



Avalanche Café Container Facility and Coolroom, Thredbo Village

Development Application Assessment
DA 24/1858

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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>
BHAR	Bushfire Hazard Assessment Report
BVM	Biodiversity Values Map
Consent	Development Consent
CPP	Community Participation Plan
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 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
NCC	National Construction Code
NPWS	National Parks & Wildlife Service
Planning Secretary	Secretary of the Department of Planning, Housing and Infrastructure
RFS	NSW Rural Fire Service
SEMP	Site Environmental Management Plan
SEPP	State Environmental Planning Policy
SOHI	Statement of Heritage Impacts

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1 Introduction

This report provides an assessment of the Development Application (DA 24/1858) for works to the existing Avalanche Café coffee / food kiosk and storage area at Valley Terminal within Thredbo Alpine Resort (**Figure 1**), including the replacement of one of the existing coffee / food kiosks with a purpose built container kiosk (built to meet food standards) and upgrading the existing mobile storage cool room site to a dedicated permanent cool room.



Figure 1 | Site (highlighted) in context of surrounding infrastructure at Valley Terminal (Source: Applicant's documentation)

The site is located within the Thredbo Alpine Resort in the southern part of KNP, located approximately thirty-five (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.

The development site occurs in two parts, one being located on the upper concourse area that contains existing coffee / food kiosks and seating (opposite the bottom station of the Kosciuszko Express 4 seat chairlift) and the other an area located on the lower level adjoining the existing Rossignol Demo Store / Mountain bike workshop outside of the Valley Terminal main building. Both of the sites are within Lot 862 DP 1128686, Friday Drive, Thredbo.

Constructed in the early 1960's, the Valley Terminal building is a heritage item representing one of the original buildings which helped shape Thredbo into the area it is today. The Valley Terminal building is bounded by Thredbo River to the south, and ski slopes / lifting infrastructure to the north.

The proposed works include:

- replacement of the existing coffee / food kiosk (**Figure 2**) on the upper concourse with an enclosed purpose built container kiosk positioned above the existing shops / structural beams located on the lower level. The kiosk would be pre-constructed off site and delivered for installation. External cladding and a new roof would be constructed to enclose the area from weather (including snow) and provide additional storage. The new roof would be connected to existing downpipes and drainage infrastructure.
- construction of a new cool room on the existing concrete slab on the lower concourse that currently contains a portable cool room adjoining the existing Rossignol Demo Store / Mountain bike workshop.



Figure 2 | Existing coffee / food kiosk and adjoining area where new container and enclosure to be placed
(Source: Applicant's documentation)

The Applicant comments that:

- The proposed addition of the coffee kiosk and cool room will improve the amenities of Avalanche Café Kiosk to ensure its longevity.
- The works will not involve any changes to the design, scale or footprint of the existing site with materials and finishes to be consistent with those of the immediate locality ('Basalt').
- The proposal aims to retain the original alpine character and fabric of the Thredbo Village. The overall change to the built environment is considered of positive influence on the existing building and locality.
- The proposed works have been designed to minimise any amenity impacts on the neighbouring buildings, they are not expected to generate any negative social or economic issues.

The proposed cost of works for the development is \$191,321.90.

Supporting documents 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 would maintain the existing use of the site for commercial premises, and improves the condition and food standard compliance for the benefit of 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 ensuring improvements to an existing commercial premises, while also improving the appearance of the facility when viewed on the upper concourse level of Valley Terminal without impacting the environment, cultural and landscape attributes of Thredbo Alpine Resort.

State Environmental Planning Policy (Precincts - Regional) 2021 (Precincts - Regional SEPP)

The proposal is consistent with Chapter 4 of the Precincts - Regional SEPP as it improves the existing food and drink premises on the site which in turn caters for the needs of tourists / visitors / staff within the Valley Terminal area of Thredbo Alpine Resort without impacting the environment by restricting works to the existing building footprint.

Draft South East and Tablelands 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 relates to investment in the Alpine resorts, helping maintain and enhance the region as a compelling alpine tourism destination. The development will not result in adverse biodiversity impacts and will support visitation to the Thredbo Alpine Resort, along with the local and regional economy.

2.2 Permissibility

The proposal includes works to replace an existing commercial premises (food and drink premises / kiosk) with a purpose built facility, consistent with the definition of 'commercial premises' as defined in Chapter 4 of the Precincts - Regional SEPP. Pursuant to section 4.7 of the Precincts - Regional SEPP 'commercial premises' is permissible with consent within the Thredbo Alpine Resort.

2.3 Mandatory Matters for Consideration

Objects of the EP&A Act

Table 1 | Objects of the EP&A Act

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	<p>The proposal supports the ongoing use of the site as a commercial premises providing food and drink facility to visitors / guests / staff within the immediate locality.</p> <p>The construction impacts are maintained within the building's footprint, posing minimal impacts on biodiversity and the 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 principles of ESD. Mitigation measures during construction have been considered and rehabilitation of impacted areas is recommended.
(c) to promote the orderly and economic use and development of land,	The development seeks approval for works that upgrade the existing facilities on site, 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 relating to installing facilities on the existing concrete slab.
(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, built form and would not impact upon the natural environment.
(h) to promote the proper construction and maintenance of buildings, including the	The Department has recommended conditions of consent to ensure the construction of the proposal is

protection of the health and safety of their occupants,	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 relevant government agencies and consideration of their responses (refer to Section 3 and Section 4).
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The proposal was made publicly available in accordance with the Department's Community Participation Plan (refer to Section 3).

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 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	The Department has considered the likely impacts of the development, with no native vegetation impacts likely to occur as a result of the proposal. 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 and supports the ongoing commercial use of the site.
(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 the relevant provisions to the proposed within Chapter 4 of Precincts - Regional SEPP is provided in **Table 3**.

The works within the footprint of the existing concrete slab located on site and will not involve earthworks or works of a nature to potential land contamination that are considered likely to pose an unacceptable risk to human health or the environment. No contamination within the site and surrounding area has been identified. There are no further matters under *State Environmental Planning Policy (Resilience and Hazards) 2021* that need to be considered.

Table 3 | Chapter 4 considerations

Chapter 4 - Precincts - Regional SEPP - Kosciuszko Alpine Region	
Section 4.9 Demolition	
The demolition of a building or work on land in the Alpine Region	The proposal requires the removal of the existing kiosk on site and temporary marquee structures. Conditions are recommended to address the demolition of the existing structures.
Section 4.21 Heritage conservation	

European heritage	The proposal would not negatively impact on the heritage values of the adjoining Valley Terminal building. See discussion in Section 4 below.
Aboriginal heritage	<p>The NPWS commented that the potential for impact on Aboriginal Cultural Heritage have been addressed by the Applicant and due diligence has been conducted.</p> <p>However, NPWS recommended that in the event that 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.</p> <p>A condition is recommended addressing NPWS comments.</p>

Section 4.24 Flood planning

Development on land in the flood planning area	The site is not located in a flood planning area and is not subject to flooding.
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Section 4.25 Earthworks

Impact of earthworks	<p>The works include placement of a purpose built container onto an existing concrete slab and fixing of cladding to provide side walls. No additional footings or earthworks are proposed.</p> <p>The Department considers that the use of scaffolding or other measures to undertake construction will not cause disruption to, or adverse impact on, drainage patterns or soil stability in the locality of the development. Works will be undertaken to avoid impacts on the environment or loss the amenity to Park users while supporting the current use of the land.</p> <p>No stockpiling of excavated materials will occur on site. A condition of consent will require appropriate site management measures to be in place in accordance with the NPWS Guidelines.</p>
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Section 4.27 Consultation with National Parks and Wildlife Service

Consult with, and consider submissions from, the NPWS	The proposal was referred to NPWS and comments were received. Refer to consideration of NPWS referral comments in Section 3 of this report.
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Section 4.28(1) – Consideration of master plans and other documents

(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 the development will be managed with regard to the principles of ESD and have a minimal impact on the environment while providing an improved commercial premises for the locality.
(b) <i>(repealed in November 2023)</i>	
(c) a conservation agreement under the <i>Environment Protection and Biodiversity Act 1999</i> of the Commonwealth that applies to the land,	Not applicable to the development.
(d) the <i>Geotechnical Policy -Kosciuszko Alpine Resorts</i> published by the Department in November 2003,	<p>The site is within the G zone identified on the Department's Geotechnical Policy – Kosciuszko Alpine Reports Thredbo Map.</p> <p>The Application is supported by a Form 4 – Minimal Impact Certification from Alliance Geotechnical Pty Ltd and includes recommendations in regard to allowable footing pressure and maintenance of surface water run-off drainage measures.</p> <p>The Department acknowledges the geotechnical submission, however raised concerns with the Applicant that the submission comments on works to remove topsoil and footings which doesn't align with the application.</p> <p>The Department discussed the geotechnical components of the submission with the Applicant's consultant, who has amended the Form 4 provided for the works and explained that as the container is on a concrete slab, the slab will support the minor increase in load without any impact on the existing footings.</p> <p>Noting the amended Form 4 declaration and explanation provided, the Department raises no further geotechnical matters with the proposal.</p>
(e) for development in the Perisher Range Alpine Resort— (i) the Perisher Range Resorts Master Plan, published by the National Parks and Wildlife Service in November 2001 and	Not applicable, as site is located within Thredbo Alpine Resort.

(ii) the Perisher Blue Ski Resort Ski Slope Master Plan adopted by the National Parks and Wildlife Service in May 2002.

Section 4.29 Consideration of environmental, geotechnical and other matters

Under section 4.29(1) - In deciding whether to grant development consent to development in the Alpine Region, the consent authority must consider the following -

(a) measures proposed to address geotechnical issues relating to the development,	Refer to comments above.
(b) the extent to which the development will achieve an appropriate balance between - (i) the conservation of the natural environment, and (ii) taking measures to mitigate environmental hazards, including geotechnical hazards, bush fires and flooding,	The proposed works have been designed to avoid and mitigate impacts on the natural environment. The land is not subject to flooding. Measures to protect against bushfire are required in accordance with the Bush Fire Safety Authority that relates to the site. The land is identified as being in an area of geotechnical sensitivity, and the works have been assessed as minor. Natural hazards have been adequately addressed.
(c) the visual impact of the proposed development, particularly when viewed from the land identified as the Main Range Management Unit in the Kosciuszko National Park Plan of Management,	The works seek to in part to replace an existing structure with a purpose built commercial facility to improve the existing arrangement on the upper concourse level of Valley Terminal without causing visual impacts on the locality. The addition of the new cool room would also not be visible from adjoining areas. The sites would not be visible from the Main Range of KNP and therefore the visual impact of the development is considered to be negligible.
(d) the cumulative impacts of development and resource use on the environment of the Alpine Subregion in which the development is carried out,	No adverse cumulative impacts are anticipated in relation to the proposal, with the works designed to improve food and drinks services provided for visitors / guests / staff within the immediate locality. The development will not result in any changes to resource use or impact the facilities in place to support development and visitor patronage of facilities in the Alpine resorts.
(e) the capacity of existing infrastructure and services for transport to and within the Alpine Region to deal with	No additional usage of the infrastructure and service network is predicted as a result of the project.

additional usage generated by the development, including in peak periods,

- (f) the capacity of existing waste or resource management facilities to deal with additional waste generated by the development, including in peak periods.

The project will not generate additional operational waste as it is designed to replace an existing facility. The capacity of existing waste facilities to deal with any waste from the project is considered adequate.

Under section 4.29(2) - For development involving earthworks or stormwater draining works, the consent authority must also consider -

Measures to mitigate adverse impacts associated with the works

No negative impacts to stormwater are anticipated.
With the proposal not including ground disturbance, existing measures to mitigate impacts are considered to be acceptable.

Under section 4.29(3) - For development the consent authority considers will significantly alter the character of an Alpine Subregion, the consent authority must also consider -

- (a) the existing character of the site and immediate surroundings, and

(b) how the development will relate to the Alpine Subregion.

The development will not significantly alter the character of an Alpine Subregion, or the character of the site and immediate surroundings.

As above.

Section 4.30 Kosciuszko National Park Plan of Management

Consistency between the development and the Kosciuszko National Park Plan of Management

NPWS advised that the proposal is consistent with the relevant provisions of the Kosciuszko National Park Plan of Management.

Ecologically Sustainable Development (ESD)

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

The proposal is consistent with ESD principles and the Department is satisfied the proposed works have been developed having 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 footprint of the concrete slab, with only previously disturbed grassland to be impacted by materials storage
- 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 affect threatened species or ecological communities, or their habitats; or
- the works are carried out in a declared area of outstanding biodiversity value.

The site is predominantly managed land, with the existing Valley Terminal building being the primary infrastructure on the site. The remaining area contains managed lawns with disturbed grass, and a scattering of trees surrounding the building. There are no proposed impacts to vegetation and therefore the Biodiversity Offset Scheme would not be triggered.

The Department has reviewed the mapping and considers the site to be located outside of the BVM.

The Department has formed the view that given the proposed works are to replace an existing kiosk located on a concrete slab that the proposal will not have a significant 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.

2.4 Other approvals

Rural Fires Act 1997

As the works include external alterations to an existing building within the Valley Terminal precinct (that includes tourist accommodation (staff accommodation)) located on bushfire prone land, an approval is required 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. Refer to **Section 3** for further discussion on this component.

3 Engagement

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 part of the works include external alterations to an existing building within the Valley Terminal precinct (that includes tourist accommodation (staff accommodation)) but not within 50 metres of other tourist accommodation buildings, the Department did not undertake formal exhibition or notification of the development.

The Department placed the application on the NSW Planning Portal website to make the application publicly available, consistent with the intent of the CPP.

The application was sent to NPWS for comments, pursuant to section 4.27 of Chapter 4 of the Precincts – Regional SEPP. Subject to Section 4.46 of the EP&A Act (integrated development), the application was also referred to the NSW Rural Fire Service (RFS) as a Bush Fire Safety Authority (BFSa) is required for the development to be carried out.

3.2 Summary of submissions

During the assessment of the application, the Department received comments from the NPWS and RFS. No public submissions were received.

NPWS

The NPWS did not object to the proposal and provided comments and recommended conditions on leasing and the KNP Plan of Management, BC Act, environmental and cultural values of KNP, plumbing and drainage.

The NPWS commented that no structures which are the subject of the DA are listed as a heritage item in the SEPP. NPWS do not consider that the development will adversely impact any heritage items including the nearby Valley Terminal structure. As a large component of the proposed works involve the replacement of an existing temporary kiosk structure with a new temporary kiosk structure, NPWS consider that any visual impacts to Valley Terminal are likely to be negligible and impermanent.

The NPWS also commented that:

- As the proposed works include commercial food storage and serving areas, NPWS 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 plans provided with the DA do not contain sufficient detail to determine compliance with *AS4674-2004* or the *Food Act 2003*. Accordingly, upon completion, the proponent must arrange for an inspection of the completed works by 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* and the *Food Act 2003* prior to an Occupation Certificate being issued.

RFS

The RFS did not object to the proposal and has issued a Bush Fire Safety Authority (BFSA) under section 100B of the *Rural Fires Act 1997*, that includes, but is not limited to:

- At the commencement of building works, and in perpetuity, all land within the subject leasehold site shall be managed as an inner protection area (IPA) in accordance with Appendix 4 of '*Planning for Bush Fire Protection 2019*'.
- New construction must comply with Section 3 and Section 5 (BAL 12.5) Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or the relevant requirements of the *NASH Standard - Steel Framed Construction in Bushfire Areas* (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

In order to address the RFS requirements, a condition is recommended to be satisfied prior to issues of a construction certificate and occupation certificate following completion of the works.

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:

- Heritage value of the building
- Design details and standards
- Managing construction impacts and hazards

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

4.1 Heritage value of the building

The adjoining Valley Terminal building was constructed in 1960 and formed the basis of Thredbo alongside the Thredbo Alpine Hotel and Eagles Nest chairlift station. It replaced an existing small building on the site, located at the foot of the Crackenback chairlift. Minor upgrades to the Valley Terminal building were completed between 1963 and 1967, and a final colour scheme noted as 'weathered grey' was adopted around 1990.

The Applicant comments that the proposed upgrade to the kiosk and cool room areas will not impact on the Valley Terminal Building or its Historical value, but will improve on its function as a central development providing public area where skiers pass through to gain access to the ski slopes. All works being undertaken are to be contained within the areas currently servicing the Café and store space. The Valley Terminal area will be visually enhanced by tidying up the existing café area with proposed materials to reflect other ancillary buildings within the Lot.

The Valley Terminal building is a heritage item under the Precincts – Regional SEPP and has aesthetic and social heritage values (based on the Thredbo Alpine Village Draft Conservation Plan):

- Aesthetic: the Valley Terminal building has a strong 'Alpine' influence in its architectural style, is part of a circulation / transport route and is a notable landmark contributing to the layout of the village complex
- Social: the Valley Terminal building forms part of a group of buildings that is likely to be held in high regard regionally by the community for amenity reasons and by the first generations of occupants of the village

As noted above, the NPWS do not consider that the development will adversely impact any heritage items including the nearby Valley Terminal structure. As a large component of the proposed works involve the replacement of an existing temporary kiosk structure with a new temporary kiosk structure, NPWS consider that any visual impacts to Valley Terminal are likely to be negligible and impermanent.

The Department agrees with this assessment and considers that the proposal would not negatively impact on the heritage values of the adjoining Valley Terminal building. The works to provide an improved commercial premises on the site supports the ongoing use of the site.

4.2 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 whether any upgrades to the building are required as part of its assessment in accordance with section 64 of the EP&A Regulation 2021, as in force at the time of this assessment. 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. Details of compliance are identified in the following sections:

- All new work (or work as part of the DA) must comply with BCA-NCC guidelines. The proposal includes access doors opening inwards to the storage area and entrance to the container component, with the cool room to be constructed off site and positioned on the existing concrete slab. The Department considers that compliance with the BCA-NCC is achievable, with documentation confirming compliance required to be provided at the Construction Certificate stage.
- Given the nature of the facility being a purpose built container kiosk (built to meet food standards) and provision of a dedicated permanent cool room building, 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 and that prior to operation, the NPWS Environmental Health Officer inspect the works and provide written confirmation that that the works have been completed satisfactorily.

- 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.

In discussions with the Department's Principal Building Surveyor, the Applicant will be required to consider the implement of a manually operated fire alarm system with call points complying with AS 1670.1 (Ref: G4 of the NCC). This consideration could include:

- A performance solution justifying that no manually operated fire alarm system complying with AS 1670.1 (Ref. G4 of the NCC) is required; or
- Drawings and a design statement, prepared and signed by an appropriately qualified practising consultant that demonstrates compliance with G4D7 of Volume 1 of the BCA; or
- A performance solution, drawings and a design statement, prepared and signed by an appropriately qualified practising consultant that demonstrates compliance with the relevant performance provisions applicable to G4D7 of Volume 1 of the BCA.

A condition addressing the above is recommended, with the Applicant to provide this detail to the Certifier for consideration as part of the construction certificate.

- With the installation of the container on the existing concrete slab, the Applicant engaged a structural engineer to review the proposal. The engineer noted that the concrete deck is located above the Valley Terminal ski tuning building that includes within the building steel beams and columns (**Figure 6**).

The engineer found that the existing structure is considered structurally adequate for the proposed loads to be applied by the container kitchen and its operation. Due to the unknown concrete deck reinforcement, it is however advised that the engineer supervise the placement of the container and inspect the concrete annually.

The Department has recommended that during construction and placement of the proposed container and works that an appropriately qualified practising structural engineer be engaged and oversee and inspect the works to ensure placement is in accordance with the engineering design. If any deficiencies are identified during the inspection, the engineer is to provide recommendations for remedial works. Any works associated with the remedial recommendations shall be undertaken prior to the installation of the new cladding and structural elements.



Figure 6 | Structure below that is to support the works (Source: Applicant's documentation)

- Ensuring the proposal meets snow and wind loading requirements is a key consideration of the Departments 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 structural certification be provided prior to the issue of an occupation certificate for the works.
- The Applicant intends to maintain the current discharge of roof water that occurs from the upper concourse site and onto the ski tuning roof below. The water is then captured by guttering and then discharged through the existing downpipes and into the strip drain provided at the ground level. This is similar to that where the new cool room is to be installed.

The Department has conditioned the submission of a stormwater drainage plan to address stormwater drainage management of the site. This plan would provide details to the Certifier on how the proposal

would connect into the existing drainage system to ensure the stormwater generated by the development can be appropriately handled.

- In relation to bushfire prevention measures, the BCA requires construction to comply with the BFSAs issued by the RFS. The BFSAs are incorporated into the conditions of the consent and compliance must be verified at the construction and occupation certificate stages (see **Section 3**).
- Given the works involve the installation of new or altered plumbing and drainage connections, the *Plumbing and Drainage Act* requires (unless the proposal is eligible for an exemption under that Act) that prior to the commencement of works a notice of work is provided to the plumbing regulator (NPWS) and a certificate of compliance is provided at the completion of works. The Department has recommended conditions of consent to ensure compliance with the *Plumbing and Drainage Act*.

The Department considers 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 commercial premises (food and drink premises) for visitors / guests / staff within the immediate locality.

4.3 Managing construction impacts and hazards

Given the scope of the works and that the site is predominantly previously disturbed, it is unlikely that the proposed construction will cause any adverse impacts upon the natural environment. The proposal is in keeping with the use of the site and the construction activities will not generate any vegetation disturbance.

Parking is available at the site during construction, 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 carpark.
- 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.

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, dust and noise minimisation strategies as well as material storage, is implemented during the works. It is also noted that construction is to occur outside the ski season.

The Department has recommended standard construction conditions applicable in the Alpine area, along with recommended conditions from the NPWS. Subject to compliance with these conditions, the Department is satisfied that the proposed works would not impact upon nearby buildings, infrastructure 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 replacement of the existing kiosk with a purpose building container to meet food standards is supported and ensure food and drinks to visitors / guests / staff within the immediate locality
- the proposal is appropriate and does not impact upon any other nearby properties
- construction impacts on the surrounding environment would be minimised as the proposal will be contained within the existing building footprint and disturbed areas

Overall, the Department is satisfied that the proposal is suitable for the site and is 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 09 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 24/1858, subject to the recommended conditions
- **signs** the attached Development Consent (**Appendix A**)

Recommended by:



Mark Brown
Principal Planning Officer
Alpine Resorts Team

Adopted by:



Daniel James
Team Leader
Alpine Resorts Team

as delegate of the Minister for Planning

Appendices

Appendix A – Recommended Instrument of Consent