

## S.4.55 MODIFICATION REPORT

S.4.55 MODIFICATION TO DA 9781  
APARTMENT 6, SQUATTERS RUN APARTMENTS  
LOT 792, DIGGINGS TCE  
THREDBO ALPINE RESORT

**NOVEMBER 2020**

Project: 54-18

**Dabyne Planning Pty Ltd**

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# STATEMENT OF ENVIRONMENTAL EFFECTS

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## S.4.55 MODIFICATION TO DA 9781 APARTMENT 6, SQUATTERS RUN APARTMENTS LOT 792, DIGGINGS TCE THREDBO ALPINE RESORT

This report has been prepared by:

A handwritten signature in black ink, appearing to read 'I. Pasalich', is positioned above a horizontal line.

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Ivan Pasalich  
Principal  
Dabyne Planning Pty Ltd

**NOVEMBER 2020**  
Project: 54-18

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## **1. Introduction**

Dabyne Planning Pty Ltd has been engaged by the Applicant and sub-lessee to prepare a S.4.55 Modification report in relation to modifying the development consent for DA 9781 for Alterations at Apartment 6 within the Squatters Run Apartments, Diggings Terrace, Thredbo.

The S.4.55 Modification is in relation to amending the development by installation of a new fireplace flue and removal of disused flue and re-instatement of roof sheeting.

To allow for the modified development, a S.4.55 Modification Application has been prepared.

## **2. Background**

In February 2019, development consent for Alterations to the apartment was granted (DA 9781).

## **3. The Site**

The subject site is located at Lot 792, Diggings Terrace, comprising of the Squatters Run Apartments. The apartments are located above Mowamba Place and below Diggings Terrace within the core of Thredbo Village.

Apartment 6 is a two bedroom apartment located at the western end of the apartments, accessed directly from Diggings Terrace.

The apartment is licensed to contain a maximum of four (4) beds for the purpose of tourist accommodation.

The site is identified in Figure's 3 & 4 below:



*Figure 3: Aerial view of the subject building in context of the locality*



*Figure 4: Topographic map of the subject site*

#### 4. Proposed Modifications

The modifications include the installation of a new fireplace flue and removal of disused flue and re-instatement of roof sheeting.

#### 5. Assessment under S.4.15 of the EP&A Act, 1979

*Section 4.15 EP&A Act, 1979 – Matters for Consideration:*

##### SECTION 4.15(1)(a)(i) – ENVIRONMENTAL PLANNING INSTRUMENTS

##### State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007

The only applicable Environmental Planning Instrument to the approved development and proposed modifications is State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007 (SEPP Alpine Resorts).

Being substantially the same development as that approved, the proposed modifications generally remain consistent with the key environmental planning controls applicable to the site and development as discussed below.

##### Clause 14 - Matters for consideration:

Matter for Consideration	Response
Cl.14 (1) In determining a development application that relates to land to which this Policy applies, the consent authority must take into consideration any of the following matters that are of relevance to the proposed development:	
(a) the aim and objectives of this Policy, as set out in clause 2,	<i>The proposed modifications are considered to be consistent with the aims and objectives of the Policy as the development will be substantially the same as approved.</i>
(b) the extent to which the development will achieve an appropriate balance between the conservation of the natural environment and any measures to mitigate environmental hazards (including geotechnical hazards, bush fires and flooding),	<i>The proposed modifications do not require any additional measures to mitigate environmental hazards such as flooding, bush fires or geotechnical hazards that would impact on the conservation of the natural environment.</i>

<p>c) having regard to the nature and scale of the development proposed, the impacts of the development (including the cumulative impacts of development) on the following:</p> <p>(i) the capacity of existing transport to cater for peak days and the suitability of access to the alpine resorts to accommodate the development,</p> <p>(ii) the capacity of the reticulated effluent management system of the land to which this Policy applies to cater for peak loads generated by the development,</p> <p>(iii) the capacity of existing waste disposal facilities or transfer facilities to cater for peak loads generated by the development,</p> <p>(iv) the capacity of any existing water supply to cater for peak loads generated by the development,</p>	<p><i>The proposed modifications will not increase impacts on the capacity of the existing transport system, reticulated effluent management system, waste disposal system or water supply.</i></p>
<p>(d) any statement of environmental effects required to accompany the development application for the development,</p>	<p><i>Not applicable to a S.4.55 Modification.</i></p>
<p>(e) if the consent authority is of the opinion that the development would significantly alter the character of the alpine resort—an analysis of the existing character of the site and immediate surroundings to assist in understanding how the development will relate to the alpine resort,</p>	<p><i>The proposed modifications will not significantly alter the character of the resort.</i></p>
<p>(f) the Geotechnical Policy—Kosciuszko Alpine Resorts (2003, Department of Infrastructure, Planning and Natural Resources) and any measures proposed to address any geotechnical issues arising in relation to the development</p>	<p><i>The proposed modifications involve the installation and removal of a flue, and therefore have no geotechnical requirements.</i></p>
<p>(g) if earthworks or excavation works are proposed—any sedimentation and erosion control measures proposed to mitigate any adverse impacts associated with those works,</p>	<p><i>Not applicable.</i></p>
<p>(h) if stormwater drainage works are proposed—any measures proposed to mitigate any adverse impacts associated with those works,</p>	<p><i>Not applicable.</i></p>
<p>(i) any visual impact of the proposed development, particularly when viewed from the Main Range,</p>	<p><i>The proposed modifications will not increase visual impacts.</i></p>

<p>(j) the extent to which the development may be connected with a significant increase in activities, outside of the ski season, in the alpine resort in which the development is proposed to be carried out,</p>	<p><i>The proposed modifications will not increase activities outside of the ski season.</i></p>
<p>(k) if the development involves the installation of ski lifting facilities and a development control plan does not apply to the alpine resort:</p> <p>(i) the capacity of existing infrastructure facilities, and</p> <p>(ii) any adverse impact of the development on access to, from or in the alpine resort,</p>	<p><i>Not applicable.</i></p>
<p>(l) if the development is proposed to be carried out in Perisher Range Alpine Resort:</p> <p>(i) the document entitled Perisher Range Resorts Master Plan, as current at the commencement of this Policy, that is deposited in the head office of the Department, and</p> <p>(ii) the document entitled Perisher Blue Ski Resort Ski Slope Master Plan, as current at the commencement of this Policy, that is deposited in the head office of the Department,</p>	<p><i>Not applicable.</i></p>
<p><i>(m) if the development is proposed to be carried out on land in a riparian corridor:</i></p> <p><i>(i) the long term management goals for riparian land, and</i></p> <p><i>(ii) whether measures should be adopted in the carrying out of the development to assist in meeting those goals.</i></p>	<p><i>Not applicable.</i></p>
<p>(2) The long term management goals for riparian land are as follows:</p>	
<p>(a) to maximise the protection of terrestrial and aquatic habitats of native flora and native fauna and ensure the provision of linkages, where possible, between such habitats on that land.</p>	<p><i>Not applicable.</i></p>
<p>(b) to ensure that the integrity of areas of conservation value and terrestrial and aquatic habitats of native flora and native fauna is maintained,</p>	



<p>(c) to minimise soil erosion and enhance the stability of the banks of watercourses where the banks have been degraded, the watercourses have been channelised, pipes have been laid and the like has occurred.</p>	
<p>(3) A reference in this clause to land in a riparian corridor is a reference to land identified as being in such a corridor on a map referred to in clause 5.</p>	

#### **SECTION 4.15(1)(a)(ii) – DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS**

There are no draft Environmental Planning Instruments that are applicable to the site or proposed modifications.

#### **SECTION 4.15(1)(a)(iii) – DEVELOPMENT CONTROL PLANS**

There are no Development Control Plans applicable to the Kosciuszko Alpine Resorts under State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007.

#### **SECTION 4.15(1)(a)(iiia) – PLANNING AGREEMENTS**

There are no Planning Agreements applicable to the Kosciuszko Alpine Resorts under State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007.

#### **SECTION 4.15(1)(a)(iv) – REGULATIONS**

Not applicable.

#### **SECTION 4.15(1)(a)(v) – COASTAL MANAGEMENT ZONE**

Not applicable.

#### **SECTION 4.15(1)(b) – LIKELY IMPACTS**

##### **Natural Environment:**

The proposed modifications are not expected to have any additional impacts on the natural environment.

##### **Built Environment:**

The proposed modifications are not expected to generate any additional impacts on the built environment.

### **Social and Economic impacts in the locality:**

The social and economic impacts from the proposed modifications when compared to the original approval are not expected to change.

### **SECTION 4.15(1)(c) – SUITABILITY OF THE SITE**

The modified development is considered substantially the same development as the approved, which was considered suitable for the site.

### **SECTION 4.15(1)(d) – SUBMISSIONS**

The original DA did not attract any public submissions, therefore the modified development does not warrant notification.

### **SECTION 4.15(1)(e) – THE PUBLIC INTEREST**

The above assessment has demonstrated that the proposed modifications satisfy the objectives and relevant clauses prescribed under State Environmental Planning Policy [Kosciuszko National Park – Alpine Resorts] 2007.

Consequently, the proposed modifications are considered to be within the public interest.

## **6. Assessment under 4.55 (1A) of the EP&A Act, 1979**

Section 4.55(1A) of the Environmental Planning & Assessment Act 1979 relates to modifications involving minimal environmental impact as addressed below.

*A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*

*(a) it is satisfied that the proposed modification is of minimal environmental impact, and*

The proposed modifications will not result in additional impacts on the environment.

The proposal is therefore 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 and before that consent as originally granted was modified (if at all), and*

The modified development comprises of the installation of a flue, removal of the redundant flue and fixing roof sheeting to match. These works are necessary as part of the fireplace works that formed part of the original approval.

The proposed modifications, therefore are not considered to constitute a ‘radical transformation’ (see The majority of the Court of Appeal in Sydney City Council v Ilence Pty Limited [1984] 3 NSWLR 414, or North Sydney Council v Michael Standley & Associates Pty Limited [1998] 97 LGERA 433) of the approved development and will ensure that the development remains substantially the same.

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

*(i) the regulations, if the regulations so require, or*

*(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

*(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.*

Not applicable.

*Subsections (1), (2) and (5) do not apply to such a modification.*

Noted.