



# Internal Alterations, Ridge Creek Apartment 1, 11 Crackenback Drive, Thredbo Village

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Development Application Assessment  
DA 22/5418

September 2022

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Title: Internal Alterations, Ridge Creek Apartment 1, 11 Crackenback Drive, Thredbo Village

Subtitle: Development Application Assessment, DA 22/5418

*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>DPE Water</b>	Department of Planning and Environment - Water
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</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>SEPP</b>	State Environmental Planning Policy

# Executive Summary

This report outlines the assessment of Development Application (DA 22/5418) lodged by Mr Graham Selig (the Applicant) seeking approval to undertake internal works to a tourist accommodation apartment to create a second bedroom and build a new loft room over a former void within the Ridge Creek Apartment Building, Apartment No. 1, 11 Crackenback Drive, Thredbo Village, Thredbo Alpine Resort within Kosciuszko National Park (KNP).

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 *State Environmental Planning Policy (Precincts - Regional) 2021* (Precincts – Regional SEPP).

Consistent with the Department's Community Participation Plan, the application was exhibited between 12 April 2022 and 26 April 2022. While the Precincts – Regional SEPP does not require public exhibition of proposals where works are wholly internal to a building, the Department elected to make the application publicly available on the NSW Planning Portal for the benefit of any interested parties.

The application was referred to the National Parks and Wildlife Service (NPWS) pursuant to section 4.15 of the Precincts - Regional SEPP.

The Department received comments from the NPWS. No submissions from the public were received during the assessment of the application.

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 community,
- the works improve the amenity of the accommodation for the benefit of tourists and the apartment owners without resulting in adverse environmental, social or economic impacts on the locality, and
- impacts on the surrounding environment and Park users will be minimised given the proposal relates to internal works and recommended conditions of consent require effective site management to control impacts during 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.

# Contents

<b>1</b>	<b>Introduction .....</b>	<b>1</b>
1.1	The Department's Assessment .....	1
1.2	Site Location and Context .....	2
<b>2</b>	<b>Project.....</b>	<b>4</b>
<b>3</b>	<b>Strategic context.....</b>	<b>6</b>
<b>4</b>	<b>Statutory Context.....</b>	<b>8</b>
4.1	Consent Authority.....	8
4.2	Permissibility .....	8
4.3	Other Approvals .....	8
4.4	Mandatory Matters for Consideration.....	8
<b>5</b>	<b>Engagement.....</b>	<b>12</b>
5.1	Department's Engagement .....	12
5.2	Summary of Submissions .....	12
<b>6</b>	<b>Assessment .....</b>	<b>13</b>
6.1	Temporary Construction Impacts .....	13
6.2	Design Details and Standards.....	13
<b>7</b>	<b>Evaluation.....</b>	<b>15</b>
<b>8</b>	<b>Recommendation.....</b>	<b>16</b>
<b>9</b>	<b>Determination.....</b>	<b>17</b>
	<b>Appendices .....</b>	<b>18</b>
	Appendix A – List of referenced documents .....	18
	Appendix B – Statutory Considerations .....	19
	Appendix C – Recommended Instrument of Consent .....	24



# 1 Introduction

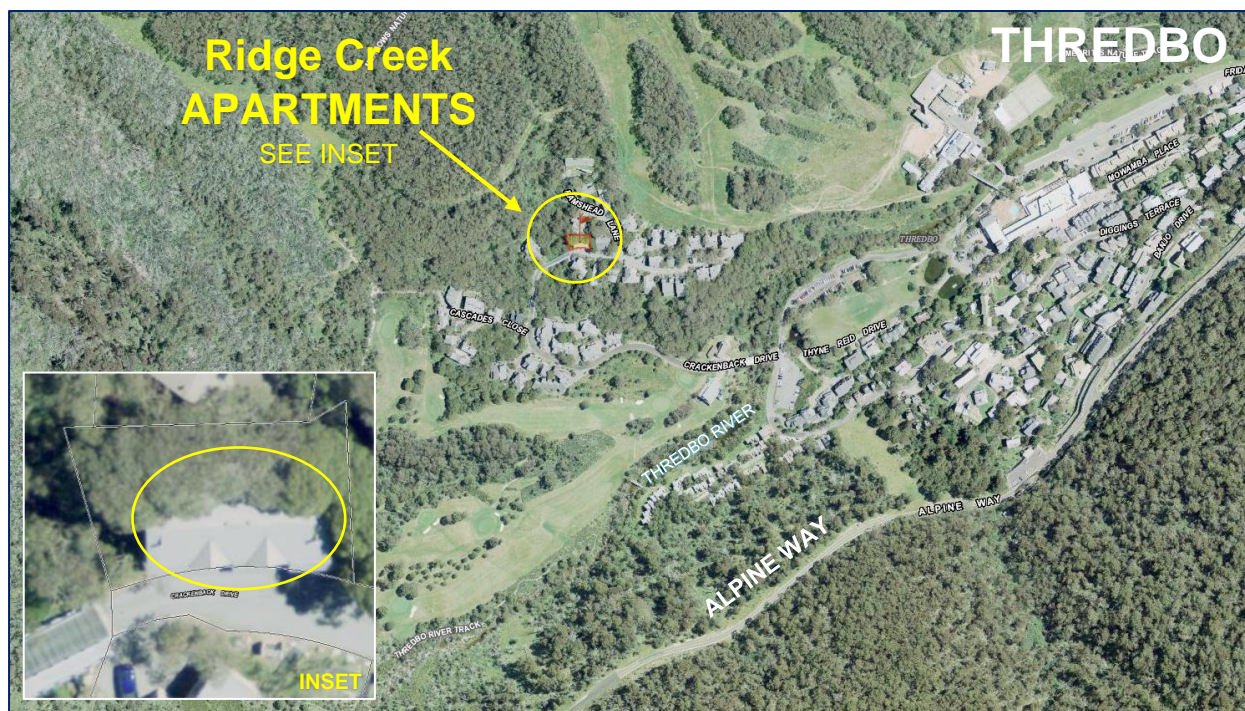
## 1.1 The Department's Assessment

This report contains the Department's assessment of Development Application DA 22/5418 lodged by Mr Graham Selig (the Applicant) seeking approval for works to Apartment 1 within the Ridge Creek Apartment building (known as Ridge Creek 1), located at 11 Crackenback Drive, Thredbo Village, Thredbo Alpine Resort within Kosciuszko National Park (KNP) (Lot 520 DP 1118419) (**Figure 1**).

The Applicant is seeking approval to enclose the current loft area located on Level 2 of the apartment in order to create a second bedroom. It is also proposed to undertake infill works over the double-height open dining area on Level 1 by extending the Level 2 floor over the current void to create a new loft room on Level 2. Minor modifications to Bedroom 1 relating to the removal of a section of wall and relocation of built-in wardrobes is required to access to the new loft room.

The Department's assessment has considered all documentation submitted by the Applicant, including the Statement of Environmental Effects (SEE) and accompanying 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.

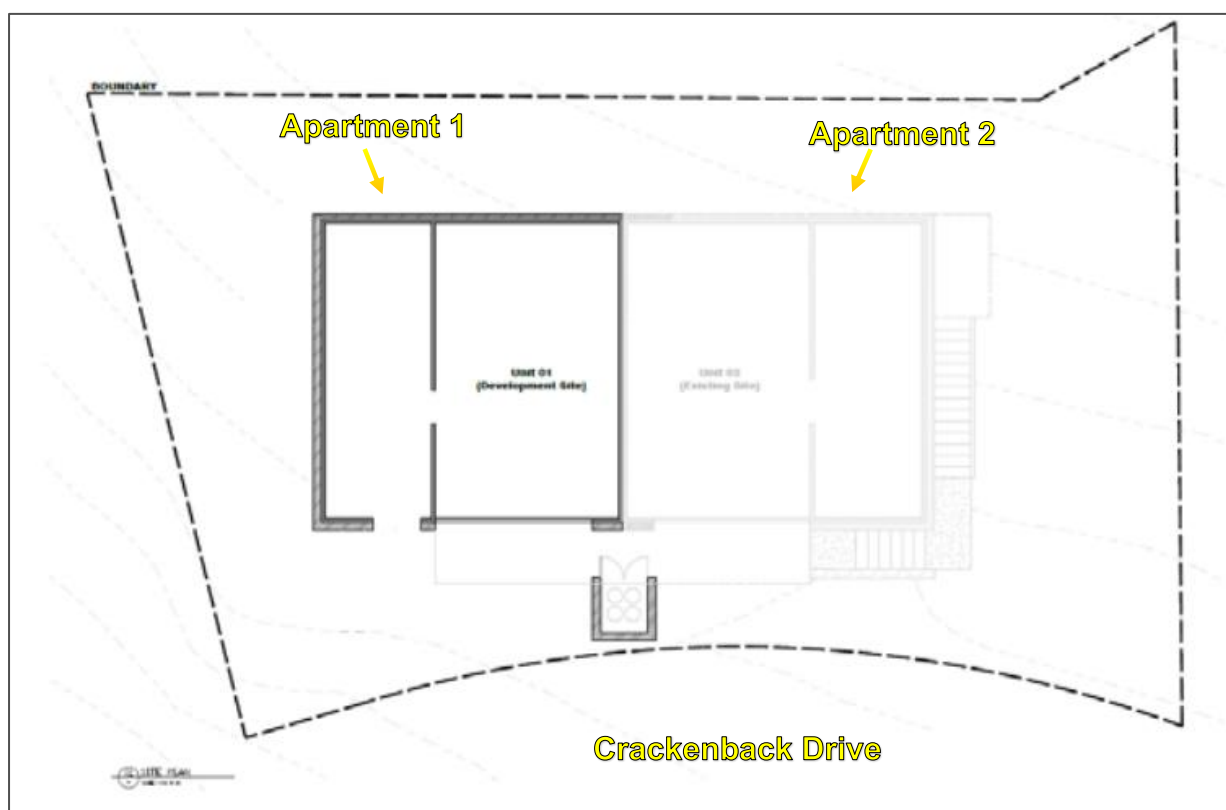


**Figure 1** | Location of the Ridge Creek Apartments within Thredbo Village (Source: SIX Maps 2022)

## 1.2 Site Location and Context

Thredbo Alpine Village is located within KNP 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 bike riding during the summer months.

Ridge Creek is a free-standing, three-storey tourist accommodation building approved in 1996 via NPWS approval 96/D3. It is situated on an irregular shaped allotment of approximately 410.7 square metres located on the northern side of Crackenback Drive within Thredbo Village (**Figure 2**).



**Figure 2 |** Ridge Creek Apartments (Source: Applicant's documentation, with yellow annotations added)

The property contains two (2) self-contained accommodation apartments, situated side-by-side and separated by a single common wall. Each apartment has a separate entry foyer located on the ground level together with carparking and a storage area. Internal stairs from the entry foyer lead to an open kitchen/ dining/ lounge area on Level 1. There is also a laundry and storage area and separate stairs to Level 2. The third storey, Level 2, comprises a bedroom with an ensuite, a separate bathroom and a loft room. This application relates to Apartment 1 only, where the existing loft overlooks the open-plan living and dining area on Level 1 below through an open wall section adjoining the external windows on the western side of the apartment (**Figure 3**).

Vehicular access to the building is via a driveway from Crackenback Drive to the undercover carpark area, with a stone-clad garbage bin storage area located between the garage entry doors on the southern side of the building. Each apartment has a covered balcony that is accessed from the loungeroom area on Level 1 and extends over the garage entry, with a deck overlooking Crackenback Drive.





**Figure 3** | Views of wall opening from loft to void over dining area (Source: from Applicant's documentation)

The walls of the Ground Floor level and Level 1 of the building are predominantly of stone clad construction on the southern (street facing) elevation and the stone finish is extended on the eastern and western (side) facades, with concrete block construction and a bagged finish to the northern elevation (rear). Level 2 of the building is finished with timber plywood cladding and there is a pitched corrugated metal roof (**Figure 4**).



**Figure 4** | Ridge Creek Apartments - existing southern elevation (Source: Applicant's documentation)



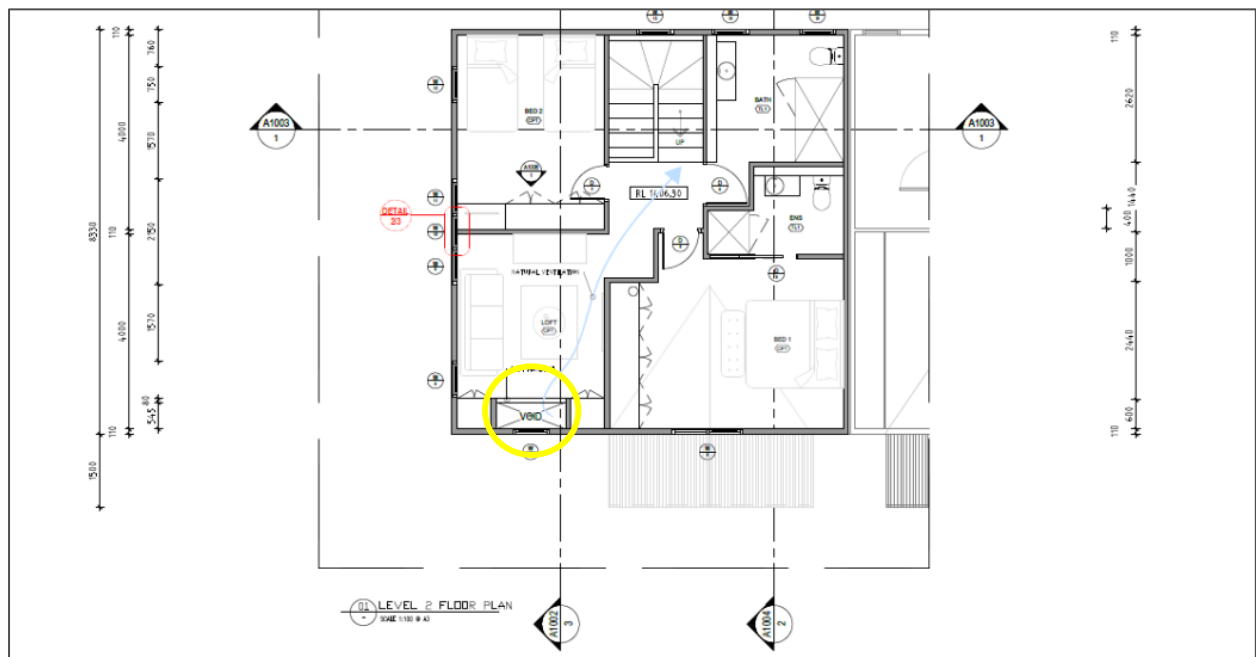
## 2 Project

The application seeks approval for works to Apartment 1 within the Ridge Creek tourist accommodation building comprising the following works:

- modification to the entry area in Bedroom 1 and relocate wardrobes
- enclose the existing loft to create a second bedroom (Bedroom 2)
- build over the void area on Level 1 to create a floor level with the rooms on Level 2 to create a new loft area for a lounge, TV and desk.

The cost of works for the proposal is stated as \$32,900.

A small 'void' area is proposed to be retained under the fixed window on the southern wall of the new loft room on Level 2. No door is proposed (or would be permitted) to enclose the loft to ensure sufficient air circulation is maintained within the room (**Figure 5**).

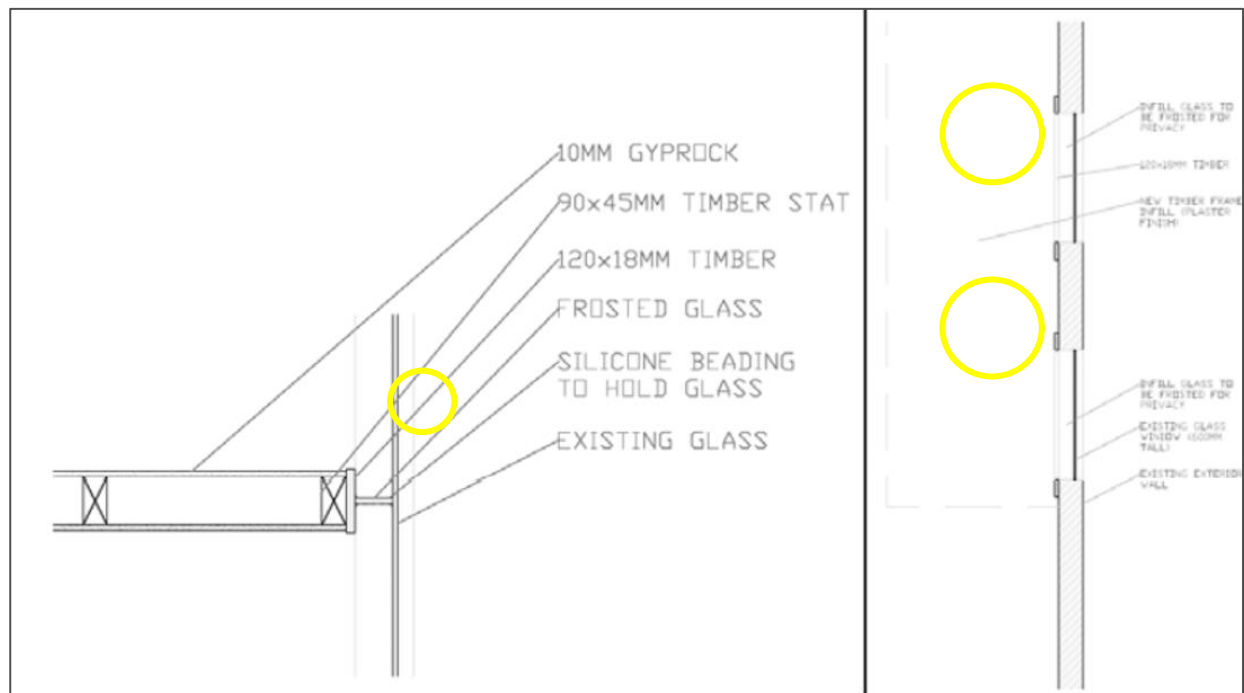


**Figure 5 |** Proposed floor plan of Level 2, with void area highlighted (Source: Applicant's documentation with yellow annotations added)

The wall to be constructed to enclose the current opening between Bedroom 2 and the proposed loft (refer to **Figure 3**) will include a frosted glass panel to be affixed perpendicular to each of the two windows on the western wall of the building (**Figure 6**). The frosted glass panels are included to ensure privacy between the two rooms. No external windows will be filled or otherwise altered as part of the proposed works.

The Statement of Environmental Effects (SEE) that accompanies the application states that the proposal is intended to upgrade the tourist apartment and be a positive influence on both the existing building as well as provide higher quality accommodation in Thredbo.

No external alterations, vegetation removal or ground works are proposed as part of the project. Impacts will be managed so as not to cause adverse impacts to the surrounding environment.



**Figure 6 |** Frosted glass in Level 2, with void area highlighted (Source: Applicant's documentation with yellow annotations added)

### 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 intends to improve the amenity of the subject apartment for visitors and thereby contribute to higher quality accommodation in Thredbo, which enhances its utilisation, viability and maintenance as tourist accommodation, supporting ongoing use of the accommodation 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 Precincts – Regional 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 Precincts – Regional SEPP, the NPWS has 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 Chapter 4 of the Precincts - Regional SEPP as the proposal would not have an adverse impact on the environment or detract from the character of the building, and it will improve the accommodation for the benefit of users. It appropriately minimises the potential impacts on the environment, and will be subject to conditions of consent to ensure construction waste is by appropriately managed during the construction phase of the project. 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, and
- the application is in relation to land to which the Precincts - Regional SEPP applies.

### 4.2 Permissibility

The proposal includes internal 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

It is noted that while the Ridge Creek accommodation building is located on bushfire prone land and is within forty (40) metres of a watercourse, the works are limited to internal alterations. As such, there are no integrated development approval requirements to obtain either a Bush Fire Safety Authority from the NSW Rural Fire Service under the *Rural Fires Act 1997* or a Controlled Activity Approval from DPE Water in accordance with the *Water Management Act 2000*.

As mentioned in **Section 3** of this report, the NPWS has a commenting role as the land manager under the provisions of section 4.15 of the Precincts – Regional SEPP. The Applicant will be required to ensure that they have the approval of the NPWS in relation to bed numbers within the accommodation (maximum number of visitors), as will be required via a condition of consent.

### 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,
- works are aimed at improving the existing apartment, thereby supporting the orderly and economic use of the site without impacting on neighbouring properties
- the works are capable of achieving compliance with relevant construction standards
- the Department provided opportunities for community participation in the assessment process, which included exhibiting the application by displaying the proposal on the NSW Planning Portal website.

### **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 internal works only. No earthworks or removal of vegetation is proposed, and the proposal will 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 native vegetation. The Applicant concludes that works are internal to the building and the proposal would not have a significant effect on threatened species, populations, ecological communities, or their habitats.

The Department notes that the development site is not within an area mapped on the BVM. Comments received from the NPWS during the assessment of the application raise no concern in relation to the development. NPWS indicate they do not consider the works, as proposed, will affect threatened species



and does not trigger the BOS. The works are not considered likely to impact on the natural systems or diminish the biodiversity values of the locality. Accordingly, the proposal is unlikely to have an adverse effect on threatened species or ecological communities, or their habitats. The Department also 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 type of 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 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)(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 3 and Part 4) and fees (Part 13 and Schedule 4).</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. Adverse environmental impacts can be appropriately managed and mitigated through conditions of consent. The proposal is considered to have positive economic and social impacts by enhancing resort accommodation which will help support ongoing visitation of the Thredbo Alpine Resort.</p>
(c) the suitability of the site for the development,	<p>The site is both suitable and desirable for continued use of Ridge Creek 1 for tourist accommodation as discussed in <b>Section 6</b> of this report.</p>
(d) any submissions made in accordance with this Act or the regulations,	<p>Consideration has been given to comments received from the NPWS during the exhibition period. Refer to <b>Section 5</b> of this report.</p>
(e) the public interest.	<p>The works are consistent with the aim and objectives of section 4.1 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 (CPP), 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. While no public exhibition is required in accordance with the CPP for proposals that relate to works which are wholly internal to a building, the Department elected to exhibit the application from 12 April 2022 and 26 April 2022 on the NSW Planning Portal website to provide any interested parties with an opportunity to consider the proposal.

Pursuant to section 4.15 of the Precincts - Regional SEPP the application was also referred to the NPWS for land within an alpine resort within KNP.

### 5.2 Summary of Submissions

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

The NPWS did not object to the proposal subject to conditions being placed on the works relating to the following matters:

- NPWS Visitor Engagement & Revenue Branch (VERB) has advised that the works proposed in the DA are permissible under the headlease held by Kosciuszko Thredbo Pty Limited (KT) for the Thredbo Alpine Resort. However, KT must liaise with NPWS VERB ([npws.property@environment.nsw.gov.au](mailto:npws.property@environment.nsw.gov.au)) to seek lessor's consent under the headlease for the proposed works and amendment of the relevant sublease to permit additional accommodation. Subject to the NPWS comments in relating to permitting additional accommodation, Parks consider that the proposed works are consistent with the KNP PoM.
- In order to assist in minimising any impacts of the proposed development on the environmental values of Kosciuszko National Park, NPWS recommends that the following measures be implemented during completion of the works:
  - (i) All vehicles must be parked in existing driveways or carparks.
  - (ii) (All stockpile sites, including materials storage areas, parking and waste management receptors (e.g. skip bins) must be placed so as not to impact on native vegetation and stockpile sites contained within the subject site title boundaries.
  - (iii) All waste management receptors must be covered daily, or be emptied or removed from site each day, to ensure that waste cannot blow away or be disturbed by scavenging fauna.
- The works are not considered to affect threatened species or trigger the Biodiversity Offsets Scheme under the BC Act. NPWS based the referral response on their understanding that the no vegetation clearance would be required for the asset protection zone or other purposes given that the works are internal to an existing building.

The Department has considered the comments received from the 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 issue in the Department's assessment is to ensure the temporary construction impacts of the development are managed 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 Temporary Construction Impacts

#### Environmental impacts

The Department has carefully considered the potential environmental impacts associated with the proposal given the location of the site in the Thredbo Village and within KNP. Conditions will be placed on the works to ensure the location and management of stockpiled material, vehicle and machinery parking, hygiene and management of waste is appropriate to protect the environment. Mitigation and management measures will form conditions of consent.

#### Public amenity

Noise will be generated during the construction phase of the project which may cause disturbance to Thredbo visitors in accommodation within the adjoining Ridge Creek apartment building and to those in accommodation surrounding the development site. The Department will require the implementation of construction hours to limit all work in connection with the proposal to being undertaken between 7.00am and 6.00pm on Monday to Friday inclusive, and 7:00am to 1.00pm on Saturdays, with no work allowed on Sunday or gazetted NSW public holidays.

Appropriate management and mitigation measures will be implemented before, during and after construction in accordance with the SEMP and supported by conditions of consent. The Department is therefore satisfied that the measures are in place to ensure the alpine environment will not be significantly impacted or diminished by the development and works can be undertaken and managed to avoid significant loss of amenity to Park users.

### 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 64 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 the proposal and determined that BCA upgrade works will be required, including a handrail alongside the flight of stairs leading from the ground floor entry to the kitchen and the installation of window restrictors to be installed to Bedroom 2 prior to determination of an occupation certificate. Use of the loft room as a bedroom will not be permitted.

The Department has also had regard to the classification of the building in relation to the necessary design details and standards. It is noted that the building comprises two separate accommodation units with a combined floor area exceeding 300 square metres. Given the described and permitted use as a tourist facility and there are less than four 'dwellings' on site, the most appropriate classification of the Ridge Creek

building is Class 3. All new building work is required to be designed and constructed to achieve compliance with the Class 3 provisions. An upgrade to the existing smoke detection system will also be required for the Class 3 building, with design and specifications to be provided to the Certifier and endorsed at Construction Certificate stage. Accessibility requirements and upgrades in accordance with the Access to Premises – Buildings standards are also to be considered by the Certifier determining the Construction Certificate.

Given that the works are internal to the building, the proposal will not have an adverse impact on the built form and appearance of the apartment or Ridge Creek building when viewed from surrounding vantage points.

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 compliance with relevant standards for 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 community,
- the works improve the amenity of the accommodation for the benefit of tourists and the apartment owners without resulting in adverse environmental, social or economic impacts on the locality, and
- impacts on the surrounding environment and Park users will be minimised given the proposal relates to internal works and recommended conditions of consent require effective site management to control impacts during 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 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 22/5418 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

5 September 2022



# Appendices

## Appendix A – List of referenced documents

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

1. Statement of Environmental Effects
2. Submissions

<https://pp.planningportal.nsw.gov.au/exhibitions-publications/exhibitions>

## 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 Ridge Creek 1 as tourist accommodation through improving occupant amenity and ongoing viability of the apartment 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 will be applied as conditions of consent.
(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', 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,	The impacts upon the environment are limited with works confined to the interior of the existing building. Conditions of consent ensure the impact of the develop with be minor and contained, with no anticipated impact on threatened species.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The proposed development relates to works wholly within an existing building which are not likely to result in adverse impacts upon the built or cultural

heritage of the area, including Aboriginal cultural heritage.

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|---|--|
| (g) to promote good design and amenity of the built environment,  | The Department considers that the proposal will enhance the amenity of occupants without detracting from the built form given that the works are internal to the building.                                       |
| (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 referred the application to the NPWS and considered their response ( <b>Section 5</b> ).  |
| (j) to provide increased opportunity for community participation in environmental planning and assessment.  | The Department publicly exhibited the proposal ( <b>Section 5</b> ) by 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

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|--|--|
| (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 land is not identified as being subject to flooding. The site is identified as bushfire prone  |

(including geotechnical hazards, bush fires and flooding),

land and relates to a Special Fire Protection Purpose, however works that are entirely internal to a building are exempt from requiring a Bush Fire Safety Authority. The application was exempt from requiring a geotechnical report in accordance with Section 3.1(a)(i) of the Geotechnical Policy. A structural engineer has provided an assessment that confirms the load bearing capacity of the existing foundations for the proposed construction is suitable and the proposed works present no geotechnical impact on the site or related land.

Accordingly, natural hazards have been considered and adequately addressed.

(c) the cumulative impacts of development on existing transport, effluent management systems, waste disposal facilities or transfer facilities, and existing water supply,

The increase in bed numbers proposed by creating an additional bedroom with two additional beds is subject to approval by the NPWS in accordance with their comments. Such approval ensures capacity within the network is sufficient to ensure there will not be an adverse cumulative impact from the development in relation to cumulative pressures on the services available the development and locality.

(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 does not adversely alter the character of the resort.

(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,

As mentioned above, a geotechnical risk assessment was carried out by a structural engineer who has considered the loadbearing capacity of the building and determined that the proposed works present no geotechnical impact on the site or related land. No further assessment on geotechnical matters is considered necessary for the proposal.

(g) any sedimentation and erosion control measures,

The Site Environmental Management Plan (SEMP) provided within the Statement of Environmental Effects is to be implemented during the works.

	Conditions will also require the adoption of measures prescribed by NPWS to ensure appropriate management of stockpiled materials during works and utilising only existing hardstand parking areas to reduce impacts on the environment and related erosion and sedimentation impacts.
(h) any stormwater drainage works proposed,	No stormwater drainage works are 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 on the building.
(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.	The site is within forty (40) metres of a watercourse, however the construction activities associated with the development will be managed so as not to cause an adverse impact on land in 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	The works would not alter setback distances.



Landscaped Area

The proposal does not negatively impact existing native vegetation.

#### **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 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

Ground disturbance is not proposed as part of the development, and no adverse impact on any Aboriginal place or item is considered likely.

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