



Internal Alterations, Snowbird Lodge, Charlotte Pass

Development Application Assessment
DA 22/16022

April 2023

Published by the NSW Department of Planning and Environment

dpie.nsw.gov.au

Title: Internal Alterations, Snowbird Lodge, Charlotte Pass

Subtitle: Development Application Assessment, DA 22/16022

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

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Glossary

Abbreviation	Definition
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
BC Regulation	<i>Biodiversity Conservation Regulation 2017</i>
BVM	Biodiversity Values Map
Consent	Development Consent
CPP	Community Participation Plan
Department	Department of Planning and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
KNP	Kosciuszko National Park
Minister	Minister for Planning
NPWS	National Parks & Wildlife Service
Planning Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy

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1 Introduction

The application seeks approval to undertake internal alterations to the existing tourist accommodation building on the site (**Figure 1**) comprising upgrades to the commercial kitchen within Snowbird Lodge, Charlotte Pass Alpine Resort within Kosciuszko National Park (KNP) (Lot 104 DP 1242013). Specifically the works proposed involve the following: relining tiled or un-sealed walls with stainless steel; replacing all wood shelving with stainless steel; installation of a floor waste - (into grease trap); upgrading kitchen floor with commercial grade vinyl flooring with coved edge; and installation of a combination oven to replace existing gas oven.



Figure 1 | Location of site (highlighted) in context of other surrounding lodges (Source: Nearmaps 2023)

Snowbird Lodge is located in the locality of Charlotte Pass Alpine Resort, which is in the southern part of KNP at No. 91 Charlotte Way, Lot 104 DP 1242013 Charlotte Pass. The site is approximately 1312.67 square metres.

Snowbird Lodge is a two / three-storey split level building (**Figure 2**) comprising rock, brick and timber cladding built in the late 1970's with a licence for 48 beds. Entry is provided into a change room / sauna / laundry floor level with stairs to adjacent bedrooms and to bedrooms on the level above. A formal lounge and dining area is provided with views towards the ski slopes to the west of the lodge, with the commercial kitchen located adjacent the dining area and bar.

The site is primarily accessed from Charlotte Way, running to the northwest of the subject site, and the adjoining properties along Charlotte Way. Summer parking for the site is provided within the turning area of Charlotte Way.

Nearby buildings to the site include other tourist accommodation buildings, such as the “Arlberg Ski Lodge” and “Burrawong Lodge” to the west, “Stillwell Hotel” to the north, and “Southern Alps Ski Club” the north east.



Figure 2 | Existing lodge viewed from Charlotte Way (Source: Google Images 2023)

According to the Applicant, the proposed internal alterations will bring the commercial kitchen up to current Food Standard Codes, namely AS4674-2004 (Design Construction and Fit-out of Food Premises) to comply with the *Food Act 2003*.

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

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

2 Matters for Consideration

2.1 Strategic Context

South East and Tableland Regional Plan 2036

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

Snowy Mountains Special Activation Precinct Master Plan

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

Precincts - Regional SEPP

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

2.2 Permissibility

The proposal includes internal alterations to a building while maintaining the use of the site consistent with the definition of 'tourist accommodation' as defined in Chapter 4 of the Precincts - Regional SEPP. Pursuant to section 4.2 of the Precincts - Regional SEPP (in effect at the time of lodgement, as since amended), 'tourist accommodation' is permissible with consent within the Charlottes Pass Alpine Resort.

2.3 Mandatory Matters for Consideration

Objects of the EP&A Act

Table 1 | Objects of the EP&A Act

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

(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal would not have an unacceptable impact on the environment and is consistent with the ecologically sustainable development principles.
(c) to promote the orderly and economic use and development of land,	The Applicant seeks approval for works that are aimed at supporting the ongoing use of the site for 'tourist accommodation', thereby promoting the ongoing economic use of the land.
(d) to promote the delivery and maintenance of affordable housing,	Not applicable to this proposal.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The impacts upon the environment are limited with works confined to the interior of the existing building. Conditions of consent ensure the impact of the develop with be minor and contained, with no anticipated impact on threatened species.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The proposed development is not anticipated to result in any impacts upon built or cultural heritage, including Aboriginal cultural heritage.
(g) to promote good design and amenity of the built environment,	The Department considers that the proposal would not adversely impact its existing setting or built form and would not impact upon the natural environment being internal works only.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The Department has recommended conditions of consent to ensure the construction of the proposal is undertaken in accordance with legislation, guidelines, policies and procedures (refer to Appendix A).
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department consulted with National Parks and Wildlife Service (NPWS) and considered there comments during the assessment of the application.

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

Table 2 | Section 4.15(1) Matters for Consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument (EPI)	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 Division 1). 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	The Department has considered the likely impacts of the development, with no environmental impacts likely to occur as a result of the proposal being for internal works only. The proposal is considered to have positive economic and social impacts.

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

Environmental Planning Instruments

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

Table 3 | Chapter 4 considerations

Section 4.12(1) - Matters to be considered by consent authority	
(a) the aim and objectives of this policy, as set out in section 4.1	The proposal is consistent with the aim and objectives of Chapter 4 of the Precincts - Regional SEPP in that it is consistent with the principles of ESD and supports the ongoing use of the site for 'tourist accommodation'.
(b) the conservation of the natural environment and any measures to mitigate environmental hazards (including geotechnical hazards, bush fires and flooding),	<p>The land is not identified as being subject to flooding. The site is identified as bushfire prone land and relates to a Special Fire Protection Purpose, however works are entirely internal to a building are exempt from requiring a Bush Fire Safety Authority.</p> <p>Accordingly, natural hazards have been considered and adequately addressed.</p>
(c) the cumulative impacts of development on existing transport, effluent management systems, waste disposal facilities or transfer facilities, and existing water supply,	The existing commercial kitchen does not meet current Australian Standards, so the proposed works will bring the kitchen into compliance. There will not be an adverse cumulative impact from the

	development in relation to cumulative pressures on the services available the development and locality.
(d) any statement of environmental effects,	The SEE and supporting information supplied are considered adequate to enable a proper assessment of the works.
(e) the character of the alpine resort,	The proposal would not adversely alter the character of the resort.
(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,	<p>The site is located inside the G zone identified on the Department's Geotechnical Policy – Kosciuszko Alpine Resorts Charlotte Pass Map.</p> <p>The Applicant comments that the Geotechnical Policy is not applicable because of minor internal works. The proposed works are entirely internal (mainly regarding flooring and wall finishes) with no increase in load bearing capacity or building weight.</p> <p>The Department has reviewed the proposed works and considers that the amendments to the existing building would not impact upon the existing load bearing capacity of the building.</p> <p>The Department raises no concerns with the proposal.</p>
(g) any sedimentation and erosion control measures,	<p>The proposed kitchen works involve no earthworks.</p> <p>Conditions will also require the adoption of measures prescribed by NPWS to ensure appropriate management of stockpiled materials during works and utilising only existing hardstand parking areas to reduce impacts on the environment and related erosion and sedimentation impacts.</p>
(h) any stormwater drainage works proposed,	No stormwater drainage works are proposed. The existing stormwater drainage system is adequate for the proposed works.
(i) any visual impact of the proposed development, particularly when viewed from the Main Range,	The proposal would not have any impact on views as it is internal only.
(j) any significant increase in activities, outside of the ski season,	The proposal does not result in an increase in activities outside the ski season.

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

Section 4.13 – Additional matters to be considered for buildings

Building Height	The proposed works that do not increase the height of the existing building.
Building Setback	The works would not alter setback distances.
Landscaped Area	The proposal does not negatively impact existing native vegetation as works are internal only.

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

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

Section 4.24 – Heritage conservation

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

Ecologically Sustainable Development (ESD)

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

The proposed works are aimed at upgrading the existing commercial kitchen facilities within the tourist accommodation building, thereby supporting the orderly and economic use of the site is consistent with

ESD principles. The Department is satisfied the proposed have been developed having regard to ESD principles, in accordance with the objects of the EP&A Act as follows:

- the proposal does not pose a threat of serious or irreversible environmental damage and potential impacts have been identified, with mitigation measures and environmental safeguards recommended,
- the proposal is not expected to adversely impact upon the health, diversity, or productivity of the environment for future generations,
- the Department's assessment has noted that the proposal is contained to internal works only. No earthworks or removal of vegetation is proposed, and the proposal will not impact upon cultural heritage, including any known Aboriginal cultural heritage.

Biodiversity Conservation Act 2016

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

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

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

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

3 Submissions

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

While no public exhibition is required in accordance with the CPP for proposals that relate to works which are wholly internal to a building as noted above, the Department elected to exhibit the application from 11 January 2023 and 27 January 2023 on the NSW Planning Portal website to provide any interested parties with an opportunity to consider the proposal.

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

- As the proposed works include commercial food preparation areas, we note that all areas where food is prepared and stored must comply with the provisions of Australian Standard AS4674-2004 (Design Construction and Fit-out of Food Premises) and the *Food Act 2003*. The relevant food business must also be registered with NPWS.
- The proponent must arrange for an inspection of the completed works by the NPWS (c/- Aaron Clifford, Environmental Health Officer (Aaron.Clifford@environment.nsw.gov.au) to assess compliance. Following this inspection, the proponent must obtain written confirmation from the NPWS Environmental Health Officer that the works are consistent with Australian Standard AS4674-2004 (Design Construction and Fit-out of Food Premises) and the *Food Act 2003* prior to an Occupation Certificate being issued.

The Department has considered the comments received from the NPWS in **Section 4** or through recommended conditions in the instrument of consent at **Appendix A**.

4 Assessment

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

- design details and standards
- managing construction impacts

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

4.1 Design details and standards

The proposed works, when constructed, are to comply with the Building Code of Australia (BCA), the *Plumbing and Drainage Act 2011*, *Food Act 2003* and relevant Australian Standards. The Department has also considered the fire safety of the building as part of its assessment in accordance with section 64 of the EP&A Regulations. The Department notes that compliance with relevant requirements is to be determined at the construction certificate stage by the Certifier and in accordance with conditions of consent.

- The minor new work (or work as part of the DA) must comply with the BCA. The Department considers that compliance with the BCA is achievable, with documentation confirming compliance required to be provided at the Construction Certificate stage. Recommended conditions for the works to comply with the BCA are included to address this component.
- Given the nature of the facility being a commercial kitchen, the proposal is required to comply with the *Food Act 2003* and the Australian Safety Food Standards. Comments received from the NPWS recommended conditions to ensure compliance with the Australian Standard and *Food Act 2003*, including inspections by the NPWS Environmental Health Officer.

Based on the plans and documents that were submitted, and comments from NPWS, the Department is satisfied that compliance with the *Food Act 2003* and relevant standards can be achieved. Conditions have been recommended to ensure that the proposal is constructed in an appropriate manner without any risk to public health

- Section 64 of the EP&A Regulation requires a consent authority to review a building and consider whether upgrades are warranted to bring the existing building into total or partial compliance with the BCA. The building is considered to be satisfactory in terms of BCA compliance and fire safety measures within the building are being tested (as illustrated in the Annual Fire Safety Statement). It is also noted that the building was subject to a Fire Safety Strategy Upgrade that was completed in 2015. No additional upgrades are recommended as a result of the proposed works to the building..
- Given the works involve the installation of new or grease trap, the *Plumbing and Drainage Act 2011* requires (unless the proposal is eligible for an exemption under that Act) that prior to the commencement of works a notice of work is provided to the plumbing regulator (NPWS) and a certificate of compliance is provided at the completion of works. The Department has recommended conditions of consent to ensure compliance with the *Plumbing and Drainage Act*.

The Department concludes that subject to compliance with the conditions of consent, including references to the BCA, the *Food Act 2003* and *Plumbing and Drainage Act 2011* which are to be addressed by the Certifier at the Construction Certificate stage, the proposal is satisfactory and would improve the amenity of the building for its occupants.

4.2 Managing construction impacts

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

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

The Applicant has provided a Site Environmental Management Plan (SEMP) outlining access / vehicle parking arrangements, material storage, waste management, and construction hours. No air pollution is expected due to the works being internal only and no fuels / chemicals are proposed to be stored. The SEMP is to be implemented during the works.

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

5 Recommendation

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

- there will be no impact on any threatened species, populations or ecological communities
- the works improve the amenity of the existing tourist accommodation building for the benefit of guests and visitors to the site without resulting in adverse environmental, social or economic impacts
- impacts on the surrounding environment and users will be minimised given the proposal relates to internal works and recommended conditions of consent require effective site management to control impacts during construction

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

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

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

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

- **considers** the findings and recommendations of this report
- **accepts** and adopts all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants** consent for the application in respect of DA 22/16022, subject to the recommended conditions
- **signs** the attached Development Consent (**Appendix A**)

Recommended by:



Clay Logan
Planning Officer
Regional Assessments Team

Reviewed by:



Mark Brown
Senior Planner
Alpine Resorts Team

Adopted by:



Daniel James
Team Leader
Alpine Resorts Team

as delegate of the Minister for Planning

27 April 2023

Appendices

Appendix A – Recommended Instrument of Consent