved facilities for visitors and occupants), while undertaking works that do not negatively impact the built form or adjoining lodges.



**Figure 5:** Proposed new airlock off the southwest elevation of the building, with the proposed new airlock off the northwest elevation in the distance (Source: Applicant’s documentation)

#### 6.4. Other Issues

The Department’s consideration of other issues is provided at **Table 3**.

**Table 3** Summary of other issues raised

Issue	Findings	Recommended Condition
<p><b>Managing Construction Impacts</b></p>	<p>Given the scope of the works, it is unlikely that the construction of the proposal will cause any adverse impact upon the natural environment. The proposal is in keeping with the use of the building for tourist accommodation and the works are not expected to generate significant ground disturbance.</p> <p>Parking is available within the turn-around point adjacent to Stillwell Hotel, with material storage likely to be placed on the existing terrace area at the front of the building.</p> <p>Construction impacts such as noise and vibration will be short term and managed in accordance with conditions.</p> <p>A Site Environmental Management Plan was received with the application.</p>	<p>The Department has recommended standard construction conditions applied in the Alpine area and that the works be carried out in accordance with the submitted SEMP.</p> <p>Subject to compliance with these conditions, the Department is of the view that the proposed works would not impact upon adjoining lodges.</p>





## 7. Evaluation

The Department has assessed the merits of the proposal taking into consideration the issues raised 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
- the works to Level 1 improves wet and adverse weather access into the existing building and improves the overall functionality of the restaurant level without impacting on any adjoining properties
- the reconfiguration of Level 5 provides a two-bedroom suite with a generous outlook onto the ski slopes and improved amenity for its occupants

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; and
- **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/approval** for the application in respect of DA 9709; and
- **signs** the attached development consent and recommended conditions of consent (see attachment).

Recommended by:

*Mark Brown.*

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





## 9. Determination

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

8/3/2019

**Daniel James**

**Team Leader**

**Alpine Resorts Team**

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.

1. Statement of Environmental Effects
  - [http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9709](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9709)
2. Submissions
  - [http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9709](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9709)

## 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	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 existing 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 allows for alterations and additions to an existing tourist accommodation building without having an impact on the environment. Natural hazards have been adequately addressed.
(c) the cumulative impacts of development on existing transport, effluent management systems, waste disposal facilities or transfer facilities, and existing water supply,	The proposal does not modify the capacity or use of the existing building. The subject site contains the necessary infrastructure and services to support the development as proposed.
(d) any statement of environmental effects,	The SEE supplied 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 and is aimed at improving the functionality of the existing building.
(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,	<p>The Department notes that the site is located within the G zone on the geotechnical maps.</p> <p>The Department has considered the Applicant's comment that the proposed works are '<i>exempt from any geotechnical issues as there will be no major increase in weight or any earthworks required</i>' against the objectives of the Policy.</p> <p>The Department has formed the view that the proposed works are not likely to increase existing loads. No further assessment on geotechnical matters is considered necessary for the project.</p>
(g) any sedimentation and erosion control measures,	No adverse impacts are expected due to the nature of the works.



(h) any stormwater drainage works proposed,	No negative impacts to stormwater or drainage are anticipated.
(i) any visual impact of the proposed development, particularly when viewed from the Main Range,	The proposal is not visible from the Main Range.
(j) any significant increase in activities, outside of the ski season,	The proposal will not result in 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.
(m) if the development is proposed to be carried out on land in a riparian corridor.	Not applicable to proposal.
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 5</b> and discussion, where required, on proposal at <b>Section 6</b> .	
CI 26 – Heritage conservation	
European heritage	The proposal is not considered to impact on any European heritage items.
Aboriginal heritage	The OEH advised that as long as the works do not involve any ground disturbance or tree removal, the <i>Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales</i> is not required.  The Applicant has confirmed that no ground disturbance is proposed.

## Appendix C – Recommended Instrument of Consent