

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

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| Application type | Development Application |
| Application number and project name | DA 22/11154 - Internal alterations and change of use (storeroom and bedroom) within an existing tourist accommodation building in Unit 5 Sequoia Apartments, 15 Diggings Terrace, Thredbo Village, Thredbo Alpine Resort within Kosciuszko National Park (KNP) |
| Applicant | Glenn Cunningham of H&E Architects (on behalf of the Sub-Lessee) |
| Consent Authority | Minister for Planning |

Decision

The Team Leader of the Alpine Resorts Team under delegation from the Minister for Planning has, under s.4.16 of the *Environmental Planning and Assessment Act 1979* (**the Act**) granted consent to the development application subject to the recommended conditions.

A copy of the development consent and conditions is available:

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

A copy of the Department of Planning and Environment's Assessment Report is available:

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

Date of decision

27 April 2023

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.55(1A) and 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2021*;
- the objects of the Act;
- all information submitted with the development application and during the assessment and information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

The key reasons for granting consent to the development application are as follows:

- the project is permissible with development consent under the State Environmental Planning Policy (Precincts - Regional) 2021 and is consistent with NSW Government policies including the *South East and Tableland Regional Plan 2036* aim to increase visitation to the NSW ski resorts.
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards. The consent authority has imposed conditions relating to construction standards, environmental considerations and post construction certification;
- the issue raised by the community member during exhibition of the proposal has been considered and conditions are in place to prevent loss of reasonable acoustic amenity in relation to the development; and
- weighing all relevant considerations, the project is in the public interest.

- **Attachment 1 – Consideration of Community Views**

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

Due to the works including a minor external component and the works being located within fifty (50) metres of other tourist accommodation buildings, the Department exhibited the application between 31 August 2022 and 13 September 2022 on the NSW Planning Portal website and notified other Sequoia lodge owners of the proposal. Pursuant to section 4.27 of the Precincts - Regional SEPP the application was also referred to the NPWS for land within an alpine resort within KNP.

The Department received comments from the NPWS and one (1) public submission was received in relation to the proposal.

The matters raised by the National Parks and Wildlife Service are addressed in detail in the Department's Assessment Report.

The public submission raised one (1) key issue which related to noise generated by the new tiling floor finishes throughout Apartment 5. The Submitter raised concerns about the adequacy of the acoustic treatment of the floor and noise and vibration transference. They requested the Department ensure the floor flooring system is compliant with the relevant codes and standards and that, if necessary, an acoustic consultant examine the construction of the flooring and carry out an acoustic report.

The Department has required that acoustic testing be carried out to determine the acoustic properties of the Sequoia 5 floor system in accordance with the relevant sections of the BCA, and that compliance of the acoustic properties of the tile floor system be verified. If the verification cannot be provided, then the Department has required the tiles to be removed to enable a compliant acoustic treatment to be provided. Alternatively, provided that written agreement from the Sequoia Owners Association is obtained, retention of the tiles may be permitted if a fixed acoustic treatment is applied to remedy any non-compliance.

The Department has addressed the issue raised in the submission through conditioning the development to ensure that the acoustic issue is properly reviewed and remedied to prevent loss of reasonable acoustic amenity for all occupants of the tourist accommodation building.

The Department is satisfied that the proposed works will be acceptable.