



# Cabin 56 Riverside Cabins Thredbo Village

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Development Application Assessment  
DA 21/15634

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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 and 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 21/15634) lodged by Mr James Price (the Applicant) seeking approval for alterations to Cabin 56 within 'Riverside Cabins', No.1 Diggings Terrace, Thredbo Village, Thredbo Alpine Resort within Kosciuszko National Park (KNP).

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 (known as Precincts - Regional SEPP in this report). The SEPP consolidation is administrative. No policy changes were 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 27 October 2021 to 9 November 2021 as the works include external alterations to an existing tourist accommodation building within fifty (50) metres of other tourist accommodation buildings. No submissions from the public were received.

The Department referred the application to the National Parks and Wildlife Service (the NPWS) pursuant to Clause 17 of the (former) Alpine SEPP (in force at the time of referral), and the NPWS provided comments and recommendations.

The development relates to tourist accommodation where the site is identified as bush fire prone land (BFPL) and therefore comprises integrated development in accordance with Section 4.46 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Referral by the Department to the NSW Rural Fire Service (the RFS) was undertaken on 26 October 2021 pursuant to Section 100B of the *Rural Fires Act 1997* for works to tourist accommodation on BFPL. The RFS issued a bush fire safety authority on 7 December 2021 approving the works subject to conditions.

The Department has assessed the proposal in accordance with relevant matters under Section 4.15(1) and the objects of the 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,
- the works provide added amenity, improved energy efficiency and ongoing accommodation viability for the benefit of tourists and the cabin owners without impacting adversely on adjoining properties or resulting in adverse environmental, social or economic impacts on the locality, and
- construction impacts on the surrounding environment will be minimised given the nature of the proposal and recommended conditions of consent requiring construction impacts to be minimised during construction as well as any disturbed areas to be rehabilitated following construction.

Assessment of the application concludes the works are consistent with the aim and objectives of Chapter 4 of the Precincts - Regional SEPP and align with the South and East Tableland Regional Plan. Support for the application is considered to be consistent with the public interest. The Department recommends the application be approved subject to conditions.

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# 1 Introduction

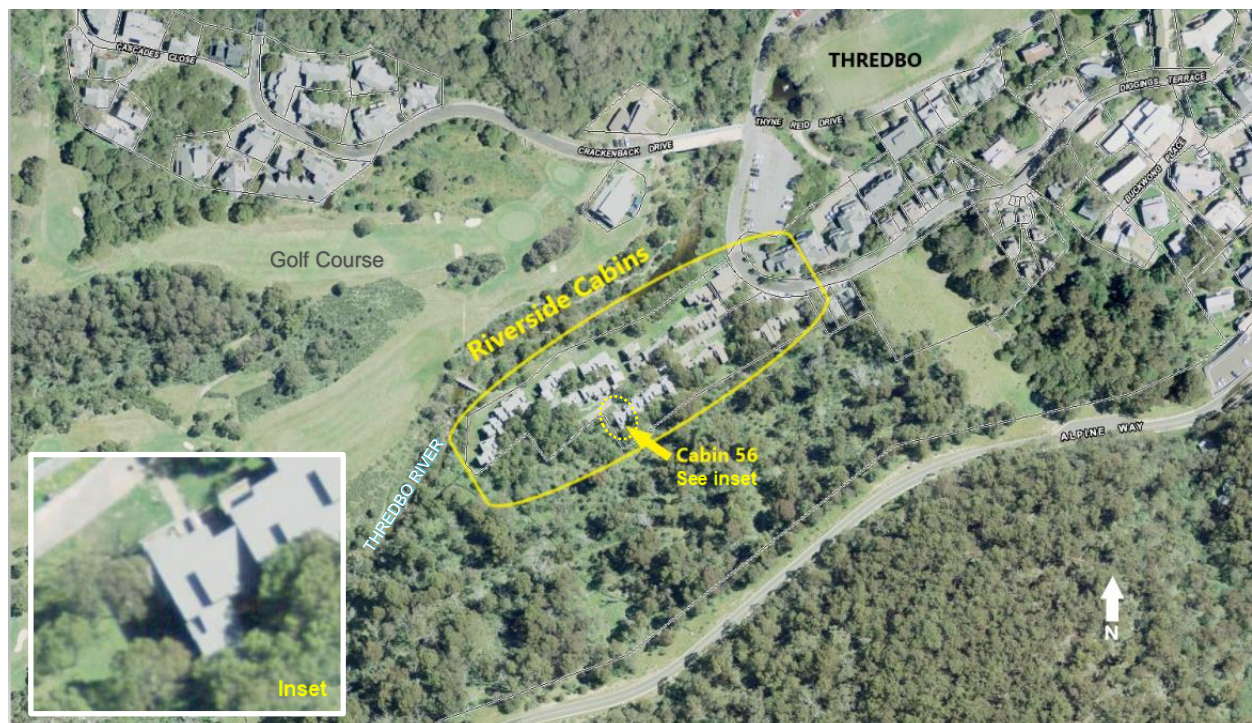
## 1.1 The Department's Assessment

This report contains the Department's assessment of Development Application DA 21/15634 seeking approval to undertake works to Cabin 56 at Riverside Cabins (Lot 772 DP 1119757), No 1 Diggings Terrace, Thredbo Village, Thredbo Alpine Resort within Kosciuszko National Park.

The Applicant, James Price, is seeking development consent to undertake internal and external alterations to Cabin 56 within the Riverside Cabins complex (**Figure 1**), with proposed works comprising interior refurbishment of the cabin; use of the loft as a bedroom including the addition of a door, cabinetry and rails; transformation of a storage room to a laundry with the addition of a laundry alcove suspended from the underside of the cabin; and the addition of a new exterior bathroom window.

The Department's assessment has considered all documentation submitted by the Applicant, including the Statement of Environmental Effects (SEE) and accompanying information, the Applicant's response to requests for information, 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 items raised in submissions. The report evaluates the issues and impacts associated with the development and concludes that the development is in the public interest and should be approved, subject to conditions.



**Figure 1 |** Cabin 56 in context of Riverside Cabins within the Thredbo Village (Source: SIX Maps 2021)

## 1.2 Site location and context

Riverside Cabins are located on the south-western periphery of Thredbo Village between the Thredbo River and a golf course (to the north) and Eucalypt bushland and Alpine Way (to the south) (**Figure 1**). Cabin 56 is centrally located within the Riverside Cabins complex at the western end of the southern row of cabins. The Riverside Cabins are accessed via a carriageway to Diggings Terrace to the north-east.

The cabin, which contains one-bedroom and a loft with bathroom, kitchen and living/dining amenities, is accessed at lower ground level via a covered stairway shared with the adjoining Cabin 55 (**Figure 2**). The building was constructed as tourist accommodation in the mid-1990s in a style consistent with the surrounding Riverside Cabins. The structure is predominately of cedar clad construction with areas of khaki-coloured corrugated metal wall cladding and a grey corrugated metal roof. There is an existing store room on the lower ground level, and a braced cantilevered balcony extends along the north-western frontage of the cabin at ground level.

Thredbo Alpine Village is located within Kosciuszko National Park and provides tourist accommodation and facilities year-round for outdoor pursuits such as snow-based activities in winter and activities including hiking, fishing and mountain biking during the warmer months.



**Figure 2 |** Photograph of north-western façade of Cabin 56 (Source: Department site inspection 24/11/2021)

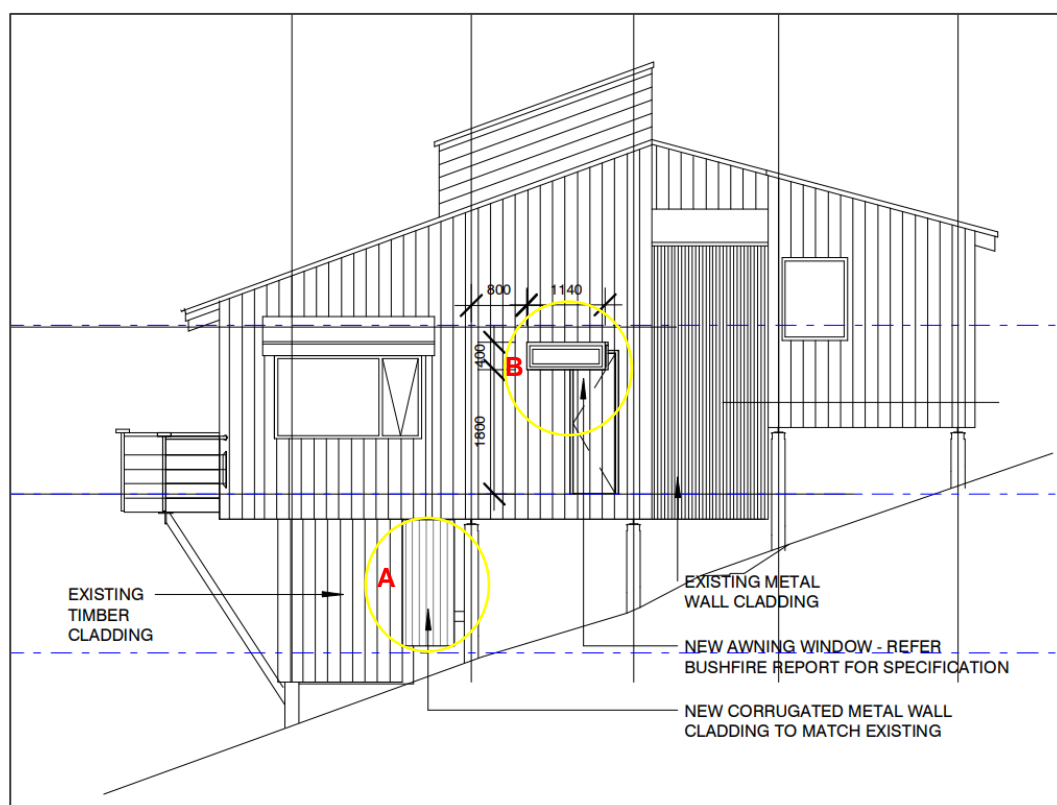


## 2 Project

The application seeks approval for works to Cabin 56 comprising:

- removal of an existing hot water unit (HWU) from the lower ground level storeroom and construction of an alcove to house a new HWU, washer dryer and basin. The alcove will be suspended from the underside of the existing floor framing and extend underneath the existing cabin, with the exterior to be finished with new corrugated metal wall cladding to match existing,
- new high awning window to the bathroom on the south-western ground-level elevation, framed to match the existing cabin windows, and
- refurbishment of the kitchen, living/dining, bathroom and bedroom, new railings to internal stairs and addition of subfloor insulation to ground level
- addition of a sliding door to the loft, new joinery to be installed in the low head-room zones and the installation of additional rails on the balcony between the loft and living room below. Use of the loft as a second bedroom area is also proposed with the installation of a single bed on either side of the dormer window in an 'L' configuration, providing sleeping accommodation for two (2) people in the loft space.

The external works propose finishes that are complementary to the existing building materials used in the cabin and those within the complex and will be subject to conditions to ensure compliance with current standards of construction (**Figure 3**).



**Figure 3 |** Southern elevation: laundry alcove (Item A) and bathroom window (Item B) (Source: Applicant's documentation with annotations)



The works are proposed to provide for the increased amenity of the occupants, to enable use of the loft space as a bedroom, and to enhance the energy efficiency of Cabin 56. The application also states that the proposed works will comprise construction materials that meet required bushfire risk attenuation outcomes, and, pending compliance with the recommendations of the Bushfire Hazard Assessment Report, are deemed to satisfy the relevant bushfire safety requirements for the safety of occupants.

All proposed works are entirely within the existing building footprint. The small laundry alcove addition is nested underneath the ground level subfloor area and set back 700mm from the exterior storeroom wall at lower ground level, recessed approximately 2.5 metres back from the exterior wall of the living/dining area overhead on the southern elevation. While augmenting the laundry space for the benefit of users, the small increment in the volume of the structure is minor in scale. It is well contained within the lower ground area under the cabin, with no concerns as to visual impact. Being suspended from the existing structure there are no ground works or anticipated impacts on the surrounding environment.

The cost of works for the proposal is stated as \$108,839.50.

### 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 to be consistent with the Regional Plan as it improves the amenity of the subject cabin for occupants, which enhances its utilisation, viability and maintenance as tourist accommodation, supporting ongoing use of the cabin and associated visitation of 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 maintaining visitor accommodation and amenity while maintaining the environmental, cultural and landscape attributes of Thredbo.

#### **Precincts - Regional SEPP**

The Alpine SEPP governs development on land within the ski resort areas of KNP. Chapter 4 of the SEPP aims to protect and enhance the natural environment, to protect cultural heritage within the resorts and to ensure that development in the resorts is managed in a way that is compatible with the principles of ecologically sustainable development. Under the provisions of section 4.15 of the SEPP, the 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 Park.

The Department considers the proposal is consistent with the Precincts - Regional SEPP as the proposal appropriately minimises the potential impacts on the environment by restricting works to the existing building footprint area. An Asset Protection Zone (APZ) plan has also been endorsed by the NPWS, which enables management of land to reduce bushfire construction standards and ensures compliance with the RFS requirements. The proposal comprises the enhancement of existing tourist accommodation 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 fifteen (15) public submissions that raise objections to the proposal
- the application is in relation to land to which the Precincts - Regional SEPP applies.

### 4.2 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, 'tourist accommodation' is permissible with consent within the 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 Bushfire Safety Authority (BFSA). 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:

- there would not be an unacceptable impact on the environment, with impacts upon native vegetation limited to implementation of the APZ plan endorsed by NPWS separate to the application
- works are aimed at improving the existing cabin, thereby supporting the orderly and economic use of the site without impacting on neighbouring properties



- 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 Department's 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 in the application, 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 does not pose a threat of serious or irreversible environmental damage and potential impacts have been identified, with mitigation measures and environmental safeguards recommended,
- the proposal is not expected to adversely impact upon the health, diversity, or productivity of the environment for future generations,
- the Department's assessment has noted that the proposal is contained to existing disturbed areas. No further vegetation management is required to meet the NSW RFS requirements,
- the proposal does not impact upon cultural heritage, including any known 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.

The information supporting the Application indicates that the proposal does not require the removal of any additional native vegetation, and that the site is not located within an area mapped on the BVM. The Applicant concludes that the proposal would not have a significant effect on threatened species, populations, ecological communities, or their habitats.

Comments received from the NPWS during the assessment of the application concur that the development, as proposed, is not likely to affect threatened species and does not trigger the BOS. NPWS confirmed the Service is satisfied the asset protection zone arrangements already in place will satisfy NSW Rural Fire

Service (RFS) requirements. It is noted that during the assessment of a separate application relevant to the Riverside Cabins complex (DA21/10629) the Riverside Cabins Association sought an Asset Protection Zone (APZ) plan for the site through NPWS. The NPWS endorsed an APZ plan for the broader site, and the Riverside Cabins Association has facilitated the required works on site.

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 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 that applies to the site for this development. An assessment against the requirements of the SEPP is provided in <b>Appendix B</b>.</p> <p>The Department is satisfied that the Application is consistent with the requirements of Chapter 4 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)(iia) 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, including 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	The Department has considered the likely impacts of the development. Adverse environmental impacts can be appropriately managed and mitigated through conditions of consent. Matters relating to the provision of the APZ are discussed above in <b>Section 4.4</b> . The proposal is considered to have positive economic and social impacts by enhancing resort accommodation facilities which will help support ongoing visitation of the Thredbo Alpine Resort.
(c) the suitability of the site for the development,	The site is both suitable and desirable for continued use of Cabin 56 for tourist accommodation as discussed in <b>Section 6</b> of this report.
(d) any submissions made in accordance with this Act or the regulations,	Consideration has been given to agency submissions received during the exhibition period. Refer to <b>Section 5</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. The development is compatible with adjoining land uses in the locality while maintaining the health and diversity of the natural environment, consistent with the principles of ESD.</p> <p>As such, the proposal is believed to be consistent with 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. Applications under the Precincts - Regional SEPP are required to be publicly exhibited if the proposal relates to works that are not wholly internal to a building or where the site is located within fifty (50) metres from a tourist accommodation building. The proposal includes external alterations to an existing tourist accommodation building within fifty (50) metres of other tourist accommodation buildings. As such, the Department exhibited the application from 27 October 2021 to 9 November 2021 on the NSW Planning Portal website and also notified nearby lodges of the proposal.

The application was forwarded to the NSW Rural Fire Service (RFS) for comment noting the development relates to development on bushfire prone land, and the Applicant required a Bush Fire Safety Authority under the *Rural Fires Act 1997*, pursuant to section 4.46 of the EP&A Act (integrated development).

The application was also referred to the NPWS pursuant to section 4.5 of the Precincts - Regional SEPP (under clause 17 of the former Alpine SEPP, as in force at the time of referral).

### 5.2 Summary of submissions

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

The RFS did not object to the proposal, and issued a BFSA under section 100B of the *Rural Fires Act 1997*, subject to conditions that included (but not limited to):

- the proposed development shall generally comply with the plans prepared by DJRD Architects, titled 'Alterations to Cabin 56 Diggins Terrace Thredbo Village' Project No. 20411, Issue C, dated 29/9/2021.
- the Asset Protection Zone (APZ) identified in the Bushfire Hazard Assessment Report submitted with the Application dated October 2021 shall be created and maintained prior to commencement of works and for the life of the development.
- new external construction (including the new window on the southern elevation and the alcove to house the replacement hot water unit) shall comply with Sections 3 and 9 (BAL FZ) of Australian Standard "AS3959-2009 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. Except for windows, flaming of the specimen is not permitted and there shall be no exposed timber.
- any proposed minor external alternations to the existing building identified as repair and replacement works shall:
  - Not comprise the making of, or an alteration to the size of, any opening in a wall or roof, such as a doorway, window or skylight;
  - Be adequately sealed or protected to prevent the entry of embers; and



- Use equivalent or improved fire-resistant materials that do not affect any existing fire resisting components of the building.
- The existing building (Cabin 56) shall be upgraded to improve ember protection where practical (if not already constructed to the relevant Bushfire Attack Level under Australian Standard AS3959).

The Department notes that the version of plans referred to in the BFSA is Issue C, dated 29 September 2021, whereas the Applicant has since updated plans to 29 September 2022 (issue revisions vary). The updated plans are generally consistent with the former plans in relation to external matters of relevance to the BFSA. The updated plans have been provided to the RFS for their records in accordance with section 55(3)(b) of the Regulation.

The NPWS did not object to the proposal and provided comments and recommended conditions on leasing and KNP Plan of Management, BC Act, protection of native vegetation and aboriginal cultural heritage. NPWS also concurred that the proposed works are not likely to affect threatened species and do not trigger the Biodiversity Offsets Scheme under the BC Act. NPWS endorsed an APZ Management Plan separately for the Riverside Cabins during the assessment of this application, and it was noted that recent tree clearing works had commenced adjoining the site prior to the Department's initial site inspection of 24 November 2021.

The Department has considered the comments received from the RFS and NPWS in **Section 6** or through recommended conditions in the instrument of consent at **Appendix C**.

## 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 relate to the built form and to protect the environment and public amenity during works, and to ensure compliance with design details and standards. These issues are discussed in the following sections of this report.

### 6.1 Built form and impacts of the works

The Applicant's intention is to upgrade the Cabin to provide higher quality accommodation and improve the energy efficiency of the Cabin through the installation of the new HWU and insulation of the subfloor. The proposed metal cladding to the exterior of the laundry alcove will match the existing wall cladding, and the bathroom window addition will be framed to match existing windows. The window does not enable the overlooking and loss of privacy for any adjoining Cabin or private space. The external works are small in scale and will not have an adverse impact on the built form and appearance of the Cabin when viewed from within Riverside Cabin complex or from the surrounding bushland in the locality.

In terms of the proposal's impact on the environment, an APZ has been established for the Riverside Cabins complex, as endorsed by the RFS and NPWS, which provides ongoing vegetation management for Cabin 56. No further vegetation removal is proposed as part of this development application.

The Department's assessment concludes that the proposed external works to the building are acceptable and ensures reasonable enhancement of Cabin 56 for the benefit of users together with improved bushfire protection of the Cabin. Subject to compliance with recommended conditions, the Department is of the view that the proposed works would not adversely impact the environment or diminish from the amenity of occupants in nearby buildings or within the public domain.

### 6.2 Design details and standards

The proposed new works, when constructed, are to comply with the Building Code of Australia (BCA) and relevant Australian Standards. Section 94 of the EP&A Regulation also 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 both the suitability of the rooms or spaces within Cabin 56 in relation to their proposed use together with whether any upgrades to the building are required as part of its 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, and all new work (or work as part of the DA) must comply with the BCA. However, prior to approving the works, the Department must first have regard to whether the information supplied with the DA indicates that any proposed change of use of existing rooms is likely to be generally consistent with the BCA and suitable for the intended function or purpose. Accordingly, it was noted that the Applicant has satisfactorily demonstrated the suitability of the loft area as a habitable space (bedroom) and conversion of the storage space on lower ground floor for the purpose of a laundry, as follows:

- The proposal includes enclosing the loft space with the addition of a sliding door for the purpose of creating a loft bedroom. The Department noted that some areas within the loft space were non-compliant with the BCA in relation to room height for use as a habitable use. The Applicant has provided additional information as to the proposed configuration of the loft space, and indicated the addition of cabinets and railings to make the space fit for the intended use as a bedroom for two (2) single beds.

It is noted that tourist accommodation units in the KNP may not exceed the number of people (or beds) permitted in accordance with their lease agreements as well as development consent from the Department. Cabin 56 was subject to the limit set out in Condition 2.1 of Building Approval No. 94/B.9 which specifies a maximum occupancy of two (2) beds, where a double bed is counted as two beds for these purposes. The Department has been advised that the Proprietors of Cabin 56 have obtained a license from the Head Lessee to host a maximum of four (4) beds at the property, where two (2) beds will continue to be provided in the bedroom, and the use of the loft space for sleeping quarters for two (2) will also be permissible. The Department will require the loft be configured in accordance with the approved plan so as to comply with the BCA considerations for use as a bedroom.

- The storage room which is intended to be extended by the inclusion of a laundry alcove is depicted on plans as being slightly deficient in satisfying the relevant BCA room height requirements. Measurement of the room height must be taken from the finished floor level to the underside of any fixed and/or moveable fitting. The Department has received supporting information from the Applicant and considers that compliance with the BCA is likely to be achievable. The provision of documentation comprising plans and/or a performance solution confirming compliance with Part F3 Room Height of Volume One of the BCA will be required to be provided to the Certifier prior to the issue of the construction certificate.

In relation to bushfire considerations relating to the property, the BCA requires construction to comply with the BFSa issued by the RFS (see **Section 5**). The BFSa is incorporated into the conditions of the consent and compliance must be verified at the construction and occupation certificate stages, as follows:

- The BFSa also requires the existing buildings be upgraded where practical 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 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.

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 ensure all rooms are fit for purpose to improve the amenity and safety of the building occupants.

## 7 Evaluation

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:

The Department considers the proposal is acceptable as:

- there will not be a significant impact on any threatened species, populations or ecological communities,
- the works provide added amenity, improved energy efficiency and ongoing accommodation viability for the benefit of tourists and the cabin owners without impacting adversely on adjoining properties or resulting in adverse environmental, social or economic impacts on the locality, and
- construction impacts on the surrounding environment will be minimised given the nature of the proposal and recommended conditions of consent requiring construction impacts to be minimised during construction as well as any disturbed areas to be rehabilitated following construction.

Overall, the Department is satisfied that the proposal is suitable for the site and compatible with 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 21/15634, subject to the recommended conditions
- **signs** the attached Development Consent (**Appendix C**).

**Recommended by:**



**Sandria Butler**

Planning Officer

Alpine Resorts Team

## 9 Determination

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

**Daniel James**

Team Leader

Alpine Resorts Team

as delegate of the Minister for Planning

## October 2022

# Appendices

## Appendix A – List of referenced documents

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows.

1. Statement of Environmental Effects
2. Submissions

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

## 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 Riverside Cabin No. 56 as tourist accommodation through improving occupant amenity and ongoing viability of the cabin for its intended use, without negative impacts on the amenity of adjoining users or 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 and is consistent with ecologically sustainable development principles. 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 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, with works confined to the existing building envelope (except for the implementation of the APZ plan endorsed by NPWS) and providing construction material storage within existing hardstand parking 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 adverse impacts upon built and cultural heritage, including Aboriginal cultural heritage. An



AHIMS search of 15 December 2021 indicated no known Aboriginal sites or places within fifty (50) metres of the site.

(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 <b>Appendix C</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 5</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 5</b> ), which included notifying the neighbouring lodges, and displaying the application on the NSW Planning Portal.

## 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 principal 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	The site is identified as bushfire prone land and a BFSA has been issued for the works, subject to

(including geotechnical hazards, bush fires and flooding),	conditions. No excavation works or significant changes to drainage or structural loads are proposed in relation to geotechnical risks. The land is not subject to flooding. Natural hazards have been considered and adequately addressed. The proposal is appropriate as it allows for improvements to the existing building while having an acceptable impact on the environment.
(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 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 Thredbo Alpine Resort.
(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,	<p>The proposal relates to works that are within the existing building envelope and does not comprise earthworks.</p> <p>The application is supported by an assessment by a structural engineer that the works will not result in the current load bearing capacity of the building being exceeded.</p> <p>The Department has formed the view that the works are not likely to increase existing loads at the site and no further assessment on geotechnical matters is considered necessary for the project.</p>
(g) any sedimentation and erosion control measures,	A Site Environmental Management Plan (SEMP) is provided within the Statement of Environmental Effects, which is to be implemented during the works. A condition is recommended to ensure the adoption of the SEMP provisions.
(h) any stormwater drainage works proposed,	The existing stormwater drainage system is adequate for the proposed works.

(i) any visual impact of the proposed development, particularly when viewed from the Main Range,	The proposal will not result in an unacceptable visual impact.
(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.
(m) if the development is proposed to be carried out on land in a riparian corridor.	Not applicable to 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	The works would not alter setback distances.
Landscaped Area	The proposal does not negatively impact existing native vegetation and therefore is appropriate.

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

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

#### **Section 4.24 – Heritage conservation**

European heritage	The proposal would not impact on any European heritage items.
Aboriginal heritage	An AHIMS search indicated no Aboriginal sites recorded or places declared in or near the subject

site. 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.

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## **Appendix C – Recommended Instrument of Consent**