



Friday Flat Bistro, Thredbo Village

Development Application Assessment
DA 22/13844

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

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Glossary

Abbreviation	Definition
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
BC Regulation	<i>Biodiversity Conservation Regulation 2017</i>
BVM	Biodiversity Values Map
Consent	Development Consent
CPP	Community Participation Plan
Department	Department of Planning and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
KNP	Kosciuszko National Park
Minister	Minister for Planning
NPWS	National Parks & Wildlife Service
Planning Secretary	Secretary of the Department of Planning and Environment
RFS	NSW Rural Fire Service
SEPP	State Environmental Planning Policy

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1 Introduction

The application seeks approval to upgrade the airlock entry towards the bistro of the Friday Flat Base Building located within the Thredbo Alpine Resort (**Figure 1**), located within the southern part of the Kosciuszko National Park. The development site (Lot 876 DP1243112) is located approximately 35 kilometres south-west of Jindabyne when travelling by vehicle along the Alpine Way. Thredbo is a year-round tourist destination resort catering for both winter and summer activities.

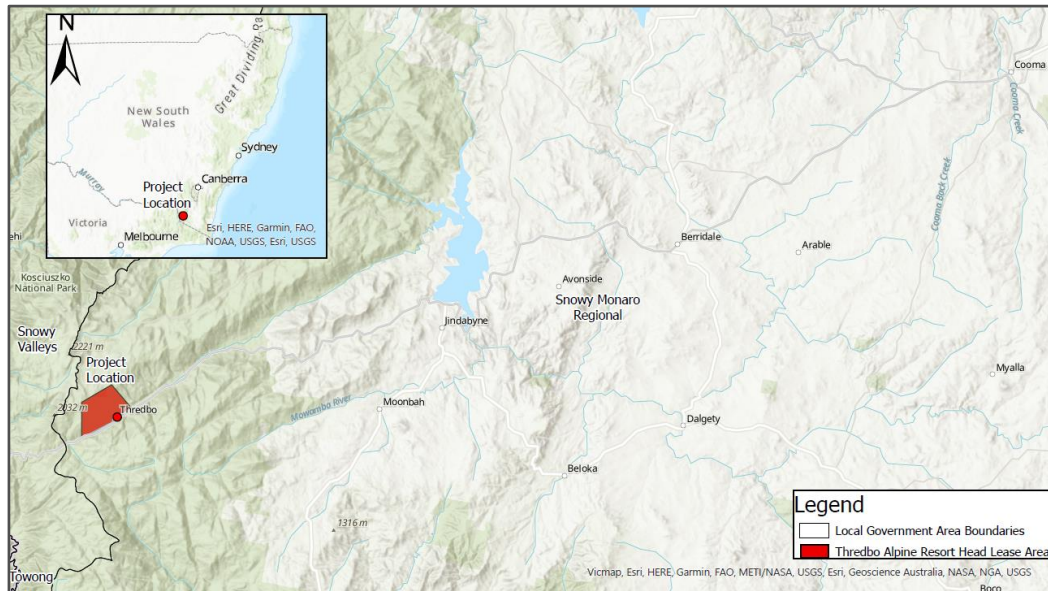


Figure 1 | Site (highlighted) in context of the region (Source: Applicant's documentation)

The Friday Flat Base Building (**Figure 2**) adjoins the Friday Flat ski area to the west and is accessible off Friday Drive via the Alpine Way. Car parking is located to the north-east of the site across Friday Drive. Further to the south are various forms of tourist accommodations. The building is a mixed-use facility with the bistro/bar and snowsports locker room on the ground floor and offices on the mezzanine level.



Figure 2 | Site (highlighted) in context of Thredbo Village (Source: Applicant's documentation)

With the application, the Applicant (Kosciuszko Thredbo Pty Ltd) seeks approval to improve the safety and accessibility of the bistro entry for guests while creating a more energy efficient building by reducing the amount of air infiltration and heat loss in the current airlock. Related compliance to the BCA's standards and accessibility requirements have been addressed in the proposal. In detail, the proposed works cover:

- external works (**Figure 3**) on the removal/demolition of the existing manual doors and associated fittings, installation of automatic sliding doors and associated fittings, upgrade of threshold ramp (external side of outer sliding door), and construction of step ramp.
- internal works (**Figure 4**) on the removal/demolition of the existing manual doors and associated fittings, installation of automatic sliding doors and associated fittings, and installation of exit lighting.

No ground disturbance is proposed as the new automatic sliding doors shall be fitted into the existing door frames. Except for the proposed step ramp (to comply with AS 1428.1) towards the existing raised slab level, all proposed works are located within the existing building footprint (**Figure 5**).

The proposal has a cost of works of approximately \$37,169.00.



Figure 3 | Proposed works (external) superimposed over Existing Airlock Entry (Source: Applicant's documentation)

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

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

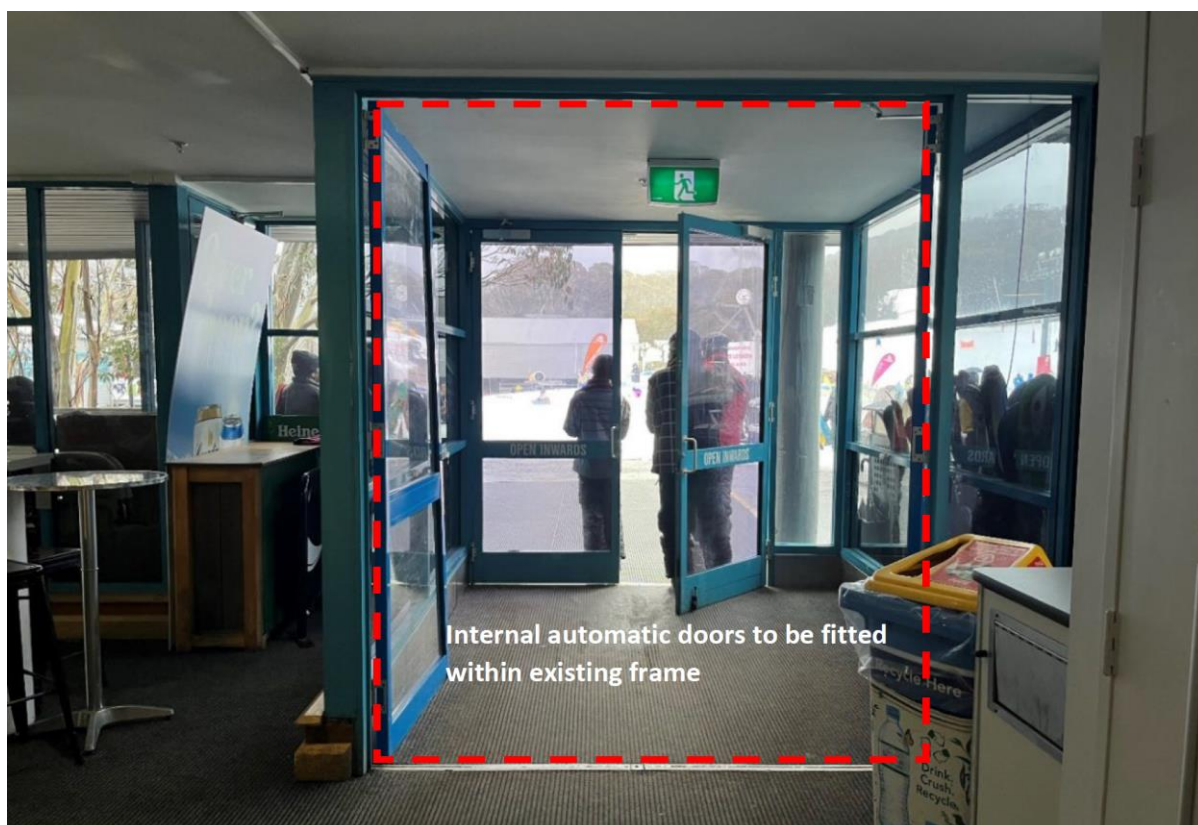


Figure 4 | Proposed works (internal) superimposed over Existing Airlock Entry (Source: Applicant's documentation)

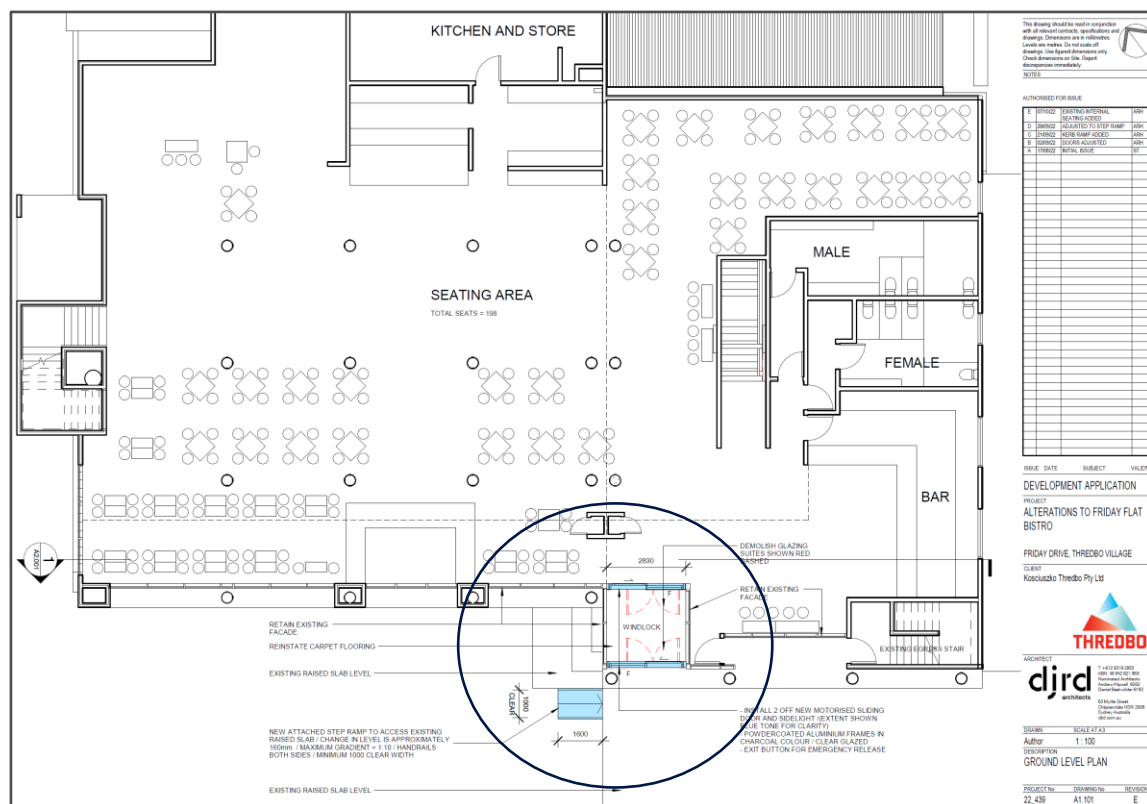


Figure 5 | Ground Level Plan of proposed works - circled (Source: Applicant's documentation)

2 Matters for Consideration

2.1 Strategic Context

South East and Tableland Regional Plan 2036

The proposal is consistent with the Regional Plan as it as it would support the enhancement of visitor experiences associated with skiing and related winter sport experiences within Thredbo Alpine Resort, to assist in creating a strong tourism economy.

Snowy Mountains Special Activation Precinct Master Plan

The proposal is consistent with the Master Plan as it supports improvements to an existing commercial site on Friday Flat Base at the Thredbo Alpine Report.

Precincts - Regional SEPP

The proposal is consistent with Chapter 4 of the Precincts - Regional SEPP as the proposal would not have an adverse impact on the environment.

2.2 Permissibility

The proposal comprises improvements to a commercial building consistent with the definition of a 'commercial premises' and 'food outlets' as defined in Chapter 4 of the Precincts - Regional SEPP. Pursuant to section 4.9 of the Precincts - Regional SEPP (in effect at the time of lodgement, as since amended), 'commercial premises' and 'food outlets' are permissible with consent within the Thredbo Alpine Resort.

2.3 Mandatory Matters for Consideration

Objects of the EP&A Act

Table 1 | Objects of the EP&A Act

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	<p>The proposal comprises improvements to the use of an existing building, and thus, promotes the social and economic welfare of the community in the proper management of an existing resource. It will provide improved accessibility, safety (handsfree doors) and energy savings.</p> <p>The construction impacts are maintained within existing disturbed area, posing minimal impacts on biodiversity and the general environment.</p>

(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal is not expected to have adverse impact on the environment, thus being ecologically sustainable development. Mitigation measures during construction have been considered and rehabilitation of impacted areas is supported.
(c) to promote the orderly and economic use and development of land,	The development seeks approval for works that improve the functionality of an existing building, thereby promoting the ongoing economic use of the land.
(d) to promote the delivery and maintenance of affordable housing,	Not applicable to this proposal.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The impacts upon the environment have been limited where possible, with works limited to existing building footprint or within previously disturbed areas.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The proposed development is not anticipated to result in any impacts upon built or cultural heritage, including Aboriginal cultural heritage.
(g) to promote good design and amenity of the built environment,	The Department considers that the proposal responds to its existing setting, the built form of Friday Flat Base building and would not impact upon the natural environment.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The Department has recommended conditions of consent to ensure the construction of the proposal is undertaken in accordance with legislation, guidelines, policies, and procedures (refer to Appendix A).
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the proposal (Section 3), which included consultation with government agencies and consideration of their responses.

- (j) to provide increased opportunity for community participation in environmental planning and assessment.
- The Department publicly exhibited the proposal (**Section 3**), which included displaying the application on the NSW Planning Portal website.

Considerations under section 4.15 of the EP&A Act

Table 2 | Section 4.15(1) Matters for Consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument (EPI)	The Precincts - Regional SEPP is the principal EPI which applies to the site for this type of development. An assessment against the requirements of Chapter 4 of the Precincts - Regional SEPP is provided below. The Department is satisfied that the Application is consistent with the requirements of Chapter 4 of the Precincts - Regional SEPP.
(a)(ii) any proposed instrument	Not applicable to the proposal.
(a)(iii) any development control plan	Not applicable to the proposal.
(a)(iiia) any planning agreement	Not applicable to the proposal.
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the EP&A Regulation, particularly the procedures relating to development applications (Part 3 and Part 4) and fees (Part 13 and Schedule 4). The Department has undertaken its assessment in accordance with all relevant matters as prescribed by the regulations, the findings of which are contained within this report.
(a)(v) any coastal zone management plan	Not applicable to the proposal.
(b) the likely impacts of that development	Being planned improvements to an existing building, no native vegetation impacts are likely to occur because of the proposal. The proposal will have positive economic and social impacts in providing improved accessibility, sanitation (being hands-free), energy savings and visual amenity.

(c) the suitability of the site for the development,	The site is suitable for the development and supports the ongoing use of the locality.
(d) any submissions made in accordance with this Act or the regulations,	Consideration has been given to agency discussions during the assessment of the application. See Section 3 of this report.
(e) the public interest.	<p>The works are consistent with the aim and objectives of Chapter 4 of the Precincts - Regional SEPP. The development is compatible with adjoining land uses at the locality and would not have an adverse impact on the environment. The proposal is consistent with the principles of ESD.</p> <p>As such, the proposal is considered to be in the public interest.</p>

Environmental Planning Instruments

State Environmental Planning Policy (Precincts - Regional) 2021 (Precincts - Regional SEPP) is the principal EPI applicable to the development. Consideration of Chapter 4 of the Precincts - Regional SEPP (in effect at the time of lodgement, as since amended) is provided below:

Table 3 | Chapter 4 considerations

Section 4.12(1) - Matters to be considered by consent authority	
(a) the aim and objectives of this policy, as set out in section 4.1	The proposal is consistent with the aim and objectives of Chapter 4 of the Precincts - Regional SEPP in that it is consistent with the principles of ESD and supports the use of the site.
(b) the conservation of the natural environment and any measures to mitigate environmental hazards (including geotechnical hazards, bush fires and flooding),	The proposal being within the footprint of the existing building is not anticipated to cause any harm to the natural environment. However, being located within land mapped as bush fire prone (NSW RFS 2022), the automatic door system will be fitted with appropriate fire safety measures e.g. the sliding exit doors will be with an automatic failsafe mechanism that automatically unlocks the door upon activation of the smoke detection system and illuminated exist signage will be installed to meet BCA requirements.
c) the cumulative impacts of development on existing transport, effluent management systems,	No adverse cumulative impacts are anticipated as the proposal will not impact or result in any changes to existing transport, effluent management systems,

waste disposal facilities or transfer facilities, and existing water supply,	waste disposal facilities, transfer facilities or water supply.
(d) any statement of environmental effects,	The SEE and supporting information supplied are considered adequate to enable a proper assessment of the works.
(e) the character of the alpine resort,	The proposal would not adversely alter the character of the resort.
(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,	<p>The site is not within the G zone identified on the Department's Geotechnical Policy – Kosciuszko Alpine Resorts Thredbo Village Map.</p> <p>The Applicant comments that Geotechnical Policy is not applicable to the proposed works.</p> <p>The Department has reviewed the proposed works and considers that as the works are non-structural alterations to the building and the new access ramp is to be laid on top of the existing concrete, the works would not impact the existing load bearing capacity of the building.</p> <p>The Department raises no concerns with the proposal.</p>
(g) any sedimentation and erosion control measures,	Proposal do not include works that may impact and require sedimentation and erosion control measures.
(h) any stormwater drainage works proposed,	Proposal do not include works that may impact existing sewer / stormwater system.
(i) any visual impact of the proposed development, particularly when viewed from the Main Range,	In the replacement of the old external doors, the proposal has positive visual impact as the new works would renew part of the building's façade. This blends into the landscape of Thredbo Alpine Resort.
(j) any significant increase in activities, outside of the ski season,	The proposal does not result in an increase in activities outside the ski season.
(k) if the development involves the installation of ski lifting facilities,	The proposal does not involve the installation of any new ski lifting facilities.
(l) if the development is proposed to be carried out in Perisher Range Alpine Resort: the	Not applicable to this proposal, as site is located within Thredbo Alpine Resort.

document entitled Perisher Range Resorts Master Plan (PRRMP) and the document entitled Perisher Blue Ski Slope Master Plan,

(m) if the development is proposed to be carried out on land in a riparian corridor. The site is not within a riparian corridor.

Section 4.13 – Additional matters to be considered for buildings

Building Height	The proposed works do not increase the height of the existing building.
Building Setback	The proposed works do not reduce existing setbacks.
Landscaped Area	The proposal does not negatively impact existing native vegetation and therefore is appropriate.

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

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

Section 4.24 – Heritage conservation

European heritage	Not applicable
Aboriginal heritage	The NPWS commented that the potential for impact on Aboriginal Cultural Heritage have been addressed by the Applicant and due diligence has been conducted. NPWS recommended that should an Aboriginal object is uncovered during completion of the works, any works impacting the objects must cease immediately and the NPWS contacted for assessment of the site. This is part of the Department's standard construction conditions applied in the Alpine area.

Ecologically Sustainable Development (ESD)

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

The proposal is consistent with ESD principles and the Department is satisfied that the works have due regard to ESD principles, in accordance with the objects of the EP&A Act as follows:

- the proposal is not expected to adversely impact upon the health, diversity, or productivity of the environment for future generations.
- the Applicant has recognised the value of the environment and restricted works to the existing building façade and within disturbed areas which does not require any removal of adjoining vegetation.
- the proposal does not impact upon cultural heritage, including Aboriginal cultural heritage.

Biodiversity Conservation Act 2016

Section 1.7 of the EP&A Act requires the application of the *Biodiversity Conservation Act 2016* (BC Act) in connection with the terrestrial environment. The BC Act introduced a Biodiversity Offsets Scheme (BOS) that applies when:

- the amount of native vegetation being cleared exceeds a certain threshold area; or
- the impacts occur within an area mapped on the Biodiversity Values Map (BVM) published by the Minister for Environment; or
- the 'test of significance', in section 7.3 of the BC Act, identifies that the development or activity is likely to significantly effect threatened species or ecological communities, or their habitats; or
- the works are carried out in a declared area of outstanding biodiversity value.

The immediate site and adjoining areas contain a mix of managed land (ski slopes and buildings) and sparse vegetation. Since the proposal are works to an existing building, no existing vegetation is proposed to be removed to facilitate the development, which therefore does not trigger any threshold discussions. The Department has also reviewed the mapping and considers the area of the works is located outside of the BVM.

NPWS noted that the proposal are works to an existing building and will not affect threatened species or trigger the Biodiversity Offsets Scheme under the BC Act. The Department also noted that the works include no vegetation clearance, and no asset protection zone is required, e.g. to meet NSW Rural Fire Service requirements for the works.

2.4 Other approvals

Rural Fires Act 1997

The works include external alterations to a commercial building located on bushfire prone land. The Department notes that the building is not of a Special Fire Protection Purpose (i.e. a tourist accommodation building) that would require approval from the NSW Rural Fire Service (RFS) under section 100B of the *Rural Fires Act 1997* in the form of a Bush Fire Safety Authority.

As the building is not a SFPP development, the proposal is exempt from requiring a BFSA for the development to proceed. A referral to the RFS was not required.

3 Submissions

3.1 Department's engagement

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

As proposed works include external alterations to an existing building, the Department exhibited the application between 31 October 2022 until 14 November 2022 on the NSW Planning Portal website.

The application was forwarded to the NPWS pursuant to section 4.15 of Chapter 4 of the Precincts – Regional SEPP.

As stated in **Section 2.4** above, despite the works including external alterations to a building within a bushfire prone area, the proposal is not for works to a SFPP building and therefore does not require a referral to the NSW RFS.

3.2 Summary of submissions

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

The NPWS did not object to the proposal and provided comments and recommended conditions on leasing and the Kosciuszko National Park Plan of Management, BC Act, protection of native vegetation fauna and fauna habitats, and on Aboriginal cultural heritage.

The NPWS recommended measures to be implemented during the works to minimise any impacts on the environmental values of Kosciuszko National Park. To address the NPWS comments, these measures are incorporated into the conditions of the consent and compliance must be verified at the construction and occupation certificate stages.

In addition, NPWS notes that there is no change proposed to stormwater drainage, realigning water pipes to the property or altering mains water supply, there are no public health components, the physical dimensions and footprint of the existing structure will not be altered, and that the structure which is the subject of the DA is not listed as a heritage item on the SEPP.

4 Assessment

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

- visual amenity impact
- design details and standards
- managing construction impacts

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

4.1 Visual Amenity Impact

In the proposed replacement of the old manual doors with new automatic sliding doors, the proposed works will have positive impact on the visual amenity of the entry to the Friday Flat Base building. This is beneficial given that it is a main focal point for skiers wanting to dine in the bistro and for those at the adjacent Friday Flat Base Area where people usually congregate.

The SEE notes that the rest of the existing façade will be retained and there will be no alterations to physical dimensions and footprint of existing building. The proposed works will be in context to the existing building and the surrounding environment.

The Department supports the proposal in that it will improve the visual amenity of the existing building with no impact on any existing utility and infrastructure, threatened species, populations, or ecological communities in its vicinity.

4.2 Design details and standards

The Department requires works to comply with the BCA and relevant Australian Standards. For this proposal, key aspects for consideration include access and egress provisions, accessibility, fire safety and construction standards of the new works. These matters are discussed below.

- All new work (or work as part of the DA) must comply with the BCA. In the SEE, the Applicant has provided a preliminary compliance assessment of the proposal against the BCA, as well as a fire door performance report for the proposed automatic sliding doors.

The proposal also include works to comply with AS 1428.1 in the upgrade to the threshold ramp of the external sliding door and the proposed step ramp to the existing raised slab level fronting the bistro entry area. The Department notes that compliance with the Disability Discrimination Act 1992 (DDA), and therefore the Access to Premises Standards prepared under the DDA, is triggered at Construction Certificate stage. The Department has recommended an Advisory Note to ensure the building owner, manager and certifier are aware of the obligations.

Fire safety measures for the proposed automatic door system has also been discussed in the SEE. The Department considers that compliance with the BCA is achievable, with documentation confirming compliance required to be provided at the Construction Certificate stage.

- Section 64 of the EP&A Regulation 2021 requires a consent authority to review a building and consider whether upgrades are warranted to bring the existing building into total or partial compliance with the BCA. The building has a current annual fire safety statement. Given the extent of works proposed no upgrades are considered necessary.
- Ensuring the proposal meets snow and wind loading requirements is a key consideration of the Department's assessment in the NSW Alpine environment. With adverse weather conditions at times, the fixing of the new structures to the ground needs to be constructed appropriately. The Department has recommended that certification be provided prior to the issue of an occupation certificate for the works.

The Department concludes that subject to compliance with the conditions of consent, including references to the BCA which are to be addressed by the Certifier at the Construction Certificate stage, the proposal is satisfactory and would improve the accessibility of the building for its occupants whilst creating a more energy efficient building.

4.3 Managing construction impacts

Given the scope of the works and that the site is predominantly previously disturbed, it is unlikely that the construction of the proposal will cause any adverse impact upon the natural environment. The proposal is in keeping with the use of the locality and the construction activities will not generate any vegetation disturbance. Construction will also take place during off-peak season, March/April 2023, when the bistro is closed to the public.

Parking is available at the site during construction in designated car parks, and all construction activities will be required to be contained on the site. The NPWS also commented that:

- All vehicles must be parked in existing driveways or car parks.
- All stockpile sites, including materials storage areas, parking and waste management receptors (e.g. skip bins) must be placed so as not to impact on native vegetation.
- All waste management receptors must be covered daily, or be emptied or removed from site each day, to ensure that waste cannot blow away or be disturbed by scavenging fauna.
- The subject site is to be left clean and tidy and free of building debris and materials at the conclusion of daily works.
- Paint and paint wash water is not to be washed down drains or disposed of in vegetation. Disposal is to be carried out at an appropriate waste disposal facility or cleaned onsite using a suitable paint washing and filtration system.

Construction impacts such as noise and vibration will be short term and managed in accordance with standard environmental conditions. The Applicant will be required to ensure the submitted Site Environmental Management Plan outlining waste management, traffic and access management, dust and noise minimisation strategies, as well as material storage, is implemented during the works.

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

5 Recommendation

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

- there will be no impact on any existing threatened species, populations, or ecological communities.
- there will be no alterations to the physical dimensions and footprint of existing Friday Flat Base building and will have no impact to existing stormwater drainage or water supply.
- the replacement of the existing manual doors to automatic sliding doors will improve the safety and accessibility for guests, reduce the amount of air infiltration and heat loss that occurs with the current airlock and improve the visual amenity value of the Friday Flat Base building entry.
- the addition of the new step ramp and threshold ramp to comply with AS1428.1, will promote equitable and independent access to the premises of Friday Flat Base building.
- the proposal is appropriate and does not impact upon any other nearby properties and construction impacts on the surrounding environment would be minimised as the proposal will be contained within the existing disturbed areas

Overall, the Department is satisfied that the proposal is suitable for the site and in the public interest.

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

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

It is recommended that the Team Leader, Alpine Resorts Team, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **accepts** and adopts all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants** consent for the application in respect of DA 22/13844, subject to the recommended conditions
- **signs** the attached Development Consent (**Appendix A**)

Recommended by:



Abigail Bautista
Planner

Adopted by:



3 April 2023

Daniel James
Team Leader
Alpine Resorts Team

as delegate of the Minister for Planning

Appendices

Appendix A – Recommended Instrument of Consent