



Internal Alterations, Langlauf Ski Club Lodge, Perisher Valley

Development Application Assessment
DA 10379

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

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Glossary

Abbreviation	Definition
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
BC Regulation	<i>Biodiversity Conservation Regulation 2017</i>
BVM	Biodiversity Values Map
Consent	Development Consent
CPP	Community Participation Plan
Department	Department of Planning and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 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 for the change of use of part of the existing tourist accommodation building on the site (**Figure 1**), Langlauf Ski Club Lodge, comprising the change of use and conversion of the existing locker room on the ground floor into a sleeping / sitting area through providing a new door and walls.

The proposal originally sought approval to change the use of the loft from storage to partly habitable space. This was subsequently removed from the proposal during consideration of the application and discussions with the Department over concerns with head height compliance and amenity of occupants.



Figure 1 | Location of site (highlighted) in context of other surrounding lodges (Source: SIX Maps 2022)

Langlauf Ski Club Lodge, located at 80 Burramys Road, Perisher Valley accommodates a Colorbond clad tourist accommodation building constructed in the 1960s with a licence for eight beds (**Figure 2**). The site is approximately 717 square metres and is legally described as Lot 90 DP 756697.

The building comprises a lower area that includes an entry area, a locker room and drying room, separate male / female bathroom, and internal stairs to gain access to the level above. A separate entrance is provided off the northern balcony that gains access to Level 1 that contains 3 bedrooms, a dining / living room and the kitchen. Internal stairs are also provided to the loft storage area, while the loft is also accessed via an external staircase off the northern balcony.

The site is bordered by native vegetation with other similar tourist accommodation premises located in the adjoining vicinity include Beachcombers, Kosciuszko Snow Revellers, Canberra Alpine Club and Christina.



Figure 2 | Existing lodge viewed from Burramys Road (Source: Applicant's documentation)

The Applicant comments that the proposed change of use which requires minor internal alterations to the locker room is a simple internal conversion that would be affordable to the Club and doable in the near future to take the pressure off sleeping accommodation needs.

In terms of the construction of the new bedroom / sitting area, the Applicant comments that the existing granite clad / cavity blockwork walls will be lined on the inside with plasterboard on timber studs with insulation between. The floor is to be covered with thick carpet on an underlay and heating through electric heaters. Existing windows would provide natural light and ventilation.

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 Thredbo.

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 4.9 of the Precincts - Regional SEPP, 'tourist accommodation' is permissible with consent within the Perisher Range 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 the amenity for occupants by converting the locker room into an additional habitable space, rather than utilising the loft area.</p> <p>Given the nature of the works being minor internal work to support the change of use, 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 as the works are internal only thus being compatible with ecologically sustainable development.
(c) to promote the orderly and economic use and development of land,	The Applicant seeks approval for the change of use and minor works that are aimed at supporting the ongoing use of the site for 'tourist accommodation', consistent with 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,	There would not be impacts on any vegetation as a result of the proposal being internal to the building only.
(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 C).
(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. | Due to the change of use and minor works being internal only, the Department did not exhibit the proposal. The proposal was however placed 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 6) and fees (Part 15, Division 1) of the EP&A Regulation 2000 at the time of lodgement. 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 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),	The proposal is appropriate as it improves the amenity and usage of the building. Natural hazards have been adequately considered.
(c) the cumulative impacts of development on existing transport, effluent management systems, waste disposal facilities or transfer facilities, and existing water supply,	With no increase in bed numbers at the site, no adverse cumulative impacts are anticipated as the proposal will not result in any changes to existing transport, effluent management systems, waste disposal facilities, transfer facilities or water supply.

(d) any statement of environmental effects,	The SEE and supporting information supplied are considered adequate to enable a proper assessment of the works.
(e) the character of the alpine resort,	The proposal would not adversely alter the character of the resort as it is for internal works only.
(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,	<p>The site is within the G zone identified on the Department's Geotechnical Policy – Kosciuszko Alpine Resorts Perisher Map.</p> <p>The Department has reviewed the proposed works and consider 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,	No adverse impacts are expected due to the change of use and minor works being internal only.
(h) any stormwater drainage works proposed,	Given the scope of the proposal, the proposal is not considered to impact upon stormwater drainage from the proposal.
(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,	The proposal has been considered against the criteria within the PRRMP and the Department concludes that the works to the building supports its continued use as a tourist accommodation building.
(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 proposal is for a change of use and associated minor works that do not increase the height of the existing building as they are internal only.
Building Setback	The proposal is for a change of use and associated minor works that do not reduce existing setbacks as the works are internal only.
Landscaped Area	The proposal does not 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 proposal is consistent with ESD principles and the Department is satisfied the proposed change of use to a bedroom and associated minor works have been developed having regard to ESD principles, in accordance with the objects of the EP&A Act as follows:

- the change of use aims to improve the operation and usage of space within the tourist accommodation building, thereby supporting the orderly and economic use of the site
- the change of use comprises minor works that are internal only and conditions of consent will ensure there will not be an adverse impact on the environment, thus being consistent with the principles of ecologically sustainable development
- the proposal does not impact upon cultural heritage, including Aboriginal cultural heritage

Biodiversity Conservation Act 2016

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

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

No vegetation impacts are expected given the nature of the change of use and associated 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.

Due to the proposal being for the change of use to a bedroom and associated minor works being limited to internal alterations only the Department did not exhibit the application, however placed the proposal on the NSW Planning Portal website.

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 original proposal for the use of the loft storage area for sleeping purposes.

Following receipt of the amended proposal to convert the ground floor locker room into a habitable space, the Department forwarded the amendments to NPWS for information. NPWS noted the amended proposal and raised no concerns given the development for this purpose is permitted under the lease.

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 change of use and minor 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 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 proposal does not increase the number of beds allocated to the site, which is limited to eight (8) under the KNP Plan of Management. The change of use and alteration to provide a formal sleeping / habitable space within the former locker room area (**Figure 3**) removes the existing situation of people sleeping in the loft area, which is supported. A condition is recommended to ensure that loft area is not utilised for sleeping purposes in the future due to head height and fire safety concerns.

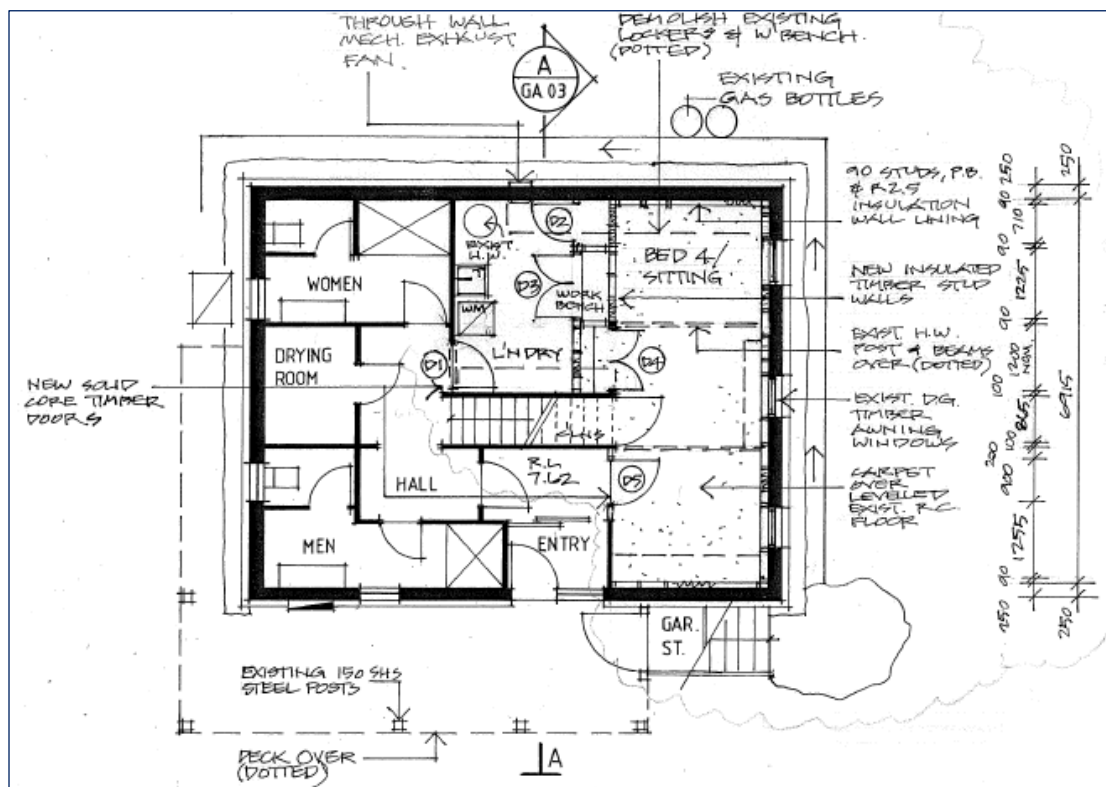


Figure 3 | Proposed alterations to the ground floor locker room (Source: Applicant's documentation)

- 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.
- Compliance with the *Disability Discrimination Act 1992 (DDA)*, and therefore the Access to Premises Standards prepared under the DDA, is triggered at Construction Certificate stage.

The plans submitted with the application do not demonstrate compliance with the provisions of the Access to Premises Standards, including the affected part or relevant provisions of the BCA for 'new work'. Ensuring compliance with the DDA is the responsibility of the Building Owner, Manager and Certifier. The Department has recommended an Advisory Note to ensure the Building Owner, Manager and Certifier are aware of the obligations.

- Section 94 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), therefore no upgrades are recommended.

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

4.2 Managing construction impacts

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

Parking is available at the site during construction, off Burramys Road. 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 not provided a Site Environmental Management Plan (SEMP) outlining waste management, dust and noise minimisation strategies as well as material storage. A SEMP is recommended to be provided to the Certifier prior to the issue of the construction certificate.

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 as the works are internal only
- the change of use and associated minor works improve the internal amenity of the existing tourist accommodation building for the benefit of guests and visitors to the site
- the proposal is appropriate and does not impact upon any other nearby properties
- 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 10379, subject to the recommended conditions
- **signs** the attached Development Consent (**Appendix C**)

Recommended by:



Mark Brown
Senior Planner
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