



NSW GOVERNMENT

Department of Planning

DEVELOPMENT ASSESSMENT

DA 10-2-2007

***Alterations and Additions to Existing Building,
Conversion of a Commercial Lodge to Nine (9)
Apartments and Subleasing of Apartments,
Lot 190 DP 870623, Heidi's Chalet, Smiggin Holes.
Proposed by Mr Phil Lucas, Director of Heidi's
Chalet Pty Ltd.***

Planning Assessment Report
Part 4 of the
Environmental Planning and Assessment Act 1979

November 2007

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1. EXECUTIVE SUMMARY

This report is an assessment of Development Application DA 10-2-2007 under *State Environmental Planning Policy No. 73 – Kosciuszko Ski Resorts* (SEPP 73) submitted by Mr Phil Lucas Director of Heidi's Chalet Pty Ltd for Lot 190 DP 870623, Heidi's Chalet, Smiggin Holes. The application seeks consent for alterations and additions to an existing building to form 9 apartments and then subleasing of the apartments. The existing building is a commercial lodge with a public restaurant/bar area. The intent of the new design is to maximise the use of the existing structure which includes extending the first floor level to the east over the ground floor level. To achieve the necessary room heights, the overall height of the building has been increased by 2 metres. The proposal will integrate within the existing built environment and surrounding landscape while providing a superior use of space and high accommodation standard. The works are wholly contained within the disturbed land of the existing lease area.

Parts of the existing structure do not meet current fire safety requirements and do not comply with the current Building Code of Australia (BCA). In addition, the amenity of the building, its space utilisation and energy consumption efficiency could be improved hence the subject application for alterations and additions.

On 6 February 2007, the DA was lodged with the Department in accordance with the *Environmental Planning and Assessment Act 1979*. Under the provisions of the *State Environmental Planning Policy No. 73 – Kosciuszko Ski Resorts* (SEPP 73), the Minister for Planning is the Consent Authority.

The application was notified to surrounding sub lessees and a submission was received from Greg Sheridan, Facilities Development Officer, Fellowship Ski Club (Co-op) Ltd on behalf of Moerlina Lodge.

On 7 September 2007 and 23 November 2007, amended plans and documents were received from the applicant. It is these final plans and documents that are the subject of this report.

The application has been assessed in accordance with the provisions of SEPP 73 and the matters for consideration under section 79C(1) of the *Environmental Planning and Assessment Act, 1979*. Assessment of the application indicates that the proposed development accords with the relevant planning instruments and would not result in any significant environmental impact. The proposal demonstrates efficient building design and improved amenity. Accordingly, the application is recommended for **approval** subject to conditions (**Refer to Schedule 2 – Conditions of Consent**).

2. BACKGROUND

2.1. Site Context

The subject site, Lot 190 DP 870623, known as 'Heidi's Chalet' is located on Central Road (known as the Link Road that extends to Guthega). The site is adjoined by the Snowline Ski Centre to the south and open space to the north and east. The site has an area of approximately 1509 sqm with a frontage of approximately 58 metres wide and a varying depth from 17 to 32 metres. The site falls from northeast to southwest with levels varying from 1691.8 metres to 1686.9 metres.

The Lodge is thought to have existed as a small restaurant building in the late 60's with the original form being a combination of two A frames, one at right angles to the other. In 1973 an accommodation area was added which required the removal of the east section of the A frame. In 1982 the northern wing was added which comprised a manager's apartment above and a games room below.

Today, the existing development on Lot 190 comprises a two storey stone, masonry and timber building with a metal roof and operates as a commercial ski lodge with a lease for 18 beds. The building contains a sub floor area which is used as a basement for services and car parking facilities. There is also a car parking facility on the northern side of the building. The site has a westerly aspect that affords extensive views of the Smiggin Holes ski slopes across the main car park.

Vegetation at the site is disturbed.

2.2 History of the Proposal

- On 6 February 2007, the applicant submitted an application with the Department under the provisions of *State Environmental Planning Policy No. 73 – Kosciuszko Ski Resorts* (SEPP 73).
- On 16 February 2007, the application was referred to the Department of Environment and Climate Change (DECC).
- On 20 February 2007, notification of the proposed development commenced for a period of 14 days.
- On 5 April 2007, the Department received comments from DECC in relation to flora and fauna, Aboriginal heritage, leasing and licensing, municipal services and other matters (environmental performance and disabled access).
- On 23 May 2007, the Department wrote to the applicant requesting additional information in relation to leasing, car parking, stormwater and several other minor issues.
- On 7 September 2007, the Department received additional information from the Building Designer comprising amended plans, a stormwater management plan and a response to the Department additional information request.
- On 23 October 2007, the applicant (and Building Designer) was sent draft conditions.
- On 22 November 2007, the Department received comments from the applicant in relation to the draft conditions.
- On 23 November 2007, the Department received amended plans from the Building Designer.

3. THE PROPOSED DEVELOPMENT

The proposed development includes alterations and additions to an existing building to form 9 apartments. The 2 level ski lodge will provide self-contained accommodation with a total of 34 beds which is an increase in the number of beds allowed under the current lease (i.e. currently 18 beds). The applicant is in the process of obtaining additional beds from NPWS. The alterations and additions do not change the footprint of the existing building.

The proposed floor uses are as follows:

- **Basement**

The basement level comprises four car parking spaces that have been allocated to apartments 3 & 7, two ski locker areas and the internal stair case. This level is accessed internally from the egress stair or through the garage door.

- **Ground Floor Level**

Apartments 1, 2, 3 & 4 are located on this level. Apartment 4 is accessible. Apartments 1, 3 & 4 have two bedrooms with four beds. Apartment 2 has one bedroom with two beds. Each apartment has a balcony. The level also includes cleaner's amenities. This level can be accessed from the main car park entry or the front door.

There is also a car park located on the northern side of the building at ground level. Apartments 1, 2, 4, 5, 6, & 8 have been allocated two car spaces each. Apartment 9 has one car space. The car spaces for apartment 4 (the accessible apartment) have been designed in accordance with the 'parking facilities for people with disabilities' provisions of AS 2890.

- **First Floor Level**

Apartments 5, 6, 7, 8 & 9 are located on this level. Each apartment has two bedrooms with four beds. Each apartment has a balcony. Access to this level is via the internal stair from the ground level or the fire exit at the rear of the building.

The apartment areas in square metres are as follows:

Apartment	Area (sqm)
1	128.15
2	103.99
3	128.58
4	122.02
5	100.45

6	108.26
7	124.86
8	106.48
9	83.69

The proposed external finished materials comprise the following:

- Colorbond roofing to match existing.
- Wall cladding to match existing.
- The colour scheme comprises Jasper, Ironstone and Deep Ocean.
- Stone base to match existing.

The proposal's estimated cost of works is valued at \$1,089,000.

3.1 Amended Plans

Following an additional information request from the Department that required further internal and external design considerations, the Architect submitted amended plans as following:

- On 7 September 2007, amendments to the plans comprised:
 - Clarification of the car parking spaces and their allocation to each apartment.
 - An accessible path and entry was added to the northern side of the building adjacent the car park.
 - Balconies were added to each apartment.
 - Building identification signage was added.
 - A fire escape and access path were added to the rear of the building (eastern side).
 - Apartment 2, 3 & 6 were reconfigured.
 - Dimensions were added to the accessible apartment (apartment 4) to demonstrate compliance with AS 1428.
 - External colour scheme details were noted on the plans.
 - Stormwater management details were provided.
- On 23 November 2007, amendments to the plans comprised:
 - Further clarification of the car parking spaces and their allocation to each apartment.
 - Pedestrian door added to the basement level next to garage door.
 - Minor changes to the balconies.

These amendments were considered to have minimal additional impacts and the DA was not re-notified. Accordingly, these amendments were accepted as a replacement application in accordance with clauses 55 and 90 of the *Environmental Planning & Assessment Regulation 2000* (the Regulations).

4. STATUTORY FRAMEWORK

4.1. Statement of Permissibility

The subject site is within Smiggin Holes in the Kosciuszko National Park. The proposal is permissible with consent under the provisions of *State Environmental Planning Policy No. 73 – Kosciuszko Ski Resorts* (SEPP 73).

4.2. Instrument of Consent

SEPP 73 is the relevant instrument of consent. The only other relevant planning instruments applying to the proposal is the *draft State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007*.

4.3. Other statutory provisions

Other Plans and Policies apply as follows:

- The Perisher Range Resorts Master Plan (PRRMP)
- The Perisher Ski Slope Master Plan (PSSMP)

- The Department of Planning's Geotechnical Policy – Kosciuszko Alpine Resorts.

An assessment of the proposal against the provisions of the Environmental Planning Instruments is outlined in section 6 of this report.

5. CONSULTATION

5.1 Public consultation

The application was notified to the surrounding sub-lessees of Lot 195 Astoria, Lot 268 Moerlina Fellowship Lodge, Lot 220 Snowline Ski Centre, Lot 1 Wild Spitze and Lot 23 Windarra. One submission was received.

5.2 Referrals

5.2.1 *Integrated Approval Bodies*

The subject site is not identified as bushfire prone land and in this regard the development is not integrated under the provisions of Section 91 of the *Environmental Planning & Assessment Act, 1979*.

5.2.2 *National Parks & Wildlife Service (per cl.11 SEPP 73)*

The application was referred to the Department of Environment and Climate Change (DECC) requesting comments on Leasing and Licensing, Aboriginal Cultural Heritage, Fauna and Flora, Health and Municipal Services. No significant issues were raised and the comments from DECC are discussed in section 6 of the report.

6. CONSIDERATION

6.1 Section 79C 'Matters for Consideration' of the Environmental Planning & Assessment Act, 1979

In determining a development application, a consent authority must take into consideration such of the matters referred to in section 79C(1) of the *EP&A Act 1979* as are of relevance to the development. In accordance with this provision, the following matters are required to be assessed:

(a) **Section 79C (1) (a) – Environmental Planning Instruments, Development Control Plans etc**

The environmental planning instruments, draft environmental planning instruments, development control plans and the *Regulations* applicable to the land to which the development application relates, as outlined in Section 4 of this Report, are assessed in relation to this proposal in sections 6.2, 6.3, 6.4 & 6.5 of this report. It is considered that the proposal is consistent with the provisions of these instruments.

(b) **Section 79C (1) (b) – the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality**

The matters generally considered within the provisions of section 79C(1)(b) concerning the 'likely impacts of that development' have been partly considered in the assessment of the Perisher Range Resorts Master Plan in section 6.2.4 (b) of this report and all other matters are considered in section 6.6. In summary, the **Environmental impacts on natural & built environments** are considered acceptable with appropriate conditions to mitigate the potential adverse impacts and the **Social and Economic impacts in the locality** are also considered acceptable.

(c) **Section 79C (1) (c) – Suitability of the Site**

The proposed development is considered suitable for the subject site and is consistent with the objectives of SEPP 73. The proposed development is considered suitable for the subject site and is

consistent with the objectives of SEPP 73. The new apartments will be contained within the existing site. The location means that it is within easy walking distance to the facilities of Smiggin Holes. The works would not involve the removal of any intact native vegetation. The scenic quality of the locality would not be compromised as a result of the new Apartments. There are no off site impact or impacts to adjoining properties.

(d) Section 79C (1) (d) – Submissions

The proposed development was notified to the adjoining lessees and 1 submission was received. The submission is considered in section 6.6 of this report. The issues raised in the submission have been considered in this assessment.

(e) Section 79C (1) (e) – Public Interest

The proposed development is considered to be consistent with the aims and objectives of SEPP 73 and the public interest is not compromised by the proposal subject to the conditions of consent.

6.2 Assessment of specific SEPP 73 clauses:

The application has been assessed in accordance with State Environmental Planning Policy No. 73 – Kosciuszko Ski Resorts (SEPP 73) and is considered to be consistent with this environmental planning instrument as follows.

6.2.1 Clause 9 – Objectives:

- (a) *to preserve and protect the outstanding scenery and natural and cultural features of the land to which this Policy applies,*
- (b) *to encourage the ski resorts on that land to develop as attractive, all year round mountain resorts where form and design complement the natural landscape and environment,*
- (c) *to encourage ski resort development in the Kosciuszko National Park to be carried out in an ecologically sustainable manner, and to be of a high standard and appropriate for a park of Kosciuszko's environmental quality and international stature,*
- (d) *to minimise any adverse impact on conservation values that may occur in achieving a sustainable balance between the use of land to which this Policy applies and the protection of those values*

The proposed development is consistent with the objectives of SEPP 73 in that the natural features of the site will be protected given the new lodge is within the same footprint to the existing lodge, there are no significant environmental impacts. The new lodge is a vastly improved design that provides an alternative form of accommodation and facilitates year round resort use.

6.2.2 Clause 10 – Development will be authorised by or under National Parks and Wildlife Act 1974

Consent must not be granted for development of land to which this Policy applies unless the consent authority is satisfied that the development will be authorised by or under the National Parks and Wildlife Act 1974 when it is carried out.

The subject development application was referred to the Department of Environment and Climate Change (DECC). DECC has not identified any inconsistencies with the NPW Act 1974.

6.2.3 Clause 11 – Comments of Director-General of National Parks & Wildlife must be considered

..... the consent authority must consider any comments of the Director-General of National Parks and Wildlife received within 21 days after the referral of the application to that Director-General of National Parks and Wildlife.

i) Leasing and Licensing

DECC recognised that the development application was for 34 beds and that the current lease for Heidi's Chalet permits only 18 beds. DECC have advised that they have offered the lessee a further 12 beds and a

new lease following the first release of beds under the 520 bed offer. If the lessee accepts that offer the total number of beds permitted would be 30. Furthermore DECC advised that the lessee would be able to seek additional beds in the second release of beds under the 520 bed offer.

In relation to strata titling of the 9 apartments, DECC advised that strata title was not currently permitted in the ski resorts and that they did not support this aspect of the application.

DECC recommended a condition be included in the consent that *'no work should commence until a new lease with appropriate increased bed numbers is executed between the lessee and the Minister for Environment and Climate Change'*.

DOP's Response

Given DECC advice in relation to strata title the applicant was asked to amend the description of the development to delete strata and include subleasing of the apartments. The applicant agreed with this approach. An appropriate leasing condition has been included in the consent to ensure the bed numbers are resolved prior to the issue of a construction certificate.

ii) Aboriginal Cultural Heritage

DECC advised that the SEE did not adequately assess potential impacts to Aboriginal cultural heritage. However due to the minimal additional ground disturbance involved with the proposal it is considered that the development is unlikely to result in any adverse impacts. The site is not identified as being within any zones of sensitivity as described in Section 6 Heritage and Archaeology of the 'Perisher Range Resorts Environmental Study'. Furthermore, DECC advise that, *'If any Aboriginal objects are uncovered during construction activity, works impacting the object/s must cease immediately and DECC contacted as per Section 90 of the National Parks and Wildlife Act 1974'*. The Department has included this advice as a condition of consent.

iii) Flora and Fauna

DECC advised that the proposal should not cause any significant impacts to native flora and fauna. DECC also recommended several conditions regarding excavation, vegetation and rehabilitation which the Department has included in the consent.

iv) Municipal Services

DECC advised that while excavations for the proposal appear to be minor there is always potential to uncover underground services. In this regard, DECC recommended that *'the location of all service connections should be ascertained prior to commencement of construction and adequate measures taken to protect those services from damage'* which the Department has included in the consent.

6.2.4 SEPP 73 Clause 12 – Additional matters to be considered

(a) Any master plan for ski slopes

The Perisher Ski Slope Master Plan (PSSMP) has been adopted as a master plan under SEPP 73. The proposal is consistent with the PSSMP.

(b) Any other master plan

The Perisher Range Resorts Master Plan (PRRMP) has been adopted as a master plan under SEPP 73. The proposed works are consistent with the intent of the master plan as outlined below.

The Alterations and Additions to Heidi's Chalet has been assessed against Chapter 5 of the PRRMP which sets out the concept for Smiggin Holes resort village and details the supporting analysis that is required when developing in this section of the Resort. The proposed development responds to the relevant principles and objectives of the Master Plan for Smiggin Holes in that:

- The proposal will not dominate the landscape as it is consistent with the existing built form of the Lodge and fits within the back drop of trees and other buildings.
- The proposed built form and external finishes are similar to other building in the Smiggin Holes precinct and will assist the building in blending in with the natural and built environment.
- The proposal seeks consent for the redevelopment of an existing lodge that is starting to show the effects of age. The proposed lodge will provide an alternative form of accommodation.

Schedule 1 of the PRRMP describes a set of development guidelines and controls for Ecological Sustainability and Environmental Performance with which all development in the resort should comply.

In terms of Ecological Sustainability, the plans and documentation submitted by the applicant demonstrate that the proposed development will be undertaken in a sustainable manner. This will also be enforced through conditions of consent to ensure a high stand of building construction with an emphasis on water and energy efficiency. Construction management conditions will seek to minimise waste and achieve quality landscaping and rehabilitation outcomes. Furthermore, the applicant has proposed adequate environmental safeguards and construction techniques to ensure that the natural environment is protected during the undertaking of the works.

The key Environmental Performance objective is the Development Bed Ratio which states:

The overall gross floor area of the building is not to exceed 25 m² per bed.

The building has a total gross floor area of approximately 1344.6 sqm however given that it comprises 9 apartments and common areas (car parking, cleaner's amenities, access stairs and corridors etc) the bed ratio analysis has been undertaken on individual apartments. Of the 4 bed apartments, 1 & 3 have the largest floor areas at approximately 128 sqm which equates to 1 per 32 sqm. Apartment 2 is the only 2 bed apartment and it has a floor area of approximately 104 sqm which equates to 1 per 52 sqm. The only apartment that would comply with the master plan requirement is apartment 9 which is a 4 bed apartment with an approximate floor area of 84 sqm. The design of the proposed apartments generally exceeds 1 per 25 sqm however the applicant has provided adequate justification for the increase in terms of efficient building design and improved amenity. In this regard, the Department supports the increase in bed ratio.

Schedule 2 of the PRRMP describes the development guidelines and controls for Guthega, Smiggin Holes and Perisher Valley Outer Precincts. In relation to the Alterations and Additions to Heidi's Chalet, these provisions are assessed as follows:

Permitted Land Uses and Floor Space

The proposal seeks alterations and additions to an existing lodge to make efficient use of the building. The proposal is considered a permitted land uses. The proposed building works are predominantly within the existing building footprint other than the addition of balconies and a fire escape at the rear of the building. As previously discussed the majority of the apartment floor areas exceed 1 per 25 sqm however the applicant has provided adequate justification for the increase in terms of efficient building design and improved amenity. In this regard, the Department supports the increase in bed ratio.

Location & Building Envelope

The Lodge forms a significant portion of the landscape when viewed from within the lower areas of Central Valley, Smiggin Holes however when viewed from higher elevations on the east facing slopes, the Lodge blends into the backdrop of the trees and other building of the eastern precinct. The proposed development will not dominate the landscape as it proposes only minor changes to the existing built form of the Lodge.

The proposed development is confined to the existing disturbed area of the site and there will be no vegetation clearing. The external finished colours and materials will ensure that the proposal blends into the natural environment and character of Smiggin Holes when viewed from significant locations such as the ski slopes.

Building Height, Style and Roof Form

The ridge height of the building is increasing by 2.0 metres and as a result the overall height of the building will be approximately 9 metres. This complies with the master plan that allows a maximum height from the ridgeline to the lowest point where the building meets the ground of 10 metres. Furthermore, the master plan restricts buildings to 2 storeys. While the building has a basement level (predominantly below ground) it is still considered to be 2 storeys in accordance with the BCA. The new lodge has achieved an increase in density with the efficient use of the existing building. The height of the building will not dominant the landscape and does not adversely affect any skyline views from the valley floor. The roof form is consistent with other lodges in Smiggin Holes and has been designed to direct water and snow to locations around the perimeter of the building that will not interfere with building access or pose a threat to people (i.e. from falling snow).

Building Materials & Colours

The proposed external finished materials will match the existing building materials. The colour scheme is changing to tones that are compatible with the adjacent lodges and blend in with the natural summer environment. The colour scheme comprises Jasper, Ironstone and Deep Ocean. The existing stone base of the building will be maintained. The materials are not of a highly reflective nature.

Landscaping

The proposal does not include any landscaping as there is minimal ground disturbance during construction. However the Department considers that opportunities exist to improve the existing landscaped areas of the site and in this regard landscaping and rehabilitation conditions have been included in the consent.

Signs

Building identification signage is proposed to assist visitors in locating the facility. The signage will be located at the front of the building and will be compatible with the building. Conditions of consent have been included to limit the size and type of signage.

Car Parking Areas

The proposal will utilise the existing car parking area located on the northern side of the building at ground level and the parking in the basement of the building. Apartments 1, 2, 4, 5, 6, & 8 have been allocated 2 car spaces each. Apartment 9 has 1 car space. The car spaces for apartment 4 (the accessible apartment) have been designed in accordance with the 'parking facilities for people with disabilities provisions' of AS 2890. The car parking areas cater for both summer and winter visitation to the resort.

The master plan does not include a bed (i.e. within the lodge) to car parking space ratio for winter access. The existing car parking exceeds the summer rate of 1 space per 10 beds. This is considered acceptable as the car parking is existing and there are no environmental, visual, stormwater or vehicle manoeuvring issues. The car parking area has been appropriately sealed and designed to ensure effective snow clearance and stormwater treatment.

Building Access

The development site is accessed via Central Road (known as the Link Road that extends to Guthega). The proposed development maintains the existing access arrangement to the lodge. A significant improvement within the development is the provision of an accessible unit. This unit and the ground for level will provide facilities for people with a disability. The main entry from the car park has been designed in accordance with AS 1428.

(c) Any threat abatement plan

There is no threat abatement plan for the areas subject to the proposed works.

(d) Any recovery plan

The NPWS has recovery plans for the Southern Corroboree Frog (*Pseudophryne corroboree*), the Mountain Pygmy-possum (*Burramys parvus*) and for threatened Alpine Flora – Anemone Buttercup (*Ranunculus anemoneus*), Feldmark Grass (*Erythranthera pumila*), Raleigh Sedge (*Carex raleighii*) and Shining Cudweed (*Euchiton nitidulus*). Furthermore, the NPWS has a draft Recovery Plan for the Broad-toothed Rat (*Mastacomys fuscus*). The proposal will not have a detrimental environmental impact, especially in regard to threatened species, populations or communities or their habitats.

(e) Any development policy

The only development policy that applies under SEPP 73 is the Department of Planning's Geotechnical Policy – Kosciuszko Alpine Resorts. The subject site is located outside the 'G' line as defined in the policy. The applicant has submitted a site classification report prepared by Mark Bartel of Asset Geotechnical Engineers Pty Ltd referenced 1050-A dated 30 January 2007. The report has classified the site as a Class A site in accordance with AS 2870-1996 'Residential Slabs and Footings'. A Form 1A has been signed by Mark Bartel CPEng and is also dated 30 January 2007. In this regard, the Applicant has satisfactorily addressed the provisions of the Department's Geotechnical Policy.

(f) The Statement of Environmental Effects (SEE) required to accompany the development application

The applicant submitted a Statement of Environmental Effects (SEE) and additional supporting documentation that is considered satisfactory.

(g) The visual impact of the proposed development particularly when viewed from the Main Range (defined by PoM)

The proposed development is not visible from the Main Range. The proposed building will be viewed from the several vantage points within Smiggin Holes and the ski slopes. The height, bulk and scale of the proposal is considered reasonable and the building will not be visually dominant when viewed from the ski slopes. The selection of proposed materials and colour palette is in keeping with materials used throughout Smiggin Holes. In this regard, it is considered that there are no adverse visual impacts from the proposed development.

(h) The measures proposed to address any geotechnical issues

Discussed in part (e) above.

(i) The sedimentation and erosion control measures proposed to mitigate adverse environmental impacts associated with any proposed earthworks and excavation works.

The applicant has prepared a stormwater management plan and SEMP for the proposed works to ensure that sediment and water is managed appropriately during construction. The Department is satisfied with the level of assessment undertaken by the applicant and the mitigating measures that are proposed. Conditions of consent have been included that address these issues.

(j) The measures proposed to mitigate potential adverse impacts associated with any proposed stormwater drainage works.

A stormwater management plan has been prepared by Northern Beaches Consulting Engineers Pty Ltd. It is proposed that surface water from hardstand areas and the roof will be collected and discharge to the road drainage system. The Department has been included conditions of consent to ensure that design certification is submitted prior to the issue of a Construction Certificate.

6.3 The provision of any draft environmental planning instruments

The proposed development is consistent with Draft State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007. Public exhibition of the draft SEPP concluded on 16 February 2007.

6.4 The provision of any development control plans

The relevant development control plan applying to this section of the Kosciuszko Alpine Resort Area is the Perisher Range Resorts Master Plan (PRRMP). As discussed in section 6.2.4 (b) of the report, the proposal is consistent with the aims and objectives of the PRRMP.

6.5 The provision of any matters prescribed in the regulations

The development application has been assessed in accordance with clause 94 of the *Environmental Planning & Assessment Regulations 2000*. No additional details were required. BCA advisory conditions have been included in the consent.

6.6 Other matters to be considered

Access, Transport and Traffic

The applicant has addressed access, traffic and parking issues in the SEE. The site access is not charging and the existing car parking will be utilised for the loading and unloading during construction. Access during construction will be undertaken in accordance with the conditions of consent and the traffic management plan.

Disabled Access (AS 1428)

The applicant has addressed accessibility in the SEE and the design comprises an accessible apartment (No. 4) in accordance with AS 1428 and a car parking space that has designed in accordance with the 'parking facilities for people with disabilities' provisions of AS 2890.

Heritage and Archaeology

Indigenous Cultural Heritage Values

As discussed in section 6.2.3 (ii) of the report, the proposed development is unlikely to result in any adverse impacts on Aboriginal Cultural Heritage. However, a precautionary condition of consent has been included should any Aboriginal objects be uncovered during construction.

Other Cultural Heritage values

In 1997 a 'statement of cultural significant' was prepared by Suzannah Plowman of Victor Design and Management and submitted to NPWS. The assessment identifies that Heidi's has a low degree of cultural significance to Smiggin Holes. The applicant submitted a copy of this report with the current application and the Department does not require any further formal heritage assessment.

Water and soils

The SEE and SEMP have addressed potential impacts of erosion and sedimentation either by wind or by water. Minimal ground disturbance will occur during construction however hauled bales, silt fencing etc will be implemented to control stormwater runoff where necessary and dust can be controlled by watering if required. Upon completion of construction exposed areas of the site will be appropriately rehabilitated to ensure no ongoing water or wind erosion issues. Conditions of consent have been included to address these issues. In this regard, no short or long term adverse soil degradation impacts are expected.

There are no flooding issues associated with the redevelopment of the subject site.

Air and Noise

The applicant has addressed air and noise in the SEE. Minor dust levels may emanate from the site during site construction works however impacts would be short term and of an acceptable level. Watering of the site would be carried out if considered necessary in order to minimise dust levels.

Noise from construction activities would emanate from the development site but impacts would be short term and control by the conditions of consent. In the longer term, external and internal acoustic control would be achieved via the use of double glazed windows and insulation of external walls (in accordance with the BCA). Noise emissions from washing machines, dryers, other household appliances, spas, pumps, air-conditioning units etc are expected to be negligible.

Flora and Fauna

The applicant has addressed potential impacts to flora and fauna in the SEE. The Department's assessment of the subject proposal in relation to flora and fauna has not revealed any environmental impacts that would have an adverse affect on the existing vegetation condition of the site, disturb the connectivity of any plant or animal community or interfere with any threatened species.

Waste

The applicant has addressed waste management included construction waste, hazardous materials and domestic waste in the SEE. Construction waste would either be removed to landfill or recycled. Any hazardous waste or contaminated matter would be removed and disposed of in accordance with the relevant guidelines (e.g. work cover guidelines for the removal of asbestos). Conditions of consent will be included to address these issues.

Energy and Water efficiency

Energy and Water efficiency has been addressed in the conditions of consent and the applicant will be required to demonstrate compliance with the BCA at the time of the construction certificate. Conditions of consent have also been included to ensure that energy efficient appliances, energy efficient lighting, ceiling insulation, water saving showerheads and AAA rated water fixtures are used within the building.

Infrastructure and Services

NPWS Municipal Service Unit is responsible for infrastructure and services within the Perisher Range Resorts. The subject site is adequately serviced and has the necessary infrastructure to support the development as proposed.

Contamination

There is no known contamination at the site.

Socio economic

The development will be of benefit to those employed in its construction and more significantly will benefit the guest of the apartments post construction. The proposal is an efficient use of an existing building. The design of the apartment floor areas enables better quality living areas and sleeping accommodation. The new building demonstrates efficient building design, improved amenity and updated accommodation. A significant social improvement within the development is the provision of an accessible unit.

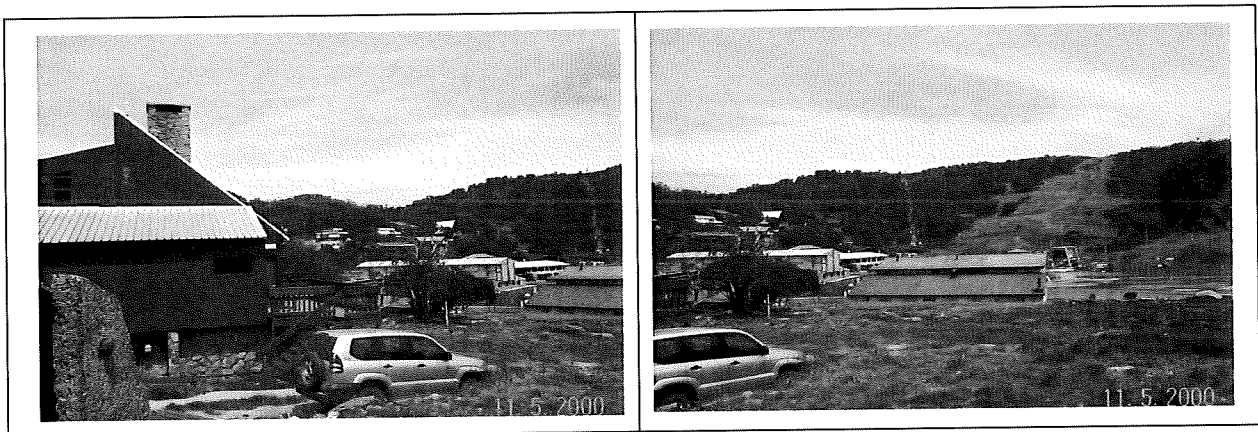
Negative impacts would be short term and limited to the construction phase. Although the work would occur in the construction period (summer and autumn) when visitation is negligible, resort amenity may be slightly inconvenienced by construction traffic, noise, and disruption to vehicle and pedestrian traffic.

6.7 Submissions

The proposed development was notified to the adjoining lessees and 1 submission was received. The matter raised in the submission was the impact on views of the ski slopes from the lodges behind Heidi's due to the 2 metre height increase in the building.

Response to submissions

The submission came from Moerlina lodge which is located to the east of Heidi's. Moerlina lodge has a large deck at the north western corner of the building which has extensive views over Heidi's to the ski slopes. The Department estimates that the ground RL below the deck is approximately 1695 m and the deck is about 2.0 metres above the ground giving the deck an approximately RL of 1697 m (See GIS map on the next page). The RL of the roof ridge after the alterations and additions to Heidi's will be approximately 1698 m. There would be a minor impediment to the views from the deck. The relationship between the two buildings is demonstrated below.



Photos: View from Moerlina deck towards Heidi's

The above photos show Moerlina and the deck and the existing ridge height of Heidi's. As previously mentioned the ridge height of Heidi's will increase by 2 metres which will be a minor impediment to the views from the Moerlina's deck. This is considered acceptable in the context of the overall view of the ski slopes.



Smiggin Holes Heidi's and Moerlina Lodges



Legend

Contour

Watercourses

minor contour 41 J



Notations

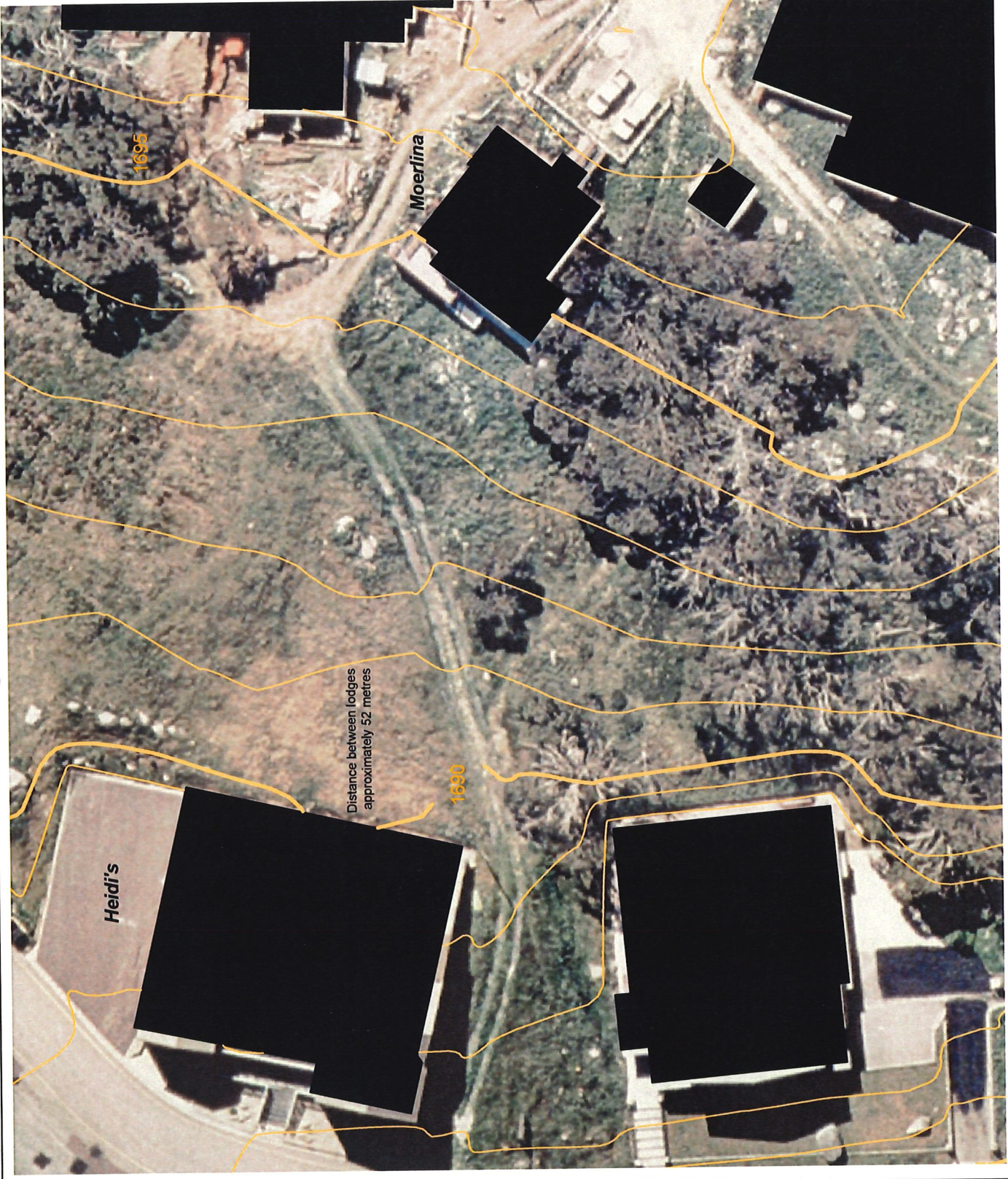
Map produced by NSW Department of Planning, 7 November 2007

Data supplied by AAM Surveys, PW Burns Surveyor

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7. CONCLUSION

This application has been assessed pursuant to Section 79C of the *Environmental Planning and Assessment Act, 1979* and State Environmental Planning Policy No. 73 – Kosciuszko Ski Resorts. Assessment of the application reveals the proposed development complies with the aims and objectives of SEPP 73 and the matters for consideration. Assessment of the application demonstrates the proposed development would not have an unreasonable impact on the local environment subject to the conditions of consent (refer to Schedule 2). The application was notified to the adjoining lessees and 1 submission was received. On balance, it is considered that the proposed development is acceptable, subject to the conditions of consent and is recommended for approval.

8. DELEGATIONS


It is considered that Jim Corrigan, Team Leader, Urban Assessments (Alpine Resorts Team) has the delegation to exercise the function as a consent authority as provided by the Minister for Planning, pursuant to section 23 of the *Environmental Planning and Assessment Act*. This exercise of delegations is considered to be appropriate in accordance with the adopted delegation guidelines, dated 6 July, 2004.

9. RECOMMENDATION

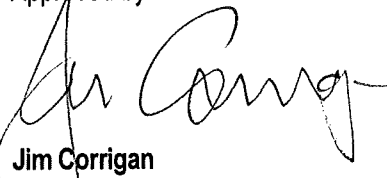
It is recommended that Jim Corrigan, Team Leader, Urban Assessments (Alpine Resorts Team) as delegate for the Minister for Planning under Instrument of Delegation dated (6 July, 2004) pursuant to Section 80(1)(a) of the *Environmental Planning and Assessment Act 1979* and State Environmental Planning Policy No. 73 – Kosciuszko Ski Resorts:

- (i) Grant consent to DA 10-2-2007 for Alterations and Additions to an Existing Building to form 9 Apartments and Subleasing of the Apartments at Lot 190 DP 870623, Heidi's Chalet, Smiggin Holes subject to the conditions of consent (**refer to Schedule 2**);
- (ii) Sign and date the Notice of Determination for DA 10-2-2007 (**refer to Notice of Determination**);

Prepared by:


Daniel James 28-11-2007
Planner
Urban Assessments
(Alpine Resorts Team)

Approved by:


Jim Corrigan
Team Leader
Urban Assessments
(Alpine Resorts Team)

Determined as Delegate of the Minister for Planning