



**Planning &
Environment**

***DEVELOPMENT APPLICATION
ASSESSMENT REPORT:***

**Internal alterations to Unit 34, The Stables,
Perisher Valley**

DA 6896



**Assessment under Part 4 of the
*Environmental Planning and Assessment Act 1979***

February 2015

ABBREVIATIONS

Alpine SEPP	State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007
Applicant	Pegela Pty Ltd
Consent	This development consent
Department	Department of Planning and Environment
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
LEP	Local Environmental Plan
Minister	Minister for Planning
Secretary	Secretary of the Department of Planning and Environment
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy

Cover Image: Apartment 34 (Source: Applicant's supporting photos to Statement of Environmental Effects)

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1. BACKGROUND

1.1 Introduction

This report provides an assessment of a Development Application (DA 6896) lodged by Pegela Pty Ltd on 6 January 2015 under Part 4 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) that seeks consent for internal alterations to Unit 34, The Stables in Perisher Valley within the Kosciuszko National Park, approximately 37 kilometres west-south-west from Jindabyne.

1.2 The site and surrounding development

The subject site is located within The Stables, Candle Heath Road, Perisher Valley. The Stables is a tourist accommodation development providing various forms of accommodation (**Figure 1**). Access to the site is off Candle Heath Road.

The building is a two storey building constructed of weatherboard and sheet metal roofing. During the winter season the site is snow bound and access is achieved by the oversnow vehicles provided by The Stables.



Figure 1: Location of The Stables within Perisher Valley (Source: Nearmap 2015)

2. PROPOSED DEVELOPMENT

The development application seeks approval for the following:

- relocation of the kitchen on the first floor by reconfiguring an existing bedroom and subsequent expansion of the living area;
- alteration to the ground floor lounge area ('Den') for two beds; and
- reconfiguration of the first floor and ground floor bathrooms.

The proposal has a cost of works of approximately \$75,000.

3. STATUTORY CONTEXT

3.1. Consent Authority

The Minister for Planning is the consent authority for the application under clause 7 of *State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007* (the Alpine SEPP) as the development takes place within a ski resort area as referred to in Clause 32C (2)(a) of Schedule 6 to the *Environmental Planning and Assessment Act 1979* (EP&A Act).

3.2. Determination under Delegation

The Minister for Planning has delegated responsibility for the determination of development under Part 4 of the EP&A Act to the Team Leader, Alpine Resorts Team where:

- the application is in relation to land which the Alpine SEPP applies; and
- there are less than 25 public submissions in the nature of objections.

The proposal complies with the terms of delegation as the application relates to land which the Alpine SEPP applies and no public submissions were received in the nature of objections.

Accordingly, the Team Leader, Alpine Resorts Team may determine the application in accordance with the Minister's delegation.

3.3. Permissibility

Pursuant to clause 11 of the Alpine SEPP and the Perisher Range Alpine Resort land use table, 'tourist accommodation' is permissible with consent.

3.4. Environmental Planning Instruments

The Alpine SEPP is the only environmental planning instrument (EPI) which applies to the site for this type of development. An assessment of compliance with the Alpine SEPP is provided in **Appendix B**. In summary, the Department is satisfied that the application is consistent with the requirements of the Alpine SEPP.

3.5. Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects of the Act, as set out in Section 5 of the Act and read as follows:

- (a) to encourage:
- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
 - (ii) the promotion and co-ordination of the orderly and economic use and development of land,
 - (iii) the protection, provision and co-ordination of communication and utility services,
 - (iv) the provision of land for public purposes,
 - (v) the provision and co-ordination of community services and facilities, and
 - (vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and
 - (vii) ecologically sustainable development, and
 - (viii) the provision and maintenance of affordable housing, and
- (b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and
- (c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.

The proposal complies with the above objects, particularly (a)(ii), (vi) and (vii) as the proposal promotes the orderly and economic use of the site, satisfactorily addresses the environmental significance of the site and includes measures to deliver an ecologically sustainable development. Further discussion on compliance with the above is provided in **Appendix B**.

3.6. Ecologically Sustainable Development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *the precautionary principle;*
- (b) *inter-generational equity;*
- (c) *conservation of biological diversity and ecological integrity; and*
- (d) *improved valuation, pricing and incentive mechanisms.*

The development has considered the proposed development in relation to the ESD principles and has made the following conclusions:

Precautionary Principle – The proposal does not pose a threat of serious or irreversible environmental damage. Due to the works being within the existing unit, the proposal does not have an impact on any threatened species, populations, ecological communities or their habitats.

Inter-Generational Equity – The proposal will not adversely impact upon the health, diversity or productivity of the environment for future generations.

Biodiversity Principle – The proposal would not result in a loss of biodiversity as there would be no disturbance to any native vegetation. All works are within an existing building.

Valuation Principle – Due to the minor nature of the works, there is minimal environmental impact as a result of the proposal.

3.7. Environmental Planning and Assessment Regulation 2000

Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for Notification (Part 6, Division 7) and Fees (Part 15, Division 1) have been complied with.

4. CONSULTATION AND SUBMISSIONS

After accepting the application, the Department placed the application on its website. Due to the minor nature of the works and that the works are wholly within the existing unit, the Department did not exhibit or notify the application. No public submissions were received during the assessment of the application.

The proposal was referred to the Office of Environment and Heritage (OEH) pursuant to clause 17 of the Alpine SEPP. The OEH raised no objections to the proposal.

5. ASSESSMENT

5.1. Section 79C Evaluation

Table 1 identifies the matters for consideration under section 79C of the EP&A Act that apply to the development. The table also represents a summary for which additional information and

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consideration is provided for in **Section 5.2** (Key and Other Issues), the appendix or other sections of this report, referenced in the table.

Table 1: Section 79C(1) Matters for Consideration

Section 79C(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies - see Section 3.5 and Appendix B of this report.
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	Not applicable.
(a)(iia) any planning agreement	Not applicable.
(a)(iv) the regulations	Complies - see Section 3.7 of this report. The application satisfactorily meets the relevant requirements of the EP&A Regulation. Clause 94 (upgrades to buildings) - the proposed works consist of internal alterations to an existing apartment that does not increase the floor space or affect the egress from the building.
(a)(v) any coastal zone management plan	Not applicable.
(b) the likely impacts of that development	Impacts of the development have been considered in Section 5.2 and additional detail is provided in Appendix B of this report.
(c) the suitability of the site for the development	The suitability of the site has been considered in Section 5.3 of this report.
(d) any submissions	Consideration has been given to submissions received during the exhibition of the application in Section 4 . Key issues raised in submissions have been considered further in Section 5.2 of this report.
(e) the public interest	The public interest of the development has been considered in Section 5.4 of this report.
Biodiversity values impact assessment not required if: (a) On biodiversity certified land (b) Biobanking Statement exists	Not applicable.

5.2. Key and Other Issues

The Department has considered the objectives of section 79C of the EP&A Act, the SEE and issues raised in submissions in its assessment of the proposal. The Department considers that the key issues associated with the proposal to be:

5.2.1. Compliance with the Building Code of Australia (BCA)

The proposal is required to comply with the BCA and relevant Australian Standards. Based on the plans and documents that were submitted, the Department is satisfied that BCA compliance can be achieved. Full details of compliance will be demonstrated by the Applicant at the Construction Certificate stage.

The Department is satisfied with the documentation that has been provided. Conditions of consent are recommended to ensure that BCA compliance is addressed at the Construction Certificate stage.

5.2.2. Maintaining the amenity of the building

The relocation and expansion of the kitchen on the first floor increases the size of the living area of the apartment, which increases the amenity for occupiers of the building. The other amendment to the apartment provides all sleeping arrangements to be located on the ground floor which improves the functionality of the unit. With the relocation of the first floor bedroom to the 'Den' area on the ground floor, an amended bathroom layout is proposed to provide separated facilities for each bedroom.

As the works are internal only, the proposal works will only have minimal impact upon the amenity of adjoining properties during construction, however these will only be short term.

The Department concludes that the proposal is acceptable and increases the overall amenity of the building.

5.3. Suitability of the site

The proposed internal building alterations are suitable for the site. The alterations amend the layout of the existing unit that does not impact upon other apartments within the complex.

All building works are internal and therefore no impact on any threatened species, populations, ecological communities, or their habitats. Construction works can be appropriately managed to avoid or mitigate any adverse impacts upon adjoining buildings. The site has been occupied by the tourist accommodation building for a number of years.

5.4. Public Interest

The proposed development is considered to be consistent with the aim and objectives of the Alpine SEPP and the public interest would not be compromised by the proposal. There would also not be an adverse impact on the environment and the proposal is consistent with the principles of ESD.

6. CONCLUSION AND RECOMMENDATION

6.1. Conclusion

The Department has assessed the merits of the proposal taking into consideration the issues raised in all submissions and is satisfied that the impacts have been satisfactorily addressed within the proposal and the recommended conditions.

In relation to the proposal, the Department considers that:

- the proposed internal works will not have an impact on threatened species, populations and ecological communities;
- construction works will be undertaken in accordance with the BCA and relevant Australian Standards; and
- the proposal is appropriate and does not impact upon any adjoining properties.

Overall, the Department is satisfied that the Development Application has been appropriately designed and recommends that the application be approved subject to the imposition of conditions.

6.2. Recommendation

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

- a) **consider** all relevant matters prescribed in section 79C of the EP&A Act, including the findings and recommendations of this report; and

- b) **approve** the Development Application (DA 6896), under section 80(1)(a) of the EP&A Act, having considered matters in accordance with (a) above, and **sign** the Notice of Determination at **Appendix C**.

Prepared by:



Mark Brown
Senior Planner
Alpine Resorts Team

Approved by:



Daniel James
Team Leader
Alpine Resorts Team

16/2/2015

APPENDIX A. RELEVANT SUPPORTING INFORMATION / SUBMISSIONS

The following supporting documents and information to this assessment report can be found on the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6896

APPENDIX B. CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS / SEPPS

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

To satisfy the requirements of section 79C(a)(i) of the EP&A Act, this report includes references to the provisions of the environmental planning instruments that govern the carrying out of the project and have been taken into consideration in the environmental assessment of the project.

Controls considered as part of the assessment of the proposal are:

Section 79C (1) of the EP&A Act

In determining a DA, a consent authority must take into consideration the matters referred to in section 79C(1) of the EP&A Act as are relevant to the development. **Section 5.1** of this report details consideration of the matters in section 79C(1), however a detailed consideration of the likely impacts of the development is provided below:

S 79C(1)(b) the likely impacts of that development

Context and setting – The proposed internal works are minor in nature and will not impact on the context and setting of the locality.

Access, transport and traffic – The proposal will not increase traffic to the site or impact upon access, transport or traffic management within the resort.

Public domain – The proposed works will not impact upon the public domain.

Utilities and energy – Energy and utility requirements will not be altered by the proposal.

Heritage – The proposal will not impact upon any European or Aboriginal archaeological heritage items.

Other land resources – The proposed works do not impact on other land resources.

Water – There will be minimal impact on water resources as no new development is taking place and demand or impact on water is unchanged.

Soils – The proposed works will not impact on soils.

Noise and vibration – There will be an increase in noise and vibration during construction which will be short term and managed in accordance with conditions of consent.

Air and microclimate – Impacts in this regard will be small-scale and short-term during construction and involve primarily, dust and vehicle emissions. These will be managed in accordance with conditions of consent. No long term impacts are expected.

Flora and fauna – The proposed internal works do not impact upon flora or fauna.

Waste – The proposal does not increase the need for waste disposal on site.

Natural hazards – The site likely experiences bushfire hazards. Due to the works being wholly within the building, referral to the NSW RFS was not required.

Technological hazards – The proposal is required to comply with the BCA and relevant Australian Standards. No concerns are raised in relation to the proposal.

Safety, security and crime prevention – The proposed works will have no impact on safety, security and crime prevention.

Social impact – The social impacts are positive in that the functionality of the apartment is improved for the benefit of occupiers of the building.

Economic impact – The proposal is minor in scale and has no negative impact.

Site design and internal design – The proposed internal alterations are appropriate and will provide additional amenity to the occupiers of the building.

Construction – The construction of the proposal will have minimal impacts.

Cumulative impacts – No cumulative impacts are envisaged as a result of this proposal.

State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007

CI 2 – Aim and objectives:	
The proposal is considered to be consistent with the aim and objectives of the Alpine SEPP in that it is consistent with the principles of ESD and consists of internal alterations to an existing lodge. The proposal improves the amenity of an existing tourist accommodation facility.	
CI 11 – Land Use Table	
The proposal is for internal alterations to an existing tourist accommodation building. Pursuant to clause 11 of the Alpine SEPP and the Perisher Range Alpine Resort land use table, 'tourist accommodation' is permissible with consent.	
CI 14(1) – Matters to be considered by consent authority	
(a) the aim and objectives of this policy, as set out in clause 2	See discussion above.
(b) the conservation of the natural environment and any measures to mitigate environmental hazards (including geotechnical hazards, bush fires and flooding),	Due to the works being wholly within the building, no impact is expected on the natural environment.
(c) the cumulative impacts of development on existing transport, effluent management systems, waste disposal facilities or transfer facilities, and existing water supply	The proposal does not modify the capacity or use of the existing lodge. The subject site contains the necessary infrastructure and services to support the development as proposed.
(d) any statement of environmental effects,	The SEE (as amended) and supporting information supplied are considered adequate to enable a proper assessment of the proposal.
(e) the character of the alpine resort,	The proposal will not alter the character of the resort, due to works being internal only.
(f) the Geotechnical Policy –	Not applicable for internal building works.

Kosciuszko Alpine Resorts,	
(g) any sedimentation and erosion control measures,	No adverse impacts are expected due to works occurring wholly within the building.
(h) any stormwater drainage works proposed,	The existing storm water drainage system is adequate for the proposed works.
(i) any visual impact of the proposed development, particularly when viewed from the Main Range,	The proposal will not result in an unacceptable visual impact. The proposal is for internal building works only.
(j) any significant increase in activities, outside of the ski season,	The proposal will not result in a significant 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 and the document entitled Perisher Blue Ski Slope Master Plan	Not applicable for internal building works.
(m) if the development is proposed to be carried out on land in a riparian corridor:	Not applicable for internal building works.
CI 15 – Additional matters to be considered for buildings	
Building Height	Not applicable for internal building works.
Building Setback	Not applicable for internal building works.
Landscaped Area	Not applicable for internal building works.
CI 17 – applications referred to the Office of Environment and Heritage (OEH)	
The proposal was referred to the OEH pursuant to clause 17 of the Alpine SEPP. No objections to the proposal were raised from OEH.	
CI 26 – Heritage conservation	
European heritage	Due to works being internal only, the proposal will not impact on any European heritage items.
Aboriginal heritage	Due to works being internal only, the proposal will not impact on any Aboriginal heritage items.

APPENDIX C. RECOMMENDED CONDITIONS OF CONSENT
