

STATEMENT OF ENVIRONMENTAL EFFECTS

ADDITIONS AND ALTERATIONS FOR THE CONVERSION OF A LODGE INTO THREE (3) SELF CONTAINED APARTMENTS SNOWGUMS LODGE LOT 749, BRINDLE BULL CLOSE THREDBO ALPINE RESORT



JULY 2020

Project: 42-19

Dabyne Planning Pty Ltd

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This report has been prepared by:

A handwritten signature in black ink, appearing to read 'I. Pasalich'.

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Principal
Dabyne Planning Pty Ltd

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1. INTRODUCTION

Dabyne Planning Pty Ltd has been engaged to prepare a Statement of Environmental Effects to accompany a Development Application (DA) to the NSW Department of Planning, Industry & Environment (DPIE).

The application relates to a property known as 'Snowgums Lodge' located on Brindle Bull Close, Thredbo. The property is legally described as Lot 749 DP 1119757.

The site comprises an existing commercial lodge comprising of three (3) stories with a maximum accommodation capacity of fourteen (14) beds.

The proposal seeks consent to undertake additions and alterations to convert the commercial lodge to three (3) self-contained apartments used for tourist accommodation, utilising all fourteen (14) beds.

The additions and alterations will result in the building footprint being expanded and the floor area being increased. The proposal will result in the current car parking which is located partly within the sub-lease area and partly within the road, located wholly within the sub-lease boundary, improving parking and road access.

A detailed description of the proposal is provided in Section 3 of the report.

The purpose of this SEE is to:

- describe the land to which the DA relates
- describe the form of the proposed works
- define the statutory planning framework within which the DA is to be assessed and determined; and
- assess the proposed development against the matters for consideration listed under Section 4.15(1) of the Environmental Planning and Assessment Act, 1979 (EP&A Act, 1979).

The report has been prepared in accordance with the requirements of Schedule 1 of the Environmental Planning and Assessment Regulations 2000.

2. THE LOCALITY & THE SITE

2.1 The Locality

The subject site is located within the Thredbo Alpine Resort, approximately 30kms from Jindabyne. Access to the resort is achieved via the Alpine Way.

The location of Thredbo is illustrated in context with the regional locality below:

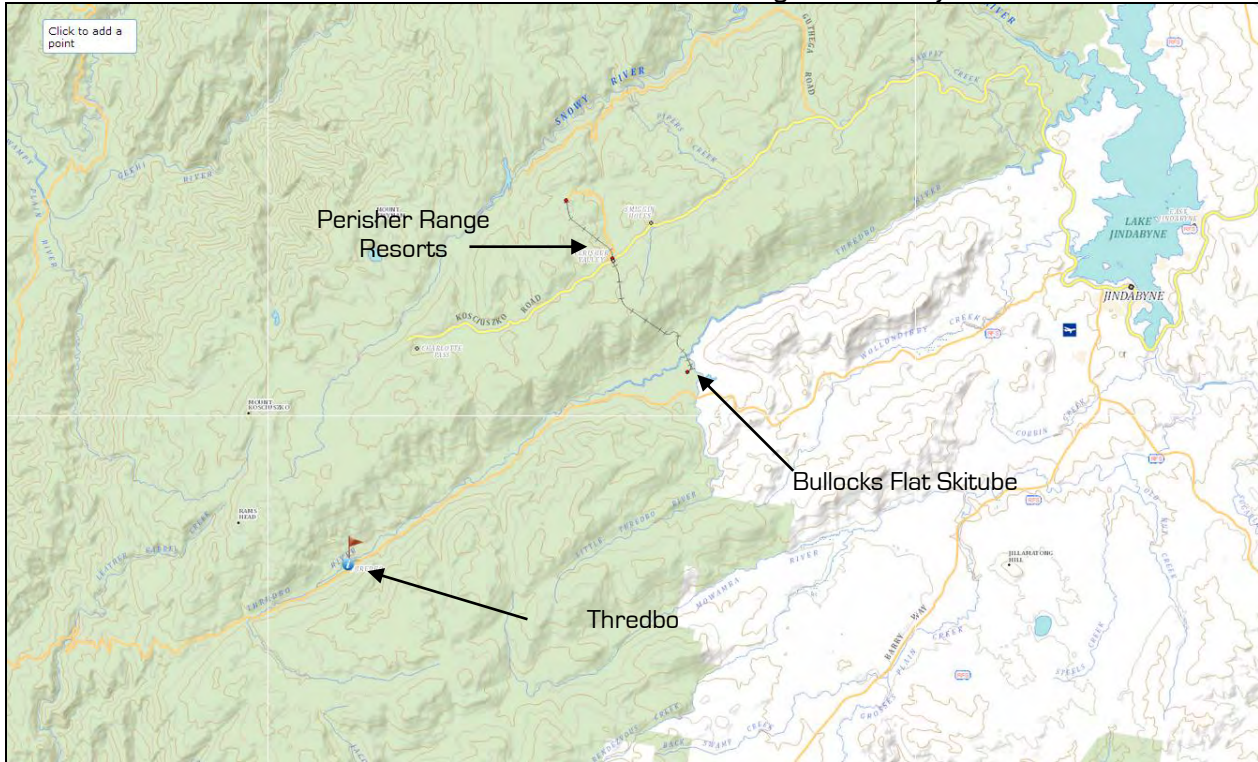


Figure 1: Context of the site within the Region



Figure 2: Context of the site within the locality (aerial)

2.2 The Site

The subject site is located at Lot 749 on the southern side of Brindle Bull Close, within the southern end of the core of Thredbo Village. The property is legally described as Lot 749 DP 1119757.

The building is located adjacent to Obergurgl Lodge to the north west, Alpenhorn Lodge to the west and Brindle Bull Close to the north-east.

The existing property is licensed to contain a maximum of fourteen (14) beds for the purpose of tourist accommodation. The property is directly accessible from Brindle Bull Close.

The site is identified in figure's 3-6 below:



Figure 3: Aerial map of the subject building in context of the locality

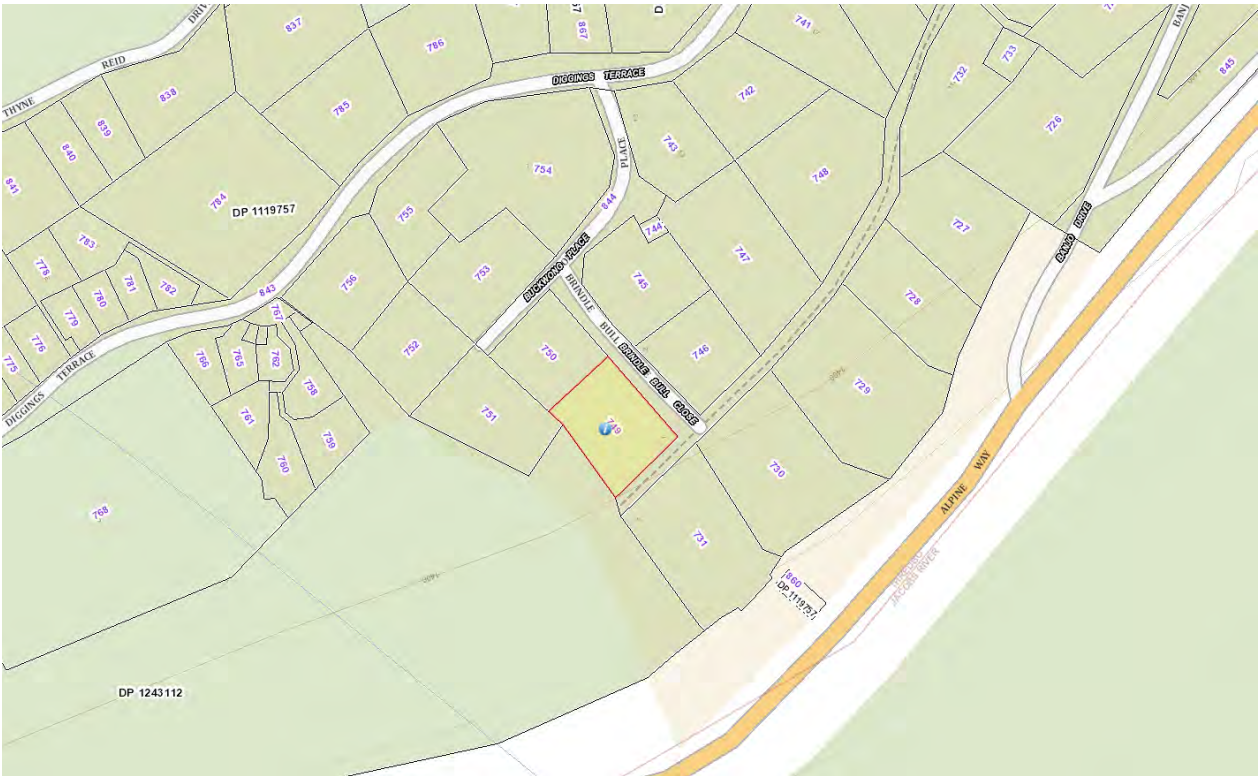


Figure: 4 Topographic map of the subject site



Figure 5: Location of the subject site in relation to the adjoining sub-lessees

An extract of the contour and detail survey of the site is provided below in figure 6.

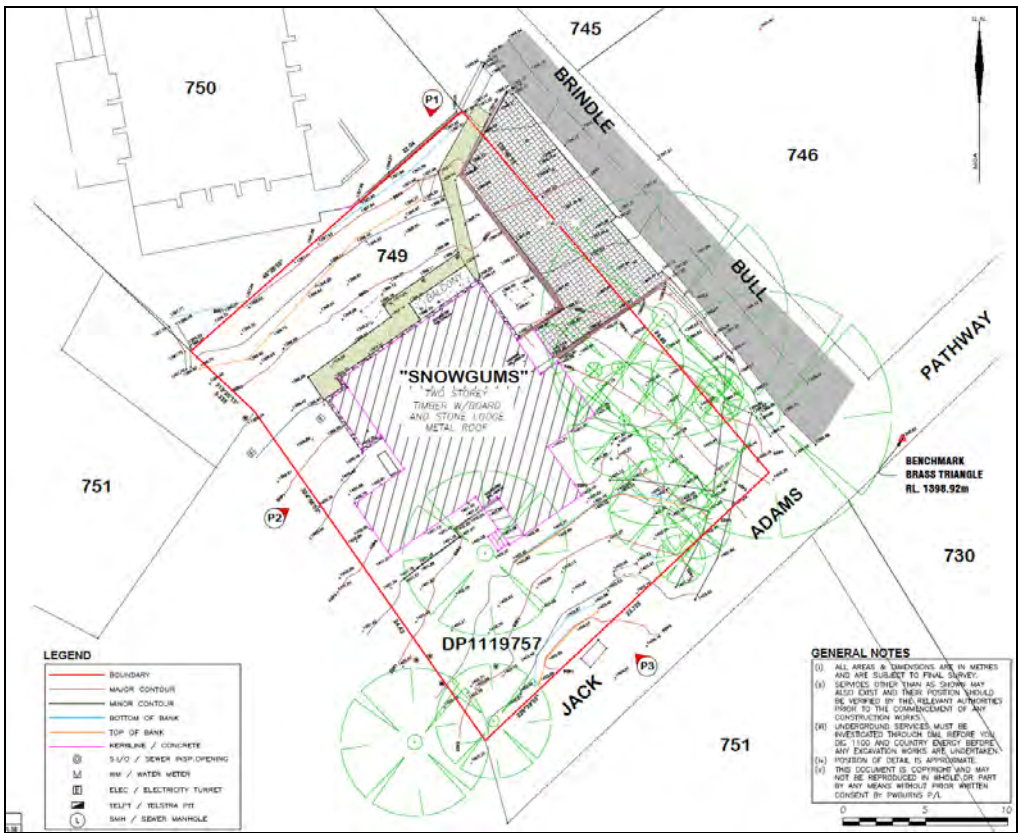


Figure 6: Contour & Detail Survey

Photos of the site are provided in Appendix A.

3. DESCRIPTION OF THE DEVELOPMENT

3.1 Purpose of the Development

The purpose of the development is to change the use of the building from a commercial lodge to self-contained apartments used for tourist accommodation.

This will allow for the existing lodge, comprising of four (4) guest bedrooms and the managers quarters to be converted to three (3) self-contained apartments.

This will be facilitated by undertaking additions and expanding the building footprint to the west and to the south-east, whilst retaining the central form of the existing building.

The change of accommodation type from a commercial lodge to apartments is consistent with the market trend of over the past decade within Thredbo and resort communities elsewhere, where demand for self-contained apartments has been increasing.

3.2 General Description

The proposed development will convert the existing four (4) guest bedrooms and managers quarters to three (3) self-contained apartments, comprising of 1 x three (3) bedroom apartment and 2 x two (2) bedroom apartments, with a combined total of fourteen (14) beds.

A breakdown of each of the apartments with the number of beds and car parking allocated is provided below:

Apartment:	Floor Level:	Bedrooms:	Beds:	Car Parking:
Apartment A	GF, FF, SF	3 Bedrooms	6 beds	A1 & A2
Apartment B	GF	2 Bedrooms	4 beds	B1
Apartment C	FF	2 Bedrooms	4 beds	C1 & C2
		7 Bedrooms	14 beds	

The proposal includes a single storey addition on the ground floor on the western side of the existing building, removing the existing boiler room. This addition is for Apartment B and is located over managed lawns.

The proposal includes a single storey addition on the first floor on the south-eastern side of the existing building. This addition is for Apartment C and requires the removal of existing trees, addressed in the ecological advice provided in Appendix B.

The centre of the building will be converted into Apartment A, the largest apartment comprising of three (3) bedrooms over three (3) levels.

3.3 Design Statement

A design statement prepared by Myson + Berkery Architects has been provided in full in Appendix C with a summary provided below.

- *The existing building floor plates remain substantially intact, except the first floor balcony, ground floor boiler room and second floor attic are to be demolished; the building will be re-clad and re-roofed, with windows being upgraded.*
- *The proposed new Chalet B + C single storey extensions are planned for vacant and disturbed areas of the site, and designed to gain solar access and ski slope views, and to minimise potential view, shadow and privacy impacts on neighbouring properties.*
- *Site cover will increase from 17.1% up to 39.7%, which given the site context is not excessive. Chalet A will also construct a larger first floor balcony in the approx current position, with a hot tub. The roof over the Living areas of Chalet A will be removed and re-built to improve solar gain, natural light, and the northerly main range aspect over the roof of Obergurgl.*
- *Other than these discreet modifications the current form of Snowgums as viewed from the public way, will remain legible in the new proposal.*
- *Some trees in close proximity to the building (at current rear exit), and others between the building and the road will need to be removed, or pruned for new Chalet C footprint and associated external stair and entry.*
- *Specifically, Chalet C is located uphill of the existing Lodge, with the Living areas and small balcony having elevated views across the road corridor, with the bedrooms having an easterly natural aspect, with substantial separation to the neighbouring Lodge, Redbank, thus minimising potential impacts on their views or privacy.*
- *Chalet B is located at ground level to the north west of the existing building, and is designed to capture distant views between the neighbouring buildings, with Living room windows placed with this intent; bedroom windows are also placed to overlook the head lease and natural landscape to the south along the creek line. The new height and proximity of Chalet B above Alpenhorn courtyard may have minimal early morning shadow impact, however the existing Snowgum building upper levels already contribute here.*
- *Further bulk and scale impacts of Chalet B are lessened due to its single storey form and skillion roof slope following the natural ground line.*
- *The redevelopment will provide more options for tourist accommodation types in the village, with no change in bed numbers, and with improved amenity, longevity and safety in construction and fit-out, noting it has been 28 years since the last major works were undertaken.*
- *Carpark layouts will be enhanced with associated safety benefits to traffic and pedestrians on the narrow public road. The appearance of the building will be articulated into the three Chalets by using different colours of Colorbond steel, all recessive in tone, and using a vertical rib accent appropriate to Alpine building traditions.*
- *A Landscaping Concept Plan is included, to identify areas for protection and re-vegetation; Stormwater and roof water disposal is via drains and pipelines, following the fall of the land in a northerly direction towards the roadway; no excavation for drainage is required adjacent the Head Lease area.*

3.4 Car Parking

The subject site currently provides parking along the road edge, with the parking area located partly over the boundary within the road. A narrow garage is also provided on the site. This area provides four (4) parking spaces, with the garage too narrow to accommodate a vehicle.

The proposal includes the removal of the existing retaining wall and embankment along the road frontage, back to the building line with a new retaining wall. This allows for the parking spaces to be located entirely within the allotment, providing enough space for five (5) parking spaces, servicing proposed Apartments A, B & C.

Proposed spaces A1 & A2 will be covered by a carport and provides undercover access to the new entry.

The development will therefore result in a substantial improvement to the road network by relocating parked vehicles partly off the road, onto the allotment.

An additional parking space will also be achieved.

3.5 Pedestrian Access

Pedestrian access to and from the development will be achieved from Brindle Bull Close, with access to Apartments A & B sharing a new staircase at the lower north-western end, replacing the existing staircase and wall which is located within the road reserve.

Access to Apartments A & B will then be achieved separately on the ground floor.

Pedestrian Access to Apartment C will be achieved from a new a staircase adjacent to the road into the first floor of the building in Apartment C.

3.6 External Materials and Colours

The proposed external materials will comprise principally of vertical metal wall cladding, with new double glazed aluminium framed windows and a new Colorbond metal roof.

The elevations provide indicative colour and finishes details which have been chosen to blend in with the existing natural and built environment and are consistent with the common colour palette used throughout the Thredbo Village.

3.7 Energy Efficiency

The proposal incorporates improved energy efficiency with each apartment designed with a northerly aspect and living areas taking advantage of the aspect.

Compliance with Section J of the BCA will be required.

3.8 Landscaping

The proposed development will require seven (7) trees in the eastern corner, adjacent to the road to be removed. Furthermore, the establishment of an APZ to the west may require a clump of Mountain Tea-trees to be removed. These impacts have been assessed by Ryan Smithers, Senior Ecologist with Eco-Logical Australia as per the Ecological advice provided in Appendix B.

To limit bushfire risk and having trees located adjacent to the building, the proposed landscaping does not include the planting of additional trees. Native shrubs and grasses will be planted along with brush clippings and mulch for stabilisation as outlined in the Landscape Plan provided.

3.9 Stormwater Management

Stormwater management for the site will be upgraded and improved via drains and pipes, generally following the slope in a northerly direction towards the road. To prevent snow deposition, snow barriers, gutters and diverters will be used, otherwise snow and roof water will be collected on the ground and connect to the existing village system.

3.10 Waste Management

Waste management from the site will be facilitated by the provision of a resident bin store at the front north-east corner, adjacent to Brindle Bull Close.

4. KEY CONSIDERATIONS

4.1 Biodiversity

The Biodiversity Conservation Act 2016 and Local Land Services Amendment Act 2016 together with the Biodiversity Conservation Regulations 2017 were enacted on the 25 August 2017 and came into effect on the 25 February 2018.

A review of the subject site in relation to the Biodiversity Values Map shows that the site is not mapped as comprising high biodiversity value, see below.



Figure 7: Extract of the Biodiversity Values Map

Regarding the clearing threshold, the site is located within a National Park and is zoned E1 – National Park under the Snowy River Local Environmental Plan, 2013 (SR LEP, 2013).

Consequently, the site does not have a minimum lot size, under the SR LEP 2013.

Therefore, the clearing threshold is predicated on the lot size of the subject site.

With a lot size of 654.6m², the clearing threshold is 0.25ha (2500m²) of clearing of native vegetation without having to undertake a Biodiversity Assessment Method (BAM) assessment and therefore triggering the Biodiversity Offsets Scheme (BOS).

Therefore, the clearing threshold cannot be triggered.

As outlined in the ecological advice provided by Ryan Smithers of Eco-Logical Australia in Appendix B, the *‘proposed shrub and tree removal will affect only common and well conserved*

species that occur in an already highly disturbed area. These species are widespread in the Thredbo Valley. The proposed development will not affect any threatened species, ecological community or population nor adversely impact any other species of conservation significance’.

Therefore, the BOS is not triggered, and no further assessment is required under the BC Act, 2016.

4.2 Aboriginal Heritage

An assessment in accordance with the Due Diligence Code of Practice, DECCW 2010 has been followed and documented below.

Step 1. Will the activity disturb the ground surface?

Comment:

The proposed additions and alterations will disturb an area already highly disturbed by the original development of the lodge, carpark, road and adjacent development.

Step 2. Step 2a. Search the AHIMS database and use any other sources of information of which you are already aware.

Comment:

This search has been undertaken and provided in Appendix D. The search of the lot has found no record of any Aboriginal sites or places.

Step 2b. Activities in areas where landscape features indicate the presence of Aboriginal objects:

Consequently, if your proposed activity is:

- *within 200m of waters ,*
- *located within a sand dune system , or*
- *located on a ridge top, ridge line or headland,*
- *located within 200m below or above a cliff face,*
- *within 20m of or in a cave, rock shelter, or a cave mouth and is on land that is not disturbed land (see Definitions) then you must go to step 3.*

Comment:

The subject site is not located within a sand dune system, on a ridge top, ridge line or headland, located within 200m of a cliff face or within 20m of or in a cave, rock shelter or cave mouth.

The site is located over 200m from Thredbo River, the closest main watercourse but is within 100m of an unnamed watercourse to the south.

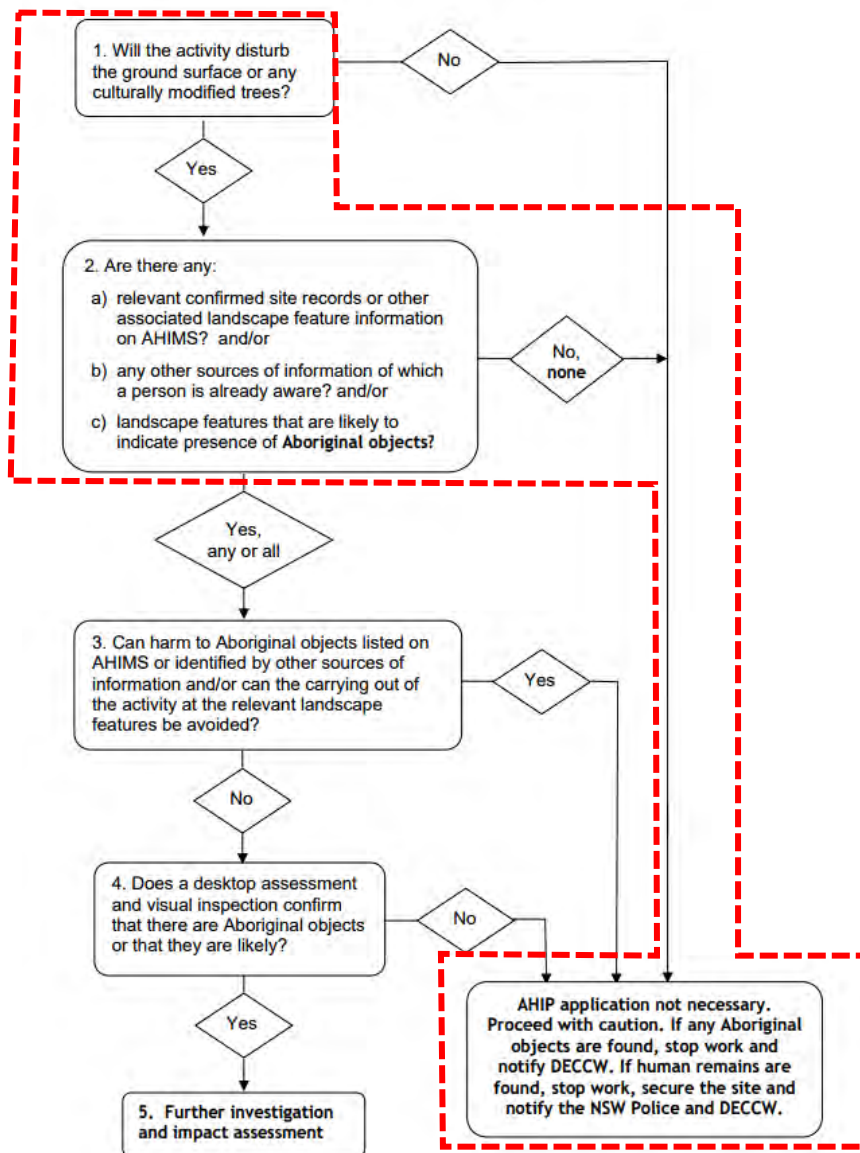
The proposed development however is located on highly disturbed land as defined, due to the previous construction of the lodge, car park, road and adjacent development including drainage & infrastructure.

Therefore, the original soils (and hence archaeological potential) have been removed, with a high level of disturbance.

Therefore, after completing steps 2a and 2b, it is reasonable to conclude that there are no known Aboriginal objects or a low probability of objects occurring in the area of the proposed activity, and the development can proceed with caution without applying for an AHIP. This fulfils all reasonable steps under the Due Diligence Code.

Therefore, there is no requirement to move onto Step 3, as per the Code below.

8 The generic due diligence process



5. ENVIRONMENTAL PLANNING ASSESSMENT

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

The only applicable Environmental Planning Instrument to the proposed development and site is State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007 [SEPP Alpine Resorts]. The relevant clauses contained within SEPP Alpine Resorts are addressed below:

Clause 11 - Land Use Table:

The land use table for Thredbo Alpine Resort specifies that 'Tourist accommodation' is permitted with consent. The proposed conversion of the existing commercial lodge to self-contained apartments is still for the purposes of tourist accommodation (as defined below) and is therefore permissible with consent.

tourist accommodation means:

- (a) a building or buildings used for the accommodation of visitors, including apartments, serviced apartments and lodges that may have facilities for the convenience of those visitors, such as conference facilities, entertainment facilities, recreation facilities and restaurants, or*
- (b) staff accommodation, or*
- (c) a hotel.*

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 conversion of the lodge to apartments and associated additions and alterations have been designed to ensure impacts on the natural and built environment are minimal. The upgrade of the building is considered to result in a development that is consistent with the aims and objectives set out in clause 2 of the SEPP.</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),	<p><i>The bushfire assessment report prepared by Dabyne Planning recommends that a clump of Mountain Tea-trees to the south-west of the lodge to be removed to form an APZ.</i></p> <p><i>No other measures to mitigate environmental hazards that would impact on the conservation of the natural environment are proposed.</i></p>

<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 development will result in an increase of floor area, however the total number of beds permitted on the site (14) will not be increased.</i></p> <p><i>This will ensure that the existing transport, reticulated effluent management, waste disposal and water supply infrastructure will not be required to be upgraded or expanded.</i></p>
<p>(d) any statement of environmental effects required to accompany the development application for the development,</p>	<p><i>This Statement of Environmental Effects satisfies this sub-clause.</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 additions and alterations will not alter the character of the resort and have been designed to enhance the overall amenity of the building. The selection of the materials has been chosen to ensure that the development relates to the existing building and natural tones of the surrounding environment and character of the village.</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 subject site is located within the 'G' line. A separate Geotechnical Report and Form 1 will be submitted with the DA.</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>The proposed additions and alterations will require earthworks, which will be appropriately controlled through the measures identified in the Site Environmental Management Plan provided in Appendix E.</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>The proposed additions and alterations will include upgrading the existing drainage system.</i></p>
<p>(i) any visual impact of the proposed development, particularly when viewed from the Main Range,</p>	<p><i>The proposed additions and alterations have been designed to integrate with the existing building form and surrounding built form with no additional visual impacts generated.</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 conversion of the lodge to apartments and associated additions and alterations are not expected to increase any 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>(m) if the development is proposed to be carried out on land in a riparian corridor:</p> <p>(i) the long term management goals for riparian land, and</p> <p>(ii) whether measures should be adopted in the carrying out of the development to assist in meeting those goals.</p>	<p><i>The proposed development is not located within a riparian corridor, with the closest watercourse located over 70m to the south-west as shown in figure 8 below.</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>	

- [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.



Figure 8: Proximity of the subject site to the closest watercourse

Clause 15 – Additional matters to be considered for buildings

Matter for Consideration	Response
<p>(1) Building height:</p> <p>In determining a development application for the erection of a building on land, the consent authority must take into consideration the proposed height of the building (where relevant) and the extent to which that height:</p>	
(a) has an impact on the privacy of occupiers and users of other land, and	<p><i>The overall building height has been retained with only the front (northern) section lifted and extended to make way for the Apartment A living area. The rear of the building will have the attic removed but the ground floor extended.</i></p>
(b) limits solar access to places in the public domain where members of the public gather or to adjoining or nearby land, and	
(c) has an impact on views from other land, and	

<p>(d) if the building is proposed to be erected in Thredbo Alpine Resort—has a visual impact when viewed from the Alpine Way, and</p>	<p><i>Impacts on privacy have been mitigated by the placement and size of windows on the south-west elevation and setbacks provided to the north, with minimal potential for overlooking in relation to the street and rear elevations.</i></p> <p><i>Impacts on solar access are minimal with the same building height retained with only the single storey addition (Apartment B) generating a small additional length of shadow early morning in mid-winter. This provides sunlight later in the day.</i></p> <p><i>Impacts on views from other properties will be negligible with the same building height and only additions to the side which are mostly at ground level.</i></p> <p><i>The development has been designed to integrate with the existing building and through the use of appropriate materials and colours, will not generated an unacceptable visual impact, particularly when viewed from the Alpine Way.</i></p>
<p>(e) if the building is proposed to be erected in Perisher Range Alpine Resort—needs to be limited so as to assist in maintaining the skyline when viewed from Kosciuszko Road and any other public roads, and</p>	<p><i>Not applicable.</i></p>
<p>(f) if the building is proposed to be erected in an alpine resort other than Thredbo Alpine Resort or Perisher Range Alpine Resort—is similar to existing buildings in the resort where it is proposed to be erected, and</p>	<p><i>Not applicable.</i></p>
<p>(g) if the building is proposed to be erected in Bullocks Flat Terminal—relates to the topography of its site.</p>	<p><i>Not applicable.</i></p>
<p>(2) Building setback: In determining a development application for the erection of a building on land, the consent authority must take into consideration the proposed setback of the building (where relevant) and the extent to which that setback:</p>	
<p>(a) assists in providing adequate open space to complement any commercial use in the alpine resort concerned, and</p>	<p><i>The development incorporates additions on all sides, however sufficient open space is provided on the north-west (front) and south-east (rear) sides of the building, allowing for the provision of ground cover landscaping.</i></p> <p><i>The development will not impact on view corridors in the public domain.</i></p>
<p>(b) assists in achieving high quality landscaping between the building and other buildings, and</p>	
<p>(c) has an impact on amenity, particularly on view corridors at places in the public domain where members of the public gather, and</p>	

(d) is adequate for the purposes of fire safety, and	<i>Setbacks can achieve compliance with the BCA through either performance measures or deemed-to-satisfy provisions.</i> <i>Sufficient space for pedestrian and site access is provided and the management of snow has been considered through the use of snow gutters, barriers and diverters.</i>
(e) will enable site access for pedestrians, services (including stormwater drainage and sewerage services) and the carrying out of building maintenance, and	
(f) will facilitate the management of accumulated snow.	
(3) Landscaped area: In determining a development application for the erection of a building on land, the consent authority must take into consideration (where relevant) the extent to which landscaping should be used:	
(a) as a means of assisting in the protection of the unique alpine environment of the alpine resort concerned, and to maximise its natural visual amenity, for the benefit of visitors and natural ecosystems, and	<i>The proposed additions and alterations will require the removal of established trees too close to the building and road, as well as a clump of Mountain Tea-trees to establish an APZ.</i> <i>Landscaping will comprise of native shrubs and grasses with adequate space provided at the front and rear of the site.</i>
(b) to assist in the provision of adequate open space to complement any commercial use in the alpine resort concerned, and	
(c) to limit the apparent mass and bulk of the building, and	
(d) as an amenity protection buffer between the proposed building and other buildings, and	
(e) as a means of reducing run-off, and	
(f) to protect significant existing site features and limit the area of any site disturbed during and after the carrying out of development.	

Clause 26 – Heritage Conservation:

The subject site and building are not listed as a heritage item under Schedule 3 of the SEPP. Therefore the 'Objectives' under subclause (1) and 'Effect on Heritage Significance' and 'Heritage Impact Assessment' provisions under subclauses (4) & (5) respectively, do not apply.

5.2 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 development.

5.3 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.

5.4 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.

5.5 SECTION 4.15(1)(a)(iv) – REGULATIONS

The development application has been made in the accordance with requirements contained in Clause 50(1A) of the Environmental Planning and Assessment Regulation 2000.

In accordance with Clause 54(4) of the same regulations, the information that is required for a Construction Certificate, is not required to be provided for a DA in relation to either building or subdivision work. This is to ensure that the consent authority does not oblige the applicant to provide construction details up-front where the applicant may prefer to test the waters first and delay applying for a construction certificate until, or if, development consent is granted.

5.6 SECTION 4.15(1)(b) – LIKELY IMPACTS

Natural Environment:

Impacts on the natural environment have been assessed by an Accredited Ecologist and considered acceptable as outlined in Appendix B.

Built Environment:

The proposed additions and alterations have been designed to integrate with the existing building with its overall height retained. This has been achieved by substantially retaining the existing building floor plates, so the current form of the building remains legible in the new proposal.

The redevelopment will provide more options for tourist accommodation types in the village, with no change in bed numbers, and with improved amenity, longevity and safety in construction and fit-out, noting it has been 28 years since the last major works were undertaken.

The overall changes to the built environment are considered positive.

Social and Economic impacts in the locality:

The proposed conversion of the lodge to apartments and associated additions and alterations have been designed to minimise any amenity impacts on the neighbouring properties and are not expected to generate any negative social or economic issues, while providing greater amenity to the guests of the building.

The proposed works will result in the building being significantly improved, updated and maintained with the investment in the building resulting in a positive economic impact with a number of short-term construction jobs being generated.

5.7 SECTION 4.15(1)(c) – SUITABILITY OF THE SITE

The subject site is considered suitable to accommodate the proposed development.

5.8 SECTION 4.15(1)(d) – SUBMISSIONS

The Departments Community Participation Plan (CPP) includes notification provisions for the Kosciuszko Alpine Resorts which were not included in the draft CPP and were not consulted with relevant stakeholders, in direct contravention of S.2.23 of the Environmental Planning and Assessment Act, 1979. Accordingly, this policy, being absent of any proper community participation would be considered to have very little, if any determinative weight.

5.9 SECTION 4.15(1)(e) – THE PUBLIC INTEREST

The proposed additions and alterations are considered to be within the interest of the public, as they will result in an improvement to the building in regard to aesthetics, safety and overall amenity without generating any negative impacts on the environment.

The above assessment has demonstrated that the proposal satisfies the objectives and relevant clauses prescribed under State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007.

Consequently, the propose development is considered to be within the public interest.

6. CONCLUSION

The proposed development has been considered in regard Section 4.15 of the EP&A Act, 1979, State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007 and the Biodiversity Conservation Act, 2016.

The proposal has been found to be consistent with the above legislation and Environmental Planning Instrument, as detailed in the above report.

Converting the existing lodge to self-contained apartments provides an opportunity to upgrade the building both internally and externally, improve the overall amenity, fire safety and longevity of the building. The conversion of lodge style accommodation to self-contained apartments is consistent with market trends.

The proposed development will allow for parked vehicles to be partly removed from the road onto the sub-lease lot with an additional parking space provided.

The proposed additions and alterations will result in a development that appropriately responds to the site, its locality and the character of the immediate and surrounding area.

APPENDIX A

PHOTOS



Figure 1: Photo of the north-west elevation of the lodge



Figure 2: Photo of the north-east elevation of the lodge



Figure 3: Photo of the north-east elevation of the building from Brindle Bull Close



Figure 4: Photo of the existing car park and north-east side of the building



Figure 5: Photo of the front northern corner of the lodge



Figure 6: Photo of the south-western side of the lodge



Figure 7: Photo of the Mountain Tea-tree clump to be removed



Figure 8: Photo of the south-western side of the lodge



Figure 9: Photo of the rear south-east side of the lodge



Figure 10: Photo of the trees at the front eastern corner to be removed



Figure 11: Photo of the trees at the front eastern corner to be removed



Figure 12: Photo of the trees at the front eastern corner to be removed

APPENDIX B

ECOLOGICAL ADVICE

5/20 Canty Street

2 December 2019

Our ref: 19HNG-14669

Jennifer and Robert Mckay
Snowgums
1 Brindle Bull,
Thredbo NSW 2625

Dear Jennifer and Robert,

Ecological Advice – Proposed Development at Snowgum, Brindle Bull Thredbo

As requested, I inspected the required vegetation removal for the abovementioned proposed development on 25 November 2019 and provide the following advice.

The proposed asset protection zone (APZ) may require the removal of a small clump of *Leptospermum grandiflorum* (Mountain Tea-tree) individuals, as identified in Photo 1 below. The area surrounding the Mountain Tea-tree individuals is highly modified and very weedy (see Photo 2) mainly comprising weedy grasses and forbs, such as *Anthoxanthum odoratum* (Sweet Vernal Grass), *Cirsium vulgare* (Spear Thistle), *Verbascum thapsus* (Great Mullein), and *Acetosella vulgaris* (Sheep Sorrel) and also includes weedy shrubs such as *Ilex aquifolium* (English Holly). A few native grasses and forbs such as *Rubus parvifolius* (Native Raspberry), *Polyscias sambucifolia* subsp. *leptophylla*, *Asperula gunnii* (Mountain Woodruff), *Acaena novae-zelandiae* (Bidgee Widgee), *Geranium potentilloides* var. *potentilloides*, *Stellaria pungens* (Prickly Starwort), and *Carex appressa* (Tall Sedge) are also present. The implementation of the APZ would not require the removal of the native groundcovers. In this context, the removal of the Mountain Tea-tree individuals is a minor and acceptable impact.

The proposed development will also require the removal or pruning of some of the trees surrounding the existing building to the east and north, as shown in Photo 2 and Photo 3. These trees are mainly *Eucalyptus parviflora* subsp. *parviflora* (Snow Gum) individuals but also include one *Eucalyptus dalrympleana* (Mountain Gum). Several smaller *Eucalyptus stellulata* (Black Sallee) trees also occur to the immediate northeast of the existing building however these trees may not need to be removed. None of the trees to be removed support hollows nor are of particular fauna habitat value in the context of the extent of similar vegetation within the Thredbo Valley. Whilst there are some scratches on the trunks of the trees, these are likely to be from *Trichosurus vulpecula* (Common Brushtail Possum). The proposed tree removal is a minor and acceptable impact.



Photo 1: A small clump of Mountain Tea-tree will need to be removed for the APZ to the proposed extensions.



Photo 2: The area surrounding the Mountain Tea-tree to be removed is highly modified and weedy.



Photo 3: Most of the larger trees will need to be removed or pruned for the proposed development.



Photo 4: Most of the larger trees on the northern side of the lodge will need to be removed or pruned for the proposed development.

Conclusion

The proposed shrub and tree removal will affect only common and well conserved species that occur in an already highly disturbed area. These species are widespread in the Thredbo Valley. The proposed development will not affect any threatened species, ecological community or population nor adversely impact any other species of conservation significance.

If you have any queries in regard to the above advice please contact me on 4476 1151 or ryans@ecoaus.com.au.

Regards,

A handwritten signature in black ink, appearing to read 'Ryan Smithers', with a stylized flourish at the end.

Ryan Smithers
Senior Ecologist and Bushfire Consultant

APPENDIX C

ARCHITECTURAL DESIGN STATEMENT

Snowgums Lodge Redevelopment Design Statement 14.07.20

This proposal seeks consent to redevelop the existing 14x bed commercial lodge, of 4x bedrooms with 3x being bunk rooms, having communal wet areas, and self-catered - into three 'townhouse' type chalets: being A) a family scaled refurbishment of the existing multi-level 1992 renovation and extension (the previous lodge had burnt down in a accidental fire), B) a new smaller ground floor chalet and C) a new first floor mid sized chalet. This includes modifications to the carpark areas so as to provide full on-site parking for 5x cars. The remnant foundation structure of the building dates to 1959.

The existing building floor plates remain substantially intact, except the first floor balcony, ground floor boiler room and second floor attic are to be demolished; the building will be re-clad and re-roofed, with windows being upgraded. The proposed new Chalet B + C single storey extensions are planned for vacant and disturbed areas of the site, and designed to gain solar access and ski slope views, and to minimise potential view, shadow and privacy impacts on neighbouring properties. Site cover will increase from 17.1% up to 39.7%, which given the site context is not excessive. Chalet A will also construct a larger first floor balcony in the approx current position, with a hot tub. The roof over the Living areas of Chalet A will be removed and re-built to improve solar gain, natural light, and the northerly main range aspect over the roof of Obergurgl. Other than these discreet modifications the current form of Snowgums as viewed from the public way, will remain legible in the new proposal. Refer to the Site Analysis plan A0-02.

The nearest immediate neighbours are Alpenhorn (commercial) and Obergurgl (private) Lodges. In addition the land immediately to the south is open space/ KT Head Lease and not likely to be developed. Some trees in close proximity to the building (at current rear exit), and others between the building and the road will need to be removed, or pruned for new Chalet C footprint and associated external stair and entry – an ecologist has advised that such impacts are minor and acceptable. Currently Snowgums carspaces straddle the Lot boundary with the road edge being some 3.0m away to the NE; as part of this proposal additional excavation, retaining and under-pinning works will allow for all the cars to park wholly within the Lease area of Lot 749.

Specifically, Chalet C is located uphill of the existing Lodge, with the Living areas and small balcony having elevated views across the road corridor, with the bedrooms having an easterly natural aspect, with substantial separation to the neighbouring Lodge, Redbank, thus minimising potential impacts on their views or privacy. Chalet B is located at ground level to the north west of the existing building, and is designed to capture distant views between the neighbouring buildings, with Living room windows placed with this intent; bedroom windows are also placed to overlook the head lease and natural landscape to the south along the creek line. The new height and proximity of Chalet B above Alpenhorn courtyard may have minimal early morning shadow impact, however the existing Snowgum building upper levels already contribute here, but late morning impacts are more likely from the approved attic/ roof extension to Obergurgl. Further bulk and scale impacts of Chalet B are lessened due to its single storey form and skillion roof slope following the natural ground line.

The redevelopment will provide more options for tourist accommodation types in the village, with no change in bed numbers, and with improved amenity, longevity and safety in construction and fit-out, noting it has been 28 years since the last major works were undertaken. Carpark layouts will be enhanced with associated safety benefits to traffic and pedestrians on the narrow public road. The appearance of the building will be articulated into the three Chalets by using different colours of Colorbond steel, all recessive in tone, and using a vertical rib accent appropriate to Alpine building traditions.

A Landscaping Concept Plan is included, to identify areas for protection and re-vegetation; Stormwater and roof water disposal is via drains and pipelines, following the fall of the land in a northerly direction towards the roadway; no excavation for drainage is required adjacent the Head Lease area.

APPENDIX D

AHIMS SEARCH RESULTS

dabyne planning

Date: 16 April 2020

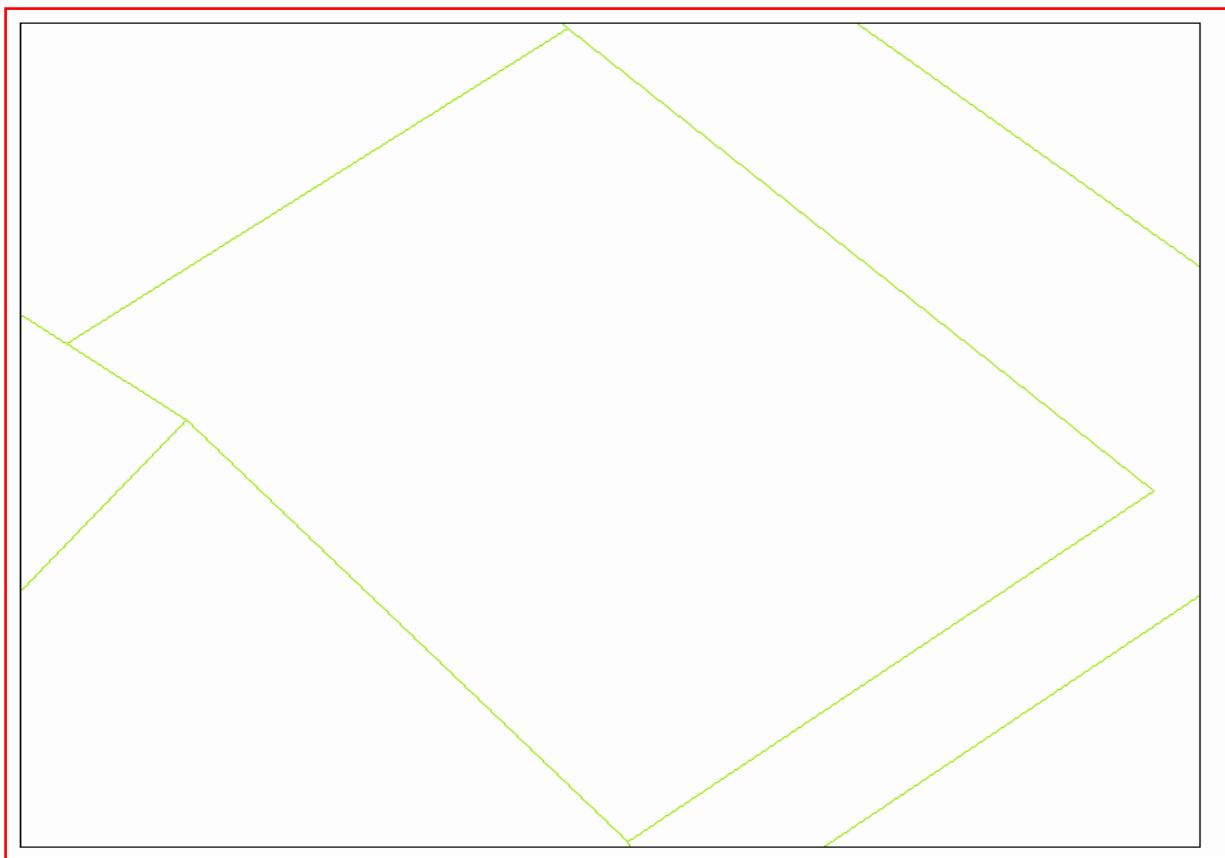
Attention: Ivan Pasalich

Email: ivan@dabyneplanning.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 749, DP:DP1119757 with a Buffer of 0 meters, conducted by Ivan Pasalich on 16 April 2020.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette \(http://www.nsw.gov.au/gazette\)](http://www.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date .Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

APPENDIX E

SITE ENVIRONMENTAL MANAGEMENT PLAN

APPENDIX E

SITE ENVIRONMENTAL MANAGEMENT PLAN

Redevelopment of Black Bear Inn, Thredbo

1. Introduction

The following plan has been provided to identify the appropriate sediment controls, location for construction vehicles and material storage.

2. Erosion & Sediment Control Management

The excavations on the site will need to be managed with erosion and sediment controls to prevent or control erosion, and to capture and contain any sediment to prevent it leaving the construction site.

This can be achieved by using either method depicted below:

Diagram A: Standard Straw Bale Filter Installation

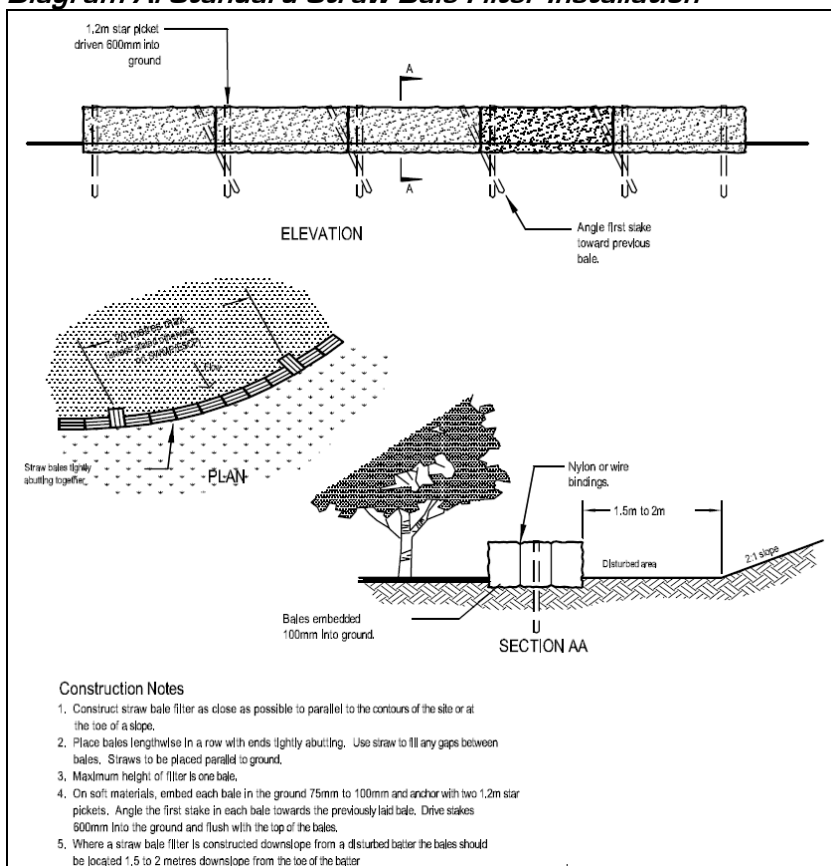
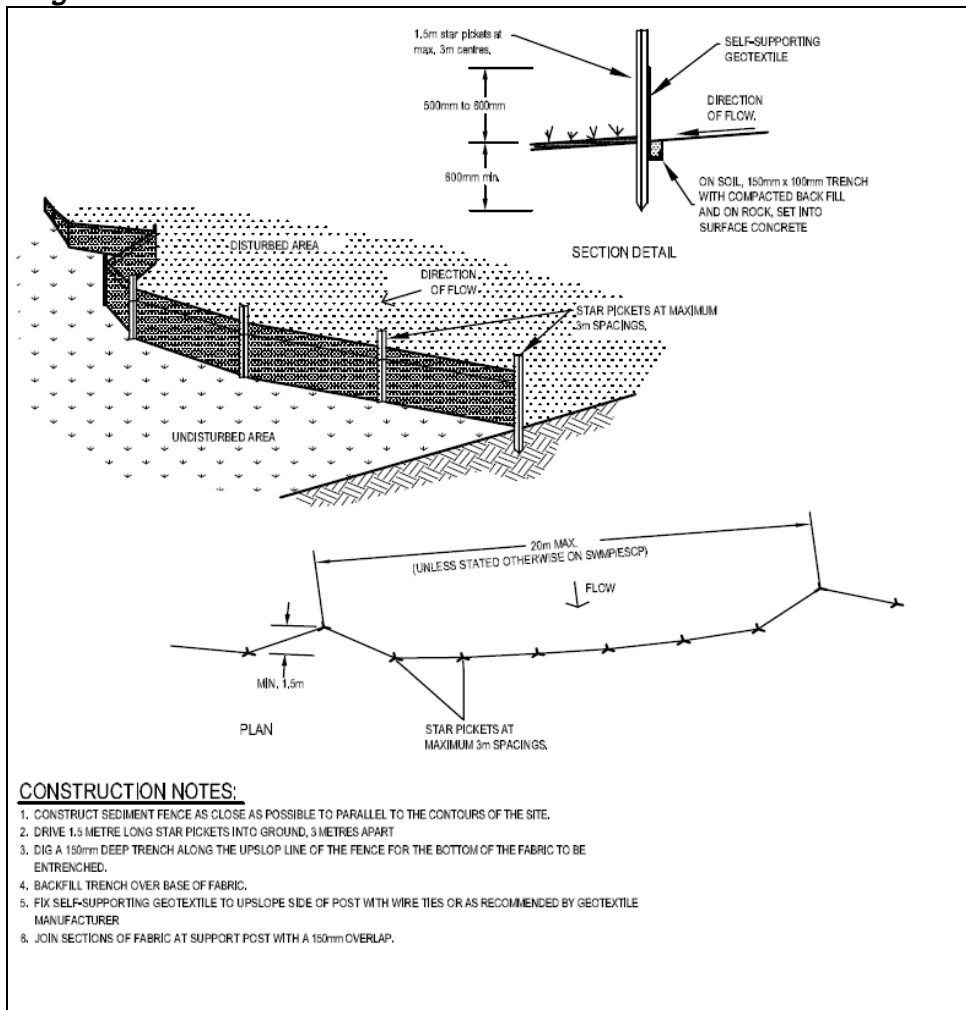


Diagram B: Standard Sediment Fence Installation



3. Access & Vehicle Parking

Access to the site will be achieved via Bindle Bull Close with the existing parking spaces available to accommodate the construction vehicles (when not under construction), as shown below in figure 1.



Figure 1: Parking area for construction vehicles

4. Material Storage

Material storage for the development can be placed within part of the parking area at the front of the building or towards the rear, as shown in figure 2 below.



Figure 2 Material Storage Location

5. Concrete Truck Washing

A bunded area for washing out concrete trucks is available at the Thredbo tip site.

6. Native vegetation and Tree Protection

To ensure that the existing native vegetation and trees located on the adjoining allotments are appropriately protected, these areas should be cordoned off in consultation with Kosciuszko Thredbo (KT).

7. Removal of Trees

The removal of nominated trees will be undertaken before construction commences. The trees will be cut and chipped.

8. Waste Management

To ensure that waste is managed, the following controls and measures are to be adhered to:

- All litter generated on site is to be disposed of in appropriate bin provided on site and disposed at Thredbo tip.
- All employees shall be informed of the need to maintain a clean worksite.
- Site generated waste including garbage, concrete and excess materials shall be collected within the waste bin and removed from the site to landfill located in Jindabyne.
- All loads of rubbish removed shall be securely covered to ensure no spillage.
- To the furthest extent possible efforts shall be made to reduce, reuse and recycle materials used onsite.
- The worksite shall be left in a tidy and rubbish free state upon completion of the Project.

9. Construction hours

Due to the scale of the development and limited summer construction window (October to May), the construction hours will be 7am to 7pm Monday to Saturday, 7am – 5pm on Sundays and Public Holidays with no work to be permitted during the Christmas and Easter holiday period, as directed by KT when construction sites are to be shutdown and made secure.

10. Air pollution

The construction of the proposed development is not expected to create any unnecessary air pollution.

11. Fuels and Chemicals

The proposed development will not require the storage of fuels or chemicals on site.

12. Emergency Procedures

In case of an emergency, the following key emergency response contacts are provided below:

Key Emergency Response Contacts

Organisation	Emergency Phone	Non Emergency Phone
NSW Police	000	Jindabyne: 6456 2244
NSW Fire Brigade	000	Jindabyne: 6456 2476
NSW Ambulance	000	
Medical Centres	Thredbo: Jindabyne: 6457 1221	
National Parks and Wildlife Service (NPWS)	1800 629 104	Jindabyne 6450 5555
Roads and Traffic Authority	Traffic incidents & road conditions: 131 700 Road closures and special events: 132 701	
Environment Protection Authority Environment Line	131 555	