



**DEVELOPMENT ASSESSMENT REPORT  
DA 035-08-2011**

**Additions to an existing building at Lot  
604, DP 1118588, 23 Mountain Drive,  
Woodridge, Thredbo Alpine Resort**

***Proposed by Kosciuszko Thredbo Pty  
Ltd***

Part 4 of the  
*Environmental Planning and Assessment Act 1979*

January 2012

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NSW Department of Planning and Infrastructure  
[www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)

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## 1 EXECUTIVE SUMMARY

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This report is an assessment of development application No. DA 035-08-2011 under the provisions of Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) (and associated Regulations) and *State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007* (Alpine SEPP). The application is integrated development pursuant to s 91 of the EP&A Act.

### **Proposal**

The applicant, Kosciuszko Thredbo Pty Ltd, is seeking development consent for additions to an existing lodge at Lot 604, DP 1118588, Apartment 2 Mosswood, 23 Mountain Drive, Woodridge, Thredbo Alpine Resort. The proposal comprises the construction of a new bedroom and ensuite in the sub-floor space of the existing building.

### **Consent authority**

Under the provisions of the Alpine SEPP, the Minister for Planning and Infrastructure is the consent authority for development within the NSW Alpine Resorts.

### **Permissibility**

Pursuant to cl 11 of the Alpine SEPP and the Thredbo Alpine Resort Land Use Table, 'tourist accommodation' is permissible with consent.

### **Consideration and key matters**

The proposal has been considered against the matters set out in s 79C(1) of the EP&A Act and the Alpine SEPP. The key matters arising from this assessment include managing environmental impacts during construction, compliance with the Building Code of Australia (BCA), ensuring the alterations and additions integrate with the existing building and protecting the amenity of the adjoining properties. These matters have been satisfactorily addressed by the applicant in the submitted plans and documents. Where necessary, conditions of consent have been included to address these issues.

### **Consultation**

#### NSW Rural Fire Service (RFS)

The development, being tourist accommodation, is a 'special fire protection purpose' and requires the Commissioner of the RFS to issue a Bushfire Safety Authority for the development pursuant to s.100B of the *Rural Fires Act 1997*. The RFS have issued a bush fire safety authority for the development containing general terms of approval (GTA) and these have been incorporated in full in the conditions of consent in Schedule 2.

#### NSW Office of Environment and Heritage (OEH)

The proposal was referred to OEH pursuant to cl 17 of the Alpine SEPP. The OEH have advised that the proposal is acceptable subject to a number of recommendations which have been incorporated into the conditions contained in Schedule 2.

### **Notification**

The proposal was notified to neighbouring lodges for a period of 14 days and no submissions were received.

### **Conclusion**

After consideration of the proposal against the relevant statutory considerations, s 79C of the EP&A Act and the provisions of the Alpine SEPP, it is concluded that the proposed alterations and additions are appropriate. The proposed development is permissible with consent and the RFS has issued a bushfire safety authority for the development. The proposal is modest, not visually intrusive, and will not involve the removal of any native vegetation. The amenity of the adjoining properties will not be affected by the development.

The proposal is considered appropriate and is therefore recommended for **approval** subject to the imposition of the conditions in Schedule 2.

## **2 BACKGROUND**

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### **2.1 Locality**

The locality is the Woodridge precinct of Thredbo Alpine Resort within Kosciuszko National Park.

### **2.2 Site description**

The subject site is located at Lot 604, DP 1118588, Apartment 2 Mosswood, 23 Mountain Drive within the Woodridge precinct of Thredbo Alpine Resort.

Apartment 2, Mosswood is a two storey building used for tourist accommodation. The existing building materials consist of stonework, timber cladding and a metal roof. The site is accessed directly from Mountain Drive. The site has an irregular shape and slopes from west to east. Vegetation at the site consists predominantly of native species and grasses.

The neighbouring properties include: Lot 603, Feathers Lodge, 19 Mountain Drive; Lot 603, Bundaleer, 21 Mountain Drive; Lot 605 Trapdoor, 25 Mountain Drive and Granite Peaks Chalets, 7 Summit Way.

### **2.3 Background to the proposal**

The proposed additions are being undertaken to improve the amenity of the building.

## **3 THE PROPOSED DEVELOPMENT**

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### **3.1 Overview**

The proposal comprises the construction of a new bedroom and ensuite in the sub-floor space of the existing building. The full extent of the works is described in the architectural plans by Phillips Henningham Architects titled 'proposed alterations and additions at Lot 200 Woodridge'. Lot 200 is now known as Lot 604.

The estimated cost of the works is \$85,000.

## **4 STATUTORY FRAMEWORK**

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### **4.1 Development assessment**

The application has been made and assessed pursuant to Part 4 of the EP&A Act and the associated Regulations.

### **4.2 Statement of permissibility**

The subject site is located within the Thredbo Alpine Resort and the Alpine SEPP applies to the land. The proposed development falls within the definition of a 'tourist accommodation' which is permissible with consent pursuant to cl.11 and the Thredbo Alpine Resort Land Use Table.

### **4.3 Statutory considerations**

The proposal has been considered against the relevant statutory considerations including:

- the principles of ecologically sustainable development (ESD);
- the objects of the EP&A Act;
- s 79C of the EP&A Act; and
- the Alpine SEPP.

The proposal is consistent with the principles of ESD, the objects of the EP&A Act and the Alpine SEPP. The proposal will not result in any adverse environmental impacts. The full assessment is provided in Appendix A of this report.

## **5 CONSULTATION**

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### **5.1 Submissions**

The application was notified to the adjoining properties of Lot 603, Feathers Lodge, 19 Mountain Drive; Lot 603, Bundaleer, 21 Mountain Drive; Lot 605 Trapdoor, 25 Mountain Drive and Granite Peaks Chalets, 7 Summit Way, Thredbo. The opportunity was provided to make a submission from 22 August 2011 to 5 September 2011. No submissions were received.

### **5.2 Rural Fire Service**

The development, being tourist accommodation, is a 'special fire protection purpose' and requires the Commissioner of the RFS to issue a Bushfire Safety Authority for the development pursuant to s 100B of the *Rural Fires Act 1997*.

The RFS have issued a bush fire safety authority containing general terms of approval (GTA) in relation to asset protection zones (APZs), water and utilities, evacuation and emergency management, and design and construction. The GTA also include general advice to the applicant for the future use, maintenance and landscaping of the site to enhance bushfire protection.

These GTA and the general advice have been incorporated in full into the conditions of consent in Schedule 2.

### **5.3 NSW Office of Environment and Heritage (OEH)**

The proposal was referred to OEH pursuant to cl 17 of the Alpine SEPP. The OEH have advised that the proposal is permissible under the lease, the proposal is acceptable subject to satisfactory environmental protection measures being in place during construction, that works cease should any Aboriginal heritage items be uncovered, and the clearing of native vegetation for bushfire protection is to be kept to a minimum. These recommendations have been incorporated into the conditions contained in Schedule 2.

## **6 CONSIDERATION**

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The proposal has been assessed against the relevant statutory considerations (as outlined in section 4.3 of this report above). A full assessment is provided in Appendix A and a discussion of the key matters arising from this assessment is provided below.

### **6.1 Managing environmental impacts during construction**

The proposal would not adversely impact upon the natural environment. The proposal is in keeping with the use of the lodge. The works are small scale and within the existing building footprint. No soil impacts are expected. However, the applicant has included a SEMP that contains appropriate site management measures.

There is adequate car parking on site for construction equipment and vehicles. Construction impacts such as noise and vibration will be short term and managed in accordance with the SEMP and the conditions contained in Schedule 2. It is not envisaged that the alterations and additions would increase the existing noise and vibration levels within the lodge. There is adequate separation from neighbouring buildings. Dust and vehicle emissions could occur during construction however no long term impacts are expected.

The APZ recommended by the RFS will be implemented during the construction phase. This can be achieved with minimal environmental damage and will predominantly involve cleaning up debris and the trimming of any overhanging branches.

### **6.2 Compliance with the Building Code of Australia (BCA)**

The proposal is required to comply with the BCA and relevant Australian Standards. Fire safety can be appropriately addressed by compliance with the BCA. Conditions have been included in Schedule 2 to ensure these issues are addressed at the construction certificate stage. The proposal would result in a new bedroom with an ensuite and improved living space within the building.

### **6.3 Ensuring the alterations and additions integrate with the existing building**

The proposed additions are small in scale and are in keeping with the existing lodge. The materials and colour have been selected to match the existing. The proposal does not impact on the context and setting of the locality. The proposal improves the amenity of an existing tourist accommodation building.

### **6.4 Protecting the amenity of the adjoining properties.**

The proposed works are within the existing building footprint. The height of the building is not being increased and the existing setbacks are being maintained. No views are obstructed by the proposed development. The shadows cast by the existing building will not change. The existing levels of natural light to neighbouring buildings will be maintained.

## **7 CONCLUSION**

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After consideration of the proposal against the relevant statutory considerations, s 79C of the EP&A Act and the provisions of the Alpine SEPP it is concluded that additions to Apartment 2 Mosswood are appropriate. The proposed development is permissible with consent and the RFS has issued a bushfire safety authority for the development. The proposal is modest, not visually intrusive, and will not involve the removal of any native vegetation. The amenity of the adjoining properties will not be affected by the development. The proposal is considered appropriate and is therefore recommended for **approval** subject to the imposition of the conditions in Schedule 2.

## **8 DELEGATIONS**

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It is considered that Erin Fuller, Acting Team Leader, Alpine Resorts Team has the delegation to exercise the function as a consent authority as provided by the Minister for 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 14 September 2011.

## 9 RECOMMENDATION

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It is recommended that Erin Fuller, Acting Team Leader, Alpine Resorts Team as delegate for the Minister for Planning under Instrument of Delegation dated 14 September 2011 pursuant to Section 80(1)(a) of the *Environmental Planning and Assessment Act 1979* and State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007:

- (i) Grant consent to **DA 035-08-2011** for additions to the existing lodge at Lot 604 DP 1118588, Apartment 2 Mosswood, 23 Mountain Drive, Woodridge, Thredbo Alpine Resort subject to conditions of consent (**refer to Schedule 2**);
- (ii) Sign and date the Notice of Determination for DA 035-08-2011 (**refer to Notice of Determination**);

Prepared by:



11.1.2012

**Scott Reid**  
Senior Building Surveyor  
Alpine Resorts Team

Approved by:

**Erin Fuller**  
Acting Team Leader  
Alpine Resorts Team

**Determined as Delegate of the Minister for Planning and Infrastructure**

# APPENDIX A – STATUTORY ASSESSMENT & CONSIDERATION

## A1. ECOLOGICALLY SUSTAINABLE DEVELOPMENT

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S 3A of the *Environment Protection and Biodiversity Conservation Act 1999* sets out five principles of ecologically sustainable development (ESD). The Department has considered the proposed development against these ESD principles as follows:

**Integration principle** – The environmental, economic and social aspects of the proposal have been considered. The proposal would not adversely impact upon the natural environment, the proposal is within the existing building footprint and in keeping with the use of the lodge.

**Precautionary principle** – The proposal does not pose a threat of serious or irreversible environmental damage. The proposal improves the amenity of an existing tourist accommodation facility.

**Inter-generational principle** – The proposal represents the sustainable use of the site. The proposal would not adversely impact upon the health, diversity or productivity of the environment for future generations. The proposal does not involve the removal or disturbance of any native vegetation.

**Biodiversity principle** – The proposal would not result in a loss of biodiversity as there would be no adverse disturbance to any native vegetation. The APZ recommended by the RFS can be achieved with minimal environmental damage.

**Valuation principle** – The proposal would result in an improved living space within the lodge. The development will be funded by the sub-lessee.

## A2. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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### Objects of the EP&A Act

The objects provide an overarching framework that informs the purpose and intent of the legislation and gives guidance to its operation. The consideration and determination of a development application under Part 4 must be informed by the relevant provisions of the EP&A Act, consistent with the objects of the EP&A Act. The proposal is considered to be consistent with the objects of the EP&A Act in that:

- the proposal will not result in an adverse environmental impact;
- all works are within the existing building footprint;
- the additions are in keeping with the existing building;
- the proposal is consistent with ESD principles; and
- the proposal will not have a negative impact upon any threatened species, their habitats or ecological communities that are within the locality.

### Section 79C(1) matters for consideration – general

In determining a development application, a consent authority must take into consideration the matters referred to in s 79C(1) of the EP&A Act as are of relevance to the development:

<b>S 79C(1)(a)(i) the provisions of any environmental planning instrument</b>
The applicable environmental planning instrument is State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007. The proposal complies with the Alpine SEPP. An assessment of the proposal against the Alpine SEPP is provided in section A3.
<b>S 79C(1)(a)(ii) the provisions of any proposed environmental planning instrument</b>



None are applicable to the proposal.
<b>S 79C(1)(a)(iii) the provisions of any development control plan</b>
None are applicable to the proposal.
<b>S 79C(1)(a)(iiia) the provisions of any planning agreement</b>
None are applicable to the proposal.
<b>S.79C(1)(a)(iv) the provisions of any Regulations</b>
<p><u>Cl.92</u> – The proposal involves minor demolition works. Reference to AS 2601 is included in the conditions of consent.</p> <p><u>Cl.94</u> – The proposed building works are not considered to be more than 50% of the building. The existing measures in building are adequate to protect persons using the building, and facilitate their egress from the building, in the event of fire. The measures will also restrict the spread of fire from the building to other buildings nearby. The level of compliance of the existing building is considered to be adequate. Given the level of works proposed and the suitability of the existing fire safety measures further BCA upgrade requirements are not considered necessary.</p>
<b>S 79C(1)(b) the likely impacts of that development</b>
<p><u>Context and setting</u> – The proposed additions are small in scale and are in keeping with the existing lodge. The materials and colours have been selected to match the existing. The proposal does not impact on the context and setting of the locality.</p> <p><u>Access, transport and traffic</u> – The proposal will not increase traffic to the site or impact upon access, transport or traffic management within the resort.</p> <p><u>Public domain</u> – The proposed works are within the existing building footprint and will not impact upon the public domain.</p> <p><u>Utilities and energy</u> – Energy and utility requirements will not be altered by the proposal.</p> <p><u>Heritage</u> – The proposal will not impact upon any European or Aboriginal archaeological heritage items.</p> <p><u>Other land resources</u> – The proposal will not impact on any valuable land resources.</p> <p><u>Water</u> – There will be minimal increase in water usage at the site. The works are within the existing building footprint.</p> <p><u>Soils</u> – The works are small in scale and within the existing building footprint. No soil impacts are expected.</p> <p><u>Noise and vibration</u> – There will be an increase in noise and vibration during construction which will be short term and managed in accordance with conditions of consent. It is not envisaged that the alterations and additions would increase the existing noise and vibration levels within the lodge. There is adequate separation from neighbouring buildings.</p> <p><u>Air and microclimate</u> – Impacts in this regard will be small-scale and short-term during construction and involve primarily, dust and vehicle emissions. These will be managed in accordance with conditions of consent. No long term impacts are expected.</p> <p><u>Flora and fauna</u> – The proposed works are within the existing building footprint. It is not proposed to remove any native vegetation. The APZ recommended by the RFS can be achieved with minimal environmental damage. The RFS has issued a conditional Bushfire</p>

Safety Authority and these conditions are incorporated into Schedule 2. There will not be a significant impact on any threatened species, populations, or their habitats, or endangered ecological communities (s 5A of the EP&A Act).

Waste – The proposal does not increase the need for waste disposal on site. A condition is included in Schedule 2 to ensure all building waste is appropriately managed.

Natural hazards – The applicant has provided a geotechnical report with the development application along with a completed “Form 1” in accordance with the Department’s Geotechnical Policy. Bushfire issues have been assessed. The site is not affected by flooding. There are no other known natural hazards associated with the site.

Technological hazards – The proposal is required to comply with the BCA and relevant Australian Standards. Fire safety can be appropriately addressed by compliance with the BCA. Conditions of consent have been included to ensure these issues are addressed at the construction certificate stage.

Safety, security and crime prevention – The alterations and additions are unlikely to have a detrimental impact upon security or crime prevention in the locality.

Social impact – The social impacts are positive. The proposal improves the amenity of an existing tourist accommodation building. The proposal would result in an improved living space within the lodge and a safer entrance to the unit to protect occupants from falling snow.

Economic impact – The proposal is small in scale and will not have an adverse economic impact. The development will be funded by the sub-lessee.

Site design and internal design – The works are within the existing building footprint. The site is considered to be adequately serviced by pedestrian linkages and provides an acceptable level of access. The alterations and additions have been designed to integrate with the existing lodge. BCA compliance can be achieved.

Construction – The proposal is small in scale and no impacts are envisaged during the construction phase.

Cumulative impacts – No cumulative impacts are envisaged as a result of this proposal. The proposal consists of alterations and additions to an existing lodge that do not impact the locality.

#### **S 79C(1)(c) the suitability of the site for the development**

The site is considered suitable for the proposal as it does not alter the existing land use (tourist accommodation) already located on the site. The proposal will enable improvements in the amenity of the Lodge. There are no impacts to any vegetation and the alterations and additions are in keeping with the existing building and other development in the locality. There are no impacts to the adjoining properties as a result of the proposal.

#### **S 79C(1)(d) any submissions made in accordance with the Act or the regulations**

The application was notified to the adjoining properties of Lot 603, Feathers Lodge, 19 Mountain Drive; Lot 603, Bundaleer, 21 Mountain Drive; Lot 605 Trapdoor, 25 Mountain Drive and Granite Peaks Chalets, 7 Summit Way, Thredbo. The opportunity was provided to make a submission from 22 August 2011 to 5 September 2011. No submissions were received.

The application was referred to the RFS and the OEH. The comments and recommendations from these agencies have been considered in the assessment of this application and incorporated into the conditions in Schedule 2.

<b>S 79C(1)(e) the public interest</b>
The proposed development is considered to be consistent with the aim and objectives of the Alpine SEPP and the public interest would not be compromised by the proposal subject to conditions of consent. There would not be an adverse impact on the environment and the proposal is consistent with the principles of ESD.

### **Section 91 and 91A – Integrated Development**

The proposal is integrated development in accordance with s 91 of the EP&A Act.

#### NSW Rural Fire Service (RFS)

The development, being tourist accommodation, is a 'special fire protection purpose' and requires the Commissioner of the RFS to issue a Bush Fire Safety Authority for the development pursuant to s 100B of the *Rural Fires Act 1997*.

The RFS issued a bush fire safety authority that contained general terms of approval (GTA) in relation to asset protection zones (APZs), water and utilities, evacuation and emergency management, design and construction, and landscaping.

The applicant raised concern with the landscaping conditions as it was unclear whether these works needed to be done at the time of this proposal, or in the future as part of the ongoing use of the site. In response, the RFS revised the GTA and these matters were clarified by including a 'general advice' section.

The GTA are achievable and will not result in a significant impact to any native vegetation. These GTA are incorporated in full into the conditions in Schedule 2.

## **A3. COMPLIANCE WITH ENVIRONMENTAL PLANNING INSTRUMENTS**

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

<b>CI 2 – Aim and objectives:</b>
The proposal is considered to be consistent with the aim and objectives of the Alpine SEPP in that it is consistent with the principles of ESD and consists of a minor alterations and additions to the existing lodge. The proposal improves the amenity of an existing tourist accommodation facility.
<b>CI – Land Use Table</b>
The proposal is for alterations and additions to an existing tourist accommodation building. Pursuant to cl 11 of the Alpine SEPP and the Thredbo Alpine Resort Land Use Table, 'tourist accommodation' is permissible with consent.
<b>CI 14(1) – Matters to be considered by consent authority</b>
<b>(a) the aim and objectives of this policy, as set out in clause 2</b>
See discussion above.
<b>(b) the conservation of the natural environment and any measures to mitigate environmental hazards (including geotechnical hazards, bush fires and flooding),</b>
The proposal is considered appropriate as it would allow for the additions to an existing building without an adverse impact on the environment. No removal of native vegetation is required and appropriate environmental management measures are proposed during construction. The applicant has provided a geotechnical report with the development application along with a completed "Form 1" in accordance with the Department's Geotechnical Policy. The RFS has issued a conditional bushfire safety authority for the proposal and bushfire conditions have been incorporated into Schedule 2. There are no

other known natural hazards.	
<b>(c) the cumulative impacts of development on existing transport, effluent management systems, waste disposal facilities or transfer facilities, and existing water supply</b>	
The proposal does not modify the capacity or use of the existing lodge. The subject site contains the necessary infrastructure and services to support the development as proposed.	
<b>(d) any statement of environmental effects,</b>	
The SEE and additional information supplied are considered adequate to enable a proper assessment of the proposal.	
<b>(e) the character of the alpine resort,</b>	
The proposal is of a small scale and it will not significantly alter the character of the resort. The proposed alterations and additions are in keeping with the existing development and the surrounding environment.	
<b>(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,</b>	
The applicant has provided a geotechnical report with the development application along with a completed “Form 1” in accordance with the Department’s Geotechnical Policy.	
<b>(g) any sedimentation and erosion control measures,</b>	
The proposal is small in scale and as such no adverse impacts are expected. The applicant has submitted and SEMP that contains appropriate mitigating measure during the construction phase.	
<b>(h) any stormwater drainage works proposed,</b>	
The existing storm water drainage system is adequate from the proposed alterations and additions.	
<b>(i) any visual impact of the proposed development, particularly when viewed from the Main Range,</b>	
The proposal will not result in an unacceptable visual impact. The additions are of a scale that is consistent with the existing building. The proposed materials and colours are compatible in the locality. There is adequate separation and landscape screening to neighbouring buildings. The site is not visible from the main range.	
<b>(j) any significant increase in activities, outside of the ski season,</b>	
The proposal will not result in a significant increase in activities outside the ski season.	
<b>(k) if the development involves the installation of ski lifting facilities</b>	
The proposal does not involve the installation of any new ski lifting facilities.	
<b>(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</b>	
N/A	
<b>(m) if the development is proposed to be carried out on land in a riparian corridor:</b>	
N/A	
<b>Cl 15 – Additional matters to be considered for buildings</b>	
<b>Building Height</b>	The proposed alterations and additions are within the existing building footprint. The height of the building is not being increased. Impacts such as overshadowing will not change. The existing levels of amenity for adjoining properties will be maintained.

<b>Building Setback</b>	The proposed alterations and additions are within the existing building footprint. The building setbacks are not changing. There is adequate separation and landscape screening to neighbouring buildings. The existing levels of amenity for adjoining properties will be maintained.
<b>Landscaped Area</b>	The existing landscaped areas will be maintained. Given the small scale of the proposed development additional landscaping is not required.
<b>CI 17 – applications referred to the Office of Environment and Heritage (OEH)</b>	
The proposal was referred to OEH pursuant to cl 17 of the Alpine SEPP. The OEH advised that the proposal is acceptable subject to satisfactory environmental protection measures being in place during construction, works cease should any Aboriginal heritage items be uncovered, and clearing of native vegetation for bushfire protection is kept to a minimum. These are incorporated into the conditions in Schedule 2 and the APZs recommended by the RFS can be achieved with minimal impacts to native vegetation.	
<b>CI 26 – Heritage conservation</b>	
<b>European heritage</b>	The proposal will not impact on any European heritage items.
<b>Aboriginal heritage</b>	The proposal will not impact on any Aboriginal heritage items. However, conditions of consent have been included to ensure that works cease if any item become unearthed during excavation.

