



# Munjarra Lodge, Thredbo Village

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Development Application Assessment  
DA 10683

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*Cover image: Main Range, Kosciuszko National Park (Source: Alpine Resorts Team)*

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# Glossary

Abbreviation	Definition
<b>BCA</b>	Building Code of Australia
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>BC Regulation</b>	<i>Biodiversity Conservation Regulation 2017</i>
<b>BVM</b>	Biodiversity Values Map
<b>Consent</b>	Development Consent
<b>CPP</b>	Community Participation Plan
<b>Department</b>	Department of Planning and Environment
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation 2000</b>	<i>Environmental Planning and Assessment Regulation 2000</i>
<b>EP&amp;A Regulation 2021</b>	<i>Environmental Planning and Assessment Regulation 2021</i>
<b>EPBC Act</b>	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
<b>EPI</b>	Environmental Planning Instrument
<b>ESD</b>	Ecologically Sustainable Development
<b>KNP</b>	Kosciuszko National Park
<b>Minister</b>	Minister for Planning
<b>NPWS</b>	National Parks and Wildlife Service
<b>Planning Secretary</b>	Secretary of the Department of Planning and Environment
<b>RFS</b>	NSW Rural Fire Service
<b>SEPP</b>	State Environmental Planning Policy

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# 1 Introduction

This application seeks approval for external additions to the existing tourist accommodation building on the site (**Figure 1**), Munjarra Lodge, 13 Bobuck Lane (Lot 704 DP 1119757), Thredbo Alpine Resort within Kosciusko National Park (KNP). The proposed works are intended to improve safety and access to the lodge from Bobuck Lane (new stairs / landings / retaining walls) and also enhance usability of the site for leisure activities (inclusion of an external bike storage area).



**Figure 1 |** Site in context of Thredbo Alpine Resort (Source: SIX Maps 2022)

Munjarra Lodge (the site) is located on the south-eastern edge of Thredbo Village West. The site is accessed via a pedestrian walkway from the northern frontage to Bobuck Lane (**Figure 2**) and to Alpine Way located to the rear (south) and upslope of the site via a walkway to where dedicated parking spaces are provided for the use of lodge guests.

The site was constructed in the 1970's and then extended with the provision of additional bedrooms in 1980's / 90's. The existing building is three (3) levels and contains the following:

- a ground level entry area comprising a ski storage area, drying room, heater-boiler room and four bedrooms (with ensuites);
- first floor level containing a dining and living area, four bedrooms (with ensuites), spa / sauna and laundry room; and
- second floor level containing four bedrooms (with ensuites) and a managers suite.

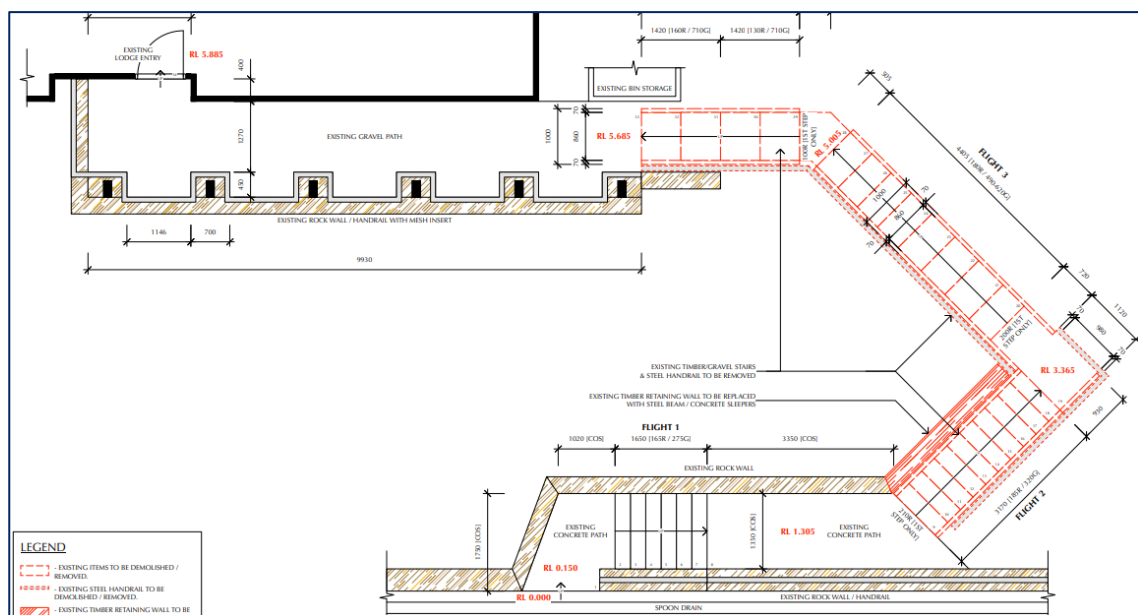
The site is located adjacent to other tourist accommodation buildings, including Celesia Apartments to the north, Leatherbarrel Lodge to the west and Inala Apartments to the north-west. The memorial site for the Thredbo landslide is located to the south of the site, with the Alpine Way located to the south-east.



**Figure 2 | Existing front entrance off Bobuck Lane (Source: Department site inspection)**

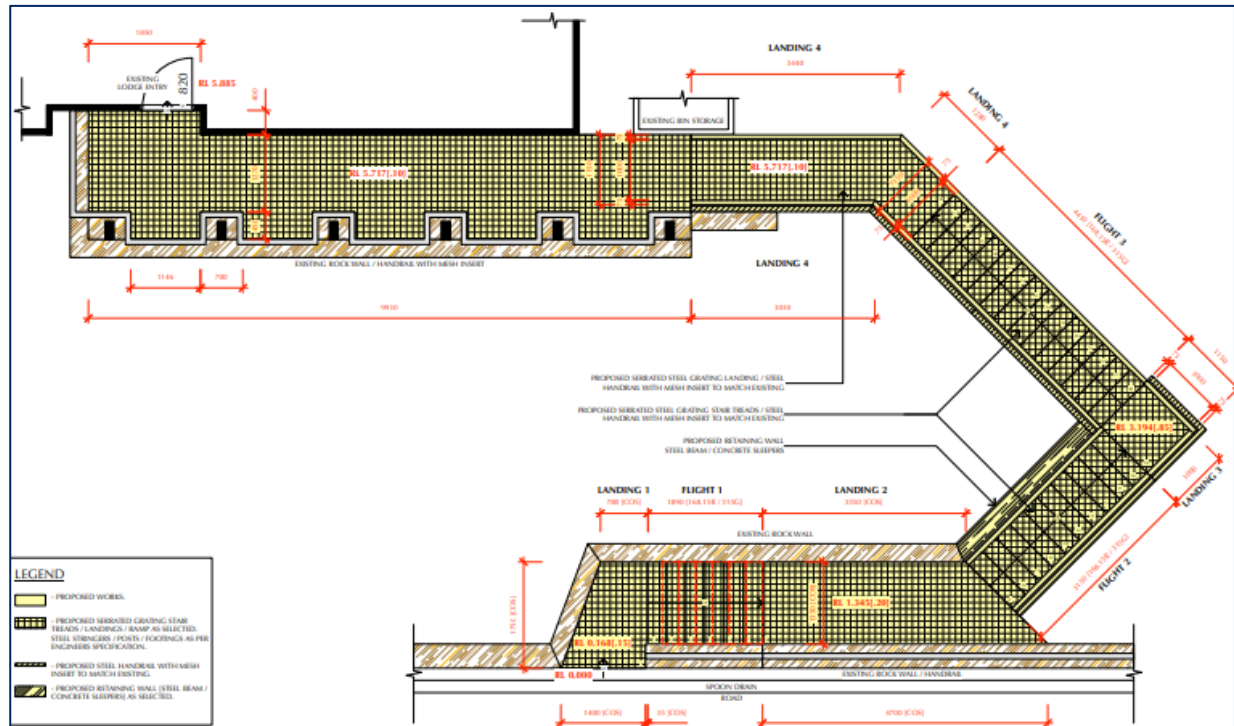
The Applicant, Munjarra Co-Operative Ski Club Limited, proposes the following works:

- Demolish sections of the pedestrian walkway from the Lodge to Bobuck Lane and adjoining structures, comprising demolition of the following:
  - three (3) of the existing timber and gravel stair flights and two (2) stair landings between the flights. The works commence near north-western corner of the Lodge, comprising Flights 2, 3 and 4, and Landings 3 and 4, and include removal of the adjoining steel handrails (**Figure 3**),
  - the timber retaining wall on the southern side of the Flight 2 stairs, and
  - the bin enclosure adjoining the north-western corner of the Lodge (retention of bin enclosure closest to Bobuck Lane).



**Figure 3 | Proposed demolition works (Source: Applicant's documentation)**

- Construction of replacement walkway sections and of a new walkway and bike storage shelter, comprising the following proposed works:
  - two (2) stair flights (Flight 2 and 3), Landing 3 and former Flight 4 becomes a longer landing (Landing 4), all set into new piers and constructed of serrated steel grating landing and stair treads with a new steel posts and handrail with mesh insert (**Figure 4**),

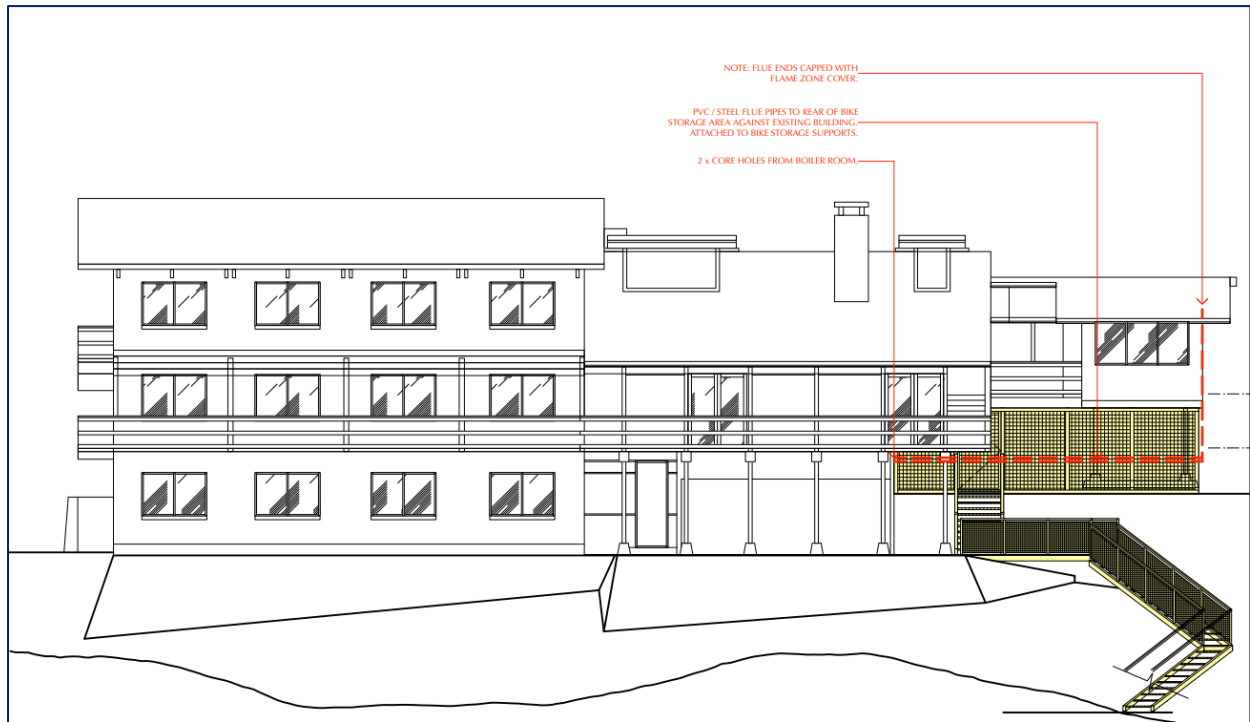


**Figure 4 | Proposed construction works** (Source: Applicant's documentation - annotated)

- three (3) new retaining walls up to 1.8 metres high. Two (2) of the walls adjoin either side of the Flight 2 stairs, and a third wall is proposed to extend past the walkway on the western side of the structure. All retaining walls will be constructed with steel columns set into deep new concrete piers and have concrete sleeper infill panels. Against the uphill (retaining) side of the wall 300mm of free-draining gravel will be used as backfill draining down to a 100mm socked subsoil pipe enclosed in blue metal to drain water away from the structure,
- new bike storage area under the lodge building (exterior to the building) with a steel grated mesh storage platform to be constructed on steel beams from the building to existing piers, enclosed with a steel framed wall of mesh cladding that will extend from the storage floor to the underside of the floor above, with entry to the bike store via a mesh security gate with code panel,
- new walkway between the rebuilt Landing 4 up to the proposed bike storage area, comprising two (2) landings and a stairway into new piers, constructed of steel grated mesh stair treads and landings, and steel posts and handrail with mesh insert to match elsewhere,
- installation of steel grated mesh over the remaining existing gravel and concrete paths and landings, with framework set into new piers, and
- installation of a set of external flues from the boiling room with two (2) core holes to be drilled from the boiler room and PVC/steel flue pipes (PVC on the inside) to be installed from the boiler room to pass through the rear of the bike storage area and be attached to the bike storage

supports against the existing building. The flue will then extend up the exterior side of side building, and vent above the roof line where the flues will be capped with a flame zone cover (**Figure 5**).

Department note: No internal work within the boiler room is proposed as part of this application, with any works in the future to be considered against the requirements for exempt or complying development under *State Environmental Planning Policy (Precincts-Regional) 2021*.



**Figure 5 |** Northern elevation, proposed walkway, bike storage and boiler room flue construction works  
(Source: Applicant's documentation)

The Applicant indicates that they wish to undertake the works as the new stairs will improve safety and access to the Lodge and the bike storage will enhance usability of site for leisure activities.

The estimated cost of works is \$27,500.

Supporting documents and supporting information to this assessment report can be found on the NSW Planning Portal website at:

<https://www.planningportal.nsw.gov.au/development-assessment/state-significant-applications/projects/state-development-applications>

## 2 Matters for Consideration

### 2.1 Strategic Context

#### 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 as it would maintain the existing use of the site for tourist accommodation and improves the condition of the tourist accommodation building for its guests and visitors, which maintains visitation to the NSW ski resorts.

#### Snowy Mountains Special Activation Precinct Master Plan

On 1 July 2022, the Snowy Mountains Special Activation Precinct Master Plan was finalised and outlines the forty-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.

While the application was lodged prior to the Master Plan being finalised, the Department considers that the proposal is consistent with the Master Plan as it relates to maintaining visitor accommodation, while improving access to the site from Bobuck Lane and also improving facilities on site for the benefit of guests / visitors without impacting the environmental, cultural and landscape attributes of Thredbo Village.

#### Precincts - Regional SEPP

At the time of lodgement, the *State Environmental Planning Policy (Kosciuszko National Park - Alpine Resorts) 2007* (Alpine SEPP) was the principal Environmental Planning Instrument (EPI) applicable to the development. The provisions of the Alpine SEPP were entirely consolidated into the *State Environmental Planning Policy (Precincts - Regional) 2021* (*Precincts - Regional SEPP*) on 1 March 2022 as Chapter 4 of the (new) SEPP. Given there were no changes to the provisions of the SEPP, the Precincts - Regional SEPP is now referenced for applications not determined prior to the consolidation. While Chapter 4 of the Precincts – Regional SEPP was updated with new policy requirements on 16 December 2022, this application is considered against the former provisions of Chapter 4 of the Precincts - Regional SEPP as relevant at the time of lodgement.

The Precincts - Regional SEPP governs development on land within the ski resort areas of KNP and aims to protect the natural and cultural heritage of land within the resorts and to encourage environmentally sustainable development. 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 the existing building footprint area or disturbed portions of the site,

- the requirement for the site to be managed as an Inner Protection Area to meet the RFS bushfire protection requirements can be achieved with minimal vegetation impact, and
- the installation of the new stairs and the bike storage cage supports the use of the site for tourist accommodation.

Also, 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. This includes their administration of the Plan of Management framework for KNP that incorporates objectives, principles and policies to guide the long-term management of the KNP. NPWS have recommended conditions to prevent adverse impacts on the natural or cultural environment.

## 2.2 Permissibility

The proposal includes external alterations 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 (in effect at the time of lodgement, as since amended), 'tourist accommodation' is permissible with consent within the Thredbo Alpine Resort.

## 2.3 Mandatory Matters for Consideration

### Objects of the EP&A Act

**Table 1 | Objects of the EP&A Act**

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,	<p>The proposal supports the ongoing use of the building, with improved exterior access provisions and external storage facilities.</p> <p>The construction impacts are maintained within previously disturbed areas, posing minimal impacts on biodiversity and the environment.</p>
(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 compatible with ecologically sustainable development. Mitigation measures during construction have been considered and rehabilitation of impacted areas is supported.
(c) to promote the orderly and economic use and development of land,	The development proposal seeks approval for works that support the use of the site for 'tourist accommodation', thereby promoting the ongoing economic use of the land.

(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,	<p>The impacts upon the environment have been limited where possible, with works limited to the existing disturbed areas where possible (stairs to be predominantly replaced along same alignment).</p> <p>With no Site Environmental Management Plan (SEMP) being provided, materials during the works are recommended to be stored on Bobuck Lane or on the site.</p> <p>Conditions have been recommended to protect the environment from adverse impacts, including the preparation of a SEMP prior to issue of the Construction Certificate.</p>
(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 and built form.
(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 <b>Appendix A</b> ).
(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 ( <b>Section 3</b> ), 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 ( <b>Section 3</b> ), which included notifying the neighbouring lodges, and displaying the application on the NSW Planning Portal website.

## Considerations under section 4.15 of the EP&A Act

**Table 2 | 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 below.</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 proposal.
(a)(iii) any development control plan	Not applicable to proposal.
(a)(iiia) any planning agreement	Not applicable to proposal.
(a)(iv) the regulations	<p>The application satisfactorily meets the relevant requirements of the EP&amp;A Regulation 2000, (in force at the time of lodgement, but amended now to the <i>EP&amp;A Reg 2021</i>), particularly the procedures relating to development applications (Part 6) and fees (Part 15, Division 1).</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 proposal.
(b) the likely impacts of that development	<p>The Department has considered the likely impacts of the development. All environmental impacts can be appropriately managed and mitigated through conditions of consent.</p> <p>The proposal is considered to have positive economic and social impacts, supporting the</p>

	ongoing operation of the tourist accommodation building.
(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 submissions received during the exhibition period. See <b>Section 3</b> 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, and are compatible with the uses of the locality and would not cause an adverse impact on the environment. The proposal is consistent with the principles of ESD.</p> <p>As such, the proposal is considered to be in the public interest.</p>

## Environmental Planning Instruments

Consideration of the relevant sections of Chapter 4 of the Precincts - Regional SEPP (as relevant at the time of lodgement) is outlined below:

**Table 3 | Chapter 4 considerations**

<b>Section 4.12(1) - Matters to be considered by consent authority</b>	
(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),	<p>The proposal is appropriate as it relates to improving access to the existing lodge and providing a secure bike storage facility , while having an acceptable impact on the environment.</p> <p>The land is not subject to flooding. The site is identified as bushfire prone land and relates to a Special Fire Protection Purpose, and a BFSa has been issued by the RFS. The land is identified as</p>

being in an area of geotechnical sensitivity, with geotechnical considerations discussed below.

Natural hazards have been adequately addressed.

(c) the cumulative impacts of development on existing transport, effluent management systems, waste disposal facilities or transfer facilities, and existing water supply,	No adverse cumulative impacts are anticipated as the proposal will not result in any changes to existing transport, effluent management systems, waste disposal facilities, transfer facilities or water supply.
(d) any statement of environmental effects,	The SEE and supporting 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 within the G zone identified on the Department's Geotechnical Policy – Kosciuszko Alpine Resorts Thredbo Village Map.</p> <p>The Applicant has provided a geotechnical assessment report by JK Geotechnics Pty Ltd in support of the proposal and a Form 1 in accordance with the Policy. The report confirms that the site is suitable for the proposal, subject to the recommendations being satisfied.</p> <p>The Department's recommended conditions require compliance at all times with this report and the recommendations contained within, as well as requiring further certification and forms in accordance with the Department's Geotechnical Policy for the construction certificate and prior to an occupation certificate.</p>
(g) any sedimentation and erosion control measures,	<p>With proposed earthworks associated with the stair and retaining wall construction, consideration of sedimentation and erosion control measure is required.</p> <p>A SEMP is required to be prepared (having not been provided with the application), which is then to be implemented during the works. A condition is recommended to ensure the preparation and adoption of the SEMP provisions following discussion with NPWS.</p>

(h) any stormwater drainage works proposed,	<p>No negative impacts to stormwater are anticipated due to the nature of the proposed works.</p> <p>The works include improvement to drainage works with the replacement of the existing retaining walls and installation of a socked subsoil pipe to collect surface water.</p>
(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. They will not be visible from the Main Range.
(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 proposal, with the site being located in Thredbo Alpine Resort.
(m) if the development is proposed to be carried out on land in a riparian corridor.	The site is not within a riparian corridor.

#### **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>The replacement of the existing stairs are predominantly aligned with the existing pathway, except for a blade retaining wall column to provide additional structural support. No concerns are raised with the inclusion of this blade retaining wall column.</p> <p>The proposed new mountain bike storage is located underneath the existing building envelope, raising no concerns with building setbacks.</p>
Landscaped Area	The proposal does not negatively impact existing native vegetation, with the exception of those that are required to be managed to meet RFS

requirements. No additional landscaping is required to be planted in relation to this proposal.

#### 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 3**.

#### Section 4.24 – Heritage conservation

European heritage	The proposal will 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.

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

- the proposal is not expected to adversely impact upon the health, diversity, or productivity of the environment for future generations,
- the Applicant has recognised the value of the environment and designed the development accordingly with works limited to the existing building facades, with minimal vegetation management required to meet the NSW RFS requirements, and
- the proposal is unlikely to impact upon cultural heritage, including Aboriginal cultural heritage.

#### 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.

NPWS comments received during the assessment of the application advised that the NPWS concurs that the development, as proposed, is not likely to affect threatened species and does not trigger the BOS. However, if any clearing of native vegetation is required in order for this DA to fulfil any NSW Rural Fire Service (RFS) recommendation for the sublease area to be managed as an inner protection area asset protection zone (APZ), this may require reassessment under the BC Act. NPWS note that part of the lease area is mapped by NPWS as Broad-tooth Rat habitat.

The Applicant has commented that no vegetation is proposed to be cleared to achieve the APZ requirements of the RFS. Noting this comment and that 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. Discussions with the NPWS, in order meet the APZ provisions for the site, are however recommended to ensure that no additional vegetation is removed which is not required to meet the IPA requirements of the RFS. The vegetation protection measures are to be included in the SEMP required for the site, as recommended in the conditions of consent to be prepared in consultation with the NPWS,

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

## 2.4 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 Bushfire Safety Authority. Refer to **Section 3** for further discussion on this component.

## 3 Engagement

### 3.1 Department's Engagement

The Department's Community Participation Plan, November 2019, prepared in accordance with Schedule 1 of the EP&A Act generally requires applications 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 fifty (50) metres away from a tourist accommodation building.

As the works include external alterations to an existing tourist accommodation building within fifty (50) metres of other tourist accommodation buildings, the Department exhibited the application from 28 May 2021 until 11 June 2021 on the NSW Planning Portal website.

The application was exhibited 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 (BFSA) is required under the *Rural Fires Act 1997* 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.

### 3.2 Summary of submissions

During the exhibition period, the Department received comments from the NPWS and RFS. No public submissions were received.

The NPWS did not object to the proposal and provided comments and recommended conditions on leasing and KNP Plan of Management, the BC Act, and protection of native vegetation and aboriginal cultural heritage. NPWS also commented that the lease area includes Broad-tooth Rat habitat and vegetation removal to meet RFS requirements would require additional discussions on site.

The RFS did not object to the proposal and has issued a BFSA, that includes, but is not limited to:

- that all land within the subject leasehold site be managed as an Inner Protection Area,
- new construction must comply with Section 3 (excluding section 3.5) and Section 9 (BAL FZ) of Australian Standard AS3959-2018 Construction of buildings in bushfire-prone areas or the relevant BAL-FZ requirements of the NASH Standard - Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of Planning for Bush Fire Protection 2019, and
- the existing building is to be upgraded, where practical, to improve ember protection (if not already constructed to the Bushfire Attack Level under Australian Standard AS 3959).

In order to address the RFS requirements, a condition is recommended for the Applicant to submit to the Certifier details of proposed ember upgrade requirement and vegetation management endorsed by NPWS.

The Department has considered the comments received from the RFS and NPWS in **Section 4** or through recommended conditions in the instrument of consent at **Appendix A**.

## 4 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,
- unauthorised works, and
- managing construction impacts.

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

### 4.1 Built form and impacts of the works

The proposal comprises works to the existing Lodge in order to provide improved access from Bobuck Lane and an external bike storage area for the use of guests. These works are visible from the public domain and neighbouring properties.

The proposed external works to the building are considered to be acceptable and provide improvements to the existing building complex, while conditions of consent are recommended to ensure works are undertaken in a way that do not negatively impact the built form of the building, or cause adverse impacts on nearby buildings or the surrounding environment.

Subject to compliance with recommended conditions, the Department is of the view that the proposed works would not adversely impact upon nearby buildings or the environment.

### 4.2 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 (in force at time of lodgement). 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, including:

- 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. The Applicant has however provided an Accessibility Design Review that notes the external structures to the building are not captured as an upgrade trigger under the Access to Premises-Buildings standard due to their BCA classification (Class 10a for the bike storage and Class 10b for the replacement stair structure).

Ensuring compliance with the DDA is the responsibility of the Building Owner, Manager and Certifier. Further review and confirmation would need to be undertaken at the construction certificate stage. Conditions have been included to ensure the Building Owner, Manager and Certifier are aware of their obligations.

- 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:

- New construction must comply with Section 3 (excluding section 3.5) and Section 9 (BAL FZ) of Australian Standard AS3959-2018 Construction of buildings in bushfire-prone areas or the relevant BAL-FZ requirements of the NASH Standard - Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015). New construction must also comply with the construction requirements in 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 the proposed materials to meet BAL-FZ and upgrades to improve ember protection shall be submitted with the application for the construction certificate.

- The EP&A Regulation 2000, 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 EP&A Regulation 2000 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 no additional fire upgrades are required with this application when noting the building was subject to a fire safety upgrade strategy which was completed in July 2017.

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

### 4.3 Unauthorised works

During inspections of the proposal and the site in general, the Department identified that a wood store had been constructed to the rear of the property (**Figure 6**). The Department is of the opinion that separate consent was required prior to construction of the wood store.

The Applicant has commented that firewood has always been stored at this location rather than against the side of the building as is done in most of lodges in Thredbo Village. In discussions with the Applicant, the Department advised that retention of the wood store can be considered subject to ensuring the wood store meet RFS standards of construction.



**Figure 6 |** Existing unauthorised woodstore at the rear of the site (Source: Department inspection)

The Applicant subsequently submitted a bushfire (noting BAL FZ requirements) and egress assessment of the structure and paths of travel that included the following recommendations:

- Sliding doors are to be installed to the wood store with the sliding doors / door system to achieve FRL-/30/- and the sliding doors to be tight fitting in the frames,
- The wood store enclosure is to be provided with non-combustible grid mesh with a maximum allowable aperture size of 2mm,
- The barrier enclosing the wood store is to be constructed with non-combustible grid mesh with a maximum aperture size of 2mm,
- The sheet roof of the wood store is to be constructed to comply to the requirements of Appendix H of AS3959 or use a system tested to AS1530.8.2, and

- Reconstruct the wood store to provide one (1) metre clearance for the path of travel to the external stairs.

The Department notes the information submitted to support the overall retention (albeit relocation) of the wood store and is satisfied that compliance with the RFS requirements can be achieved. The relocation of the wood store to ensure compliance with egress pathways is also supported. Further details are required to be submitted to the Certifier for consideration during the assessment of the construction certificate.

#### **4.4 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 with the bike storage area located underneath the existing living area above (with this area already disturbed) and the new stair construction is to generally align with the existing concreted stairs on site. The proposal is also in keeping with the use of the building for tourist accommodation and the construction activities will only generate vegetation disturbance required to meet RFS APZ requirements, which is to be discussed further with the NPWS to limit vegetation impacts where necessary.

Construction impacts such as noise and vibration will be short term and managed in accordance with standard environmental conditions. With no SEMP submitted with the application, the Applicant will be required to prepare a SEMP in consultation with the NPWS and approved by the Department, and submit the SEMP to the Certifier outlining vegetation protection and management, waste management, dust and noise minimisation strategies, material storage and erosion controls to be implemented during the works, and site rehabilitation measures following construction, if required. 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 cause significant impacts upon the occupants of nearby buildings or the environment.

## 5 Recommendation

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

- there will be no impact on any threatened species, populations or ecological communities,
- the new stairs and bike storage area support the ongoing operation of the existing tourist accommodation building for benefit of members and guests,
- the proposal is appropriate and does not impact upon any other nearby properties, and
- construction impacts on the surrounding environment would be minimised as the proposal will be contained within the existing building footprint (bike storage area) and aligned with the existing concrete / timber staircase on disturbed ground (except for an additional retaining wall column for structure support).

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. In accordance with the Minister's delegation of 9 March 2022, the Director, Regional Assessments may determine the application as:

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

It is recommended that the Director, Regional Assessments, 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 10683, subject to the recommended conditions
- **signs** the attached Development Consent (**Appendix A**)

**Recommended by:**



**Mark Brown**  
Acting Team Leader  
Alpine Resorts Team

**Adopted by:**



**15/8/2023**

**Keiran Thomas**  
Director  
Regional Assessments

as delegate of the Minister for Planning

# Appendices

## Appendix A – Recommended Instrument of Consent