



Kandahar Ski Club, Perisher Valley

*Development
Application
Assessment
(DA 10157)*

April 2020

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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
BC Act	<i>Biodiversity Conservation Act 2016</i>
BC Regulation	<i>Biodiversity Conservation Regulation 2017</i>
BVM	Biodiversity Values Map
Consent	Development Consent
Department	Department of Planning, Industry 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
KNP	Kosciuszko National Park
Minister	Minister for Planning and Public Spaces
NPWS	National Parks and Wildlife Service
Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy



Executive Summary

This report provides an assessment of a Development Application (DA 10157) seeking approval for internal repair work to Kandahar Ski Club, Perisher Valley within Kosciuszko National Park (KNP). The Applicant is Kandahar Ski Club Ltd.

The Minister for Planning and Public Spaces 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 made available on the Department's website, however due to the nature of the works (being internal only) was not publicly exhibited. No submissions were received on the application. NPWS were consulted in relation to the development application, however advised that they would not require a formal referral.

The Department has assessed 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), and the principles of Ecologically Sustainable Development.

The Department considers the proposal is acceptable as:

- there will not be an impact on any threatened species, populations or ecological communities as the works are internal only
- the works to the internal wall are aimed at improving the waterproofing of the building

The Department's assessment concludes the application is in the public interest as it supports the ongoing use of the site for tourist accommodation and provides improvements (through repair and rectification works) to the building, which in turn supports the regional plan for the locality and the Alpine SEPP.

The Department therefore recommends the application be approved, subject to conditions.



Contents

Glossary	iii
Executive Summary	iv
1. Introduction	1
1.1 The Site and Surrounding Development	1
2. Project	3
3. Strategic Context	5
4. Statutory Context	6
4.1 Consent Authority	6
4.2 Permissibility.....	6
4.3 Mandatory Matters for Consideration	6
5. Engagement	9
6. Assessment	10
6.1. Design details and standards	10
6.2. Managing construction impacts	10
7. Evaluation	12
8. Recommendation	13
9. Determination	14
Appendices	15
Appendix A – List of Documents.....	16
Appendix B – Statutory Considerations	17
Appendix C – Recommended Instrument of Consent	21



1. Introduction

This report provides an assessment of a Development Application (DA 10157) to undertake internal repair works to Kandahar Ski Club, Perisher Valley, Perisher Range Alpine Resort within KNP.

The proposal includes internal repair works to an existing tourist accommodation including the removal of internal plasterboard, installation of additional building material in the wall system in order to improve waterproofing of the wall.

The application has been lodged by Kandahar Ski Club Ltd (the Applicant) under Part 4 of the EP&A Act.

1.1 The Site and Surrounding Development

Kandahar Ski Club is a tourist accommodation building located in the Perisher Valley, Perisher Range Alpine Resort (**Figure 1**). The site accommodates two single storey tourist accommodation buildings (Kandahar 1 and Kandahar 2) joined by a common wall (**Figure 2**). Kandahar 1 has licence for 10 beds and Kandahar 2 has licence for 12 beds. The site has an area of approximately 871m².

Access to the site is off Raven Place to an informal parking area on the northern side of the building. Raven Place is off Burramys Road. The site is bordered by native vegetation and adjoins other tourist accommodation premises including 'Sundeck Hotel' to the southeast and 'Cronulla Lodge' to the north located on the opposite side of the Telemark T-bar.



Figure1: Kandahar Ski Club (Source: Department inspection)



Figure 2: Kandahar Ski Club (Source: SIX Maps 2019)



2. Project

The application seeks approval for internal repair works to Kandahar Ski Club (Kandahar 1), in accordance with an engineer's solution (**Figure 3**) including the following:

- internal gyprock on an internal bedroom wall on the southern side of the building (bedroom 3) has already been removed to allow investigation and the development of the engineer's solution (**Figure 4**)
- further gyprock is proposed to be removed to the full height and length of the wall (2.5m x 4m approximately)
- if framework is deteriorated it is to be replaced
- painting of the bottom plate and studwork with mould killing paint
- installation of marine ply and appropriate sealing at joints
- reinstatement of gyprock

The approval is requested on the basis that it would allow for minor repair work to address a condensation/water ingress issue.

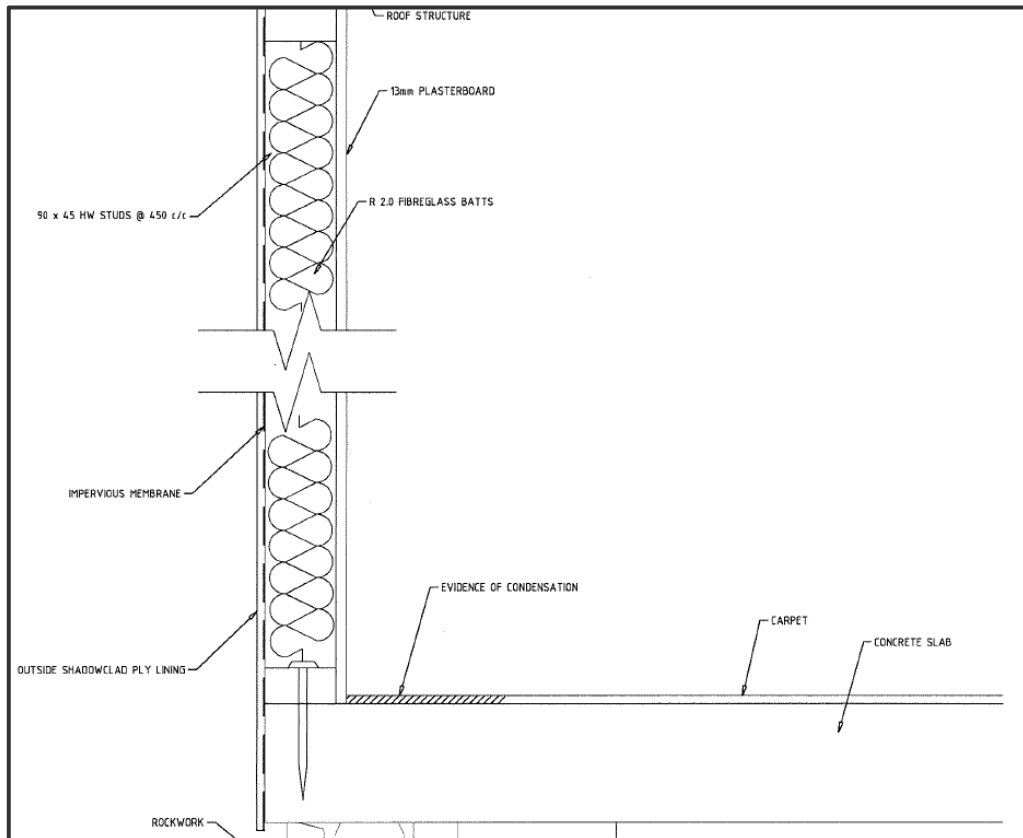


Figure 3: Wall section - Kandahar Ski Club (Source: Applicant's submitted documentation)



Figure 4: Gyprock partially removed to allow for investigation and formulation of design



3. Strategic Context

The Snowy Mountains region offers a diverse and unique mix of visitor destinations including the 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 *South East and Tableland Regional Plan 2036* and the Alpine SEPP.

South East and Tableland Regional Plan 2036

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

In relation to the alpine resorts, the Regional Plan seeks to promote more diverse tourism opportunities in the Snowy Mountains that will strengthen long-term resilience while acknowledging the environmental and cultural significance of the locality.

The Department considers the proposal is consistent with the Regional Plan as it would maintain the existing use of the site for tourist accommodation, improves the tourist accommodation building (through addressing water ingress/condensation issues) for the benefit of its guests and visitors, which maintains visitation to the NSW ski resorts.

Alpine SEPP

The Alpine SEPP governs development on land within the ski resort areas of KNP. The SEPP 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 NPWS 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 Department considers the proposal is consistent with the Alpine SEPP as the proposal would not have an impact on the environment and would improve the building's longevity for the benefit of users.



4. Statutory Context

4.1 Consent Authority

Under clause 7 of the Alpine SEPP, the Minister for Planning and Public Spaces 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 9 March 2020, the Team Leader, Alpine Resorts Team, may determine the application as:

- no reportable political donation has been disclosed
- there are less than 25 public submissions in the nature of objections
- the application is in relation to land which the Alpine SEPP applies

4.2 Permissibility

The proposal includes internal works to the tourist accommodation building within the Kandahar Ski Club while maintaining the use of the site 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 within the Perisher Range Alpine Resort.

4.3 Mandatory Matters for Consideration

Objects of the EP&A Act

The Department has considered the proposal against the relevant objects of the EP&A Act in **Appendix B**. The Department is satisfied the proposal is consistent with the objects as the works:

- are aimed at addressing a condensation issue at Kandahar Ski Club
- protect the environment through limiting impacts upon native vegetation
- 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*. The proposal is consistent with the ESD principles as:

- the works are aimed at repairing a condensation issue within a tourist accommodation building, thereby supporting the orderly and economic use of the site
- there would not be an impact on the environment thus being ecologically sustainable development
- the proposal does not impact upon cultural heritage, including Aboriginal cultural heritage

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 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
- the ‘test of significance’ in Section 7.3 of the BC Act identifies that the development or activity is likely to significantly affect threatened species or ecological communities or their habitats, or
- the works are carried out in a declared area of outstanding biodiversity value.

There would be no vegetation removal as part of this proposal. The Department has reviewed the mapping and considers the site to be located outside of the BVM. There is currently no declared area of outstanding biodiversity value within KNP. The Applicant has indicated that the proposal is not likely to have a significant impact on threatened species. The works are internal only. The Department is satisfied that the proposal does not meet the criteria outlined in the BC Act, therefore the BOS does not apply.

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

<i>(a)(i) any environmental planning instrument (EPI)</i>	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 B . The Department is satisfied that the application is consistent with the requirements of the Alpine SEPP.
<i>(a)(ii) any proposed instrument</i>	Not applicable.
<i>(a)(iii) any development control plan</i>	Not applicable.
<i>(a)(iiia) any planning agreement</i>	Not applicable.
<i>(a)(iv) the regulations</i>	The application satisfactorily meets the relevant requirements of the <i>Environmental Planning & Assessment Regulation</i> (EP&A

	<p>Regs), 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>
<i>(a)(v) any coastal zone management plan</i>	Not applicable.
<i>(b) the likely impacts of that development</i>	The Department has considered the likely impacts of the development. No environmental impacts are likely from the proposal, as all works occur within the existing building. The proposal is also considered to have minimal economic and social impacts.
<i>(c) the suitability of the site for the development</i>	The site is suitable for the development and supports the ongoing use as a tourist accommodation building.
<i>(d) any submissions made in accordance with this Act or the regulations</i>	No submissions were received on the proposal.
<i>(e) the public interest.</i>	<p>The works are consistent with the aim and objectives of the Alpine SEPP, would be compatible to the uses of the locality and there would not have an adverse impact on the environment. The proposal is consistent with the principles of ESD.</p> <p>As such, the proposal is in the public interest.</p>



5. *Engagement*

The Department's Community Participation Plan, November 2019, prepared in accordance with schedule 1 of the EP&A Act requires applications of development consent to be exhibited for a period of 14 days. However, applications under the Alpine SEPP are not required to be public exhibited if the proposal relates to works which are wholly internal to a building or where the site is located more than 50 metres away from a tourist accommodation building.

Due to works being contained wholly internal to a building the Department did not exhibit the application. The application was however made available:

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

The NPWS were consulted on 19 February 2020 and advised that, due to the minor internal only scope of the works, they would not require formal referral providing standard conditions were applied relating to storage of material, parking, and access.



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:

- Design details and standards
- Managing construction impacts

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

6.1. Design details and standards

The proposed works, when constructed, are required to comply with the Building Code of Australia (BCA), and relevant Australian Standards. The Department has also considered the fire safety of the building as part of its assessment in accordance with Clause 94 of the EP&A Regs. The works are relatively minor and internal only. The Department notes that compliance with relevant requirements is to be determined at the construction certificate stage by the certifying authority and in accordance with conditions of consent.

- The proposal is required to comply with the BCA and relevant Australian Standards. The Department considers that compliance with the BCA is achievable in relation to health and amenity, fire safety and the like. Documentation confirming compliance, including updated plans is required at the Construction Certificate stage.
- 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 undertook an external inspection of the building in relation to this proposal, and Kandahar 1 and 2 were both inspected for the purposes of Clause 94 in November 2017 in relation to DA 8918, which related to alterations to Kandahar 2. This inspection concluded that the building has fire safety measures in excess of what is required for a Class 1b building and no upgrades are required.

The Department concludes that, in accordance with conditions of consent, the proposal would be capable of achieving compliance with the BCA, and that, if required by the certifier, more information would be provided to demonstrate compliance at the Construction Certificate stage.

6.2. Managing construction impacts

Given the scope and location 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 will not generate any vegetation disturbance.

Parking is available at the site during construction, which would be prior to winter before the site becomes snowbound. Construction impacts such as noise and vibration will be short term and managed in accordance with standard environmental conditions. It is also noted that construction is to occur outside the ski season.

The Department has recommended standard construction conditions applied in the Alpine area. Subject to compliance with these conditions, the Department is of the view that the proposed works would not impact upon nearby buildings or the environment.



7. *Evaluation*

The Department has assessed the merits of the proposal in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes the proposal is acceptable as:

- the works would not result in any impact on any threatened species, populations or ecological communities
- the works to the building effectively repairs and improves the tourist accommodation building
- there would be no construction impacts on the surrounding environment
- the recommended conditions would require compliance with all relevant legislation and standards

Overall, the Department is satisfied that the proposal is suitable for the site and in the public interest. The Department therefore recommends that the application be approved subject to the recommended conditions.



8. Recommendation

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

- **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** for the application in respect of DA 10157; and
- **signs** the attached development consent and recommended conditions of consent (see attachment).

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

as delegate of the Minister for Planning and Public Spaces



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, Industry and Environment's website as follows.

1. Statement of Environmental Effects

- http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=10157

Appendix B – Statutory Considerations

OBJECTS OF THE EP&A ACT

The objects of the EP&A Act are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant consent/ approval) are to be understood as powers to advance the objects of the legislation, and limits on those powers are set by reference to those objects.

Therefore, in making an assessment, the objects set out in Section 1.3 of the EP&A Act should be considered to the extent they are relevant. A response to the objects is provided in the table below.

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The proposal supports the ongoing use of the tourist accommodation building through providing an improved/repared guest facility with reduced condensation, without having a negative impact on the environment.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The works are internal only, and as such there would be no impact on the environment.
(c) to promote the orderly and economic use and development of land,	The development seeks approval for works that are aimed at supporting the ongoing use of the site for tourist accommodation and improving upon this use through necessary repairs.
(d) to promote the delivery and maintenance of affordable housing,	Not applicable.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The proposed development would not result in the loss of any threatened or vulnerable species, populations, communities or significant habitats.

(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The proposed development is internal only and not anticipated to result in any impacts upon built and cultural heritage, including Aboriginal cultural heritage.
(g) to promote good design and amenity of the built environment,	The Department considers the proposal is appropriately designed and would not impact the built or natural environment.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The Department has recommended conditions of consent to ensure the construction of the proposal is undertaken in accordance with legislation, guidelines, policies and procedures (refer to Appendix C).
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department did not exhibit the proposal and consulted with NPWS who advised that they would not require a formal referral.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	Due to the location of works the Department did not exhibit the application, however did display it on the Department's website and at the Department's Jindabyne office, consistent with the community participation plan.

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	The proposal is appropriate as it allows for an improved building at Kandahar Ski Club. No natural hazards are associated with the internal of the works.

geotechnical hazards, bush fires and flooding),	
(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 area. 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.
(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,	<p>The proposal involves minor internal alterations without any ground disturbance.</p> <p>While there would be some changes to loadbearing internal walls, conditions of consent are recommended to ensure the proposal is reviewed by a structural engineer.</p> <p>The Department considers no further assessment on geotechnical matters is considered necessary at the DA stage.</p>
(g) any sedimentation and erosion control measures,	Sedimentation and erosion control are not anticipated to be an issue as the works are entirely internal.
(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	Not applicable to proposal.

Resorts Master Plan and the document entitled Perisher Blue Ski Slope Master Plan,	
(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 proposed works do not impact upon the existing setbacks.
Landscaped Area	The proposed works do not impact upon the landscaped area.
CI 17 – applications referred to the National Parks and Wildlife Service (NPWS)	
The NPWS were consulted and advised (on 19 February 2020) that they would not require formal referral pursuant to clause 17 of the Alpine SEPP provided that standard conditions were applied relating to the storage of materials, parking, and access.	
CI 26 – Heritage conservation	
European heritage	The proposal is not considered to adversely impact the heritage significance of the building.
Aboriginal heritage	Due to the nature of the works not involving any ground disturbance or tree removal, there would be no impact on Aboriginal heritage.

Appendix C – Recommended Instrument of Consent