

ATHOL LODGE

Lot 756 DP1119757

7 Diggings Terrace, Thredbo 2625

26<sup>th</sup> September 2022

**re the proposed development DA22/11595 Lot 768 5 Diggings Terrace, Thredbo**

As an adjacent owner in Diggings Terrace, I have multiple objections to the above proposal

**Size and bulk**

The proposed structure is excessively large and bulky and completely out of character with existing buildings in Thredbo.

Sixteen side-by side apartments on Diggings Terrace would be an unprecedented density of development in Thredbo, an ecologically sensitive low density ski village.

The excessive number of garages on Diggings Terrace will increase traffic and cause congestion. It will be a danger to families and children who walk in ski boots along Diggings Terrace to the steps in the town centre to access the ski lifts.

**Aesthetics**

The proposed design looks like an oversized public amenities block. It is ugly and not in keeping with Thredbo's low-key style.

**Positioning**

The building at street level is too close to neighbours on the east and west sides, and is jammed right up to the boundaries on both sides. This is also not in keeping with current dwellings in Thredbo, and especially on Diggings Terrace, where there is invariably open space and trees separating dwellings.

**Ecology**

This development, if approved, will require removal of a substantial number of native Eucalyptus trees from the east and west sections of the property

Associate Professor Craig Waller

[REDACTED]

Bellevue Hill,

NSW 2023

[REDACTED]

[REDACTED]

TO - State Development

RE - DA 22/11595 Lot 768 5 Diggings Terrace, Thredbo - construction of tourist accommodation buildings

I object to this development in Diggings Terrace for the following reasons:

This massive development is out of character with the surrounding residences which are generally on a smaller scale and have a unique alpine design. The design is unattractive and at street level pedestrians will view 20 car parking spaces.

Parking in this area is already limited and this development will strain existing car parks. The accommodation will generate the need for at least 45 extra car spaces (1 car for 2 x studios, 2 cars for 14 x 2B and 3 cars for 5 x 3B) and only 20 are being provided.

Diggings Terrace is a narrow road that is already congested with current traffic volumes and two bus routes. As well as the 45 cars belonging to guests there are the utility vehicles for cleaners, laundry supplies, tradesmen, food deliveries etc that will need to have access.

Please don't ruin the beautiful alpine ambience of our village by allowing this type of over development.

Susie Bardwell

# Submission regarding development of 5 Diggings Terrace, Thredbo.

This submission is made on behalf of Riverside Cabins Association which is located at 1 Diggings Terrace Thredbo and consists of 50 tourist accommodation cabins which were completed in 1994. The Council of the Association considered the proposed development at its meeting on 1 October 2022 and identified several concerns which need to be addressed before approval is given for the development to proceed.

- 1. Scale of Development.** The Association feels that the scale of the development is out of keeping with all the neighbouring buildings on the western side of Thredbo. This is best appreciated from Drawing number DA101 in the Architectural Drawings where all the adjacent buildings are much more modest in size and elevation. While much is made in the Urban Design Report of the steps taken to reduce the perceived building width and height by breaking up the podium base, accentuation of vertical elements and using articulation, the structure is still a much larger than its neighbours. This is evident from the images on pages 31, 32 and 42 of the Urban Design Report.
- 2. Parking and Traffic Management.** The Riverside Cabins Association Council believes that inadequate parking is proposed for the development. Only 20 parking spaces have been allowed for, despite there being 21 residences. There is no allowance for visitors, nor has a loading zone for deliveries or for a second vehicle for any unit to unload, been provided. There need to be short-term parking spaces for cleaners and other tradespersons within the building to ensure that obstruction to traffic flow in (the very narrow) Diggings Terrace does not occur. Access and parking for waste collection vehicles is also wanting.  
As the Traffic and Waste Statement developed by Sellick Consultants observes, the parking movements at the ground floor carpark have the potential to cause a traffic hazard to Diggings Terrace. In winter, Diggings Terrace is often icy which together with the slope and the proximity of the adjacent busy bus stop at Riverside Cabins will make for quite hazardous conditions.  
The arrangements for traffic management at 5 Diggings Terrace need to be improved to ensure that this Development does not aggravate the current situation particularly by having vehicles intrude into Diggings Terrace.  
Currently the pavement of Diggings Terrace is severely deteriorated with cracks and potholes prone to accumulate water which freezes in winter leading to further deterioration. The construction is likely to aggravate this deterioration, and the contractor should be required to remediate the pavement of Diggings Terrace at the end of the construction period.
- 3. Increased Pedestrian Traffic.** The development will undoubtedly increase pedestrian traffic in Diggings Terrace in both directions. In particular, Riverside Cabins Association is concerned about the foot-traffic to and from the Riverside Bus Stop. In the morning when the surfaces are icy, this foot-traffic often includes

families with young children. Unless a footpath is provided (preferably heated following snowfalls or when icy), many more people will be exposed to a significant hazard by having to walk on the street itself usually in ski or snowboard boots and carrying skis or snowboards.

4. **Overloading of bus capacity.** During winter, access to Valley Terminal and Friday Flat area is by the Thredbo courtesy bus service from the Riverside bus stop. This is the last stop before the bus reaches Valley Terminal where passengers start to unload. It is already common for buses to be full when they arrive at the Riverside stop. With the increase in passengers that this new development will cause, it is important that the bus service be augmented to cope with the increased demand.



SUB-2927

I think this development is great for Thredbo, let more people enjoy this special part of the world !

Submission concerning DA 22/11595 Lot 768 5 Diggings Terrace, Thredbo – construction of tourist accommodation buildings.

We own “Silverwood” Lot 781 Diggings Terrace, directly opposite to the proposed development. We have held this property for over thirty five years, and use the property ourselves during summer months, renting it via an agent in winter.

General comment

This is an area of Thredbo which has traditionally been quiet and residential. There are only single dwellings - it is not an entertainment precinct. This proposal is out of proportion in size, concept design. Considering the past history of landslides the geotechnical report is inadequate. The proposal suggests disruption, noise, overdevelopment and danger for those of us who live in this vicinity.

Detailed objections

1. The development is out of character for this end of Thredbo – the current built environment is made up solely of stand alone properties.
2. The Geotechnical Report for the development bears little relationship to the construction proposed. In section 1.1 of the Geotechnical Report, the following appears “It is understood that the project involves the construction of two storey terraces, two storey lodges, a carpark and communal facilities”, while the development application is for a four to five storey building.
3. The Geotechnical Report describes a “medium” risk of large scale translational slide – an event that would destroy our property and kill anyone within it.
4. The Geotechnical Report states that “the site is not sufficiently drained”. Considering the role of inadequate drainage in the previous Thredbo disaster, this requires further investigation and clarity about the remedial measures to be taken.
5. Diggings Terrace is a narrow road. It is predictable that access to our property will be denied for long periods while the site is being prepared and while construction proceeds (described as being for 7 days a week, 7am to 6pm. There must be much more clarity about this.
6. We note the proposal to operate the bar and restaurant until 2am, but there is no reference to the noise limiting measures that will be applied – for example, will loud amplified by music be allowed without limit until that time, or will the decibel output be limited at the later hours. Does the normal rule apply – ie that amplified music must not be audible within any habitable room of an adjacent dwelling after midnight ? If not, why not ?

David and Catherine Storey

[REDACTED]  
Bondi Beach. NSW 2026

Sir/Madam

I am co-owner of Athol Lodge Lot 756 DP1119757 ,7 Diggings Terrace and object to this proposal for the following reasons:

1. The sheer size and scale of the development is out of keeping with the surrounding properties.
2. The area surrounding this development is small scale, residential. Having a bar and restaurant built will significantly impact the quality of living of surrounding residents with noise and drunkenness as well as reducing property values.
3. Diggings Terrace is a narrow road which already has significant issues with traffic during peak periods. A development of this size will add significantly to this problem with gridlock.
4. As owners of Athol Lodge, we have gone through a very difficult and torturous approval process for a DA to simply expand our parking spaces. It is inconceivable that a development of this magnitude in this particular position has been approved at all. I certainly feel strongly that large scale residential/commercial developments in Thredbo should remain exactly where they are at present, and not creep into the purely residential areas

Sincerely

**Michael J. Neil**, MB BS, FRCSEd(Orth), FRACS

Orthopaedic Surgeon  
[REDACTED]

8 October 2022

**DA 22/11595 Lot768 5 Diggings Terrace, Thredbo**

I am the sole Director of Stevanne Investments Pty Ltd which owns the property known as Unit 4, Aspect (Aspect 4), Diggings Terrace, Thredbo. I have owned this property since 1996 and we have enjoyed wonderful family times here over the years. My children were active members of The Thredbo Ski Racing Club and have competed to national level in the Interschools. We have enjoyed barbecues by the Thredbo River in the summer time as well as on the Village Green, incorporating bushwalking and hiking activities.

I have a huge issue with the proposed development on the site known as Lot 768, 5 Diggings Terrace. This represents an enormous overdevelopment of this site both in width and height. My points of contention include:

1. Aesthetically, this construction will dwarf all the existing buildings in its surrounds. It is out of keeping with any of the lower lying buildings both in density and appearance. It is also well over the building footprint that other new buildings have had to comply.
2. There will be significant loss of sunlight to the buildings on the right and in front of this structure.
3. There is already congestion on Diggings Terrace during the winter months with pedestrians, buses, cars, tradesmen, workers, garbage trucks and parked cars all vying for space on this narrow road. As there is no footpath, the increase in traffic flow could lead to injury (or worse) for pedestrians including children.
4. The set back from the road is inadequate – again exacerbating the issues in point 3.
5. As per point 3, there will be major congestion in this area at check in – check out times. I fail to see where cars can queue in order to unload/load all the luggage, ski gear, food, linen etc at peak times. This can be quite a lengthy process particularly if families with small children are involved. Icy /snowy roads will only increase these issues.
6. The set-back from Ben Hall's is inadequate – the loss of natural light and now a building jammed next to them is abhorrent.
7. The removal of so many beautiful snowgums is against all the National Parks and Wildlife guidelines. My understanding is that 30 of these natural Australian trees will be destroyed in this undertaking.
8. Where is the natural water flow being redirected to? Water will always find the path of least resistance and this could lead to building underpinning issues as well as possible subsidence – whether it be the road or elsewhere. If this is the case, who will take responsibility? This may not happen immediately and could take many years.
9. There is no other long unbroken street wall anywhere in the village. It will be unsightly and again could relate to point 3.
10. Parking in the village is already limited and the public car parks at maximum capacity. Where will the additional cars park particularly if the arrival is at night and the car parks are full? What comeback to current owners have if their personal car parks are taken by these additional cars?
11. The habitat of native wildlife is in jeopardy – there is a particular frog that National Parks and Wildlife have identified in the "swamp" below Aspect hence no building can take place as it will endanger the natural habitat of this frog.
12. The Village Green has a playground for children as well as a bike track, tennis courts and park area for summer sports. This development will lead to a significant increase

in traffic along the lower road near the Thredbo River. Children are quick to dart after a miscaught ball and are at risk of injury with this increased traffic flow.

13. A bar/restaurant with trading hours to 2.00am is out of context in this part of the village. The noise and pedestrian traffic must be curtained.

I am not opposed to a development on this site and had little objection to the proposed development previously. HOWEVER a development of this scale is out of keeping with the size of the site and has a huge impact on the existing buildings. The safety issue with regard to the increase of traffic numbers on this already congested street is of serious concern.

I believe the development should be scaled back significantly to be in keeping with the existing structures and not become an eyesore for the community. The height and width of the structure, the proximity to other buildings and the road as well as the impact on the environment should all be considered with this application.

Over the years, I have volunteered to work at the Jazz, Blues and Country Music Festivals. I have embraced the Thredbo community and my strong associations with so many of my "local" buddies. My children were always safe when walking through the village in summer as well as winter when they were growing up and always call Thredbo "home". I hope this unique village will continue to be one that my grandchildren will call home and not be destroyed by over-development.

SUB-2949

12 October 2022

Hi NSW Planning,

I believe this new build is excellent for the Thredbo Village. The Village over these years look very run down and dated with little to no enhancements undertaken. Hopefully a project like this will create a spark for the Thredbo Team to keep going.

Fully support the build with the design looking great.

Regards,

[REDACTED]

11<sup>th</sup> October

**NSW Planning**

To Whom it May Concern,

The Thredbo Village is a much loved ski location and cherished by regular tourists and travellers. Every year, we are losing more and more tourism to skiers travelling overseas as a result of the lack of accomodation at Thredbo and the increasing costs due to undersupply. This development application is wonderful to see, and I hope that it is granted due consideration and given the endorsement deserved.

I urge you to grant further quality accomodation such as this, to support tourism focused development so that we can continue to grow the village and have more skiers stay in Australia and travel to NSW Ski fields!

Best,

Stephanie Davies

Ski Enthusiast & Social Trip Organiser

SUB-2951

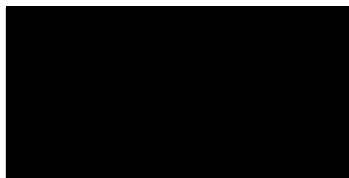
**Lot 768 – Thredbo, NSW (Letter of Support)**

To whom this may concern,

As a skier I believe this development is great!

From being a little girl on the slopes in my younger years till now, Thredbo really hasn't changed with the village really needing a refresh. Adding additional opportunities to buy/stay/visit is excellent given its near impossible to stay in the winter season.

Design looks excellent - look forward to it being open.



10 October 2022



TO WHOM IT MAY CONCERN

RE: PAN 257248; DA 22/11595

ADDRESS: LOT 768, 5 DIGGINGS TERRACE, THREDBO VILLAGE

I am a part owner of a small apartment block in Diggings Terrace and have been associated with Thredbo Village for over 30 years. I strongly oppose the development because it is out of scale with the rest of the lodges and apartments in the vicinity. It also sets a dangerous precedent as it does not respect the village character for which Thredbo is famous.

Yours sincerely,

A solid black rectangular box used to redact the signature of the sender.

Dear Department of Planning and Environment,

I wish to object to the proposal DA 22/11595 Lot 768 5 Diggings Terrace.

I am the owner of Piccolo at 173 Diggings Terrace and we have owned this property for over 20 years. We are fully committed to this lovely area which is quiet and surrounded by long established gum trees. It appears inconceivable that a development of this size is planned for what has been a firebreak under clause 2.17.2 (a) for over 20 years. Why has this changed?

The street is narrow and icy in winter and to have so much car movement, as planned in the development, will destroy the area. Our small home will be subject to possible damage with no room for the car movement of the scale of the 79 m long open carpark which is planned. Who will compensate us for damage to our property? Has the additional rainwater from the massive roof structure planned striking our home been considered?

The plan is oversized and totally out of character with the neighbouring cottages with a massive amount of tree destruction, how could this be approved and where is the arborist report? It does not comply with many legislated controls such as side setback controls, landscape area controls and building height regulations. Furthermore it is double the current allowable site coverage.

Why are there so many inconsistencies in the proposal and why has it got to the point of a DA where deposits have been accepted for the proposed houses?

Sincerely

Georgina Sutor

Attn: Mark Brown Assessing Officer - Department of Planning

As an owner of Piccolo (173 Diggings Terrace) I object to this proposed development for the following reasons:

- 1) There has been no advice from the head lessee that this development was under consideration and to date, the sub-lessees have not been given any opportunity to site the drawings of this development and to comment.
- 2) We are a skiing family, have owned Piccolo for over 20 years. We are devoted Thredbo admirers and enjoyed skiing in Thredbo every year.
- 3) Diggings Terrace is a roadway however, as many other winter residents, I walk Diggings Terrace every day to and from the village centre. In essence Diggings Terrace is a shared pedestrian/vehicular access and the roadway is in need of upgrading. Every year I am subject to the splashes from cars and shuttle buses. The very last thing the Diggings Terrace needs is to be down graded by an over scaled and over developed residential complex which exhibits all the hall marks of another hotel. Such a large building should be located at the valley floor where buses and traffic belong and where the coming and going of pedestrians is catered for with a pedestrian over bridge.
- 4) Not only is this development over scaled it is poorly designed and pays no respect to the surrounding low scale development. Any development should present an articulated façade to Diggings Terrace and respect the cross fall in the land from east to west. This proposal does not conform to the basic rules of good design. The 80m long podium to Diggings Terrace is grotesquely long. Further, there are no changes in level so that its height above the roadway at the western end will appear as high as a factory building.
- 5) The elevations of the proposed development are misleading because the buildings behind have been ghosted out. Whilst they will not be seen from the roadway because of the grotesque podium they will be seen from the mountain where their presence will be every bit as dominate as the façade fronting Diggings Terrace.
- 6) The village of Thredbo has a pleasing appearance with the major buildings on the valley floor and with a grading of reduced development through the shopping arcade to Diggings Terrace. The Diggings Terrace residential area nestles appropriately into natural fauna and gum trees. Clearly, any development of the scale proposed should be refused on the grounds of being totally inappropriate.



Best regards  
Michael Suttor

SUB-3006

DA Exhibitions - DA 22/11595

Lot 768

**ATTENTION**

NSW Planning/Snowy Monaro Regional

This letter is of support for the development at Lot 768 – 5 Diggings Terrace, Thredbo.

The design of the accommodation building looks to be of a high quality. The proposed development will provide great unit mix and add much needed commercial opportunities to create life on Diggings Terrace near the Burger Bar.

Look forward to seeing this development application approved.

Regards,

[REDACTED]

[REDACTED]

SUB-3007

DA Exhibitions - DA 22/11595

Lot 768

**ATTENTION**

NSW Planning/Snowy Monaro Regional

This letter is of support for the development at Lot 768 – 5 Diggings Terrace, Thredbo.  
The design of the accommodation building looks great. Great unit mix and added commercial to create life on Diggings Terrace near the Burger Bar.

Look forward to seeing this development finished.

Regards,

A handwritten signature in black ink, appearing to be 'Joey Yarham', written in a cursive style.

**Joey Yarham**



SUB-3008

DA Exhibitions - DA 22/11595

Lot 768

ATTENTION

NSW Planning/Snowy Monaro Regional

The following letter is of support for the development at Lot 768 – 5 Diggings Terrace, Thredbo.

The proposed design of the accommodation building suits the area and would be beneficial to the area.

Regards,

Jack Bowyer



SUB-3009

DA Exhibitions - DA 22/11595

RE: Lot 768, 5 Diggings Terrace, Thredbo - construction of tourist accommodation buildings

Dear NSW Planning,

This letter is to express my support for the development at Lot 768 – 5 Diggings Terrace, Thredbo. The building looks amazing, and I think will be a great addition to Thredbo Village.

Really looking forward to seeing this development come to life.

Regards,

[REDACTED]

[REDACTED]

SUB-3010

18 October 2022

Dear NSW Planning,

**RE: DA 22/11595 Lot 768 5 Diggings Terrace, Thredbo - construction of tourist accommodation buildings**

I write in support of the above-mentioned development.

The development will bring much needed accommodation to an ever-growing winter snow season in Australia.

Regards,

**Toan Bui**



SUB-3014

Mark Brown  
Senior Planning Officer  
Alpine Resorts Team  
Regional Assessments  
Key Sites Industry & Compliance  
Department of Planning and  
Environment  
Shop 5A, 19 Snowy River Avenue

Julie Kantor AO  
Property Owner  
Melaleuca 2, Diggings Tce  
Thredbo Alpine Village NSW 2625

18 October 2022

**Letter to reject the proposed development  
DA 22/11595 Lot 768 5 Diggings Terrace, Thredbo - construction of tourist accommodation  
buildings**

Dear Mark

My name is Julie Kantor, I have been the owner Melaleuca 2 on Diggings Tce for 29 years. My building is directly opposite and on the lower side of this development.

This proposed development fails to find alignment with the Thredbo Village character. A style and character which has been carefully preserved throughout my time of being a property owner within Thredbo Village. It is clear to me this proposal has been rushed and has failed to consider its impact on the village, nearby properties, businesses, infrastructure and the natural environment and wildlife. The land in question was always reserved as a fire break to protect the village and give the village the best chance at surviving the devastating outcomes of fire.

I am opposed to this development and propose it is rejected based on the following grounds:

- My property is on the lower side of the proposed development site and the Geotech report fails to consider the risks and impacts from anything other than the site. This is a gross failing considering the landslip history in and around the Thredbo Alpine Resort and this is unacceptable.

The proposal you provide:

- Has no analysis on the impact on the buildings below Diggings Terrace from the huge amount of additional rainwater now being collected on the massive roof structures that is proposed to be simply dispersed onto Diggings Terrace

- Does not consider that this site was nominated as the firebreak for the village under clause 2.17.2 (a) Management of Fire Risk in Thredbo Village. There is no analysis of what replaces this in the village system of firebreaks
- Shows conspicuous plans showing that each hotel apartment is 1 dwelling with 1 bed, where in fact they are designed as dual key so each hotel dwelling can house 4 guests. There is access from the top level and access via the terrace area on the bottom level. It is unclear why this has been disguised on the plans
- Shows no arborist report to detail the trees, species, maturity, health, retention value. This should be an essential report to form part of the site analysis and enable skilful design. The reports just basically say that all trees go, there is no regard to retaining any for privacy and amenity
- Proposes a bar/restaurant which is the wrong land use in this quiet part of Thredbo and belongs in the centre spine of the village. The fact that the applicant is applying for a 2am license indicates their disregard for guest comfort who choose to stay in this quieter part of the village. It also shows their lack of attention to reasonably assimilate the proposal into the site and surrounds. Quite possibly this late license could be extended to night club use as that would be the main reason for the 2am time request. The bar balcony is as close to 3.9m from the boundary. This land use would make the Thredbo experience for guests in all the surrounding dwellings a nightmare and result in a reduction in return bookings
- Incorrectly shows the footprint of Ben Hall to maximise the appearance of setbacks
- Has not considered the geotechnical risks adequately. On the opening page the Geotech report it says the structures will be founded close to existing grade or cut by up to 3m. The Civil engineering plans show the cut along the 79m length of the site being more like 10m
- Presents a consistent theme throughout the drawings and reports to downplay the size and scale of this proposal
- Does not comply with side setback controls stipulated in the SEPP (Precincts-Regional) 2021 part 4.13 (2)(b) and (c)
- Does not comply with the landscaped area controls in the SEPP (Precincts-Regional) 2021 part 4.13 (3)(a)(c)(d)(f)
- Does not comply with side setback controls as nominated in the Thredbo Masterplan (amended 1994)
- Does not comply with building height in the Thredbo Masterplan (amended 1994)
- Is almost double (proposal is 68.9%) the allowable site coverage (35%) in the Thredbo Masterplan (amended 1994)
- Does not comply with Landscaped Works (pg 2) in the Thredbo Masterplan (amended 1994)
- Is a prohibited use in the Outer Western Precinct zone in the Thredbo Masterplan (amended 1994) (Hotels are nominated as a prohibited use)
- Even though the site is nominated as a key site in the SAP masterplan, there is no SEPP or DCP to support this. If there was it certainly wouldn't allow for such an obtrusive development with this bulk and scale having no regard to appropriate setbacks, site coverage, height and neighbouring building typology
- Significantly alters the character of this region in the alpine resort

- Does not consider any retention of the 30 or so Snowgum trees which would provide fitting separation to the neighbours and support the visual amenity of the resort
- Has no regard to street activation and the guest ambient experience walking along Diggings Terrace. The proposal essentially has a 79m long open carpark as the ground floor experience
- Fails to adequately address the traffic and parking management of such a hotel on a very narrow and busy road
- Has no peak demand traffic study as part of the application
- Reveals the true intent to provide double the car spaces via tandem spots. This is revealed in the Civil Engineering plans that shows close to 40 cars instead of the reported 20 in the traffic report and the architectural plans.
- Has a flawed Urban Design study done by DKO which if read carefully, would conclude that the sheer bulk and scale of this proposal does not anywhere near come close to fitting in to this part of the village

Warm regards

A handwritten signature in black ink, appearing to read 'Julie Kantor', with a small mark above the 'e'.

Julie Kantor AO

20<sup>th</sup> October 2022

Mark Brown  
Senior Planning Officer  
Alpine Resorts Team  
Regional Assessments  
Key Sites Industry & Compliance  
Department of Planning and Environment  
Shop 5A, 19 Snowy River Avenue

Dear Mark,

**Re: DA 22/11595 Lot 768 5 Diggings Terrace**

I am writing to express my objection to the development proposal at Lot 768 5 Diggings Terrace, Thredbo.

I am an adjacent property owner of 31 years. Our family have spent significant time in Thredbo over the past 40+ years, visiting and supporting the community year-round and otherwise offering our property for holiday rentals. I have been an active contributor to the development of the village, including contributions to the built form through my construction business, patronage and friendship with many local business owners and support to the community through my involvement in the Thredbo Chamber of Commerce.

The Thredbo village and the surrounding national park is an area I am very familiar with, and I have a deep understanding of the unique offering and beauty of the area. As a property owner and member of the community, I have a deep passion to protect the area and make a positive contribution to the legacy of Thredbo.

I have reviewed DA 22/11595 and identified several significant issues. Specifically:

1. The proposal exceeds the 3m boundary setback on all sides, imposing its significant form on the neighbouring properties and Diggings Terrace. Similarly, the 6m setback to adjacent properties has been encroached.
2. At 69%, the site coverage is excessive, well beyond the 35% benchmark specified in the Thredbo Masterplan. To achieve this, significant removal of trees and vegetation is proposed. The design proposal makes little effort to integrate the design with the existing landscape, instead opting to remove all but one significant tree from the site. It is noted that an arborists report has not been included in the application to support such extensive tree removal.
3. The scale and street wall introduced by the development (75m+ frontage) is overbearing and is not in keeping with the village feel of Thredbo. The precedents used in the Urban Planning report are not appropriate and do not consider the characteristics of the specific site, i.e., street width, set down areas, adjacent public space etc. that are present in other large developments like the Thredbo Alpine Apartments and Alpine Hotel. The architecture does not ameliorate the bulk and scale of the development, with no significant articulation or variation in materiality across the street frontage.
4. The construction program for the proposal is highly dependent upon significant off-site prefabrication to deliver such a vast development in such a short period of time. The feasibility of pre-fabrication has not been proven in the application. It is noted pre-fabrication will require significant large deliveries and Diggings terrace is a narrow and windy roadway which will not support significant large vehicle movements without substantial disruption. Further, no significant materials handling is provided to support large, engineered crane lifts. Conventional stick-built methodology on a development of this scale will take significantly longer than the 18 months noted in the construction program and therefore it is highly likely that this site will remain a construction site and have significant impacts on the village operations and aesthetic for several years.
5. The proposal includes bars and restaurants operating until 2am. This is not common in this part of the outer western precinct and would require significant upgrades to street lighting and pedestrian pathways to support safe egress of patrons. It is noted only a single stair is provided onto Diggings Terrace to cater for all bar, hotel, restaurant facilities. Further, the assumed populations to develop the egress widths are less than the BCA occupancy rates; the applicant has not justified how this reduced occupancy will be managed by the development in operation.

6. Traffic flows by commuter and service vehicles in the immediate area have a significant potential to affect the traffic flows on Diggings Terrace, which is the main shuttle bus route. Many parking spaces require an up-hill reverse park, which would likely stop traffic and would be a difficult manoeuvre during snowy conditions, particularly for guests not accustomed to such conditions. This would be further compounded during changeover periods in the village. An appropriate off street lay-down area should be provided as mitigation.

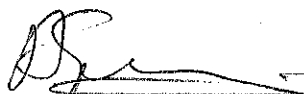
These non-compliances have resulted in an out of scale development that does not consider the urban design qualities of Thredbo Village and the outer western precinct, prioritising the commercial interests of the single site at the expense of the quality of the village holistically. This 5-storey development with its monolithic base and imposing street wall will make a permanent negative impact on the Thredbo village and its community.

I request that this application is rejected.

Furthermore, I note the following inconsistencies in the submission which require resolution:

1. The Section J report notes a glazing Solar Heat Gain Coefficient of 0.18, which would necessitate an extremely low Visible Light Transmittance of <30%. This is at odds with the Architectural finishes palette which notes 'clear glazing'. This extremely dark glass would alter the external appearance significant from the renders and only reinforce the significant bulk of the development. Further, it is noted that U-Value requirements of <2 represent extreme performance and are at the boundaries of what is likely achievable in practice (when frame effects are considered). These issues point to an excessive use of vision glazing, which does not support the stated objective of sustainable architecture and is unlikely to even meet minimum code requirements.
2. The excavation levels on the civil engineering plans are greater than what is assumed by the geotechnical report. These assumptions are critical, both from a property integrity and life safety perspective, and require further scrutiny and coordination. It is noted that the Statement of Environmental Effects references a Geotechnical report prepared by JK Geotechnics that has not been included in the submission.
3. The substation FRL separation and ventilation clearances have been measured incorrectly and are not compliant with the Essential Energy network standards. Redesigning the substation and associated infrastructure to achieve compliance will have a material impact on the architecture and should be resolved prior to reapplication.
4. There are several matters to be resolved in the traffic report.
  - a. The civil engineering plans show 36 carparking spaces (+ 2 accessible spaces), whilst the architectural plans and traffic report show 18 spaces. It is noted that the architectural plans show a 'storage' area in the location of the second car space. The traffic report and architectural plans should be updated to address this inconsistency.
  - b. Construction traffic has not been adequately considered. Construction access is via a single entrance, reverse park. Swept paths have not been completed for construction vehicles.
  - c. Swept paths for service vehicles have not been considered (for example, garbage trucks, FRNSW vehicles, grease arrestor pump out etc.) These vehicles have the potential to affect traffic flows considerably.
5. It is noted that the Snowy Mountains Special Activation Precinct Master Plan specifically highlights sustainable development as a key objective. This proposal only seeks to meet the minimum requirements under code. It would be expected that a development of this scale and importance would target a Green Star rating of at least 5 Stars, representing Australian Excellence.

Yours sincerely,



Danny Glavan  
Owner – Aspect 2A chalet

**Re: DA 22/11595 Lot 768 5 Diggings Terrace**

To Whom It May Concern:

My name is Johann Bergmuller and have been the owner of Aspect 2 chalet, 2 Diggings Terrace, for the past 20 years, which is in close proximity to the proposed development at Lot 768 5 Diggings Terrace, Thredbo.

As a member of the Thredbo community for many years, I would like to lodge my objection to this proposed development, based on the following reasons:

1. A development of this scale would significantly increase the volume of traffic and foot traffic in the area, potentially causing major inconvenience and congestion for existing residents and guests.
2. The proposed 2am liquor licence will impact the quiet enjoyment of the surrounding area and significant streetscape upgrades would likely be required to accommodate safety for the increase pedestrian access.
3. The development (scale and design) is not in keeping with the character and landscape of the surrounding area and exceeds the Thredbo Masterplan, therefore I'd like to see the development considerably downsized and a refusal of the liquor licence.
4. As a development of this scale will likely increase noise, traffic and pedestrians in the immediate area, this may inconvenience my guests and deter them from booking my apartment.
5. The proposed removal of vegetation to accommodate this construction is of great concern for the environment.
6. This scale of construction will require many months/years of excessive noise, heavy vehicle access and disruption to the surrounding dwellings.

Yours sincerely,

Johann Bergmuller  
Owner – Aspect 2

**Submission re DA 22/11595 Lot 768, 5 Diggins Terrace Thredbo by Megan Keaney**

I am the owner of Riverside Cabin 53 and a member of Neewalla Ski Club (19 Diggins Terrace). I have visited Thredbo frequently since the establishment of Neewalla in 1958 and reside in Thredbo during winter months.

I object to the development proposal covered under DA 22/11595 ("the development") on the following grounds:

1. Scale of the development and its adverse impacts on the amenity of neighboring properties and the overall character of Thredbo Village.
2. Traffic congestion and lack of pedestrian access/safe passage past the development.
3. Absence of proper consideration of adverse impacts on heritage values.
4. Likely failure to meet the aim of increasing tourist accommodation in Thredbo.

I believe that these concerns could be largely addressed by reducing the size of the development (for instance, confining the development to the 5 proposed separate dwellings and/or commercial space and ensuring proper setbacks from Diggins Terrace). These changes could enhance the amenity of that part of the village which has existing traffic congestion and safe pedestrian access and passage issues.

Modifying the proposal would ensure that the development met the objectives of the *Snowy Mountains Special Activation Precinct Master Plan* ("the Master Plan") and *State Environmental Planning Policy (Precincts - Regional) Chapter 4 Kosciuszko National Park* ("the KNP Policy") and, in particular, objectives that include

- Preservation of natural, cultural and heritage values
- Leveraging Thredbo's existing village character.
- Ensuring that the built form of the development complements neighboring properties and, in particular, near- by heritage items so as to protect their heritage significance.
- Ensuring pedestrian access and safety.

Scale of the development

The size of the development (foot print and height) relative to its neighbors means that it will dominate the western end of the village. This is best seen on p 13 of 19 of the Architectural Plans and p 42 and p 43 of the Urban Design Report. From these images, it appears that the size of the development will only be surpassed by the Alpine Hotel. Clearly the judgement by the DKO Architecture that the visual impact is acceptable is subjective (and not surprising given that DKO has developed both the plans and the urban design report). It can be equally argued that the evidence provided supports a conclusion that the scale of the development creates an adverse visual impact from a number of public vantage points. Significantly, in comparing this impact with other buildings in the village DKO Architecture have chosen large buildings that are in other parts of the village not neighboring properties. The test is not merely whether there are other building in the village of similar size but instead whether the development leverages (e improves) Thredbo's existing character. I submit that it does not.

The Statement of Environmental Effect does not assist in resolving the visual impact question as the authors (SJB) have explicitly relied on the Urban Design Report in commenting on this issue. Their conclusion that the scale of the proposed building is consistent with adjoining development is not supported by the images provided, which instead support the opposite conclusion.

### Traffic congestion and lack of pedestrian access/safe passage.

The proposal has failed to take account of existing traffic congestion and pedestrian access/safety issues in the western part of Thredbo. This development will compound those problems for the following reasons

1. 20 car spaces in a 90 bed development is inadequate, particularly when there is no adequate drop-off zone provided for and none near- by. The experience of Riverside users(100 to 200 m further along Diggins Terrace) is that the lack of adequate drop- off zones in combination with an adjacent bus stop creates traffic congestion and hazards, particularly when there is snow on or near the road and at peak weekend times. Currently, stopping is prohibited on Diggins Terrace in this part of the village, except for in designated parking zones allocated to specific lodges.
2. EVT has advised that the new development will have daily waste pick- ups. There is no provision for those trucks to pull up, other than on the road .It is probable that cars and buses travelling in the opposite direction will not be able to safely pass these trucks in this narrow section of Diggins Terrace.
3. The statement by DKO Architecture in their Urban Design Report that the site is located close to public parking is misleading as the limited number of near- by public spots are almost always occupied. Neewalla has no on- site parking and it is our experience that cars are parked at Friday Flat. In recent years it has been difficult to secure an overnight spot in any car park. Any new development should provide an adequate amount of on- site parking and drop- off zones so as not to compound existing car parking limitations or add to local traffic congestion.
4. The Traffic and Waste Management Statement fails to address issues related to the inadequate number of car parking spaces, inadequate drop off zones and pedestrian safety. However, the report does advise that measures should be taken to better ensure *driver* safety (reverse parking into car park and guard rails on Diggins Terrace) that highlight the need to address pedestrian safe passage. Diggins Terrace provides the main pedestrian access to the central village for people who reside to the west of the proposed development (eg Riverside) and for central village residents who want to use the golf course or access public car parks. Walking along Diggins Terrace in the western part of the village is already hazardous with no road shoulder let alone foot path, compounded when there is a build- up of snow and ice (or mud). The development has no or inadequate setbacks (and less than required) which mean that pedestrians will need to walk on the road and past open car parks (and reversing cars). Guard rails on the opposite side of Diggins Terrace will further limit safe pedestrian use. The Urban Design Report asserts that Thredbo has “a network of shared or pedestrian only paths”. With respect to the western village, this is incorrect.

There is opportunity through a revised proposal to improve pedestrian amenity and safety on Diggins Terrace rather than exacerbate existing problems, by creating a dedicated footpath or at least ensuring adequate setbacks from Diggins Terrace.

### Supporting heritage values

The western part of Thredbo has a large number of lodges that were first built when Thredbo was established in the late 1950s and early 1960s. Within 200 to 500 m of the development there are 7



dwelling that are listed as heritage items. The iconic Seidler lodge along with Athol and Ramshead are located within 1-200 m of the proposed development.

The western village has a large number of club lodges, which were established to promote skiing as a recreation and enable members and their guests access to relatively low cost on-snow accommodation. Like myself, many of the club members have a long and deep attachment to Thredbo. The Master Plan and the KNP Policy signal the importance of ensuring that any new development enhance the character of Thredbo and promote its cultural and heritage significance. Ski clubs are a unique feature of skiing in Australia and continue to flourish in all of Australia's main ski resorts. In doing so they continue to provide access to relatively low cost accommodation (eg Neewalla's nightly fee for non-members is \$80 in winter and half that in summer), supporting access to skiing and other year round pursuits for a broad group of Australians and ensuring a continuing turnover of skiing and national park enthusiasts who support and value both the ski industry and the Kosciuszko National Park.

The consultants and the developer have dismissed the need for a Heritage report. Given the proximity of the development to specific heritage items and its likely impact on the overall character of the western end of Thredbo I submit that the proposal should undergo formal heritage assessment.

#### Meeting the objectives of the Master Plan

For the Alpine Precinct, the Master Plan "seeks to facilitate a safe and sustainable increase in the amount and range of year round recreation and accommodation offerings." Any aim to increase the availability of tourist accommodation in Thredbo is not achieved merely by increasing bed numbers but instead it is the *availability* of these beds to the public and potential tourists that is key. By their nature, commercial premises and club lodges provide access to a range of accommodation at different price points to a broad group of Australians. Very high cost apartments do not necessarily add to the pool of rental accommodation. Given the estimated cost of the development (over \$27 mill) it is likely that each dwelling will be purchased by high net worth individuals who may well not make the property available for commercial use (and have no financial need to do so). Anecdote suggests that this is increasingly common in Thredbo (and elsewhere) as property prices escalate.

#### **Conclusion**

The major practical adverse impacts of the proposal relate to traffic congestion and pedestrian safety and use of Diggins Terrace. However, more subjective adverse impacts should be considered including impacts on the character and heritage of the village as a whole and in particular the western part of Thredbo, which arguably has its own distinctive character.

Modification of the proposal has potential to create additional high quality tourist and commercial offerings that enhance rather than detract from the overall character and amenity of Thredbo, particularly through addressing existing pedestrian access and traffic congestion issues.

Megan Keane

[REDACTED]

14 October 2022

T: [REDACTED]  
E: [REDACTED]

To: Minister for Planning & Public Spaces/Independent Planning Commission

**Re: DA22/11595**

27.10.2022

**Lot 768 5 Diggings Terrace & 2 Friday Drive Thredbo 2625  
Construction of Tourist Accommodation Buildings**

I am writing to express specific concerns regarding the proposed buildings.

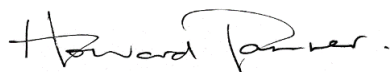
I have been a member of the Ski Club of Australia and the Ramshead Hut for approximately 30 years, both of which are close by in Diggings Terrace – Nos. 32 and 9 (Lot 21). During that time, I have observed Thredbo gaining a distinctive character making it almost unique in New South Wales as a cohesively-designed resort town. Much of this can be attributed to the design principles established by architect Robin Dyke which have been applied thoughtfully over many years. It is my understanding that these emphasize smaller built volumes, articulated built forms and roofs, use of random stonework, etc.

The existing character of Diggings Terrace is one of ski lodges and private residences which generally follow these principles. However, the proposed main building while referencing the use random stonework and timber finishes, introduces huge scale, both linear and vertical, to Diggings Terrace. Any setback to the street is completely nominal, and is dominated by open garaging for 20 vehicles. This presents as an undesirable design outcome: as limited stone facings will not conceal what in essence will be a vast concrete bunker.

While there is some modelling of its north elevation, it is an immensely long façade of 4 to 5 storeys, abruptly vertical in its presentation, and completely changing the established character of Diggings Terrace and this part of Thredbo.

The five three storey houses at the rear of the site would greatly benefit from not being externally identical. Some external visual variety is characteristic of Thredbo and should be required here.

To my mind the main building proposed is completely unacceptable in its present form and scale. A better outcome would set any buildings clearly back from Diggings Terrace, with greater articulation of building volumes, and with all garaging concealed within the hillside.



Howard Tanner AM LFRAIA

Howard Tanner's appointments have included: National President, Australian Institute of Architects; Chair, Australian Architecture Awards; Chair, Australian Architecture at the Venice Biennale; Chairman, Heritage Council of NSW; Councillor, Australian Heritage Council; Principal, Tanner Architects

Our Ref: 22421

26 October 2022

Landowner Group  
Diggings Terrace  
Thredbo NSW 2625

**Attention: Owners of Aspect 1 (Dulmison), Aspect 2, Aspect 2A, Aspect 3, Aspect 4, Aspect 5, Aspect 6, Ben Hall, Creek Cottage, Kaella 2, Melaleuca Chalet 2, Melaleuca Chalet 3, Piccolo, Sneznik**

Dear Landowner Group,

**RE: 5 DIGGINGS TERRACE, THREDBO  
PEER REVIEW**

As requested, please find herein The Transport Planning Partnership (TPPP)'s peer review of the traffic, parking and access issues relating to the above proposed development.

## Introduction

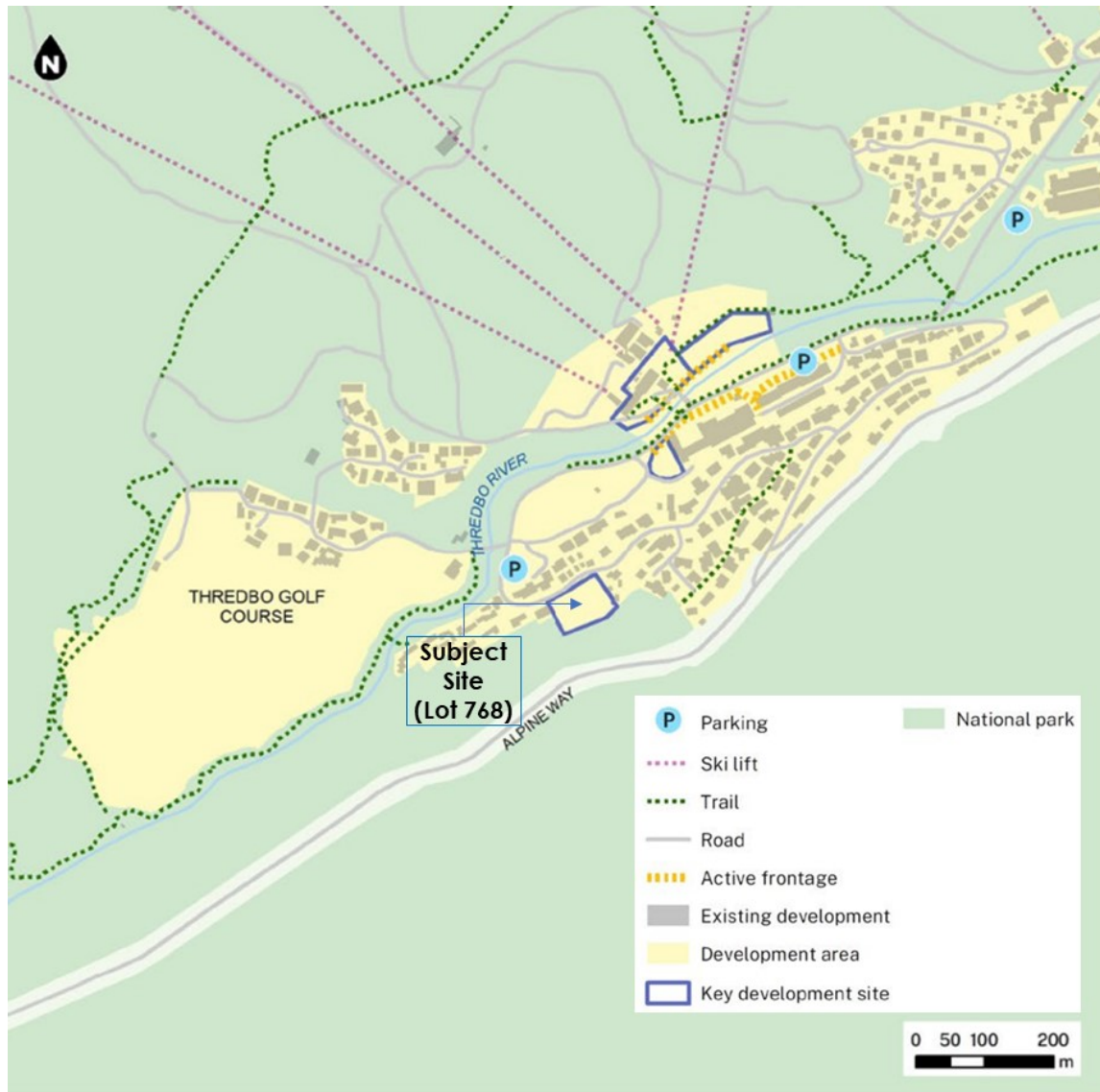
### Background

A State Development Application associated with a proposed mixed use tourist accommodation at Lot 768, 5 Diggings Terrace, Thredbo, was submitted to NSW Department of Planning and Environment (DPE) and is currently on public exhibition.

The Snowy Mountains Special Activation Precinct (SAP) Master Plan 2022, which outlines a 40-year strategic plan for the precinct, has identified that Lot 768 is one of the key new tourist accommodation sites in Thredbo Village West (Figure 1), located in Thredbo Alpine Resort, as part of the Alpine Precinct.

The Master Plan indicates that developments in the Thredbo Alpine Resort are facilitated by DPE through the Master Plan and Alpine Development Control Plan (DCP).

Figure 1: Thredbo Village West



Reference: Snowy Mountains Special Activation Precinct Master Plan (July 2022), DPE

While the Alpine DCP is currently under preparation by DPE, State Environmental Planning Policy (Precincts—Regional) 2021: Chapter 4.12 requires that:

- (1) *In determining a development application that relates to land to which this Chapter applies, the consent authority must take into consideration any of the following matters that are of relevance to the proposed development—*
  - (c) *having regard to the nature and scale of the development proposed, the impacts of the development (including the cumulative impacts of development) on the following—*

*(i) The capacity of existing transport to cater for peak days and the suitability of access to the alpine resorts to accommodate the development*

This independent peer review has been undertaken on the DA traffic statement from a car park design, traffic capacity and safety perspective as well as determining if there are any potential traffic issues and implications associated with the development that should have been addressed in the DA.

This peer review comments on the adequacy of the traffic implications, parking provision, car park layout, site access and arising road safety issues as a result of the DA.

## References

TTPP has referred to the following documents in preparing this peer review:

- Traffic and Waste Statement (combined) - Lot 768 DP 1119757, Thredbo
- Statement of Environmental Effects (9330\_5\_SEE Lot 768 Thredbo\_Final\_220826)
- Civil Engineering Drawings Package - Lot 768 DP 1119757, Thredbo
- Architectural DA Drawings\_- Lot 768 DP 1119757, Thredbo
- Site Environmental Management Plan - Lot 768 DP 1119757, Thredbo

This peer review was undertaken based on the following guidelines and references:

- Snowy River Development Control Plan (2013) Chapter C General Planning Considerations
- Snowy River Development Control Plan (2013) Chapter E Non-Residential Development
- Snowy Mountains Special Activation Precinct Master Plan (July 2022), NSW Department of Planning and Environment
- State Environmental Planning Policy (Precincts—Regional) 2021: Chapter 4 - Kosciuszko National Park and Alpine Resorts.

## Peer Review Findings

### Transport Assessment

The proposed development is comprised of a restaurant/bar, gym, visitor wellness and spa as well as 21 units for tourist accommodation.

The SEE describes the proposed development as follows:

*The development will provide new tourist accommodation with improved visitor recreation and food and beverage offerings, and therefore enhance the character and overall visitor experience of the Thredbo Alpine Resort.*

This suggests that the on-site facilities would be opened to all visitors, whether or not they stay within accommodation. This would potentially increase the traffic generation and parking demand associated with different uses of the site through many hours of the day and night.

As mentioned earlier, SEPP Chapter 4.12 requires an assessment of the cumulative impacts of the development, regarding to the capacity of existing transport to cater for peak days and the suitability of access to the alpine resorts to accommodate the development.

The DA's response to this requirement in the SEE is re-iterated as follows:

*With regard to existing transport, the proposed tourist accommodation falls within the maximum number of beds permitted within the Thredbo Alpine Resort. The proposed ancillary food and beverage and wellness/spa facilities, expands and diversifies the current offering across the resort, in response to the existing demand.*

*The existing vehicular and pedestrian access to the resort will be retained and will not be altered as a result of the proposal.*

*Accordingly, the proposed development will not impact on the capacity of the existing transport in relation to peak loads generated.*

The DA did not provide sufficient information to address the SEPP requirements. It did not establish the typical baseline traffic volumes on peak days nor did it quantify the traffic generation that would arise from the different uses of the proposed development.

In this regards, traffic surveys are required to be undertaken to record the existing traffic volume and traffic queues at key intersections during the peak season, and assess the traffic impact during the typical busiest hour, taking into consideration the other proposed uses as shown Figure 1 in a cumulative assessment.

Key intersections may include, but not limited to:

- Alpine Way- Banjo Drive intersection
- Banjo Drive- Digging Terrace intersection

- Digging Terrace- Crackenback Drive intersection.

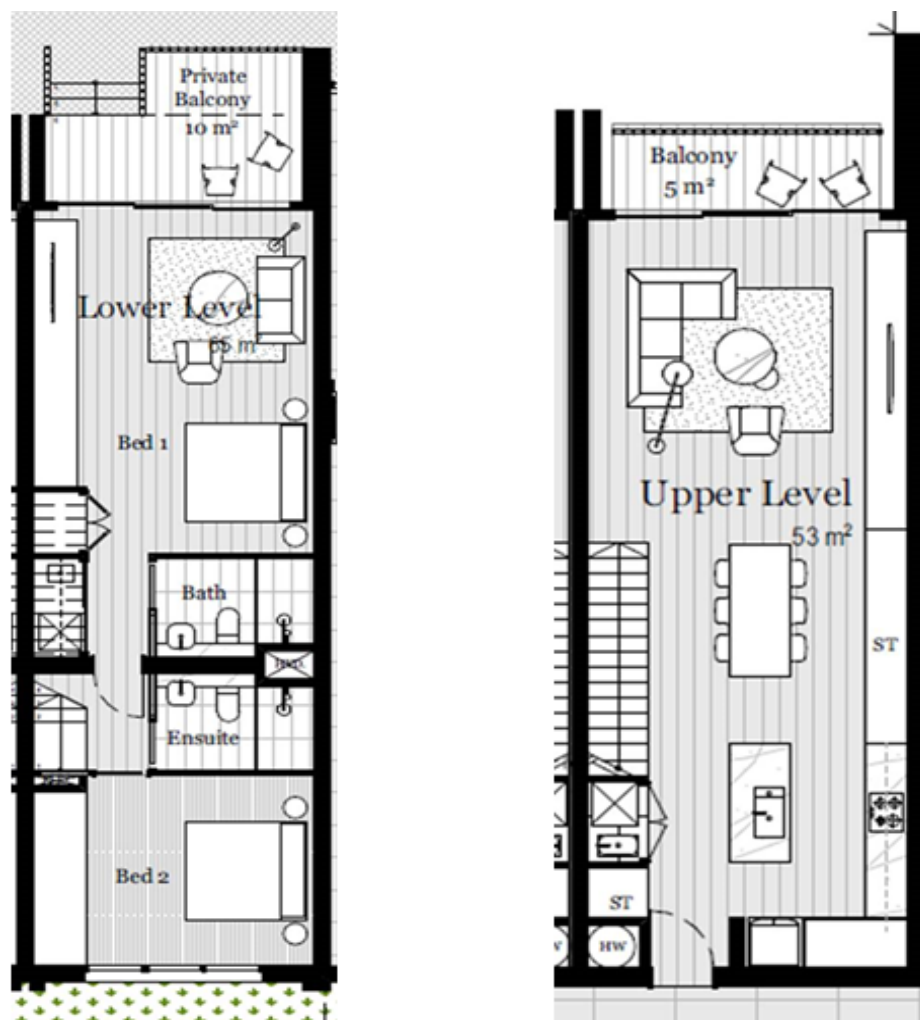
#### *Design Yield and Capacity*

The DA proposes 21 units (90 beds). A breakdown of the 90-bed accommodation appears to be:

- 14 apartments each sleeps 2 upstairs and 2 downstairs = 4 people x 14 = 56 people
- 5 houses each with 3 bedrooms = 6 people x 5 = 30 people
- 2 disabled apartments = 2 people x 2 = 4 people.

A further look into the architectural plans indicate that the 14 apartments can be accessed from the main entrance to the living room in the upper level, and a separate entrance via the balcony to another living area and bed in the lower level, as shown in Figure 2.

**Figure 2: Dual Key Access in 14 Apartments**



Source: Architectural DA Drawings\_Lot 768 DP 1119757, Thredbo

It is a concern that these dual key access apartments can potentially operate as two separate units with a locked door outside the bottom of the staircase in the lower level.

As such, the unit in the lower level can accommodate 2 people in Bed 1 as a studio, and another unit consisting of Bed 2 in the upper level and the Ensuite on the lower level can accommodate 4 people across 1.5 levels.

On this basis, the proposed accommodation would have the capacity to accommodate more people as follow:

- 14 apartments (lower floor) = 2 people x 14 = 28 people
- 14 apartments (1.5 floors) = 4 people x 14 = 56 people
- 5 houses each with 3 bedrooms = 6 people x 5 = 30 people
- 2 disabled apartments = 2 people x 2 = 4 people.
- **Total: 118 people**

The apartments are dual key access and each may accommodate two separate groups, and thus potentially generating traffic volume and parking demand twice as much than a standard single key access apartment that serves a single group. In light of this, potential traffic generation of the proposed accommodation should consider 35 units (118 people), in lieu of the proposed 21 units (90 people).

Practically, the overall accommodation could cater for 118 people which exceeds the 90 bed licence with this DA.

The traffic assessment should take this into consideration given higher traffic generation is likely with guests arriving in potentially more than one vehicle to the apartments and houses as each accommodates six people.

#### *Traffic Generation*

The DA did not consider traffic generation of the proposed accommodation and other on-site facilities.

An estimate of traffic generation should consider the number of staff and visitors expected to be at the site during the peak season. Assuming 4pm-8pm being the typical busiest time period, consideration should be given to the following traffic generating activities:

- Staff travelling to/from work by car
- Guests checking in to the proposed accommodation
- Guests returning from day activities to the proposed accommodation
- Guests leaving the proposed accommodation to evening activities
- External visitors who stay in other accommodations travel to the proposed restaurant and other on-site facilities that would be operational during this time period.



In addition, the check-out period is another busy period to be considered given visitors generally check out from accommodations on Fridays and Sundays before 10am. Large groups of visitors would be leaving Thredbo Alpine Resort by cars and coaches. As such, the assessment should consider the peak traffic volume during this time period.

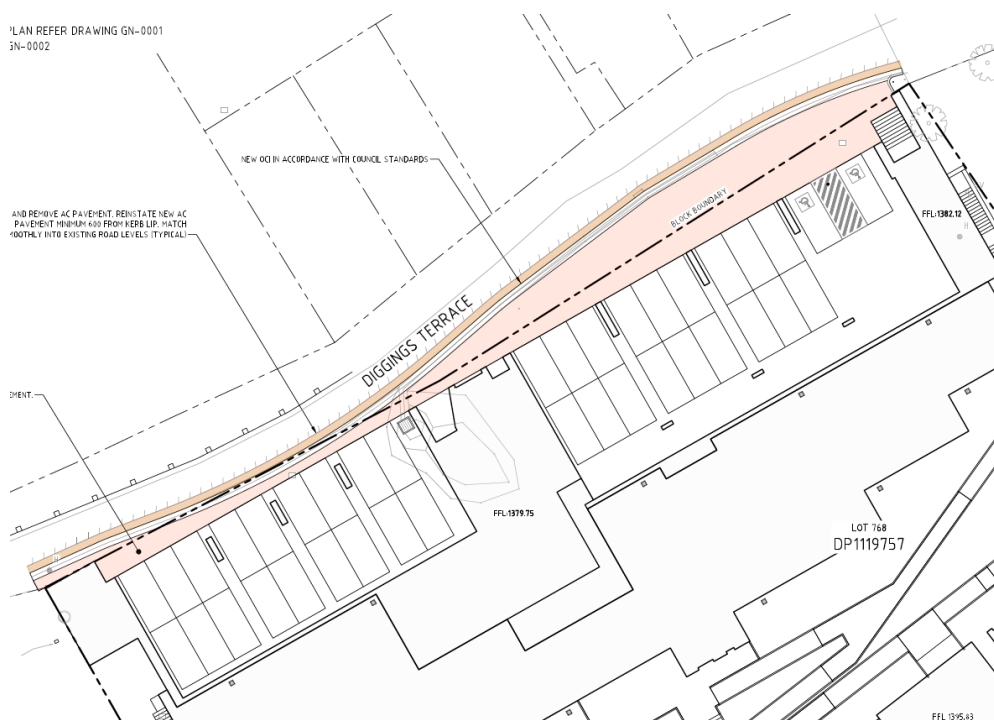
In the absence of relevant information of the proposed operating hours and proposed capacity/patronage of the on-site facilities, it is not possible to estimate the likely traffic generation in this peer review.

However, it is important to point out that the proposed parking area is configured to provide 20 marked spaces in the front row and 18 marked spaces in the rear (Figure 3) as shown in the DA civil engineering drawings. This gives a total of 38 parking spaces including 18 tandem spaces, which is greater than the 20 spaces as claimed in the DA.

Apparently, these tandem parking spaces could be used by guests that arrive in more than one vehicles (e.g. two families sharing the same accommodation unit), and also the dual key access apartments as discussed above would require separate parking spaces). Hence, these would generate more traffic volume and parking demand on-site.

Having said this, such tandem spaces would not be helpful in providing spaces for different family groups who would need to wait for other family groups to return before they could move their car.

**Figure 3: Proposed 20 Parking Spaces with 18 Additional Tandem Spaces**



Source: Civil Engineering Drawings Package - Lot 768 DP 1119757, Thredbo

## **Parking Provision**

The SEE states that,

*While the Department intends to prepare a new Alpine Development Control Plan to supplement the SAP Master Plan, there is currently no adopted DCP or guideline, applying to development within Thredbo.*

While there are no specific current guidelines for the Thredbo Alpine Resort, the most relevant parking rates would be Snowy River DCP 2013 and RMS (now TfNSW) Guide to Traffic Generating Developments 2002 and, before the Alpine DCP becomes available.

These parking rates can enable an insight into the indicative parking requirement in a high level as in Table 1 overleaf.

### Table 1: High-Level Parking Assessment

Land Use	Yield	Reference	Parking Rate	Parking Requirement	DA Parking Provision	Sufficient?
Serviced Apartment	<ul style="list-style-type: none"> <li>2 accessible one bedroom units</li> <li>14 two bedroom apartments (across 1.5 levels) *</li> <li>14 one-bed apartments (lower level) *</li> <li>5 three bedroom houses</li> <li>Unknown staff number</li> </ul>	Snowy River DCP	<ul style="list-style-type: none"> <li>1 parking space per 1 bedroom serviced apartments unit</li> <li>2 parking space per 2 bedroom or more serviced apartments unit</li> <li>1 parking space per 2 staff</li> </ul>	<ul style="list-style-type: none"> <li>Visitor: 54 spaces</li> <li>Staff: To be determined when staff number is known</li> </ul>	20	No
<b>Other Uses</b>						
Restaurant / Pub	• 153m <sup>2</sup>	Snowy River DCP	<b>Pub</b> 5 parking spaces per 100sqm Gross Floor Area <ul style="list-style-type: none"> <li>1 parking space per 3.5m<sup>2</sup> of licensed floor area (i.e. bar, lounge, beer garden and games room);</li> <li>1 parking space per 40m<sup>2</sup> Gross GFA of office space;</li> <li>1 parking space per 6.5m<sup>2</sup> of public dining area for refreshment room;</li> <li>1 parking space per employee; and</li> <li>2 parking spaces per managers residence</li> </ul> <b>Restaurant</b> <ul style="list-style-type: none"> <li>5 parking spaces per 100m<sup>2</sup> Gross Floor Area.</li> <li>1 parking space per 6.5m<sup>2</sup> of public dining area</li> <li>1 parking space per employee</li> </ul>	<ul style="list-style-type: none"> <li>Unknown (breakdown of land uses is unknown but excluding on-site guests)</li> </ul>		
		RMS	The greater of: <ul style="list-style-type: none"> <li>15 spaces per 100m<sup>2</sup> GFA</li> <li>1 space per 3 seats.</li> </ul>	<ul style="list-style-type: none"> <li>15 (indicative only, but excluding on-site guests)</li> </ul>		
Wellness Centre involving gym and spa	• 138m <sup>2</sup>	-	To be determined based on using first principle method for staff and external visitor parking	<ul style="list-style-type: none"> <li>Unknown, but excluding on-site guests</li> </ul>		

Note: \* The 14 apartments with dual key access can potentially provide 14 two-bed units and 14 one-bed units separately.

Both references require the provision of staff and visitor parking spaces in the proposed accommodation.

Apartments with dual key access would require 14 additional spaces for 14 other studio units located in the lower floor, given each apartment can potentially be separated into a one-bedroom studio and a two-bedroom unit.

The on-site restaurant and wellness centre are required to provide on-site parking spaces for staff and external visitors, however noting that on-site guests can walk to these facilities.

The parking demand cannot be quantified in the absence of staff number and how the on-site facilities would operate, but clearly the proposed 20 parking spaces are not sufficient to meet the staff and visitor parking demand during the peak season.

As shown in Figure 3, the use of the 18 marked spaces in the rear (not being proposed as part of the DA) would be blocked once the spaces in the front row are occupied. The rear parking spaces are not practical for use as on-site guest, nor external visitor parking.

Another issue of concern is the DA does not provide any on-site loading bays to accommodate service vehicles for food and waste etc. Parking on the site frontage would impede access to the parking spaces and reduce traffic efficiency on the narrow Diggings Terrace. Refer to the road safety concerns in the following section.

### **Swept Path Assessment**

There are a number of deficiencies in the DA swept path assessment:

- AS2890.1 requires the use of a B99 vehicle to check areas designed to be used by one vehicle at a time for the manoeuvring and circulation clearances. The DA provided swept path assessment based on a B85 vehicle. In light of this AS2890.1 requirements, the swept path assessment is incorrect because the larger B99 vehicle should be used instead. Problematic areas based on a B85 vehicle are shown as follows which would be augmented based on a required B99 vehicle:
  - Parking bay 9 has an overlap of the vehicle body into parking bay 8
  - Parking bays 3, 5, 7, 11 and 12 have overlaps of the vehicle clearance into the adjacent parking bay
- Only westbound vehicle movements were assessed. Eastbound vehicles should have been assessed as well for this two-way road to confirm sufficient clearances are available for B99 vehicles.

## Road Safety Concerns

Diggings Terrace is a narrow road with a sealed width of 5-6m that accommodates two-way traffic. There are combined vertical and horizontal curves located to the east and west of the subject site. While there is no posted speed limit on Diggings Terrace, the posted speed limit of 40km/h on the connecting Banjo Drive would apply.

### *During Operations*

A number of road safety issues would be arising from the operation of the proposed development, as follows:

- Sight distance towards the site is impeded by the terrain, retaining wall and the proposed building structure located on the eastern end of the site frontage. Refer to Figure 4 and Figure 5. As a result, motorists on approach to the subject site may not see vehicles manoeuvring into and out of the parking spaces, and the pedestrian access to the restaurant/ wellness centre located immediately west of the retaining wall. This would increase the risk of traffic conflicts with other vehicles and pedestrians.

**Figure 4: Impeded Sight Distance to the Proposed Parking Area (Google Streetview)**





**Figure 5: Impeded Sight Distance to the Proposed Parking Area (DA SEE Report)**



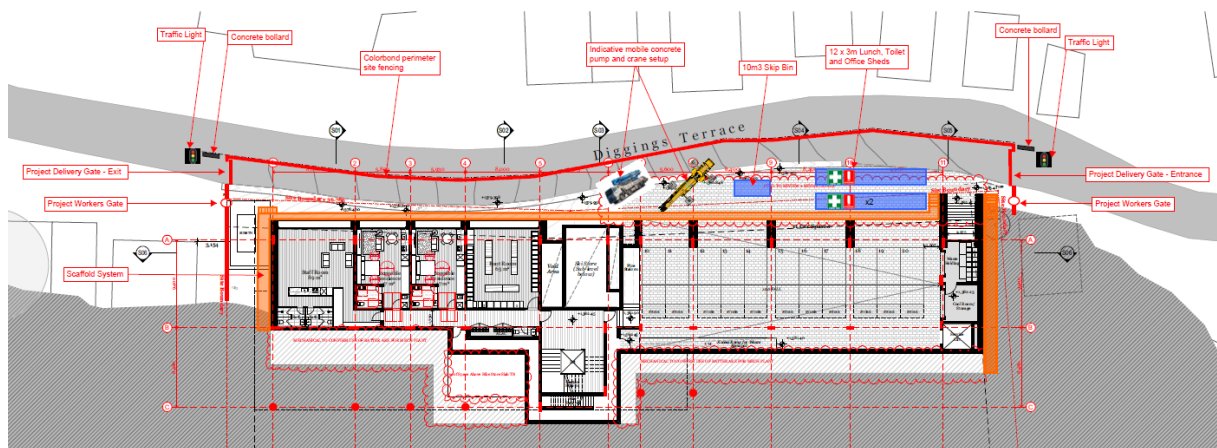
- There is no designated parking area for guests while checking in, nor service vehicle bays. Parking on the roadway would impede traffic flow along Diggings Terrace and force vehicles to travel on the other side of the road. This would increase the risk of rear-end and head-on collisions, especially the sight distance is compromised as shown in Refer to Figure 4 and Figure 5 above.
- Diggings Terrace is a winter shuttle bus route that assists visitors move around Thredbo Village. The closest bus stop is located some 50m to the west of the subject site. The safety concern is parking manoeuvres involving reverse movements along the 70m-80m frontage would affect pedestrian safety. While currently there is no footpath provision on Diggings Terrace, the existing vehicle-pedestrian conflicts are exacerbated due to the increase in pedestrian movements and the impeded sight line as mentioned above. Absence of any pedestrian facilities would put pedestrians at risk.
- The steep bank on the opposite side of Diggings Terrace is unprotected, and would increase the risk of any reverse movements when manoeuvring into or out of the 90 degree parking spaces on the site frontage.
- In winter, Diggings Terrace is a shared pedestrian/vehicular zone providing access to the shuttle bus route stop and a walking route to village square and lifts. There is no formed path and the roadway is narrow. Pedestrians walking to and from the lifts in winter are subject to splashing water and sludge from motor vehicles due to recurring rain and snow. Two people side by side carrying skis would take up 1.8m of this narrow roadway. Furthermore, the grading of winter snow creates berms at the edge of the roadway making it almost impossible for pedestrians to step clear of motor vehicles.
- Given Diggings Terrace is already too narrow to accommodate two-way traffic and pedestrian movements, additional vehicle and pedestrian movements associated with

the subject development would exacerbate road safety issues and impose a more significant road safety risk to road users, especially in the winter when the road surface conditions are snowy and icy.

### *During Construction*

The Site Environmental Management report indicates a travel lane in Diggings Terrace would be closed during the construction of the superstructure for approximately nine months between 15 February 2023 and 7 November 2023. The work site would be separated by a colourbond fence and the two-way one-lane contra flow arrangement would be managed using portable traffic signals as shown in Figure 6.

**Figure 6: Construction Traffic Management**



There are a number of safety concerns in the proposed construction traffic management measures:

- Setup of the partial road closure does not comply with TfNSW Traffic Control at Work Sites Technical Manual.
- Colourbond fence would not provide sufficient protection to workers in the work zone from errant vehicles.
- The width of the lane closure is not clear, but an edge clearance of 0.3m based on an existing 40km/h speed limit is required as a buffer between the separation device (e.g. road safety barrier) and the remaining travel lane. It is a concern that the remaining lane width may not be able to accommodate contra flow traffic, noting a minimum 3.2m wide lane is required to accommodate buses and even wider along bends ( Figure 7). As the steep bank on the north side of Diggings Terrace is not traversable and not protected (Figure 8), it is a concern that errant vehicles would not be contained and hence any off-carriageway incidents would have a serious severity outcome.



Figure 7: Yellow Line Depicting Line of Fencing and Narrow Residual Road Width



Figure 8: Steep Bank Located on the Opposite Side of the Subject Site





- No provision of roadwork signage to provide advanced warning of the lane closure and the need to stop at the portable traffic signals. Given the sight distance towards the traffic signals is be impeded by the combined vertical and horizontal curves, it is a concern that there would be insufficient time for motorists to observe, react and brake at the traffic signals and the back of the traffic queue. This may result in non-compliance to traffic signal leading to possible head-on and rear-end collisions.
- The remaining road width would not be sufficient to accommodate parking manoeuvres to/from the 90 degree off-street parking at the neighbouring accommodation located on the opposite side of the road. Refer to Figure 7.
- As the road occupancy extends over the winter peak period, lane closure in Diggings Terrace would increase the abovementioned safety risks due to typically higher traffic volume, in conjunction with possible traffic congestion in this narrow road.

## Summary and Conclusion

An independent review was undertaken by TPPP to assess from a car park design, traffic capacity and safety context in relation to the proposed mixed use tourist accommodation at Lot 768, 5 Diggings Terrace, Thredbo. There are a number of primary concerns relating to this application:

- The proposed development is located in Thredbo Alpine Resort, as part of the Alpine Precinct. As such, the DA is required to address the SEPP Chapter 4.12 which stipulates a cumulative traffic impact assessment is required to review the capacity of existing transport to cater for peak days and the suitability of access to the alpine resorts to accommodate the development. The DA did not adequately address this SEPP requirement.
- Lack of an assessment to review the existing traffic conditions on peak days, and the traffic impact arising from the proposed development, taking into account other proposed developments in the Thredbo Alpine Resort.
- The proposed 20 parking spaces are insufficient to accommodate staff, on-site guests and external visitors to the proposed development in peak season.
- The marked parking spaces in the rear would be blocked once the spaces in the front row are occupied. The rear parking spaces are not practical for use as staff, on-site guest, nor external visitor parking.
- Sight distance towards the site is impeded by the terrain, retaining wall and the proposed building structure located on the eastern end of the site frontage. As a result, motorists on approach to the subject site may not see vehicles manoeuvring into and out of the parking spaces, nor pedestrians at the restaurant/ wellness centre access located immediately adjacent to the retaining wall. This would increase the risk of traffic conflicts with other vehicles and pedestrians.

- There is no provision of parking area for guests while checking in, nor loading bays for service vehicles. Parking on the roadway would impede traffic flow along the narrow Diggings Terrace (5-6m wide) and force vehicles to travel on the other side of the road. This would increase the risk of rear-end and head-on collisions, especially the sight distance is compromised.
- In winter, Diggings Terrace is a shared pedestrian/vehicular zone providing access to the shuttle bus route stop and a walking route to village square and lifts. There is no provision of pedestrian facilities along Diggings Terrace. Two people side by side carrying skis would take up 1.8m of this narrow roadway. Furthermore, the grading of winter snow creates berms at the edge of the roadway making it almost impossible for pedestrians to step clear of motor vehicles.
- Parking manoeuvres involving reverse movements along the 70m-80m frontage of the subject development would affect pedestrian safety.
- Given Diggings Terrace is already too narrow to accommodate two-way traffic and pedestrian movements, additional vehicle and pedestrian movements associated with the subject development would exacerbate road safety issues and impose a more significant road safety risk to road users, especially in the winter when the road surface conditions are snowy and icy.
- The swept path assessment indicates there are insufficient clearances to accommodate design vehicle manoeuvring into and out of the parking spaces, and swept paths of eastbound movements are missing.
- Substandard construction traffic management measures would impose numerous road safety issues during lane closure, especially during winter season when traffic volume is typically higher.

Based on the above, the application in its current form, has significant shortfalls in terms of being acceptable in a car park design, traffic capacity and safety terms.

We trust the above is to your satisfaction. Should you have any queries regarding the above or require further information, please do not hesitate to contact the undersigned on 8437 7800.

Yours sincerely,



**Ken Hollyoak**  
**Director**

Attention Mark Brown

As co-owners of Ben Halls ski chalet in Diggings Terrace Thredbo village, my wife Louise and I would like to forward an objection to the proposed development in the vacant lot next to our property in Thredbo village.

Firstly, we were not advised of any development proposal from anyone or any organisation.

The first we heard of any development was from whispers in the village.

Also, we were under the impression that this site was to be used as a firebreak and never to be built on. So, it was a complete surprise.

We were NOT consulted about the proposal or the establishment of a new distribution substation, very close to our property and in fact our front door.

There are several concerns which we would like to raise.

We purchased the property in accordance with the KT lease and offered it for holiday rental in excess of the minimum requirements.

After approximately 5 years of ownership, we have become, what we believe to be a part of the local community, being involved where possible.

As the lease states that we are not able to permanently live in the village, we have adhered to the lease agreement and use the property occasionally for family and friends. At other times (the majority of the year), it is available for lease under the terms and conditions of KT's head lease and our subsequent sublease.

It, like many other properties, was purchased for investment purposes for us and our future generations.

Unfortunately, if the proposed development proceeds, as described, it will undoubtedly undermine our future expectations and our future investment potential.

The size of the proposed development is totally overwhelming. It does not particularly fit in with the theme of the village, which, I'm sure you will agree is something quite unique to the alpine region.

I realise that the village must evolve to accommodate the increased interest in the area, but let's take a step back and not rush this through.

My biggest concern is (and is the concern of many locals) that it is too much, too soon. Obvious questions have been raised about whether the local infrastructure will cope. Such a large development on a property which is supported by a very narrow carriageway will be a nightmare, particularly when you consider that most "changeovers" occur on Sundays.

Thredbo Village is quite a different place on Sundays, with guests usually moving in and out on Sunday (changeover day).

It is with be absolute chaos.

Having been members of the Silver Brumby ski lodge in the village for some 30-plus years, Louise and I know, only too well about the total disruption to the village during this period.

When the village is white with snow and icy roads, it becomes extremely difficult for all. Add another massive development on a major thoroughfare in the village and it becomes even worse.

The local shuttle buses use Diggings Terrace as a major thoroughfare to transport guests to the bottom on a regular basis. Just imagine the mayhem if masses are moving in and out at the same time.

Will the local infrastructure cope?? Clearly not without some massive upgrades.  
Most of these issues are outside my area of expertise so it is difficult to comment further.

However, one aspect which is within my area of expertise is the electrical development required for such a complex.

Having worked in the electrical distribution area for over 40 years, I feel I am qualified to comment in this area.

Clearly, the existing electrical infrastructure will be inadequate as it is.

Therefore, I'm sure the developers have made a submission to Essential Energy for proposed electrical load growth.

My experience tells me that a new 11kV electrical supply will be required to supply a new distribution substation to supply the new dwellings. It will be an 11kV to 415V substation.

Under the Electricity Supply act of 1995, large customers who request additional load are required to supply a location within their property boundaries for the new substation.

This location should be in a mutually agreed location and if it impacts neighbours, they should be consulted.

From the plans, the substation location appears to be very close to the boundary with our chalet, Ben Halls.

WE HAVE NOT BEEN CONSULTED IN ANY WAY

If we had been consulted, we would strongly object to the proposed site location, as it is clearly advantageous to the new property owners with absolutely no regard for us.

This proposal has the potential to devalue our property considerably and offer no concerns to the new property owners.

For them "out of sight, out of mind".

Also, under the electricity supply act, provision for underground electrical cables is normally made in the footpath allocation as agreed by public utilities, in specific locations.

Only in extreme circumstances, are the cables able to be laid in the roadway.

Knowing the road and footpath layout in Diggings Terrace, I would consider this to be a major problem which will affect the area and its users.

As far as the proposed development is concerned, we would like to strongly object to the size of the development and the access from Diggings Terrace.

This will distract from the general layout of this part of the village and provide nothing but major headaches for, not only us, being in very close proximity but also all of the neighbouring properties and owners.

The height of the proposed buildings is not in the best interests of anyone (except the new owners). It is way beyond the planning recommendations for the village layout and will not enhance the village in any way (except for the owner's potential to increase revenue).

It will, if it proceeds in the proposed format, prohibit natural light from entering our property until late in the day and will. It will make it very gloomy.

Also, the very close proximity to our boundary is extremely alarming.

It is obvious that the development proposal uses far more footprint on the vacant land than was ever intended, thus exceeding reasonable occupancy levels.

The proposed restaurant is alarming close to our front door and an application for a 2am liquor licence is just not acceptable, with the close proximity to our dwelling.

The proposed removal of all but one snowgum on and around our property boundary is also totally unacceptable.

These trees are very well established and are an integral part of ensuring steep slope stabilisation.

I really hate to mention it but let us not forget the disastrous Thredbo landslide and the lives lost. Steep slope land destabilisation was caused by a number of factors including vegetation removal.

I realise that development must go ahead for the future of the ski resorts and the village, but let's take a step back and review this proposed development.

Let's consider the well-being and future of property owners and stakeholders.

If the proposal is accepted in its present form, many owners and users of properties and village services will be affected in a way that will distract from the wonderful feel of the surroundings.

I strongly urge you to reconsider the proposal in its present form. The size, bed proposal, parking, building footprint, tree removal and location of substation and in fact extreme size is quite alarming.

If we must go ahead, please consider scaling down the proposal.

A compromise is the best solution.

John and Louise Murray

Co-owners of Ben Hall's ski chalet 3C Diggings Terrace, Thredbo Village.

[REDACTED]

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30 October, 2022

Dear Sir/Madam

**RE: LOT 768 - 5 DIGGINGS TERRACE, THREDBO – DA-22/11595**

We are long time members of Dulmison Ski Club and have been regular visitors to Thredbo since the early 1970's. As we have stayed in Thredbo over 50 weeks in total, we both know and appreciate the unique character of Thredbo and Kosciuszko National Park. Caroline and I are both practising architects and Caroline is a Master of Urban Design. Our professional qualifications combined with our knowledge of Thredbo places us in an ideal position to assess and provide comment upon the proposed development at 5 Diggings Terrace.

In this letter and for convenience, we will refer to all written documents and drawings as though they are provided by one party, namely "*the Applicant*".

**DESIGN PROPOSAL AND IMPACT ON THREDBO VILLAGE**

**Wall of building:**

We consider the size and bulk of Building 1 to be particularly problematic.

The proposed Building 1 presents as an enormous wall of development approximately 80 metres long and two stories high on the street frontage which is barely relieved by a few in and outs on the façade. Building 1 is markedly dissimilar to the smaller detached lodge development in the immediate vicinity. As a result, the development is completely out of scale with the existing surrounding development and does not align with the "*desired future character*" of Thredbo.

The Applicant uses the examples of Thredbo Alpine Hotel and Squatters Run as precedents to support their "*wall of building*" design. This argument does not stand up to serious scrutiny because the Alpine Hotel and Squatters Run are both in the absolute centre of the village and serve as "*anchor buildings*" to the commercial core of Thredbo. As these two buildings form the village centre, greater mass and density are acceptable and desirable in order to create a small urban village.

In stark contrast, 5 Diggings Terrace is on the outer south western periphery of Thredbo, where building blocks are surrounded by the bushland of Kosciuszko National Park and individual lodges have generous space between them.

**Existing lodges in vicinity:**

The existing lodge development in the south western part of Thredbo is characterised by individual smaller lodges with the spaces between full of native vegetation. This pattern of development has been ignored by the Applicant who has chosen to maximise development returns instead of providing a sympathetically designed development.

**Building Site Coverage:**

The Thredbo Village Master Plan 1988 (as amended 1994) states that the site coverage (building footprint) of any development shall be no more than 35% of the site area. The aim and objective of this control is to prevent buildings overly dominating the landscaping on any site.

The Applicant has decided that the site coverage control should not apply to them and has proposed 68.9% site coverage. This figure exceeds the control by almost 100%.

The impact of this breach is that the proposed buildings dominate the site and do not allow sufficient landscaping to flow in and around the buildings.

**Other non compliances:**

Besides site coverage, various other non compliances have been identified. A list of some of these breaches are listed below:

- Side setback control is 3 metres. The proposal's substation is located on the boundary next to the Ben Hall Lodge boundary. The stair wall structure is 1.3 metres away from the Ben Hall boundary. The stair wall on the east side of the proposed building is on the boundary.
- There is less than the required 6 metre building separation between Ben Hall Lodge and the proposed development and less than 6 metres separation to Dookies Lodge to the east of the site.
- The front building setback control is 3 metres. The setback to the entrance of the building is only 1 metre. The entire length of the building encroaches on the 3 metre front setback control.
- Scant regard has been given to integrate or separate the development from the existing snow gums on the site. There are over 30 snow gums, which all get removed except for one tree.
- The allowable height limit is 12 metres. The proposal exceeds the height control at various points.

**Design Quality:**

The proposal is an unacceptable quality of design as it does not positively respond to the existing density, scale and character of the immediate surrounding area or Thredbo Village.

The Applicant has taken the approach that the site is an unequalled opportunity for maximising development profits.

**Landscaping:**

The landscape design proposal for the development is inadequate and a lacklustre attempt has been made to maintain or enhance the natural environment through additional endemic planting. Further thought is required on this aspect of the proposal.

**Restaurant operating hours:**

We question whether any commercial development should be allowed on this site, as it's located far away from the village centre. Setting aside whether any bar/restaurant should be allowed, the proposal for a 2 am closing time is inappropriate and unacceptable. The surrounding area is tourist accommodation and nearby lodge occupants will be adversely affected by such a late closing time.

**DESIGN SUGGESTIONS****Building design and layout:**

The mass, scale, density and character of the development is at odds with the village atmosphere of the existing and desired future character of Thredbo. A better, more sympathetic design approach would be to break up the continuous wall of Building 1 into smaller components which allow



landscaping to grow between them. This approach would more closely reflect the established surrounding pattern of individual smaller buildings with bushland creating a buffer between them.

We would welcome a design approach as suggested above.

**Traffic:**

The Applicant should properly address the traffic generation and parking issues which will result from the proposal and the detrimental impact this will have on the existing, surrounding development.

**CONCLUSION**

The numerous breaches of this development application generate major negative environmental impacts upon Thredbo and the lodges in the immediate vicinity in particular.

The Applicant has demonstrated a lack of respect and regard to the existing character of the area and the negative impact the numerous breaches will have upon Thredbo.

We contend that the development application should be refused outright.

Yours faithfully

Nicholas Solomon B. Sc (Arch) B. Arch  
Registered Architect No. 5109

**RE:** DA 22/11595 Lot 768 5 Diggings Terrace, Thredbo - construction of tourist accommodation buildings

Submitter: Alastair Pow

My objection is written from the perspective of being a bi-annual visitor to Thredbo having first worked there in 1990. I now bring my family on our annual ski pilgrimage and to bike events. We have also been members of a nearby lodge since 2011. The lodge is adjacent to the site of the proposed development. I don't disagree that Thredbo would benefit from more modern accommodation and commercial enterprises, however the scale of this proposal in the current site location is incompatible with the amenity of the existing and predominantly residential area.

As a long term and regular visitor to Thredbo, I would like to highlight the following impacts that I consider a development of this bulk and scope is likely to have:

- (a) increased strain on already very limited parking in the nearby vicinity (the development insufficiently addresses increased car traffic and/or parking demand and/or the loading/unloading of guests and suppliers);
- (b) increased foot traffic between the proposed development and primary resort locations (shuttle services are designed for small roads and low volume people movement (as it is we generally wait an excessive time for a shuttle outside our lodge);
- (c) the absurd notion of a late-night bar/nightclub/restaurant in a residential area which will exacerbate points (a) and (b) even more as well as introduce unwelcome noise/disruptive elements to a peaceful and essentially non-commercial part of the village;
- (d) the unlikely commercial viability of nightclub/bar/restaurant/spa in this area will result is highly likely to result in a variation to the design to be replaced with yet more accommodation in a development that already far exceeds the normal building to site ratio for this area;
- (e) day-to-day environmental impact of 94 further beds/humans in the village. The consequences to the existing natural landscape (notwithstanding the Khancoban road above) and native fauna/flora, including likely impact to creek neighboring our lodge from increased run off as well as the removal of ~30 native snowgum trees (no remediation plans, except planting of low level vegetation).

Whilst the topic of aesthetics is subjective, the proposed lodges appear to stand out very unnaturally. It looks like the design is based on the character Waternoose III from Monsters Inc, and is therefore quite an alien look to Thredbo village.

From a technical perspective, the proposal in its current form exceeds the building to site ratio as well as other development controls such as setbacks and roof heights. These controls exist to ensure developments are maintained in their rightful envelopes to minimise impact to amenity of neighboring properties, and in Thredbo's case, maintains its unique village qualities and aesthetics.

SUB-3046

[REDACTED]

Newport NSW 2106  
31.10.2022

Dear Sir,

I am writing to express my objection to the proposed development, DA 22/11595 Lot 768 5 Diggings Terrace, Thredbo - construction of tourist accommodation buildings. I am a long-standing member of Dulmison Lodge, which is located directly in front of this proposal and will be heavily impacted by this development. My family attends the lodge on a regular basis throughout the year. The main areas of concern are as follows.

Firstly, the amount of foot traffic will increase and impact Dulmison Lodge as people use the existing pathways as a short cut through to the village green. The pathways are not designed to cope this.

Secondly, there will be a large increase in traffic generation, noting the development is severely lacking in parking spaces given its proposed accommodation capacity. Even if the carpark ratio in the development were to be made compliant, the impact is likely to still be significant on the general use carpark out the front of Diggings Terrace which is already at capacity during winter months.

Thirdly, the proposed bars and restaurant will remain open till 2am in what is an otherwise quiet section of accommodation buildings within Thredbo village. This seems totally inappropriate for the site given the predominance of short-term residential accommodation which surrounds the site and seems inconsistent with the broader planning intention of Thredbo Village.

In conclusion, The Village community and experience has thrived on having these types of entertainment offerings centred in the main village hub, with areas closer to the fringe maintained for quieter residential use. This planning intention should continue to be adhered to.

Yours Sincerely,

[REDACTED]

Nicholas Hart  
[REDACTED] NSW 2107  
1/11/2022

Dear Sir/ Madam,

I am a member of Dulmison Ski Lodge, Thredbo and have been alerted to a massively inappropriate development on Diggings Terrace, behind our lodge.

I would like to register my objection.

We will suffer from a huge increase in foot traffic as there is a natural shortcut to the village and ski fields around our property – a very significant negative outcome for our lodge and members.

Car parking is inadequate already and will be even more so as a result of this development which has insufficient capacity for its own occupants.

The proposed 2am closing of a bar / restaurant in what is a quiet part of the village is also a major concern as we are just across the road. The Village community and experience has thrived on having these types of entertainment offerings centred in the main village hub, with areas closer to the fringe maintained for quieter residential use. This planning intention should continue to be adhered to.

More broadly, the development is vastly out of scale with the existing surrounding development.

The proposal includes a built site ratio of 68.9% (vs. planning control of 35%) which is nearly double that allowed under the control, the removal of all of the over 30 existing snow gums on the site except for 1, a breach of the maximum height control of 12m, and a setback of only 1m to the entrance of the building (vs. a planning control of 3m).

**The planning requirement for building footprint to be no more than 35% of the site area should be rigorously defended and the proposal rejected on this basis alone.**

The mass, scale, density and character of the development is totally out of keeping with the village atmosphere of existing development in Thredbo – the established surrounding theme of individual smaller buildings with native landscaping in between would be a far more acceptable outcome for the development.

Only a total redesign of the current proposal is my desire.

The existing proposal is simply too enormous to consider as a variation to the current development application, **and the application should be refused outright.**

Sincerely,  
Nick Hart

## **No attachment submitted.**

The proposed development is outrageous overreach, and will completely change the residential village and family-oriented character of the area. Such development should be confined to the central part of Thredbo. The degree of overbuild on the site (way beyond allowable guidelines), the scale and imposing mass of the development, the lack of any sympathetic treatment of the landscape, the proposed use of the development (including a bar trading until 2 am), the traffic and parking issues that will be generated and imposed on residents and users of the area (in the absence of a viable plan to deal with this issue) all make this a particularly egregious application which should be completely rejected.

SUB-3050

The proposal is too large for the site..

The entertainment area and restaurant will impact on the quiet area of Thredbo especially if there is a late license.

Too much car traffic into this corner of the village with inadequate parking for all the cars.

The building seems too large for the area in this corner of Thredbo

31 October 2022

## **Re. Urban Design Submission Statement regarding DA 22/11595 Lot 768 5 Diggings Terrace, Thredbo.**

GM Urban Design and Architecture (GMU) has been engaged by the Landowner Group, Diggings Terrace in Thredbo (the clients) to provide an independent assessment of the Development Application (DA) for the construction and use of a tourist accommodation development on Lot 768, 5 Diggings Terrace in Thredbo (the subject site) as a Submission Statement. GMU is engaged to provide advice on behalf of the following property owners:

- Owners of Aspect 1, Aspect 2, Aspect 2A, Aspect 3, Aspect 4, Aspect 5, Aspect 6, Ben Hall, Creek Cottage, Kaella 2, Melaleuca Chalet 2, Melaleuca Chalet 3, Piccolo, Sneznik

GMU's review has identified urban design issues related to the DA and the resultant impact on the site and its context. GMU's advice and the conclusions drawn in this statement are informed by our experience and expertise in the field of urban design. This submission considers the proposed development outcomes as well as the guidance provided by relevant parts of the planning frameworks and the unique character of the area.

Based on the information available on the NSW Planning Portal ([www.planningportal.nsw.gov.au](http://www.planningportal.nsw.gov.au)), the proposal is seeking consent for the construction of a tourist accommodation development consisting of the following:

- Vegetation removal including; vegetation removal on site and clearing of vegetation on the adjoining head lease (Lot 876). The number of trees nominated for removal is not itemised in the information available on public exhibition.
- Six (6) separate buildings including:
  - One (1) new part 4 and part 5-storey building in the northern portion of the site
  - Five (5) x 3-storey detached accommodation units in the southern portion of the site
- Associated drainage, services, and landscape works

We understand the proposed land uses also include ancillary activities such as visitor wellness and day spa, yoga and gym facilities and restaurant and bar facilities. Under Chapter 5.4.1 of the SEE, premium retail is also mentioned as one of the offerings which appear to be the restaurant and bar on Level 01.

GMU understands the proposal results in an FSR of 0.97:1 and maximum building heights ranging from 11.10m (Building 2e) to 15.78m (Building 1).

The site area is approximately 4,960sqm with a significant cross fall to the north of approximately 23m. According to the Urban Design Report, the site measures 82.6 meters in width and 60.8 meters in depth.

To inform our review of the DA documents, GMU has examined relevant state policies, strategic documents and the local planning framework to understand the strategic planning outcomes sought by these documents. Our background review has included a review of relevant parts of the following policies, reports and technical studies:

- State Environmental Planning Policy (Precincts-Regional) 2021
- 1988 Thredbo Village Masterplan (as amended 1994)
- Snowy Mountains Special Activation Precinct Master Plan July 2022
- Snowy Mountains Special Activation Precinct \_ Final Structure Plan Report \_ Part I\_ Structure Plans (June 2022)

- Snowy Mountains Special Activation Precinct \_ Structure Plan Report \_ Part II \_ Investigations (April 2022)
- Snowy Mountains Special Activation Precinct \_ Public Space Study (June 2021)

To advise our client on urban design matters relating to the proposal including potential adverse impacts to the local village character and neighbouring properties, GMU has undertaken a review of relevant DA documentation including:

- Architectural Plans prepared by DKO (dated June 2022)
- Landscape Plans by Tate Network (April 2022)
- Urban Design Report prepared by DKO (July 2022)
- Statement of Environmental Effects prepared by SJB Planning (August 2022)
- Survey Plan prepared by Veris Canberra (November 2021)
- Biodiversity Assessment Report (BDR) prepared by NGH (August 2022)

Ideally, GMU would also have reviewed the scenic view impact analysis study but these documents were not available on the Planning Portal website. A Broader Village Visibility analysis was provided as part of the urban design report however, this does adequately document and assess the extent of visual impact to scenic views. GMU also notes that information documenting the exact number of trees nominated for removal is not made available on public exhibition.

In addition to a comprehensive desktop review of the site and context, our team has reviewed recent photographic documentation provided by our clients.

GMU understands and accepts that the site is nominated for development as tourist accommodation. However, we have identified significant concerns regarding the compromised outcomes created by the current proposal. In particular, our concerns relate to the massing strategy, bulk and scale, streetscape and local character responses, visual bulk impact to the scenic setting, poor relationships to adjoining sites, amenity impact, landscape character and insufficient information. GMU trusts that the points of concern raised in this statement will be carefully considered to inform the assessment of the current proposal including the design and site planning strategies.

## Development bulk and scale

The proposed development is located in the western portion of Thredbo Village, south of Thredbo River. The site is a very large parcel of land fronting the southern side of Diggings Terrace west of Thredbo Village centre as shown in Figure 1. Existing development in the area is predominantly detached lodge typologies of 2-3 storeys in height with some minor 4 storey components. The existing lodges are nestled between trees with view corridors between the built form. Unlike within the village centre, the dense landscape corridors have a strong and immediate presence along the southern side of Diggings Terrace which is characteristic of the western precinct. Further east near the village centre, the dense vegetation corridors are largely separated from the developed areas by the Alpine Way as indicated in Figure 1 below.



Figure 1. (left) Site Analysis Diagram by DKO. (right) Aerial extract from SixMaps (courtesy maps.six.nsw.gov.au). The site is marked with a red dot.



The proposed development is configured as a stepped massing, with a long linear building form occupying the northern portion of the site, orientated to Diggings Terrace and overlooking the valley.

The building footprint at the northern portion of the site extends 76.9m along the street edge at the podium level, occupying the majority of the total site width (82.6m), leaving very narrow setbacks to each of the side boundaries. The side setbacks range from 1.3m on the eastern side to 2.2-4.4m separation on the western side (mezzanine level). On the ground floor level, the development provides a nil side setback where the substation abuts the western boundary close to the street. GMU understands none of the existing vegetation along the side boundaries is to be retained on the site.

The building fronting the street (Building 1) ranges from 4-5 storeys in scale with the upper 3 levels expressed in a stepped alignment, recessed above a 1-2 storey streetwall component. We note the second floor level is nominated a mezzanine level, however, it visually presents as a full storey to the street. Based on the slope of Diggings Terrace, the proposal presents with a 2-3 storey podium to the street and further two levels above. The photomontages included in the Urban Design Report demonstrate that a 5 storey scale is visible to the street on oblique angles, due to the sloping topography.

At the southern portion of the site, five (5) 3 storey lodges are evenly (approximately) distributed as building 'pods' across the site with side setbacks to eastern and western lot boundaries in the order of 4-6m. Due to the significant cross fall of the site, the lodges overlook the valley and the northern built form. The lodges are accessed via a complex system of ramps and walkways traversing the site, occupying the portion of land between the front building (Building 1) and the lodges at the rear of the site.

According to the information reviewed by GMU, the two (2) upper levels of the five (5) lodges will be visible above the roofline of the northern building presenting a layered, 6 storeys in total at the eastern end and 7 storeys at the western end of the site when viewed from a distance. The lodges are situated at the rear of the site so they will not be visible from Diggings Terrace at street level except for at oblique angles. However, based on the surrounding landforms, the upper two floor levels of the freestanding lodges will be visible from other locations within and around the village as discussed in later comments.

GMU has significant concerns regarding the built form outcomes of the northern building in particular (Building 1), due to the continuous building length and dominant massing presented in close proximity to the street alignment and neighbouring buildings. The unbroken length of the linear form presented to the public domain interface, exceeds the length of any existing development in Thredbo and will, due to the bulk, scale and overwhelming proportions, have detrimental impacts on the character and visual amenity of this part of the village.

The total length of the building footprint and podium is not annotated on the architectural drawings however, the Urban Design Report (by DKO) nominates the maximum length of building footprints (Building 1) to be 76.9m in length with a main building footprint depth of 16.5m – 20.1m.

The podium streetwall of the northern building is a continuous, linear form that ignores the curved alignment of the street. The linear alignment fails to respond to the staggering of building alignments (relative to the street) which is characteristic of the surrounding development pattern as illustrated in Figure 1. The staggered alignment and irregular orientation of the lots reflect the undulating street network and the sloping landform which is characteristic of alpine areas. The 76.9m building form comprises a podium with a continuous linear building alignment with above ground car parking and loading facilities exposed to the street. The unbroken length and bulk of the footprint fails to respond to surrounding the development pattern and does not allow any landscape opportunities along side and front boundaries with minor front setback allowances ranging from 1.03m – 2.46m, contrary to the SEPP provisions under Cl. 4.13(2)).

The outcome is a dominant and visually intrusive perimeter form with footprint proportions exceeding those of most large mixed use development in dense urban areas. The large form spatially encloses the street and pedestrian environment with no opportunity for visual relief between building forms or landscape components to penetrate the continuous frontage and presentation to the street, as is currently characteristic for Diggings Terrace and Western Thredbo (please refer to Figure 2 below). The outcome is a detrimental impact on the streetscape character along Diggings Terrace.



Figure 2. View looking east towards the subject site. The presence of mature trees is part of the streetscape character.

Near the north western corner of the site, the lower streetwall component presents a scale of 8.5m within 2m of the site boundary with a secondary streetwall element measuring 4m (12.5m in total) above the primary streetwall.. None of the sections provided as part of the DA documentation captures this relationship near the western corner of the site as Sections 1 and 2 (DA 303 Rev A) are conveniently cut through the recessed parts of the secondary streetwall element on Level 1 (third floor).

However, the 12.5m podium scale will present within a maximum 3.6m setback of the public domain edge and will, as demonstrated in the West Elevation below (DA 302 Rev A), dominate the scale of the properties located on the northern side of Diggings Terrace. The excessive building length, extensive blank wall interfaces and absence of any form of landscape relief will exacerbate the adverse visual bulk and poor amenity outcomes to the public domain and neighbouring sites. We note that streetwall heights from the pedestrian footpath level are not annotated on the drawings.

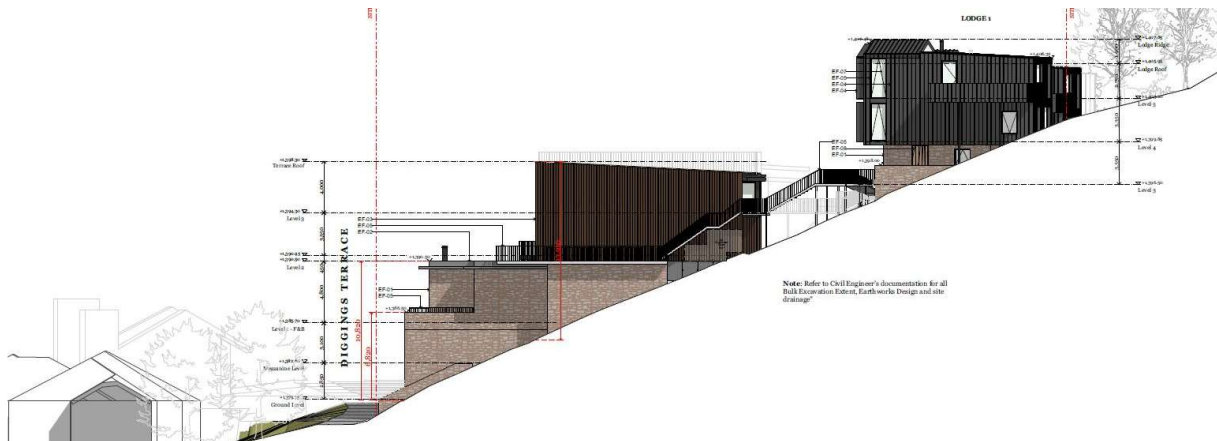


Figure 3. West Elevation by DKO.

Along the site frontage, Diggings Terrace falls approximately 4m towards the west according to the survey information on the architectural plans. Sections 3 and 4 (DA304 Rev A) are cut at the centre and eastern portion of the site where the streetwall height is lower, based on the topography. While the maximum height of the streetwall elements is not annotated on the sections, they demonstrate how the continuous upper alignment of the elongated podium fails to respond to the sloping topography at the street level. This is also demonstrated in the North Elevation (DA 300 Rev A) inserted below (Figure 4).

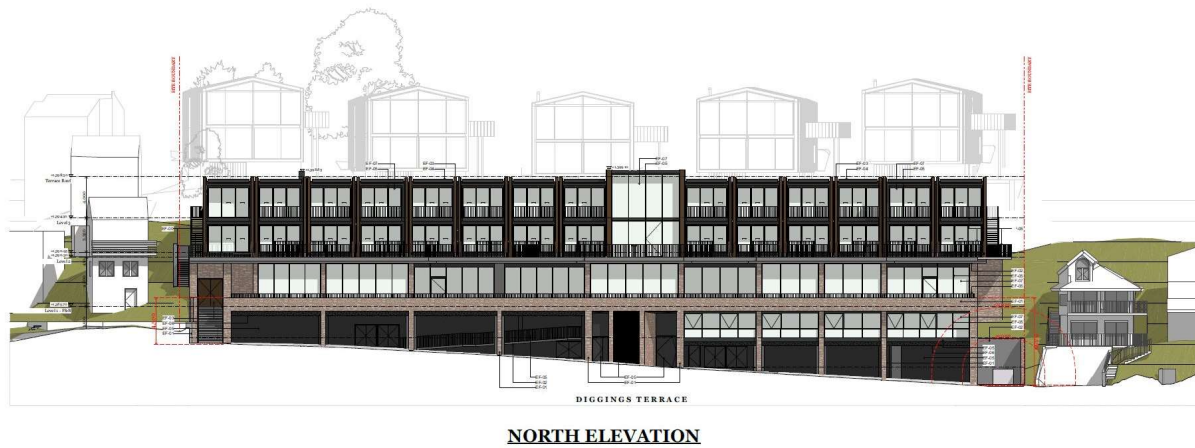


Figure 4. North Elevation prepared by DKO.

The bulk and scale response is incompatible with the grain and scale of surrounding development and would be more compatible with a dense urban environment although the building length would still be considered excessing for an urban block form which are generally 40m-50m in length.

According to the West Elevation (DA 302 Rev A), the built form extends a further 7.8m above the secondary streetwall, resulting in a total perceived development height of 20.3m (from street level). GMU understands that the maximum building heights are dimensioned relative to the existing site levels which slope towards the street and that the maximum building heights of the upper levels of Building 1 therefore technically, are less than. Nevertheless, the scale of development presented in elevation to the street is 20.3m which is an inappropriate scale response in the context of predominantly 2-3 storey built form. The monolithic proportions and length of Building 1 contribute significantly to the unsympathetic response. The additional scale presented by the 3 storey 'pods' at the rear of the site is also evident in the North Elevation but this is more likely to affect the site presentation as viewed from locations further from the site which is discussed in later comments.

The abrupt scale contrast to the adjacent properties is also evident in Figure 4. Urban design issues relating to poor interfaces and amenity impacts to neighbouring sites are discussed in later comments. The horizontal emphasis of the form with the elongated repetitive streetwall plus limited front setbacks and extensive blank wall exposure to both side boundaries results in an overbearing visual bulk on the public domain and surrounding sites, exacerbating the adverse streetscape impacts. The exposed car parking dominates the building frontage and while many examples of exposed car parking arrangements exist in the area, they are an undesirable precedent and this outcome is not considered an appropriate best practice streetscape response in any context, certainly not in a village neighbourhood precinct.

The massing strategy fails to capture and respond to key site opportunities and streetscape characteristics and fails to acknowledge the development texture and its response to the topography as well as the unique landscape setting. Instead, the massing strategy principles appear to be guided by minimised excavation for car parking, view opportunities and privacy for hotel guests, none of which will benefit the streetscape character or the local community.

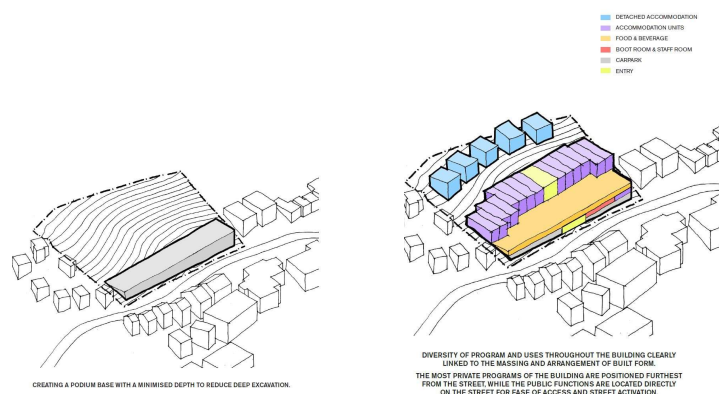


Figure 5. Design Response. Built form strategy and Massing Development principles (extracts from the Urban Design Report by DKO).

GMU understands strategic aims to maximise growth opportunities in the area but considers there must be an obligation (and commercial interest) in celebrating and preserving the unique site and neighbourhood features that underpin the alpine village character as intended by the SEPP and the master plan framework. GMU consider that the massing strategy delivers poor outcomes in terms of the extent of site occupation, loss of vegetation and built form proportions which fail to consider and respond appropriately to the site and the setting.

The proposal fails to meet the intended planning outcomes and fails to comply with the guidelines and parameters for development in the Outer Western Precinct (Zone 8b) under the Thredbo Village Masterplan 1988 (as amended) as follows:

- The building heights exceed 12m
- The building footprints encroach into the 3m front and side setbacks; and
- The site coverage exceeds 35%.

The Urban Design Report prepared by DKO includes analysis of selected examples of existing development in the area. Under the chapter titled Neighbourhood Built Form (10), the analysis demonstrates how none of the existing properties near the subject site provide frontages that are continuous and parallel to the street. The analysis also demonstrates that none of the existing nearby properties provide building lengths that are comparable to the length of Building 1.

No analysis is provided of the predominant setback alignments along Diggings Terrace or the western Thredbo precinct. Based on our desktop review, only 1-2 existing properties fronting the northern side of Diggings Terrace provide limited front setbacks in the order of 1-2.5m as provided by the proposal. These minor setbacks occur only for a few meters or the built form consists of small footprint lodges, presenting a 1-2 storey scale to the street, separated by generous view corridors across the valley. Generally, development fronting Diggings Terrace provides more generous setbacks with landscape components to front and side boundaries. The unbroken length and setbacks of the northern built form are contextually inappropriate and inconsistent with the surrounding lot pattern.

Under the chapter titled Neighbourhood Built Form (10), the analysis prepared by DKO concludes that street frontage lengths range from 6.2 - 12m. GMU's desktop analysis confirms this estimate and concludes that development fronting this part of Diggings Terrace provides frontages in the order of 9-15m. The analysis confirms that the proposed footprint proportions and the 76.9m unbroken building length presented to Diggings Terrace significantly exceed the frontage width provided by neighbouring properties.

We understand that the hotel uses require larger footprints than individual lodges. However, no attempts have been made to reduce and modulate the bulk presented to the street to be more sympathetic to local grain. The northern built form spans almost the entire width of the site and the lack of adequate front setbacks results in significant tree loss and no opportunity for built form relief, substantial articulation, buffer vegetation and integrated landscape solutions to mitigate the scale of the development and deliver an elegant and compatible built form response to complement the site and the setting.

According to Chapter 5.4.1 of the SEE, the number of beds (90) has been determined in consultation with the head lessee, Kosciuszko Thredbo Pty Ltd and falls within the maximum accommodation capacity which applies to the entirety of Thredbo Alpine Resort. However, the size of the development is increased by the inclusion of the floor areas in Building 1 which are occupied by ancillary activities such as retail, public restaurant & bar, private lounge bar, a day spa with several treatment rooms, gym, yoga studios and multi-function rooms etc. We note the outdoor areas are excluded from the GFA calculations. Nevertheless, the long glazed circulation corridors and generous outdoor decks and courtyards contribute substantially to the site occupation and the overall size of the 'resort-style' development. GMU considers that strategic aims for increased accommodation capacity do not justify development typologies consistent with the massing of beach-side resorts etc. where stepped forms with elongated footprints and continuous balcony frontages are often adopted to maximise view opportunities and solar access.

The typology and size of the development should be informed by site sensitive responses and reflect the 'village' context. Different 'Chalet-style' typologies are found in the area and alpine hotel developments found elsewhere in the world include good examples of contemporary alpine accommodation which is in keeping with the local character. The plan layout of Level 1 indicates efforts have been made to maximise the length of the northern building footprint.



A more compact and smaller 'chalet-style' footprint would be more in keeping with the character of the western village edge and minimise adverse impacts to neighbouring sites and less disturbance to the landscape.



Figure 6. Site Plan by DKO.

The Urban Design Report nominates the site coverage by built form as 68.9% including exterior elements such as stairs. The maximum site coverage under the Thredbo Village Masterplan 1988 (as amended) is 35%. The proposal does not appear to include analysis of the typical site coverage in the surrounding area but the diagram prepared by DKO suggests the proposed site coverage exceeds the level of site occupation on surrounding sites in the western precinct. Page 34 of the Urban Design Report provides analysis of site coverage of existing hotel developments but these are all located in denser areas near the village centre. The Site Plan above illustrates the level of site coverage and the extensive size of the development.

### **Streetscape and local character responses**

Thredbo Village is one of four resorts in the Alpine Region. Local Character and Urban Context Analysis are provided in the Urban Design Report. The chapter summarises the heights, car parking arrangements and materiality of Thredbo Village. The Thredbo Character chapter on Page 13 summary mentions the 'distinct village feel' but fails to demonstrate any real understanding of the urban structure, landscape and built form elements that create this unique village streetscape character.

The analysis fails to investigate key parameters such as frontage alignments, footprint areas, building separation, streetscape rhythm, how the road network and lot orientations reflect the topography, built form typologies (not simply height in storeys), landscape character elements, visual corridors and vistas etc.

The analysis also fails to investigate the character of local village precincts and their unique characteristics. The analysis relies on general observations about the overall density and development scale in Thredbo but fails to acknowledge that the character changes between the various sub-precincts and that despite the relatively short distances, the area has a denser main village centre and activity hubs as well as more quiet and low-density expansion areas with other qualities and characteristics. Earlier comments related to Figures 1 and 2 also note how the landscape presence is unique to the western precinct character as opposed to the village centre.

This simplistic approach to the local character analysis is also evident in the selected development examples which focuses on overall footprint lengths without regard for built form parameters such as the frontage component widths, alignments relative to the street or setback distances etc. The Urban Design Report prepared by DKO Building footprint analysis examines the footprint proportions of other tourist accommodations in the area to demonstrate 'context suitability'. The examples used for comparison are Thredbo Alpine apartments, Thredbo Resort information, the Denman Hotel, Silver Brumby, and Lantern Apartments.

None of the existing examples provides a continuous frontage aligning with the street exceeding 76m in length and all the existing larger scale resorts are located in the village centre and not along the western part of Diggings Terrace where the character is different. One example (Thredbo Alpine Apartments) is described as an "extremely long building length" of 69.7m – 79m however, the analysis fails to consider that the building length is articulated as several buildings and the built form is broken.

The development is located in the heart of the dense village centre on the main connector road leading into Thredbo and as an older development in a very different context and approved under very different controls, it should not set a precedent for a contemporary development.

Equally, the Street Interface Car Parking Analysis provided relies on poor examples which cannot set a design excellence precedent expected for a development of this size on a key site. GMU considers the proposed exposed car parking and loading areas dominate the pedestrian interface and the development does not provide active uses fronting the street contrary to Performance Criteria (A(iii)) nominated for Alpine Resorts in Part 10.2 of the Snowy Mountains Special Activation Master Plan.

Other examples used for comparison include:

- The Silver Brumby and Lantern apartments- older development located further east, close to the Alpine Way. These buildings are in proximity to the main village in a denser area as demonstrated in the analysis. The Silver Brumby developments present a 47.9m frontage but it provides front setbacks in the order of 5-13m to the public street (desktop analysis).
- The nearby Lantern Apartments are a 3 storey built form located closer to the street but with a building frontage length which is less than 50% of the proposed building frontage length (34.1m according to the urban design report), the bulk and scale cannot be used for comparison.
- The Denman Hotel is located in a much denser area presenting a limited building frontage length to the street (maximum 37m according to GMU's desktop analysis).

The context analysis cherry-picks examples of adverse and older developments in the village centre instead of investigating the predominant development grain and desirable characteristics of the western precinct and areas close to the subject site. We refer to Cl 4.12 of the SEPP and the reference to the analysis of the existing character under 4.12 (1(e)).

#### **Visual bulk impact to the village character and the scenic setting**

Chapter 4 of the SEPP sets out matters to be considered by consent authorities including additional matters to be considered for buildings in Cl 4.13. These matters include the extent to which the proposed height of the building has an impact on views from other land and whether setbacks assist in achieving high quality landscaping between the building and other buildings. The SEPP requirements and the aims expressed under 10.4 of the Snowy Mountains Special Activation Master Plan state development must be sensitively designed to minimise impacts to the unique landscape and environment of the Alpine Region. GMU considers the proposal fails to demonstrate adequate regard for visual bulk impacts associated with the proposed massing.

Page 38 of the Urban Design Report provides a brief statement regarding *Built Form Scale + Village Visibility*. The statement concludes that the design will break down the visible massing and fit into the overall village built form character.

The statement is accompanied by selected birds eye views of the proposed and existing development. The images are oblique birds eye views captured from various view angles with different viewing distances and most of the images are cropped to remove the visual backdrop and wider setting of the development. This unconventional methodology means that the images cannot reasonably be used for comparison as part of an assessment of bulk, scale and level of impact. GMU notes that none of the examples used in the analysis present a building frontage length equivalent to the proposal which, compared with the wide range of different focal lengths and random elevational viewing points, makes them unsuited for comparison. The cropped images also fail to demonstrate and distinguish between the scenic hilltop views which form the visual backdrop of the subject site and older development which is seen against the layered townscape of the village.

The 3 medium to long distance views are selected for the Broader Village Visibility analysis in the Urban Design Report however, the level of impact investigation is inadequate. Contrary to the requirements of Cl. 4.13 (2(c)) of the SEPP, the viewing locations do not consider views from community activity hubs or key open space nodes in the valley from where the development will be highly visible to areas within the public domain, against the forested slopes and the characteristic hilltop profile.

Relevant views not examined in the documents include views from the public recreational areas along Friday Drive and Thredbo Village Green (near Thyne Reid Drive or the playground) from where the development will be visually prominent against the bushland and the profile of the slopes.



Other relevant public domain views include pedestrian views from Crackenback Drive and around the car park near Crackenback Road from where the length of the northern building, the scale and scale and the significant loss of canopy coverage is expected to have a significant impact on the scenic quality of public domain. This is evident in the photographs below.



Figure 7. Recent photographs from publicly accessible locations around the valley.

(top left) View from the duck pond looking south towards the site. (top right) View from the Church near Crackenback Drive looking south. (bottom left) View captured from the chairlift looking south west towards the site where a red dot indicates the site location. (bottom right) View from the carpark near the tennis courts looking south. This is an example of a viewing location from where the profile of the proposed development will visually interfere with the view towards the forested slopes and hilltop profile.

### Relationship to adjoining sites and amenity impact

As discussed in previous comments, the northern building provides insufficient setbacks to Diggings Terrace and to both side boundaries. Insufficient side setbacks result in excessive building length which is further amplified by inadequate front setbacks and the cumulative visual bulk impact to the public domain and neighbouring properties.

To maximise the building footprint, GMU understands the northern form encroaches into the front and side setback zones required by the 1988 Thredbo Village Masterplan (as amended 1994). The encroachments exacerbate the bulk and scale to the streetscape and the wider public domain as described in earlier comments. Furthermore, the expansive footprint, the extent of tree loss and the site interfaces, together with insufficient setbacks, will result in significant impacts to neighbouring properties.

The poor interfaces detract from the amenity of the neighbouring properties and are contrary to strategic aims and outcomes sought by the SEPP in Cl 4.13 (2(b)), (3(c)), to achieve high quality landscaping between the building and other buildings and limit the apparent mass and bulk of the building. The poor outcomes include the following:

- Abrupt and dominant scale presented to the eastern and western site boundaries;

- A substation directly abutting the western side boundary adjacent to Lot 769 which has a front balcony and main entry in this location;
- Exposed blank wall interfaces and dominant bulk;
- External staircases are encroaching into both side setback zones which will result in visual and acoustic privacy impact to the neighbouring sites;
- The total loss of vegetation along the site edges which will reduce the amenity of neighbouring properties in terms of privacy, landscape quality and visual amenity;
- Severe privacy and amenity impact to Lot 769 where the proposed outdoor spa facility is located on Level 1 (third floor) only 4.6m from the shared boundary;
- Significant impacts on the adjacent property to the east (Lot 766) due to the Bar/Restaurant entry areas overlooking the shared boundary;
- Significant acoustic disturbance to neighbouring properties and the quiet neighbourhood character due to the Bar/Restaurant uses and the extensive outdoor dining/smoking decks overlooking the street. The applicant seeks Operating Hours until 2am for bar late-night trading ancillary activities. The bar and restaurant uses may also overlook the lots on the northern side of Diggings Terrace. The non-compliant front setbacks ranging from 1.03m – 2.46m, contribute to the poor outcome along with the lack of vegetation;
- Adverse impacts to neighbouring properties associated with the extensive outdoor circulation areas providing access to the rear of the site. Lots 761 and & 760 will be severely impacted;
- Adverse acoustic and odour impacts associated with the exposed car parking. Waste collection facilities and loading areas.

Lot 766 to the east of the site will be particularly burdened by the loss of vegetation along the side boundary and the proximity of the large built form to the shared boundary. The loading and waste facilities are exposed and located adjacent to the neighbouring lodge, resulting in acoustic and odour disturbance.

The site survey prepared by Veris Canberra (dated 5/11/2021) does not include survey data or neighbouring buildings or the location of existing windows. However, the side access stairs abut the boundary adjacent to the habitable living room windows of Lot 766 and the location of the public entry stairs to the bar and restaurant facilities will severely compromise acoustic and visual privacy to the neighbouring site.

The height breach and insufficient setbacks contribute to the increased overshadowing of the neighbouring property (Lot 769). The overshadowing studies fail to document the extent of additional shadow caused by the non-compliant building height and the setback encroachments. Elevational shadows must be provided demonstrating the additional overshadowing caused to the outdoor terraces of the neighbouring sites.



Figure 8. View from Lot 766 shows the leafy outlook and north west facing living room areas which will be severely impacted (courtesy [www.realestate.com.au](http://www.realestate.com.au))



## Landscape character

According to the SEE (3.8) the proposal seeks approval for the removal of up to a maximum of one (1) hectare of native vegetation located within the site and adjacent to the eastern and western side boundaries and the southern rear boundary. According to the Executive Summary and Paragraph 6.1 of the BDAR, the area proposed for development is covered by native vegetation and half of the area contains forest and the other half contains native groundcovers. The report also confirms that it is assumed that all native vegetation on Lot 768 will be removed. While the Statement of Environmental Effects (SEE) includes only one paragraph on vegetation removal, the extent of tree loss is considered to be the most significant environmental effect on the site, the natural environmental balance and the neighbourhood.

According to the Concept Landscape plan prepared by Tail Network (DWG 200) 4 (existing) trees are retained on the site. The 4 trees are located in the southeastern corner of the site. No trees are retained (or proposed) along the side boundaries or at the front of the site as indicated below. The dotted red lines indicated in the Landscape Concept Plan indicate the raised walkways and ramps providing access to the rear lodges.

According to the Biodiversity Development Assessment Report, there is 100% native vegetation cover inside the subject land. GMU understands the map below indicates the outline of the proposed building footprints and the extensive tree removal required to accommodate the footprints and APZ.

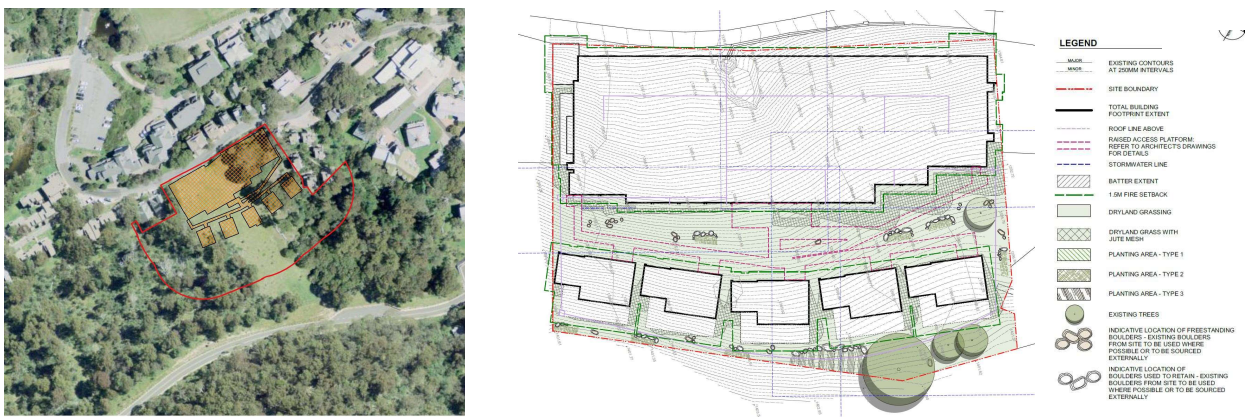


Figure 9. (left) Extract from the Biodiversity Development Assessment Report by NGH. (right) Landscape Concept Plan by Tail Network

The removal of vegetation at the north eastern corner of the site will result in a significant loss of canopy coverage to DiggingsTerrace which currently forms part of the key desirable characteristics of the streetscape and the neighbourhood.

The proposal relies on extensive excavation to accommodate partial floor plates below the existing ground level. The significant tree loss and the extent of alteration of site levels will erode the landscape quality of the site as illustrated in the sections below. The sections also demonstrate how Building 1 in part still exceeds 12m maximum building height despite the level of excavation. The site disturbance is expected to result in the loss of flora and fauna habitats, detracting from the scenic quality of the site and the amenity of the alpine area.

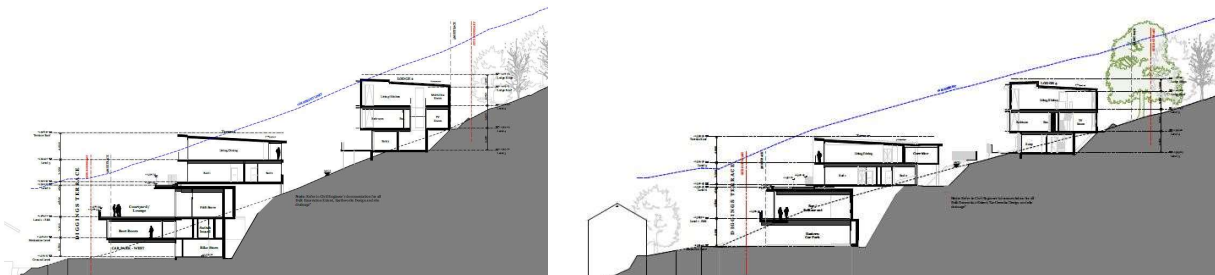


Figure 10. (left) Section 2 by DKO. (right) Section 4 by DKO.

## Insufficient information

Upon review of the information available on the Planning Portal, GMU considers the following information to be insufficient or absent:

- Based on the bulk, scale and distribution of the proposed built form along with the visually sensitive site location, some form of Scenic View Assessment should be provided to determine the extent of impact against the existing scenic values, landscape character and significance of the landscape setting. This type of assessment is required to ensure that the nominated Performance Criteria for Alpine Resorts in 10.2 (E) of the Snowy Mountains Special Activation Master Plan are met. If the development is approved in its current form it will be the largest development in the Thredbo Village precinct and the extent to which the long linear form and uncharacteristic building profile will impact the visually layered townscape and views to the characteristic alpine forested slopes to the south of the site need to be fully understood.
- The context analysis should be updated to interrogate the existing development grain and key characteristics as discussed in earlier comments.
- The documentation fail to nominate the number of trees nominated for removal and the SEE offers no genuine analysis of the implications of the loss of vegetation to local character and amenity outcomes in the western precinct.
- The architectural drawings should consistently annotate building lengths, key setbacks, streetwall heights (to the footpath level) and the location of windows on neighbouring sites.

## **Conclusion and recommendations**

GMU understands the site is nominated as a key development site for new tourist accommodation in Part 9 of the master plan framework. We agree that the site is suitable for redevelopment and that tourist accommodation is a necessary and compatible use in this location. However, based on the issues discussed in this statement, GMU considers the design approach taken by the proposal fails to deliver a contextually responsive design which is responsive to, or appropriately informed by, the unique character of the locality and the surrounding development grain. The expansive footprint and the massing of the northern built form result in a dominant and imposing built form which will severely detract from the character of the site and the streetscape. The loss of vegetation within and outside the site erodes the precinct amenity and the unique environmental qualities.

Earlier comments summarised how the substantial site occupation and the elongated plan layouts and the extent of ancillary uses result in an oversized resort-style development which is incompatible with the alpine village character. GMU considers that the massing strategy leads to poorly proportioned and oversized building forms. The built form fails to respond to key desirable characteristics including the sloping topography, local landscape character and landscape coverage, the surrounding development grain and the pristine visual environment. Poor design responses such as the exposed car parking, lack of ground plane activation and compromised site edge responses will amplify the adverse amenity impacts caused by the bulk and scale of the northern built form in particular.

The proposed outcomes fail to meet key strategic aims and SEPP requirements and we consider the proposal to be an overdevelopment of the site which will detrimentally impact the site and character of West Thredbo. GMU encourage the department, to either refuse the current proposal or require a revised massing strategy with a substantial reduction in the built form bulk and scale informed by additional genuine and robust analysis and an understanding of the desirable characteristics of the site in its setting.

I would like to strongly object to the proposed development .It's size and scale are completely out of keeping with the surrounding buildings . It would completely change the character of this part of Thredbo. The proposed license to 2 am in a residential accommodation part of the village would result in noise pollution and increased foot traffic to the early hours of the morning . It is a distance from the main village centre where most of the other entertainment venues are located. I am a member of Dulmison ski club which is directly in front of the development . I would be concerned that patrons would try to short cut via the sides of dulmison ski club which would be noisy and also dangerous in the middle of winter with no light and a nearby creek .

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The scale of the proposed development is overwhelming for the subject area and its surrounding. The location is at the quieter end of Thredbo Village where most buildings are small scale single or small group of dwelling units. This type of development or design is more suited to land area near the centre of Thredbo Village or on the Friday Flat end near the swimming pool sports centre. The subject site is more suitable for much lower key dwellings which may add to Thredbo's "village feel".

I do not object to more developments at Thredbo but I consider the subject proposal completely inappropriate for the location.

**Submission re DA 22/11595 Lot 768, 5 Diggings Terrace Thredbo from Phillip Cornwell**

I am a member of Neewalla Ski Club (19 Diggings Terrace). I have visited Thredbo frequently since starting to ski as a young boy with my family in 1960. Those visits became a regular week's skiing when, in 1988, I married Cecilia Rice, daughter of one of the founders of Neewalla. Since then we have also often visited in the Summer or Autumn for walking and mountain biking.

I object to the development proposal covered under Development Application 22/11595 (the **Development**) on the following principal grounds.

1. The scale of the Development is excessive, and the design poor, especially the lengthy unbroken block facing directly onto Diggings Drive without a decent setback, which is completely at odds with Thredbo's village character. The Development is totally out of character with its neighbourhood (comprising modest sized free standing lodges, many heritage listed). Its scale and bulk are such that it seriously adversely impacts on the amenity and value of neighbouring properties and the overall character of Thredbo Village.
2. The excessive scale and poor design of the Development would mean, if approved, the destruction of mature and well established hollow bearing snow and ribbon gums, a vital part of the character of the neighbourhood and an important refuge for threatened and endangered species. The DA proceeds as if offsets are a complete answer to this wanton destruction. They are not; offsets are notoriously flawed but in any event are a requirement imposed **if** the development is approved; they are not a ground for approval. No attempt has been made to preserve these important natural values, neither the trees nor the native grasslands affected.
3. The scale of the Development will generate traffic congestion, and, together with the lack of setback, will exacerbate the lack of pedestrian access & safe passage past the Development, and also the lack of parking in the area. The failure to address pedestrian safety is a fatal shortcoming.
4. There has been no proper consideration of adverse impacts on cultural and heritage values – the fact that there are some other large developments in Thredbo does not justify allowing one in an area mercifully free of over-development. Indeed the western village contains many modest sized heritage lodges. The failure to obtain a Heritage report appears to be another fatal error.
5. Accordingly the Development does not meet the objectives of the *Snowy Mountains Special Activation Precinct Master Plan* (the **Master Plan**) and *State Environmental Planning Policy (Precincts - Regional) Chapter 4 Kosciuszko National Park* (the **KNP Policy**), in particular the following objectives.
  - Preservation of natural, cultural and heritage values
  - Leveraging Thredbo's existing village character
  - Ensuring that the built form of the development complements neighbouring properties and, in particular, near-by heritage items so as to protect their heritage significance

The Development cannot and should not be approved.

These objections could largely be addressed by substantially reducing the size of the Development. For example, by confining the Development to the 5 proposed separate dwellings, arrayed to avoid impacting on established trees, plus a much smaller commercial space with parking and proper setbacks

from Diggings Terrace. These changes could enhance the amenity of that part of the village which has existing traffic congestion and safe pedestrian access and passage issues.

Below I elaborate on some of the above objections.

#### Scale of the development

The size and bulk of the development (footprint and height) relative to its neighbours means that it will dominate the western end of the village. This is best seen on p 13 of 19 of the Architectural Plans and p 42 and p 43 of the Urban Design Report. From these images, it appears that the size of the development will only be surpassed by the Alpine Hotel. Clearly the judgement by the DKO Architecture that the visual impact is acceptable is subjective (and not surprising given that DKO has developed both the plans and the urban design report). It can be more compellingly argued that the evidence provided supports a conclusion that the scale of the development creates an adverse visual impact from a number of public vantage points. Significantly, in comparing this impact with other buildings in the village DKO Architecture have chosen large buildings that are in other far distant parts of the village, not neighbouring properties. The test is not merely whether there are other building in the village of similar size but instead whether the development leverages (ie improves) Thredbo's existing character. I submit that it does not.

The Statement of Environmental Effects does not assist in resolving the visual impact question as the authors (SJB) have explicitly relied on the Urban Design Report in commenting on this issue. Their conclusion that the scale of the proposed building is consistent with adjoining development is not supported by fact or by the images provided, which instead support the opposite conclusion.

#### Failure to maintain natural values

The Biodiversity Development Assessment Report notes that 'The entire site is likely to be cleared either fully or partially for buildings, hardstand and asset protection zones', despite the area proposed for development comprising 1.0 hectare of 100% native vegetation cover. The photos in the report confirm that there are mature, well established trees, characteristic of the area and providing foraging habitat and hollows for native species. The report notes there are 5 hollow bearing trees.

The Report confirms at 7.1 that 'The construction and operational phases of the proposal have the potential to impact biodiversity values at the site'. These impacts include displacement, loss of habitat for fauna, loss of native flora, possible injury/death of fauna, disturbance and removal of litter, logs, tree stumps, hollow bearing trees...

No attempt is made to design the Development to minimise impact on these natural values, especially the mature trees, nor on the native groundcover. The Development completely fails to 'preserve natural ... values' as required by the Master Plan and KNP policy. The fact that offsets will be required does not absolve the developers from compliance with this requirement.

#### Traffic congestion and lack of pedestrian access/safe passage.

The proposal has failed to take account of existing traffic congestion and pedestrian access & safety issues in the western part of Thredbo. This development will compound those problems for the following reasons.

1. 20 car spaces in a 90 bed development is inadequate, particularly when there is no adequate drop-off zone provided for and none near-by. The experience of Riverside users (100 to 200m further along Diggings Terrace) is that the lack of adequate drop-off zones in combination with an adjacent bus stop creates traffic congestion and hazards, particularly when there is snow on or near the road and at peak weekend times. Currently, stopping is prohibited on Diggings Terrace in this part of the village, except in designated parking zones allocated to specific lodges.
2. EVT has advised that the new development will have daily waste pick-ups. There is no provision for those trucks to pull up, other than on the road. It is probable that cars and buses travelling in the opposite direction will not be able safely to pass these trucks in this narrow section of Diggings Terrace.
3. The statement by DKO Architecture in their Urban Design Report that the site is located close to public parking is misleading as the limited number of near-by public spots are almost always occupied. Neewalla has no on-site parking and it is our experience that cars have to be parked at Friday Flat. In recent years it has been difficult to secure an overnight spot in any car park. Any new development should provide an adequate amount of on-site parking and drop-off zones so as not to compound existing car parking limitations or add to local traffic congestion.
4. The Traffic and Waste Management Statement fails to address issues related to the inadequate number of car parking spaces, inadequate drop off zones and pedestrian safety. However, the report does advise that measures should be taken to better ensure *driver* safety (reverse parking into car park and guard rails on Diggings Terrace) that highlight the need to address pedestrian safe passage. Diggings Terrace provides the main pedestrian access to the central village for people who reside to the west of the proposed development (eg Riverside) and for central village residents who want to use the golf course or access public car parks. Walking along Diggings Terrace in the western part of the village is already hazardous with no road shoulder let alone foot path, compounded when there is a build-up of snow and ice (or mud). The Development has no or inadequate setbacks (and less than required) which mean that pedestrians will need to walk on the road and past open car parks (and reversing cars). Guard rails on the opposite side of Diggings Terrace will further limit safe pedestrian use. For this reason alone the Development should be rejected.
5. The Urban Design Report asserts that Thredbo has “a network of shared or pedestrian only paths”. With respect to the western village, this is incorrect.

There is an opportunity through a revised proposal to improve pedestrian amenity and safety on Diggings Terrace rather than exacerbate existing problems, by creating a dedicated footpath and ensuring adequate setbacks from Diggings Terrace. The parking issue can be addressed by substantially reducing the number of beds.

#### Preserving cultural and heritage values

The western part of Thredbo has a large number of lodges that were first built when Thredbo was established in the late 1950s and early 1960s. Within 200 to 500m of the development there are 7 dwellings that are listed as heritage items. The iconic Seidler lodge along with Athol and Ramshead are located within 200m of the proposed development.

The western village has a large number of club lodges, which were established to promote skiing as a recreation and enable members and their guests access to relatively low cost on-snow accommodation.



Like myself, many of the club members have a long and deep attachment to Thredbo. The Master Plan and the KNP Policy signal the importance of ensuring that any new development enhance the character of Thredbo and promote its cultural and heritage significance. Ski clubs are a unique feature of skiing in Australia and continue to flourish in all of Australia's main ski resorts. In doing so they continue to provide access to relatively low cost accommodation (eg Neewalla's nightly fee for non-members is \$80 in winter and half that in summer), supporting access to skiing and other year round pursuits for a broad group of Australians and ensuring a continuing turnover of skiing and national park enthusiasts who support and value both the ski industry and the Kosciuszko National Park.

The consultants and the developer have dismissed the need for a Heritage report. Given the proximity of the Development to specific heritage lodges and its massive impact on the overall cultural and heritage character of the western end of Thredbo I submit that the proposal should be rejected. Any revised, much more modest, proposal should be required to undergo formal heritage assessment.

#### Meeting the objectives of the Master Plan

For the Alpine Precinct, the Master Plan "seeks to facilitate a safe and sustainable increase in the amount and range of year round recreation and accommodation offerings." Any aim to increase the availability of tourist accommodation in Thredbo is not achieved merely by increasing bed numbers but instead it is the *availability* of these beds to the public and potential tourists that is key. By their nature, commercial premises and club lodges provide access to a range of accommodation at different price points to a broad group of Australians. Very high cost apartments do not necessarily add to the pool of rental accommodation. Given the estimated cost of the development (over \$27 mill) it is likely that each dwelling will be purchased by high net worth individuals who may well not make the property available for commercial use (having no financial need to do so). Anecdote suggests that this is increasingly common in Thredbo (and elsewhere) for properties to be left vacant, even as property prices escalate.

#### **Conclusion**

The major practical adverse impacts of the proposal relate to traffic congestion and pedestrian safety. However, more subjective adverse impacts should be considered including impacts on the character, and heritage, cultural and natural values of the village as a whole, and in particular the western part of Thredbo, which has its own distinctive character. The Development cannot be approved.

Modification of the proposal has potential to create additional high quality tourist and commercial offerings that enhance rather than detract from the overall character and amenity and natural values of Thredbo, particularly through a significant reduction in scale, bulk and siting, and the adoption of a more sensitive design.

Phillip Cornwell

1 November 2022

## IMPACT ON THREDBO PRECINCT

- The development is vastly out of scale with the existing surrounding development. The near 80m long facade wall, two storey high street frontage and over-build on the site fails to respond to the smaller detached lodge development which surrounds it. Further, surrounding development generally constitutes individual small buildings with space between filled with native vegetation that provides a village feel to the area. This character is totally ignored by the substantial mass, bulk and scale of the proposal and minimal regard for the natural environment and provision of replacement planting.
- To put some maths around this issue - the proposal includes a built site ratio of 68.9% (vs. planning control of 35%) which is nearly double that allowed under the control, the removal of all of the over 30 existing snow gums on the site except for 1, a breach of the maximum height control of 12m, and a setback of only 1m to the entrance of the building (vs. a planning control of 3m). *A photo montage of the proposal is shown here for your information.*



## SUGGESTIONS / DESIRED OUTCOMES

- Outright refusal of the application.
- The planning requirement for building footprint to be no more than 35% of the site area should be rigorously defended and the proposal rejected on this basis alone.
- The mass, scale, density and character of the development is totally out of keeping with the village atmosphere of existing development in Thredbo – the established surrounding theme of individual smaller buildings with native landscaping in between would be a far more acceptable outcome for the development – this would entail a total redesign of the current proposal which is simply too enormous to consider as a variation to the current development application.
- The applicant should address the traffic generation and parking issues which will inevitably result from the proposal and the detrimental impact this will have on existing, surrounding development.
- The proposal for a bar/restaurant with a 2 a.m. closing time within the development is totally inappropriate given the quiet, low-key residential nature of the area which will be adversely impacted upon.
- The applicant should consider devoting a far greater area of the site to native planting – currently the site will be totally dominated by buildings.
- Due to the total lack of regard to existing character of the area, the operational shortcomings and negative impact these will have (traffic, non-residential use et cetera), the detrimental environmental impact the proposal will have on surrounding properties and the enormous scale of development which far exceeds the limitations of the planning guidelines, the application should be refused outright.



Partners	L. Capolupo B. Moran	B.Sc., LL.M., LL.M. (Applied Law) B.A., LL.B. Acc. Spec.
Special Counsel	M. Capolupo S. Thompson S. Amarasinghe	B.Com., LL.B. Acc. Spec. Dip.Law, LL.M. B.Com., LL.B. Acc. Spec.
Senior Associates	N. Lindsay A. Iskandar T. Wills	B.Econ.(Hons), LL.B. B.Bus., LL.B. LL.B. B.Crim., G.D.L.P.
Associate	J. Cruz G. Fazio	B.A., JD. Dip.Law
Senior Solicitor	A. Djuric S. Hankey	LL.B. B.A. (Hons), M.A.

**SUB-3059**

OUR REF: LC:EW:929583:25747  
YOUR REF: Mark Brown

26 October 2022

Mark Brown  
Senior Planning Officer,  
Alpine Resort Team

Via Email only: mark.brown@planning.nsw.gov.au

Dear Sir,

**RE: DA 22/11595 (PAN-257248) LOT 768, 5 DIGGINS ROAD THREDBO**

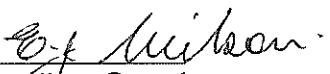
We act for Khash Holdings Pty Ltd. We have been instructed to advise our client on its rights arising from the proposed construction of a tourist accommodation building contained in Development Application No. DA22/11595 (PAN 257248) (the development) especially relating to the affectation it has on our clients property. Our advise comprises the following:

1. The proposed development is situated immediately across the road and in front of our client's property being Lot 776, Diggings Terrace, Thredbo (our client's property). The development will have an immediate detrimental impact on the amenity of our client's property which it has owned for about 30 years and uses regularly.
2. We are instructed that there has been no consultation whatsoever between the proponent of the development and our client to identify and endeavour to avoid or minimise any negative impact on our client's property by the proposed development both during construction and thereafter upon completion.
3. During construction of the development, the site management plan (a copy is attached), shows that one-half of Diggings Terrace will be closed permanently during the construction of the development. This closure may extend over a substantial period of time especially if its construction is delayed by inclement weather and other detrimental conditions. This closure is in front of our client's property and not only causes great inconvenience, it also causes loss of amenity of our clients property and will also cause the loss of the two car-parking spaces in front of the property as a consequence of rendering them naccessible during construction. This loss of two car parking spaces will be a significant factor in

reducing the tenancy potential of our client's property.

4. Our client is entitled to the uninterrupted use of its property according to the provisions of its ease pursuant to which it holds the property. Our client seeks that the proponents of the development desists from closing half of the road Diggings Terrace as aforesaid which, if closed or obstructed will detrimentally affect our clients rights in which event our client would have no choice but to seek enforcement of its rights or redress by the judicial process.

Yours faithfully,  
**CMC LAWYERS**

Per:   
evelyn.wilson@cmclawyers.com.au

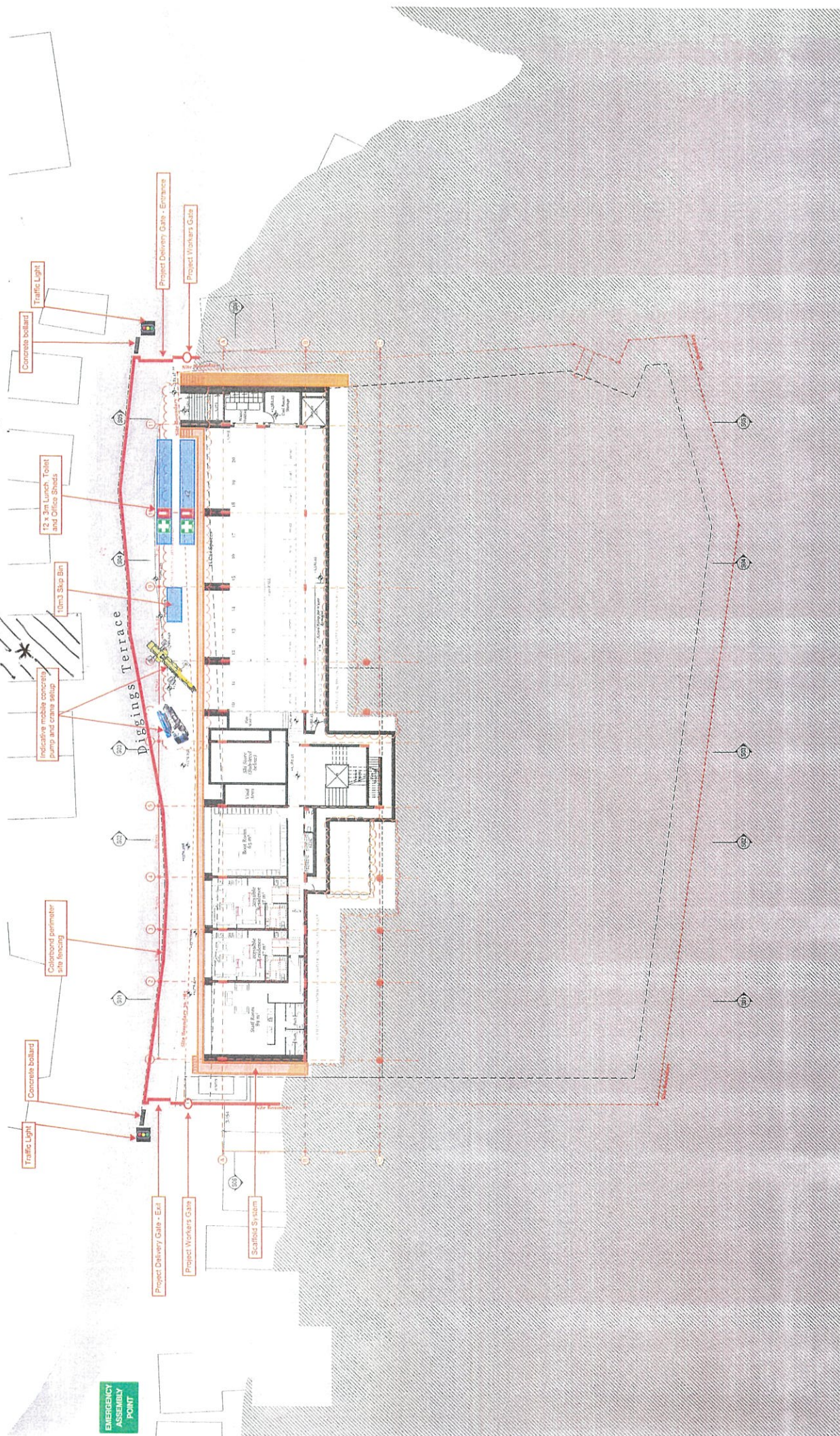
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# SITE ESTABLISHMENT - STRUCTURE STAGE

KHASH Holdings P/L

Lot 776



REV	DATE	BY	CHK	DESCRIPTION
1	10/01/2024	ST	ST	Pre-DC Coordination
2	10/01/2024	ST	ST	Pre-DC Coordination
3	10/01/2024	ST	ST	Pre-DC Coordination

Scale: 1:1000  
Drawing Number: DA201  
Revision: 6

Project Name: Khash Holdings P/L  
Project Address: 1234 Main Street, Sydney NSW 2155  
Client: Khash Holdings P/L  
Project Manager: David Eastman 0412 123 456

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	B. Moran	B.A., LL.B. Acc. Spec.
Special Counsel	M. Capolupo	B.Com., LL.B. Acc. Spec.
	S. Thompson	Dip.Law, LL.D., LL.M.
	S. Amarasinghe	B.Com., LL.B. Acc. Spec.
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	J. Cruz	B.A., JD.
Associate	G. Fazio	Dip.Law
	A. Djuric	LL.B.
Senior Solicitor	S. Hankey	B.A. (Hons), M.A.

**SUB-3060**

OUR REF: LC:EW:929583:25747  
YOUR REF: Mark Brown

26 October 2022

Mark Brown  
Senior Planning Officer,  
Alpine Resort Team

Via Email only: mark.brown@planning.nsw.gov.au

Dear Sir,

**RE: DA 22/11595 (PAN-257248) LOT 768, 5 DIGGINS ROAD THREDBO**

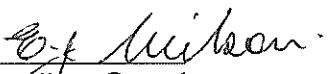
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Yours faithfully,  
**CMC LAWYERS**

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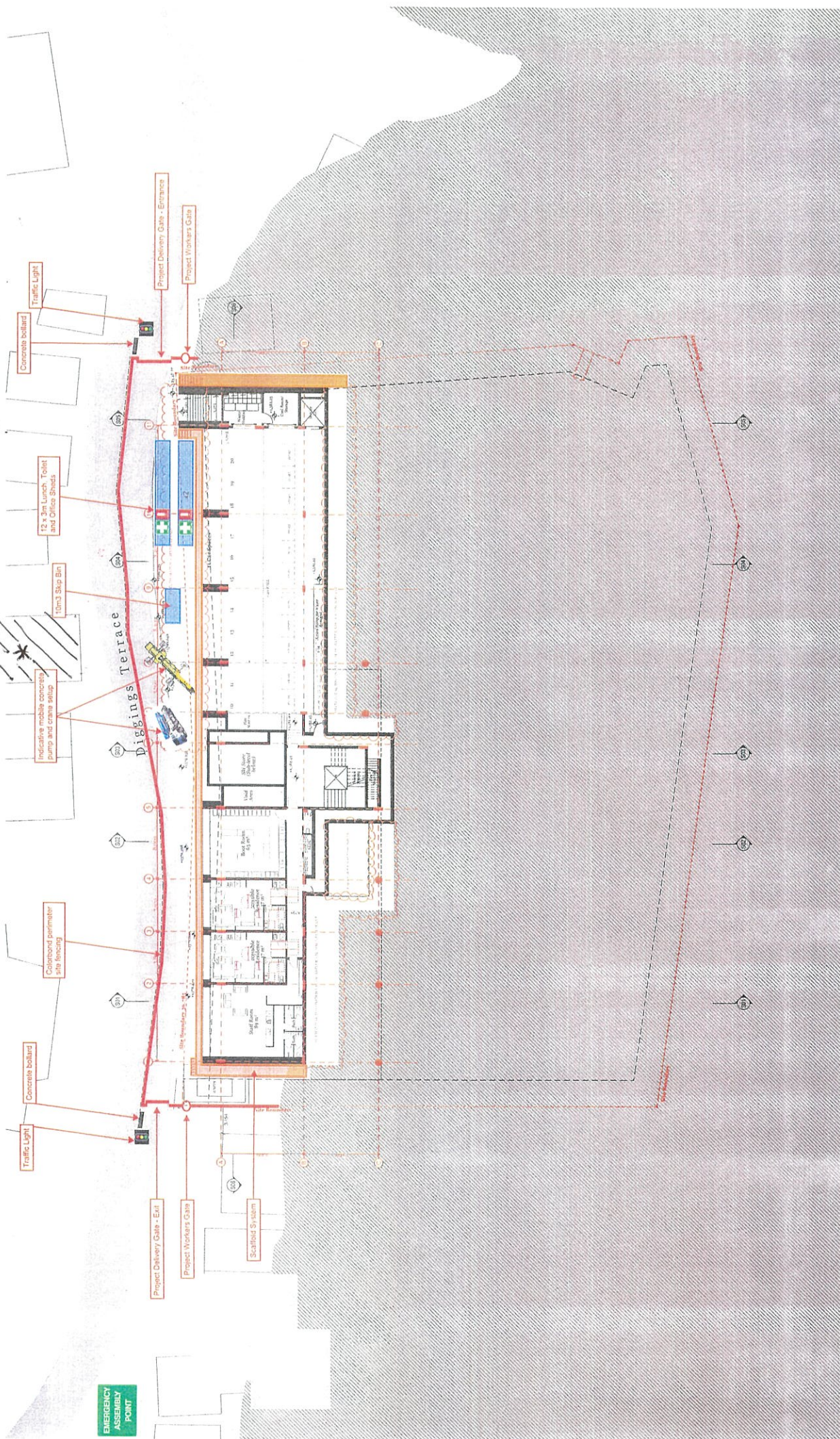
Encl.



# SITE ESTABLISHMENT - STRUCTURE STAGE

KHASH Holdings P/L

Lot 776



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Scale: 1:1000  
Drawing Number: DA201  
Revision: 6

Project Name: Khash Holdings P/L  
Project Address: 12 x 3m Lunch, Toilet and Office Sheds  
Client: Khash Holdings P/L

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Client: Khash Holdings P/L





**KASEES**  
Apartments & Mountain Lodge

Alpine Resorts Team  
Regional Assessments  
Department of Planning and Environment  
[alpineresorts@planning.nsw.gov.au](mailto:alpineresorts@planning.nsw.gov.au)  
3 November 2022

SUB-3061

**Premises:** Lot 768, 5 Diggings Terrace, Thredbo  
**Proposal:** Construction of tourist accommodation buildings  
**Application Number:** DA 22/11595 (PAN-257248)

Dear Sir / Madam

Thank you for the opportunity to comment on this proposal.

We make the following comments / observations:

**1. Traffic, pedestrian and bike flow/access along Diggings Terrace and on to the upper village**

The Traffic and Waste Statement by Sellick Consultants notes that, regarding safety along Diggings Terrace,

*The parking movements at the ground floor carpark have the potential of causing traffic hazards along Diggings Terrace resulting in vehicles may falling over the edge across Diggings Terrace. It is therefore a requirement that guardrails be installed on the western corner across Diggings Terrace to ensure safety for both exiting drivers and other road users.*

It also notes that

*Due to the limited space between the ground floor carpark and Diggings Terrace, the sightlines for drivers reversing from the carpark are limited and is therefore a safety issue. It is consequently a requirement that parking for ground floor spaces 1-9 be carried out in a reverse direction, as this allows drivers to have better sightlines when they exit the carpark in a forward direction.*

We consider these recommendations grossly insufficient to address the issues concerning traffic flow, pedestrian and bike access and safety along Diggings Terrace, as well as access to the new development.

There is already an issue with the traffic flow and pedestrian and bike safety along the entire stretch of Diggings Terrace from the Burger Bar onwards and upwards. There is NO accommodation for pedestrians anywhere, and bike and vehicle interactions can be precarious. The passing of two vehicles along Diggings Terrace is tight now; the development will exacerbate existing deficiencies.



There appears no provision in the current proposal for garbage collection and delivery trucks to park entirely off Diggings Terrace and thus avoid disruption to village traffic, pedestrians, bikes, guests of the development exiting and arriving.

Further, there is no provision for winter snow conditions and snow clearers and snow build up.

Thus, we consider the proposal needs to be redesigned to incorporate:

- a) greater set back from Diggings Terrace and a full lane/off-road pull over along the entire road frontage of the development
- b) a dedicated service/delivery area for garbage, delivery vehicles
- c) a pedestrian safe pavement walkway along Diggings Terrace.

Thredbo has experienced a boom in bike activity. Yet there is no provision for increased bike numbers of all varieties on the village roads.

## **2. Firebreak**

The development is on a recognised firebreak. What are the plans to improve fire safety for Thredbo and is an alternative firebreak to be created?

## **3. Restaurant**

Is this sufficient size for a development of this size PLUS catering to other village guests? Thredbo requires more choice of quality eateries and this may be inadequate. Suggest that another food outlet such as a day cafe also be required as a condition of development.

## **4. Slump**

There is a slump on the upper area of the firebreak. We were unable to consider the lengthy geotechnical report but wish to raise concerns regarding the stability of the area above the proposed development.

## **5. Proximity to adjacent buildings and retention of mature trees**

We consider there should be greater setback from the boundary on both sides (the boundaries with Lot 766 and 769, 761, 760), and indeed the retention of mature trees along both boundaries.

Yours sincerely

Annalisa Koeman

To: Minister for Planning & Public Spaces/Independent Planning Commission

**Re: DA22/11595**

28.10.2022

**Lot 768 5 Diggings Terrace & 2 Friday Drive Thredbo 2625  
Construction of Tourist Accommodation Buildings**

I am writing on behalf of the members of the Ramshead Hut to express specific concerns regarding the proposed buildings.

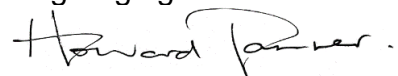
I have been a member of the Ski Club of Australia and the Ramshead Hut for approximately 30 years, both of which are close by in Diggings Terrace – Nos. 32 and 9 (Lot 21). During that time, I have observed Thredbo gaining a distinctive character making it almost unique in New South Wales as a cohesively-designed resort town. Much of this can be attributed to the design principles established by architect Robin Dyke which have been applied thoughtfully over many years. It is my understanding that these emphasize smaller built volumes, articulated built forms and roofs, use of random stonework, etc.

The existing character of Diggings Terrace is one of ski lodges and private residences which generally follow these principles. However, the proposed main building while referencing the use random stonework and timber finishes, introduces huge scale, both linear and vertical, to Diggings Terrace. Any setback to the street is completely nominal, and is dominated by open garaging for 20 vehicles. This presents as an undesirable design outcome: as limited stone facings will not conceal what in essence will be a vast concrete bunker.

While there is some modelling of the main building's north elevation, it is an immensely long façade of 4 to 5 storeys, abruptly vertical in its presentation, and completely changing the established character of Diggings Terrace and this part of Thredbo. While the perspective provided suggests an acceptable outcome, the elevations provided deny this.

The five three storey houses at the rear of the site would greatly benefit from not being externally identical. Some external visual variety is characteristic of Thredbo and should be required here.

To my mind the main building proposed is completely unacceptable in its present form and scale. A better outcome would set any buildings clearly back from Diggings Terrace, with greater articulation of building volumes, and with all garaging concealed within the hillside.



**Howard Tanner AM LFRAIA**

Howard Tanner's appointments have included: National President, Australian Institute of Architects; Chair, Australian Architecture Awards; Chair, Australian Architecture at the Venice Biennale; Chairman, Heritage Council of NSW; Councillor, Australian Heritage Council; Principal, Tanner Architects



SUB-3065

Susan Eaton  
15 Hay Street  
Collaroy, NSW 2097  
E seeaton26@gmail.com  
03-11-2022

To Whom it May Concern,

**Re: DA 22/11595 Lot 768 5 Diggings Terrace, Thredbo - construction of tourist accommodation buildings**

I am writing to lodge my strong objection to the above Development Application for a most substantial and inappropriate development at Thredbo. I have known Thredbo, over summer and winter seasons, for over 40 years having enjoyed the environment and facilities as both skiers and hikers. In addition, as a member of the Dulmison Ski Club for over 20 years, I have come to know the specific neighbourhood in which the above development is proposed. I request the outright refusal of the above application.

My major submission points are as follows:

**IMPACT ON THREDBO PRECINCT**

- The proposed development is inappropriate, being immensely out of scale with the existing surrounding buildings and development.
- It will impact on the village feel of the neighbouring infrastructure.
- This proposed vast and large-scale development is totally out of character with the surrounding development which typically composes of individual small-scale buildings interspersed with native vegetation.
- The colossal mass, bulk and scale of the proposal give minimal consideration to the unique natural alpine environment and provision of replacement planting. This would have a negative impact on the native alpine fauna, some of which species are endangered.

**IMPACT ON DULMISON THREDBO LODGE- MY CLUB'S PROPERTY**

- The inclusion of the development's proposed entertainment components, which include a bar/restaurant, are totally out of character with this otherwise quiet neighbourhood of Thredbo Village. Of note, these entertainment components are proposed to remain open until 2am. This is totally inappropriate for the site, particularly as this currently peaceful neighbourhood consists predominantly of short-term residential accommodation. It is worth noting that many sleeping children, guests of both of our club and other neighbouring short term residential accommodation, are likely to be disturbed by the disruption of the entertainment components proposed in this development to this otherwise quiet neighbourhood.
- This development appears inconsistent with the broader planning intention of Thredbo Village. The neighbourhoods closer to the fringe of Thredbo Village, such as the site of the above development application, are normally reserved for quieter residential use. This variety of entertainment offerings, such as included in the above development application, are currently located in the central village hub close to the Thredbo Village Square. This planning intention should continue to be heeded.



- The lack of adequate pedestrian infrastructure between the proposed development and the ski area is likely to impact negatively on our ski lodge, and neighbouring properties to the east, due to the likely increase in pedestrian traffic as this pedestrian area would be a short cut from the proposed development to the village green.
- The proposed development is severely lacking in parking spaces consistent with its proposed accommodation capacity. This would likely result in a large increase in traffic generation.
- Possible correct compliance of the car park ratio would still negatively impact the general use car park anterior to Diggins Terrace as this car park is already at capacity during the winter months.

Thank you for your consideration of my submission for outright refusal of this completely inappropriate development application.

Yours Faithfully

A handwritten signature in black ink, appearing to read 'Susan Eaton', with a stylized flourish at the end.

Susan Eaton

**BAppSc(Phty), GradDipExSportsSc, MAppSc(SportsPhty), GAICD**  
**Director of Dulmison Ski Club Pty Ltd**

I have been a member of a nearby ski club for 50 years and skied at Thredbo every year for that period. I object to this development for the following reasons.

1. The building is too large and completely out of character with all other lodges in Thredbo. The unique and special character of Thredbo has been established by previous careful planning controls. This proposal is nothing like what currently exists in the rest of the village and has the potential to destroy the existing character of Diggings Terrace. The main building is not set back far enough from Diggings Terrace thus exacerbating the scale of the main building.
2. The perspective images misrepresent the actual scale of the project (ref elevations).
3. Diggings Terrace is already treacherous in the middle of winter with the combination of mini buses, service vehicles, cars and pedestrians. This proposal will increase both vehicular and pedestrian users of the street and make it even more unsafe. The proposal does not propose any measures to deal with the increase in users. Diggings Terrace is not really equipped to deal adequately with the current volume of shared vehicular and pedestrians, let alone the sharp increase this proposal will create.

I am a member of Dumison Lodge just in front of the proposed development.

A restaurant open until 1am is not in keeping with the location being the quieter end of town. All the restaurants and bars are in the centre of town allowing the residential area where we are to be quieter in the evenings.

Parking on the proposal is not substantial to cater for the amount of extra traffic that will be in the area. The carpark in front of Dulmison is already hard to get into during the Winter season.

The landscape is going to be destroyed by the pure scale of the development and removal of almost all the trees should not be allowed. We are in a national park!

The large wall that is going to be erected will ruin all aesthetic appeal from the area behind Dulmison as well as along the whole street.

I object strongly to this entire application.



5th November 2022

I am writing to oppose this development application in its current form. I am usually pro-development but this proposal is totally out of place.

As a member of a nearby ski lodge, I see a number of deleterious outcomes arising if this were to proceed:

1. The building will not fit in with its current surrounds. It is much bigger than any nearby existing buildings and will take up an excessive proportion of the site. Many snow gums and much other vegetation will be lost, with the development detracting from the current look of the village.
2. It seems that the development will not cater for parking for the influx of patrons/residents. This will put major pressure on the nearby public parking areas.
3. The proposal for a bar/restaurant which can remain open until 2am will severely impact on the serenity of the area. Such developments should be limited to the central village area to preserve the peace and quiet in more residential areas.

In summary, the development is too large and will not be in keeping with the character of the area. It will result in destruction of natural vegetation and create issues of parking pressures and noise. I feel strongly that this proposal should be rejected.

## Development Objection DA22/11595 Diggings Terrace, Thredbo

I strongly object to this development in its current form. In particular the following comments are made:

1. The development is vastly out of scale with the surrounds and indeed Thredbo more generally with a long (80m) and high street frontage against lower and modest buildings nearby.

In addition, there is limited opportunity for reasonable native plantings around it which contributes throughout the village to reinforcing the environment Thredbo is located within and indeed the privilege of being there. It also fails to consider any ecological principles in terms of placement and surrounding vegetation indicated by the proposed removal of some 80 snow gums.

The breach of maximum height control of 12 m and minimal setbacks of only 1 m (should be 3m) is again inconsistent with the village.

2. Foot traffic infrastructure is totally inadequate likely resulting in 'tracking' through nearby areas and properties.

3. Huge traffic generation can be expected with minimal parking spaces relative to the accommodation capacity, and adversely impacting already stretched parking areas.

4. Significant entertainment facilities proposed to be open until 2 am is totally unsuitable in what is a relatively quiet area of the village and which may be considered 'the dormitory' zone.

Entertainment should be retained within the main village hub to create 'buzz' in this area and make it successful.

In summary, I am requesting this application be REFUSED. It is grossly over the 35% footprint on the site, accordingly the mass, scale and overwhelming nature is at odds with this vicinity (in fact it is at odds with anywhere in Thredbo); similarly, the proposed entertainment opportunities are inappropriate in this location.

there should be much greater attention given to providing appropriate transport and foot traffic infrastructure and a far greater amount of area should be allocated to native plantings.

I trust some sensitivity will be found in dealing with this site into the future and this proposal is seen for what it is - profiteering from a unique and special area that needs protection not unfettered development.

Thankyou

Anne-Maree Mitford

SUB-3073

To whom it may concern,

I strongly object to this development proposal.

This will add too much road and foot traffic to an already overdeveloped area.

I don't think having a venue that can be opened until 2am is appropriate - many families come to the area and want a good nights rest before skiing the next day.

This will cut down so many beautiful trees that frame the village green and turn it into a built jungle environment.

Thank you,

Fiona

PO Box 211 Seaforth NSW 2092



SUB-3074

Michael Eaton  
15 Hay Street  
Collaroy, NSW 2097  
E: mdeat1959@gmail.com  
6<sup>th</sup> November 2022

Dear Sir/Madam,

**Re: DA 22/11595 Lot 768 5 Diggings Terrace, Thredbo - construction of tourist accommodation buildings**

I heartily object to the Development Application - DA 22/11595 Lot 768 5 Diggings Terrace, Thredbo, as this is a completely inappropriate development for this site at Thredbo. As a skier, hiker and tourist, I have known Thredbo for over 40 years and have enjoyed the environment and facilities of this unique area over all seasons. As a member of the Dulmison Ski Club for over 20 years, I have an in depth understanding of the specific neighbourhood in which the above development is proposed. I request the outright refusal of the above application.

My objections include:

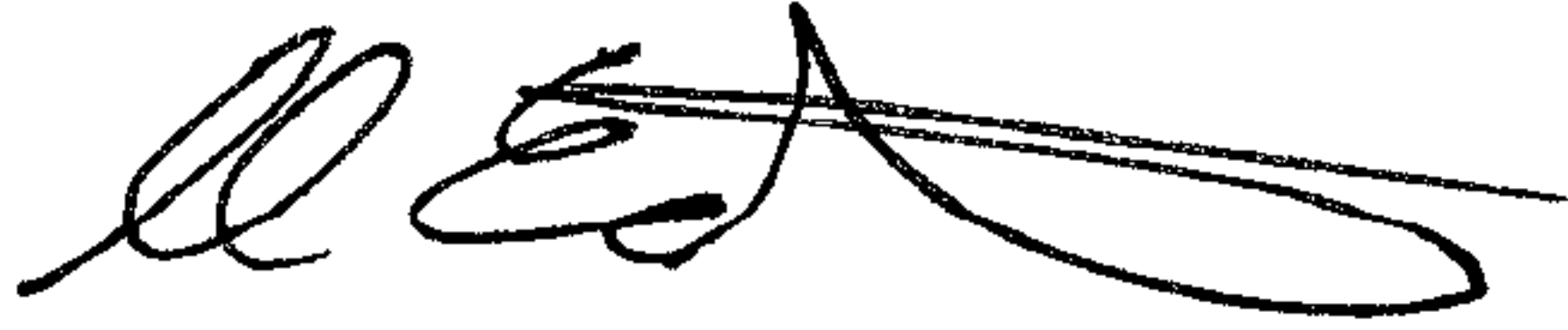
- The proposed development is inappropriate, being immensely out of scale with the existing surrounding buildings and development.
- It will impact on the village feel of the neighbouring infrastructure.
- This proposed vast and large-scale development is totally out of character with the surrounding development which typically composes of individual small-scale buildings interspersed with native vegetation.
- The colossal mass, bulk and scale of the proposal give minimal consideration to the unique natural alpine environment and provision of replacement planting. This would have a negative impact on the native alpine fauna, some of which species are endangered.
- The inclusion of the development's proposed entertainment components, which include a bar/restaurant, are totally out of character with this otherwise quiet neighbourhood of Thredbo Village. Of note, these entertainment components are proposed to remain open until 2am. This is totally inappropriate for the site, particularly as this currently peaceful neighbourhood consists predominantly of short-term residential accommodation. It is worth noting that many sleeping children, guests of both of our club and other neighbouring short term residential accommodation, are likely to be disturbed by the disruption of the entertainment components proposed in this development to this otherwise quiet neighbourhood.
- This development appears inconsistent with the broader planning intention of Thredbo Village. The neighbourhoods closer to the fringe of Thredbo Village, such as the site of the above development application, are normally reserved for quieter residential use. This variety of entertainment offerings, such as included in the above development application, are currently located in the central village hub close to the Thredbo Village Square. This planning intention should continue to be heeded.
- The lack of adequate pedestrian infrastructure between the proposed development and the ski area is likely to impact negatively on our ski lodge, and neighbouring properties to the east, due to the likely increase in pedestrian traffic as this pedestrian area would be a short cut from the proposed development to the village green.



- The proposed development is severely lacking in parking spaces consistent with its proposed accommodation capacity. This would likely result in a large increase in traffic generation.
- Possible correct compliance of the car park ratio would still negatively impact the general use car park anterior to Diggins Terrace as this car park is already at capacity during the winter months.

For the above reasons, I implore you to reject outright this preposterous application.

Yours Faithfully

A handwritten signature in black ink, appearing to read 'Michael Eaton', with a stylized, sweeping flourish extending to the right.

Michael Eaton

**BVSc, PhD**

Submission on DA22/11595 Lot 768 5 Diggings Terrace Thredbo

Dear Alpine Planning

I would like to lodge an objection to the proposed DA22/11595 Lot 768 5 Diggings Terrace Thredbo. I am the owner of Melaleuca 1, Lot 4 Diggings Terrace, Thredbo, and the amenity that our family currently enjoys will be seriously affected to our detriment and to the detriment of all Thredbo's visitors and residents if the development proceeds in its current form.

The building proposal is a massive redevelopment of the site and is not in keeping with the existing character and amenity of the area. Whilst I can understand why the Head Lessee and developer support the proposal it in my opinion represents a request to overdevelop the site.

My objections include:

1. Safety concerns relating to Diggings Terrace additional vehicle movements in and out of what is effectively a car park the full length of the development site at street level.
2. The scale of the proposed development is inconsistent with the streetscape appearance, density and character of the existing chalets in the area.
3. The proposed development will destroy a significant area of natural vegetation.
4. The proposed development involves significant site excavation, and I am concerned with the potential effects on drainage, management of storm water, alteration to underground water systems and the potential to flood my property at 4 Diggings Terrace, particularly during periods of heavy rain and snow melt.

Yours Sincerely

John Moran  
06/11/2022

The application as presented is massive and out of context with the surrounding buildings and local architecture. The scale and bulk of the proposal will impact on not only the surrounding neighbours but the entire local precinct.

From an environmental perspective the local ratio for land and floor space appears totally out of whack to the local guidelines which significantly contributes to the bulky appearance.

There will be significant additional noise created to local neighbours due the number and scale of occupancy and late night nature of the proposed 2am licence request which in a valley is basically an echo chamber for no one to be able to sleep before 2am, and simply not a fair request.

Further the proposal does not adequately address car parking in line with the proposed number of occupants.

Mark Brown

3/11/2022

Senior Planner, Alpine Resorts Team

Regional Assessments, Planning and Assessment

Shop 5A, 19 Snowy River Avenue

Jindabyne NSW 2627

**RE: OBJECTION TO DA 22/11595 LOT 768 DIGGINGS TERRACE**

Dear Mark,

I take no pleasure in writing this objection. I am pro-development and like to see well designed buildings that sit sensibly into their landscape setting. Buildings that endure the test of time and provide a legacy to future users and allow people to admire them decades after they are built. However, after viewing the proposal, I have concluded it is perhaps the most obnoxious and irresponsible proposal that I could imagine ever being put forward for this pristine site. My objection points are as follows:

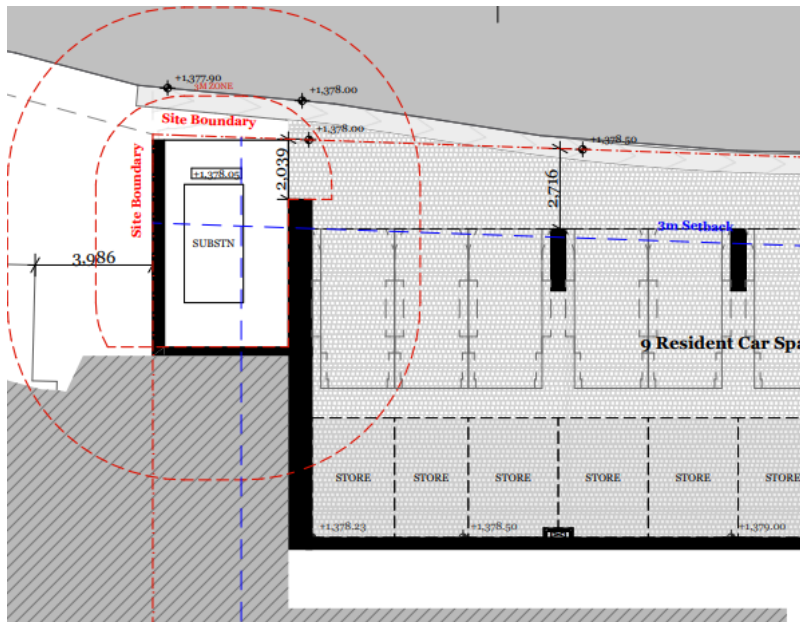
**1. The proposal makes no attempt fit in with the building character of Thredbo's "western precinct"**

This western precinct of Thredbo is characterised by stand-alone compact 2-3 storey chalets, sitting neatly on individual land lots. This precinct has very fine-grained building forms. It offers guests a different experience that they can get in the centre spine of the village, which has larger building forms. The proposal makes no attempt to integrate itself with the natural environment. The proposal in my opinion is void of skilful design that responds to the local precinct character. The DKO urban design analysis is flawed, and I see no reason how they can conclude that the design fits into its landscape setting. The report attempts to justify its bulk and length by referring to a number of examples, which I believe are either irrelevant or proves why the proposal is just too big. The report states its building length is 76.9m as shown below. It is actually 76.975m so let's say 77m.





It also conveniently deletes the substation off this measurement, so there should be another 4m added to its length making it an **81m long building fronting** the street.



I will discuss the reference buildings the application used in justifying this building length in this western part of the village. *Note, there are no reference buildings in the western part of the resort.*

- a) **Thredbo Alpine Apartments** – these are located on the flat at the centre of the resort, and well set back from the MAIN road. The Mowamba apartments behind are stated as having an “extremely long” façade at 79m. This building is tucked away with no through car traffic and located amongst the bigger buildings in the centre of the village. They are also very old, and I don’t think that replicating outdated designs in a different part of the resort is a good thing in 2022.



- b) **The Denman Apartments** – a very well-articulated building which hides its mass well, reading as a 22.7m long façade. It is located in the centre spine of the village.



- c) **The Silver Brumby**. The report says it has a long building length of 48m. It is reasonably well setback from the street, located in the centre spine of the village and has NO street parking presenting along its length at ground level. Note the length of the proposed development is 1.69 times longer than The Silver Brumby.





- d) **Lantern Apartments** – top of resort within the central spine. This is the view from the road, only 2 stories. The lower side that has more stories can't be seen by pedestrians or traffic.





- e) **Bellevarde.** This is located in the centre spine of the village. Only has a façade length of 31m.
- f) **Elevation.** Has only a 16.3m long building length and present 2 stories from the road that accesses it.
- g) **Candlelight Lodge.** Has only a 27.8m street length that is articulated into 2, and a 1 storey presence from the road
- h) **Thredbo resort information centre and Alpine Hotel.** This is very well set back from MAIN road, is in the centre of the village and is low scale. The building length is not read as one continuous façade, and it a very old building, not necessarily something to emulate in 2022.





- i) **Thredbo Valley Rental.** This is only single storey located in the centre spine of the village and well away from the road. It is well hidden by trees.





As it can be seen from the examples above, which were used by DKO to justify the building length of the proposal, that they easily demonstrate the proposal is without precedence in the entire resort, let alone in this western precinct of the resort. This western precinct is characterised by small stand-alone buildings. The proposal would significantly alter the character of this region in the alpine resort. On this point alone, the development is not appropriate for approval. The application shows that no care has been taken to consider the character of this western precinct in the design. This can be seen for example in the massive scale disparity against the neighbouring buildings:



Additionally, this montage is misleading and shows trees on the eastern side of the site remaining, and the ones behind, but we know they are all removed as shown by the red outline below:







## 2. Compliance with the Thredbo Masterplan 1988 (as amended 1994).

The site falls in zone 8b of the Thredbo Masterplan (as amended) and describes the character as follows:

### **Zone 8b      Outer Western Precinct**

This area is subject to the most extensive development control for several reasons. the area has the most difficult access constraints in the Village; several sites are not accessible by vehicle. Historically the area has been developed with two and three storey small scale structures with the retention of a dominant tree canopy and open natural drainage lines.

The precinct also contains some of the most architecturally significant buildings in the Village, and the environment in which those buildings are situated is considered an important factor in the maintenance of their significance. These buildings will be managed as cultural resources and are thus subject to special controls on an individual basis.

The proposal of a hotel is a **prohibited** use under the zoning schedule:

### **ZONING SCHEDULE**

<b>ZONE 8b</b>	<b>OUTER WESTERN PRECINCT</b>
<b>MAX. BED NUMBERS</b>	880
<b>PERMISSIBLE WITH NPWS CONSENT</b>	<ul style="list-style-type: none"><li>* apartment commercial and club accommodation</li><li>* food outlets.</li><li>* limited indoor sports facilities.</li><li>* carparking associated with permitted uses.</li></ul>
<b>PROHIBITED</b>	<ul style="list-style-type: none"><li>* hotel and motel accommodation.</li><li>* other retail outlets.</li><li>* other structures or activities not consistent with permitted uses.</li></ul>

It is evident that bulky, large buildings were never envisaged for this site.

The report advises the controls in the Thredbo Master plan are:

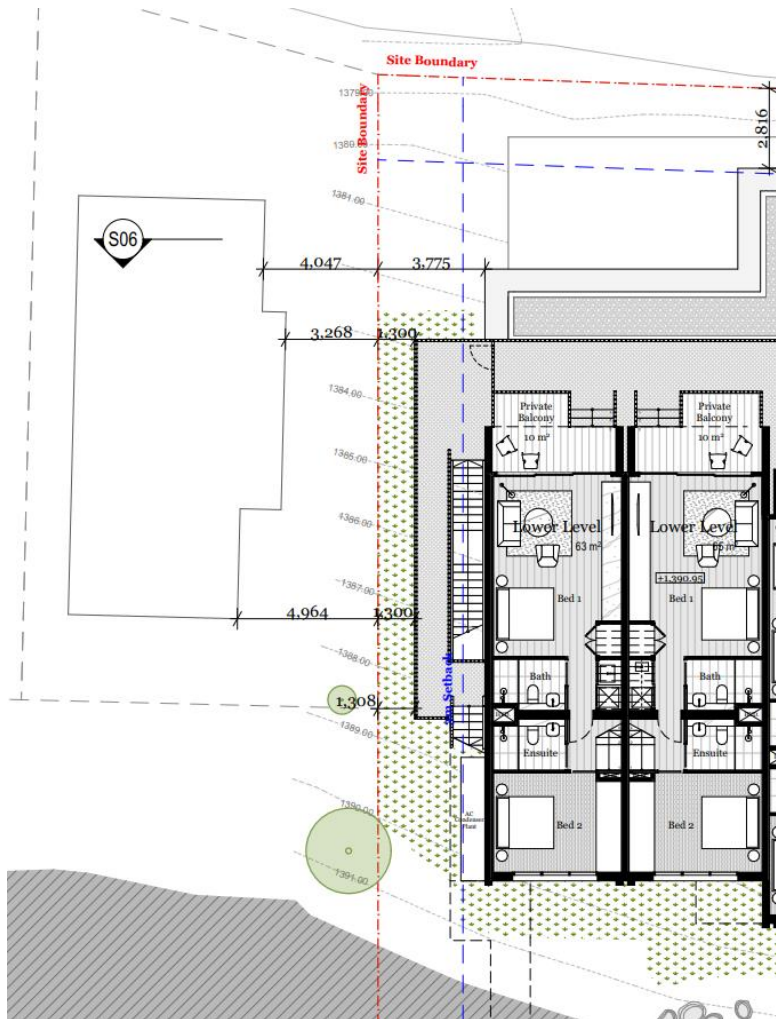
- 3m front and side setbacks
- Maximum 12m ridge height

- 35% site coverage
- Minimum 6m building separation

Not one of these controls are complied with as discussed below:

West side setback:

There is zero setback on the western side with the substation built hard against the boundary. Further back up the building depth the setbacks seem a little dodgy. The proposal shows the following to Ben Hall's façade:



However the façade of Ben Hall's is a different configuration, suggesting the setbacks have been exaggerated. A thorough survey review is suggested to prove the accuracy of the applicants documents. The real outline of Ben Halls is something like this and is much closer to the boundary:



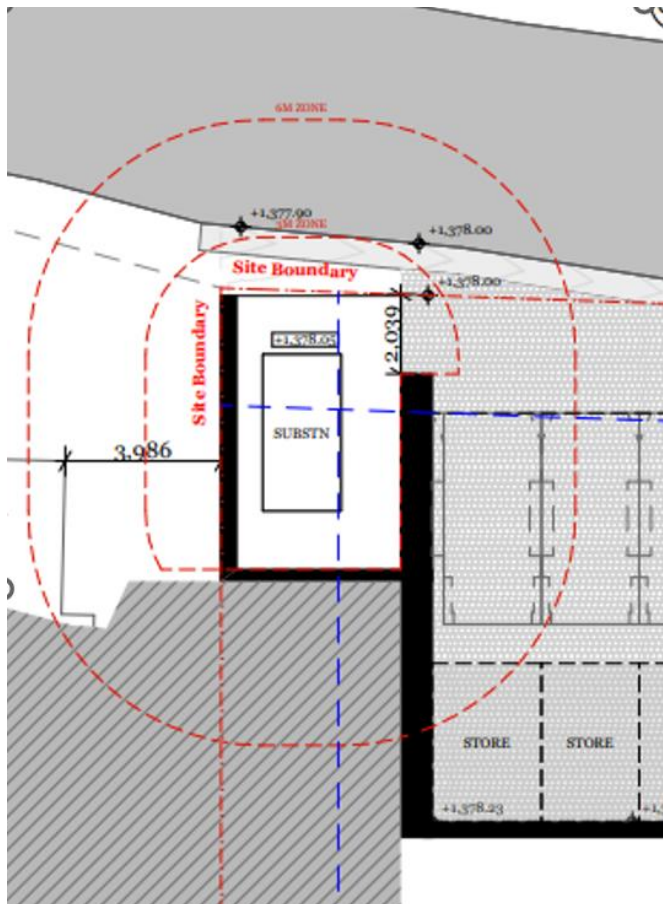






Also, the montage below is misleading as it does not show the substation.





#### East side setback:

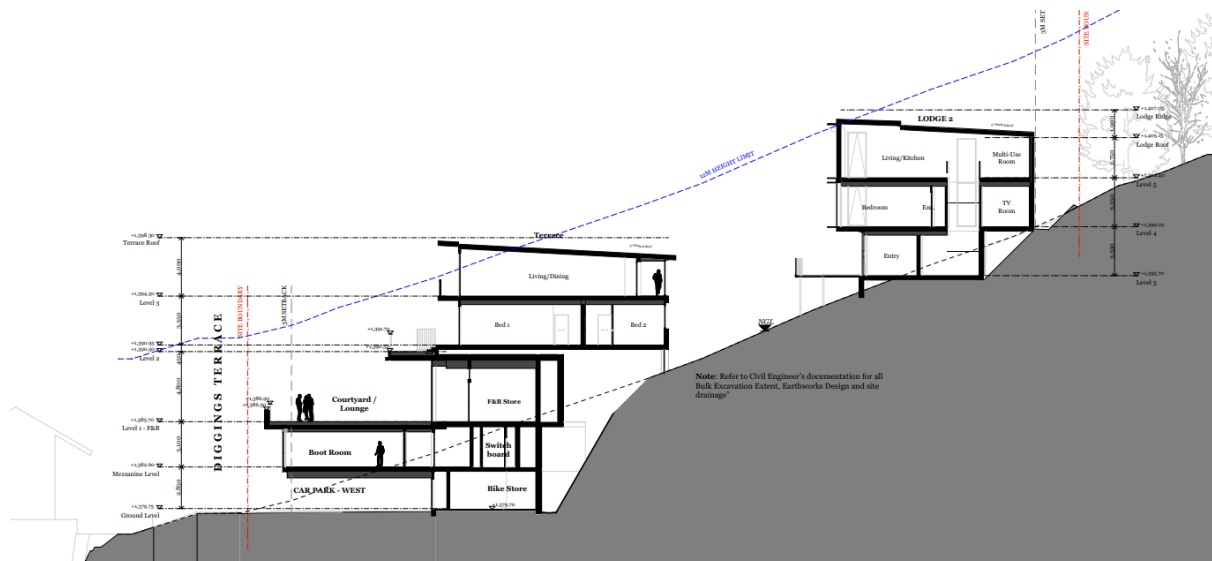
There is almost zero setback to the stairway, and only 1.3m at the front of the building. It is such a long site, it is just not appropriate to build boundary to boundary.





### 12m ridge height

Even with such a massive cut into the hillside, the top level still exceeds the height control measured from natural ground level.



**SECTION 2**

### Site coverage

On the fourth point re the 35% site coverage control. This means that only 35% of the site should be built upon. The cover page of the architectural drawings show the control is 45% (not 35% as it should be), and the proposed coverage is 68.9%. This is almost a **100% exceedance** of the control. The urban design report goes into detail on other buildings in Thredbo to try and justify this - the only ones with high built forms % are on much smaller land sizes. Given the size of this land any exceedance increases the bulk and scale more significantly than if it was on a small site.

### 6m Building separation

The 6m building separation is not achieved between Ben Halls to the west and Dookies to the east as also shown in the drawings above.

### **3. Non-compliance with side setback controls stipulated in the SEPP (Precincts-Regional) 2021 part 4.13 (2)(b) and (c)**

As discussed, there is little to no setbacks between buildings, with all trees being removed. There is no landscaping between buildings, let alone high quality landscaping. The GMU report goes into item c) in great detail so I won't repeat it here.

- (2) **Building setback** In determining a development application for the erection of a building on land, the consent authority must take into consideration the proposed setback of the building (where relevant) and the extent to which that setback—
- (a) assists in providing adequate open space to complement any commercial use in the alpine resort concerned, and
  - (b) assists in achieving high quality landscaping between the building and other buildings, and
  - (c) has an impact on amenity, particularly on view corridors at places in the public domain where members of the public gather, and

### **4. Non-compliance with the landscaped area controls in the SEPP (Precincts-Regional) 2021 part 4.13 (3)(a)(c)(d)(f)**

There is absolutely no attempt to comply with these parts of the SEPP.

- (3) **Landscaped area** In determining a development application for the erection of a building on land, the consent authority must take into consideration (where relevant) the extent to which landscaping should be used—
- (a) as a means of assisting in the protection of the unique alpine environment of the alpine resort concerned, and to maximise its natural visual amenity, for the benefit of visitors and natural ecosystems, and
  - (b) to assist in the provision of adequate open space to complement any commercial use in the alpine resort concerned, and
  - (c) to limit the apparent mass and bulk of the building, and
  - (d) as an amenity protection buffer between the proposed building and other buildings, and
  - (e) as a means of reducing run-off, and
  - (f) to protect significant existing site features and limit the area of any site disturbed during and after the carrying out of development.

### **5. Removal of trees and vegetation – no arborist report**

There has been no attempt to skilfully retain and incorporate the vegetation, particularly the 30 or so snow gums that get removed from the site, and the untold number of trees in the asset protection zone. Why could it be right that a development that exceeds all controls, then assumes the position to not only remove all the important vegetation features on the site, but all the trees behind Ben Halls, Kaella, Snow Angel and the other lodges in that eastern pocket?

There is usually an arborist report that accompanies such applications that itemises the trees to be removed, their health, significance and desire for retention or removal. There is no document that advises this. How can the impact be assessed without this?



## 6. Incomplete Civil Engineering design and analysis

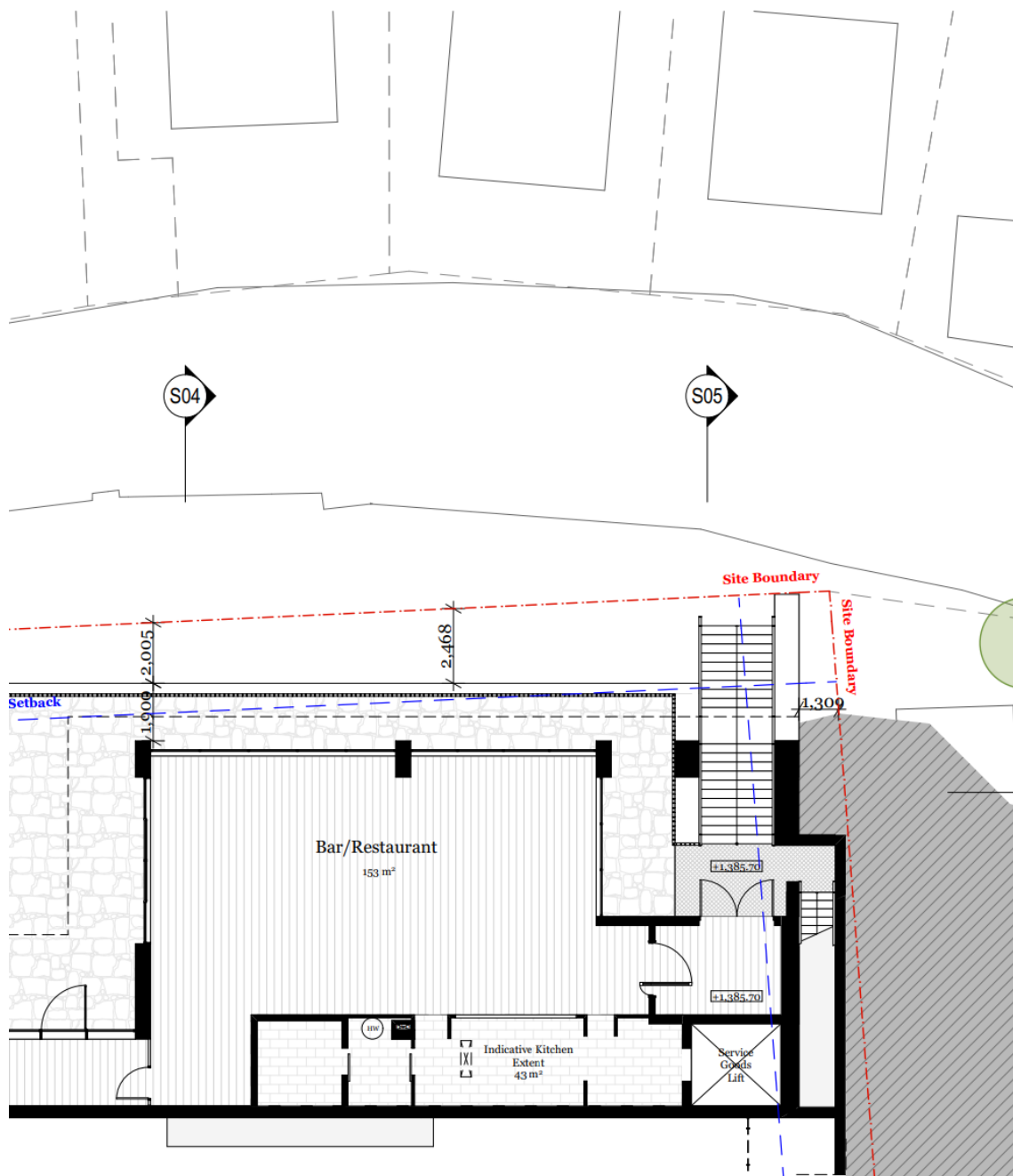
The proposal removes a substantial amount of pervious area and replaces it with impervious roofed area. This water is collected from the roofs and sent to a pit in Digging's Terrace where it just overflows into the street then back under the roadway. There has been no modelling to assess the impact of this on flooding to downstream properties. Even under the current conditions, the properties in front have been subject to flooding and this photo during a typical rain event shows it won't take a lot more runoff before significant flooding occurs to the downstream properties:



## **7. Incompatible land uses**

The proposal includes a bar/restaurant which is the wrong land use in this quiet part of Thredbo and belongs in the centre spine of the village. The fact that the applicant is applying for a 2am license indicates their disregard for guest comfort who choose to stay in this quieter part of the village. It also shows their lack of attention to reasonably assimilate the proposal into the site and surrounds. Quite possibly this late license could be extended to night club use as that would be the main reason for the 2am time request. The bar balcony is as close as 3.9m from the boundary. This land use would make the Thredbo experience for guests in all the surrounding dwellings a nightmare and result in a reduction in return bookings.





## 8. Incorrect Geotechnical report

The Geotechnical report has not considered the geotechnical risks adequately. On the opening page of the report it says the structures will be founded close to existing grade or cut by up to 3m. The Civil engineering plans show the cut along the 79m length of the site being more like 10m. What proposal have they actually considered when writing the Geotechnical report?



## **9. No DCP to support the Snowy Mountains Masterplan**

Even though the site is nominated as a key site under the SAP, there is no framework around what controls should be applicable to the site. Just because it is nominated as a key site that doesn't mean it should have no regard for setbacks, landscape integration with existing trees, ridiculous 81m long wall length with zero street activation with only a carpark, disruption of precinct amenity with a bar/restaurant, and no building articulation along its length.

## **10. No regard for street presence and activation**

The proposal has no regard for street activation and the guest ambient experience walking along Diggings Terrace. The proposal essentially has a 77m long open carpark facing the road as the ground floor experience. The Belvedere (photo below) has a 31m frontage, the proposal is 2.5 times as long, with open parking all the way along. This detracts significantly from the character of the resort, and in particular in this part of the resort.



Open carparking will extend along the entire length of the photo below. It is obvious how out of character for this precinct this is:



## 11. Traffic safety impacts

This is addressed in the Traffic report submitted by the objection group. The proposal fails on many fronts to be of adequate design and will result in chaos particularly during check in and check out times not only on car traffic but also on pedestrian traffic. There is:

- no dedicated footpath for skiers walking to the adjacent bus stop
- no peak demand study undertaken
- it doesn't show how cars can turn and enter the spaces when driving up Diggings Terrace
- requires cars to reverse into the spaces from such a narrow street creating traffic bank backs and safety issues
- has no setdown check in/out areas of significance

- turning diagrams provided shows cars clipping the building structure. It is just a result of cramming too much density into the site.

Additionally, the application says it is for 20 carspaces. But there is so much storage area behind the single spaces one has to think they will be tandems. Then, it reveals itself in the Civil drawings as 38 tandem spaces. Once again no analysis of this impact has been considered. Quite a sneaky approach.

## **12. More Appropriate Scheme**

With so many issues facing this proposal which make it unsuitable for approval, the time needs to be taken to get the balance right. Something like the following could perhaps provide such a balance:





Thank you for the opportunity to submit my concerns. I trust these will be used as part of your assessment.

Regards

Mark Maryska

Sneznik Lodge

To whom this may concern,

I am writing with a formal submission, objecting to the above proposal for development on Lot 768, on Diggings Terrace, Thredbo Village.

I am a co-owner of one of the lodges in the Outer Western Precinct (Kaella2), having been fortunate to purchase in 2016 after many years of searching for the perfect lodge. Prior to this I had been a regular visitor to Thredbo, every year since first discovering Thredbo and the village atmosphere in 1991.

I find it concerning that Lot 768, which in the Thredbo Village Master Plan, Environmental Impact Statement, was to form a natural fire break, is now to be almost completely developed. When purchasing our property this portion of land was still designated as a “fire break”. When one considers the current rapid changes to climate, the delicate alpine environment, greatly heightened risk of fire events, and remote location with limited fire fighting capacity I am deeply concerned about removal of a fire break in a village when most dwellings are at least partially using wooden materials.

Part of the reason why we were attracted to the lodges in this Outer Western Precinct was the unique and architecturally beautiful nature of the dwellings in this region of Thredbo, merging residences with the natural landscape in an almost semi-rural setting. There is a gradual transition from the more crowded and larger constructions in the central and Central East precincts, to individual and unique, but similar, lodges, either as single dwellings or duplex structures, finally merging with the “woodland” setting of Riverside cabins. The current proposal is not in-keeping with this area of Thredbo. The overall bulk / size of the proposal is beyond excessive. The extensive and unbroken street frontage, of over 80m, is way beyond anything else in the close environs and only closely rivalled by Thredbo alpine apartments which is in the central village. The unbroken street frontage is not consistent with the local area and would disrupt that visual / physical transition which is so visually attractive as one moves along Diggings terrace.

The proposed development as it stands DOES NOT COMPLY with the 1994, Proposed variations to the Determined 1988 Thredbo Village Master Plan.

This determines :

- A set back from the street of 3m – CURRENT PROPOSAL DOES NOT MEET.
- Minimum 3m setback from side Boundary - CURRENT PROPOSAL DOES NOT MEET
- 6m separation between buildings - CURRENT PROPOSAL DOES NOT MEET
- Site coverage 35% - CURRENT PROPOSAL DOES NOT MEET

- Windows to appear as individual openings - CURRENT PROPOSAL DOES NOT MEET
- Windows not permitted to be curtainwall - CURRENT PROPOSAL DOES NOT MEET
- Retail outlet Prohibited - CURRENT PROPOSAL DOES NOT MEET (restaurant / bar, gym / yoga centre, day spa proposed).

Addressing the above issues:

The Outer Western precinct of Thredbo maintains a relatively quiet / tranquil atmosphere, blending with the river, wooded areas and golf course. People are attracted to this part of



Thredbo for this atmosphere. A large hotel like construction with (the prohibited) retail would significantly detract from this aspect. This would only be made worse by the presence of a bar / licensed restaurant. The proposal seeks licensing to be open until 2am. This would present a significant disturbance to the surrounding dwellings and residences and the tranquillity to the area. Indeed, the stair access is virtually on the boundary with the adjacent building, and without doubt this would be a cause of excessive noise and disturbance to the residents. The proposed siting of the stair access, other than not confirming to set back rules, is not sensitive to the residents.

The increased vehicular traffic, which would result from this proposal, on a narrow road which has a high level of pedestrian activity year round and cyclists throughout the warmer months is problematic and potentially quite dangerous and is not adequately addressed by the proposal. Particularly in winter with roads narrowed by snow and pedestrians carrying skis or snowboards, the additional traffic in the area battling for space with shuttle busses and inadequate parking or turning space requiring cars to reverse onto the main thoroughfare. The risk to pedestrians, cyclists of vehicular traffic is further aggravated by the absence of any setback from the road. The proposal does not adequately address parking issues, reversing onto a narrow road with heavy pedestrian use, poor visibility due to the curved and sloping road with retaining walls. Parking bays for cleaning / maintenance has not been addressed.

It is also quite disturbing to note the presence and positioning of a substation immediately adjacent to the existing residence of Ben Hall's with significant concern for electromagnetic exposure to existing residences. This should not be permitted.

The overall bulk / and height of the proposed building is excessive, with architectural / engineering drawings show it to be massively towering over adjacent buildings . The would cause significant overshadowing of the adjacent buildings to the west. Completely restricting morning sun and placing those residences completely in shade until mid to late morning. This is unacceptable. The footprint far exceeds the 35% site coverage restriction.

The design drawings indicate large glass fronted (curtainwall windows) of the dwellings. This is not in-keeping with the area nor is it permitted according to the Thredbo Master Plan

The landscape proposal is for the removal of virtually all trees on the site, which are largely at the periphery of this "fire break", with proposal of retaining a solitary tree at the rear of the plot. These trees provide an important visual impact to the surrounds and adjacent properties. Where there are strict controls of removing trees / vegetation in a national park, and when considering our climate emergency is not acceptable that this is allowed to happen.

In order to reduce the perceived height of the massive structure the plans call for quite massive excavations and alteration to the natural hill side. How this can be permitted within the national park for such a construction is quite unbelievable.

There are very strict rules with regards to simple maintenance of existing properties or for subtle unobtrusive renovations of existing properties in Thredbo village, even if in-keeping with the existing appearance. This proposal far exceeds any sensitive addition to the village,

with blatant disregard to existing residences, or the theme of the area with regards to a largely non-commercial precinct of beautifully and sensitively designed dwellings that impart an almost quaint and peaceful alpine appearance and experience for guests.

I unreservedly object to the proposal and it should not be permitted to proceed.

Kind regards.

Wade Barrett



Department of Planning and Environment  
Alpine Resorts Team

7 November 2022

**Subject: Objection to Development Application DA 22/11595 5 Diggings Terrace, Thredbo**

Dear Sir/Madam,

With regard to the above development application, I write on behalf of my clients, who are owners of the following properties:

- Aspect Chalet 1, 2 Diggings Terrace
- Aspect Chalet 2, 2 Diggings Terrace
- Aspect Chalet 2A, 2 Diggings Terrace
- Aspect Chalet 3, 2 Diggings Terrace
- Aspect Chalet 4, 2 Diggings Terrace
- Aspect Chalet 5, 2 Diggings Terrace
- Aspect Chalet 6, 2 Diggings Terrace
- Aspect Chalet 5, 2 Diggings Terrace
- Ben Halls, 3 Diggings Terrace
- Creek Cottage, Diggings Terrace
- Kaella 2, Diggings Terrace
- Melaleuca 2, Diggings Terrace
- Melaleuca 3, Diggings Terrace
- Piccololo, Diggings Terrace
- Sneznik, Diggings Terrace

This objection should be read in conjunction with the urban design assessment prepared by GMU Urban Design and Architecture and the review of the submitted traffic assessment by TTPP Transport Planning (these documents have been submitted separately).

**1. Executive summary**

On behalf of its clients, Upside Planning has undertaken a review of the subject development application for the "construction of tourist accommodation buildings" at a property known as 5 Diggings Terrace, Thredbo.

The review has raised fundamental issues with regard to the validity and prematurity of the

development application together with biodiversity, bushfire, the suitability of the site, and a significant number of non-compliances with the Snowy Mountains Special Activation Precinct Master Plan.

In summary, the proposed development should have already been rejected, but now, given it has been accepted by the Department, it should be refused on the following grounds:

- The approach adopted by the applicant does not have regard for the plan-making process and ‘rides roughshod’ over a plan-led system. The Alpine Development Control Plan (DCP) is the “*next step*” and the “*delivery mechanism*”. The DCP is not adopted and is therefore not available to ensure the suitability of the proposal.
- The proposed development is of a significant scale and its impacts would be so significant, that considering a development application now would undermine the plan-making process by predetermining decisions about the scale, impact or staging of new development that are central to the emerging DCP.
- The proposal requires the clearing of vegetation and ongoing management of an Asset Protection Zone (APZ) over the adjoining land at Lot 876 DP 1243112. The land owner’s consent, as head lessee, granted by Kosciuszko Thredbo Pty Ltd does not provide consent for works on this land.
- The application site extends well beyond the defined area of the “key development site”.
- There is no evidence of any assessment being undertaken at any stage of the site’s carrying capacity to accommodate 90 beds.
- There is no evidence that the 90 beds available for this development, are actually allocated to this site under the Kosciuszko National Park Plan of Management 2006.
- No effort has been made to avoid and minimise as required by Biodiversity Conservation Act 2016.
- In accordance with Planning for Bushfire Protection 2019 (PBP 2019) the development is for the purpose of a Special Fire Protection Purpose (SFPP). In this context, given the nature of the site including the slope, the proposal does not appear to comply with PBP 2019.
- The proposal does not comply with the majority of performance criteria of the Snowy Mountains Special Activation Precinct Master Plan (SAP Masterplan).
- The proposal is an overdevelopment of the site. The site is not suitable for the scale of the proposal.

In conclusion, the application should not have made it this far (to the exhibition stage) in its current form and with the significant gap in the planning framework.

It is evident that the proposal is not consistent with the objects of the Environmental Planning and Assessment Act 1979, in particular to:

- promote the orderly and economic use and development of land
- protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats
- promote good design and amenity of the built environment

The approach taken by the development application has not had due regard to the plan-making process that has been embarked upon and therefore rides roughshod over a plan-led system.

The proposal would have an adverse impact on the locality and is not in the public interest.

## 2. Application site

Lot 768, otherwise known as 5 Diggings Terrace, is located on the steep western slopes of Thredbo which forms the western edge of the resort. It is 4,960m<sup>2</sup> in area.

The application site however extends beyond Lot 768 as adjacent land (Lot 876) is within the development area.

Dense native vegetation populates the eastern and western ends of the site while the balance, at the centre of the site has been historically cleared for the purpose of a fire break. This cleared area represents about 35% of the site.

This native vegetation extends up the slope to the Alpine way and beyond. Much of this native vegetation would be subject to clearing to create an Asset Protection Zone (APZ) for the proposal.

Surrounding development in the locality is characterised by lodges in the form of domestic-scale (two to three storeys) dwellings nestled into the hillside landscape. Mature native trees and vegetation contribute to the streetscape and local character.

A site location plan is provided at Figure 1 below. It shows the extent of the area proposed to be developed to accommodate the proposal.

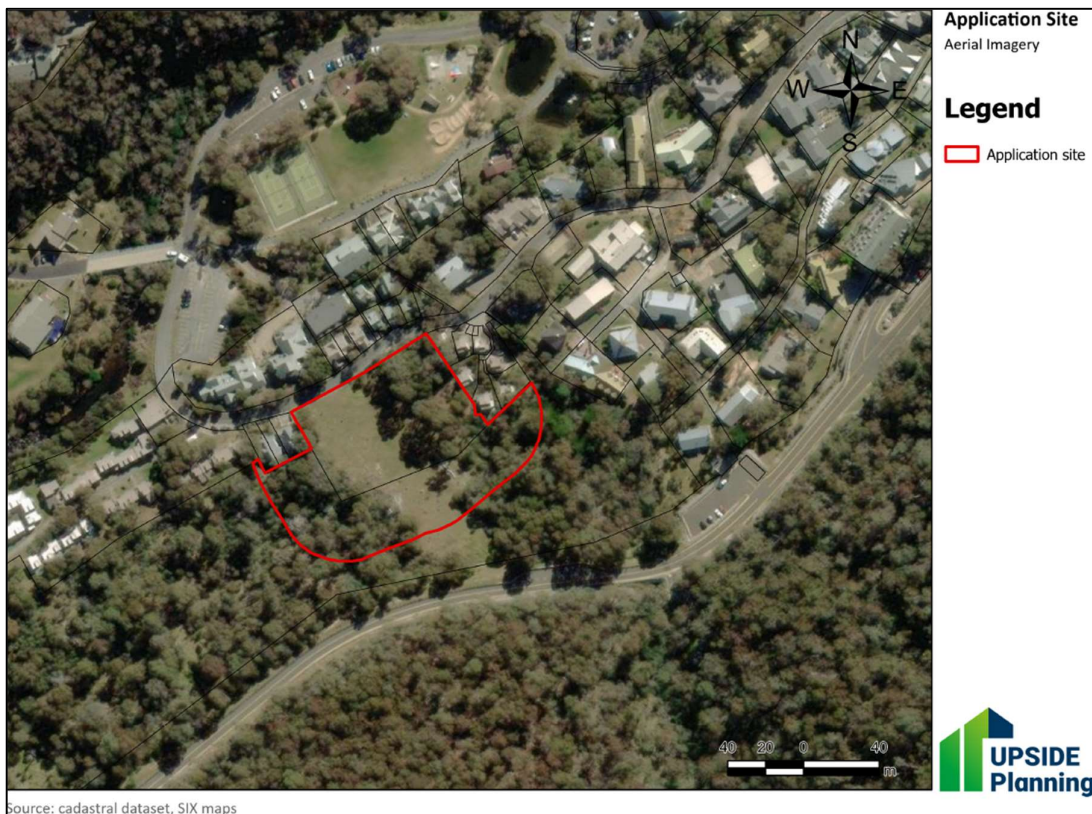


Figure 1: Application site



### 3. Statutory Context

In addition to the Environmental Planning and Assessment Act 1979, the key planning framework comprises:

- State Environmental Planning Policy (Precincts—Regional) 2021: Thredbo Alpine Resort
- Rural Fires Act 1997
- Biodiversity conservation Act 2016
- National Parks and Wildlife Act 1974
- Water Management Act 2000

Other relevant statutory policies include:

- Snowy Mountains Special Activation Precinct Master Plan 2022
- Snowy River Local Environmental Plan 2013
- Kosciuszko National Park Plan of Management 2006
- Kosciuszko National Park Amendment to the Plan of Management 2022
- Planning for Bushfire Protection 2019
- Thredbo Village Masterplan

Notably, the DCP, which is the “delivery mechanism” as stated by the SAP Master Plan has not been forthcoming.

### 4. Proposal

The proposed development, as stated in the submitted development application, and statement of environmental effects is for “*tourist accommodation*” and comprises:

- Construction of a part 4-storey and part 5-storey building in the northern portion of the site comprising:
  - 16 attached accommodation units;
  - Visitor recreation and food and beverage facilities including a restaurant and bar;
  - Street level car parking and bicycle spaces; and
  - Staff room and amenities.
- Construction of 5 x 3-storey detached accommodation units in the southern portion of the site
- Associated drainage, services, and landscape works; and
- Vegetation removal on site, as well as some clearing on the adjoining head lease, Lot 876 in DP1243112, for bushfire management.

#### *Characterisation of Use*

The Regional Precincts SEPP 2021 (Chapter 4 – Kosciuszko National Park) defines tourist accommodation as:

*(a) a building or buildings used for the accommodation of visitors, including apartments, serviced apartments and lodges that may have facilities for the convenience of those visitors, such as conference facilities, entertainment facilities, recreation facilities and*

*restaurants, or*  
*(b) staff accommodation, or*  
*(c) a hotel.”*

The development is not for ‘staff accommodation’ as defined.

The design of the development does not lend itself to be categorised as a ‘hotel’, with no reception provided. Moreover, all of the apartments include kitchens and laundries and are considered to be sole-occupancy units as per the BCA report provided by BCA Certifiers.

The development does not outline any provision that would allow it to sell liquor by retail for consumption off-premises. In addition, it is not likely that Kosciuszko Thredbo Pty Ltd or the appropriate regulatory authority would allow for the competitive selling of liquor for off-premises consumption.

- Therefore, the development cannot be defined as a ‘hotel’, which is defined by the State Environmental Planning Policy (Precincts—Regional) 2021: Thredbo Alpine Resort (Precincts SEPP) as follows:

*“hotel has the same meaning as in the Liquor Act 1982.”*

Liquor Act 1982 defines a hotel as:

*“...the premises to which a hotelier’s licence relates.*  
*hotelier means the holder of a hotelier’s licence.*  
*hotelier’s licence means a licence that, subject to this Act and the conditions of the*  
*licence, authorises the licensee to sell liquor by retail on the licensed premises, whether*  
*or not for consumption on those premises, being a licence that is granted as a hotelier’s*  
*licence.”*

As the proposed development would likely be subject to a strata subdivision in the future, should it be approved, then the building cannot be categorised as a hotel or a lodge (class 3).

The development, therefore, should be categorised as ‘serviced apartments’ which means “*a building containing two or more self-contained dwellings that are used to provide short-term accommodation and are not used or intended to be used as a place or places of residence.*”

The proposal includes two or more self-contained dwellings that would be used to provide short-term accommodation and are not used or intended to be used as a place or places of residence.

The residential component of the main building (terrace apartments), where there are apartments on top of each other, is, therefore, class 2, which according to Part A.6.2 of the National Construction Code, is a building “*containing two or sole-occupancy units*”.

The BCA Report and associated Access Report both advise that the main building (terrace apartments) is to be classified as a class 3 building, which appears to conflict with the available information and other reports submitted with the development application.

Furthermore, with reference to Part A6.3 of the National Construction Code, the proposed main building does not appear to be a class 3 residential building *“providing long-term or transient accommodation for a number of unrelated persons”*, it is also not:

- *“a boarding house, guest house, hostel, lodging house or backpacker accommodation.*
- *a residential part of a hotel or motel.*
- *accommodation for the aged, children, or people with disability.*
- *a residential part of a healthcare building which accommodates members of staff.*
- *a residential part of a detention centre.*
- *a residential care building.”*

The five ‘lodges’ at the rear of the site are each self-contained dwellings, as they include a kitchen and laundry. With four or more dwellings proposed, they should be classed 1b as they are located on one allotment and used for short-term holiday accommodation.

This view is consistent with the Bushfire Report prepared by GHD and Legal Advice from Minters Ellison Lawyers which outlines the proposal is for “holiday lets” and is a form of residential infill development.

A possible motivation for the developer to pursue the entire residential component of the building as a class 3 is two-fold:

- the development does not have to provide the same level of access for people with disabilities.
- the NSW building reforms which apply to class 2 buildings can be circumvented by classifying the building as class 3. These laws were designed to give the public more confidence in the building industry and make buildings safer.

The changes to the law were introduced in response to the NSW Government’s *Shergold Weir Building Confidence Report*, which found that there were some problems within the NSW construction industry.

A class 3 residential building is not subject to the class 2 dwelling requirements of NSW which require registered design and building practitioners, completion notices, building work levies, occupation certificate audits or strata building bonds.

The proposed building classification of class 3 provides the ability to circumvent these NSW building industry reforms.

If the buildings remain class 3 and are approved on this basis, then strata subdivision should not be allowed.

## **5. Prematurity**

As advised in the SAP Masterplan, the DCP is the *“next step”* and the *“delivery mechanism”*. The DCP would provide design guidance for development in the precinct. The Department goes on to advise that *“Development of these sites will be facilitated by the Department through the Master Plan and Alpine Development Control Plan”*.

The advised purpose of the structure plan (provided on page 160 of the SAP Masterplan) is to

*"illustrate the strategic planning intent".*

In this context Clause 8.2 of the Snowy River Local Environmental Plan 2013, with the issue of prematurity and the public interest in mind, states that *"Development consent must not be granted for development on land in a growth area unless a development control plan that provides for the following matters has been prepared for the land.* Although the Minister is the Consent Authority, in this case, the application site falls within a defined precinct that would be the subject of a DCP.

No DCP has been adopted or has gone through the exhibition stage.

The approach adopted by the applicant does not have regard for the plan-making process that has been embarked upon and to this end, it 'rides roughshod' over the plan-led system.

In considering the issue of prematurity, the following is relevant:

- (a) the stage of preparation of the DCP (the more advanced its preparation, the greater the weight that may be given)
- (b) the extent to which there are unresolved objections to relevant policies, the evidence base and issues (as can be read on the submissions page on the SAP website there are unresolved objections and issues)
- (c) the degree of consistency of the relevant controls in the emerging DCP and to the SAP Masterplan and related planning framework.
- (d) The scale, impact and cumulative effect of the proposed development

In this case, the proposed development is of a significant scale and its impacts would be so significant, that considering the proposal for approval now would undermine the plan-making process by predetermining decisions about the scale, impact or staging of the development that are central to the emerging DCP.

In other words, in the context of the considerations set out above, the proposal is premature. This should carry significant weight in this instance as it is clear that without the DCP being in place, the negative consequences would significantly and demonstrably outweigh the benefits, particularly when taking Precincts – Regional SEPP, the SAP Masterplan and the objects of the Environmental Planning and Assessment Act 1979 and any other material considerations into account.

Accordingly, the application should be refused on prematurity.

## **6. Landowners' Consent**

As set out above, the proposal requires the clearing of vegetation and ongoing management of an APZ over the adjoining land at Lot 876 DP 1243112. The land owner's consent, as head lessee, granted by Kosciuszko Thredbo Pty Ltd does not provide consent for works within Lot 876 DP 1243112 (the Addendum to the Bushfire Assessment does contain a letter from Kosciuszko Thredbo Pty Ltd indicating it would agree to manage the APZ).

The land owner's consent letter provided by Kosciuszko Thredbo Pty Ltd, and the supplementary Addendum to the Bushfire Assessment, do not outline what plans and reports were reviewed or granted consent for lodgement, providing an opportunity for the Applicant/Developer to change the plans or reports without the landowner's consent.

The proposed APZ also appears to be located over adjacent sub-lease lots 765, 766, 761, 760, 769 & 770 DP 1119757.

The development application is invalid if the landowner's consent has not been obtained from the landowners of the abovementioned lots.

## **7. State Significant Development**

The development may be deemed to be State Significant Development (SSD) under the Planning Systems SEPP by virtue of being over \$10 million in value and being for 'other tourist-related purposes' and by being located in an environmentally sensitive area of State significance.

## **8. Kosciuszko National Park Plan of Management**

The head lessee has sold or is in the process of selling the development site by way of selling beds, with 90 beds allocated to this development. This presents a potential windfall of circa \$9 million on the basis of the going rate of each bed being \$100,000.

The head lessee, therefore, has a substantial financial gain to be made by the development, whilst also managing the municipal services and protecting the interests of the sub-lessees.

There is no evidence that the 90 beds available for this development, are actually allocated to this site under the Kosciuszko National Park Plan of Management 2006.

There is no evidence that the total 4,820 beds have not already been allocated and are overprescribed. It is widely acknowledged that through organic growth many accommodation buildings accommodate more beds than what is licensed and therefore Thredbo probably accommodates more than 4,820 persons on a busy winter's night, therefore it is already over capacity.

There is no evidence of any assessment being undertaken at any stage of the site's carrying capacity to accommodate 90 beds.

## **9. Biodiversity Conservation Act 2016**

The proposal seeks to clear the whole of lot 768 (4,960m<sup>2</sup>) together with, what is measured, to be about 5,320m<sup>2</sup> of native vegetation to form an asset protection zone (APZ). It is possible that this is an underestimation of the required clearing. This issue is discussed in the following section which deals with the requirements of Planning for Bushfire Protection 2019 (PBP 2019).

In total it is estimated that 6,682m<sup>2</sup> of native trees, and related under-storey vegetation, together with several hollow-bearing trees would be cleared for the proposal. Significant areas of the site could not be described as "disturbed".



Figure 2 below details the extent of the development.

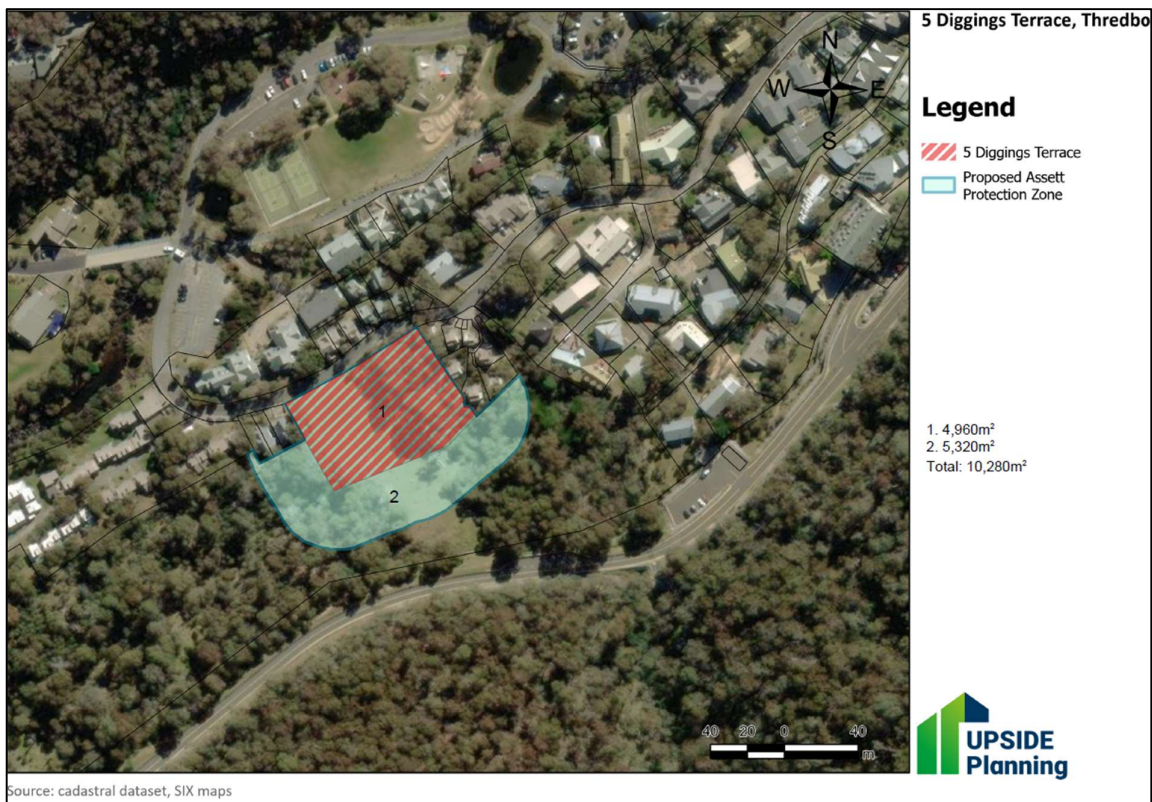


Figure 2: Potential extent of development

The Biodiversity Conservation Act 2016 established a hierarchy for dealing with the impact of development on biodiversity values, first by way of avoidance of impacts, secondly by minimisation of them, and for offsets as the last resort.

In *IRM Property Group (No.2) Pty Ltd v Blacktown City Council* [2021] NSWLEC 1306, Commissioners Bish and Speers held that it is necessary to consider whether appropriate steps have been taken to meet a specified purpose of section 1.3 of the Biodiversity Conservation Act, to “*avoid, minimise and offset the impacts of the proposed development and land use change on biodiversity*”.

There is no evidence that the development has achieved any avoidance or minimisation of the removal of native vegetation.

As set out above, the proposed development not only seeks to remove all of the native vegetation within the development site, but large areas of native vegetation on adjacent land by way of the required APZ. This is proposed instead of accommodating the APZ within the development site, as required by PBP, 2019.

As set out in the judgement of *Tomasic v Port Stephens Council* [2021] NSWLEC 56, the “*biodiversity mitigation hierarchy requires, in order, avoiding impacts, minimising impacts and only then offsetting or compensating for residual impacts that remain after all steps are taken to*

*avoid or minimise these impacts. The proposed subdivision fails to take all appropriate avoidance and minimisation measures.”*

The proposal makes no attempt to minimise these impacts and only relies on the last resort, providing monetary offsets.

It is evident the proposal does not comply with the provisions of the Biodiversity Conservation Act 2016.

## 10. Rural Fires Act 1997

The proposal is for the purpose of tourist and visitor accommodation.

The application of PBP 2019 means the development is for the purpose of a Special Fire Protection Purpose (SFPP) development and requires a Bushfire Safety Authority under S.100B of the Rural Fires Act 1997 from the NSW Rural Fire Service.

The development application has been appropriately identified as an Integrated Development under S.4.46 of the EP&A Act 1979.

Figure 3 below identifies the site as Vegetation Category 1.

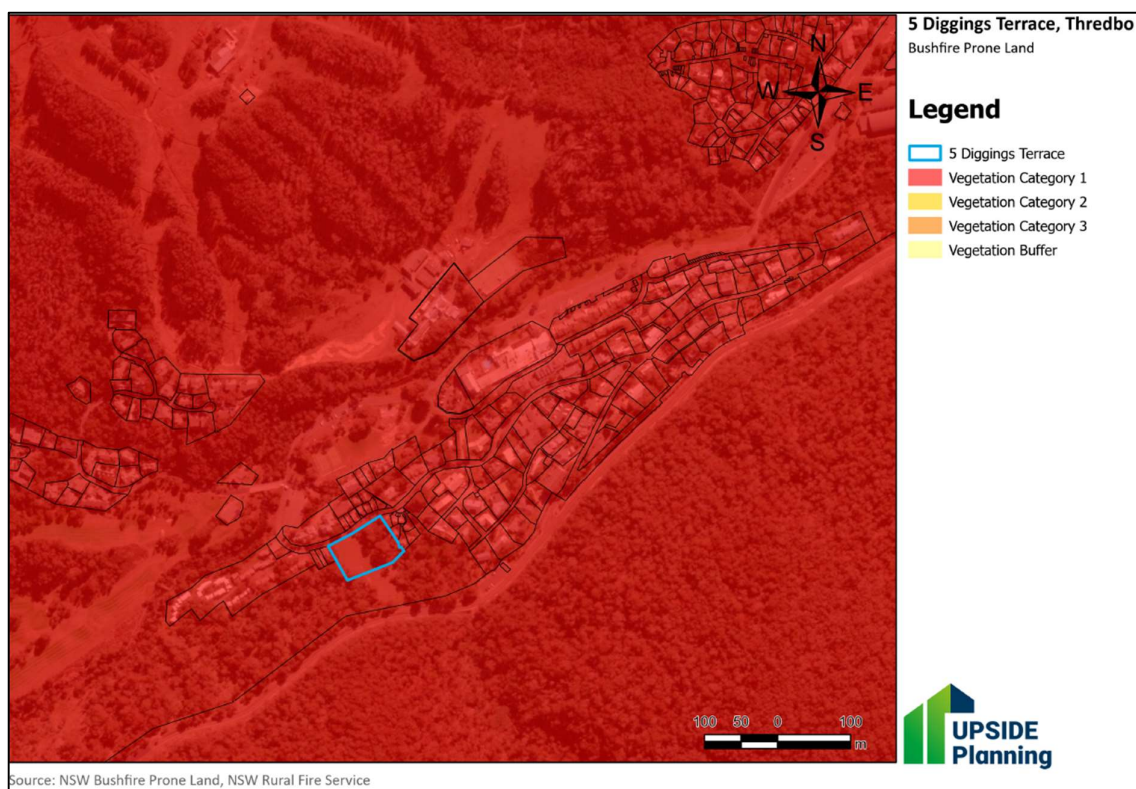


Figure 3: Bushfire prone land

In response to the risk, the proposal includes a 15 metre APZ based on no vegetation risk downslope of the development. This does not appear to be correct as there is vegetation downslope.



The proposed 15 metre APZ is located over adjacent sub-lease lots 765, 766, 761, 760, 769 & 770 DP 1119757. These lots include unmanaged vegetation with the sub-leases unlikely to require the clearing and management of an APZ for adjacent property.

The vegetation to the west and southwest of the site within Lot 876 is unmanaged and located downslope of the five proposed lodges, with the slope being approximately 22 degrees as documented by the survey prepared by Veris and shown in Drawing SA503 provided at Figure 4 below.

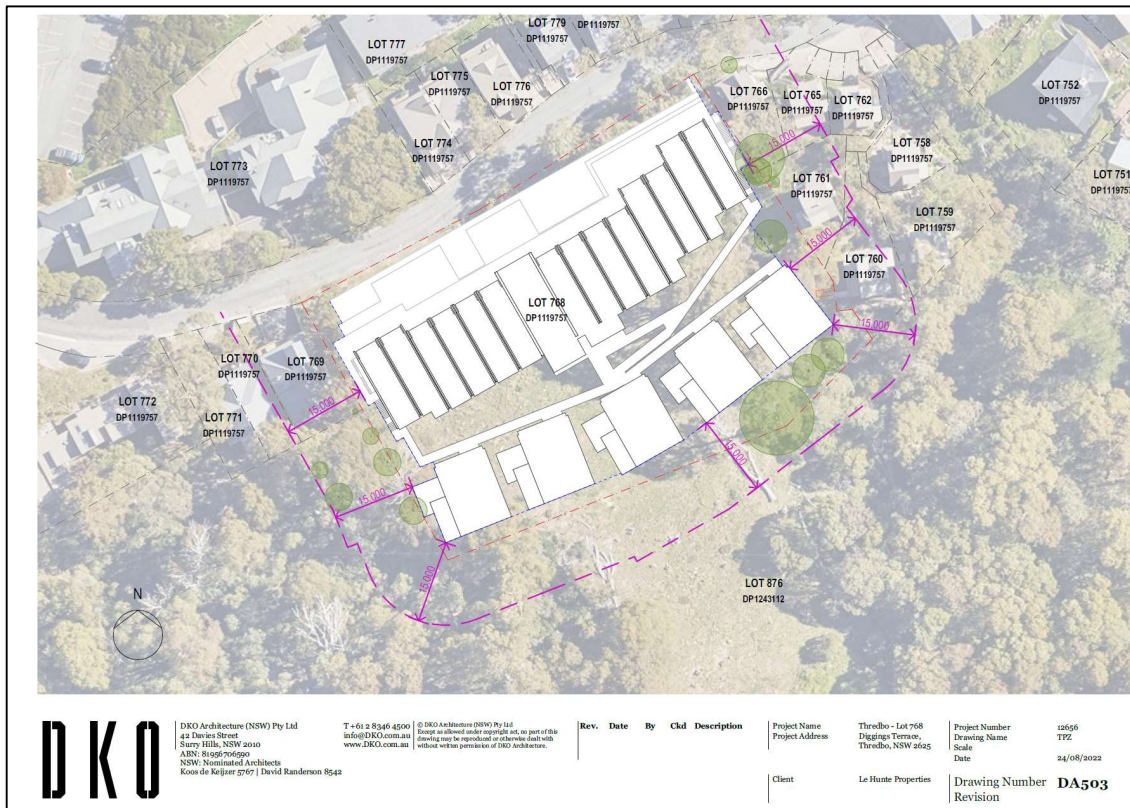


Figure 4: Extract of proposed site plan DA503

An APZ cannot be accommodated within a slope greater than 18 degrees as outlined in Section 3.2.2 'APZs on slopes over 18 degrees' of PBP, 2019 and therefore is not an acceptable solution to the performance criteria set out in Table 5.3a which states "*APZ maintenance is practical, soil stability is not compromised and the potential for crown fires is minimised.*"

With reference to PBP 2019, a downslope of 22 degrees associated with forest vegetation requires an APZ of 34 metres to achieve a BAL-29 rating. The proposed setback appears to be a downslope from 15-20 degrees, with no higher risk category provided for 22 degrees downslope.

The development does not provide an APZ of 34 metres and therefore cannot achieve a BAL-29 rating and therefore is not 'infill residential development'. If an APZ on land over 20 degrees was accepted, the minimum setback required for an SFPP development is 100 metres to forest

vegetation with a downslope of 15-20 degrees. This cannot be achieved.

The vegetation associated with the Thredbo River appears to be unmanaged as it forms a riparian corridor and includes tree and ground cover canopy greater than what is required for an Inner Protection Area. This vegetation is located within 140 metres and is downslope of the site.

An APZ on adjoining land is not permitted under Section 3.2.5 of PBP, 2019.

If Kosciuszko Thredbo Pty Ltd has provided consent for clearing and ongoing management of the APZ within Lot 876, this cannot be provided in perpetuity as required by PBP, 2019, as the head lease ceases in 2057. Therefore, if Kosciuszko Thredbo Pty Ltd no longer operates/owns the head lease, the ongoing management of Lot 876 to protect the development site cannot be guaranteed beyond 2057. Accordingly, an easement must be placed over Lot 876, requiring ongoing maintenance in perpetuity, benefitting the sub-lessees of the subject development lot.

An easement is required under S.88B of the Conveyancing Act 1919 for the surety of APZ and to ensure the correct management occurs in a binding legal agreement in perpetuity.

The same applies to Lots 765, 766, 761, 760, 769 & 770 DP 1119757 if an APZ was to be proposed over these lots. An easement would also be required over these lots.

The definition of a 'holiday let' under the PBP 2019, section 6.3.1, does not allow for a development to back onto a public reserve. The entire site backs onto what is effectively a 'public reserve' as it is a National Park. To this end, the proposal would therefore require an APZ of 100 metres for an SFPP development with a downslope of 22 degrees.

If the proposal is approved on the basis of a 'holiday let', a form of residential infill, development, it cannot then be a class 3 building. The developer cannot have it both ways.

## **11. Accessibility for people with disabilities**

As discussed, the proposal has been classified incorrectly and also does not provide equitable access for people with disabilities.

One of the proposed class 1b dwellings at the rear is designed to be fully accessible for people with disabilities. This should include all-weather snow free access to the front door.

The two proposed accessible apartments do not provide equitable accommodation for people with disabilities. The Access Report prepared by BCA Access outlines the requirement as follows:

*"Where more than 2 accessible sole-occupancy units are required, they must be representative of the range of rooms available".*

The Access Report is silent on complying with this provision.

The two proposed accessible apartments are each 47m<sup>2</sup>, studio-style rooms with no balcony.

Meanwhile, the upper floor apartments are 118m<sup>2</sup> and include two bedrooms and a private balcony.

The rear 'lodges' are 297m<sup>2</sup>, and include four potential bedrooms and a private balcony. None of these provides access for people with disabilities.

Any disabled person who arrives with more than one other, such as a family group, would not be provided equitable access by this development.

The accessible accommodation provided is not representative of the range of rooms available in the overall development.

## **12. Snowy Mountains Special Activation Precinct Master Plan**

The proposal relies on the SAP Master Plan as it is identified as a 'Key development site', yet the development does not achieve compliance with its provisions and no DCP has been prepared to facilitate a suitable response to the strategic objectives of the SAP Masterplan.

An assessment of the proposal against the "Performance Criteria" of the key Chapters has been undertaken and is attached to this letter.

In summary, the proposal fails against almost every "Performance Criteria" of the following Chapters:

- 10.1 Landuse
- 10.2 Alpine Resorts
- 10.3 Alpine Accommodation
- 10.4 Alpine Experience
- 11.1 Biodiversity
- 12.4 Built Form

This failure relates to issues identified earlier in this letter of objection, in particular, the proposal:

- is an overdevelopment of the site which is at odds with the scale, form and character of surrounding development.
- extends well beyond the defined 'key development site'.
- The development does not provide an active street frontage with boundary to boundary parking. Car parking dominates the entire street frontage.
- does not provide seasonal worker accommodation.
- does not apply the avoid, minimise and offset methodology as required by Chapter 11 'Biodiversity'.
- seeks to add 90 additional beds to the existing road network and create additional parking demand, that would not be adequately serviced by the 20 parking spaces proposed. No car parking is provided for the additional guests visiting the restaurant, bar or wellness centre. The restaurant, bar and wellness centre will attract visitors both within and outside of the resort in addition to the 90-bed guests.
- As outlined in the statement prepared by TTPP Transport Planning the terrace apartments allow for a dual key arrangement, with the lower level terrace accessible by the external walkway and balcony as a studio apartment. Whilst the upper terrace apartments include a staircase to the lower level bedroom. This increases the number of apartments and the demand for parking spaces.



- does not appropriately evaluate the local road network, the capacity of the existing transport to cater for peak days and the suitability of access to and from the resort. Thredbo is already at peak capacity in relation to vehicles and parking, with the resort and its access road being closed often in winter.
- The proposal is not located within existing disturbed areas to minimise impacts on vegetation and natural processes and does not limit clearing and the expansion of new areas.

### 13. Conclusion

The proposed development has been assessed with regard to the Environmental Planning and Assessment Act 1979. In doing so the relevant statutory framework has been considered, including the Precincts – Regional SEPP, Biodiversity Conservation Act 2016, Rural Fires Act 1997 and the SAP Masterplan.

The proposal fails to demonstrate merit and does not comply with the statutory framework set out above.

In conclusion, the application should not have made it this far (to the exhibition stage) in its current form, and with the significant gap in the planning framework. The approach taken by the development application has not had regard to the plan-making process that has been embarked upon and to this end 'rides roughshod' over a plan-led system.

It is evident that the proposal is not consistent with the objects of the Environmental Planning and Assessment Act 1979, in particular to:

- promote the orderly and economic use and development of land
- protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats
- promote good design and amenity of the built environment,

For the reasons outlined above the proposal is not in the public interest.

If you have any questions or wish to discuss the matter, please do not hesitate to contact me at 0476 829 517 or email me: [cameron.judson@upsideplanning.com.au](mailto:cameron.judson@upsideplanning.com.au)

Yours sincerely,



Cameron Judson  
*Director*  
 PIA RTPi

## Attachment 1:

Snowy Mountains Special Activation Precinct Master Plan - An assessment of the proposal against the “Performance Criteria” of the key Chapters.

Table 1: Compliance with SAP Master Plan

Performance Criteria	Comment	Compliance
<b>10.1 Land Use</b>		
<i>A. Development is to be permissible and consistent with the Master Plan, Precincts—Regional SEPP, Alpine Development Control Plan, Kosciuszko National Park Plan of Management, and the National Parks and Wildlife Act.</i>	<p>The development is permissible, however, the absence of the Alpine DCP means that in a plan-led system the development application is premature.</p> <p>There is no evidence that the total 4,820 beds have not already been allocated and are overprescribed.</p> <p>There is no evidence of any assessment being undertaken at any stage of the site's carry capacity to accommodate 90 beds.</p>	No
<i>B. In considering the suitability of the development, the consent authority must be satisfied that the development meets the performance criteria and development controls in this Master Plan and in the Alpine Development Control Plan.</i>	<p>The suitability of the development cannot be adequately assessed without the adoption of the DCP.</p> <p>The proposal extends well beyond the ‘Key Development Site’ nominated in the Master Plan.</p> <p>As set out below and in the letter of objection the proposal fails to meet the majority of the relevant performance criteria.</p>	No
<p><i>C. Development consent can only be issued for development in the Alpine Precinct where:</i></p> <p><i>i. the uses will support the diversification of the Alpine Precinct's tourism offering and year round economic viability.</i></p> <p><i>ii. the uses will not compromise the environmental, heritage and cultural values of the Alpine Precinct.</i></p>	<p>There is no evidence that the total 4,820 beds have not already been allocated and are overprescribed.</p> <p>There is no evidence of any assessment being undertaken at any stage of the site's carry capacity to accommodate 90 beds.</p> <p>The locality is characterised by domestic-scale lodges. The intensity of the proposed uses would be at odds with adjacent and nearby development.</p>	No

<i>iii. the uses will not exceed the established carrying capacity of the Alpine Precinct.</i>	No evidence has been provided that the existing sewerage system, waste disposal or water supply for the resort can accommodate the additional demand created by the proposed restaurant, bar and wellness centre.	
<i>D. The location of future development should align with the relevant structure plan and be focused on land marked 'Development area'. Where development is proposed on land outside these areas, additional technical investigation may be required.</i>	<p>About half of the proposed development is contained within an identified 'Key Development Site'.</p> <p>A comprehensive assessment of the impacts of the scale proposed has not been undertaken.</p>	No
<i>E. Development for new or upgraded accommodation will meet the indicative sub-precinct yields and visitor thresholds set out in the Kosciuszko National Park Plan of Management and leasing arrangements. Refer also to Chapter 14 of this Master Plan.</i>	<p>There is no evidence that the total 4,820 beds have not already been allocated and are overprescribed.</p> <p>There is no evidence of any assessment being undertaken at any stage of the site's carry capacity to accommodate 90 beds.</p>	No
<b>Performance Criteria</b>	<b>Comment</b>	<b>Compliance</b>
<b>10.2 Alpine Resorts</b>		
<p><i>A. Development should contribute to visitor attraction and village experience through:</i></p> <p><i>i. the prioritisation of infill development.</i></p> <p><i>ii. improvements to pedestrian and active transport connections.</i></p> <p><i>iii. creation and implementation of active street frontages.</i></p>	The development does not provide an active street frontage with boundary to boundary parking. Car parking dominates the entire street front.	No
<i>B. Development should integrate public transport opportunities and should create gateways and nodes to create a sense of place and community in Alpine Resort sub-precincts.</i>	<p>The scale of the proposal is better suited to the core of the village which has better access to public transport.</p> <p>An absence of active frontage and a scale at odds with its surroundings means the proposal would not create an inviting sense of place.</p>	No

	The drawings show a right of footway on the eastern boundary to Lot 760. There is no evidence this is existing or proposed and has the consent of Lot 760.	
<i>C. Development should provide a range of tourist accommodation offerings and seasonal worker accommodation.</i>	The development does not provide seasonal worker accommodation.	No
<i>D. Development should be designed to reduce on-site power consumption and improve environmental performance.</i>	The statement of environmental effects advises that sustainable design principles have been adopted.  No other measures are proposed.	Unknown
<i>E. Development should be designed to contribute to the alpine character of the Alpine Resorts and reflect the alpine landscape and natural environment.</i>	The proposal seeks to clear the whole site and adjacent land. It proposes to erect a building that is of scale and form at odds with its local townscape and landscape.  The development does not apply the avoid, minimise and offset methodology as required by Chapter 11 'Biodiversity'.	No
<b>Performance Criteria</b>	<b>Comment</b>	<b>Compliance</b>
<b>10.3 Alpine Accommodation</b>		
<i>A. Development should be sensitively designed and integrated into the sensitive environment and landscaping, appropriately responding to the topography of the Alpine terrain.</i>	As evidenced by the previous commentary the Development is not sensitively designed and integrated into the sensitive environment and landscaping and does not appropriately respond to the topography of the Alpine terrain.	No
<i>B. Development should incorporate public transport opportunities, where possible, and provide adequate on-site parking.</i>	The development seeks to add 90 additional beds to the existing road network and create additional parking demand, that would not be adequately serviced by the 20 parking spaces proposed. This would require every vehicle to accommodate 4.5 persons, well above the average. No parking is provided for the additional guests visiting	No

	<p>the restaurant, bar or wellness centre. The restaurant, bar and wellness centre will attract visitors both within and outside of the resort in addition to the 90 bed guests.</p> <p>The terrace apartments allow for dual key arrangement, with the lower level terrace accessible by the external walkway and balcony as a studio apartment. Whilst the upper terrace apartments include a staircase to the lower level bedroom. This increases the number of apartments and the demand for parking spaces.</p> <p>The Traffic Impact Assessment does not appropriately evaluate the local road network, the capacity of the existing transport to cater for peak days and the suitability of access to the resort. Thredbo is already at peak capacity in relation to vehicles and parking, with the resort and its access road being closed often in winter. This development will add to additional traffic and parking demand.</p>	
<i>C. Development should provide adequate on-site amenities and services.</i>	A range of amenities and services are proposed.	Yes
<i>D. Development should be designed to support and enable the ultimate growth in each Alpine Accommodation sub-precinct, including the design and provision of infrastructure and services.</i>	<p>The proposal does not contribute to the provision of infrastructure.</p> <p>No assessment has been undertaken of its capacity to accommodate 90 beds and the associated capacity issues, for example, wastewater.</p> <p>The proposal would burden the road network and rely on offsite car parking.</p>	No
<i>E. Development should connect to and improve shared trail and year-round recreational activities.</i>	The drawings show a right of footway on the eastern boundary to Lot 760. There is no evidence this is existing or	Unclear



	proposed and has the consent of Lot 760.	
Performance Criteria	Comment	Compliance
<b>10.4 Alpine Experience</b>		
<i>A. Public transport or mass transit connections should be integrated into the design of new developments, particularly in Alpine Resort and Alpine Accommodation sub-precincts.</i>	<p>The proposal is of a scale that would generate significant levels of trips.</p> <p>No mass transit or public transport connections are proposed.</p>	No
<i>B. Transport development must provide safe, reliable and accessible connections into and around the Kosciuszko National Park.</i>	<p>Diggings Terrace is a narrow road with car parking that requires vehicles to back onto the road. The road is shared with people who are walking.</p> <p>The scale of the development is not appropriate given its distance from key destinations and connections.</p>	No.
<i>C. Development should be designed and staged to support and enable the ultimate growth of accommodation and attractions in the Alpine Region.</i>	<p>It is unknown whether the proposal prejudices the carry capacity of the locality and the wider village.</p> <p>The overdevelopment of the site mean that it may prejudice the sustainable development of the village.</p> <p>No evidence has been provided.</p>	No
<i>D. Development of new and upgraded shared trails and paths should provide appropriate facilities and amenities.</i>	N/A	
<i>E. Development should provide adequate car parking as part of a range of transport solutions (including the provision of accessible parking spaces).</i>	<p>This issue is addressed above. Adequate car parking has not been provided.</p> <p>The terrace apartments allow for dual key arrangement, with the lower level terrace accessible by the external walkway and balcony as a studio apartment. Whilst the upper terrace apartments include a staircase to the lower level bedroom. This potentially increases the number of apartments and</p>	No

	demand for car parking spaces.	
<i>F. Visitor attractions must be supported by appropriate amenities, facilities and car parking and must minimise its impact to the natural environment.</i>	No car parking is provided for the additional guests visiting the restaurant, bar or wellness centre. The restaurant, bar and wellness centre will attract visitors both within and outside of the resort in addition to the 90-bed guests.	No
<i>G. Visitor attractions should be designed and staged to support and enable the ultimate growth of attractions in the Alpine Region.</i>	<p>The proposal provides visitor attractions. Given the location out of the core, the proposal may undermine the vitality and viability of the commercial centre.</p> <p>The proposed operating hours for the bar and restaurant are 2 am. This is not likely to have a suitable relationship to adjacent and surrounding accommodation.</p>	No
<b>Performance Criteria</b>	<b>Comment</b>	<b>Compliance</b>
<b>11.1 Biodiversity</b>		
<i>A. All development is to apply the avoid, minimise and offset methodology</i>	This is not achieved. No effort has been made to avoid and minimise.	No
<i>B. Development is to avoid threatened ecological communities and threatened species habitat; such vegetation should not be removed. Development may occur in these areas if it is for essential infrastructure.</i>	<p>The BDAR advises that no threatened fauna would be removed.</p> <p>The BDAR identified 29 fauna species that have the potential to occur inside the subject land.</p>	Unknown
<i>C. Development should be focused on colocation and infill to minimise biodiversity impacts.</i>	<p>The land has not been developed in the past and is located on the edge of the village.</p> <p>A significant proportion of the site contains a high ecological value which contributes to the Park.</p>	No
<i>D. Development should be concentrated in and around already disturbed areas. Where possible, development should provide a buffer between areas of high ecological value</i>	The buildings are not located within existing disturbed areas to minimise impacts on vegetation and natural processes and do not limit clearing and the expansion of new areas. The	No

<i>and buildings and structures.</i>	proposal requires over half a hectare of clearing of native vegetation	
<i>E. Development should consider the biodiversity impacts of bushfire asset protection zones (APZ) and associated vegetation management.</i>	This has been considered, in part. It is considered that the APZ requirements have been underestimated.	No
<i>F. Development must offset any impacts to biodiversity through direct management measures within Kosciuszko National Park and should be related to the biodiversity impacted.</i>	There is no evidence of this.	No
<i>G. Riparian corridors must be preserved while ensuring consistency with the proposed Flooding and Drainage Strategy for the Precinct.</i>	The landscape plan details the central location of a watercourse and its associated erosion because of land clearing. The proposal appears to treat the creek as a drain.	Unknown
<i>H. Any revegetation or planting within Kosciuszko National Park should follow the Rehabilitation Guidelines for the Resort Areas of Kosciuszko National Park.</i>	The landscape plan proposed a few planting areas. It is not clear whether it accords with the guidelines.	Unknown
<b>Performance Criteria</b>	<b>Comment</b>	<b>Compliance</b>
<b>12.4 Built Form</b>		
<p><i>A. Buildings should be efficient, well designed and successfully integrated with the surrounding landscape. This will be achieved by:</i></p> <p><i>i. ensuring building bulk, orientation and design contributes to the energy efficiency of buildings, particularly with respect to thermal comfort.</i></p> <p><i>ii. ensuring new buildings are located within existing disturbed areas to minimises impacts on vegetation and natural processes.</i></p> <p><i>iii. siting development within existing disturbed areas to limit clearing and the expansion of new development areas.</i></p>	<p>The buildings are not located within existing disturbed areas to minimise impacts on vegetation and natural processes and does not limit clearing and the expansion of new areas. The proposal requires half a hectare of clearing of native vegetation.</p> <p>The development does not create an integrated streetscape where active frontage promote movement between the private and public realms.</p> <p>The development does not provide human-scale buildings ensuring building envelopes allow adequate solar access and views.</p>	No

<p><i>iv. incorporating climate resilient design principles in new development.</i></p> <p><i>v. applying suitable rehabilitation and native landscaping.</i></p> <p><i>vi. incorporating preparedness for natural hazards and climate change into development design, ensuring development creates activated public domain spaces and provides safe and accessible pedestrian connections between buildings, appropriate for all seasons.</i></p>	<p>The development does not provide for year-round weather protection that reduces the impacts of wind and snow accumulation in winter. The open courtyards, entrance to lower level terraces by way of open walkways and balconies and the ramp and stair access to the rear lodges are all open to wind and snow accumulation with little consideration for snow deposition.</p>	
<p><i>B. Site earthworks must respond to local topography and geotechnical characteristics and be appropriate for the intended land use.</i></p>	<p>The development of the whole site, and adjacent land, requires huge amounts of excavation.</p>	<p>Unknown</p>

Monday November 7, 2022

Murray Howe

Balgowlah, 2093

Minister for Planning and Public Spaces /  
Independent Planning Commission

REF#

- PAN-257248
- 768/-/DP1119757
- 5 Diggings Terrace Thredbo 2625 &
- 2 Friday Drive Thredbo 2625

Dear Sir / Madam

I am writing to lodge my strong objection to this development.

I completely understand the need for development, and I support that.

HOWEVER, this particular development is completely out of character to both its environment and to the other wonderful developments in the village.

To be honest, it looks to me like the developers are just trying one on to see what they can get away with.

From what I can see, the following objections should be obvious to all:

> car parking. not enough for the size.

> Village access. How will the occupants for such a large development access the village green? my guess is via the properties in front.

> Entertainment. Why is entertainment of this type being proposed outside of the main village precinct? the area of development proposed is clearly in a residential area.

> scale and bulk. this looks completely out of all proportion, not only to its environment but to my understanding, basic development / ration controls too.

I'm not sure how this even got to the stage of being seriously considered, but in my view this development should not be modified, it should be refused outright and sent back to the beginning.

Note: I am a regular visitor and member of a club in Thredbo village.

Regards

Murray Howe



SUB-3081

As a member of Dulmison Ski Club I would like to outline a number of objection to the DA 22/11595 Lot 768 5 Diggings Terrace, Thredbo Development Proposal.

1) The submission as proposed is significantly out of scale (larger) than the surrounding buildings and amenities. The build/site ratio is significantly higher than current controls allow. This will lead to a large amount of environmental impact through snowgum removal, drainage changes as well as visual impact through the massive bulk and scale of the proposed development.

2) The proposed entertainment elements which seek to trade till 2am are completely out of character for this part of Thredbo and will have a big impact on residents of all surrounding buildings particularly in this part of Thredbo. Surely the best place for these types of operations should be in the main village hub rather than in what is generally a quiet area where people are looking for peace and quiet in the evenings.

3) Vehicular Traffic - the traffic generated by the proposed development will have a significant impact on availability of parking for all other lodges and buildings in the area. The amount of parking proposed for the development is way too low for its scale.

4) Foot Traffic - the proposed development will lead to a significant increase in the amount of foot traffic between the development and the main ski area based on the proposed accommodation capacity and there is insufficient pedestrian infrastructure to accommodate which is likely to lead to the area through Dulmison and other neighboring lodges being used as a foot traffic shortcut when it was never designed to be.

Thankyou for the opportunity to table my objections to the proposed development.

[REDACTED]

SUB-3082



## THE SKI CLUB OF AUSTRALIA

INCORPORATED

22 Gale Rd, Maroubra NSW 2035 Tel: 0412 131 771 Email [sydney@skiclub.org.au](mailto:sydney@skiclub.org.au)

4 November 2022

The Hon A J Roberts MP  
Minister for Planning and Public Spaces/Independent Planning Commission  
135 King Street  
SYDNEY NSW 2000

Dear Minister,

**Re: DA22/11595 (PAN-257248) Lot 768 5 Diggings Terrace, Thredbo 2625  
Construction of Tourist Accommodation Buildings**

I write on behalf of The Ski Club of Australia situated (since 1958) at 1 Buckwong Place, Thredbo with a frontage onto Diggings Terrace. Our club is located approximately 200 metres from the site of the proposed development at 5 Diggings Terrace.

We are not opposed to development that is consistent with the surrounding area – ie low rise buildings set back from the road and consistent with the design principles and development of the village since 1957.

However, the plans exhibited for this DA appear to be severely inconsistent with the surrounding area – specifically it is:

- medium rise (up to 5 storeys) – in contrast to existing adjacent buildings. The plans show a massive building set amongst small low-density houses.
- insufficiently set back from the road.
- providing only 20 car spaces for up to 90 residents – in particular on changeover days which can include weekdays, with guests arriving and departing the traffic intensifies. The insufficient onsite parking will cause congestion on Diggings Terrace which is a narrow road already congested during the winter months. In the interest of safety the road should be widened prior to this development being approved – affected as it is by buses and snowdrifts during winter months the existing narrow road will not safely accommodate additional traffic.
- a commercial restaurant and bar designed to attract guests which will increase noise and traffic within the immediate area including late at night.

The scale and design of the proposed development is more suitable for a site situated nearer the commercial centre of Thredbo.

We request that Development Application **DA22/11595** not be approved.

Yours sincerely,

David M. Chrystal  
President

07/11/2022

Mark Brown  
Senior Planning Officer  
Alpine Resorts Team  
Regional Assessments, Key Sites Industry and Compliance  
Department of Planning and Environment  
Shop 5A, 19 Snowy River Avenue

**Re: Objection to the proposed development of 5 Diggings Terrace, Thredbo.**

I am one of the owners of Kaella, 3Thredbo Diggings, and have owned the property since mid 2017. Prior to that we have been regular visitors to the area for more than 30 years. The proposed development will be 2 doors up from my property. Our family has been travelling to Thredbo and staying there in holiday accommodation for more than 20 years, until we purchased this property. We therefore, have a longstanding love of this area, and are deeply disturbed by the current plan to develop a monstrosity in one of the quietest and peaceful part of the residential area of the Village.

The proposal includes:

vegetation removal, new part 4/5 storey building comprising 16 attached accommodation units, recreation and food and beverage facilities including a restaurant and bar; street level car parking and bicycle spaces, construction of 5 x 3 storey detached accommodation units - associated drainage, services and landscape works.

There appears to have been no community consultation, or discussion with immediate neighbours about this proposal which is completely out of keeping with this area. Further, to propose a massive project so out of scale on a slope, in Thredbo, after the disastrous Thredbo landslide, seems to be courting risk. Have the appropriate geological studies been performed?

Please also consider the considerable risk to foot and vehicular traffic on this one lane narrow road, with the proposed plan adding significant traffic, on and off o loading vehicles entering and reversing onto a street, on a slope, where pedestrian safety does not appear to have been considered. I further would like to query how the traffic issues have been reviewed, and more importantly, how the current recent changes to the traffic regulations have been implemented, and somehow coincided with this current proposal.

They have breached and exceeded the allowable building footprint control is 35% of the site area. They have 68.9% site coverage, as well as the allowable height limit of 12 m.

Vegetation removal: The current proposal clearly takes no consideration of the existing site and the value of the existing snow gums on the site. There are over 30 snow gums. They all get removed under the proposal apart from 1 tree. **This is unacceptable in a national park, where each native tree removal requires consideration and approval.**

Associated drainage, services and landscape works: these works have been proposed without any consideration to the vegetation and greenspace lost, or clarity about adequacy.

New part 4/5 storey building comprising 16 attached accommodation as well as construction of 5 x 3 storey detached accommodation units No regard to integrate or separate the development from the surrounding area, with massive overshadowing and introduction of excessive overcrowding onto Diggings terrace. As it is we have our single parking area impinged upon regularly, the introduction of potentially 30+ cars on a single site is unacceptable, and introduces risks to the pedestrian thoroughfare. Furthermore, some of this accommodation proposed, has capacity for further self-contained accommodation embedded into the design, allowing for further overcrowding. How can this possibly be approved?

1. We are deeply concerned that the proposed development is not in keeping with the nature of the residential buildings in the surrounding plots.
2. We are deeply disturbed that there is a proposal to allow a restaurant and bar immediately adjacent to homes within the residential area of Thredbo.
3. We are perturbed by the size and stature of the proposal with **unacceptable setbacks** particularly for our neighbouring property Ben Hall. There is less than the required 6m building separation between Ben Hall and the development. **It should be greater than 6m.**
4. It is deeply concerning for health and risk of health for the The substation is located on the boundary next to Ben Hall's boundary. **Zero setback**, as it stands is unacceptable; also with regard to the predicted radiation risks to residents of the existing residence of Ben Hall, who will mitigate those risks? Who will be responsible for any injury caused to residents?
5. We note that the stair wall structure is 1.3m away from the Ben Hall boundary. The **stair wall on the east side of the proposed building is on the boundary. This is clearly flaunting general rules regarding impingement of property boundaries. This cannot be allowed.**
6. There is less than 6m separation to Dookies to the east of the site; **this cannot be approved.**
7. There are regulations regarding front setbacks. We note that the front building setback control is 3m. The setback to the entrance of the building is only 1m. **This is not adequate.** Importantly, the entire length of the building encroaches on the 3m front setback control. **This cannot be allowed to proceed.**

Please do not allow this development to proceed. It is out of keeping with the surrounds and current regulations.

Please acknowledge receipt of this objection.

Yours sincerely,

██████████

██████████, Thredbo.

Dated Monday 7<sup>th</sup> November 2022.

Submission regarding: **DA 22/11595 Lot 768 5 Diggings Terrace, Thredbo - construction of tourist accommodation buildings.**

Being: Construction and use of a tourist accommodation development including:

- vegetation removal
- new part 4/5 storey building comprising 16 attached accommodation units, recreation and food and beverage facilities including a restaurant and bar;
- street level car parking and bicycle spaces
- construction of 5 x 3 storey detached accommodation units
- associated drainage, services and landscape works.

**I strongly oppose this development application and request it be rejected completely in its current form.**

I oppose the development of the oversized (> 68% site build, where the current build control is 35%) property overshadowing the nearby properties, significantly denigrating the serene bush environment and unique mountain village atmosphere.

Also, the proposed development does not provide sufficient parking for the accommodation as well as providing for the increase demand due to the planned entertainment, which will also have a significant detrimental impact on the neighbouring residential/family accommodation.



07/11/22

## **DA 22/11595 Lot 768 5 Diggings Terrace, Thredbo - construction of tourist accommodation buildings**

**Elisha Smyth**

**Yarralumla**

I am objecting to the application due to the following impacts on Dulmison ski lodge:

There is insufficient foot traffic infrastructure between the ski area and the proposed development, which is likely to lead to a significant increase in the amount of foot traffic between our lodge and the properties to the east - being a shortcut from the proposed development to the village green.

There will be a large increase in traffic generation, noting the development is severely lacking in parking spaces given its proposed accommodation capacity. Even if the carpark ratio in the development were to be made compliant, the impact is likely to still be significant on the general use carpark out the front of Diggings Terrace which is already at capacity during winter months.

The proposed entertainment venues which propose to remain open till 2am. This is inappropriate given the predominance of short term residential (i.e. quiet use) accommodation which surrounds the site.

## IMPACT ON THREDBO PRECINCT

The development is vastly out of scale with the existing surrounding development. The near 80m long facade wall, two storey high street frontage and over-build on the site fails to respond to the smaller detached lodge development which surrounds it. Further, surrounding development generally constitutes individual small buildings with space between filled with native vegetation that provides a village feel to the area.

This character is totally ignored by the substantial mass, bulk and scale of the proposal and minimal regard for the natural environment and provision of replacement planting.

SINCERELY,

ELISHA SMYTH

I wish to object to DA22/11595, as I believe this development is completely out of character with Thredbo Village based on the size and nature of the proposed development.

Firstly, there is an insufficient parking to guest ratio in the development. Parking is already difficult in the village, particularly at the south western end, where many lodges already have no, or insufficient parking. The development should be restricted in size to the parking it can accommodate. Unlike Perisher, driving is the only way to access the resort.

Secondly, the development is proposed in a 'residential' area of the village away from the main restaurants and night spots. With a restaurant and late night licence proposed, the noise and traffic impact would greatly impact all the surrounding lodges.

Thirdly, the sheer scale of the development is out of character with the village surrounds, and breaches the building requirement of being no greater than 35% of the site area. The impact of such a large scale development in a sensitive environmental area should not be acceptable.

This development will have a serious detrimental impact on the entire village. The dominant design, the large footprint to land ratio, traffic and noise impacts, parking and not being built in keeping with the natural surrounds would make this development an impost. It cannot be allowed to go ahead in its current form, and should be rejected.

**DA 22/11595 Lot 768 5 Diggings Terrace, Thredbo - construction of tourist accommodation buildings**

To whom it may concern,

My family has owned 'Snow Angel' at 7F Diggings Terrace (Lot 760) since 2005. I am writing to object to the scale and size of the proposed development on Lot 768 (5 Diggings Terrace) because of its impact on 7 Diggings Terrace and other neighbouring lots.

The proposed scale of the development is nothing like KT's initial concept design. The visual impact of the proposed development is enormous and encroaches on neighbouring buildings. The proposal does not comply with the guidelines from the Thredbo Village Masterplan 1988, which set a minimum setback of 3 metres from the side boundary and a minimum of 6 metres between buildings. The proposed development exceeds both of these parameters and would be too close to buildings at 7 Diggings Terrace and would disrupt existing vistas from windows and balconies.

The proposed development does not comply with a number of other design guidelines from the Thredbo Village Masterplan. These include:

- 3 metre setback from the street (Proposal does not comply.)
- 6 metre minimum building separation (Proposal does not comply.)
- 12 metre ridge height (Proposal does not comply.)
- 35% site coverage (Proposal does not comply.)
- Windows to appear as individual openings (Proposal does not comply.)
- Windows not permitted to be curtain wall (Proposal does not comply.)
- Retail outlet prohibited (Proposal does not comply.)

Of particular concern to me is that the proposed building covers 68.9% of the site, which nearly doubles the 35% site coverage parameter set out in the Thredbo Village Masterplan. The sheer scale of the development and its 79 metre street frontage is not in keeping with the area or its immediate surroundings. When this is combined with an unbroken street frontage and such close proximity to neighbouring buildings, the end result is a monstrous disruption to the physical beauty of the surrounding area and the enjoyment of local residents and their visitors.

The size of the development will have an impact on public safety. The proposed buildings would include 90 bed licenses and the corresponding increase in traffic to this end of the village would be detrimental to both the safety and wellbeing of residents and neighbours. The proposal offers 20 car spaces, but on change over days, Diggings Terrace will not be capable of supporting the increased traffic that would correspond with all those beds. Diggings Terrace was not designed to cope with current traffic, let alone the increase that would accompany tourist accommodation at this scale. Increased traffic and the challenges of driving and parking in winter conditions will create a real safety risk to neighbours and pedestrians in the area.

Sincerely,

Tristan Carey

My husband and I have been members of the Dulmison Ski Club for over 15 years and utilise the Thredbo lodge every year. We are very alarmed at the Development Application recently submitted for the area immediately behind the lodge for a number of reasons outlined below.

1. This is a very substantial development – it's completely out of character with the surrounding urban development which is almost entirely residential and on a much smaller scale. To install such a massive development of at least 90 beds, together with a gym, yoga and spa/wellness facility and a large restaurant and accompanying bar open until 2am in the morning is totally out of keeping with this area of Thredbo village. Further these entertainment amenities are directly behind the Dulmison Lodge, mere metres from the bedrooms in our building. The noise generated from patrons enjoying the licensed premises until 2am in the morning would directly impact on the right to peace and quiet of lodge guests trying to sleep.
2. Moreover, being directly behind the Dulmison Lodge, we are further adversely impacted by the Application as it stands in terms of disruption by unwelcome foot traffic – in it's current form it will encourage patrons of both the proposed accommodation and the restaurant/bar to take a shortcut through the Dulmison Lodge grounds to the village green in the early hours of the morning. This in turn will, again, directly impact the peace and quiet enjoyment of lodge guests.
3. The removal of almost all of the 30 snow gums on site is excessive in the extreme. Part of the attraction of this area is the overall low-key development and minimum impact on the local vegetation – this destruction of the green space is counter intuitive to best practice. In my view, this has been far from satisfactorily addressed with any acceptable replanting proposal.
4. From perusal of the existing proposal, the provision of parking falls far short of what would be required for such a massive development – from the plans, a minimum of 90 beds with further traffic numbers expected to be generated from the proposed entertainment areas. This will inevitably lead to hugely increased pressure on the carpark at the front of Diggings Terrace – this carpark is already utilised to full capacity in the winter season and the sheer volume of increased vehicle numbers is clearly unacceptable.
5. The planning of Thredbo village thus far has succeeded in keeping the entertainment district of the village confined to a recognisable area within the commercial zone. This has worked well to avoid unnecessary noise degradation to the low-key residential areas and to keep traffic within defined zones. To place a substantial bar/restaurant with such late opening hours, within this very large-scale development is ignoring the quieter, residential character of the surrounding area in which it is currently proposed.
6. Has any consideration been given to the viability of garbage removal from such a large development? This is an extremely large facility with gym, spa, yoga and wellness facilities; accommodation for at least 90 and a substantial restaurant and accompanying bar facilities with outdoor entertainment areas. The volume, storage and collection of refuse,



particularly in the early hours of the morning when the bar is closing and cleanup taking place, is potentially a huge problem both from a noise point of view and the collection of generated waste.

7. I understand that the building/site ratio is almost double that allowed; exceeds the maximum height control of 12m and has a setback of only 1m to the entrance of the building vs. a planning control of 3m. These breaches alone should have this proposal rejected without further consideration.

I would strongly request that this development in it's current form be rejected outright and that any further proposal not be entertained until the issues outlined above have been satisfactorily addressed.

Keran and Roger Davis  
14 Church Street  
Newcastle NSW 2300

Hello,

Having lived in Thredbo on and off since 2005, I write to object to the current development proposal for Lot 768, Diggings Terrace, Thredbo Village on the following grounds:

1. I object to the nature, extent and character of the development in that it is not in keeping with established styles, profiles and density of the immediate area.
2. Late night establishments and licenses are not in keeping with the character and use of the area as primarily residential. It would be more appropriate to house such establishments in the village centre, where a precedent for such places already exists.
3. I believe that the current proposal is not in line with the design guidelines included within the Thredbo Village Master Plan. These include the land use, prohibition of retail outlets, 3 meter front and side setbacks, 35% site coverage, 12 meter right height, 4 meter minimum building separation, and others of which I am sure you are aware.
4. In particular the development percentage of Lot 768 seems to far exceed the provision in the master plan of 35%.
5. The initial concept drawings were far more in keeping with the style and character of the area and it was a shame to see them completely disregarded in the new design.
6. The size of the parking spots on Diggings Terrace are very small. Cars are likely to hit the bollards and create traffic incidents.
7. Diggings terrace is heavily trafficked by pedestrians and there does not appear to be adequate provision for their safe passage in an area that will experience large increases in traffic should the development go ahead.
8. The area is home to various native animals including kangaroos, wombats, various species of birds and I believe even the occasional dingo. The construction of this development would disrupt their natural habitats and breeding cycles.

Best regards,

Alexander Carey

SUB-3092

My Family and I are members of a ski club that will be negatively affected by the proposed development, we have been active members of this club for almost 30 years.

The club is situated in a quiet area of Thredbo that will be ruined by this development with proposed noise until 2 am. No young family or anyone who wants to go to a quiet lodge will want to remain a member when you will be kept awake until at least 2 am with the sound of a bar, let alone the people stumbling home using our lodge grounds as a thoroughfare to get back to their lodges further so and the typical vandalism, phone calls, and fights accompanied with drunks stumbling home.

Not only is the noise a problem for the residents but will be detrimental to the wildlife in the area.

Parking in the area is already very difficult, the proposed development adds more cars to an area with not enough parking spots.

The clearing of trees for this structure is unacceptable, the further strain on extremely limited parking is unacceptable, the increased noise and foot traffic in a quiet part of the neighbourhood is unacceptable, and the destruction of the natural habitat of the local wildlife is unacceptable, the proposed development is unacceptable.

Regards, Mike

I am writing to object to the current proposal for development of Lot 768, Diggings Terrace, Thredbo Village, and request the proposal not be permitted to proceed.

My family has owned Snow Angel chalet since 2005, adjacent to the proposed standalone Building 2e on the south east corner of Lot 768, having been regular visitors of Thredbo Village; summer and winter; since the 1970s. Snow Angel was pretty much the first building constructed after the Thredbo landslide, developing into almost a “test build” for all the new geotechnical building requirements called for in the post landslide era at Thredbo. Snow Angel is directly and adversely affected by this proposed development as it currently stands, which is of a size, scale and usage totally out of character for the Outer Western Precinct as documented in the Thredbo Village Master Plan.

In the Thredbo Village Master Plan Environmental Impact Statement, Lot 768 was an important natural fire break, but is now to be almost completely developed it seems, at a time when rapid climate change, bringing with it heightened fire risks to our delicate alpine environment and the timber framed/cladded construction techniques used in much of its character buildings.

Almost a confirmation of the above is that since the last big bushfire season in 2019, Thredbo building and contents insurance policy prices have been increased by 400%+, in recognition of the increased danger perceived by the insurance industry, to the point where some buildings in Thredbo Village are now actually impossible to insure for their replacement value.

The Outer Western Precinct maintains today a relatively quieter, more tranquil atmosphere of river, creek (a village fresh water source) wooded areas and the golf course, rather than the Central Village Precinct where the night time action happens!

Significant numbers and types of native wildlife use the Lot 768 grassy hill day and night including several species of kangaroo, wombats, large echidnas and several snakes. Lyre birds, alpine kookaburras a variety of parrots, finches and many other smaller species of birds frequent the bushes around the Lot 768 fire break.

I note that we are not completely against development of Lot 768, but feel the current proposal is substantially too dense and inappropriate for this end of the Thredbo Village, and its retail, large restaurant/bar, request for a 2am licence and gym/yoga facility do not fit the Thredbo Village Master Plan usage for the Outer Western Precinct.

Any development of Lot 768 should be restricted to 11pm closing, and strict noise limits specified to suit the residential nature of the adjacent areas.

The Thredbo Village Master Plan provides a range of design guidelines and parameters for the Outer Western Precinct...

- |   |                    |
|---|--------------------|
| - Land uses, including apartment/commercial accommodation | PARTIALLY COMPLIES |
| - Retail outlet prohibited                                | DOES NOT COMPLY    |
| - 3 metre front and side setbacks                         | DOES NOT COMPLY    |
| - 12 metre ridge height                                   | DOES NOT COMPLY    |
| - 35% site coverage                                       | DOES NOT COMPLY    |
| - 6 metre minimum building separation                     | DOES NOT COMPLY    |
| - Windows to appear as individual openings                | DOES NOT COMPLY    |
| - Windows not permitted to be curtain wall                | DOES NOT COMPLY    |

... leaving me with the feeling that the 1988 Thredbo Village Master Plan (as amended) has been pretty much ignored by the developer so far.

I would also like to point out that the DA drawings as submitted misrepresent the proximity of several properties to the Lot 768 proposed development.

On the east side of Lot 768, adjacent properties including Snow Angel Lot 760, Dookies Lot 761 and Billies Lot 766 have been shown, but drawn without permanent structures such as front porches and roof canopies, surrounding elevated decking, mandatory fire stair accesses and walkways, significant retaining walls and other improvements. In several places, this appears like there is 6 metres of separation, but in truth the separation is really much less than 6 metres.

These omissions tend to increase the apparent separation of the proposed structures, misrepresenting the true lack of separation of one residence from another.

Even within the proposed structures themselves the apparent separation is misrepresented by similar omissions in the Building 2a,b,c,d,e separations.

With the 550+ proposed people using the Lot 768 development most of the night and day, the huge increase in people in close proximity may represent an unacceptable safety hazard from these retaining walls, without further separation and safety measures.

The 68.9% development of the Lot 768 site, grossly exceeds the Thredbo planning density of around 35%, and completely intrudes upon and overshadows the neighbouring detached and rather more modest residences in comparison.

Diggings Terrace as a street was never designed to cope with even the current peak vehicle traffic volumes, let alone the increased private and commercial traffic needed for such a large scale development as submitted for Lot 768. Diggings Terrace is not wide enough to cope with icy winter roads, the significant snow banks in winter, and high pedestrian traffic too/from the proposed development, for which trading hours into the early mornings, and a capacity of 550+ people has been requested. Many of the parking spaces in the new Lot 768 development are very tight and require specific front/rear parking instructions, and precise driving skills and reverse parking to successfully execute parking space entry and exit. All of this is even harder in inclement winter weather with icy road conditions, and larger 4WD vehicles which many drivers choose to bring to Thredbo. Precision driving in gloomy conditions on a narrow winding street with blind corners, should not be a prerequisite for successful parking for this development, but even the DA's documentation itself seems to acknowledge these parking limitations, with its drawings showing different parking techniques for different parking spaces!

In conclusion, our main concern is the proximity of Building 1 and Building 2e to the existing Lots 760, 761 and 766, and we would request that all the densities of the Lot 768 proposal be reduced by at least 50% from those in the currently proposed DA.

In particular, we would suggest that the building separations and height limits in the Thredbo Village Master Plan be enforced, and at least one of the separate five residences 2a,b,c,d,e be deleted, and its space redistributed between Snow Angel and the remaining 4x separate residences.

As a final suggestion, it is interesting to note that many of the nearby residences to Lot 768 are currently underutilized given their existing size and could easily accommodate an additional 2-4 bed licences each. Perhaps if the proposed Lot 768 development could be reduced in size by half, and the extra bed licences transferred instead to existing surrounding Diggings Terrace residences, the overall project goals regarding 90 additional bed licences could still be met, but with a more effective utilization of



current building assets, and a much smaller, more environmentally sensitive footprint for the Lot 768 proposal achieved at the same time?

Thanks and Regards

Michael Carey

I am writing to object to the current proposal for development of Lot 768, Diggings Terrace, Thredbo Village, and request the proposal not be permitted to proceed.

My family has owned Snow Angel chalet since 2005, adjacent to the proposed standalone Building 2e on the south east corner of Lot 768, having been regular visitors of Thredbo Village; summer and winter; since the 1970s. Snow Angel was pretty much the first building constructed after the Thredbo landslide, developing into almost a “test build” for all the new geotechnical building requirements called for in the post landslide era at Thredbo. Snow Angel is directly and adversely affected by this proposed development as it currently stands, which is of a size, scale and usage totally out of character for the Outer Western Precinct as documented in the Thredbo Village Master Plan.

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current building assets, and a much smaller, more environmentally sensitive footprint for the Lot 768 proposal achieved at the same time?

Thanks and Regards

Jennifer Carey

SUB-3095

I am a member of Dulmison Lodge which is close to the development sight. This is a family friendly lodge where we enjoy summer and winter holidays with all the generations of my family. We strongly object to having a large resort which has a licence until 2am on our doorstep. This will bring drunken noisy behaviour to our doorstep. The parking around this area is already extremely limited. There is no adequate footpath so all the party goers will end up walking right past our windows at all hours of the day and night to get to and from the venue (there is a short cut walkway down past Dulmison lodge). This development is not in keeping with the family orientated outdoorsy holiday that is Thredbo's signature. We do not want to be kept up into the night. Reasonable respectful curfews are essential.



## 7.11.22

# DA 22/11595 Lot 768 5 Diggings Terrace, Thredbo - construction of tourist accommodation buildings

Our extended family and friends have been visiting Thredbo since 1990 and have ownership in a lodge. We enjoy the village atmosphere and very happy with the current building's architecture and landscape. We by no means would stop development and progress for the future, however, with above mentioned DA we STRONGLY OBJECT.

Basis of objection:

The proposed DA is by far out of scale within the current landscape and surroundings. You only need to go to the top of Gunbarrel Express and look back at the Village to see how the current buildings and facilities harmonize each other, this DA would be an eyesore to the landscape, at such a scale of a 80 metres long façade.

The current buildings and facilities have been carefully designed not to overcrowd the beautiful landscape and areas - this DA is proposing a site ratio of 65-70% which is double the allowance of planning control...**why would this be approved on this basis alone!**

The height of the buildings and setbacks of this DA breach the planning controls, it certainly does not blend in with the current smaller lodges, open spaces, and natural environment.

It seems little thought has been given to the significant increase in vehicle traffic (we already have bottle necks in this area) that would also affect the current safety and bus service. The roads are not wide and there seems no thought for the increase in foot traffic back to the village or ski fields.

Parking is already at capacity and this DA is not acceptable for the large increase in numbers for the area, plus no drop off zones/lay buys for incoming traffic.

The proposed bar/restaurant with closing times of 2am is not acceptable considering that currently it is a very quiet residential type area, these facilities need to be back in the village.

The proposed DA appears to have been very rushed and total lack of regard for the existing area. No consideration given to the impact this would have on the current lodges, facilities, and environment.

The geotechnical report, civil engineering design and landscape plan needs to further address the possibility of future landslides this proposed development may cause with catastrophic weather patterns being snow or water, The proposed enormous building would affect the existing landscape and the run off will affect the properties and facilities below them (down-hill). No investigation and design process has been given to the construction of the existing properties and roadway below to cancel out any chance of erosion or subsidence this may cause to these properties/roads with dire consequences.

This DA needs to consult further with First Nations Australians, with a meeting onsite for them to see the enormity of this proposal (not a desktop assessment), the massive and detrimental effects it will have on the land, native trees (outrageously removing over 30 snow gums), native animals and any aboriginal artifacts that may lay in the area.

Our key point is that we refuse and reject the DA in total, a redesign should be considered only if the applicant adheres to the planning controls and meets the existing village atmosphere.

SUB-3097

7 November 2022

Tom Gordon AILA

Landscape Architect

3582 Kings Highway

Bungendore NSW 2621

E: [TomWJ.Gordon@act.gov.au](mailto:TomWJ.Gordon@act.gov.au)

Ph : 0428494514

To Whom this may concern.

I've enjoyed reviewing your plans for the DA 22/11595 Lot 768 5 Diggings Terrace, Thredbo - construction of tourist accommodation buildings.

I note the continued and generous use of the Thredbo palette of materiality, stone, timber, and colours that are reflective of the forest and shrub layers around the village.

Diggings terrace is well known to me from the clubs I have been member of for the past 55 years and the original Peter Mueller designed lodge 'Obergrugl' we owned and renovated in the early 2000's. There is a need for more quality design and great bed rentals in this area.

To see a restaurant and a bar proposed in this development is great. We do need more people on the village roads at night for safety and sense of the world class resort Thredbo is.

If I could be so bold as suggest that the set back of the garages ( fully enclosed garages so no view of cars) and terraces could be further from the road as this would enable a better street scape opportunity for people's safer movement carrying skis to the buses boulders and a sense of place that the building could develop at street side. This additional area could enable planting, bike racks and benches, safer transition on icy roads beside moving traffic as well as a more functional and better-looking street appeal we all want to see in Thredbo.

I notice there is a lot of opportunity for space behind the 5 cabins that could be higher up the hill enabling a few or more meters set back of the main façade along Diggings terrace.

Is there an opportunity to split the carpark mass and create a central landscaped terrace/steps inviting patrons up to the restaurant and bar. This will also allow the street character to be development as a signature street presence and place making for the future outcome of the buildings respectful connection into Thredbo's little winding Diggings terrace.

I would welcome a discussion or the opportunity to provide a sketch concept for the above ideas to enable a successful outcome for the future residents of Thredbo walking the streets.

Regards

Tommy Gordon

0428494514

**RE: DA 22/11595 – Construction of Tourist Accommodation buildings at  
Lot 768 - 5 Diggings Terrace, Thredbo**

ATTN. Department of Planning and Environment

My name is Amanda Borg, and I holiday at Lot 776 (owned by Khash Holdings Pty Ltd) throughout the summer and winter seasons for the past 20 years.

After reading this submission, I object to the proposed development, I am appalled that this application has been submitted to the Department of Planning and Environment. This mammoth scale and size of the building footprint, the horrendous vehicle access into the proposed development and the lack of consideration with the neighbouring properties.

**BUILDING FOOTPRINT**

As mentioned in the Statement of Environment Effects (SEE.), provided by SJB Planning. It is noted that DKO completed a “rigorous analysis of the built form and character of the resort.” The analysis highlights the diverse built forms of the old and new developments in Thredbo village, however, in figure 1 below it clearly identifies the enormous building footprint is immediately surrounded by only smaller lodges, therefore, this analysis is flawed.

This displaced development has been compared to other tourist accommodation within the village. Figure 2 illustrates those other buildings; however, I have several issues with this comparison.

1. These properties are **all** within the commercial core of Thredbo Village
2. The comparison buildings (figure 2), all in the commercial core and range from 400 to 600 metres away from the proposed location:
  - a) The Alpine Hotel,
  - b) The Alpine Apartments,
  - c) The Denman,
  - d) Silver Brumby, and
  - e) Lantern Apartments.

However, properties immediately adjacent to the development, (which should have been the focus of the comparison analysis), are the buildings within a 100 metre radius of the proposed development site, as evidently seen in Figure 1, these are all detached individual lodges. All in which are of relatively similar in size, scale and character, the vast opposite to this monstrous building. DKO Architecture has completely failed to consider the adjacent properties of the site.

Building 1 of this proposed development is one continuous building at 79 metres long, clearly shows the complete disconnect with the surrounding lodges, illustrated in figure 3. The Urban Design Report identifies that the comparative lodges surrounding the site are “typical of what is found throughout Thredbo.” These lodges ranges between 6 metres to 15 metres, a much smaller number to 79 metres. This 79 metres long building is definitely not ‘typical’ of what is found in Thredbo. The Urban Design Report context is also flawed.

The total disregard to the 1994 Thredbo Master Plan guidelines for such a large scale development, visually this proposed development will be an eye saw and will not fit into the existing surrounding character and scale, but on the other hand, pedestrian and cyclist safety was also not taken into consideration. The development is on an approximate 6 metre narrow road, which has restricted vision due to the corner coming from the east of Diggings Terrace. As mentioned in the Traffic Report, guardrails are required to be installed on the on the western side of the development due to safety concerns for vehicles coming out and entering the car park, however, no mention of the hazard for pedestrian and cyclists, and their safety using this section of road intertwined with cars in and out of the proposed development.

## BAR/ RESTAURANT

The proposed bar and restaurant should be contained within the Thredbo commercial core and not in the western side of Thredbo surround not in a residential area completed surrounded by small residential lodges. The 2am licence which also has not been addressed in the statement, should not be allowed in any circumstance, as it would cause a disruption to this residential part of Thredbo.



**Figure 1:** Urban design Report from DKO Architecture (Page 33)



**Figure 2:** Surrounding Building Footprints (Urban design Report from DKO Architecture Page 34)





**Figure 3:** Immediate Adjacent Surrounding Buildings (Urban design Report from DKO Architecture Page 35)

### CAR PARKING AND VEHICLE ACCESS

In the Statement S.E.E., SJB Planning identifies that this proposal comprises of 20 car spaces located in building 1, also a proposed drop-off zone at the front of the main building.

The traffic report, prepared by Sellick Consultants identifies the car parking spaces provided on ground level, will be required to park in a reserve direction. However, this will require all cars travelling west can only park in reserve mode. Car coming from the east will need to travel around the village to a location where they will be able to turn around, as there is no provision identified in the Sellick report for cars reversing from the east. Sellicks highlights that there are safety issues, for cars to park in a forward direction, due to insufficient turning space.

Additionally, at ground level there is a proposed drop off zone at the front of the property, this is quite difficult to imagine in such a narrow area. Diggings Terrace is a narrow 6 metre two way street, with a blind corner when driving west away from the commercial core. At the present, when parking front forward into the parking spaces of Lot 776, the vehicle needs to take a wide turn into the right hand side lane and then into the car space. Figure 4 evidently shows the narrow road that the proposed development will have both pedestrian and vehicle access, the garages and the drop off zone. This image illustrates the very limited turning area for vehicles of the existing lodges to park safely, let alone garages on the opposite side.



**Figure 4:** Street View Diggings Terrace (Google Maps)

Overall, this proposed development is a monstrosity; the proposal in its current form does not fit into the existing size, scale and character of the immediate surrounding existing lodges. This part of Thredbo should be maintained its current state, with smaller scale, residential lodges, this is the commercial core. This proposed development should be refused in its current format and a development more fitting and appropriate to the area be proposed.

Regards,

Amanda Borg

The proposal for development of Diggings Terrace in Thredbo will have significant impact on both the general Thredbo precinct as well as the surrounding accommodation. The proposed development does not appear to comply with planning requirements and appears to be significantly larger and out of scale with existing surrounding developments.

- The character of existing developments, which generally constitutes small individual buildings, between which the space is populated with native vegetation, providing a village feel to the area, is totally ignored by the extremely large scale of the proposal. There is a facade wall of almost 80m in length, two storey high street frontage and over-build on the site, which fails to match the surrounding smaller detached lodge developments. The also appears little or no regard for the natural environment and provision of replacement planting.
- In support of the above point, the proposal the proposal includes:
  - a built site ratio nearly double that allowed un planning controls (68.9% actual vs. planning control of 35%);
  - a breach of the maximum height control of 12m;
  - a setback of only 1m to the entrance of the building (vs. a planning control of 3m; and
  - the removal of all but one (1) of the over 30 existing snow gums on the site.
- There is a high likelihood of a substantial increase in foot traffic between the proposed development and surrounding lodges and properties to the east due to insufficient foot traffic infrastructure between the ski area and the proposed development - this lack of infrastructure and subsequent increased foot traffic arising from users taking a shortcut from the proposed development to the village green.
- The proposed entertainment aspects of the development, including a restaurant / bar, is out of character with this part of Thredbo Village, which is an otherwise quiet section, entertainment aspects centred in the main village hub. Entertainment at this site would appear to be inconsistent with the broader planning intention of Thredbo, where fringe areas were maintained for quieter residential use. The proposed 2am closing time will result in noise pollution and issues for the existing quiet residential use of this area. The broader planning intention should be complied with to maintain the existing feel of Thredbo Village.
- The development in this section of Thredbo will result in a large increase in traffic. This is compounded by the lack of parking spaces in the development, given the proposed accommodation capacity. Even in the event of the carparking ratio for the development being compliant, the impact will still likely be significant on the general use carpark out the front of Diggings Terrace. This parking area already reaches capacity during winter months.

My name is Nicholas Seraglio, I have for many years frequented Melaleuca 3 and have been made aware of the proposed development across the road, on lot 768.

From the ground level, building 1 stands 15.78m in height, and setback 1.03meters from the front boundary at approximately the main foyer area as shown on plan DA 201. This building detracts from the natural alpine village landscape, for all pedestrians, residents and tourist. People which travel to Thredbo, appreciate the alpine environment, not to be confronted by buildings best suited for large cities. This large building should be located in the village core, amongst other buildings of similar scale and context to the proposed e.g. Alpine Hotel, Squatters Run

The lodges situated along Diggings Terrace, are all individual lodges, roughly five to six meters in width and with a small footprint. The footprint for the proposed building on lot 768, is too large for the location and as proposed the building is many times larger than the existing lodges. This five story building will tower over the roadway and create privacy issues to the surrounding lodges. The garaging for this proposal extends the whole property frontage. This is in excess of 79 meters and this façade will detract and provide a continuous black hole for the whole frontage.

Personally, I witness lots of traffic disruptions on Diggings Terrace with, cars having to reverse in and out of our designated car spaces, which, is generally at 90 degrees to the road way. Two people cannot park directly opposite each other, at the same time. Diggings Terrace is the main through road for vehicles and delivery trucks, throughout Thredbo. During winter it is a constant bus route for Thredbo residents and a main road that is travelled by a large quantity of tourists. The manoeuvring required for reversing into the car park will create tremendous traffic delays.

Additionally, this proposed building has 90 bedrooms that could potentially accommodate 180 people, plus additional guests attending the bar restaurants and other facilities, however, the resident's safety is not prioritised. When residents enter and exit the building through the stairway, where there are no footpaths that allows people to walk in safety. This building does not comply with any setbacks, this will cause dangerous conditions with people exiting the building straight onto the road. This will be extremely dangerous to the pedestrians especially at night with vehicles traveling on Diggings Terrace.

For the duration of construction, the developers are proposing to close half the road, this severely impact lodges across the road, including melaleuca, this will render our car park unusable.

It is unacceptable in a residential area, for a bar and restaurant to be opened until 2 am, this should be located in the entertainment precinct not on the western side of Thredbo. The 2 am licence, should not be allowed as it will attract loud disruptions to the lodges at inappropriate hours of the night.

This development should not be allowed to proceed in its current format, therefore, with all of the uncertainties and non compliances, should be refused, a more appropriate development should be proposed for the site.

Should you have any queries, please call.  
0410539222

Yours sincerely,  
Nicholas Seraglio



SUB-3104

1801 Kangaloon Road  
Kangaloon NSW 2576

8 November 2022

To whom it may concern,

As a member of a nearby property, I am emphatically in opposition to the proposed development. The development appears vastly disproportionate the existing buildings and broader surrounds. Also, I am concerned about the increase in traffic - the carpark will be overflowing and unable to support the additional visitor volume. Finally, the significant increase in foot traffic will impact our immediate surrounds significantly.

My other concern is with the proposed entertainment facilities that will be in operation until 2am. This will hugely impact the quiet of our club. To date the entertainment venues have been thoughtfully centralised in the main village, allowing the broader areas where the accommodation is, to maintain a community 'quiet'. The suggested entertainment area and late closing will absolve this well thought out balance.

To this end, I would like to formally object to the proposed development.

Sincerely,  
Matthew Jensen

SUB-3105

8 November 2022

Our Ref: GLN11597 Submission DA 2022/11595

Department of Planning and Environment  
On-line lodgement via NSW Planning Portal

Attention: Minister for Planning / Independent Planning Commission

**RE: Development Application DA2022/11595**

**Property: Lot 768, 5 Diggings Terrace, Thredbo**

Reference is made to the above Development Application seeking approval for the construction and use of a tourist accommodation development including vegetation removal, new part 4/5 storey building comprising 16 attached accommodation units, recreation and food beverage facilities including a restaurant and bar, street level car parking and bicycle spaces, construction of 5 x 3 storey detached accommodation units and associated drainage, services and landscaping works at 5 Diggings Terrace, Thredbo (**development site**).

GLN Planning has been engaged to prepare a submission on behalf of multiple holiday guests of the property at Unit 3, 196 Diggings Terrace, Thredbo (Lot 776, DP 1119757) (**subject site**) – refer to **Figure 1**.



Source: Nearmap, 2022

**Figure 1 Location of development site in comparison to property owners**



This letter is a formal submission to DA2022/11595 which raises key concerns regarding construction management, parking, loss of vegetation, bushfire, building character and waste. These concerns are outlined in more detail below.

## 1. Construction / road closures

Construction is proposed 7 days a week between 7am and 6pm. As part of the construction works, half road closure of Diggings Terrace is proposed. Diggings Terrace is a narrow road with a carriageway width of approximately 4m. To access resident parking spaces along Diggings Terrace requires the full road width. Any proposed road closure, including partial half road closure, to Diggings Terrace would prevent residents and guests parking within their properties located opposite the development site.

An objection is therefore raised to any proposal which relies on road closures that would prevent access to properties and render the premises unuseable. If road closures are to be considered, a management plan needs to be prepared which outlines:

- The required turning templates necessary for impacted residents to reasonable manoeuvre into and out of their 90 degree car parking spaces located immediately off the road from both directions so as to not obstruct these areas;
- Management procedures to be put in place to ensure this access is capable of being provided while construction works are on-going. This includes a contact number for residents to call where issues arise.
- Removal of nay partial road closure during the winter months, as each heavy snowy day/night results in cars being caught and unable to climb heading up the hill, which results in traffic congestion and only one line being open.





## 2. Parking

The traffic report submitted with the application provides no assessment of the need for parking. Due to the isolated nature of the site coupled with the various land uses proposed including tourist accommodation, bar, restaurant, and spa facilities for visitors in addition to staff attending the site, the proposed development will generate a number of traffic movements and a significant need for on-site parking. The proposal provides for 20 spaces including 2 accessible spaces. These spaces are intended to accommodate:

- 21 tourist accommodation units including 14 x 2 bedroom units and 5 x 4 bedroom units (3 bedrooms and 1 room capable of being used as a bedroom)
- visitors to the restaurant, bar and spa facilities on site
- staff required to provide these facilities.

Due to the nature of the area and land use proposed being for tourist accommodation, the majority of guests would access this development by driving due to limited public transport options. Based on this, the car parking requirements are not suitable for the intended use.

Under the Snowy Mountains Special Activation Precinct (**SMSAP**), Master Plan July 2022, Section 10.3 'Alpine accommodation' Performance Criteria 'C' states '*Development should incorporate public transport opportunities, where possible, **and** provide adequate on-site parking*' (emphasis added). While there is no set car parking standards specified within the SMSAP, the car parking rates under Snowy Monaro Regional Council DCP 2014 (amendment 4) are considered reasonable to provide a guide. Under this DCP, it requires the car parking rates set out within **Table 1**.

**Table 1** Car parking under SMRC DCP 2014

Land use	Car parking rates
Hotel or Motel accommodation	1 space per bedroom plus 1 space for every two employees
Restaurant within a motel / hotel	If a restaurant and/or function room is to be included as part of a motel development, then the amount of off-street parking must be reviewed and increased as necessary. If the restaurant primarily serves motel customers, then additional parking may not be required. However, the possibility of a future change in patronage of the restaurant must be considered.
For any development containing a bar and entertainment area	For that area only, the greater of 1 space per 6.5 square metres Gross Floor Area or 1 space per 5 seats.

Based on the rates within **Table 1**, the development would trigger:

- 48 car parking spaces for the residential units (tourist accommodation)
- 2 spaces for the staff accommodation
- Additional parking based on the staff numbers (not specified within the SEE



- Additional parking for the restaurant, bar and spa facilities proposed for visitors.

As evident using the SMRC DCP as a guide, the supply of parking on-site being 20 spaces, could not be considered 'adequate' in accordance with SMSAP. Furthermore, the carriageway of Diggings Terrace is extremely narrow (4m) and residents rely on the full road width to manoeuvre into parking spaces. For this reason, on-street parking could not be accommodated without unreasonably restricting access to residents along this road. There is no drop off area as alluded to in the application.

The lack of car parking is a significant flaw in the design of this development. The design should be amended to better balance the car parking needs generated by the development so as to prevent unreasonable amenity impacts to residents within the area.

### 3. Loss of vegetation

#### Ecological

The development results in a significant loss of vegetation within and external to the site boundaries (**Figure 2**). This is to provide for the proposed development, an Asset Protection Zone (**APZ**) externally around the perimeter of the site and to accommodate construction impacts within the site boundaries.



Source: BDAR

**Figure 2** Footprint of ecological impacts



Under the SMSAP, Section 11.1 'Biodiversity', the Masterplan encourages the protection of biodiversity across the Alpine Precinct including Thredbo. This includes:

- Avoid impacts on biodiversity
- Minimise impacts on biodiversity
- Mitigate impacts on biodiversity through the use of a range of mitigation measures
- Ensure any impacts are appropriately offset.

In particular, the BDAR identifies that the Mountain Pygmy Possum, Guthega Skink and Alpine she-oak Skink are all located within the feature area. One aim of the SMSAP specifically identifies avoiding impacts to threatened species and habitats that exist within this area and specifically lists these species. Therefore, considering the ecological impact off-site which is not consistent with the aims of the SMSAP, an approach which relies more heavily on 'avoid' and 'minimise' should be adopted in this situation.

The BDAR identifies that the area to be offset is around 1 hectare due to impacts on native vegetation. However, the subject site is approximately 4,960m<sup>2</sup>. This demonstrates that the majority of impacts are occurring beyond the development site. This is considered excessive and the design should be reevaluated to reduce the development impacts to within its own site through alternative options.

### Visual impacts

In addition to the loss of vegetation for ecological reasons, the trees proposed to be removed are located at an elevated level and will have significant visual impact as seen from different aspects within the area. The visual impact assessment has only considered the buildings and not the loss of the extended vegetation which is larger than the subject site.

## 4. Bushfire / Ecological

Notwithstanding that it is accepted practice that APZ be incorporated as required into each development site, the development relies on an APZ on adjacent land around the site as outlined within the Bushfire Assessment Report and Addendum 1. The Bushfire Report states that the owners of Lot 876 to the south (Kosciuszko Thredbo Pty Ltd) would provide on-going vegetation management to maintain this APZ. At a minimum and to ensure this is undertaken in perpetuity, a positive covenant should be imposed to ensure the maintenance of this required APZ.

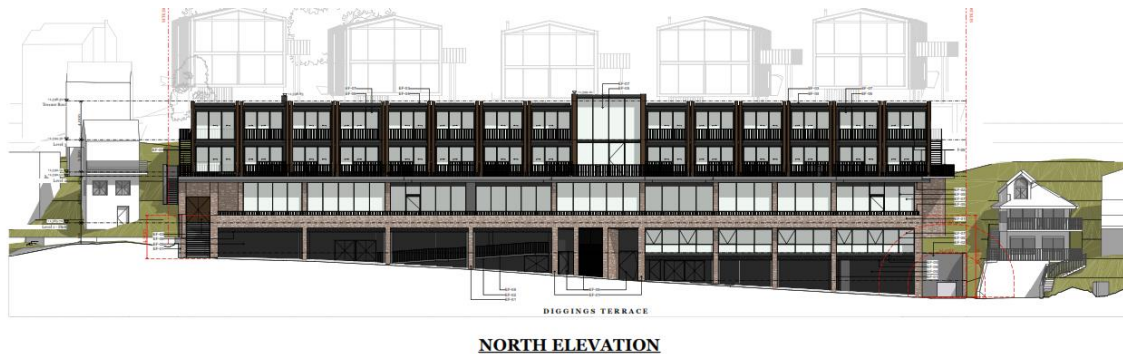
## 5. Character and Scale

The development site is relatively large for the area having a site area of 4,960m<sup>2</sup> and frontage of around 83m. The surrounding area is characterised by smaller chalets over various levels which are generally detached in nature minimising their visual impacts within the area.

While the proposed development follows the contours of the site, the design has not been adequately broken to reduce the scale and massing of the development. When viewed from the street, pedestrians and residents opposite the site will see a continuous row of car parking roller doors for a length of almost 80m – refer to **Figure 3**. This is a poor visual outcome and inconsistent with the existing chalets within the immediate area and good design practice in any location.



As proposed at the rear of the site, the five self contained units have been detached which helps to lessen the visual impact and is consistent with other forms of housing within the immediate area. The northern building footprint along Diggings Terrace should be reviewed to further breakup this large building length to better fit within the context of the surrounding landscape and character of the area which is comprised of smaller chalets.



Source: dko

**Figure 3 Northern elevation facing Diggings Terrace**

## 6. Waste

Waste from the development is required to be collected 7 days a week in peak periods and hence this proposal would be considered a 'major' development by Kosciuszko Thredbo Pty Ltd based on the details provided within the waste advice. The location of bins and daily servicing has the potential to significantly impact the amenity of residents from both a visual perspective and from a functionality perspective with waste trucks being stopped in front of this development for a significant amount of time in some periods daily as on-site parking for waste trucks is not provided.

A management plan should be prepared to demonstrate how this will be managed. This should include identifying the location of bins and how frequently the bins will be placed out and collected so that they are not left in the street for long periods of time and/or block driveways.

## 4. Summary

Based on the matters raised in this submission, it is considered that the proposed development will have adverse impacts relating construction management, parking, loss of vegetation, bushfire, building character and waste.

Having regard to the current design, the development would have significant impacts which require design changes and/or further investigation to understand the actual impacts. Once this information is received, the application should be re-advertised to allow residents to further review and comment on the response and changes. In its current state, the development should not be approved as the development is inconsistent with clause 4.15(a) and (b) under the EP&A Act.

Should you have any questions regarding this submission or wish to discuss it in further detail, please contact me (0402 181 571) or Pip Hyde on 0423 761 423.



Yours faithfully

**GLN PLANNING PTY LTD**

I would like to see the application refused outright. My concerns with the proposed development are below:

- The proposed entertainment facilities is inconsistent with the surrounding area, and proposed to close at 2am will result in a lot of noise and disturbance to the buildings around it, predominantly short term residential accommodation.
- The location of this entertainment facility is inconsistent with the broader strategic plan of Thredbo village. The Village has most entertainment facilities located in the centre, with residential and accommodation on the outer skirts preserving character, use and ability to have different holiday types (stay in after a days activities and bed early vs going out and partying). This strategy should be maintained for future development in Thredbo.
- The increase of traffic is not proportionate to the surrounding infrastructure. I also note that the development does not have enough parking spaces given its accommodation capacity. This will adversely affect the limited public carparking that is already available in Thredbo and Diggings Terrace, which was often at capacity during winter.
- Specifically in relation to Dulmison Lodge, the proposed development does not sufficiently plan to get these people onto the ski slopes. I am concerned that this will mean a significant increase in foot traffic between the lodge and the neighbouring property as a short cut to get to the village green and subsequently on the Kozi chair lift.
- The impact on the Thredbo precinct in general is out of character and keeping with the existing surround development. Specifically, by my calculations the built ratio of 68.9 per cent, whereas the current planning controls are 35 per cent. This is nearly double what is allowable under those controls. This alone should see this be refused.
- Further, the development also disregards the existing planning controls in relation to maximum height and setbacks.
- I also have grave concerns about the removal of over 30 existing snow gums on the site. We are in a National Park, and this seems excessive and not in keeping with sustainable development akin to what you should see in a National Park.
- I would like to see the application refused outright, and the developer to resubmit a more appropriate application in keeping with the planning controls, and local character of Thredbo.

Insufficient geotechnical work has been done to support the proposal. In particular:

1. the Geotechnical Engineers do not appear to have investigated the land slip history of the site, much of which has been devoid of trees for decades. They simply observe in section 5.3.1 "To our knowledge, no landslips have been recorded in this immediate vicinity."
2. The risk assessment conclusions do not appear to comply with the standards applied. In Table 1b the large scale translational slide risk has an assessed likelihood of "Unlikely" and assessed consequences to people of "Minor". As I read the standards in Appendix C, this combination should result in a risk level of "Medium", not the "Low" conclusion stated in the report. This is a material variance on a known risk for Thredbo.

I object to the proposal is in its current form. Further substantive work is required to assess fully the geotechnical risks for the site.

## Development Application Comments

1. As a member of Dulmison ski club the development will have a detrimental impact. Foot traffic past Dulmison on what is effectively a small private path past the main dining and lounge area will have a detrimental impact on the quiet enjoyment of a private lodge.
2. Where will the parking be located? Not enough parking spaces or room to unload and offload. The area has the potential to become a bottleneck. The carpark out the front of Diggings Terrace is neither large enough or suitable for a significant increase in car parking.
3. This area is quiet and secluded. A bar/restaurant next to family accommodation and lodges is highly inappropriate and not suitable for a family friendly environment.
4. The development is completely inconsistent and outside existing planning guidelines (by nearly double!). This will largely ruin the current quiet family atmosphere and natural environment.
5. The proposal is completely inconsistent with the current character and quiet nature of the surrounding accommodation. It is requested that the application be refused outright and the area be kept as a family friendly enclave with similar accommodation or enhancement of the native bush outlook.



8 November 2022

**Re: DA 22/11595 Lot 768 5 Diggings Terrace, Thredbo - construction of tourist accommodation buildings**

To whom it may concern

I object to this development.

As a regular visitor to the region, and Thredbo Village in particular, over several decades, I am all for economic progress and sympathetic development in the snowy mountains' region. This proposal however is anything but sympathetic to the surrounding environment.

The design, size and scale of the development is out of character with the rest of the of the Thredbo Village. The design is anything but sympathetic to the overall aesthetics of the village. With a built site ratio of approximately 69% (vs. planning control of 35%), I cannot see how this development meets planning controls / requirements.

The proposed commercial & hospitality space, including proposed opening hours (2am???), will require significant patronage to ensure it remains commercially viable - with limited parking, how will patrons access the property? This will be highly disruptive to surrounding residences, which currently enjoy relative quiet away from the central Thredbo Village commercial area.

Where will patrons park? Increased traffic and parking from patrons visiting and / or staying at the site will only be to the detriment of other residences surrounding the development. There is already a significant increase in traffic during peak seasons (Winter and Summer) which puts pressure on inadequate parking facilities and road access presently. What additional infrastructure is proposed to accommodate an increase in foot traffic? I question the safety aspect for pedestrians arising from a large increase in traffic volumes.

Please do not corporatize Thredbo Village at the expense of other residences that have long embodied the spirit and tranquillity that exists today.

Thank you

As a frequent visitor to Thredbo over many years, and a member of the Dulmison Ski Club, I strongly object to this Development Application (DA) and request refusal of this application.

The disproportionately large size of this development to the surrounding, smaller mountain village developments along with an imposing architectural style that incorporates towering structures is totally out of character with the area. This development has little of any synergy with the picturesque Snowy Mountain environment, and instead presents a development with a brash architectural style that seeks to dominate and tower over its surrounds rather than integrating and melding into it. The size, scale, and height of this DA needs to be totally reworked so it aligns with the much smaller scale and size of nearby developments. Additionally and significantly, as this development is on the edge of the Thredbo township, it is essential that the size, scale, height and mass be drastically reduced so it better integrates and reflects the picturesque Snowy Mountain environment.

Unlike other nearby building developments, which have retained native vegetation, this development will result in removal of nearly all the existing 30 snow gums. The removal of nearly all native vegetation is due in part to the exceptionally large built-site ratio inherent in the DA. Being located in a National Park, the application needs to be rejected and totally reworked so it retains a lot more native vegetation and integrates and blends in with the unique Snowy Mountains character. The huge, imposing size and mass of the current design clashes and seeks to dominate the natural environment rather than integrating with it, as the nearby developments do. The development built-site ratio needs to be reduced by half to allow for a much greater portion of native vegetation to be retained and post development native vegetation plantings.

The application needs to be totally reworked, so it accords with planning control requirements. The application should be rejected until the plans are significantly amended so the following planning control issues are addressed and complied with:

- a. the proposal includes a built site ratio of around 69%, which significantly exceeds the planning control ratio of 35%;
- b. the building height significantly exceeds the maximum height control of 12 metres and should be significantly reduced; and
- c. the building set back is only 1 metre whereas planning control requires 3 metres.

Even with built-site ratio of 69%, the development has a severe shortage of on-site parking for guests, which is compounded by the very large accommodation capacity of this development. The DA needs to be significantly revised so it has a much larger portion of on-site parking.

The development application is located in a quiet part of the Thredbo village, The development application, however, includes a bar which is open until 2am. The incorporation of a bar that is open until 2am is totally inappropriate for this quiet part of the Thredbo precinct. The Thredbo village planning has successfully planned to incorporate bars which open late in the main village hub. This planning approach should be continued and not altered by this DA.

The development has a very large accommodation capacity that far exceeds the local infrastructure and amenities. Dedicated foot traffic facilities between the DA site and the ski area are very limited. To avoid road traffic, a lot of skiers walk on the Village Green area

which will be further and significantly degraded as the large number of guests staying at the proposed development take a short-cut to the ski area. Also as discussed above there is a significant shortage of on-site parking for guests. There is also the consideration that this very large development will incur significant secondary traffic, eg food delivery vehicles, tradesman, visitors of guest, etc, which along with a significant shortage of on-site parking, will precipitate huge traffic and parking issues out the front of Diggings Terrance. This area is already at capacity during the Winter months.

SUBMISSION

DA22/11595 Lot 768 5 Diggings Terrace Thredbo- Construction of tourist accommodation building

Thredbo is characterised by chalets and small hotels which give it a distinct family friendly mountain village atmosphere and make it attractive to tourists throughout the year, not just in winter. Lose that appeal and the tourists will go elsewhere.

I can think of no better way of destroying the village atmosphere than allowing "a large and dominant build design, including a ~80m long contiguous wall on the street frontage." It is out of character with the area and when one is allowed, a precedent is set and others soon follow.

This proposal breaches planning controls in that the built site ratio is 68.9 per cent when the maximum allowed is 35 per cent. Also there is a breach of the maximum height control of 12 metres and another breach is a setback of only 1 metre to the entrance of the building where the planning controls require 3 metres.

Preserving the maximum amount of native vegetation on the unbuilt area should be a priority both to protect the amenity of surrounding lodges and to acknowledge that the site is located in a national park.

The inadequate parking and increased foot and vehicle traffic generated by both residential and non-residential uses, such as the bar, will negatively impact this quiet, family friendly, residential end of Thredbo. Restaurants and bars that remain open till 2am are better located in the centre of the village.

For all the above reasons this application should be REFUSED.

I object to the proposed development at 5 Diggings Terrace. My family and I have been active members of Dulmison Ski Club for 25 years +. We are horrified by the proposed development directly behind our property for many reasons including the following:

- The development is a complete over development of the site with little regard to the neighbours who have enjoyed quiet occupation of the area.
- There appears to be no adequate consideration of the traffic and parking requirements for such a big facility.
- An attractive feature of this area of the Thredbo resort is the green and treed environment which will be devastated by the proposed development.
- A development of this size will create a very significant increase in foot traffic through the Dulmison property.
- I understand the proposed development will include entertainment facilities with licenced premises to 2am. This is likely to create a completely new and unwelcome noise experience for those lodges and premises located well away from the existing late night facilities.

Thank you.

Jeff Hudson

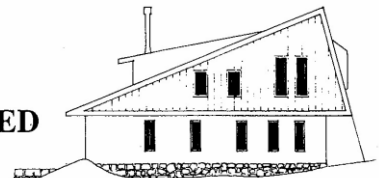
Member and past director of Dulmison Ski Club



Thredbo Village

SUB-3113

## DULMISON SKI CLUB LIMITED



Perisher Valley

### Submission to:

Minister for Planning and Public Spaces  
and  
Independent Planning Commission

7 November 2022

### RE: DA 22/11595 Lot 768 5 Diggings Terrace, Thredbo – construction of tourist accommodation buildings

Please accept this submission in response to the above DA on behalf of Dulmison Ski Club Limited. Established in 1961, the Club captures over 60 years of active member participation across Thredbo, Perisher and Jindabyne, with its Board of Directors selected from this long-standing membership base. The Board makes this submission on behalf of our ~360 members, requesting the Development Application to be rejected in its current form. Our objection is based on several significant and very material shortcomings, notably:

- Size and scale of proposed development,
- Impact of proposed hospitality & entertainment facilities, and
- Impact of traffic and inadequacy of proposed planning

### Building Size and Scale, Landscaping

We have significant reservations regarding the size and scale of the proposed development. Dulmison's Thredbo Lodge is located downhill from the proposed development and we are therefore familiar with the site.

The ~80m long contiguous wall along the street frontage dominates the landscape and is completely inconsistent with the surrounding architecture and built environment. This area of Thredbo consists mostly of smaller, independent buildings intertwined with substantial, predominantly native soft landscape. This serves well the aim of softening the impact of development on the natural surrounds and should be preserved as a development approach.

The building site coverage of the proposal stands at 68.9%, almost double the planning control of 35%. This is a major driver of the above issue, significantly reducing the scope for soft plantings across the site. Further, the development proposes to remove all but one of over 30 native snow gums on the site, with no regard for the impacts this will have on the native fauna or any effort to offset their removal elsewhere in the development.

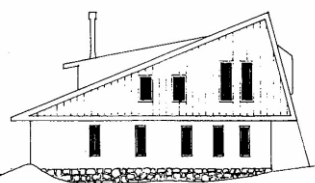
Should a development proposal more consistent with the surrounding built environment be put forward these issues could all possibly be resolved. As it stands today, the proposal is very dominating and completely inconsistent with the existing character and scale of the immediate area, not to mention Thredbo more broadly.





Thredbo Village

## DULMISON SKI CLUB LIMITED



Perisher Valley

### Entertainment Area

Incorporated into the proposed development is a restaurant/bar area which is intended to be open until 2am. This stands completely at odds with the surrounding area, as well as the broader planning approach for the Thredbo precinct.

The Thredbo precinct is characterised by a central hub bordered by several lodging zones. The central hub serves as the principal meeting and retail area during the day, and a vibrant entertainment zone at night. This concept has been effective at facilitating late night entertainment for Thredbo guests and staff, whilst preserving the bordering areas of the precinct as quieter lodging areas well suited to family accommodation.

The area immediately surrounding the development site encompasses such a quiet lodging area, hence we would question whether such a commercial entertainment concept should even be allowed in this section of the resort. Such a facility would have a materially adverse impact on the surrounding accommodation and lodge occupants, even before considering the 2am closing time which is entirely inappropriate for this area of Thredbo.

### Traffic and Parking

The attempt to address traffic and parking issues resulting from the proposed development is thoroughly inadequate.

The included number of carparks within the development fall well short of what would be required to adequately meet the demands of the proposed bed count. Were the development to proceed on the current basis, this would put further pressures on parking in the near vicinity, particularly the carpark on the flats of Diggings Terrace which is already fully utilised during peak Winter and Summer seasons.

Traffic during changeover is also likely to be further exacerbated should the development proceed. We note the road infrastructure already struggles during peak seasons, particularly during winter when roads can be subject to dangerous conditions (ice, snow).

We would request that a formal, independent traffic analysis be conducted to ensure any development that is approved on the site minimises the incremental impacts on both traffic and parking.

### Conclusion

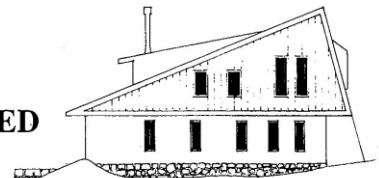
The development as proposed contains several significant and very material shortcomings and should not be allowed to proceed in its current form.

The immediate surrounding area would be substantially impacted should a building of such scale and density be developed, both from a built and natural environment perspective. Further, the proposed use cases and lack of supporting infrastructure will significantly reduce the amenity of the surrounding lodge and accommodation guests, destroying the quiet and safe enjoyment that was intended for this area of Thredbo.



Thredbo Village

## DULMISON SKI CLUB LIMITED



Perisher Valley

The precedent this development would set for the broader Thredbo precinct also needs to be considered, noting its total inconsistency with the planning intentions of the resort.

We humbly request that the development be refused outright.

Yours sincerely,

Anne-Maree Mitford

President

Dulmison Ski Club Limited

NSW DEPARTMENT OF PLANNING AND ENVIRONMENT  
NSW Planning Portal

**DA 22/11595 Lot 768 5 Diggings Terrace, Thredbo - construction of tourist accommodation buildings**

My name is Michael Seraglio and my family company, Khash Holdings Pty Ltd are the owners of Melaleuca 3 Diggings Terrace, Thredbo. I have been going to Melaleuca for the past 20 years, and have spent every winter and most summer holidays there. I have recently been made aware of a proposal to develop Lot 768 Diggings Terrace (across the road), following this I began to investigate this via the NSW Planning Portal. To say I was shocked at what had been put forward is an understatement. Not only due to the size and scale of the structure but there has been no effort on behalf of either the applicant or Thredbo Management to engage in consultation with the surrounding lodge owners.

The application that has been put forward is not only insanely out of proportion, and out of context to the surrounding lodges. Its size, and scale with a continuous 79 metre frontage is a development that should be somewhere closer to the main village or even near the valley terminal, where all of the tourist attractions/facilities already exist, closer to the commercial centre of the village.

Lot 768 is located on the western side of the village in the quiet and quaint part of town, currently surrounded by small lodges. Based on the information provided, by the developer to give the reasoning that, just because the site is classified as a "key development site" does not give the excuse to build something of this magnitude.

Contained within the Statement of Environmental Effects (SEE) it states in Section, " -6.9 The Suitability of the Site for the Development - "the proposed development does not result in significant impacts on neighbouring properties or the surrounding area."

However, the above statement was clearly written with an oversight, completely disregarding the obvious impacts, in regards to, all the surrounding neighbours. The fact that someone can state that a building of this magnitude is not going to have significant impacts on neighbouring properties is not only negligent but a total discord to the adjoining neighbourhood.

Also, stated in the Matters for Consideration(e) in Section 5.8.5 it states - if the consent authority is of the opinion that the development would significantly alter the character of the alpine resort—an analysis of the existing character of the site and immediate surroundings to assist in understanding how the development will relate to the alpine resort.

This building is not only out of proportion but is out of place in this location, and an analysis of this nature should have already been carried out prior to the building even being designed.

Furthermore, into the reports very little information even mentioned about the effects on surrounding residents. Sections within the (SEE) such as:

- 6.3.2 Visual Privacy. Continually outlines the fact that the new structure will have privacy from other buildings however does not take into consideration or even mention the lodges in front of it that are going to lose all privacy as this 5 storey building will tower over these small lodges.

The images drawn to show the building do not accurately depict the existing surrounding lodges, as they are drawn in a way that portrays them to be set back further from the road than they actual are. The plans also have included landscaping in front of the Melaleuca homes, which does not exist, this doesn't not give the real effect of how the new building is going to tower above.

Which can be seen in the Urban Design Report (DESIGN RESPONSE FACADE DESIGN + MATERIALITY \_VIEW 2 WESTERN END (revision A) and within the SEE in figure 28 and 33. This has almost been done in a way to try and portray the building to not be as big and overpowering as it is actually going to be.

It seems that this development has been put forward with no proper thought put into the planning and development side of it and the surrounding neighbourhood. I can accept the fact that Thredbo is trying to make more accommodation and generate more tourist attractions in town, however this development is neither the right size or place for it. With aspects of it such as restaurants and bars to be open until 2am, and even the construction of the development permitted 7am – 6pm, 7 days a week. This shows a complete disregard for the existing residents and their families, that own or are guests of existing lodges. The whole point of holidaying in the western precinct was to be in the quiet part of village away from the village centre. This development should be placed near the rest of the larger commercial centre and accommodation facilities in the entertainment precinct. It's just common sense, there are other vacant sites around the village where this building would fit in perfectly and not affect any existing residents. A development of this nature, will be best suited on the side of the ski slopes, similarly to the ski in- ski out lodges that already exist.

The other major aspect of this proposal is going to be the increased traffic on Diggings Terrace and access and egress issues for both existing residents and the tourists that will be staying in the proposed complex. The SEE articulates that the building was designed within the guidelines of the Thredbo Master Plan and used existing structures in the village as guidance for the design. Such as; Thredbo Alpine Apartments, The Denman Hotel, Silver brumby Lantern Apartments, Candlelight. Etc.

A more in-depth look at these buildings will show that there is more room at the front of these apartments for car manoeuvrability. None of these buildings have both 90 degree parking on both sides of the road directly opposite each other. The parking spots on existing buildings, similar to the one that is being proposed, either have wide roadways in front of the parking spots or landscaping on the opposite side, where there is minimal conflict between vehicles. Hence, there are no vehicles struggling to access and egress from both sides. The only structure with a similar layout to this is the Belvedere Apartments. However, this parking area does not align up exactly with vehicles across the road from each other, and the parking spaces are a lot wider on both sides. In this location the road way is much wider, due to the sweeping bend and, therefore, much easier to access the car parking generally. However, Diggings Terrace as we are well aware is much narrower at only 6 metres wide and creates a safety hazard for vehicles and pedestrians alike, especially in icy conditions.

Moreover, in the Site Environmental Management Report under Site establishment – Structure Stage shows that half of Diggings Terrace will be closed as part of the construction site. I am completely dumbfounded as to how the proponent can think it's alright to inconvenience and compromise the usage of lodges, by closing the road and making the car parks unusable to the lodges. When driving into Melaleuca car spaces we have to take up both lanes on Diggings Terrace to enter the car park, which is at 90- degrees to the road.

Also, the fact that there has been no thought or consideration for the safety of the pedestrians and bike riders that will be restricted from accessing the confined space created by the half road closure during construction. The reports state that there will be temporary traffic lights in place, however, we are of the opinion and we strongly disagree with the road closure in any way, as it not only compromises the safety of vehicles, but pedestrians, as well as, the use of our lodge.

All in all, I am still in disbelief that a structure of this size and magnitude is going to be placed on Lot 768 Diggings Terrace, which is completely out of place and context with the adjoining neighbourhood. Together with the poorly, thought out development proposal and design, we therefore, suggest that this proposal be refused and a complete rethink of the site top a more suited proposal.

Kind Regards,

Michael Seraglio

**RE: Submission Reference DA 22/11595 – Lot 768 - 5 Diggings Terrace, Thredbo  
Construction of Tourist Accommodation buildings**

My name is Dino Seraglio, the Director of Khash Holdings Pty Ltd, which has owned the lodge namely, Melaluca 3 on Lot 776 Diggings Terrace Thredbo for 30 years. I refer to the above application and thank the Department of Planning and Environment for the opportunity to comment and provide some input to this application, from an adjoining owners perspective. Together with other adjoining landowners, I feel that the proponent has ignored the guidelines that are ascribed to the property and location, some dialogue should have been entered into between the proponent and the neighbours and seek some input, before this grossly overbearing development was put forward, in this part of Thredbo, with its surrounding small lodges and cabins.

Having an affinity with Thredbo and since the 1970's and subsequently bought Melaluca 3, in 1991, we use the property when vacant as a second home, both summer and winter. I have read the Statement of Environmental Effects (S.E.E.), the Urban Design Report, Sellicks Traffic Report and others attached to the application. I am dismayed that these reports, in part misrepresent and fail to address major issues that this large scale development typically creates. Therefore, it is important that a concise representation be made by the authors of these various reports, even more imperative given the departure by the proposal of the statutory provisions. This overwhelming proposal that does not deliver the first principles of town planning of a good outcome for impact, character, streetscape and amenity to the location.

The Thredbo Master Plan of 1988 and subsequent update in 1994, which sets guidelines for development proposal in Thredbo. Adherence to the Master Plan and guidelines have created a local niche precinct with its small lodges and cabins, as seen on the aerial DKO Plan 101.

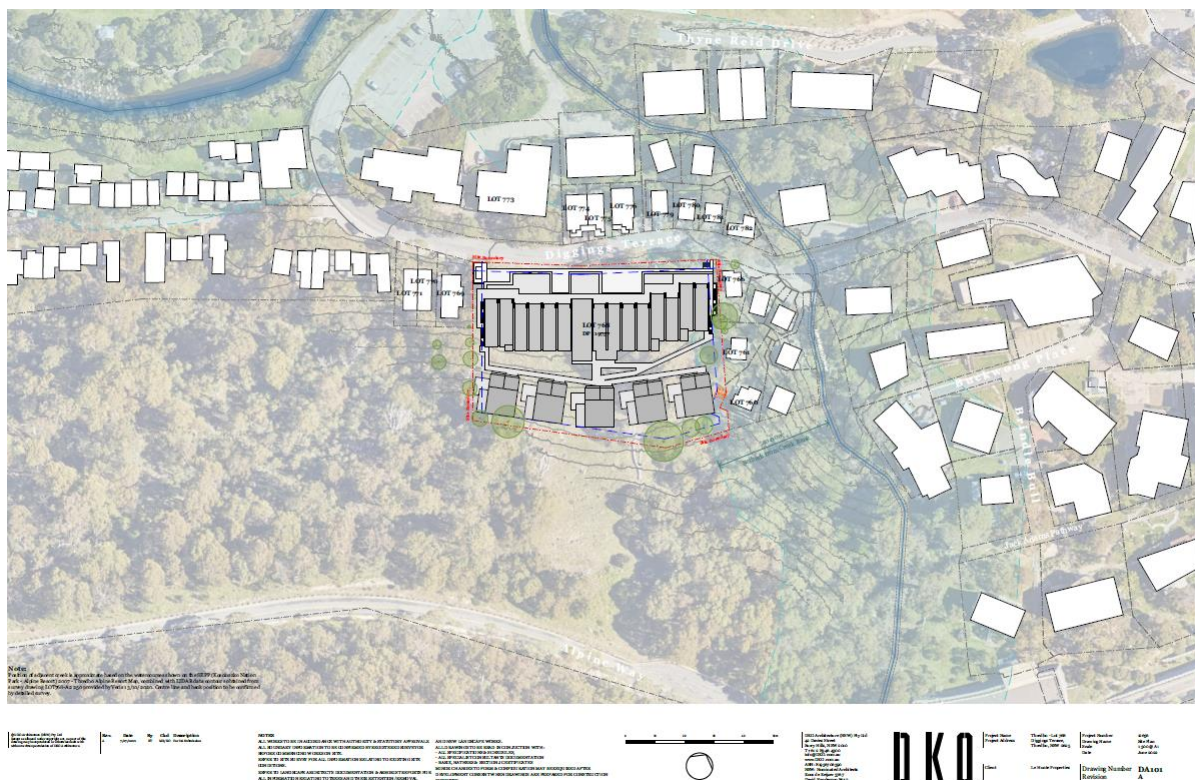


Figure 1 - DKO Plan 101.



On this plan it is clearly visible, how out of context that the applicants proposal on Lot 768 is. Numerically, the small lodges have an approximately 70 sqm footprint, 2 and 3 storeys with single domiciles and the proposed development has a footprint of 2,118sqm and covers 68% of the site and continuous black cavernous openings for the whole length of 79 metres of street front. The development is approximately 30 times the size and is hardly compatible to the current surrounds, and does not provide an attractive or active streetscape.

The developers have ignored the Thredbo Master Plan for the precinct and have attempted to justify this excessive development for the site, by drawing a comparison, which is described by the proponents as local character. With buildings that are 500-600 metres remote from this site. These buildings are in the central and commercial hub. i.e. Alpine Apartments, Denman, Belvedere and Silver Brumby and others. These buildings are not remotely comparable with the character of the western precinct and the development site. The proponent's contention that these properties are in keeping with a local character i.e. the western precinct is factually incorrect.

As lodge owners having such a disconnect to the application before the DIPE. Khash Holdings Pty Ltd, together with other surrounding property owners, have engaged some expert advice and peer review of the development application documents, namely:

1. GMU Urban Design Review
2. TTP Traffic Review
3. Apex Law Planning and Environment Advice
4. Upside Planning review of the application
5. CMC Lawyers half road closure advice
6. SJH Planning review of the application

These documents will be lodged under separate cover, and will provide an unbiased critique of aspects of the application and its short comings, and the reviews have clear issues with many aspects of the application as lodged.

Further, on review of the front page of the application, DKO Plan DA 000 (figure 2), the front page of the S.E.E. and page 24 and 25 of the S.E.E. and many other reference of these particular images, which actually misrepresent the street surrounds and proximity of lodges on the northern side of Diggings Terrace. We attached Google images i.e. figure 3 looking westward and figure 4 looking in an easterly direction. You will note the differences in the images and the proximity of the lodges across the road, which are approximately only 10 metres away from the proposed garage walls and street alignment.

Development Application

### Thredbo - Lot 768, Thredbo, NSW, 2625





Figure 3- Westward Direction



Figure 4- East Direction

I have read the Sellick Traffic Report, a very casual and underwhelming report, which has not addressed many of the major issues, which will affect the orderly traffic flow around Thredbo and more importantly traffic and car park interface with some of the lodges surrounding this development. Herewith, figure 5 DKO Plan 201, highlighting:

- a. the half road closure proposed,
- b. the northern stairs, the main pedestrian access,
- c. the set down area which is a 1 metre setback off the front boundary, close to the lobby area

In reference to item (b) above and figure 5, due to the building being so close to the front boundary, the northern stairs discharges pedestrians onto the active road way in the blind corner, with no immediate footpath for pedestrian refuge. Also, a foot path is an essential component of any development of this site, as it provides better amenity and separation.



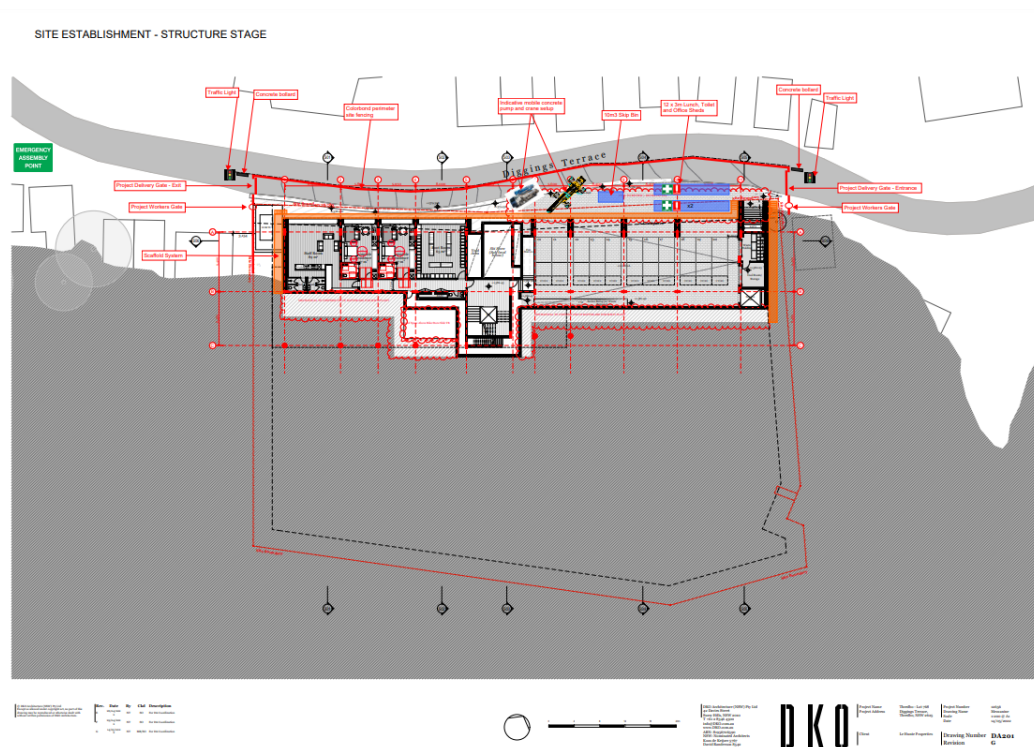


Figure 5 - DKO Plan 201

The Sellick Traffic Report has not carried out any of the following:

- No discussion of the potential car parking spaces showing as tandem on the Sellick Plan,
- No formal traffic count was carried out to determine the extent of traffic disruption of vehicles reversing into the car park,
- No discussion on potential car parking conflict between the lodges on the northern side of the road,
- No discussion on the half road closure and affectation - How and When / Arrangements,
- No discussion regarding pedestrian conflict with vehicles and bicycles on the blind corner,
- No discussion on Digging Terrace being a main through road,
- No discussion regarding difficulty with car parking access, during the snow season, with the snow plough creating berms of snow on the side of the road, therefore, making the road narrower,
- No discussion of staff car parking,
- No discussion of number of car spaces required for 90 beds,
- No discussion where the short fall car parking spaces are to be provided,

Relating to item c above, figure 5 - DKO Plan 201, highlights the distance of the main lobby set down area, which have been referenced on this plan as 1.034 metres from the front boundary to the front wall of the proposed building. Refer to figure 6, a photo taken on site, with a pink ribbon tied to the front boundary survey pegs. The set down area is approximately the centre of the site and is the closest position from the road to the front boundary, as seen by the pink ribbon. Therefore, the consequence as clearly highlighted, that a car parked in the set down area in front of the development is actually partly on the road way, this would disrupt the flow of traffic, and not to mention traffic reversing into the car spaces.



Figure 6

Anecdotally, on review of several commercial car parking areas, the typical lane width between car parking spaces appears generally over 6.4 metres. However, in front of Lot 768, we have a public road which has a width of 6 metres with consistent active traffic, including trucks, snow berms in winter either side of the road, making the road even narrower. Furthermore, we have vehicles with drivers that are unfamiliar with the garaging arrangements trying to manoeuvre across active lanes of traffic into these garage spaces, a recipe for problems. Selicks Traffic Report **does** identify there are safety issues with site lines and therefore, proposes reversing into the car parking areas. Furthermore, a guard rail is called for on the western side of the proposed development, however, no mention of any requirement on the eastern side of the development, which also has car parking in front of the lodges thereby creating potential conflict between vehicles.

Further, the amenity of our lodge will be directly affected and impacted as our front door is less than 10 metres away from the current garaging arrangement of the proposed development. We will be looking into a cavernous black hole. Undoubtedly, this car park will be lit by sensor activation lighting, and therefore, potentially will be a black hole. This will potentially create a security risk, as this under cover open area generally secluded and will have limited pedestrian traffic, therefore, could attract some undesirable and antisocial elements. This car park should be fully enclosed with a single secure access point, which would alleviate any security issues and would create a better streetscape than the current proposal.

The applicant is proposing a bar and restaurant that will operate until 2am, whilst throughout the application the S.E.E. and Urban Design Report states that the proposed developed has been designed to minimise impacts on the neighbouring sites. Patrons which are at the bar, which can access the balcony until 2am in celebration, with lodges only 10-20 metres away, **minimising impact will be difficult**. This will have a detrimental effect to the neighbourhood generally and more specifically to our lodge. This situation is untenable, for the adjoining properties. Bars and restaurants should be provided in the central area of Thredbo, amongst other facilities and venues already provided.

As we are in Kosciuszko National Park it seems very appropriate that a proper assessment of trees to be removed should be carried out. The report however, articulates that 1 Hectare of trees are to be removed. **It's the development that needs to be removed, not the trees.** It is also noted that to reduce to fuel load, to enable a mere 15 metre fire APZ, more trees are to be removed from the adjoining lot. Obviously, the author of the report was not in Thredbo in 2003, when the entire village was evacuated, except for core personal, due to the fire from the west, which was many hundreds of metres away, noting the report from Upside Planning articulating that the minimum APZ should be 100 metres not 15 metres as proposed.

Stormwater has not been discussed in detail by the reports, yet it is imperative for our lodge, as the road stormwater partly discharges via a flume drain through our land, Lot 776. No discussion of any upgrade, which will affect our land has been put forward. Whether any drainage upgrade is proposed to be carried out.

Finally, after spending many hours reviewing the documentation, this application has not provided a Any justification that this building has any merit or compatibility to the surrounds to be placed on this site. Notwithstanding that the above site is identified as a Key Development Site, the application does not provide for orderly use of land or promote good design and amenity to the location and neighbourhood, therefore, a resounding refusal is warranted and a complete review of the site and its attributes together with Geotechnical expertise, noting the risk of landslip, a new proposal needs to be put forward, which is more in keeping with the location.

Should you have any queries, and happy to participate in any discussion, please contact myself on 0410 539 007.

Yours Sincerely,  
Dino Seraglio  
Director Khash Holdings Pty Ltd

SUB-3116

2<sup>nd</sup> November, 2022.

Minister for Planning & Public Spaces  
Independent Planning Commission

Regional Assessments  
Department of Planning & Environment

**On-Line Submission – NSW Planning Portal**

Dear Sir/Madam,

**Re: PAN-257248**  
**Development Application No. 22/11595**  
**Proposed Tourist Accommodation Development**  
**Lot 768 DP 1119757 No. 5 Diggings Terrace, Thredbo.**

We write on behalf of adjacent owners impacted as a consequence of the shortcomings in design particularly in relation to vehicular access, manoeuvring and carparking, streetscape, character and amenity for a project with likely external impacts resulting from its inclusions of Wellness and Day Spa, Yoga and Gym facilities. Inclusion of food and beverage facilities (Restaurant and Bar) accessible to the general public with the proposed 2am license, brings with it social impact obligations which remain unaddressed in the application documents.

Social impact obligations arise also as a consequence of the “open” parking undercroft, accessible 24/7 to those with and without entitlement which gives rise to perpetual antisocial and authorised access concerns.

Concerns arise in relation to the design and supporting documents which understate the level of non-compliance of street setback requirements which are misleading in relation to the total carparking accommodating which locates, at grade, covered carparking for 20 cars perpendicular to Diggings Terrace in a manner reminiscent of now derided 1960's “Schedule 7” walk-up flats. Such design solutions typically attract criticism by the introduction of at-grade parking perpendicular to street alignments and the resultant impacts on vehicular and pedestrian safety, streetscape, and character.

The 20 carparking spaces identified on architectural plans are forward of “storage space”; storage space suitable, by reference to the diagrams within the Traffic and Waste Statement, for the “storage” of an additional 18 vehicles i.e., a total of 38 vehicles might be accommodated, almost doubling the potential vehicular conflict in Diggings Terrace.

The Urban Design Report accompanying the application understates the implications of the garage inclusion by describing the covered carparking arrangement as “...*breaking up of podium base massing to reduce perceived building length...*” without reference to the failure to comply with setback requirements and the imposition in perpetuity of undesirable forward entry and reverse exit restrictions and unacceptable vehicular and pedestrian conflicts. The disparity between the “words” within the Urban Design Report and the actual design inclusions is further discussed in the attachment.

**Town Planners . Building Designers . Local Government Liaison. Project Management**

1 McCauley Street, Davistown NSW 2251

**M: 0418 223301 . T: 4321 0580 . E: [planning@sjh.net.au](mailto:planning@sjh.net.au)**

ACN 607 825 801



The Traffic and Waste Statement and accompanying vehicle turning path plans describe the required access as being reverse entry and forward exit to reduce potential traffic conflict but still requiring safety rail installation on the opposite side of Diggings Terrace. The vehicle turning path plans incorrectly assume generally west-bound approach of vehicles to facilitate the reverse manoeuvre entry as described. For entering vehicles to make such a manoeuvre will require all to make a "U" turn remotely and eastward of the site.

The Traffic and Waste Statement, together with the Statement of Environmental Effects and Urban Design Report all fail to identify the constraints and hazards imposed by the narrow width, horizontal and vertical alignment of Diggings Terrace and its capacity to accommodate high volumes of both vehicular and pedestrian traffic; an environment where the introduction of multiple points of conflict ought to be more thoroughly considered.

Commentary within the Urban Design Report compares design inclusions to other monolithic developments in Thredbo Village while failing to recognise the local character which defines the precinct. It offers no explanation or justification as to why the proposal must dominate the existing character and well-mannered cottage scale streetscape presented by the existing development on the northern side of Diggings Terrace.

The proposal as submitted introduces unacceptable conflicts of vehicular and pedestrian traffic in the narrow and constrained alignment of Diggings Terrace, neither of which are properly or fully examined in the architectural plans or supporting documentation accompanying the application.

The proponent approaches the site with a scorched earth philosophy, removing all remnant vegetation, relying on token compensation and minimal soft landscaping within and external to the site.

For the reasons outlined above, and in the attachment, the proposal is objectionable as it fails to meet minimum safety requirements in relation to vehicular access, contemplates non-compliant reverse entry to facilitate forward exit of vehicles contrary to minimum safety standards in a longitudinal garaging arrangement dominating the streetscape and eroding local character. Matters warranting scrutiny are likely to be identified in the assessment process and may include inter alia elements identified in the attachment.

Until and unless the issues raised in this submission are addressed by redesign, the application warrants rejection.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'John Hancock', with a large, sweeping loop extending from the end of the signature.

**John Hancock**

CC:Client

## **Submission in relation to development at Lot 768 / 5 Diggings Terrace, Thredbo**

**D/A: 22/11595**

### **Proposal**

The proposal advanced relates to a mixed-use development comprising residential and publicly accessible commercial premises (bar & restaurant) which give rise to the need for social impact assessment and plan of management, elements absent from the application.

Occupying the full frontage of the site to Diggings Terrace and dominating that frontage with "Undercroft Carparking", the carparking arrangement adopts an unconventional vehicular access arrangement requiring multiple reverse manoeuvring arrangements to 20 parking spaces as described in architectural plans. Reference to the applicants civil engineering drawings, shows an increase to 38 carparking spaces, all of which will require unconventional and multiple vehicular movements to provide entry and exit.

The Statement of Environmental Effects describes the proposal as including 16 attached accommodation units, together with five detached accommodation units; a description of the residential inclusions referenced in supporting documents, including the Bushfire Threat Assessment Report. Closer scrutiny of the drawings indicates the skilful design of those 16 attached units as being capable of "dual access", effectively doubling the number of attached accommodation units to 32, and testing the veracity of those supporting documents.

The inconsistency between the parking and residential capacity as portrayed in the applicant's submission suggests that the submission documents are misleading, and consequently render the submission documents unreliable.

The introduction of a non-compliant, awkward, and potentially dangerous vehicular access arrangement across the full width of the site conflicts with the physical constraints, horizontal and vertical alignment and challenges the width capacity of Diggings Terrace.

The vehicular access arrangements proposed conspire to introduce vehicle and vehicular/pedestrian conflicts and danger across the full frontage, impact on the safe utility of properties opposite, and concentrate potential conflicts on the North-Eastern most extent of the frontage where site distance is minimum, pedestrian activity maximised, and disabled carparking located.

### **Statutory Matters**

#### **State Environmental Planning Policy (Precincts-Regional) 2021 – Chapter 4 Kosciuszko National Park and Alpine Resorts.**

The objectives of the policy include that of encouraging a range of development "that do not result in adverse environmental, social, or economic impacts...".

There are potentially adverse environmental, social, and economic impacts likely to arise as a consequence of approval of the current proposal.

The SEPP schedules matters to be considered by the consent authority including:-

#### **[A] Clause 4.12 (1)(c) "...having regard to the nature and scale...including cumulative impacts..."**

**Comment:** The nature and scale of the proposal as advanced is one which mathematically reflects the overtly enlarged frontage and area of the site reflecting the "residue" lot status of the land. The unfortunate consequence of adopting minimal setbacks to the front and side boundaries of the land manifests in the resultant overbearing scale and mass of the building from any and every vantage point, including that at "streetscape" level, and as represented in photo montage information advanced from the public vantage points on the main range.

**[B] Clause 4.12 (1)(e) “...an analysis of the existing character of the site and immediate surroundings...”**

**Comment:** This objective carries with it the caveat as applying “*if* the consent authority is of the opinion that the development would significantly alter the character of the alpine resort...”.

The applicant Statement of Environmental Effects asserts at the foot of page 45 that “...*the design of the development is consistent with the predominant built form located within the resort...*”; an assertion unsupported by a review of the facts and relying almost entirely on a “helicopter view” of urban design elements focussed on existing, established and larger scale developments, none of which are within proximity of the site.

The proposal to insert a monolithic and oversized development as is advanced flies in the face of any practical assessment and appreciation of the multi-faceted and cottage scale of existing development, which creates the character and streetscape of Diggings Terrace worthy of retention, and likely to be significantly altered should the project proceed.

**[C] Clause 4.12 (1)(i) “...any visual impact of the proposed development particularly when viewed from the main range...”**

**Comment:** Relying on the photo montage representations advanced by the proponents and comparing those representations to “ground truthed observations” confirms inter alia;

1. That image on the front page of The Statement of Environmental Effects overstates and exaggerates the constructed width and trafficable surface of Diggings Terrace, deletes the existing constraint ie. the retaining wall that exists on the alignment of Diggings Terrace immediately to the East of the subject site, as it does the street furniture and access to perpendicular parking servicing those chalets immediately opposite the site.

The visual ramifications in terms of streetscape are not properly nor fully examined, while photo montage submissions conceal the likely cavernous undercroft that will dominate the street. The photograph below is a more accurate representation of the streetscape as presented on the front page of the Statement of Environmental Effects. The reader’s comparison between the two will highlight the shortcomings and misleading aspects of photo assets provided by the proponent.





2. Views of the site from distant locations, including vantage points within the main range, will reveal the unforgiving monolithic scale and repetition of architectural style of the main building and its dominance of the exposed hillside location.

The building will become a dominant element in the townscape when viewed from various vantage points on the valley floor, presenting a remarkable and negative change in building form and scale, to that which typifies the lower slopes and especially those which create the pattern of settlement and "human scale" of Diggings Terrace.

**[D] Clause 4.13 "Additional matters to be considered for buildings"** at clause 4.13 (1) building height sub clause (f) "...if (emphasis added) the building is to be erected in an alpine resort other than Thredbo...".

**Comment:** While the applicant's submission contains no reference to this provision, that does not infer nor imply that height ought not be a matter for serious consideration. The building height as is advanced is entirely out of scale with all its neighbours and need not so dominate the precinct to achieve optimum utility of the site's capacity.

The scale, bulk, and height of the building needs to be revisited in the context of the existing and established pattern of development when viewed from the streetscape of Diggings Terrace, from the valley floor, and from those public domain viewing opportunities remote from the site.

**[E] Clause 4.13 (2)** obligates the consent authority to take into consideration the proposed setbacks to **"assist in providing adequate open space...(and)...landscaping between the building and other buildings...(and)...impact on amenity"**.

**Comment:** Nothing in the review of the plans, accompanying SEE or overall design satisfies even a cursory assessment of the proposal against requirements of the SEPP. In those circumstances the application fails and must be rejected.

## Consideration

Externalities including vehicular access / traffic generation, and the way those aspects might be managed, are but two of the externalities that might be addressed by others in identifying shortcomings of the proposal. There are others, including those addressed below:

### 1. Compatibility with streetscape and locality:

The streetscape of Diggings Terrace to the North, the South and West of the site is well-established and well-mannered local character, predominantly cottage scale with modest frontages, and buildings with a high degree of articulation. That scale of development achieves a human scale of streetscape with a diversity of architectural style and unifying aesthetic, featuring a compatible pallet of materials.

The generally narrow and variable width of Diggings Terrace creates a generally low speed shared pedestrian / vehicular environment, affording shared access of pedestrian and increasing volume of cyclist traffic.

The monolithic scale, horizontal and vertical dominance of the proposal on a minimal and non-compliant setback, and the conscious decision to create a cavernous carparking garage puts the proposal at diametrically opposite ends of the streetscape and reasonable expectations of owners and consent authority.

The overbearing scale and dimensions from a streetscape perspective will have the effect of destroying the existing human scale. Coincidentally and via the introduction of multiple reverse manoeuvring requirements, the proposal will destroy not only the well-mannered physical streetscape but unnecessarily create vehicle and pedestrian dangers in perpetuity.

From more distant vantage points, the monolithic scale and bulk of the edifice will detract from rather than contribute to the alpine resort-scale clearly established by the scale and nature of existing buildings.

## **2. Traffic Issues**

In addition to the traffic issues referenced above, the construction phase introduces the need for the installation of a building hoarding on an alignment approximating the centre line of Diggings Terrace for the full frontage of the site. That component will result in an unacceptable impact in terms of vehicular access in the resort town at large, denying access to each and all the chalets within Diggings Terrace, opposite the site.

We are instructed that there has been no consultation in that regard, and this circumstance where public access is denied for an unspecified period is objectionable.

Others may address vehicular access and traffic in more detail, but as mentioned above in this report there are inconsistent references to vehicular access and parking arrangements which, when examined, highlight the shortcomings of this proposal in relation to:-

- a. Carpark Design – insufficient width for safe entry / exit
- b. Cumulative Impact – of multiple perpendicular access dominating what ought to be a pedestrian “shared zone”
- c. Absence of proper assessment of existing traffic conditions – including the need for proper management of construction vehicles, together with maintenance of vehicular access to adjacent properties, and the safe accommodation of pedestrian and cycle traffic
- d. Insufficient and impactable “stacked” parking, total parking provision, absence of safe set down / pickup facilities - attempts to misrepresent and conceal the inability to safely enter and exit parking spaces perpendicular to Diggings Terrace
- e. Inconclusive, insufficient, and misleading swept path analysis

## **3. Urban Design**

Urban design is identified as an element of planning taking into account the fundamentals of geography, connecting the component parts of urban development including; site analysis, social and economic elements, site constraints and opportunities to be accommodated within the character and architectural “fit” of development as well as impact upon adjacent amenity, services, traffic and carrying capacity of resort infrastructure.

While the proponent considered “urban design” of such significance to warrant a dedicated report (DKO 08/07/22), that report contains multiple motherhood statements, misrepresenting the actual proposal inferring that it achieves and satisfies that “vision...to provide an exemplar, high quality...development (pp. 25)”, when it does not.

The report speaks of “...the intent to have the design...contextually responsive to the existing alpine design, character, and village feel...”. Without irony, it describes how “the design nestles the built form into the land form, and utilises the site's position to provide users with strong visual connection to the border landscape, while minimising impacts on neighbouring sites”.

A critique of the content of the urban design report reveals the author's use of relevant and appropriate words. Comparison of the text with the drawings however confirms that those words misrepresent the actual proposal, especially in relation to the description of "built form and massing" constraints.

In 44 pages of text and photographs, the urban design report fails to identify any shortcomings of the proposal, of which there are many including:

1. The ill-fitting scale, bulk, height and mass, which is at odds with what the author describes as the "distinct village form and feel (pp. 7)"
  2. Reliance on the narrow and variable width of Diggings Terrace by both vehicles and pedestrians, including pedestrians relying on Diggings Terrace as providing access to "the main bus stop from Thredbo 450m from the site (pp.8)", and the potential conflict with multiple vehicular movements generated by the commercial component of the building (sometimes in challenging weather conditions) across the entire frontage of the entire site, which is dominated by carpark/garaging
  3. Purported "justification" of the elongated footprint and inclusion of ground level perpendicular parking by comparison of the proposal to institutional scale buildings including those fronting Friday Drive and Mowamba Place (a commercial precinct abutting public carparking and coach parking, not cottage scale chalets as in Diggings Terrace); and
  4. Inference that the employment of stonework to the base as the unified aesthetic somehow justifies the absence of suitable setbacks and vertical scale.
  5. Careful selection of the "observer" position in montage representations of the carparking façade misrepresents the cavernous "black hole" that will confront residents and pedestrians in Diggings Terrace. This element is described at page 36 as "The proposal's presentation to the street was a primary design consideration...for practical parking sufficient for the development but minimising the visual impact...to the streetscape". In reality, neither are achieved, ie. the parking arrangement does not comply with AS2890, access requires multiple manoeuvres and reverse entry. The streetscape will be dominated by dark voids with variable heights above street level from about 2.1m to over 3m, concealing potentially anti-social activities and limiting casual surveillance contrary to Crime Prevention Through Environmental Design (CPTED) principles.
- The Author's advice at page 36 that "...incorporation of the design of the carparking into the architecture of the building base seeks to improve the aesthetic appearance" is an admission that the intention has failed. The parking arrangement, in spite of the inclusion of vertical stone blades, crowds and dominates the public space of Diggings Terrace. It's effectively nil setback, removes any practical provision or opportunity for vehicle set down and/or pedestrian infrastructure, resulting in an unacceptable interface of a building on a sensitive site, on sensitive receptors adjacent.
6. Reliance on buildings remote from the site as examples of existing development to justify the unacceptable built form, scale, and setbacks (page 37), suggests that the presence of other buildings elsewhere in the village is sufficient "precedence" for a building of the length, height, scale and absence of articulation of that proposed. It is not sufficient for a proponent to point to other (good or bad) examples and say that is sufficient justification for an ill-fitting, overtly oversized and unarticulated edifice.
  7. Bulk, form, scale and visibility information in support of the proposal is of equal or perhaps even greater determining weight **against** the proposal. From street level the building presents as an unacceptable impost on the cottage scale character and sensitive public space of Diggings Terrace. From remote vantage points, it presents as a misplaced and out of scale institution.



Simply put, the urban design report in describing the context and fit of the proposed building in spite of its ambition to do otherwise, misrepresents the proposal from an urban design context and fails to identify any redeemable elements of design other than the choice of materials.

It does not satisfy the multifaceted design approach required to disguise the length, mass, or scale of the building in order that it might “fit” the landscape or the overall village built form and character.

## **Conclusion**

The proposal relies on plans and documentation that are inconsistent and misleading. Approval will cause negative impact in terms of local streetscape, detracting from the residential amenity of all those chalets opposite and East and West of the site in Diggings Terrace.

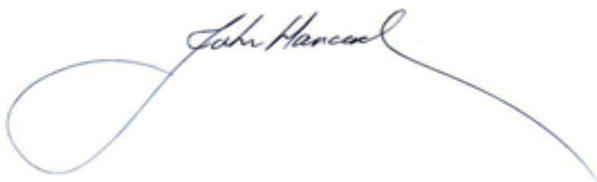
In the short term, traffic management assumptions will deny access to all those properties adjacent. The longer-term traffic impacts will manifest in perpetuity – impacts on streetscape, vehicular & pedestrian safety.

Vehicular access arrangements as proposed for a mixed use development are “unconventional” at best, being misrepresented, non-compliant, and dangerous. Ignoring the pedestrian reliance on Diggings Terrace is but one shortcoming of the traffic issues that require resolution. The inclusion of licensed bar and restaurant facilities demands the provision of a social impact assessment together with management plan details as to the long-term operational details and containment of externalities. None of these have been provided and no details thereof.

While the proposal not only “looks different” to the established streetscape, it introduces foreign elements of height, bulk, scale, reduced setbacks – a monolithic representation to such an extent as to destroy the local character of Diggings Terrace.

The site’s utility may be achieved by way of a better design; a design that does not compromise the statutory controls, nor the broader and historical planning objectives for the alpine villages. A better design is one that might be developed in consultation to ensure harmony in terms of streetscape and not compromise statutory controls or resort amenity of Diggings Terrace.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'John Hancock', with a large, sweeping loop at the end.

**John Hancock**

To the Minister,

I am writing concerning proposal DA 22/11595 the development of Lot 768 on Diggings Terrace in Thredbo.

I wholeheartedly object to this proposal. I have been a regular visitor to Thredbo for more than twenty years and find this project repugnant.

The proposed development will greatly disturb the charm of Western Thredbo, detracting from visitors' and property owners' enjoyment of this tranquil area. The aesthetic beauty of this part of Thredbo is due to the situation of small-sized buildings in and amongst the bushland. The proposed development is not in keeping with this atmosphere. The proposed development will overshadow existing buildings, impinging on the privacy and enjoyment of patrons to these existing residences. Likewise, the inclusion of a restaurant with long opening hours would be an obnoxious addition to Western Thredbo, which is valued for its peacefulness compared to other areas in the village. The scale of the project represents a total ignorance of alpine culture in Australia.

Diggings Terrace is a narrow road which already experiences crowding due to shared pedestrian and vehicular activity. The increased traffic brought by patrons to the planned development will doubtlessly put lives at risk. Additionally, the increased numbers of residents in a ski-resort (which already regularly reaches capacity) will put pressure on emergency services such as the local fire department. During the construction of the proposed development, safety of village patrons will also be put at risk due to extensive road closures which will also force alterations to the shuttle buses used within the resort. Previously "engineered" developments in Thredbo have succumbed to catastrophic landslides. A structure the size of the one proposed here increases that risk.

The proposal will also cause significant damage to the alpine environment through the removal of live trees and cutting deeply into the hillside. This is an overdevelopment of Kosciuszko National Park, which first and foremost is a preserve for the natural alpine

environment. Loss of wildlife and biodiversity within Thredbo Village is a likely consequence of this development.

I call upon you to reject proposal DA 22/11595.

To the Minister,

Please note my objection to the proposal for the development of DA 22/11595 Lot 768 5 Diggings Terrace Thredbo.

I have been a regular visitor to Thredbo for 20 years. I care about maintaining the safe and charming atmosphere that is Thredbo village.

For the following reasons, the proposal should not be allowed to proceed:

- The proposal will overdevelop Western Thredbo, detracting from the natural tranquillity of this area.
- The proposal will introduce loud and obnoxious bars and restaurants to the quiet and peaceful Thredbo scene.
- The proposal has no consideration of local buildings in the environment, overshadowing existing residents.
- Diggings terrace is a narrow road, with blind corners. Thredbo is a pedestrian, family, and cyclist-friendly area. By building this obscene structure on a shared road, the lives of pedestrians, cyclists, and children will be greatly endangered.
- The introduction of this monstrous-sized building in a landslide-prone area is of high risk, both for human safety and the economic expenses it will cause.
- It exceeds the allowable surface area for the building footprint and breaches all the mandatory setbacks and heights for buildings in the area.
- The proposed electrical station borders on the neighbouring property, placing neighbours at risk. The electrical station will be loud, disrupting the serene environment, particularly for neighbours.
- Thredbo is in a national park. The entirety of this landscape should therefore be protected. However, the proposed development has significant environmental impacts. It will remove numerous native plants and trees, in addition to dead logs which provide essential macro- and microhabitats in this national park.

I urge you to reject this proposal, as I wholeheartedly do. Please let me know the outcome of my objection.

Ref: 037/2022

7 November 2022

**TO:**

Aspect Chalet 1, 2 Diggings Terrace  
Aspect Chalet 2, 2 Diggings Terrace  
Aspect Chalet 2A, 2 Diggings Terrace  
Aspect Chalet 3, 2 Diggings Terrace  
Aspect Chalet 4, 2 Diggings Terrace  
Aspect Chalet 5, 2 Diggings Terrace  
Aspect Chalet 6, 2 Diggings Terrace  
Ben Halls, 3 Diggings Terrace  
Creek Cottage  
Kaella 2, Diggings Terrace  
Melaleuca 2  
Melaleuca 3  
Picocolo  
Sneznik, Diggings Terrace  
c/- Suite 1, 307-317 Condamine Street  
MANLY VALE NSW 2093

**By e-mail**

Dear Sir/Madam

**REVIEW AND OPINION IN RELATION TO DA22/11595 – 5 DIGGINGS TERRACE, THREDBO**

**Introduction**

1. We refer to your instructions to review Development Application 22/11595 lodged with the Department of Planning on (“**the DA**”) for the purpose of assessing whether the DA has been validly made and whether it can be lawfully determined.
2. The DA seeks development consent for the purpose of the construction and use of a tourist accommodation development (“**the Development**”) including: vegetation removal; new part 4/5 storey building comprising 16 attached accommodation units; recreation and food and beverage facilities including a restaurant and bar; street level car parking and bicycle spaces; construction of 5 x 3 storey detached accommodation units; associated drainage; and services and landscape works at 5 Diggings Terrace Thredbo (“**the Site**”)

3. We have reviewed all of the documents lodged with the DA and which are on the Planning Portal. In our opinion, there are a number of matters which have not been fully considered and assessed by the Applicant. Accordingly, we consider that for the reasons set out below, the DA must be refused.

### **Tree assessment and removal**

4. The DA has been lodged with a Biodiversity Assessment Report prepared by NGH Consulting ("**BAR Report**"). The BAR Report acknowledges that "The entire site is likely to be cleared either fully or partially for buildings, hardstand and asset protection zones (bushfire hazard reduction) ...."
5. The BAR Report contains no attempt to analyse whether any of the existing native vegetation, which, we are instructed, includes over 30 Eucalyptus pauciflora (Snowgums), can be retained. The exact number of trees to be removed is not in fact nominated on any documentation submitted with the DA including the architectural, landscape or engineering plans. In our experience, the failure to engage an arborist to assess and consider the design of the development so as to retain at least some of the significant vegetation on the Site is a major failing of the Development.
6. The lack of consideration to tree retention can be seen in the site analysis prepared by both the project architect and landscape architect. Both of the site analyses prepared by the project architect and landscape architect fail to identify the native vegetation on the Site as being a relevant site consideration and constraint.
7. We note that the Statement of Environmental Effects prepared by SJB Planning dated August 2022 ("**SJB Report**") acknowledges that the vegetation proposed to be removed is up to a maximum of 1 hectare on the Site to accommodate the building form and on adjoining land to accommodate the required bushfire asset protection zone. The SJB Report, thereafter, provides no analysis or commentary about any design measures that could be taken to limit the amount of vegetation removal.
8. We consider that the lack of analysis regarding the vegetation removal is a fundamental flaw with the proposal. Clearly, the Applicant has not sought the advice of a professional arborist presumably because the design model is to construct the building across the full width of the Site with no regard to vegetation retention.
9. Of particular note in relation to the assessment provided in the SJB Report is the failure to give real and genuine consideration to the provisions of clauses 4.13(2) and (3) of State Environmental Planning Policy (Precincts – Regional) 2021 ("**the SEPP**"). The relevant provisions are reproduced below:

(2) **Building setback** In determining a development application for the erection of a building on land, the consent authority must take into consideration the proposed setback of the building (where relevant) and the extent to which that setback—



- (a) assists in providing adequate open space to complement any commercial use in the alpine resort concerned, and
- (b) assists in achieving high quality landscaping between the building and other buildings, and
- (c) has an impact on amenity, particularly on view corridors at places in the public domain where members of the public gather, and
- (d) is adequate for the purposes of fire safety, and ...

(3) **Landscaped area** In determining a development application for the erection of a building on land, the consent authority must take into consideration (where relevant) the extent to which landscaping should be used—

- (a) as a means of assisting in the protection of the unique alpine environment of the alpine resort concerned, and to maximise its natural visual amenity, for the benefit of visitors and natural ecosystems, and
- (b) to assist in the provision of adequate open space to complement any commercial use in the alpine resort concerned, and
- (c) to limit the apparent mass and bulk of the building, and
- (d) as an amenity protection buffer between the proposed building and other buildings, and
- (e) as a means of reducing run-off, and
- (f) to protect significant existing site features and limit the area of any site disturbed during and after the carrying out of development.

10. It is evident to us and, we would respectfully suggest to anyone who undertakes an objective assessment of the matter, that the Development has not been designed to meet the requirements of clauses 13(2) and (3) of the SEPP.
11. In respect to the proposed tree removal and the statutory considerations, the Development fails to:
  - (a) provide adequate open space to complement any commercial use in the alpine resort concerned;
  - (b) assist in achieving high quality landscaping between the building and other buildings;
  - (c) retain vegetation so as to limit the impact on amenity, particularly on view corridors at places in the public domain where members of the public gather;
  - (d) does not provide the necessary bush fire asset protection zones on its own land and instead requires the removal of additional vegetation on adjoining land;
  - (e) assist in the protection of the unique alpine environment, and to maximise its natural visual amenity, for the benefit of visitors and natural ecosystems;
  - (f) limit the apparent mass and bulk of the building;
  - (g) provide for an amenity protection buffer between the proposed building and other buildings; and
  - (h) reduce run-off, instead increasing it through large expanses of hard surface areas.
12. In our opinion, the DA should be refused on the basis of the extent of tree removal on the Site and the failure of the Applicant to design the development to have due regard for the controls relating to tree and vegetation retention in the SEPP.

## Traffic and parking and construction access issues

13. We have reviewed the traffic and parking report prepared by Sellick Consultants dated 24 June 2022 ("**Traffic Report**"). The Traffic Report is very rudimentary. We note that the Traffic Report does not specify the required on-site car parking rates and how they were determined. It seems to merely accept that the 20 car spaces proposed are sufficient to cater for the demand to be generated by the Development. We consider that approach to be unacceptable in light of the universally known parking pressures in Thredbo during peak seasons. In the absence of any objective empirical data, the consent authority cannot make an assessment of the demand for parking to be generated by the Development. We consider that this is a matter that would warrant refusal of the DA.
14. We also note that the Traffic Report states that:
 

The parking movements at the ground floor carpark have the potential of causing traffic hazards along Diggings Terrace resulting in vehicles may falling over the edge across Diggings Terrace. It is therefore a requirement that guardrails be installed on the western corner across Diggings Terrace to ensure safety for both exiting drivers and other road users.
15. The guard rails referred to in the Traffic Report are shown on the civil engineering plans lodged with the DA. However, those plans do not and cannot show the full extent of the required safety guard rail as it would have effect of restricting vehicle access to properties across the Site on the north western side of Diggings Terrace. This is not a matter that could be the subject of a condition of consent. The impact of the location of the guard rail is too uncertain and would fall foul of the principle requiring such certainty arising from *Mison v Randwick Council* (1991) 23 NSWLR 734.
16. We also note the unreasonable timeframe proposed in the Site Environmental Management Report prepared by Construction Control dated July 2022 in respect to the proposal for one lane of Diggings Terrace to be closed and fenced off machinery and material loading requirements for a period of 9 months (February to November). This is an entirely unreasonable time period and impost given the effect of the half road closure on the accommodation on the north western side of Diggings Terrace (opposite the Site) which will be without vehicular access during the peak rental months of the year. The half road closure will clearly not allow an 85 percentile vehicle to access the parking spaces for the affected accommodation as those spaces are constructed on the front alignment immediately adjoining the Diggings Terrace road reserve. The lack of vehicular access will undoubtedly result in a significant revenue impact to the owners of the affected accommodation.

## Geotech considerations

17. We have reviewed the geotechnical report prepared by ACT Geotechnical Engineers dated 19 August 2022 ("**Geotech Report**").

18. We note that the Geotech Report fails to consider the risks and impacts from anything other than the Site. We consider this to be a gross failing in light of the landslip history in an around the Thredbo Alpine Resort.
19. In the Coroner's Report of the inquest into the deaths arising from the Thredbo landslide by Coroner Derrick Hand in 2000, the Coroner made specific note of a landslide issue at paragraphs 903 to 907:

903. Since the 1997 landslide, NPWS has undertaken extensive reconstruction works to the Alpine Way above Thredbo Village. Evidence was given that the Alpine Way has been reconstructed immediately above Thredbo Village to a factor of safety of 1.5. Prior to the landslide a factor of safety of generally less than 1.2 existed. Longmac Associates, the geotechnical consultants engaged to assist NPWS with the Inquest have advised NPWS that the risk associated with a further landslide occurring in that part of Thredbo which has been reconstructed is very low to very low/low. The possibility of further work being undertaken is under consideration. Instruments are monitoring slope movement, rainfall is being measured and the area is being inspected every three months by a geotechnical engineer.

904. The effect of these works has been to remove most of the original marginally stable Alpine Way fill from above the Village. There is still an area of Alpine Way fill above the western end of the Village above Riverside Cabins. KT2 has asked me to make a recommendation that the fill be removed from that area of the Alpine Way.

905. The families have also asked that I recommend that the Alpine Way be constantly monitored by NPWS experts in order to detect areas of instability particularly above the Village and that the Alpine Way and its associated areas be subjected by NPWS to regular and expert geotechnical assessment. It appears from the letter from NPWS of 1 March 2000 that the road is being monitored above the Village.

906. I do not know enough about the area of fill which remains above the western portion of the village to make the recommendation sought by KT2. I recognise, however, the concerns of KT2 and the families concerning the possible continuance of any of the conditions which led to the 1997 landslide.

907. I request that urgent consideration be given by NPWS to take account of KT2's request concerning the removal of Alpine Way fill from above the western portion of the Village. If possible it should provide a detailed explanation to KT2 of what, if any, risk it sees arising from leaving that fill in situ.

20. The reference in paragraph 904 of the Coroner's Report to "the area of Alpine Way fill above the western end of the Village above Riverside Cabins" is undoubtedly a reference to an area that includes Lot 876 (under the care and control of Kosciuszko Thredbo Pty Ltd). We have not been able to determine whether the fill in this area has been removed. It was clearly not removed during the extensive Alpine Way reconstruction following the 1997 landslide.
21. It is readily apparent to us that there must be the same extent of investigation and testing in respect to that portion of Lot 876 immediately above the Site in order for there to be any confidence in the conclusions and recommendations of the ACT Geotechnical Engineers.

22. In our opinion, the DA cannot lawfully be determined without such further geotechnical investigation and testing.

### Thredbo masterplan

23. We note your request to us to provide you with advice as to the relationship of the various planning controls to the Development and the development of Thredbo Alpine Village. The document which detailed the controls for many years (and remains relevant) is the Thredbo Village Masterplan published by Rice Dabney in 1988. The Masterplan was varied by the National Parks and Wildlife Authority by its adoption in July 1994 of a variation report to the 1988 Masterplan.
24. The 1988 Masterplan and the variation report were a required statutory consideration in the determination of development applications upon the coming into force of State Environmental Planning Policy No 73—Kosciuszko Ski Resorts ("**SEPP 73**") in 2002: see clause 12(b) of SEPP 73.
25. SEPP 73 was subsequently superseded by State Environmental Planning Policy (Kosciuszko National Park - Alpine Resorts) 2007 ("**2007 SEPP**"). The 2007 SEPP did not specifically refer to the 1988 Masterplan but neither did it have the effect of repealing it. We are aware from experience that the 1988 Masterplan still has a role to play in guiding the development of existing and new buildings in the Thredbo Alpine Village.
26. As you are aware, the State Government has recently adopted and made the Department of Planning and Environment responsible for preparing the planning framework for the Snowy Mountains Special Activation Precinct which includes Thredbo and comprises three key parts being State Environmental Planning Policy (Precincts - Regional) 2021; Precinct Master Plans; and Precinct Delivery Plans. The Precinct Masterplan does not yet contain any specific controls in respect to new buildings with the SMSAP area and the adoption of the more detailed control to be found in the Precinct Delivery Plans is some way off.
27. In our opinion, the 1988 Masterplan still carries weight and is a relevant matter for consideration. In the interim, pending finalisation of the SMSAP controls that the 1988 Masterplan continues to have a role to play in the development assessment of proposals in the Thredbo Alpine Village: see paragraphs 90-92 *Manly Stockland Development Pty Ltd v Manly Council* [2004] NSWLEC 472.
28. Specifically, we note that the 1988 Masterplan (and 1994 variation) contains controls in respect to side setbacks, height and site cover. The Development fails to comply each with each of those controls. Further, as mentioned above, the wholesale removal of the native vegetation is a very poor aspect of the Development and wholly contrary to the control in the 1988 Masterplan which requires the "siting of structures and planting to be designed to maintain and reinforce the tree canopy".

29. The Site is also designated to be in Zone 8B - Outer Western Precinct pursuant to the 1988 Masterplan (and 1994 variation). The Masterplan clearly seeks to limit the size and type of development in the Outer Western Precinct and, in so doing, prohibits hotel and motel development. That size and scale of development permitted by the Masterplan is consistent with the built form controls referred to above. In our opinion, the plain inconsistency with the Masterplan controls is a reason for refusal of the DA.

## **Conclusion**

30. We consider that there are a number of aspects of the DA that result in a clear finding that a valid and lawful assessment of the DA cannot proceed. In our opinion, the DA has not been properly made and it cannot be lawfully determined. The DA must therefore be refused.
31. We suggest that you provide a copy of this letter as part of your submission in respect to the DA.
32. Please contact us if you have any questions in relation to this letter.

Yours faithfully

**Apex Planning and Environment Law**



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