



Internal Alterations, Akuna 3, Thredbo Village

Development Application Assessment
DA 22/13999

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

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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 & Wildlife Service
Planning Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy

Contents

1	Introduction	1
2	Matters for Consideration	3
	2.1 Strategic Context.....	3
	2.2 Permissibility	3
	2.3 Mandatory Matters for Consideration.....	3
3	Submissions	10
4	Assessment	11
	4.1 Design details and standards.....	11
	4.2 Works within the loft area.....	12
	4.3 Managing construction impacts.....	13
5	Recommendation.....	14
	Appendices	15
	Appendix A – Recommended Instrument of Consent	15

1 Introduction

The application seeks approval to undertake internal alterations to the existing tourist accommodation building on the site (**Figure 1**) comprising the replacement of the existing bathrooms, fireplace (while retaining the existing flue), kitchen and laundry / ski storage areas, and works to the loft level to enable use of the loft area as a bedroom catering for two additional beds on the site.

The proposal also includes the removal of floor tiles at the entry and reinstatement of heated flooring, carpet removal and replacement with floating timber flooring, painting throughout and installation of cabinetry.



Figure 1 | Location of site (highlighted) in context of other surrounding lodges (Source: SIX Maps 2022)

The site is located in Thredbo Alpine Resort, which is in the southern part of KNP. The proposal is located at No. 3 Akuna Chalets, Friday Drive, Lot 551 DP 1118421, Thredbo Village. The site is 626 square metres and contains a three-storey (two levels plus a loft level) building (**Figure 3**) comprising rock, timber / metal cladding built in 2005 with a licence for two beds (the Akuna Chalets have a licence for 10 beds).

The site is primarily accessed from Friday Drive, running to the north-west of the subject site, and the adjoining laneway that provides parking for Akuna Chalets.

The building comprises a lower area that includes an entry area, a ski storage room, laundry area, a bedroom with ensuite, and internal stairs to gain access to the level above. Level 1 contains the dining / living room and the kitchen, with a separate bathroom. Internal stairs are provided to the current loft area that provides additional floor area and storage space.

Nearby buildings to the site include other tourist accommodation buildings, such as the “River Inn” to the north across Friday Drive, “Pilot Chalets” to the south west, “Angala Chalets” to the north east, and “Powder” and “Gunyang Ski Club” to the south east.



Figure 2 | Existing lodge viewed from Friday Drive (Source: Applicant’s documentation)

The Applicant comments that the proposed internal alterations will generally improve the use and functionality of the unit. The gas fire will reduce air born pollutants and the improved bathroom 3 facilities should increase the guest experience.

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

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

2 Matters for Consideration

2.1 Strategic Context

South East and Tableland Regional Plan 2036

The proposal is consistent with the Regional Plan as it as it would maintain the existing use of the site for tourist accommodation and improves the condition of the tourist accommodation building for its guests and visitors, which maintains visitation to the NSW ski resorts.

Snowy Mountains Special Activation Precinct Master Plan

The proposal is consistent with the Master Plan as it relates to maintaining visitor accommodation, while improving the internal amenity without impacting the environmental, cultural and landscape attributes of Thredbo.

Precincts - Regional SEPP

The proposal is consistent with Chapter 4 of the Precincts - Regional SEPP as the proposal would not have an adverse impact on the environment, would not alter the character of the building and would improve the apartment for the benefit of users.

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

2.3 Mandatory Matters for Consideration

Objects of the EP&A Act

Table 1 | Objects of the EP&A Act

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	<p>The proposal supports the ongoing use of the tourist accommodation building through improving occupant amenity and ongoing viability of Akuna 3, without negative impacts on the amenity of adjoining users or the environment.</p> <p>Given the nature of the works being internal work, construction impacts are minimised upon the existing environment.</p>

(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal would not have an unacceptable impact on the environment and is consistent with the ecologically sustainable development principles.
(c) to promote the orderly and economic use and development of land,	The Applicant 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 is not anticipated to result in any impacts upon built or cultural heritage, including Aboriginal cultural heritage.
(g) to promote good design and amenity of the built environment,	The Department considers that the proposal would not adversely impact its existing setting or built form and would not impact upon the natural environment being internal works only.
(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 Appendix A).
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department consulted with National Parks and Wildlife Service (NPWS) and considered there comments during the assessment of the application.

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| (j) to provide increased opportunity for community participation in environmental planning and assessment. | The Department publicly exhibited the proposal (Section 3) by displaying the application on the NSW Planning Portal and referring the Application to adjoining Akuna Chalets properties. |
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Considerations under section 4.15 of the EP&A Act

Table 2 | Section 4.15(1) Matters for Consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument (EPI)	<p>The Precincts - Regional SEPP is the principal EPI which applies to the site for this type of development. An assessment against the requirements of Chapter 4 of the Precincts - Regional SEPP is provided below.</p> <p>The Department is satisfied that the Application is consistent with the requirements of Chapter 4 of the Precincts - Regional SEPP.</p>
(a)(ii) any proposed instrument	Not applicable to the proposal.
(a)(iii) any development control plan	Not applicable to the proposal.
(a)(iiia) any planning agreement	Not applicable to the proposal.
(a)(iv) the regulations	<p>The application satisfactorily meets the relevant requirements of the EP&A Regulation, particularly the procedures relating to development applications (Part 3 and Part 4) and fees (Part 13 and Schedule 4 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 the proposal.
(b) the likely impacts of that development	The Department has considered the likely impacts of the development, with no environmental impacts likely to occur as a result of the proposal being for internal works only. The proposal is considered to have positive economic and social impacts.

(c) the suitability of the site for the development,	The site is suitable for the development.
(d) any submissions made in accordance with this Act or the regulations,	Consideration has been given to agency discussions during the assessment of the application. See Section 3 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 of the locality and would not have an adverse impact on the environment. The proposal is consistent with the principles of ESD.</p> <p>As such, the proposal is believed to be in the public interest.</p>

Environmental Planning Instruments

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 (in effect at the time of lodgement, as since amended) is provided below:

Table 3 | Chapter 4 considerations

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 (including geotechnical hazards, bush fires and flooding),	<p>The land is not identified as being subject to flooding. The site is identified as bushfire prone land and relates to a Special Fire Protection Purpose, however works are entirely internal to a building are exempt from requiring a Bush Fire Safety Authority.</p> <p>Accordingly, natural hazards have been considered and adequately addressed.</p>
(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 within the loft area 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 supporting information supplied are considered adequate to enable a proper assessment of the works.
(e) the character of the alpine resort,	The proposal would not adversely alter the character of the resort.
(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,	<p>The site is located outside of the G zone identified on the Department's Geotechnical Policy – Kosciuszko Alpine Resorts Thredbo Map.</p> <p>The Applicant comments that the Geotechnical Policy is not applicable to the proposed works.</p> <p>The Department has reviewed the proposed works and considers that the amendments to the existing building would not impact upon the existing load bearing capacity of the building.</p> <p>The Department raises no concerns with the proposal.</p>
(g) any sedimentation and erosion control measures,	<p>The Site Environmental Management Plan (SEMP) provided within the Statement of Environmental Effects is to be implemented during the works.</p> <p>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.</p>
(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 would not have any impact on views as it is internal only.

(j) any significant increase in activities, outside of the ski season,	The proposal does not result in an increase in activities outside the ski season.
(k) if the development involves the installation of ski lifting facilities,	The proposal does not involve the installation of any new ski lifting facilities.
(l) if the development is proposed to be carried out in Perisher Range Alpine Resort: the document entitled Perisher Range Resorts Master Plan (PRRMP) and the document entitled Perisher Blue Ski Slope Master Plan,	Not applicable to proposal, with the site being located in Thredbo Alpine Resort.
(m) if the development is proposed to be carried out on land in a riparian corridor.	Not applicable to this proposal.

Section 4.13 – Additional matters to be considered for buildings

Building Height	The proposed works that 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 as works are internal only.

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

The proposal was referred to the NPWS pursuant to section 4.15 of the Precincts - Regional SEPP. Refer to comments received at **Section 5** and as required, discussions on the proposal at **Section 3**.

Section 4.24 – Heritage conservation

European heritage	The proposal would not impact on any European heritage items.
Aboriginal heritage	Aboriginal heritage would not be impacted as the proposed works occur within the building only.

Ecologically Sustainable Development (ESD)

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. ESD initiatives and sustainability have been adequately considered by the Applicant and mitigation measures are proposed to be incorporated into the design.

The proposal is consistent with ESD principles and the Department is satisfied the proposed change of use to a bedroom and associated minor works have been developed having regard to 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.

No vegetation impacts are expected given the nature of the change of use and associated minor works being internal only. The site is also located outside of an area mapped on the BVM. Noting the scope of the works, the proposal would not have an effect on threatened species or ecological communities, or their habitats.

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

3 Submissions

The Department's Community Participation Plan, November 2019, prepared in accordance with Schedule 1 of the EP&A Act generally requires applications to be exhibited for a period of fourteen (14) days. However, applications under Chapter 4 of the Precincts - Regional SEPP are not required to be public exhibited if the proposal relates to works which are wholly internal to a building or where the site is located more than fifty (50) metres away from a tourist accommodation building.

While no public exhibition is required in accordance with the CPP for proposals that relate to works which are wholly internal to a building as noted above, the Department elected to exhibit the application from 11 November 2022 and 25 November 2022 on the NSW Planning Portal website to provide any interested parties with an opportunity to consider the proposal. The application was also referred to the adjoining Akuna Chalets apartments, No. 1 and 2.

The application was also referred to the NPWS pursuant to section 4.15 of Chapter 4 of the Precincts – Regional SEPP. The NPWS did not object to the proposal and recommended conditions to address the protection of native vegetation, fauna and fauna habitats, and plumbing and drainage. Other comments noted the following:

- NPWS Visitor Engagement & Revenue Branch (VERB) has advised that the proposed works are permissible under the head lease held by Kosciuszko Thredbo Pty Limited (KT). However, as the development will result in increased occupancy, Lessor's Consent under the head lease will be required. VERB has accepted the DA referral as a request for Lessor's Consent and will contact KT separately about the matter.
- The BC Act has not been addressed by the proponent in the DA. However, as internal works to an existing building, NPWS does not consider that the works, as proposed, will affect threatened species or trigger the Biodiversity Offsets Scheme under the BC Act.
- In order to assist in minimising any impacts of the proposed development on the environmental values of KNP, NPWS recommends that the following measures be implemented during completion of the works:
 - (i) All vehicles must be parked in existing driveways or carpark.
 - (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.
 - (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.
 - (iv) The subject site is to be left clean and tidy and free of building debris and materials at the conclusion of daily works.

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

4 Assessment

The Department has considered the relevant matters for consideration under section 4.15 of the EP&A Act, the SEE and supporting information in its assessment of the proposal. The key issues in the Department's assessment are:

- design details and standards
- works within the loft area
- managing construction impacts

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

4.1 Design details and standards

The proposed works, when constructed, are to comply with the Building Code of Australia (BCA)), the *Plumbing and Drainage Act* and relevant Australian Standards. The Department has also considered the fire safety of the building as part of its assessment in accordance with section 64 of the EP&A Regulations. 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.

- The minor new work (or work as part of the DA) must comply with the BCA. The Department considers that compliance with the BCA is achievable, with documentation confirming compliance required to be provided at the Construction Certificate stage. Recommended conditions for the works to comply with the BCA are included to address this component.
- Compliance with the *Disability Discrimination Act 1992 (DDA)*, and therefore the Access to Premises Standards prepared under the DDA, is triggered at Construction Certificate stage.

The plans submitted with the application do not demonstrate compliance with the provisions of the Access to Premises Standards, including the affected part or relevant provisions of the BCA for 'new work'. Ensuring compliance with the DDA is the responsibility of the Building Owner and Certifier. The Department has recommended an Advisory Note to ensure the Building Owner and Certifier are aware of the obligations. It is noted that Akuna 1 is provided with an accessible unit within the building.

- Section 64 of the EP&A Regulation 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 building is considered to be satisfactory, and no upgrades are recommended.
- Given the works involve the installation of new or altered plumbing and drainage connections, the *Plumbing and Drainage Act* requires (unless the proposal is eligible for an exemption under that Act) that prior to the commencement of works a notice of work is provided to the plumbing regulator (NPWS) and a certificate of compliance is provided at the completion of works. The Department has recommended conditions of consent to ensure compliance with the *Plumbing and Drainage Act*.

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 improve the amenity of the building for its occupants.

4.2 Works within the loft area

During the assessment of the application for works to the loft level (increasing the height of the balustrades and construction of a nib wall to allow the proposed bed to be positioned against the wall rather than in the middle of the room- **Figure 3**), the Department compared the proposal to the originally approved plans in 2004 (**Figure 4**).

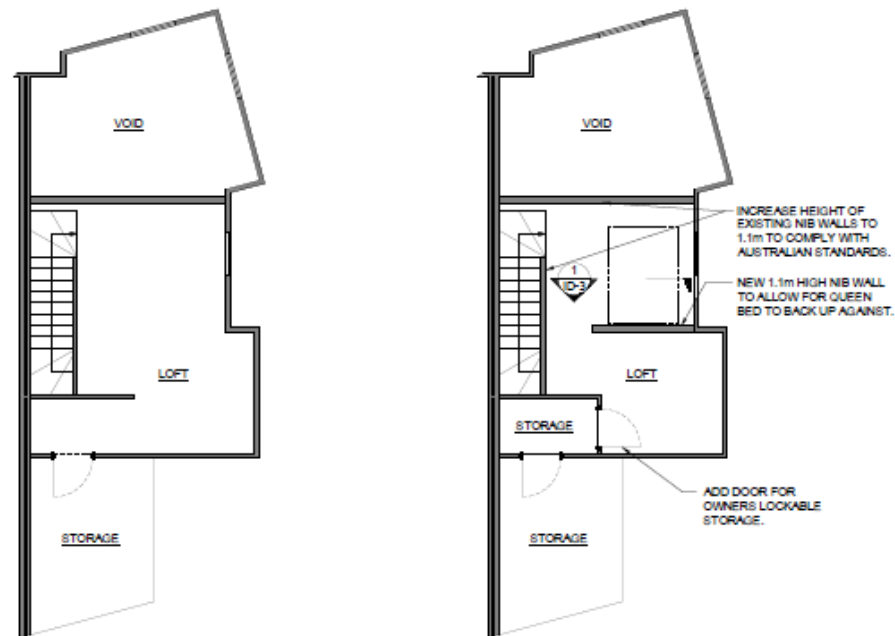


Figure 3 | Existing (left) and proposed (right) loft floor level (Source: Applicant's documentation)

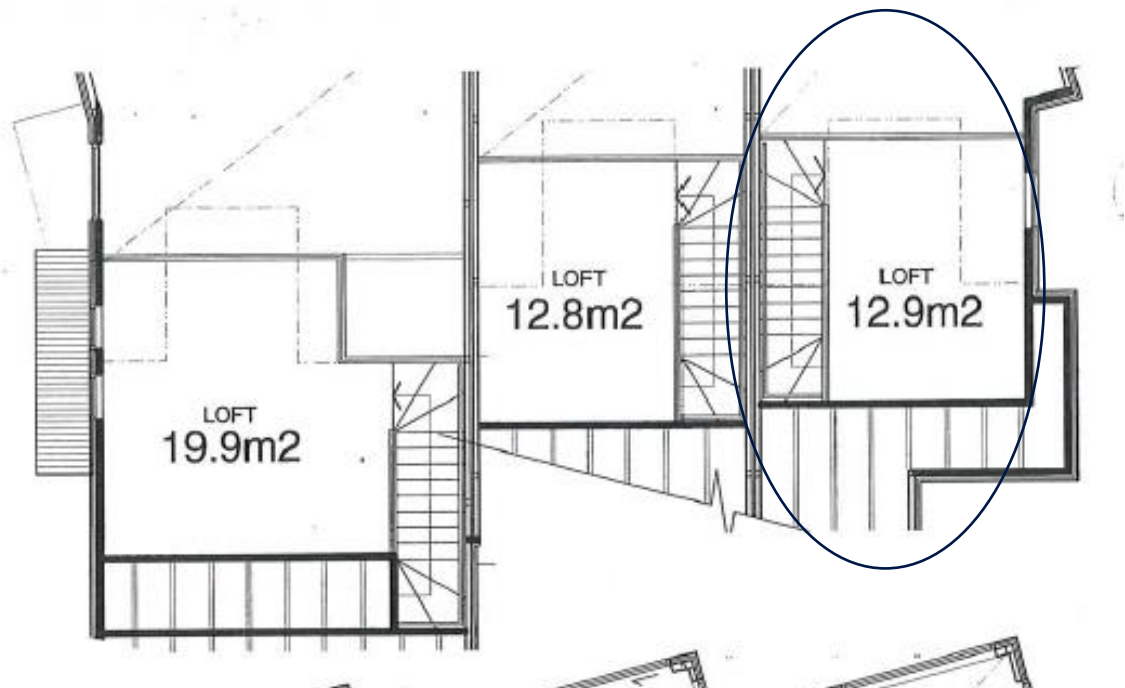


Figure 4 | Approved Construction Certificate loft levels, with Akuna 3 circled (Source: Department files)

The Department notes that the original Construction Certificates (CC 1042-01-2003 and CC 1042-02-2004) for the Akuna Development included:

- Class 3 building classification
- rise in storeys of 2
- Type C Construction (subject to BCA Clause C1.5 and loft areas determined to be a mezzanine)

The approved size (floor area) of the mezzanine in Akuna 3 was also limited to 12.9 square metres being not more than 1/3 of the floor area of the room below (BCA Clause C1.2). As a result of the increase in size of the mezzanine, Type A construction requirements are now applicable.

The Department has recommended a condition to ensure the structural adequacy of the existing mezzanine / loft space (including any storage areas). The condition requires a structural engineer to inspect the whole mezzanine (including any storage areas) to determine the structural adequacy in accordance with Part B of Volume One of the BCA for the proposed use of the mezzanine. If any deficiencies are identified, the structural engineer is to provide recommendations to the Certifier to be included within the construction certificate.

4.3 Managing construction impacts

Given the scope of the works being internal only, it is unlikely that the construction of the proposal would cause any adverse impact upon the natural environment. The proposal is in keeping with the use of the building for tourist accommodation and the construction activities will not generate any vegetation disturbance.

Parking is available at the site during construction. Construction impacts such as noise and vibration will be short term and managed in accordance with standard environmental conditions. It is also noted that the construction is to occur outside the ski season.

The Applicant has provided a Site Environmental Management Plan (SEMP) outlining waste management, dust and noise minimisation strategies as well as material storage. The SEMP is to be implemented during the works.

The Department has recommended standard construction conditions applied in the Alpine resorts area. Subject to compliance with these conditions, the Department is of the view that the proposed works would not impact upon nearby buildings or the environment.

5 Recommendation

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

- there will be no impact on any threatened species, populations or ecological communities
- the works improve the amenity of the existing tourist accommodation building for the benefit of guests and visitors to the site without resulting in adverse environmental, social or economic impacts
- impacts on the surrounding environment and 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 in the public interest.

The Department therefore recommends that the application be approved, subject to recommended conditions. In accordance with the Minister's delegation of 9 March 2022, the Team Leader, Alpine Resorts Team may determine the application as:

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

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 22/13999, subject to the recommended conditions
- **signs** the attached Development Consent (**Appendix C**)

Recommended by:



Mark Brown
Senior Planner
Alpine Resorts Team

Adopted by:



14/032023

Daniel James
Team Leader
Alpine Resorts Team

as delegate of the Minister for Planning

Appendices

Appendix A – Recommended Instrument of Consent