



20 Mountain Drive, Thredbo

Development Application Assessment
DA 10630

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Glossary

Abbreviation	Definition
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
BC Regulation	<i>Biodiversity Conservation Regulation 2017</i>
BVM	Biodiversity Values Map
Consent	Development Consent
CPP	Community Participation Plan
Department	Department of Planning and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
KNP	Kosciuszko National Park
Minister	Minister for Planning
NPWS	National Parks & Wildlife Service
Planning Secretary	Secretary of the Department of Planning and Environment
RFS	NSW Rural Fire Service
SEPP	State Environmental Planning Policy

Executive Summary

This report outlines the assessment of Development Application (DA 10630) lodged by Mark and Brigitte Beaton (the Applicant) seeking approval for alterations and additions to 20 Mountain Drive, Thredbo, Thredbo Alpine Resort within Kosciuszko National Park (KNP).

The application seeks approval to undertake alterations and additions to the existing tourist accommodation facility including construction of a garage area and a first-floor self-contained studio apartment (with potential for the Applicant to occupy the studio apartment while the main building is separately occupied).

On 1 March 2022, the *State Environmental Planning Policy (Kosciuszko National Park-Alpine Resorts) 2007* (the Alpine SEPP) was consolidated into of the *State Environmental Planning Policy (Precincts - Regional) 2021* (Precincts - Regional SEPP). The SEPP consolidation is administrative. No policy changes have been made.

The Minister for Planning is the consent authority for development within a ski resort in KNP, administered by the Department of Planning and Environment (the Department). The proposal is permissible with consent under the provisions of the Precincts – Regional SEPP.

Consistent with the Department's Community Participation Plan, the application was exhibited between 5 October 2020 until 19 October 2020 as the works include external alterations to an existing tourist accommodation building within 50 metres of other tourist accommodation buildings. No public submissions were received. The Department consulted and received comments from the National Parks and Wildlife Service (NPWS) pursuant to section 4.15 of Chapter 4 of the Precincts – Regional SEPP.

The development relates to tourist accommodation on bush fire prone land. The Department forwarded the application to the NSW Rural Fire Service (RFS) pursuant to section 4.46 of the EP&A Act (integrated development provisions) as a Bushfire Safety Authority (BFSA) under the *Rural Fires Act 1997* is required for the development to be carried out. The RFS issued a BFSA for the proposal.

The Department has assessed the proposal in accordance with relevant matters under section 4.15(1) and the objects of the *Environmental Planning and Assessment Act, 1979* (EP&A Act), the principles of Ecologically Sustainable Development (ESD), and items raised in all submissions.

The Department considers the proposal is acceptable as:

- there will not be a significant impact on any threatened species, populations or ecological communities as confirmed by the Applicant and concurred with the NPWS
- the new additions to the building are complimentary to the existing building and its setting and provides a separate occupancy without negatively impacting the built form of the building or the tourist accommodation buildings adjoining the site
- construction impacts on the surrounding environment would be minimised by using existing disturbed areas for stockpiling of building materials and for parking

The Department's assessment concludes the application is in the public interest as it supports the ongoing use of the site for tourist accommodation and provides improved amenity for visitors and guests to the lodge, which in turn supports the Regional Plan for the locality and Chapter 4 of the Precincts - Regional SEPP. The Department therefore recommends the application be approved, subject to conditions.

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1 Introduction

1.1 The Department's assessment

This report contains the Department's assessment of Development Application (DA 10630) lodged by Mark and Brigitte Beaton (the Applicant) for works to 20 Mountain Drive (Lot 612 DP 1118588), Thredbo, Thredbo Alpine Resort within KNP (**Figure 1**).

The Applicant is seeking development consent to alter the existing building and construct an addition comprising a garage area and a first-floor self-contained studio apartment to enable the Applicant to occupy the studio apartment while the main building is separately occupied. Access to the studio apartment is proposed via a new entry to be constructed adjacent to the existing front entry to the building.



Figure 1 | Location of site (highlighted) in context of other lodges surrounding the site and the Friday Flat ski area to the north (Source: SIX Maps 2022)

The Department's assessment considers all documentation submitted by the Applicant, including the Statement of Environmental Effects (SEE) and accompanying information, the Applicant's response to government authority submissions including amended plans, and submissions from government authorities. The Department's assessment also considers the legislation and planning instruments relevant to the site and the development, including broader planning principles relating to ecologically sustainable development.

This report describes the development, surrounding environment, relevant strategic and statutory planning provisions and the issues raised in submissions. The report evaluates the issues associated with the development and concludes that the development is in the public interest and should be approved, subject to conditions.

1.2 Site location and context

The subject site is known as 20 Mountain Drive (Lot 612 DP 1118588), within the Woodridge Stage 1 precinct of Thredbo Village. The site is located at the western end of Mountain Drive within the Woodridge Estate and is one of the original buildings of the Woodridge development that was completed in 1989.

The site is an irregular shaped allotment featuring a frontage of 12.445 metres to Mountain Drive. The site contains an existing two storey tourist accommodation apartment with two (2) bedrooms (forming the 4 bed lease) and forms half of a building with Lot 611 next door on the western side. Lot 612 also shares a boundary with one other property, being a battle-axe lot (Lot 613) on the northern boundary at the rear. The building is constructed of weather board sheeting and stone veneer with double-glazed timber framed windows and a corrugated iron roof. Separate car parking is provided for the existing building with a space within the adjacent Lot 644 (approximately 15 metres up Mountain Drive to the west).

The site is located on a relatively flat area within a woodland of Black Sallee (*Eucalyptus stellulata*), intersperse with the valley dominant Snowgum (*E. niphophila*). The understorey consists of a variety of native shrubs and grasses with large areas of introduced grasses throughout.



Figure 2 | Existing side elevation with Mountain Drive frontage to be developed, tree adjacent to garbage storage to be removed separately (Source: Applicant's documentation)

1.3 Development history of site

On 6 August 2020, the Team Leader of the Alpine Resorts Team, as delegate of the then Minister for Planning and Public Spaces approved a Development Application (DA 10247) for the construction of external works to the building to create an outdoor entertainment area and landscaping works (**Figure 3**). The works comprised the following:

- landscaping works to level the earth at the works area,
- construction of a rock retaining wall approximately 900mm high,
- installation of a steel fire pit and permanent timber seating,
- levelling and paving of area, and
- installation of a built-in barbecue.

During the assessment of the application, the application was referred to the NSW Rural Fire Service as the proposal included external works to a tourist accommodation building that required the issuing of a Bush Fire Safety Authority (BFSA) under the *Rural Fires Act 1997*. The BFSA determined that a Bushfire Attack Level (BAL) -19 construction standard be applied to the works.

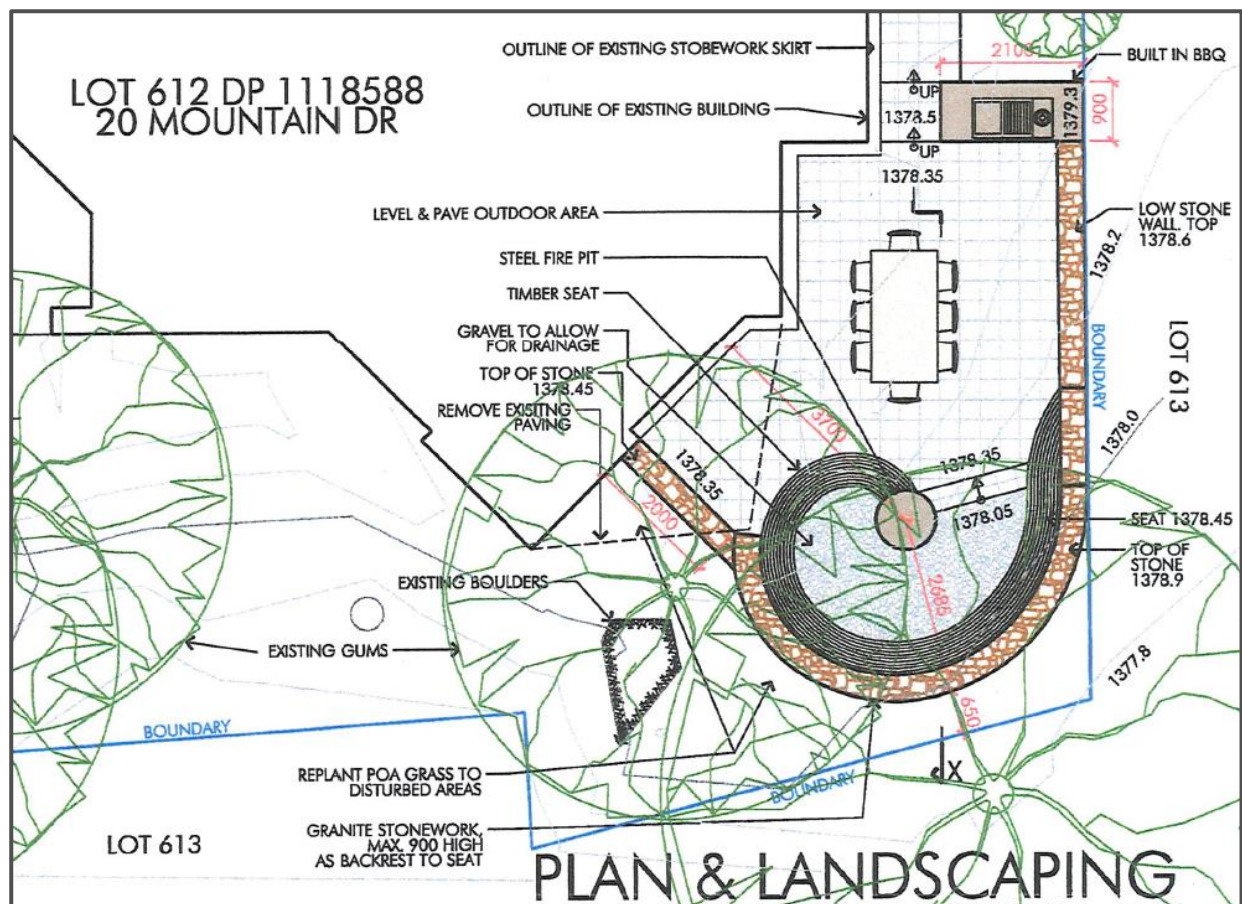


Figure 3 | Approved landscape plan (Source: DA 10247 approved documentation)

2 Project

The application seeks approval for the following:

- construction of a single car garage, increasing the available car parking available to the site from one to two spaces (one garage and one offsite car space), and a gravel driveway from Mountain Drive (**Figure 4**),
- construction of a one-bedroom self-contained studio apartment with a kitchenette (minor alteration to existing entry area to facilitate additional entry point) with potential to be separately occupied (**Figure 5**). The works require an additional two beds under the lease arrangements to be allocated to the site (see **Section 5** for further discussion).

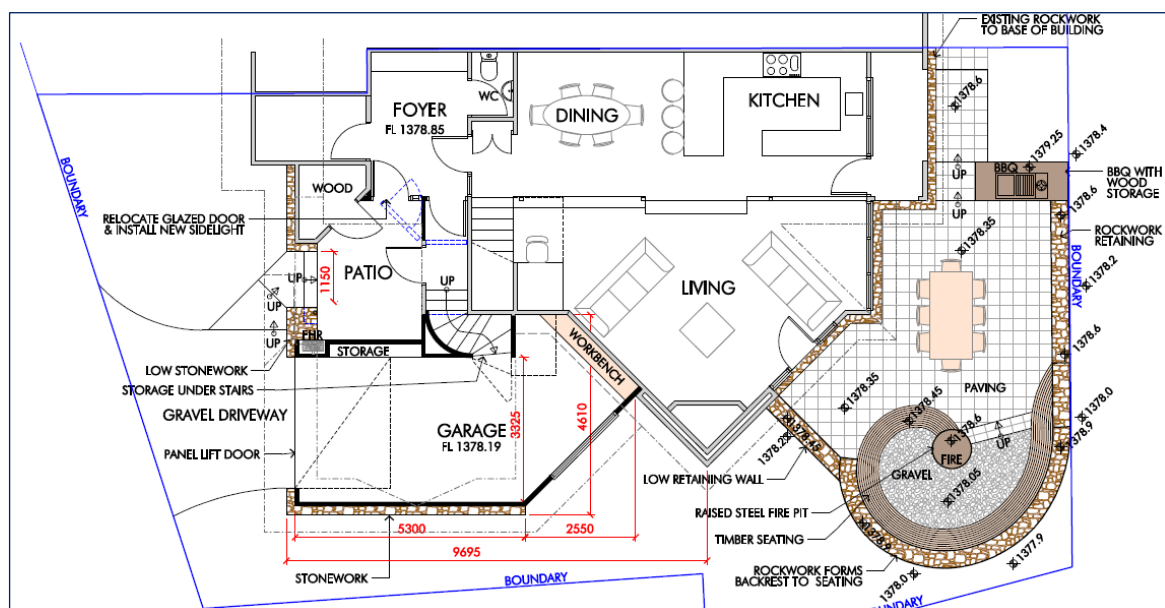


Figure 4 | Proposed ground floor plan (Source: Applicant's documentation)

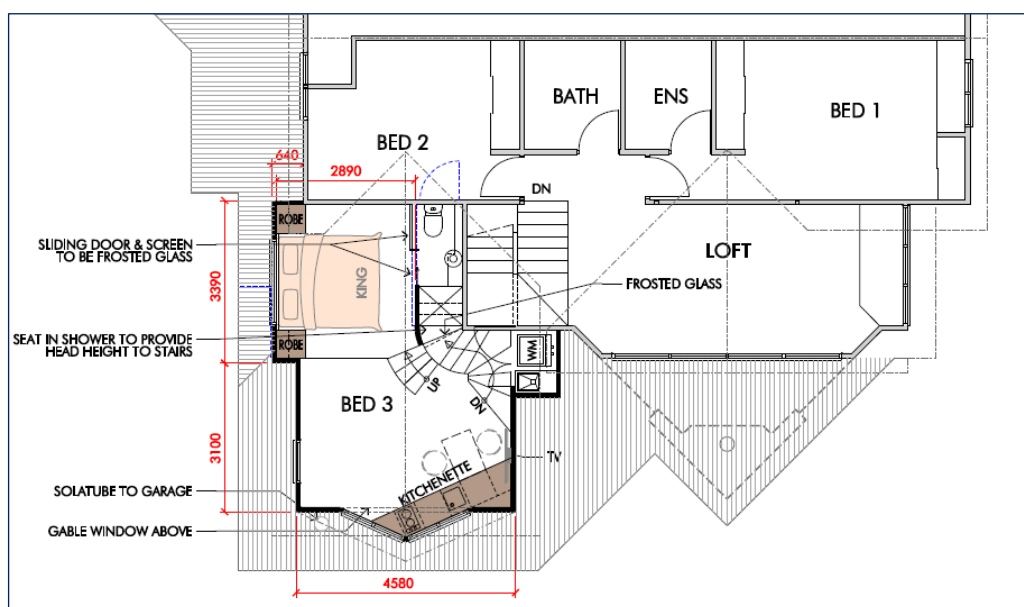


Figure 5 | Proposed first floor plan (Source: Applicant's documentation)

The Applicant comments that the proposal would have no impacts on the natural environment and would enhance the local area as the design is in keeping with the existing building. The existing rock work and timber to be removed is to be reused in the proposal.

The proposed roof alignment is an extension of the existing roof form, that does not impact upon any privacy or solar impacts to neighbouring lodges (**Figure 6 and 7**).

The proposal has a cost of works of approximately \$135,000.

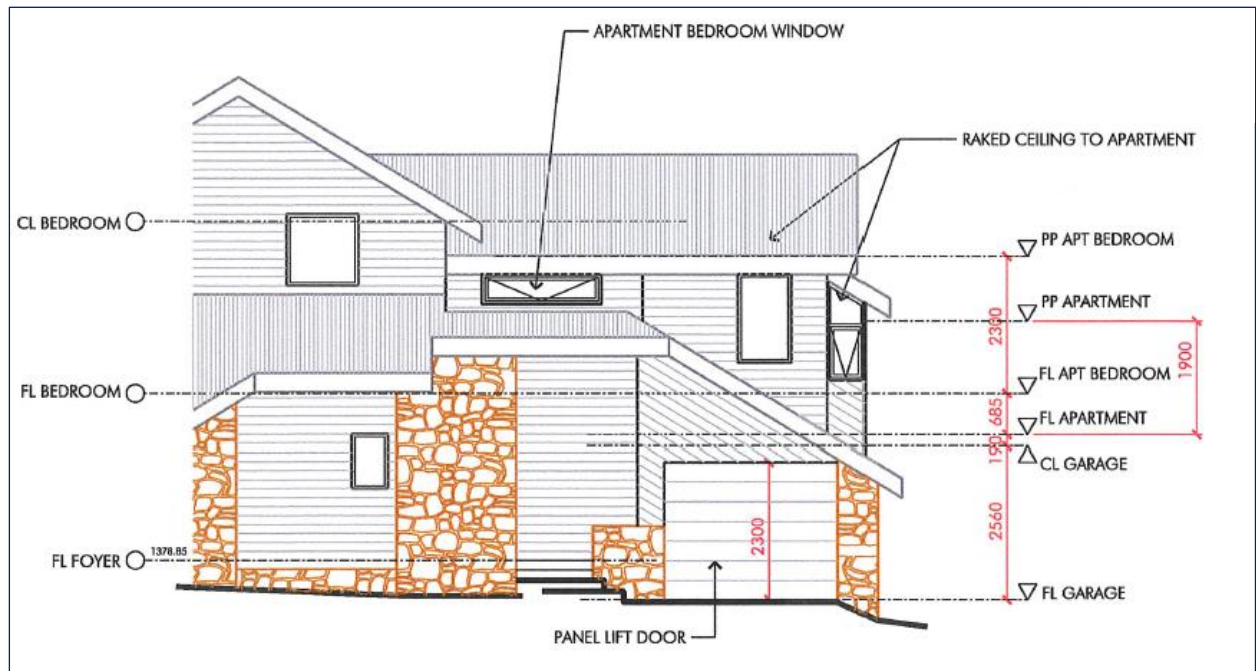


Figure 6 | Proposed southern elevation (Source: Applicant's documentation)

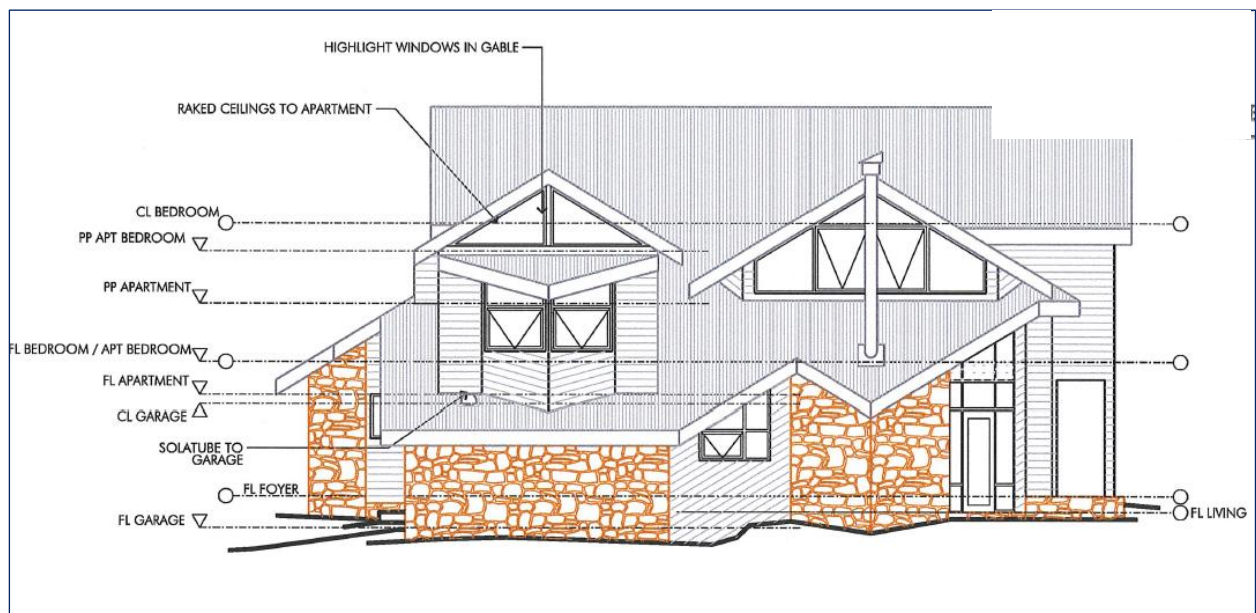


Figure 7 | Proposed eastern elevation (Source: Applicant's documentation)

3 Strategic context

The Snowy Mountains region offers a diverse and unique mix of visitor destinations including the KNP, the alpine resorts, the iconic Snowy River and the highest mountains on the Australian continent. A strong tourism economy is driven mainly by skiing and related winter sport experiences during the peak winter season. The region, including the alpine resorts, also provides opportunities for a range of other recreational activities during the warmer months such as hiking, fishing, kayaking and mountain-biking. The resorts are important to NSW due to their economic and social contribution as well as their location within a unique alpine environment. The three main documents that support the strategic context of the alpine resorts are the *South East and Tableland Regional Plan 2036*, the *Snowy Mountains Special Activation Precinct Master Plan* and the *Precincts - Regional SEPP*.

South East and Tableland Regional Plan 2036

The South East and Tableland Regional Plan 2036 describes the vision, goals and actions that will deliver greater prosperity for those who live, work and visit the region. The plan provides an overarching framework to guide more detailed land use plans, development proposals and infrastructure funding decisions.

In relation to the alpine resorts, the Regional Plan seeks to promote more diverse tourism opportunities in the Snowy Mountains that will strengthen long-term resilience while acknowledging the environmental and cultural significance of the locality.

The Department considers the proposal is consistent with the Regional Plan as it would provide a separate occupancy as an option for the existing sub-lessee that improves access to tourist accommodation facilities (main building to be rented while the Applicant intends to occupy the smaller self-contained studio apartment). Improvements to the functionality and versatility of tourist accommodation buildings for its guests and visitors is supported and leads to additional visitation to the NSW ski resorts.

Snowy Mountains Special Activation Precinct Master Plan

The Snowy Mountains Special Activation Precinct Master Plan outlines the 40-year vision for the Snowy Mountains as a year-round tourist destination with new business opportunities, services and community infrastructure for the people that live, work and visit the region.

Section 9.1.1 of the Master Plan relates to Thredbo. The Department considers the proposal to be consistent with the Master Plan as it relates to providing an additional visitor accommodation option while maintaining the environmental, cultural and landscape attributes of Thredbo.

Precincts - Regional SEPP

The Precincts - Regional SEPP governs development on land within the ski resort areas of KNP. Chapter 4 of the SEPP aims to protect the natural and cultural heritage of land within the resorts and to encourage environmentally sustainable development. Under the provisions of section 4.15 of the Precincts - Regional SEPP, the National Parks and Wildlife Service (NPWS) have a commenting role as the land manager which includes administering the Plan of Management framework for KNP that incorporates objectives, principles and policies to guide the long-term management of the broad range of values found in the park.

The Department considers the proposal is consistent with Chapter 4 of the Precincts - Regional SEPP as the proposal appropriately minimises the potential impacts on the environment by restricting works to

disturbed areas (with a separate Asset Protection Zone plan endorsed by the NPWS for the site and the previous landscape development, to meet the RFS requirements).

The proposal expands and enhances an existing tourist accommodation building in the Thredbo Alpine Resort, which contributes to the ongoing range of accommodation options available for visitors to KNP without resulting in adverse environmental, social or economic impacts on the natural or cultural environment.

4 Statutory Context

4.1 Consent Authority

Under section 4.6 of the Precincts - Regional SEPP, the Minister for Planning is the consent authority for the application as the development takes place within a ski resort area as referred to in section 32C (2)(a) of Schedule 1 to the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017*.

In accordance with the Minister's delegation of 9 March 2022, the Team Leader, Alpine Resorts Team may determine the application as:

- no reportable political donation has been disclosed
- there are less than 15 public submissions in the nature of objections
- the application is in relation to land which Chapter 4 of the Precincts - Regional SEPP applies

4.2 Permissibility

The proposal includes alterations and additions to a building while maintaining the use of the site consistent with the definition of 'tourist accommodation' as defined in Chapter 4 of the Precincts - Regional SEPP. Pursuant to section 4.9 of the Precincts - Regional SEPP, 'tourist accommodation' is permissible with consent within land use table of Thredbo Alpine Resort.

4.3 Other approvals

Rural Fires Act 1997

As the works include external alterations to a tourist accommodation building located on bushfire prone land an approval is required from the NSW Rural Fire Service (RFS) under section 100B of the *Rural Fires Act 1997* in the form of a Bush Fire Safety Authority. Refer to **Section 5** for further discussion on this component.

4.4 Mandatory Matters for Consideration

Objects of the EP&A Act

In determining the application, the consent authority is to consider whether the proposal is consistent with the relevant objects of the EP&A Act. The Department has considered the proposal against the relevant objects of the EP&A Act in **Appendix B**. The Department is satisfied the proposal is consistent with the objects as:

- the works are aimed at improving the amenity and functionality of the existing tourist accommodation building, thereby supporting the orderly and economic use of the site
- there would not be an unacceptable impact on the environment, with impacts upon native vegetation limited where possible and rehabilitation proposed to disturbed areas at the completion of works

- the proposal does not impact upon cultural heritage, including Aboriginal cultural heritage
- the application is capable of achieving compliance with relevant construction standards
- the Department provided opportunities for community participation in the assessment process, which included exhibiting the application, notifying adjoining landowners, and displaying the proposal on the NSW Planning Portal website during the exhibition period. The Department has considered the issues raised in submissions in **Section 6**.

Ecologically Sustainable Development (ESD)

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. ESD initiatives and sustainability have been adequately considered by the Applicant and mitigation measures are proposed to be incorporated into the design.

The proposal is consistent with ESD principles and the Department is satisfied the proposed works have been developed having regard to ESD principles, in accordance with the objects of the EP&A Act as follows:

- the proposal does not pose a threat of serious or irreversible environmental damage and relates to works to an existing tourist accommodation building
- the proposal is not expected to adversely impact upon the health, diversity or productivity of the environment for future generations
- the proposal would not result in a significant impact on biodiversity, with an Asset Protection Zone (APZ) already endorsed by NPWS (the Applicant is undertaking arrangements to meet these requirements)

Biodiversity Conservation Act 2016

Section 1.7 of the EP&A Act requires the application of the *Biodiversity Conservation Act 2016* (BC Act) in connection with the terrestrial environment. The BC Act introduced a Biodiversity Offsets Scheme (BOS) that applies when:

- the amount of native vegetation being cleared exceeds a certain threshold area; or
- the impacts occur within an area mapped on the Biodiversity Values Map (BVM) published by the Minister for Environment; or
- the 'test of significance', in section 7.3 of the BC Act, identifies that the development or activity is likely to significantly effect threatened species or ecological communities, or their habitats; or
- the works are carried out in a declared area of outstanding biodiversity value.

The Department notes that with the previous approval for the outdoor entertainment area and landscaping, the RFS required the subject leasehold site be managed as an Inner Protection Area (IPA). While the current proposal requires the removal of existing Snowgums at the frontage of the site (where the new garage is to be located), no additional vegetation management is considered necessary and separate APZ arrangements are already endorsed by the NPWS.

The Department notes that no additional vegetation impacts are required as part of this development application given the approved APZ plan. The site is not mapped on the BVM, and as a result of the

proposed works in disturbed areas, the proposal will not have a significant effect on threatened species or ecological communities or their habitats.

The Department notes that there is currently no declared area of outstanding biodiversity value within KNP.

Considerations under section 4.15 of the EP&A Act

In determining a development application under section 4.15 of the EP&A Act, a consent authority is required to take a number of matters into consideration in relation to the proposed development. The Department has given due consideration to the matters prescribed under section 4.15(1).

Table 1 below presents a summary of the matters for which consideration outlined further in **Section 6** (Assessment) of this report and references other relevant appendices and sections outlined in this report.

Table 1 | Section 4.15(1) Matters for Consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument (EPI)	<p>The Precincts - Regional SEPP is the principal EPI which applies to the site for this type of development. An assessment against the requirements of Chapter 4 of the Precincts - Regional SEPP is provided in Appendix B.</p> <p>The Department is satisfied that the Application is consistent with the requirements of Chapter 4 of the Precincts - Regional SEPP.</p>
(a)(ii) any proposed instrument	Not applicable to the proposal.
(a)(iii) any development control plan	Not applicable to the proposal.
(a)(iiia) any planning agreement	Not applicable to the proposal.
(a)(iv) the regulations	<p>The application satisfactorily meets the relevant requirements of the EP&A Regulation, particularly the procedures relating to development applications (Part 6) and fees (Part 15, Division 1) of the EP&A Regulation 2000 at the time of lodgement.</p> <p>The Department has undertaken its assessment in accordance with all relevant matters as prescribed by the regulations, the findings of which are contained within this report.</p>
(a)(v) any coastal zone management plan	Not applicable to the proposal.
(b) the likely impacts of that development	The Department has considered the likely impacts of the development. All environmental impacts can be appropriately managed and mitigated through conditions of consent.

	The proposal would have positive economic and social impacts for visitors and guests of the site and visitation to Thredbo Alpine Resort.
(c) the suitability of the site for the development,	The site is suitable for the development and supports the ongoing use of the building.
(d) any submissions made in accordance with this Act or the regulations,	Consideration has been given to agency and public submissions received during the exhibition period. See Section 5 of this report.
(e) the public interest.	<p>The works are consistent with the aim and objectives of Chapter 4 of the Precincts - Regional SEPP, would be compatible with the uses of the locality and would not have an adverse impact on the environment. The proposal is consistent with the principles of ESD.</p> <p>As such, the proposal is believed to be in the public interest.</p>

5 Engagement

5.1 Department's engagement

The Department's Community Participation Plan, November 2019, prepared in accordance with schedule 1 of the EP&A Act requires applications of development consent to be exhibited for a period of fourteen (14) days. However, applications under Chapter 4 of the Precincts - Regional SEPP are not required to be publicly exhibited if the proposal relates to works which are wholly internal to a building or where the site is located more than 50 metres away from a tourist accommodation building.

As the works include external alterations to an existing tourist accommodation building within 50 metres of other tourist accommodation buildings, the Department exhibited the application from 5 October 2020 until 19 October 2020 on the NSW Planning Portal website.

The application was notified to nearby lodges and forwarded to the NSW Rural Fire Service (RFS) pursuant to section 4.46 of the EP&A Act (integrated development) as a Bush Fire Safety Authority under the *Rural Fires Act 1997* is required for the development to be carried out.

The application was also referred to the NPWS pursuant to section 4.15 of Chapter 4 of the Precincts - Regional SEPP.

5.2 Summary of submissions

The Department received comments from the NPWS and RFS. No public submissions were received.

National Parks and Wildlife Service

The NPWS did not object to the proposal and provided comments and recommended conditions on leasing and the KNP Plan of Management, BC Act, protection of native vegetation fauna and fauna habitats, Aboriginal cultural heritage, and plumbing and drainage.

NPWS advised that this type of development is generally permissible under the head lease however the NPWS Property and Commercial Branch (PCB) will pursue separately the matter of Lessor's Consent and occupancy compliance under the head lease. PCB note that there is a proposed increased in beds in the property (addition of two) which needs to be consistent with the Kosciuszko National Park – Plan of Management and Schedule 8 therein, and also in accordance with the Head Lease and sub-lease.

The Department notes the comment and considers that this component of the application, is capable of being dealt with after determination of the application. A condition of consent is recommended.

NPWS also commented that if native vegetation is required to be removed to fulfil RFS Asset Protection Zone (APZ) requirements, then further assessment under the BC Act may be required.

The Department notes that the previous DA 10247 consent requires the land to be managed as an Inner Protection Area (IPA) and also that the NPWS have authorised under the *National Parks and Wildlife Regulation 2019* the removal of vegetation on site to meet the APZ / IPA requirements.

Rural Fire Service

On 14 October 2020, the RFS sought additional information prior to considering the application, including the preparation of a bushfire report detailing considerations of Special Fire Protection Purpose (SFPP) buildings in *Planning for Bushfire Protection 2019*.

In discussions held with the RFS, the RFS held the view that given the design and scope of the works (to provide a studio apartment not linked internally to the existing building) that the proposal is considered a new SFPP development, and not an infill development (for which there are less requirements to meet).

In November 2020, the Applicant provided additional bushfire commentary and the application was referred back to the RFS.

The Department have since been engaging with the RFS discussing the proposal and working through considerations as to whether the RFS continues to consider the proposal as a new SFPP development and not an infill development.

On 13 May 2022, following further advice and a detailed review of all the information provided, the RFS issued a Bush Fire Safety Authority (BFSA) under Clause 100B of the *Rural Fires Act 1997* for the proposal, that includes, but not limited to:

- that all land within the subject leasehold site to be managed as an inner protection area (IPA)
- construction to comply with Bushfire Attached Level 19 (BAL 19) construction requirements (while noting the submitted bushfire assessment report recommended BAL 29)
- upgrading of the existing building to improve ember protection

In order to address the RFS requirements, conditions are recommended to address the implementation (construction standards and other BFSA requirements) and ongoing management of the site.

6 Assessment

The Department has considered the relevant matters for consideration under section 4.15 of the EP&A Act, the SEE and supporting information in its assessment of the proposal. The key issues in the Department's assessment are:

- built form and impacts of the works
- design details and standards
- managing construction impacts

Each of these issues is discussed in the following sections of this report.

6.1 Built form and amenity impacts of the works

The proposed works involve additions and alterations to the existing tourist accommodation building in order to provide a separate occupancy for the building and improved car parking arrangements by providing undercover parking for the building occupants.

Designed to match the existing materials and finishes of the building, the proposal provides a separate access point to the studio apartment without the need to enter the main building. This enables occupation of the building by two separate entities, while the inclusion of a separate access point from the studio to the main occupancy also provides for combined use of the spaces when the main occupancy is not rented. Minimal works are proposed to the existing front entry area, however dividing walls are required that will need to meet acoustic and fire rating between the two occupancies.

The intention of the proposal is to provide tourist accommodation options for the site, either utilising the main occupancy with two (2) bedrooms or the studio apartment that provides one (1) bedroom, or both. The separate occupancies would predominantly be available during the peak winter and summer tourist periods.

Inclusion of a garage on the Mountain Drive frontage provides undercover parking for the property while retaining the existing space on Lot 644 as a second space for the property (**Figure 8**). No defined allocation parking arrangement is provided, however the design does not provide for access into either occupancy from the garage. It is anticipated that the Applicant would park within the garage when utilising the studio apartment, with the external space for the use of the main occupancy.

While this addition will increase the overall size of the building, its bulk and scale will remain in proportion to the Lot and the surrounding buildings. No overshadowing, view loss or privacy loss is anticipated to be experienced by adjoining properties as a result of the proposal.

The Department supports the proposed works to the existing building.



Figure 8 | Proximity of additional space, Lot 644, in relation to the site (Source: SIX Maps 2022)

6.2 Design details and standards

The proposed works, when constructed, are to comply with the Building Code of Australia (BCA) and relevant Australian Standards. The Department has also considered whether any upgrades to the building are required as part of its assessment in accordance with section 94 of the EP&A Regulation 2000, as in force at the time of this assessment. The Department notes that compliance with relevant requirements is to be determined at the construction certificate stage by the certifier and in accordance with conditions of consent.

- All new work (or work as part of the DA) must comply with the BCA. The Department considers that compliance with the BCA is achievable, with documentation confirming compliance required to be provided at the Construction Certificate stage.
- Compliance with the *Disability Discrimination Act 1992 (DDA)*, and therefore the Access to Premises Standards prepared under the DDA, is triggered at Construction Certificate stage. Ensuring compliance

with the DDA is the responsibility of the building owner, manager and Certifier. Conditions have been included to ensure the building owner, manager and Certifier are aware of these obligations.

- The EP&A Regulation 2000 (the Regulation) in place at the time of lodgement of this application continues to be the relevant version of the legislation applied to this application. Accordingly, section 94 of the Regulation requires a consent authority to review a building and consider whether upgrades are warranted to bring the existing building into total or partial compliance with the BCA.

The Department has considered the proposal and the existing building, and has determined that the following upgrade works should be carried out:

- the current fire separating wall between Lot 611 & Lot 612 is to be upgraded. The internal parts of the dividing wall within the building on Lot 612 must be upgraded to meet the performance provisions of Volume One of the BCA; and
- fire separation between the main occupancy and the studio apartment must be carried out in accordance with the performance provisions of Volume One of the BCA.
- In relation to bushfire prevention measures, the BCA requires construction to comply with the BFSA issued by the RFS. The BFSA is incorporated into the conditions of the consent and compliance must be verified at the construction and occupation certificate stages.

The BFSA requires that:

- All proposed works shall comply with at minimum, the standards in Sections 3 and 6 (BAL 19) *Australian Standard AS3959-2018 'Construction of buildings in bush fire prone areas'* or NASH Standard (1.7.14 updated) *'National Standard Steel Framed Construction in Bushfire Areas – 2014'* as appropriate and Section 7.5 of *'Planning for Bush Fire Protection 2019'*.

NOTE - The Bush Fire Assessment report prepared by Complete Bushfire Solutions, report number 20121, dated November 2020 identified a BAL 29 construction standard. There is no objection to the proposal being constructed in accordance with Sections 3 and 7 (BAL 29) *Australian Standard AS3959-2018 'Construction of buildings in bush fire prone areas'* or NASH Standard (1.7.14 updated) *'National Standard Steel Framed Construction in Bushfire Areas – 2014'* as appropriate and Section 7.5 of *'Planning for Bush Fire Protection 2019'*.

- The existing building is required to be upgraded to improve ember protection (if not already constructed to the relevant Bushfire Attack Level under Australian Standard AS3959). Improved ember protection can be achieved by undertaking some, or all of the following; enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any subfloor areas, openable windows, vents, weep holes and eaves. External doors are to be fitted with draft excluders. Details of proposed upgrades to improve ember protection shall be submitted with the application for the Construction Certificate.

Details of proposed upgrades to improve ember protection shall be submitted with the application for the Construction Certificate.

- Ensuring the proposal meets snow and wind loading requirements is a key consideration of the Departments assessment in the NSW Alpine environment. The external alterations to the building needs to be constructed to withstand the adverse weather conditions experienced locally. The

Department will require the provision of structural certification prior to the issue of an Occupation Certificate for the works.

The Department concludes that subject to compliance with the conditions of consent, including references to the BCA which are to be addressed by the Certifier at the Construction Certificate stage, the proposal is satisfactory and would improve the amenity of the building for its occupants.

6.3 Managing construction impacts

Given the scope of the works, it is unlikely that the construction of the proposal will cause an adverse impact upon the natural environment. The proposal is in keeping with the use of the building for tourist accommodation and the construction activities will not generate any vegetation disturbance (outside of the areas supported by NPWS to be managed to meet RFS APZ requirements).

Construction impacts such as noise and vibration will be short term and managed in accordance with standard environmental conditions. The Applicant will be required to ensure the submitted Site Environmental Management Plan outlining waste management, dust and noise minimisation strategies as well as material storage, is implemented during the works. It is also noted that construction is to occur outside the ski season.

The Department has recommended standard construction conditions applied in the Alpine area, along with recommended conditions from the NPWS and RFS. Subject to compliance with these conditions, the Department is of the view that the proposed works would not impact upon the occupants of nearby buildings or the environment.

7 Evaluation

The Department has assessed the merits of the proposal in accordance with the relevant requirements of the EP&A Act and considered the submissions from RFS and the NPWS. The Department's assessment concludes the proposal is acceptable as:

- there will not be a significant impact on any threatened species, populations or ecological communities as confirmed by the Applicant and concurred with the NPWS
- the new additions to the building are complimentary to the existing building and its landscape setting
- the proposal provides a separate occupancy without negatively impacting the built form of the building or the tourist accommodation buildings adjoining the site
- construction impacts on the surrounding environment would be minimised by using existing disturbed areas for stockpiling of building materials and for parking

Overall, the Department is satisfied that the proposal is suitable for the site and in the public interest. The Department therefore recommends that the application be approved, subject to recommended conditions.

8 Recommendation

It is recommended that the Team Leader, Alpine Resorts Team, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **accepts** and adopts all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants** consent for the application in respect of DA 10630, subject to the recommended conditions
- **signs** the attached Development Consent (**Appendix C**)

Recommended by:

A handwritten signature in black ink that reads "Mark Brown." with a horizontal line underneath the name.

13 September 2022

Mark Brown

Senior Planner

Alpine Resorts Team

9 Determination

The recommendation is **Adopted / ~~Not adopted~~** by:



13 September 2022

Daniel James

Team Leader

Alpine Resorts Team

as delegate of the Minister for Planning

Appendices

Appendix A – List of referenced documents

The following supporting documents and supporting information to this assessment report can be found on the NSW Planning Portal website as follows.

1. Statement of Environmental Effects
2. Submissions
3. Additional information

Appendix B – Statutory Considerations

OBJECTS OF THE EP&A ACT

The objects of the EP&A Act are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant consent/ approval) are to be understood as powers to advance the objects of the legislation, and limits on those powers are set by reference to those objects.

Therefore, in making an assessment, the objects set out in section 1.3 of the EP&A Act should be considered to the extent they are relevant. A response to the objects is provided in the table below.

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The proposal supports the ongoing use of the tourist accommodation building through providing a separate occupancy to the site, without a negative impact on the environment. The location of the works and construction impacts will minimise impacts on the environment.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal would not have an unacceptable impact on the environment thus being ecologically sustainable development. Mitigation measures during construction and rehabilitation of impacted areas are supported.
(c) to promote the orderly and economic use and development of land,	The development seeks approval for works that are aimed at supporting the ongoing use of the site for 'tourist accommodation'.
(d) to promote the delivery and maintenance of affordable housing,	Not applicable to this proposal.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The impacts upon the environment have been limited where possible. All proposed works will be located within existing disturbed areas and building materials will be stored on existing concrete adjacent areas.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The proposed development is not anticipated to result in any impacts upon built or cultural heritage, including Aboriginal cultural heritage.

(g) to promote good design and amenity of the built environment,	The Department considers that the proposal responds to its existing setting, built form and minimises impacts upon natural environment.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The Department has recommended conditions of consent to ensure the construction of the proposal is undertaken in accordance with legislation, guidelines, policies and procedures (refer to Appendix C).
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the proposal (Section 5), which included consultation with government agencies and consideration of their responses.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal (Section 5), which included notifying the neighbouring lodges and displaying the application on the NSW Planning Portal website.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

To satisfy the requirements of section 4.15(a)(i) of the EP&A Act, this report includes references to the provisions of the EPIs that govern the carrying out of the project and have been taken into consideration in the Department's environmental assessment.

State Environmental Planning Policy (Precincts - Regional) 2021 (Precincts - Regional SEPP) is the only EPI applicable to the development. Consideration of Chapter 4 of the Precincts - Regional SEPP is provided below:

Section 4.12(1) - Matters to be considered by consent authority

(a) the aim and objectives of this policy, as set out in section 4.1	The proposal is consistent with the aim and objectives of Chapter 4 of the Precincts - Regional SEPP in that it is consistent with the principles of ESD and supports the ongoing use of the site for 'tourist accommodation'.
(b) the conservation of the natural environment and any measures to mitigate environmental hazards (including geotechnical hazards, bush fires and flooding),	The proposal is appropriate as it allows alterations and additions to an existing building, while having an acceptable impact on the environment. Natural hazards have been adequately addressed.
(c) the cumulative impacts of development on existing transport, effluent management systems,	No adverse cumulative impacts are anticipated as the proposal would not have a significant impact on the existing transport, effluent management systems, waste

waste disposal facilities or transfer facilities, and existing water supply,	disposal facilities, transfer facilities or water supply within Thredbo Alpine Resort.
(d) any statement of environmental effects,	The SEE and additional information supplied are considered adequate to enable a proper assessment of the works.
(e) the character of the alpine resort,	The proposal would not adversely alter the character of the resort.
(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,	<p>The site is located outside of the G zone identified on the Department's Geotechnical Policy – Kosciuszko Alpine Resorts Thredbo Map.</p> <p>The Application is supported by a Geotechnical Assessment and Form 4 from JK Geotechnics Pty Limited.</p> <p>The report concludes that the proposed development will have 'minimal or no geotechnical impact' on the site and includes a number of recommendations to be implemented during initial excavation, retaining and then construction.</p> <p>The Department concludes that potential geotechnical impacts have been addressed appropriately and no concerns are raised in relation to geotechnical matters.</p>
(g) any sedimentation and erosion control measures,	Sedimentation and erosion control conditions are recommended, including the adoption of the Site Environmental Management Plan (SEMP), the provision of which are to commence prior to the commencement of works.
(h) any stormwater drainage works proposed,	The NPWS have advised that stormwater management and drainage from the proposal should not cause additional environmental impacts.
(i) any visual impact of the proposed development, particularly when viewed from the Main Range,	The works are complimentary to the existing building and do not negatively impact upon the landscape or adjoining buildings.
(j) any significant increase in activities, outside of the ski season,	The proposal does not result in an 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 (PRRMP) and the document entitled Perisher Blue Ski Slope Master Plan,	Not applicable to this proposal as the site is located in Thredbo Alpine Resort.
(m) if the development is proposed to be carried out on land in a riparian corridor.	Not applicable to this proposal.

Section 4.13 – Additional matters to be considered for buildings

Building Height	The proposed works do not increase the height of the existing building.
Building Setback	<p>With the inclusion of the new garage area, the proposal reduces existing setback to the south of the building within the 3-metre setback recommended by Thredbo.</p> <p>The Department has considered the proposal and its impacts upon the adjoining property at 18 Mountain Drive. No additional impacts upon the adjoining neighbour are expected.</p> <p>The Department supports the proposal and raises no concerns with the proposed building setback.</p>
Landscaped Area	<p>The proposal does not negatively impact existing native vegetation and therefore is appropriate.</p> <p>Separate APZ vegetation management of the site is already under arrangements with NPWS.</p>

Section 4.15 – applications referred to the National Parks and Wildlife Service

The proposal was referred to the NPWS pursuant to section 4.15 of the Precincts - Regional SEPP. Refer to comments received at **Section 5** and as required, discussions on the proposal at **Section 6**.

Section 4.24 – Heritage conservation

European heritage	The proposal would not impact on any European heritage items.
Aboriginal heritage	The NPWS raised no concerns, however recommended that should any Aboriginal objects be uncovered during construction, any works impacting the objects must

cease immediately and the NPWS contacted for assessment of the site.

Appendix C – Recommended Instrument of Consent