

Response to Public Submissions on Revision 2 Plans DA 21/11288

Perisher Views Ski Lodge
Lot 1, DP1192372
Burramys Road, Perisher Valley



Department of Planning
and Environment

Issued under the Environmental Planning and Assessment Act 1979

Approved Application No DA 21/11288

Granted on the 23 June 2023

Signed M Brown

Sheet No 42 of 44

Geoanalysis Pty Ltd
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1. Introduction

Amended plans for the Perisher Views ski lodge development application (DA21/11288) were placed on exhibition until the 1st July, 2022. Twelve organisations or individuals raised objections, two of the objectors (Merriment and James Holder) lodged 2 objections each, leading to a total of 14 objections being received.

The majority of objectors restated issues previously raised. The main issues raised by multiple parties were;

1. Burramys Road
2. Floor space, scale and height
3. Overshadowing of the Alpine Church
4. Visual and aesthetics

These were addressed in the previous response to submission report, however they are addressed again here.

2. Main Issues

Burramys Road

The submission from the All Denominational Alpine Church raises concerns that the development will risk the safety of children playing in front of the church. Yet several submissions state how important it is that oversnow vehicles are allowed to continue to cut the corner away from the prescribed oversnow route bringing the oversnow alignment directly in front of the Alpine Church. The closest point of the proposed driveway is some 22 metres from the entry point of the church, beyond the cutting corner route that the uphill objectors propose. It is perplexing when one objector raises concerns that the driveway for the proposed development will present a safety risk when the uphill objectors want the main oversnow route to go as close to the church as possible.

The uphill objectors also claim that the oversnow route should 'follow the fall line'. This results in maximum speeds and longer stopping times in the event of a possible collision. Merriment even states in their submission that '*occasionally they (snowcats) need to reverse back down the hill and start again on a different line*'. Surely if a snow cat is reversing down the hill to choose a line that is less steep than the fall line through the allotment, this is a far more dangerous situation for all of the children playing outside the front of the Alpine Church. The safest and flattest alignment is for oversnow vehicles to follow Burramys Road.

The Kalyvaro Alpine Sports Club submission correctly identifies that the stretch of Burramys Road uphill of the Kuringai access road is a high speed section whilst the stretch adjacent to Perisher Views lodge is a low speed section. However concerns are raised that the proposed lodge, being 3 metres from the lot boundary and 5 metres from Burramys Road would be dangerous in the event of an oversnow vehicle approaching at the same time as a skier through the low speed section. However, whilst the uphill high speed section has no buildings it is lined with trees to

within 1 metre of the road and has poor sightlines due to the corners. The uphill section is far more dangerous.

The construction of the Perisher Views lodge will formalise access along the low slope, slow speed Burrumys Road that has good sight lines. In most seasons, the accumulation of snow between the proposed building and the road will likely fill the current embankment, increase the trafficable width of this area, diverting traffic away from children playing in front of the church and improving safety.

It is noted that the regulator for this road, NPWS, has stated;

'The Burrumys Road passes the leased Lot on its southern and western sides. In winter this serves as an oversnow route for access to nearby lodges, with the oversnow route intended to follow the road alignment. Accordingly, NPWS does not anticipate that the development will restrict traffic flow or endanger members of the public more than would ordinarily be the case.'

Floorspace, scale and height

These matters have been addressed extensively within the Statement of Environmental Effects. For clarity this will be summarised here. The Perisher Range Resorts Master Plan (2001) (hereon referred to as PRRMP) defines Gross Floor Area as;

'Gross Floor area is defined as the total area of the building measured from the outside of the external walls or the centre of a common wall'

Unlike the standard template definition it does not exclude certain parts of the building, does not start from the inside of external walls, and importantly it does not sum each floor. Under the PRRMP definition the Gross Floor area is 349.6 m² which equates to 14.6m² per bed.

If each floor is summed, as per the KAL submission, the gross floor area is 850.6m², or 35.4m². Precedents for much larger gross floor areas have previously been set. The 'Smugglers' lodge at Smiggin Holes was approved in 2016. This lodge was approved with 43m² per bed, is 4 stories high and substantially exceeds the 10 metre height limit. The Development Application Assessment Report DA7743 (Department of Planning and Environment, October 2016) states that;

'The proposal seeks to exceed the floor space to bed ratio. The Department notes that there are other examples of recent developments where this control is exceeded, such as Main Range Huts in Perisher, Mittabah Lodge in Thredbo and Heidi's Apartments in Smiggin Holes. Allowing additional floor space to a lodge provides architectural and amenity opportunities to be included within the design that meets current expectations, It also allows for flexibility in relation to the acquisition of beds in the future. It is also noted that, the OEH, as the land manager and author of the PRRMP, in their comments on the proposal, did not object to the bed to floor space ratio of the proposal.'

Noting the above, the Department supports the proposal in relation to the increase in bed to floor space ratio.'

Section 1.4.4 of the PRRMP outlines a 5 year review timeframe, yet the PRRMP has not been reviewed since its publication in 2001. This 2001 document is outdated, does not take into account modern standards in relation to disability access, amenity, sustainability, fire access and egress and structural requirements. In a planning sense this definition of GFA has been superseded by

the standard template definition and the use of floor space ratios. Under the contemporary definition the GFA for the proposed development is 550.3m², equating to 22.9m² per bed and an undemanding Floor Space Ratio of approximately 0.38 to 1.

The building is entirely within the 10 metre height limit and comprises two habitable stories and a non-habitable basement. The basement is largely in cut and the proposed development has responded to the slope of the land by stepping the building down the slope to the east.

With regards to scale the proposed lodge is similar in scale to a large residential dwelling. With an overall building footprint of approximately 25m x 17m, it is similar in scale to Kuringai 22m x 18m, the Sundek restaurant building 25m x 19m and the Alpine Church 17m x 16m.

Overshadowing of the Alpine Church

The building has been stepped down the slope to minimise impacts on the alpine church, located as far as possible to the west of the alpine church and twisted on its axis so as to maintain the prominence of the Alpine Church to front valley.

The church submission claims that there is currently unimpeded solar access to the west. This would rarely be the case in winter with snow accumulating on the western side of the building impeding much of the sunlight coming from this direction. This has been the case in the 2020, 2021 and 2022 seasons and there appears to have been no effort to clear snow from this window indicating that light from this window is a low priority (see photos below).

The church submission states that whilst services occur between midday to 1pm, allowance should be made for preparations and packing up between 11am and 2pm. On the winter solstice there is no impact on the northern window until after 3pm, by which stage the sun has likely set behind the mountains. The western window is not impacted until after 1pm on the solstice, once church services would be nearing completion. Three (3) hours of sunlight on the solstice is the common planning standard, the church would receive in excess of 5 hours.



Siting, Subdivision and Validity of Lease

A small number of objectors raised concerns in relation to siting, subdivision and the validity of the lease. As stated in the previous response to submissions there is no proposal for subdivision. The lease AK755506B is legally registered to Lot 1, DP1192372. Geoanalysis Pty Ltd was not involved with the creation of the lot, has no information in regards to siting and creation of the lot and purchased the lease in good faith after it was advertised on realestate.com.au

Visual Impacts and Aesthetics

As demonstrated in the architects photomontages there is minimal impact on site lines. The proposed form of the building is consistent with the traditional building style in Perisher, being granite cladding at the base, timber (look) cladding on higher levels and a low-pitched gable roof. It has been deliberately designed to be a conformist low-key structure that will not dominate views from any direction.

3. New Issues

A number of new issues not previously identified have been raised. These include;

1. Gas storage
2. Western retaining wall
3. Driveway location
4. Construction on Sundays and Public holidays

Gas Storage

The proposed gas storage has been designed in consultation with elgas and meets the requirements for a 'Protected Place' that is appropriate for a place of worship. The tank has been sized on the basis that all heating, hot water, fireplaces and kitchen equipment will be run on natural gas. However, as part of our commitment to reducing our carbon footprint and also to reduce the size of the tank we are working with service providers and our suppliers to substantially reduce our gas requirements.

The gas tank enclosure will be clad with granite. The location is the most appropriate given setback requirements, access requirements and bushfire asset protection zone requirements.

Western retaining wall

The Kalymaro submission identifies the proposed western retaining wall as a safety issue. The originally proposed wall will not be constructed and instead a gabion basket will be placed firmly against the northern and western walls of the building to provide for drainage.

Driveway Location

Geoanalysis provided several options for driveway access to NPWS for their consideration. This included a driveway running directly to the west to link up with Burrarmys Road as preferred by the Alpine Church. Ultimately the NPWS directed the driveway to be located as shown on the current plans. In addition to improving the drainage from Burrarmys Road it is understood that Vail resorts has future plans for the former halfpipe area and this influenced the preferred location of the driveway.

Construction on Sundays and Public Holidays

There is no proposal to work on Sundays and Public Holidays. The applicant is happy to have a condition precluding construction on these days.

4. Other Issues

There are a suite of other issues that have been raised. These are address below;

Issue	Response
Negative impact on church drainage	The uphill section of Burramys Road drains to a culvert that runs through the property and directly into the Alpine Church. The proposed development will collect and divert all this stormwater, plus all the hard surface runoff from the building to a new drainage system. This system will follow the alignment of the proposed driveway and discharge flows away from the Alpine Church. The proposal is expected to substantially improve the existing drainage issues at the church.
6.5 metre deep excavation adjacent to Burramys Road	The excavation adjacent to Burramys Road is less than 2 metres deep, will be designed by a civil engineer and certified by a geotechnical engineer.
Relocate the proposed development adjacent to the stables	This is not realistic and encapsulates the Not In My Back Yard attitude of the objectors.
Groomers have large blades and are dangerous to people skiing on Burramys Road	Perisher does not open the slopes until groomers are safely off the mountain. In the highly unlikely event that a groomer would access Burramys Road they would be accompanied by ski patrol and/or mountain operations staff on skidoos who would ensure the road was accessed safely.
Not economic if less than 50 beds	A detailed business plan has been prepared and the proposed lodge is economic.
Construction safety	A detailed WHS plan will be prepared and implemented prior to construction commencing.
\$2 company	Geoanalysis Pty Ltd was registered in 1999 and has been trading profitably for 23 years. The NPWS undertook an onerous assessment of the financial and management capacity of Geoanalysis Pty Ltd before agreeing to transfer the lease.
NSW Upper House order for papers	The NSW upper house is conducting an inquiry into the biobanking scheme in NSW of which Geoanalysis Pty Ltd is a participant. This is entirely unrelated to the Perisher Views lease or development application.
Relocate the building further to the east	Kalymaro states that there is no justification for not locating the building further to the east to provide a larger buffer to Burramys Road. The building is located as far as practical to the west to provide the maximum setback to the Alpine Church.
Relies on tree removal	The proposal does not rely on tree removal.
Loss of open space and disastrous increase of population to 8 billion people	There is ample open space and not all of our population is in the privileged position of having a ski lodge membership. More on snow accommodation is required.