



Melaleuca 1, Thredbo Village Modification

Modification Application Assessment (MOD 23/16950 (DA 9373 MOD 2))

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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 |
| Con sent | Development Consent |
| Department | Department of Planning, Housing and Infrastructure |
| 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 and Public Spaces |
| NPWS | National Parks & Wildlife Service |
| Planning Secretary | Secretary of the Department of Planning, Housing and Infrastructure |
| SEPP | State Environmental Planning Policy |

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1. Introduction

This report provides the NSW Department of Planning, Housing and Infrastructure (the Department's) assessment of an application to modify the development consent (DA 9373) for additions and alterations to Melaleuca 1, Diggings Terrace, Thredbo Village, Thredbo Alpine Resort within KNP (**Figure 1**).

The modification application seeks approval to increase the scope of works to include an external staircase, extension of the second-floor balcony and the reconstruction of the internal stairway including minor alterations to the interior.

The application has been lodged by John Moran (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).



Figure 1 | Melaleuca 1 in context of Thredbo Village (Source: SIX Maps 2024)

1.1 Site Description

The subject site is Lot 774 DP 1119757 on Diggings Terrace in the Thredbo Village. The site is occupied by an existing three to four story tourist accommodation building known as Melaleuca 1. Melaleuca 1 is attached to another building of same dimensions to the north-east known as Melaleuca a 2. Melaleuca 3 is located further to the north-east.

The site is licensed for four beds and is located on the northern side of Diggings Terrace. The site has an area of approximately 173 m² and adjoins other tourist accommodation premises, including the Omaru

Apartments to the north and below the site; the Dulmison Ski Club and Aspect Alpine Chalets to the south-west; and vacant land to the south of the site across Diggings Terrace.

The site is mostly disturbed with exotic grasses, native heath and Eucalypts. Two parking spaces for guests are provided off Diggings Terrace. The site slopes down from Diggings Terrace to the Omaru Apartments to the north.

1.2 Approval History

On 23 August 2018, the Acting Team Leader, Alpine Resorts Team, as delegate of the then Minister for Planning, granted consent to a Development Application (DA 9373) for alterations and additions to the existing tourist accommodation building. The consent approved the following works:

- construction of a new basement level (suspended timber floor) with rumpus room, multipurpose service room, steam / sauna room and adjoining bathroom. An existing stone cladding wall would be removed to make way for a new external door / landing and a new internal stair to connect to Level 1
- extension of the Level 1 floor area (towards Diggings Terrace) within the sub-floor to include a ski tune area, storage and workshop, laundry and WC; reconstruction of the existing internal stairs to provide sufficient headroom; and refurbishment of the existing balcony
- extension of the Level 2 floor area towards the west to enlarge the kitchen and provide additional drying space; replacement of the existing windows / sliding door off the lounge area; refurbishment of the existing balcony with new handrails and extension by 600 mm; and replacement of the existing fireplace
- extension of the Level 3 floor area to incorporate an enlarged wardrobe and bedroom area
- repainting of the entire building and replacement of all windows with double glazed aluminium frame (thermal broken)
- removal of one small Eucalypt tree and trimming of another (due to overhanging) on the southern elevation to enable the proposed works.

Construction of the approved works commenced in November 2019.

In early February 2020, Department officers became aware that works were occurring at the site in the basement location that were not in accordance with the development consent and were inconsistent with the construction certificate issued by James Alexander and Associates (**Figure 2**).



Figure 2 | Construction works during February 2020 (Source: Department inspection)

On 14 February 2020, the Department's Director Compliance issued a stop work order to ensure that works in the basement cease until the matter could be properly investigated.

Given that the works in the basement area related to excavation, filling, supporting foundations and retaining structures the Department deemed it necessary to engage GHD to undertake a geotechnical review. On 20 February 2020, the Department received a report from GHD outlining a range of matters that required further investigation and engineers design of remedial measures.

The Department's Compliance Team and Alpine Resorts Team worked closely with the lessee to ensure that the site was made safe while the further investigation and design was occurring. The remedial works were unable to occur during the Winter 2020 ski season, therefore additional site monitoring measures were implemented including inspections after snow and rain events.

On 29 September 2020, the Department's Director Compliance issued a structural alterations and repair order to facilitate the works in the basement. **Figure 3** illustrates the extent of the current building works that have occurred to the remainder of the building, above the basement level, as a comparison to **Figure 2**.



Figure 3 | Construction works September 2020, which illustrates external and basement level works carried out, with basement area uncompleted due to compliance action (Source: Department inspection)

On 15th January 2021, the Acting Team Leader, Alpine Resorts Team, issued development consent for modification application (MOD 16950 (DA 9373 MOD 1) to modify development consent No.9373. The MOD incorporated external alterations to the above development including:

- Extension of an existing deck and privacy screen to Level 2
- Installation of external stairs to access the basement level
- Installation of a roof structure to cover proposed external stairs
- Retention of stone cladding and relocation of entry door to basement level
- Installation of metal cladding to screen basement undercroft area.

There would be no increase in the bed capacity of the building due to the proposed modifications.

1.3 As Built Works

On 18 December 2023, the Applicant lodged the subject modification application (MOD 23/16950 - DA 9373 MOD 2). The modification application included a number of works that have already been constructed on site and have not been approved under a previous consent. These works are indicated on the architectural plans in blue and annotated as “‘Unauthorised Works’ (As built)”. The Department, as the consent authority, are unable provide development consent for the installation / construction of these works as development consent or modification of an existing consent cannot authorise the past construction of a building or elements of a building.

Table 1 below details the As Built Works that have already been undertaken and cannot form part of this modification application.

Table 1 – As Built Works

| Description | As built works |
|---|---|
| Ground floor Windows – W01, W02, W03 | New installed windows W01 & W02, 1800W x 1500H and W03 – 500W x 1200H - aluminium frames in Black Ash |
| First floor Windows – W04, W05, W06 | New installed window W04 & W05 - 1120W x 1320H aluminium frames in Black Ash Finish W06 has different dimensions other than what was approved 450mm x 900mm, installed: 600mm x 1000mm |
| Extension of First Floor Bathroom | Rooms along this rear retaining wall slightly deeper than DA approval (95mm) |
| Second Floor Balcony Window W07 and Sliding Door W08 | New installed window W07 - 2650W x 1350H in aluminium frames with Black Ash finish New installed sliding door W08 - 1800W x 2100H in aluminium frames with Black Ash finish |
| Second floor drying room W09 | New installed window W09 - 500W x 1200H in aluminium frames with Black Ash finish |
| Second floor Kitchen windows W10 and W011 | New installed window W10 - 1200W x 1900H in aluminium frames with Black Ash finish New installed window W11 - 2500W x 1650H in aluminium frames with Black Ash finish |
| Third floor void dormer window W13 | New installed window W13 - 2500W x 1650H in aluminium frames with Black Ash finish |

The application for modification was referred to the Department's Building Surveyor for consideration. The Department Building Surveyor noted that the majority of the As Built works shown in blue on the Architectural plans and as listed in **Table 1** are relatively minor and likely to be considered consistent with the development approval.

However, a small number of the indicated 'As built works' are considered to be inconsistent with the consent, including:

- First floor bathroom windows (W04, W05)
- Second floor kitchen window (W10)
- Third floor dormer window (W13)

These works are considered to be unauthorised and will be to be considered under a submitted Building Information Certificate (BIC), with particular regards to compliance with the BCA and fall safety.

The proponent's private certifier agreed with the position of the Department on these works.

It is noted that there are no unauthorised or unlawful uses occurring at the subject site. The use of Melaleuca 1 as 'tourist accommodation' is established. DA 9373 notes that the proposal is permissible with consent as alterations and additions to an existing building that is consistent with the definition of tourist accommodation. The As built works are noted as being confined to discrete building works, that do not interact or rely upon the proposed modification works, and do not form any new, extended or changed uses. No Occupation Certificate has been issued under DA 9373 or Mod 1 of this consent and the site is not occupied.

1.4 Proposed Modifications

On 18 December 2023, the Applicant lodged a modification application (MOD 23/16950 - DA 9373 MOD 2) seeking approval, under section 4.55(1A) of the EP&A Act, to modify the development consent incorporating internal and external alterations to the above development. The proposed modification works are indicated in red on the submitted architectural plans and are outlined in **Table 2** below:

As discussed in Section 1.3 above, any identified 'As Built' works that have already been constructed (as shown in blue on the architectural plans) do not form part of this modification. Works relating to the basement additions and amendments are also not included as part of this assessment (as shown in green on the Architectural Plans). There would be no increase in the bed capacity or use of the building due to the proposed modifications.

Table 2 – New Proposed Modification Works

| Description | Proposed Works |
|---|---|
| Ground floor external stairway and columns | New external steel columns & staircase in Dulux Monument finish with Weldlock grating to treads |
| Ground floor external stairway weatherboard cladding | New sycon linea weatherboard vertical cladding with paint finish 'Dulux Oolong' to match existing. |
| First floor internal stairway | Add new door and enclosing stairwall & re-construct stair to ensure compliance: max 6 winders, max 190mm risers, min 240mm treads, min 2m clear headroom at all points on stair |
| First Floor External stairwell weatherboard cladding | New sycon linea weatherboard vertical cladding with paint finish 'Dulux Oolong' to match existing |
| First Floor External staircase and steel columns | New external steel columns & staircase in Dulux Monument finish with Weldlock grating to treads |
| First Floor Service and storage enclosure | New service enclosure and storage cupboard on the first floor external stair landing |
| First Floor Balcony | Existing balcony with new timber decking & new min 1m high steel balustrade in Dulux Monument finish |
| Second Floor Balcony | Extend existing balcony with new timber decking & new min 1m high steel balustrade in Dulux Monument finish |
| Second Floor Balcony privacy screen | Extend existing privacy screen by 1250mm and clad in scyon linea weatherboard vertical cladding paint finish 'Dulux Oolong' |

| | |
|--|---|
| Second floor internal stairway | Retain new stair door/enclosure & re-construct stair to ensure compliance: max 6 winders, max 190mm risers, min 240mm treads, min 2m clear headroom at all points on stairs |
| Second Floor External stairway balustrade | New steel balustrade in Dulux Monument finish |
| Second Floor External staircase and steel columns | New external steel columns & staircase in Dulux Monument finish with Weldlock grating to treads |
| Third floor internal stairway | Re-construct stair as required to ensure compliance: max 6 winders, max 190mm risers, min 240mm treads, min 2m clear headroom at all points on stair |
| Third floor internal stairway | Raised floor min 2m clear over stair with top at same level as bed base |
| Third floor bathroom sliding door | New sliding door to bathroom |
| Third floor External staircase roof | Extend existing roof to boundary in new colorbond Dulux Monument finish |
| Third floor External staircase roof | New colorbond roof over staircase in Dulux Monument finish |

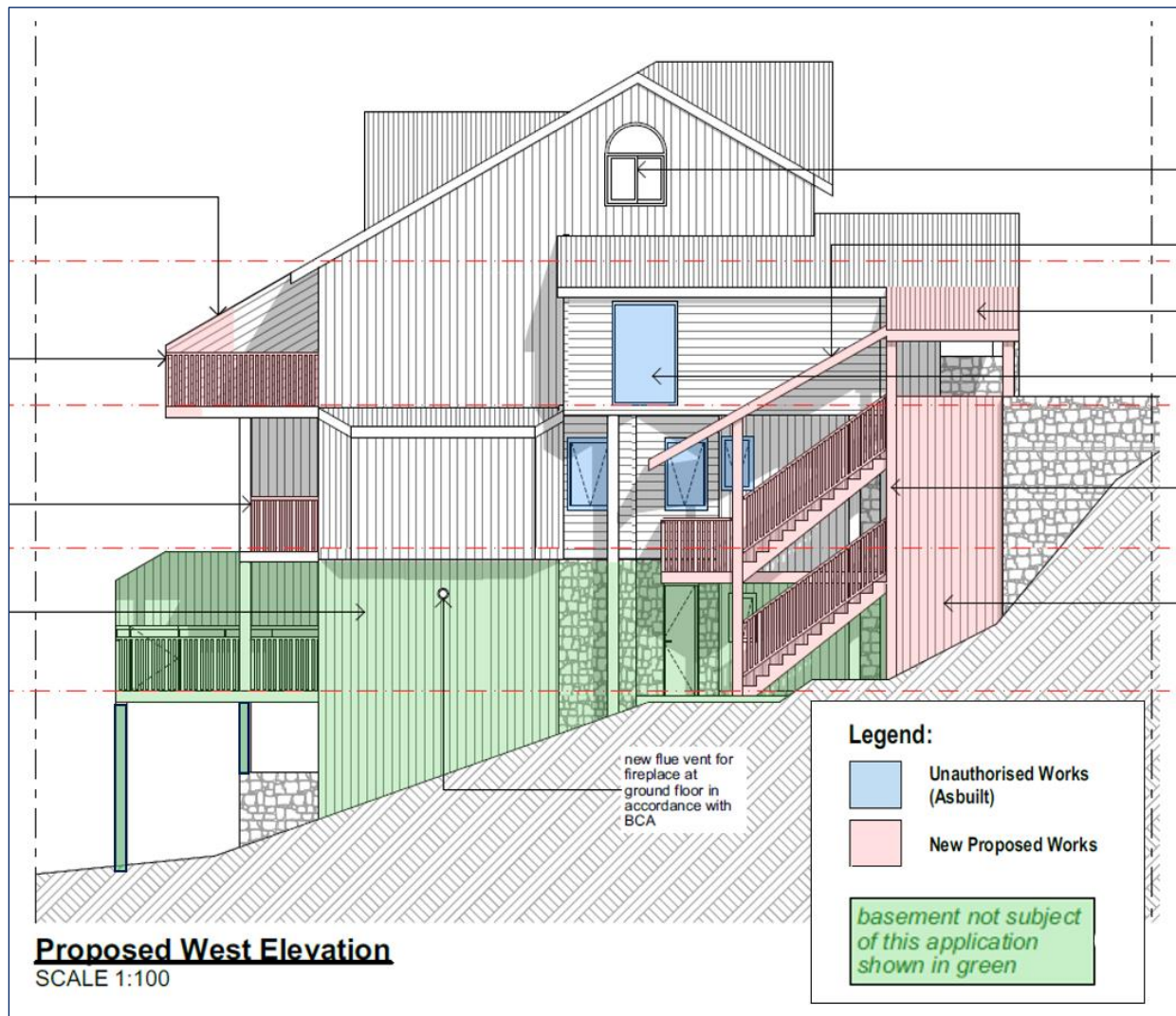


Figure 4 | Proposed modification works: highlighted in red (Source: Applicant's documentation)

1.5 Request for Information

A request for Information (RFI) was sent to the applicant on 5 March 2024 which including the following:

- Advice to the applicant that the As Built works could not form part of the modification application, and advice that a Building Information Certificate (BIC) is required to regularise these works
- Advice that the modification application for either new works or reconstruction works (i.e. the internal stairs) can be dealt with via the modification application
- Advice that the modification application (MOD 2) need not be amended if the BIC is lodged, and advice that that any modification (MOD 2) determination will not include/approve the As built works, but will make reference to them being dealt with by the BIC
- Request to provide further information how fire separation issue between the subject site Melaleuca 1 and the adjoining lodge Melaleuca 2 had been or was planned to be resolved.

It is noted that the Applicant submitted a BIC application including supporting information and architectural plans on 23 March 2024 for the As built works.

On 27 March 2024 a Fire Engineering Report (FER) was submitted that detailed building performing solutions, recommending the use of intumescent paint, enhanced smoke detection and an enhanced building occupancy warning system.

The Department notes that the FER was reviewed by the Department's Building Surveyor who confirmed that the report had resolved the fire separation issue and that the proposal will no longer require works to the adjacent Melaleuca 2 Lodge.

2. Matters for Consideration

2.1 Strategic Context

South East and Tableland Regional Plan 2036

The Department considers the proposal continues to be consistent with the Regional Plan as the proposal continues to support the improvement of a tourist accommodation buildings for visitors within Thredbo Village, which supports the ongoing visitation to the NSW ski resorts.

Draft South East and Tableland Regional Plan 2041

The draft plan was publicly exhibited from 8 August 2022 until 23 September 2022. The draft plan underwent extensive consultation with the community and stakeholders with feedback incorporated into an updated version of the draft plan that was re-exhibited from 9 December 2022 to 31 January 2023. The draft plan identifies the alpine areas as provides important biodiversity to the region and acknowledges the alpine area's contribution to the region's tourism economy.

The proposal is consistent with the draft Regional Plan as it will not result in adverse biodiversity impacts and supports the maintenance of visitation to the resort, along with the local and regional economy.

Snowy Mountains Special Activation Precinct Master Plan

The Department considers that the proposal continues to support the vision of the Master Plan, while also ensuring impacts upon the environment have been considered against those previously approved. The proposed minor external works raise no additional matters that would be inconsistent with the Master Plan.

Precincts – Regional SEPP

The Department considers the proposal continues to be consistent with Chapter 4 of the Precincts – Regional SEPP as the proposal continues to contribute to tourist accommodation availability within KNP, which supports sustainable tourism in the Alpine Region. The potential impacts on the environment continue to be considered acceptable when noting the modification works and their minimal impact on the environment.

2.2 Mandatory matters for consideration

The Department conducted a comprehensive assessment of the project against the mandatory matters for consideration as part of the original assessment of DA 9373. The Department considers this modification application does not result in significant changes that would alter the mandatory matters for consideration under section 4.15 of the EP&A Act and conclusions made as part of the original assessment.

Objects of the EP&A Act

The Minister or delegate must consider the objects of the EP&A Act when making decisions under the Act. The Department is satisfied the proposed modification is consistent with the objects of the EP&A Act.

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 Department notes that the amended proposal does not increase the amount of vegetation to be cleared to facilitate the construction of the works, the site is not mapped on the BVM, the proposal would not significantly affect threatened species or ecological communities, or their habitats and there is currently no declared area of outstanding biodiversity value within Kosciuszko National Park.

The Department also notes that there is currently no declared area of outstanding biodiversity value within Kosciuszko National Park. The proposed modifications are therefore not considered to trigger any of the BOS requirements.

Environmental Planning Instruments

The Precincts – Regional SEPP is the principal EPI that applies to this application. The Department has considered the modification application against the provisions of Chapter 4 of the Precincts – Regional SEPP and is satisfied the modification proposal continues to be consistent with this EPI.

2.3 Scope of modifications

Section 4.55(1A) of the EP&A Act provides that a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority, and subject to and in accordance with the Environmental Planning and Assessment Regulations 2000 (Regulations), modify a consent if the following requirements in Table 3 are met:

Table 3 – Mandatory matters for consideration

| Section 4.55(1A) - Evaluation | Comment |
|--|---|
| a) <i>That the proposed modification is of minimal environmental impact</i> | <p>Section 4 of this report provides an assessment of the impacts associated with the proposal.</p> <p>The Department is satisfied that the proposed modifications will have minimal environmental impact.</p> |
| b) <i>The development to which the consent as modified relates is substantially the same development</i> | <p>The proposed external works compliment the original consent and the Department is satisfied that the development to which the consent as modified relates is substantially the same</p> |

| | |
|---|--|
| <i>as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)</i> | development as the development for which consent was originally granted. |
| <i>c) The application has been notified in accordance with the regulations</i> | In accordance with the Department's Community Participation Plan (CPP), November 2019, the Department did not publicly exhibit the modification, but made it available on the State Planning Portal. |
| <i>d) Consideration of any submissions made concerning the proposed modification within the period prescribed by the regulations</i> | No public submissions were received. |

Section 4.55(3) of the EP&A Act provides that in determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the granting of the consent that is sought to be modified.

The relevant consideration under section 4.15(1) of the EP&A Act in relation to the proposed modifications is whether the impacts of the amendments upon the existing buildings is appropriate. The Department's assessment in **Section 4** concludes that the impacts of the works as modified will be minimal in extent and appropriately managed, and the impacts are considered acceptable. No variation is required to the Department's previous assessment.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

2.4 Other approvals

Rural Fires Act 1997

The original works required a Bush Fire Safety Authority (BFSA) from the RFS under section 100B of the *Rural Fires Act 1997*, making it integrated development pursuant to section 4.46 of the EP&A Act.

On 8 December 2023, the RFS issued the BFSA together with general terms of approval relating to matters including the management of the site as an inner protection area (IPA), design and construction standards, and preparation of an emergency evacuation plan.

Refer to **Section 4** for further discussion on this component in relation to the modification application.

3. Engagement

3.1 Department's engagement

The Department's Community Participation Plan (CPP), November 2019, prepared in accordance with Schedule 1 of the EP&A Act requires applications for modifications of development consent that are not required to be exhibited by the EP&A Regulations to otherwise be exhibited for a timeframe dependent on the urgency, scale and nature of the proposal.

In this regard, the Department also notes that the CPP advises that applications for development consent 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 from a tourist accommodation building. Although the works relate to the external components of the building and the site is within 50 metres of other tourist accommodation buildings, the Department did not exhibit the application as the modification is minor in nature and would not present an impact to the surrounding lodges or the environment. The application was made publicly available on the State Planning Portal.

The application was forwarded to the NSW Rural Fire Service (RFS) pursuant to Section 4.46 of the EP&A Act (integrated development) as a Bushfire Safety Authority under the Rural Fires Act 1997 is required for the development to be carried out and the National Parks and Wildlife Service (NPWS) pursuant to clause 4.27 of the Regional SEPP.

3.2 Summary of Submissions

As the modification application was not exhibited, no public submissions were received. As the original works were integrated development under section 4.46 of the EP&A Act requiring a BFSA, the modification application was referred to the RFS and NPWS for comments which can be identified below.

3.3 Agency Submissions

The RFS did not object to the proposal, subject to compliance with the previous Bush Fire Safety Authority (BFSA) under clause 100B of the *Rural Fires Act 1997* issued on 17 June 2020 for the Modification application (MOD 10108 DA 9373).

NPWS provided no further comments beyond the previous advice received from NPWS for DA 9373 and Mod 1.

4. Assessment

In assessing the merits of the proposed modification, the Department has considered the:

- previous Assessment Report for the proposal
- the modification application and existing conditions of consent
- submissions from government agencies
- matters for consideration under Section 4.15(1) of the EP&A Act.

The Department considers the key assessment issues associated with the modification application are:

4.1 External Design changes

The key external changes include works to the southern elevation and comprise amendments to the previous staircase and roofline extension, approved as part of the Melaleuca 1 Development Application Mod 1 (**Figure 5**).



Figure 5 | Approved Mod 1 Exterior stairs (Source: Applicant's documentation)

The new external staircase proposal includes a number of design changes as seen in **Figure 6**, including the following:

- Amendment to the design of the external stairs to include two equal flights of stairs each with a length of 2.28m

- An extension of the first-floor landing space connecting each flight of stairs to accommodate a new storage cupboard and service enclosure
- Inclusion of new external staircase supporting steel members, steel beams and handrails.
- Extension of the existing roof rafters and addition of a new sloped roof in colorbond materials to cover the new external stairway.

The Department considers that the external stair design changes are not substantially different to what has already been assessed as part of DA 9373 Mod 1. The steep incline of the roof design accommodates for an improvement in roof coverage and snow loading capacity (**Figure 6**). Additionally, the dual flights of stairs allow for a larger first floor landing space, providing better residential amenity and the provision of a new storage cupboard and service enclosure (**Figure 7**).

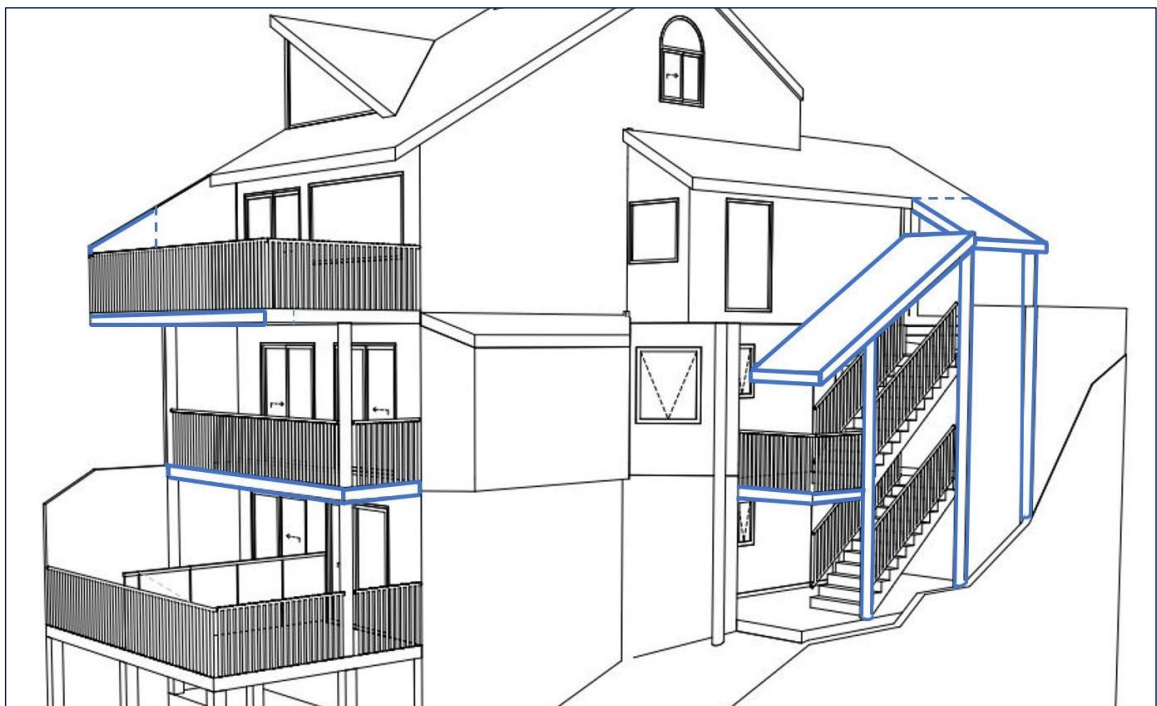


Figure 6 | Proposed external alteration in blue (Source: Annotated over Applicant's documentation)

Other external changes are considered to be minor in nature, in terms of their impact upon the external appearance of the building from other adjoining properties. These include:

- The extension of the existing deck and privacy screen located on Level 2 (**Figure 8**) including the installation of new timber decking, utilising existing structures without significantly altering the appearance of the building.
- Installation of new timber decking and steel balustrades on the first-floor balcony (**Figure 7**).

Departments assessment considered that the proposed design changes are unlikely to result in additional impacts to adjoining properties (noting that the adjoining Melaleuca lodge 2 includes a similar extension to the second-floor balcony).

The NPWS raised no concerns with the proposed modifications and the RFS confirmed that the works are to comply with the original BFSA construction requirements.

These aspects of the proposed modification are supported.

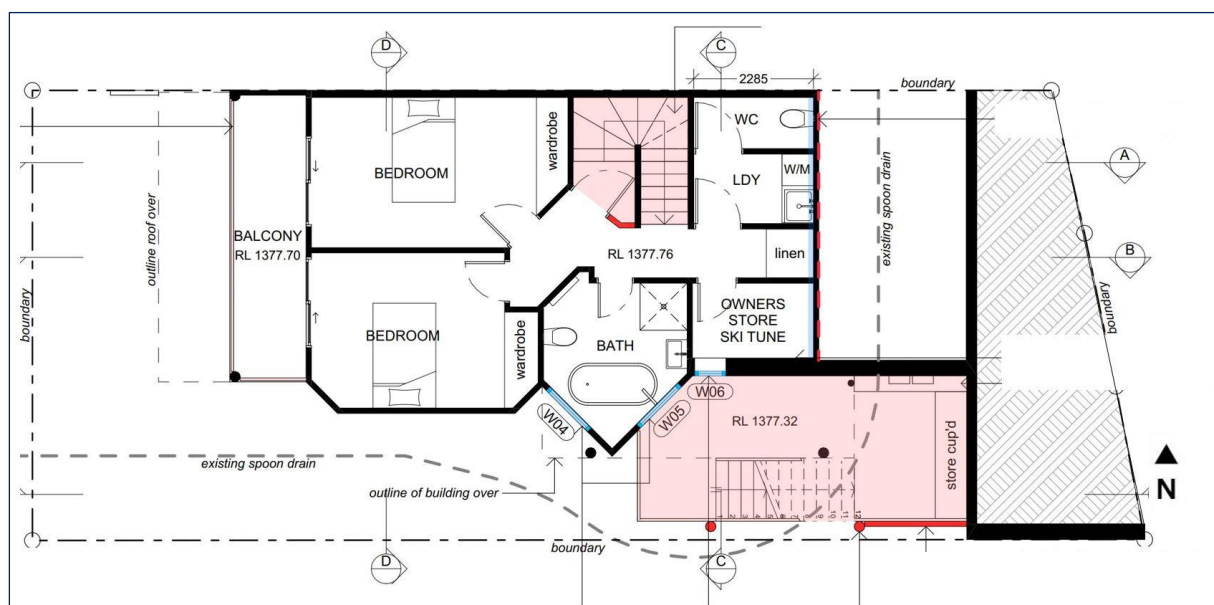


Figure 7 | First floor level works (Source: Applicants documentation)

4.2 Design details and standards

The proposed works, when constructed, are to comply with the Building Code of Australia (BCA) and relevant Australian Standards. The Department has also considered whether any upgrades to the building are required as part of its assessment in accordance with Clause 64 of the EP&A Regs. 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.

Clause 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.

During the assessment of the original application, which shares a separating wall to Melaleuca 2, the Department conditioned partial upgrades to the building to ensure the separating wall between the lodges meets the BCA performance requirements for the prevention of the spread of fire. During the certification stage of DA 9373, a number of fire safety measures were implemented to bring the building up to BCA compliance standards. These measures included the issuing of a Fire Engineering Report (FER) dated 27 March 2024, recommending the use of intumescent paint, enhanced smoke detection and an enhanced building occupancy warning system.

With the inclusion of the recommended fire safety measures mentioned in the report, this assessment would ensure compliance with the BCA. A condition recommending these upgrades is included as part of the conditions of consent.

The site is located within the G zone identified on the Department's Geotechnical Policy – Kosciuszko Alpine Resorts Thredbo Map. The Applicant provided a Geotech Report to address the proposed modification works.

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 existing building needs to be constructed appropriately. The Department has recommended that structural certification of the works be provided prior to occupation certificate.

In relation to bushfire, the BCA requires construction to comply with the BFSA issued by the RFS. The existing approval includes the BFSA issued for the original development, which the RFS has recommended to be complied with for the modification components. The Applicant is to demonstrate compliance with this at the construction and occupation certificate stages.

The application for modification was also referred to the Department's Building Surveyor for consideration. In addition to the upgrading of building works and fire safety measures mentioned in the FER report, a performance solution was also recommended for the separating wall on the building's veranda to ensure compliance with the BCA.

The Department concludes that subject to compliance with the conditions of consent, including references to the BCA which is 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.

4.3 Internal design changes

The proposed Internal changes are considered to be minor in nature and pose no change the site layout, structure or use of the building. These changes include:

- The re-construction of the internal stairway to account for BCA requirements, including a change to the stairways height to meet headroom requirement and a change in the total number of internal risers and steps.
- The addition of new door and enclosing stairwell on the first floor (**Figure 8**) to ensure BCA compliance and improve access and egress in the event of an emergency.
- Section of the third floor floorspace is required to be raised in order to ensure that the internal stairway meets BCA compliance in relation to minimal headroom requirements. These modifications are indicated in red on the third-floor architectural plans (**Figure 9**).
- The addition of a new third floor sliding door is proposed to improve access and egress as well as the amenity of the residence.

The Departments assessment considered that the proposed design changes are minor and are unlikely to result in additional impacts.

4.4 Unauthorised Windows – Safety and Compliance

The Department Building Surveyor has noted that the majority of the As Built works shown in blue on the Architectural plans are relatively minor and likely to be considered consistent with the development approval. The works that are to be considered in more detail under the submitted BIC, with particular regards to compliance with the BCA and fall safety, are the Bathroom windows (W04, W05), the Kitchen window (W10) and the Third floor dormer window (W13). As such a condition is recommended to require evidence to be provided to the certifying authority confirming the resolution or regularisation of these windows to be provided, either via an issued BIC or proof of other Orders or rectification works, prior to the issue of any Occupation Certificate. This is to ensure occupation of the lodge does not occur prior to the full consideration of these windows' structural integrity and safety.

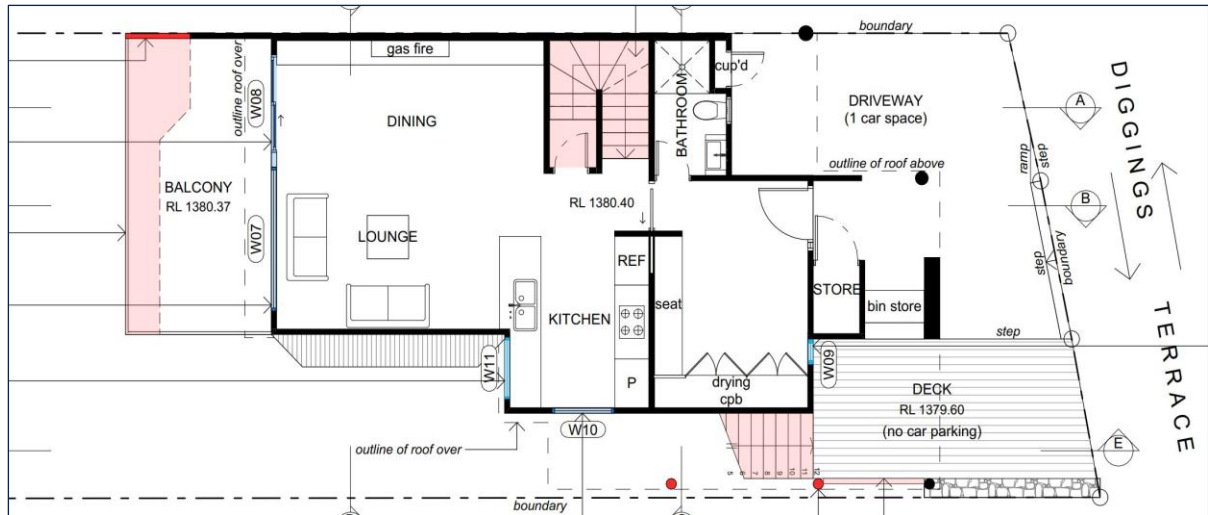


Figure 8 | Second floor level works (Source: Applicants Documentation)

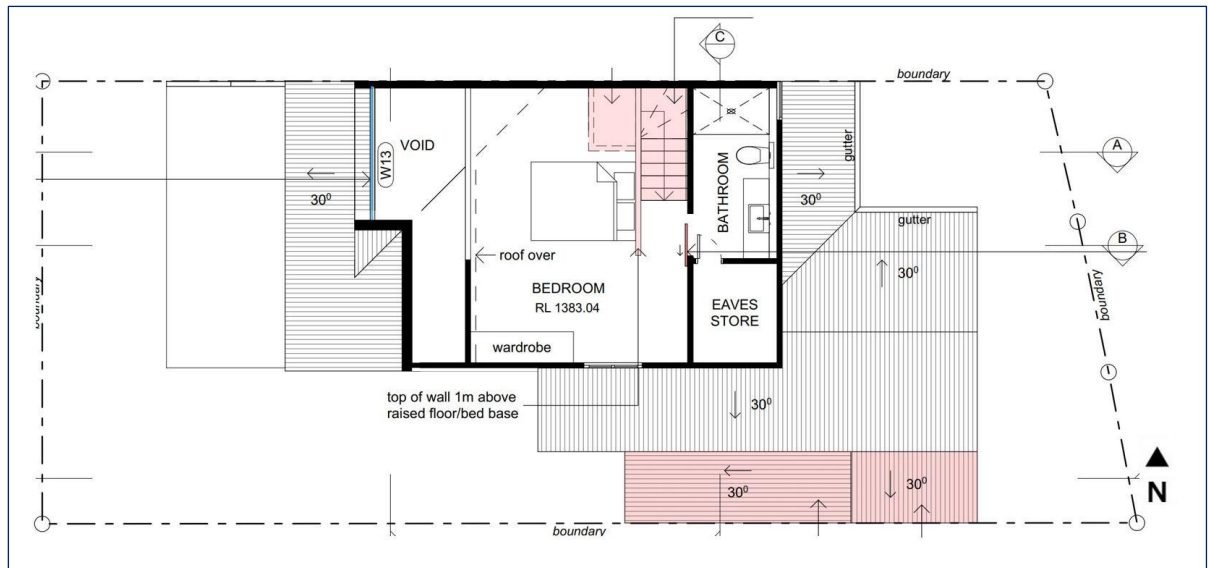


Figure 9 | Third floor level works (Source: Applicants Documentation)

5. Recommendation

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act and considered the submissions provided by the RFS and NPWS.

The Department's assessment concludes that the proposed modification is appropriate as the modification is of minimal environmental impact and the additional environmental impact is acceptable being substantially the same development as originally approved; the proposed modifications to conditions are acceptable; the proposal continues to comply with the Precincts – Regional SEPP provisions.

Overall, the Department is satisfied that supporting the modified proposal is in the public interest.

As the original application was determined under the delegation of the then Minister for Planning, the Minister therefore remains as the consent authority for any subsequent applications to modify the consent. 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 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
- **determines** that the modification application MOD 23/16950 (DA 9373 MOD 2) falls within the scope of section 4.55(1A) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modifies** the consent DA 9373
- **signs** the attached approval of the modification (**Appendix A**).

Recommended by:



Hugh Clark
Assessment Officer
Regional Assessments

Adopted by:



14/5/2024

Erin Murphy
Team Leader
Regional Assessments
as delegate of the Minister for Planning

Appendices

Appendix A – Notice of Modification