



Department of
Infrastructure, Planning and Natural Resources

Office of Sustainable Development Assessments
Urban Assessments Branch

Planning Assessment Report Modification Application No. 44-3-2005-i

Lot 55, Thredbo Alpine Village - (LIETELINNA)

1. SUMMARY

The Department of Infrastructure, Planning and Natural Resources has received a Section 96(1A) modification application from Kosciuszko Thredbo Pty Ltd that seeks to modify DA 252-10-2004-i that approved a new ski lodge at Lot 55, Thredbo.

The previously approved DA is for a new building on the site of the existing Lietelinna Lodge consisting of 8 apartments with a total of 34 beds for the purposes of providing tourist accommodation. Consent was granted to the development Application on 27 January 2005.

The Section 96(1A) application, the subject of this report, was lodged on 21 March 2005.

Under the current application, the proposed modifications to the approved development comprise minor works considered to have no detrimental impact. The proposed modifications are outlined in Section 3 below.

Under the provisions of the State Environmental Planning Policy No. 73 – Kosciuszko Ski Resorts (SEPP 73), the Minister for Infrastructure and Planning is the consent authority. The application has been assessed in accordance with the provisions of SEPP 73, and the matters for consideration under section 79C(1) of the *Environmental Planning and Assessment Act, 1979*.

Assessment of the application indicates that the subject development accords with the relevant planning instruments and would not result in any unreasonable impacts on the amenity of the adjoining properties.

Accordingly, the application is recommended for approval subject to conditions (**Refer to ATTACHMENT C**).

2. SITE LOCALITY

Lot 55 is located on Bobuck Lane, and adjoins the "Thredbo Disaster" site. This adjacent site is now vacant with some shrubs and mainly grass cover.

3. THE PROPOSED DEVELOPMENT

The S.96 (1A) application proposes to amend the original design in the following manner:

- The integration of the 2x bay windows on the East elevation (Bed 1, Units 4+6), (for ease of construction) (refer A2.01).
- The extension of the ski-room roof between the terraces of Units 1+2, (likewise for ease of construction), refer North elevation (A2.02).
- The addition of the bin enclosure, refer Level 5 plan (A1.05) and West elevation (A2.03).
- The deletion of the pergola at Unit 4 balcony.
- Relocation of NW wall of living areas Units 4, 6, approx. 500mm, over living area and Bed 1, Unit 8, approx. 100mm, refer plans A1.01-04 and North elevation, A2.02.
- Relocation of the North wall of Bed 1, Units 4+6, approx. 100mm, affecting fenestration, refer plans A1.03+04 and West elevation, A2.03.
- Structural additions including struts under cantilevered living areas, North elevation (A2.02) and mullions added at corner windows.
- Change of materials to North elevation (A2.02) living areas Units 1+2 and ski room, (this is a correction.)
- Change of materials from "AR" (acrylic render on styrofoam) to "PT" (texture-painted CFC), resulting from a different proposed construction system. The finished appearance is unchanged.
- The addition of flues for fireplaces to Units 1 + 2, the other units have direct-vented fireplaces.



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- Stonework at ground level outside dining, Unit 2, refer West elevation (A2.03).
- Changes to windows (as clouded on drawings), changed only in size, shape or articulation but not in quantity.

It is considered that the application to modify the approved development will result in substantially the same development as that previously approved. The changes are considered minor and will not alter the intended character or architectural language of the development as approved. Some changes are proposed for structural and BCA reasons and others are to improved the buildability and aesthetic appearance. It is considered that the visual changes proposed constitute an improvement to the design. Further, it is considered that the amended design, as proposed is acceptable and can be supported.

4. CONSULTATION

4.1 Public consultation

The modification application was not notified to the adjoining sublessees as the original development application did not receive any submissions.

4.2 Referrals

4.2.1 National Parks & Wildlife Service (per cl.11 SEPP 73)

The modification was not referred to NPWS as the modifications are considered to result in substantially the same development and are considered to have no detrimental impact on the locality or on any issues pertaining to, Aboriginal or Cultural Heritage, Fauna & Flora or Health matters.

5 CONSIDERATION

5.1 Assessment under Section 96 of the Environmental Planning & Assessment Act 1979

Section 96 (1A) of the *Environmental Planning and Assessment Act 1979* allows the consent authority to modify an approval subject to the following matters being taken into consideration:

(a) it is satisfied that the proposed modification is of minimal environmental impact;

The proposed modifications are considered to be of minimal environmental impact.

(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted;

The proposed modifications are deemed minor and will result in substantially the same development as originally approved by the NPWS.

(c) it has notified the application in accordance with:

- (i) the regulation, if the regulations so require;**
- (ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires notification or advertising of applications for modification of a development consent;**



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The modification application was not required to be notified to the adjoining sublessees.

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

The modification application was not required to be notified to the adjoining sublessees and therefore no submissions were received.

5.2 Section 79C Matters for Consideration – EP&A Act 1979

In determining a Section 96(1A) application, a consent authority must take into consideration such of the matters referred to in section 79C(1) of the *EP&A Act 1979* as are of relevance to the development. In accordance with this provision, the following matters are required to be assessed:

| Section 79C: | Consideration |
|---|--|
| The provision of any environmental planning instruments | The application has been assessed in accordance with SEPP 73 and is considered to be consistent with this environmental planning instrument. |
| The provision of any draft environmental planning instruments | No draft environmental planning instruments apply to the Kosciuszko Alpine Resorts and therefore the subject site. |
| The provision of any development control plans | No development control plans apply to the Kosciuszko Alpine Resorts and therefore the subject site. |
| The provision of any matters prescribed in the regulations | The modification application is considered to be substantially the same development and therefore consideration of clause 94 of the <i>Environmental Planning & Assessment Regulations 2000</i> is not required. |
| Likely Impacts including environmental impacts on natural & built environments, the social and economic impacts in the locality | Environmental impacts on natural & built environments: Minimal. Social impacts in the locality: Minimal. Economic impacts in the locality: Minimal. |
| Suitability of the site for the proposed development | The proposed modifications are considered to result in substantially the same development and are considered suitable for the subject site as the development responds to the site and is consistent with the objectives of SEPP 73. |
| Submissions Received | The proposed modifications were not required to be notified and therefore no submissions were received. |
| The Public Interest | The proposed modifications are considered to be within the public interest. |



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5.3 Assessment of State Environmental Planning Policy No. 73 – Kosciuszko Ski Resorts

SEPP 73 (specific clauses for assessment)

| Clause | Matter | Consideration |
|--------|---|--|
| cl. 9 | Objectives (a), (b), (c) & (d): | The proposed modifications are considered to be consistent with the objectives of SEPP 73. |
| cl.10 | Development will be authorised by or under National Parks and Wildlife Act 1974 | The proposed modifications are considered to be substantially the same development as approved and therefore it is considered to satisfy the provisions of clause 10 of SEPP 73. |
| cl.11 | Comments of Director-General of National Parks & Wildlife must be considered | Not sought in this instance. The DG's comments and concurrence were obtained at the original DA stage. |

SEPP 73 Clause 12 – Additional matters to be considered

| Matter | Consideration |
|---|---|
| (a) Any master plan for ski slopes | There is no adopted master plan for ski slopes applicable for the Thredbo Alpine Village. |
| (b) Any other master plan | There is no adopted master plan applicable for Thredbo Alpine Village. However the Department of Infrastructure, Planning and Natural Resources, in its assessment takes into consideration the Thredbo Village Master Plan – Environmental Impact Statement, 1988 & the NPWS Proposed Variations to the Determined 1988 Thredbo Village Master Plan – EIS, 1994. The proposed modifications are considered to be consistent with these master plans. |
| (c) Any threat abatement plan | The proposed modifications do not generate any environmental impact that could impose on the fauna or flora on the site and therefore consideration of any threat abatement plan is not warranted. |
| (d) Any recovery plan | The proposed modifications do not generate any environmental impact that could impose on the fauna or flora on the site and therefore consideration of any recovery plan is not warranted. |
| (e) Any development policy | The proposed modifications do not require any further Geotechnical Investigations. |
| (f) The Statement of Environmental Effects (SEE) required to accompany the development application | N/A. |
| (g) The visual impact of the proposed development particularly when viewed from the Main Range (defined by PoM) | The proposed modifications do not provide any additional or detrimental visual impact. |
| (h) The measures proposed | See (e) above. |



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| | |
|---|---|
| to address any geotechnical issues | |
| (i) The sedimentation and erosion control measures proposed to mitigate adverse environmental impacts associated with any proposed earthworks and excavation works. | The proposed modifications do not change the earthworks or excavation works already approved. |
| (j) The measures proposed to mitigate potential adverse impacts associated with any proposed stormwater drainage works. | The proposed modifications do not change the proposed stormwater drainage works. |

6. DELEGATIONS

It is considered that Mike Brown, Acting Team Leader, Urban Assessments, Alpine Resorts Assessments Team has the delegation to exercise the function as a consent authority as provided by the Minister for Infrastructure and Planning, pursuant to Section 23 of the *Environmental Planning and Assessment Act 1979*. This exercise of delegations is considered to be appropriate in accordance with the adopted delegation guidelines, dated 6th July 2004.

The delegations utilised under the terms of the guidelines (dated 6th July 2004) are:

- *Clause (6) – Delegations to EPO (P) Level 3 officers and officers holding a higher position ... under Sections 96(1) and 96(1A) of the EP & A Act, relating to modifying development consents.*

7. CONCLUSION

This application has been assessed pursuant to Section 96(1A) of the *Environmental Planning and Assessment Act, 1979* and State Environmental Planning Policy No. 73 – Kosciuszko Ski Resorts. The proposal is substantially the same development as approved by NPWS and the modifications will not result in any unreasonable impacts on the amenity of the local environment. The modifications are generally considered to result in an improvement to the outcome of the development.

The application was not notified to the adjoining sublessees as the proposed works are considered minor in regards to generating detrimental impacts on the amenity of the locality and therefore do not require notification.

On balance, it is considered that the proposed modifications are acceptable, subject to the conditions of consent and is recommended for approval.



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8. RECOMMENDATION

It is recommended that Mike Brown, Acting Team Leader, Urban Assessments (Alpine Resorts Team) as delegate for the Minister for Infrastructure and Planning under Instrument of Delegation dated 6th July 2004 determine the Section 96(1A) Application pursuant to the *Environmental Planning and Assessment Act 1979*, by:

- (i) Granting the modification 44-3-2005-i subject to the conditions of consent (refer to Schedule 2);
- (ii) Sign and date the Notice of Determination for MOD 44-3-2005-i and;
- (iii) Notify the Applicant in respect of the application of the decision.

Assessed by:

Approved:

Penny Day
Environmental Planner
Urban Assessments
(Alpine Resorts Assessments Team)

Michael Brown
Mike Brown
Acting Team Leader
Urban Assessments
(Alpine Resorts Assessments Team)

11 May 2005.