



**Planning &
Infrastructure**

**DEVELOPMENT ASSESSMENT REPORT
DA 052-12-2011**

**Internal Alterations to an existing
building at Lot 816, DP 1119757, Happy
Jacks Unit 9, Thredbo Alpine Resort**

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

Part 4 of the
Environmental Planning and Assessment Act 1979

April 2012

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1 EXECUTIVE SUMMARY

This report is an assessment of development application No. DA 052-12-2011 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).

Proposal

The applicant, Kosciuszko Thredbo Pty Ltd, is seeking development consent for internal alterations and additions to Unit 9, Happy Jacks, Thredbo. Unit 9 is part of Lot 816, DP 1119757 which comprises a total of 9 units. The proposed alterations and additions include extensions into the sub floor space of the building which will accommodate two new bathrooms and a laundry. The existing bathroom is to be removed to enlarge bedroom one and a new kitchen is to be installed.

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 matter arising from this assessment is compliance with the Building Code of Australia (BCA).

Consultation

The application was referred to the NSW Office of Environment and Heritage for comments in regard to Leasing (consistency with the National Parks & Wildlife Act), Aboriginal Archaeology and Flora and Fauna.

Notification

The proposal is for internal works only. The application was not notified to any neighbouring buildings.

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 internal alterations and additions are appropriate. The proposed development is permissible with consent. The works will result in modernised and improved living space within the apartment and increased amenity for visitors. The works are required to comply with the BCA. The proposal is considered appropriate and is therefore recommended for **approval** subject to the imposition of the conditions in Schedule 2.

2 BACKGROUND

2.1 Locality

The locality is the central village area of Thredbo Alpine Resort within Kosciuszko National Park.

2.2 Site description

The subject site is known as Lot 816, DP 1119757, Happy Jacks Unit 9, Thredbo Alpine Village. Happy Jacks comprises 9 units in two separate buildings constructed of external and internal timber framed walls and steel clad roof.

2.3 Background to the proposal

The proposed internal alterations are being undertaken to upgrade the facilities within the apartment to enhance amenity for guests.

3 THE PROPOSED DEVELOPMENT

3.1 Overview

The proposed alterations and additions include extensions into the sub floor space of the building which will accommodate two new bathrooms and a laundry. The existing bathroom is to be removed to enlarge bedroom one and a new kitchen is to be installed. The estimated cost of the works is \$85,000.

4 STATUTORY FRAMEWORK

4.1 Development assessment

The application has been made and assessed pursuant to Part 4 of the *Environmental Planning and Assessment Act 1979* and the regulations made under this Act.

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:

- the principles of ecologically sustainable development (ESD);
- the objects of the EP&A Act;
- S 79C of the EP&A Act; and
- State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007

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

The application was referred to the NSW Office of Environment and Heritage for comments in regard to Leasing (consistency with the National Parks & Wildlife Act), Aboriginal Archaeology and Flora and Fauna. The OEH support the proposed and their recommendations have been included as conditions of consent.

6 CONSIDERATION

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 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 of consent have been included to ensure these issues are addressed at the construction certificate stage. The proposal would result in modernised and improved living space within the apartment and increased amenity for visitors.

6.2 Protecting the amenity of the adjoining properties.

The proposed works are within the existing footprint of Unit 9 and will not impact on the adjoining properties. No external works are proposed. The height of the building is not being increased and the existing setbacks are being maintained.

7 CONCLUSION

The proposal is permissible with consent under the Alpine SEPP. 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 internal alterations to Lot 816 Happy Jacks Unit 9 will result in modernised and improved living space within the apartment and increased amenity for visitors. The proposal involves minor internal building work. No removal of vegetation is proposed and the proposal will not result in any negative impact on the existing built form of the area. Although there is a minor increase in floor space the use and capacity of the apartment is not altered. The proposal is considered appropriate and is therefore recommended for **approval** subject to the imposition of the conditions in Schedule 2.

8 DELEGATIONS

It is considered that Daniel James, Team Leader, Alpine Resorts Team has the delegation to exercise the function as a consent authority as provided by the Minister for Planning and Infrastructure, 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

It is recommended that Daniel James, Team Leader, Alpine Resorts Team as delegate for the Minister for Planning and Infrastructure 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 052-12-2011** for internal alterations to the existing building at Lot 816 DP 1119757, Happy Jacks Unit 9, Thredbo Alpine Resort subject to the conditions of consent (**refer to Schedule 2**);
- (ii) Sign and date the Notice of Determination for DA 052-12-2011 (**refer to Notice of Determination**);

Prepared by:



Scott Reid
Senior Building Surveyor
Alpine Resorts Team

Approved by:

Daniel James
Team Leader
Alpine Resorts Team

Determined as Delegate of the Minister for Planning and infrastructure

APPENDIX A – STATUTORY ASSESSMENT & CONSIDERATION

A1. ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Section 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 apartment.

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. All works are internal.

Biodiversity principle – The proposal would not result in a loss of biodiversity as there would be no adverse disturbance to any native vegetation.

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

A2. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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 internal and 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:

S.79C(1)(a)(i) the provisions of any environmental planning instrument
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.
S.79C(1)(a)(ii) the provisions of any proposed environmental planning instrument
None are applicable to the proposal.

<u>S.79C(1)(a)(iii) the provisions of any development control plan</u>
None are applicable to the proposal
<u>S.79C(1)(a)(iiiia) the provisions of any planning agreement</u>
None are applicable to the proposal.
<u>S.79C(1)(a)(iv) the provisions of any Regulations</u>
<u>Cl.92</u> – The proposal involves minor demolition works. Reference to AS 2601 is included in the conditions of consent. <u>Cl.94</u> – The proposed building works are considered to be less 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. However, the thermal detectors within the apartment will need to be changed to smoke detectors. 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 other than installing smoke detectors.
<u>S.79C(1)(b) the likely impacts of that development</u>
<u>Context and setting</u> – The proposed internal alterations are small in scale and are within the existing footprint of Unit 9. The proposal does not impact on the context and setting of the locality. <u>Access, transport and traffic</u> – The proposal will not increase in traffic to the site or impact upon access, transport or traffic management within the Resort. <u>Public domain</u> – The proposed works are within the existing building footprint and will not impact upon the public domain. <u>Utilities and energy</u> – Energy and utility requirements will not be altered by the proposal. <u>Heritage</u> – The proposal will not impact upon any European or Aboriginal archaeological heritage items. <u>Other land resources</u> – The proposal will not impact on any valuable land resources. <u>Water</u> – There will be minimal increase in water usage at the site. The works are within the existing building footprint. <u>Soils</u> – The works are small in scale and within the existing building footprint. No soil impacts are expected. <u>Noise and vibration</u> – There will be an increase in noise and vibration during construction. This will be short term and managed in accordance with conditions of consent. It is not envisaged that the alterations would increase the existing noise and vibration levels within the building. There is adequate separation from neighbouring buildings. <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. <u>Flora and fauna</u> – The proposed works are internal and within the existing building footprint. It is not proposed to remove any native vegetation. There will be no 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 – There are no geotechnical requirements for this proposal. All works are within the existing building footprint and no excavation is proposed. The proposal does not increase the threat associated with Bushfire. The site is not affected by flooding. There are no 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 internal alterations are unlikely to have a detrimental impact upon security or crime prevention in the locality.

Social impact – The social impacts are positive. The proposal will result in modernised and improved living space within the apartment and increased amenity for visitors.

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 internal and within the existing building footprint. The site is considered to be adequately serviced by pedestrian linkages and provides an acceptable level of access. The internal alterations have been designed to integrate with the existing apartment. 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 to an existing apartment 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 apartment. There are no impacts to any vegetation and the internal alterations 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 proposal is for internal works only. The application was not notified to any neighbouring buildings. The application is not integrated development. Applications for internal alterations are not required to be referred to the NSW Rural Fire Service.

S.79C(1)(e) the public interest

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.

A3. COMPLIANCE WITH ENVIRONMENTAL PLANNING INSTRUMENTS

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

Clause 2 – Aim and objectives:
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 minor internal alterations to the existing apartment. The proposal improves the amenity of an existing tourist accommodation facility.
Clause 11 – Land Use Table
The proposal is for alterations 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.
Clause 14(1) – Matters to be considered by consent authority
(a) the aim and objectives of this policy, as set out in clause 2,
See discussion above.
(b) the conservation of the natural environment and any measures to mitigate environmental hazards (including geotechnical hazards, bush fires and flooding),
The proposal is considered appropriate as it would allow for internal alterations to an existing apartment without an adverse impact on the environment. No removal of native vegetation is required and appropriate environmental management measures are proposed during construction. There are no geotechnical requirements for this proposal. All works are within the existing building footprint and no excavation is proposed. There are no other known natural hazards.
(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 existing apartment. The subject site contains the necessary infrastructure and services to support the development as proposed.
(d) any statement of environmental effect,
The SEE supplied is considered adequate to enable a proper assessment of the proposal.
(e) the character of the alpine resort,
The proposal is of a small scale and it will not significantly alter the character of the resort. The proposed internal alterations are in keeping with the existing development and the surrounding environment.
(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,
There are no geotechnical requirements for this proposal. All works are within the existing building footprint and no excavation is proposed.
(g) any sedimentation and erosion control measures,
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.
(h) any stormwater drainage works proposed,
The works are internal. There are no storm water drainage requirements.
(i) any visual impact of the proposed development, particularly when viewed from the Main Range,
The proposal will not result in an unacceptable visual impact. The internal alterations are of

a scale that is consistent with the existing building. The site is not visible from the main range.	
(j) any significant increase in activities, outside of the ski season,	
The proposal will not result in a significant 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 Resorts Master Plan and the document entitled Perisher Blue Ski Slope Master Plan	
NA	
(m) if the development is proposed to be carried out on land in a riparian corridor:	
NA	
Clause 15 – Additional matters to be considered for buildings	
Building Height	The proposed internal alterations 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.
Building Setback	The proposed internal alterations 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.
Landscaped Area	The existing landscaped areas will be maintained. Given the small scale of the proposed development additional landscaping is not required.
Clause 17 – applications referred to the Office of Environment and Heritage (OEH)	
The application was referred to the NSW Office of Environment and Heritage for comments in regard to Leasing (consistency with the National Parks & Wildlife Act), Aboriginal Archaeology and Flora and Fauna. The OEH support the proposed and their recommendations have been included as conditions of consent.	
Clause 26 – Heritage conservation	
European heritage	The proposal will not impact on any European heritage items.
Aboriginal heritage	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.