



ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF MODIFICATION APPLICATION NO DA 26-5-2007, MOD 1

I, Daniel James, Team Leader, Alpine Resorts Team, as delegate for the Minister for Planning and Infrastructure under Instrument of Delegation dated 14 September 2011 determine the Section 96(1A) Application pursuant to the *Environmental Planning and Assessment Act 1979*, by granting the modification to the original consent referred in Schedule 1 subject to the conditions referred in Schedule 2.

A handwritten signature in black ink, appearing to read 'Daniel James', with a stylized flourish at the end.

Daniel James
Team Leader
Alpine Resorts Team

15 October 2012



SCHEDULE 1

PART A—TABLE

Application made by:	Julius Bokor Architects Pty Ltd
Application made to:	Minister for Planning and Infrastructure
Modification Application:	DA 26-5-2007 MOD 1
Modifying Development Application:	DA 26-5-2007
Date DA Determined:	20 September 2007
On land comprising:	Lot 53, Alpenhof (Kosciuszko Alpine Club), Perisher Valley
S.96 Determination made on:	15 OCTOBER 2012
Date of commencement of consent:	20 September 2007

PART B — NOTES RELATING TO THE DETERMINATION OF DA 026-5-2007 MOD 1.

Responsibility for Other Approvals / Agreements

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid:

- (1) for a development application, within 12 months after the date on which the applicant received this notice; or
- (2) for a modification to the consent, within 3 months after the date on which the application received this notice.

Legal Notices

Any advice or notice to the consent authority shall be served on the Director-General.

PART C—DEFINITIONS

In this consent,

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

Applicant means Julius Bokor Architects Pty Ltd.

Approval Body has the same meaning as within Division 5 of Part 4 of the Act.

BCA means the edition of the Building Code of Australia in force at the time of lodgement of a construction certificate.

Certifying Authority has the same meaning as Part 4A of the Act.

DA 26-5-2007 MOD 1 means the modification application and supporting documentation submitted by the applicant on 24 July 2012.

Department means the Department of Planning and Infrastructure.

Director means the Director of the Metropolitan and Regional Projects South (or its successors) or a delegate of the Director of the Metropolitan and Regional Projects South within the Department.

Director-General means the Director-General of the Department.

Minister means the Minister for Planning and Infrastructure.

OEH means the NSW Office of Environment and Heritage.

PCA means the Principal Certifying Authority as prescribed in Part 4A of the Act.

Regulations means the *Environmental Planning and Assessment Regulations, 2000* (as amended).

Subject Site has the same meaning as the land identified in Part A of this schedule.

Team Leader means the Team Leader of the Director of the Metropolitan and Regional Projects South (or its successors) or a delegate of the Team Leader of Metropolitan and Regional Projects South within the Department.



SCHEDULE 2

CONDITIONS OF CONSENT

MODIFICATION APPLICATION NO DA 26-5-2007 MOD 1

ALTERATIONS AND ADDITIONS TO EXISTING LODGE
LOT 53, ALPENHOF (KOSCIUSZKO ALPINE CLUB), PERISHER VALLEY

This consent is granted subject to the following:

- (a) Condition A2 is amended by the insertion of the **bold and underlined** words/numbers and deletion of ~~struck out~~ words/numbers as follows:

A2 Development in Accordance Plans

The development shall be in accordance with Development Application No. DA 26-5-2007 submitted by Julius Bokor Architects Pty Ltd on 14 May 2007, **Modification Application No DA 26-5-2007 MOD 1 submitted by Julius Bokor Architects Pty Ltd on 12 July 2012**, and in accordance with the supporting documentation submitted with that application including, but not limited to, the following:

- Architectural Drawings and Plans by Mr Julius Bakor, Julius Bakor Architects Pty Ltd labelled as follows:

DRAWING No.	PLAN TITLE	DATE
DA-01 Rev C	Existing Plans	7 March 2007
DA-02 Rev C	Existing Elevations and Sections	7 March 2007
DA-03 Rev C	Proposed Plans	7 March 2007
DA-04 Rev B	Proposed Elevations and Section	7 March 2007
<u>DA-03 Rev M</u>	<u>Proposed Plans</u>	<u>13 July 2012</u>
<u>DA-04 Rev H</u>	<u>Proposed Elevations and Section</u>	<u>13 July 2012</u>
<u>No. A-201 Rev C</u>	<u>Proposed Elevations</u>	<u>23 August 2012</u>

- Structural Engineers Drawings and Plans by John Skurr Consulting Engineers Pty Ltd, labelled as follows:

DRAWING No.	PLAN TITLE	DATE
S1	Notes	7 Mar 2007
S2	Ground Floor Plan	7 Mar 2007
S3	First Floor Plan	7 Mar 2007
S4	Second Floor Plan	7 Mar 2007
S1	Structural Details (Section A-A)	7 Mar 2007
S1	Structural Details (Section B-B)	7 Mar 2007
S1	Structural Details (Section C-C)	7 Mar 2007
S1	Structural Details (Section D-D & Typical New Opening)	7 Mar 2007
S1	Structural Details (Section E-E)	7 Mar 2007
C1	S/W Drainage & Erosion Plan	7 Mar 2007
C2	Civil Details	7 Mar 2007

- Plans by Northrop Building Services titled 'Alpenhof Lodge Alterations and Additions', labelled as follows:

DRAWING No.	PLAN TITLE	DATE
H.1 (2)	Hydraulic Services General Notes	10 April 2007
H. 2(3)	Hydraulic Services Site Plan and Floor Plans	10 April 2007

- Geotechnical Investigations by Scott Findlay of Coffey Geotechnics Pty Ltd titled, 'Proposed Alterations to Kosciuszko Alpine Club Lodge' reference GF8681AA-01 dated 11 May 2007.
- Geotechnical Review by Jon Thompson of Coffey Geotechnics Pty Ltd titled 'Geotechnic Review, Extension to Alpenof Lodge, Portion 53, Perisher Valley NSW', reference GEOTFYSH08681AB-04 and dated 20 July 2012.
- Form 4 signed by Weeks White of Coffey Geotechnics Pty Ltd dated 11 May 2007.
- Form 4 signed by Jon Thompson of Coffey Geotechnics Pty Ltd dated 20 July 2012.
- Statement of Environmental Effects by Janet Thompson Planning Consultant.
- Statement of Environmental Effects for the Section 96 application, prepared by Bokor Pty Ltd and dated July 2012.
- Building Code of Australia Assessment by Urban Approvals Pty Ltd dated 26 March 2007.
- Letter by Ian Bruce of NPWS dated 2 April 2007.
- Letter by Richard Storey of Julius Bokor Architects Pty Ltd to the Department of Planning, dated 30 July 2012 and titled 'Section 96 Application Lodgement'.

- (b) Condition A6 is amended by the insertion of the **bold and underlined** words/numbers and deletion of ~~struck-out~~ words/numbers as follows:

A6 Geotechnical Works

All works for the development are to comply with the Geotechnical Investigation **and Geotechnical Review** prepared by Coffey Geotechnics Pty Ltd identified in *Condition A2*.

- (c) Condition B8 is amended by the insertion of the **bold and underlined** words/numbers and deletion of ~~struck-out~~ words/numbers as follows:

B8 Food Preparation Area (Kitchen)

Prior to the issue of the a Construction Certificate the applicant shall provide a design of **the** food preparation area, to the satisfaction of the Certifying Authority that addresses the following:

- The plan shall be designed in consultation with DECC-MSU **the OEH Senior Environmental Health Officer (or equivalent)** and the following recommendations:
 - The food preparation area shall be designed in accordance with "AS 4674-2004 Design, Construction and Fit-out of Food Premises".

- (d) Condition B12 is amended by the insertion of the **bold and underlined** words/numbers and deletion of ~~struck-out~~ words/numbers as follows:

B12 Landscape and Rehabilitation Plan

Prior to the issue of a Construction Certificate, a Landscape Plan shall be submitted and approved by the Certifying Authority. The Landscape Plan shall:

- be prepared by a qualified Landscape Architect, Landscape Designer, or similarly qualified person/s;
- **be prepared after consultation with the OEH to ensure that landscaping does not interfere with the fence to be installed by OEH above and to the south of the site;**
- include only endemic species (from Table 1 in the Advisory Notes);
- detail location, numbers, and species to be planted;
- detail location of proposed boulders;
- planting techniques shall include the removal of all exotic species from the rehabilitation areas;
- rehabilitation shall use only native endemic species except for grasses which may use a mix of Chewings fescue and native *Poa sp*; and
- address site assessment and proposed techniques.

- (e) Condition D9 is amended by the insertion of the **bold and underlined** words/numbers and deletion of ~~struck-out~~ words/numbers as follows:

D9 Geotechnical Requirements

At all times during demolition, excavation and construction, the contractor shall adhere to the recommendations contained ~~with~~ in the Geotechnical Investigation **and Geotechnical Review** prepared by ~~Scott Findlay of Coffey~~ Geotechnics Pty Ltd identified in *Condition A2*.

- (f) Condition D13 is amended by the insertion of the **bold and underlined** words/numbers and deletion of ~~struck-out~~ words/numbers as follows:

D13 Maintenance of Municipal Services

The applicant shall consult with DECC MSU at least 2 days prior works commencing on site, to arrange an inspection to identify and peg the location of water, sewer and fire hydrant infrastructure at the site.

The applicant shall accurately locate where the proposed concrete driveway will cover the sewer main. The area of concrete that covers the sewer main must be poured as a separate section of concrete. The centreline of this section must be located directly above the centre line of the sewer main and have a minimum width of 900mm.

Following excavation and prior to backfilling, the site shall be inspected by ~~DECC~~ the OEH MSU to ensure that all services are intact.

All costs associated with relocating any services shall be borne by the applicant.

- Any damage to any service including road infrastructure shall be immediately rectified by the applicant at their expense.

- (g) Condition G1 is deleted and replaced with:

G1 NSW Rural Fire Service

The NSW Rural Fire Service is prepared to grant a Bush Fire Safety Authority subject to the following conditions:

1. The development proposal is to comply with the drawing prepared by Bokor Pty Ltd, number 06168 and dated July 2012.

Asset Protection Zones

The intent of measures is to provide sufficient space for fire fighters and other emergency personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting and evacuating occupants. To achieve this, the following conditions shall apply:

2. At the commencement of building works and in perpetuity the entire leasehold area shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

3. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

An Emergency/Evacuation Plan is to be prepared in accordance with the NSW Rural Fire Service Guidelines for the Preparation of Emergency/Evacuation Plan and comply with Australian Standards AS 3745-2010 'Planning for Emergencies in Facilities'.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

4. New construction shall comply with Sections 3 and 6 (BAL 19) Australian Standard AS 3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

END OF CONDITIONS