

Department of Planning – Alpine Resorts Team  
Shop 5A, 19 Snowy River Ave,  
JINDABYNE, NSW, 2627

Email: [mark.brown@planning.nsw.gov.au](mailto:mark.brown@planning.nsw.gov.au)

Dear Mark,

RE: SUBMISSION RESPONSES TO DA10114 BERNTI'S MOUNTAIN LODGE, THREDBO

Complete Town Planning would like to provide the following responses to the following items raised in submissions received no. 341277 & 341069.

Submission 341277

**1. The Development will result in a reduction in area available for parking. Currently the front of the site on a busy weekend parks over 15 vehicles. It's a complete disaster with a lot of vehicles being parked or interfering with the loading and unloading and parking area associated with our apartment. Quite often Bernti's guests or visitors to their much small restaurant park in our designed spaces.**

Response: The carparking area that currently exists onsite is to be formalised and sealed as part of the development. Currently the parking area can provide for 7 cars and this remains unchanged under the proposal (with one space being used by the property owner). The whole of the Thredbo locality experiences problems with parking with the majority of accommodation/restaurant providers relying upon public parking. As an existing use that has occurred for many years, and as one of the few lodges that can provide parking onsite for guests, the formation of the parking is deemed to be of positive influence. Additionally, Bernti's has their own commuter bus for in house guests, offering transport to and from car parking areas.

Parking issues that occur at the adjoining accommodation complexes cannot be a consideration when assessing this application.

**2. The DA proposes to reduce this parking down to 6 spaces, which will only further impact on the Mowamba Apartments. The spaces appear extremely difficult to access, particularly the garage space which cannot be accessed if the other spaces are full of cars.**

**No doubt, the real proposal is to stack cars behind and fill the entire car park, which is the current operation.**

Response: The amount of carparking spaces on the site will remain unchanged under the proposal. 7 formalised parking spaces are proposed. The garage will be utilised by the property owner and access will be personally arranged. Stacked parking is not proposed. Access has been assessed by a professional (and forms part of the application) and it has been demonstrated that all vehicles can enter and exit the site in a forward motion (see image below).

Parking issues that occur at the adjoining accommodation complexes cannot be a consideration when assessing this application.

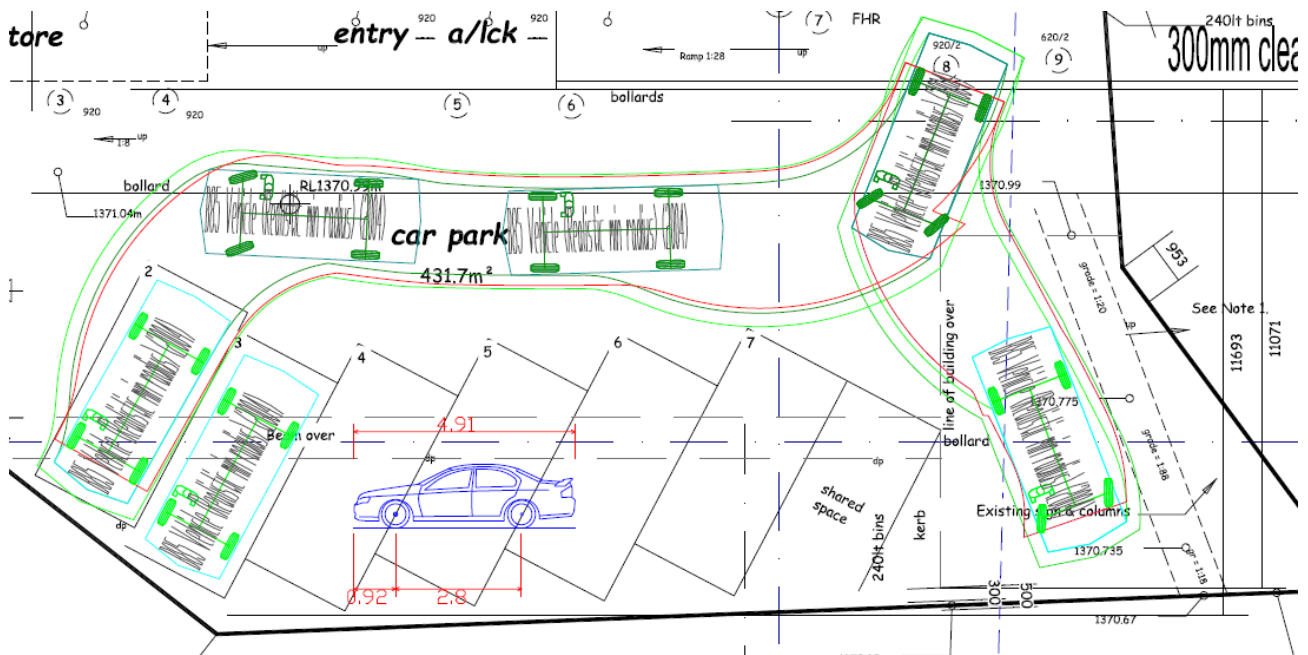


Figure1: Professional traffic consultant diagram of traffic entering and exiting the site

**3. With the creation of a much larger bar and restaurant, with an additional internal area of over 300m<sup>2</sup> plus an additional 200m<sup>2</sup> of deck, an additional 500 people that can be accommodated for drinking and dining. Yet the proposal is to reduce the parking spaces available down to 6 spaces. This will have a huge impact on the surrounding parking, day and night visitor parking and bus system, which has not been addressed.**

Response: It is anticipated that the restaurant and patio will be predominantly utilised by persons that are staying either at the premises, are being accommodated within Thredbo or those arriving on foot. Bernti's has their own commuter bus for in house guests, offering transport to and from car parking areas. Others who are visiting the premises are free to utilise the many public parking areas (which are currently under expansion) that are located surrounding the village (similarly to other accommodation and restaurant providers in Thredbo).

**4. The building is proposed with no front or side setback, even though the Thredbo Design Guidelines requires a 3m setback to all boundaries. With no front setback provided, solar access and views enjoyed from our balcony to the north will be obstructed by the enormous 3 storey addition.**

Response: Whilst the Thredbo Design Guidelines identify a prescribed 3 metre setback to all property boundaries, it must be taken into consideration that constraining factors both within the size of the allotments and topographic constraints within Thredbo landscape it is expected that variations may be applied. It is common within Thredbo that buildings are built to or in close proximity to property boundaries. In this instance the proposed setback variations can be justified for the following reasons:

- The lowest level carparking is an open structure that has existing retaining walls to the property boundary. Given the open nature of the lowest level this will minimise the visual bulk and scale when viewed from Mowamba Place.
- The side setback on the west boundary does not pose any negative impacts to adjoining properties whilst providing for essential storage areas for the development. It is setback approximately 12 metres from Mowamba Place ensuring that visual amenity is maintained.
- The setback encroachment on Level 2 is mainly sundeck, again is an open structure that minimises the bulk and scale when viewed from the street.
- The side setback to the north is located directly above carparking space 2 and accommodates the kitchen/ bathrooms/lift/servery on Level 2, and open sundeck on Level 3 is a small proportion of the whole development. The development position being setback from Mowama Place will allow the visual impact of the variation to be lessened when viewed from the street. Signage on this part of the building

will also detract from it being located upon the boundary. The structural form of the building on the left and right to this portion are open lessening any bulk and scale issues that may have arisen from the variation.



Figure 2: 3D Perspective images demonstrating how the open nature of the development minimises bulk and scale of the development

Views : Considering the location of the Mowamba Apartments and the orientation of the building, the predominant views enjoyed by all apartments is towards the Thredbo ski fields/ mountain that is directly to the north-west. Bernti's Mountain Inn is located north-east of the Mowamba Complex. Images clearly depict that views to the north-east (towards Bernti's Mountain Inn) were not a consideration when the Mowamba Complex was designed. This can be witnessed in a lack of windows on the northern façade and the orientation of the building. There will not be any issues pertaining to loss of solar access (no living windows exist on the north elevation) or views to the northernmost apartments in the Mowamba complex due to the orientation.



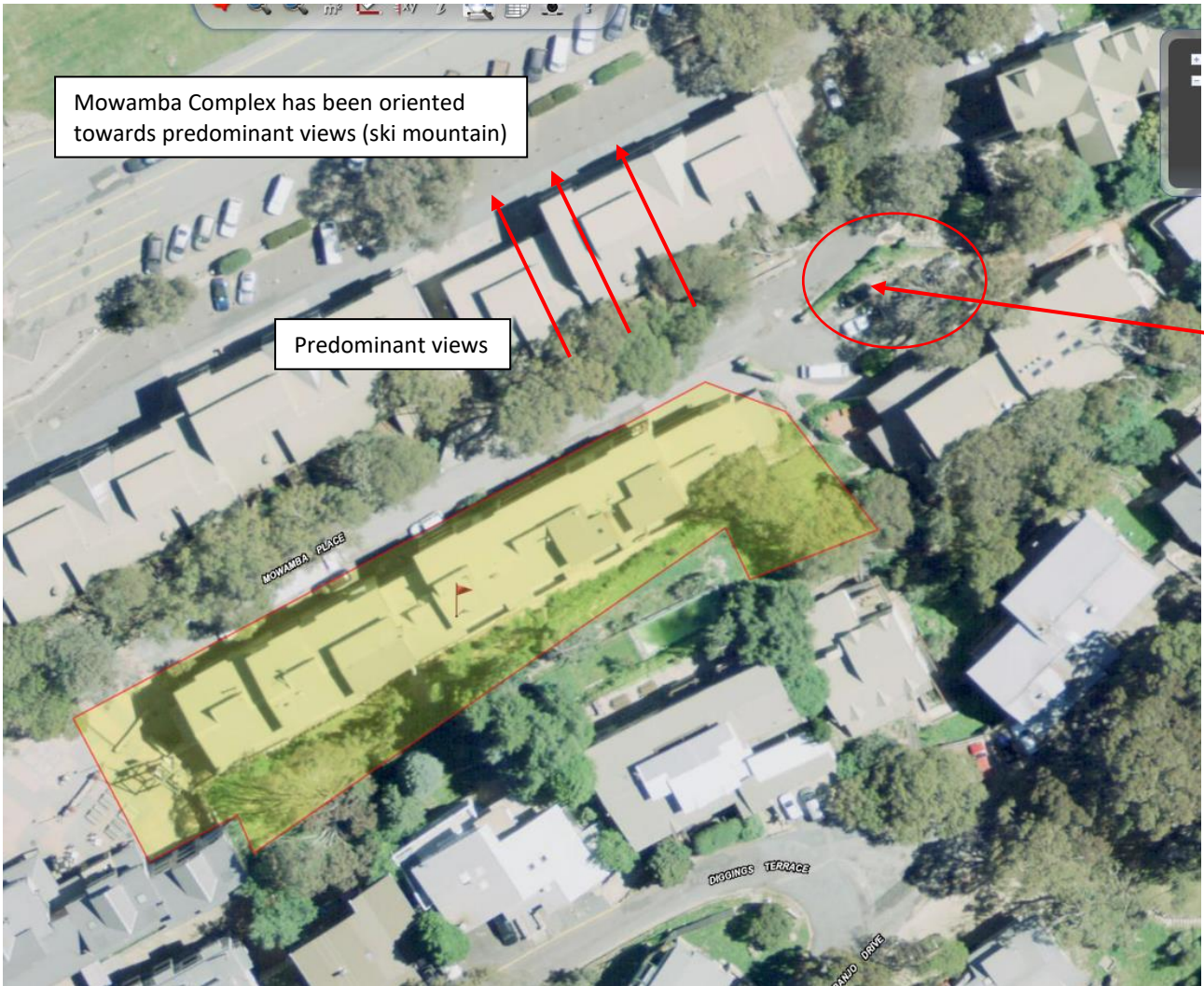


Figure 3: Location of Bernti's Inn compared to Mowamba Complex where views are to the north- west towards the ski mountain



Figure 4: The Northern end of Mowamba Apartment Complex when viewed from the subject site. No living room windows exist on the northern elevation.

**5. The building will overshadow the northern apartments and decks during winter making the road even more icier.**

Due to the orientation of the Mowamba Complex and the distance between buildings there will not be any overshadowing issues due to the development. Additionally the Mowamba Apartments are much higher which will ensure sunlight will not be diminished by the proposed development.

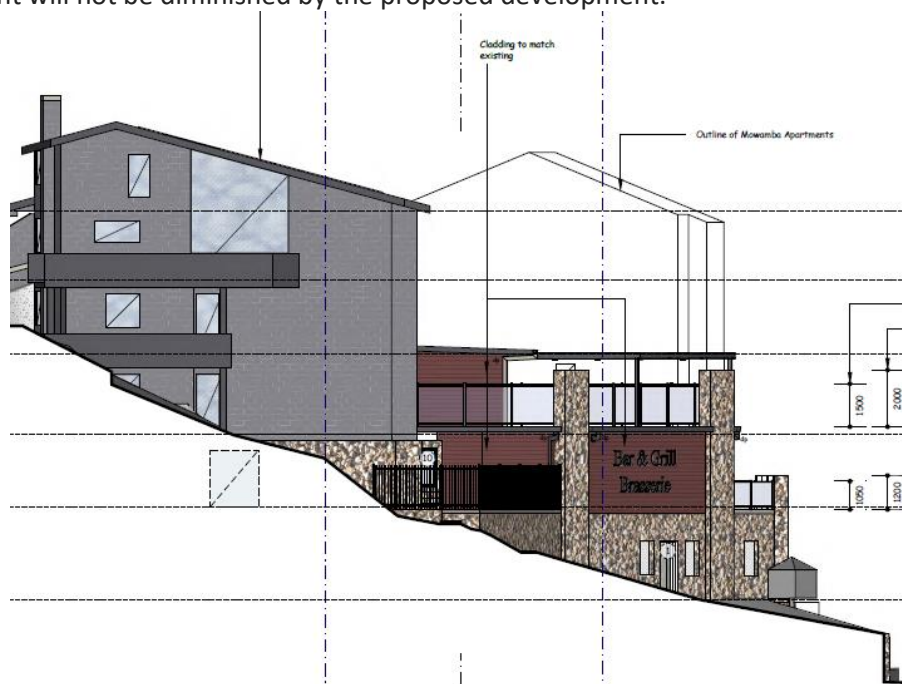


Figure 5: Plans indicate the height of the Mowamba complex in relation to the proposed development. No overshadowing shall occur.

The orientation of the building will ensure that sunshine from East to West will access Mowamba Place and not overshadow the road increasing icy conditions in winter.

**6. The small sun deck on level 2 and the large sun deck on level 3 will create acoustic privacy and noise issues for Apartment owners and guests. Any music or just gathering of people on 200m2 of open deck within 5m of our apartment building and decks is going to create significant noise issues. A comprehensive acoustic and noise assessment with noise attenuation measures are required.**

Response: The proposed development is located within the restaurant/bar precinct of Thredbo and will operate in accordance with timeframes in accordance with lease agreements with Kosciusko Thredbo. Any noise complaints outside of business hours should be directed to relevant authorities.

**7. I have been advised that the property owners previous Building Certifier has put together the DA and has prepared all the documents including the SEE, Bushfire Report and has also engage the Designer, being extensively involved in the design process and no doubt has also been involved in BCA advice and has previously undertaken and will undertake the issuing of Building Certificates and Inspections. I understand this is not the first time this has occurred. Surely it would be a conflict of interest for the Building Certifier as this would create a bias in their role as a Regulator. The Building Professional Board and ICAC should be informed of this conflict of interest.**

Response: The application was submitted to the Department of Planning on behalf of Bernti's Mountain Inn by Complete Town Planning. Complete Certification has not been engaged as Building Surveyor for the proposed development and therefore will not be issuing certificates or conducting inspections. Additionally, Complete Certification has not been involved in the design process as the building was designed by Mike Weigman Design Service. All other reports, specifications and information were prepared by suitably qualified professionals as required for DA submission.



## Submission 341069

As the owner of a Mowamba Apartment which is positioned at the end of the block closest to Bernti's I have a number of concerns.

**1. The development proposes to more than double the depth of the existing property. Specifically the extremely large upper deck will protrude well past the building line of Mowamba apartments. This in effect will effect the privacy and amenity of our master bedroom and balcony both situated in the northern most corner of the building.**

**At the very least a reduction of the depth of the upper deck would be favourable.**

Response: As demonstrated previously (Item 4 in previous submission response) there are no windows to living areas that will face the proposed development from Mowamba Apartments. The Apartments are located within the food and beverage precinct of Thredbo which is an area that naturally experiences busy periods particularly within the winter season. It is anticipated that within winter, the time of peak seasonal influx, the upper level deck will be less utilised due to cold weather conditions.

The proposed development is in line with Mowamba Place, similarly to the Mowamba Apartments as shown in image below.

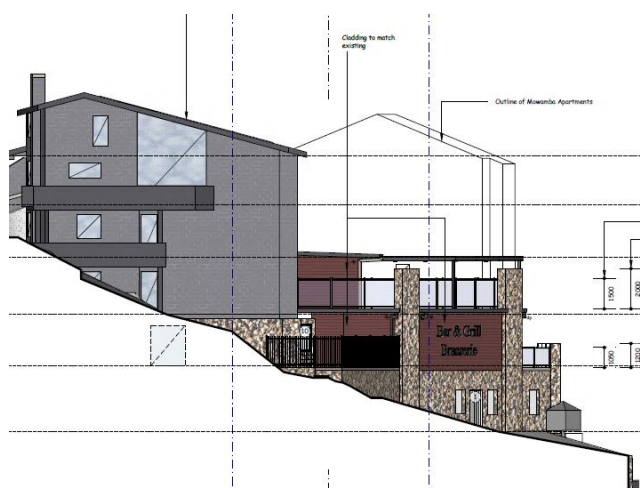


Figure 6: Plans indicate that the proposed development is in line with Mowamba Place.

**2. Also of major concern are the permissible trading hours of external areas. Are these to be limited taking into consideration the close proximity to the bedrooms of neighbouring properties.**

Response: The proposed development is located within the food and beverage precinct of Thredbo. Trading hours shall be in accordance with the lease agreement with Kosciuszko Thredbo.

Kind regards,

Naiomie McLeod  
Town Planner  
Complete Town Planning Pty Ltd