



**ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
DETERMINATION OF DEVELOPMENT APPLICATION NO. DA 5796**

I, Daniel James, Team Leader, Industry, Urban and Special Projects (Alpine Resorts Team) as delegate for the Minister for Planning under Instrument of Delegation dated 14 September 2011 pursuant to Section 80(1)(a) of the *Environmental Planning and Assessment Act 1979* and *State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007* determine the Development Application referred to in **Schedule 1** subject to the conditions referred in **Schedule 2**.

The reasons for the imposition of conditions are:

- (1) To protect the environment and amenity of the locality;
- (2) To ensure public health and safety; and
- (3) To ensure the proposed works are carried out in accordance with the relevant Australian standards, provisions of the Building Code of Australia and other relevant legislation.

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

Daniel James
Team Leader
Alpine Resorts Team

27 August 2013

SCHEDULE 1

PART A – TABLE

Application made by:	Gunuma Lodge
Application made to:	Minister for Planning and Infrastructure
Development Application:	DA No. 5796
On land comprising:	Lot 24, DP 756697, the Link Road, Smiggin Holes, Perisher Range alpine resort, Kosciusko National Park.
For the carrying out of:	Re-cladding of existing lodge including painting windows
Estimated Cost of Works	\$101,785.00
Type of development:	Integrated
Approval Body / Bodies:	NSW Rural Fire Service
Determination made on:	27 August 2013
Determination:	Development consent is granted subject to the conditions in the attached Schedule 2.
Date of commencement of consent:	This development consent commences on the date identified in the accompanying letter.
Date consent is liable to lapse:	This consent will lapse 5 years from the date of commencement of consent, unless a shorter period of time is specified by the Regulations or a condition in Schedule 2.

PART B—NOTES RELATING TO THE DETERMINATION OF DA 5796

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

Pursuant to section 97 of the *Environmental Planning and Assessment Act, 1979*, the applicant may appeal the determination of this development application. Any such appeal must be made to the Land and Environment Court within six (6) months of the applicant receiving this notice of the determination.

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 Gunuma Lodge Incorporated.

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

AS means Australian Standard.

BCA means the edition of the Building Code of Australia in force at the time of lodgement of an application for a Construction Certificate.

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

Construction Certificate has the same meaning as Part 4A of the Act.

DA No 5796 means the development application and supporting documentation submitted by the applicant on 22 January 2013.

Department means the Department of Planning and Infrastructure.

Department's Geotechnical Policy means the document titled *Geotechnical Policy Kosciusko Alpine Resorts* prepared by the Department of Infrastructure, Planning and Natural Resources and dated November 2003.

Director means the Director of Industry, Urban and Special Projects (or its successors) or a delegate of the Director of Industry, Urban and Special Projects within the Department.

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

Minister means the Minister for Planning and Infrastructure.

NZS means New Zealand Standard.

Occupation Certificate has the same meaning as Part 4A of the Act.

OEH means the NSW Office of Environment and Heritage.

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

Regulation 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 Industry, Urban and Special Projects (or its successors) or a delegate of the Team Leader of the Industry, Urban and Special Projects within the Department.

SCHEDULE 2

CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. DA 5796

RE-CLADDING OF EXISTING LODGE INCLUDING PAINTING OF WINDOWS
LOT 24, DP 756697, GUNUMA LODGE,
THE LINK ROAD, SMIGGIN HOLES, PERISHER RANGE ALPINE RESORT.

This consent is granted subject to the following:

A THE APPROVED DEVELOPMENT

A.1 Development in accordance with approved documentation and plans

The development shall be in accordance with Development Application No. DA 5796 submitted by Gunuma Lodge on 22 January 2013 and in accordance with the supporting documentation submitted with that application including, but not limited to, the following:

Ref. No.	Document	Title / Description	Author / Prepared by	Date	Document Reference
1	Statement of Environmental Effects (SEE)	'External alterations – cladding Gunuma Lodge, Plum Pine Road, Smiggin Holes, Kosciuszko National Park'	Dabyne Planning Pty Ltd	January 2013	Project: 02-13
2	Site Environmental Management Plan	'Site Environmental Management Plan'	Dabyne Planning Pty Ltd	January 2013	Appendix A
3	Bushfire Assessment Report	'External alterations – cladding Gunuma Lodge, Plum Pine Road, Smiggin Holes, Kosciuszko National Park'	Dabyne Planning Pty Ltd	January 2013	Project: 02-13
4	Plan	'Site Plan – External alterations at Gunuma Lodge, Plum Pine Road, Smiggin Holes'		January 2013	Dwg 1/2
5	Plan	'Elevations – External alterations at Gunuma Lodge, Plum Pine Road, Smiggin Holes'		January 2013	Dwg 2/2
6	Letter	Bush Fire Safety Authority 'Integrated Development for Gunuma Lodge, Smiggin Holes	NSW Rural Fire Service	19 August 2013	D13/0214 DA1301086 306 LC

A.2 Development site description

The development site is Lot 24, DP 756697, the Link Road, Smiggin Holes, Perisher Range alpine resort.

A.3 Development description

The development to which consent is granted is described as the re-cladding of the existing lodge including painting of the windows.

A.4 Inconsistency between documents

In the event of any inconsistency between conditions of this consent and the documents referred to above, the conditions of this consent prevail.

B GENERAL CONDITIONS

B.1 Prescribed conditions

All works shall comply with the prescribed conditions of development consent as set out in the Regulations:

- (a) Clause 98, Compliance with Building Code of Australia; and
- (b) Clause 98A, Erection of signs.

B.2 Compliance with the Building Code of Australia

All works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

B.3 Australian Standards

All works shall be carried out in accordance with the current and relevant Australian Standards.

B.4 Lapsing of consent

The development consent shall lapse 5 years after the determination date in Part A of Schedule 1 of this development consent.

C PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

C.1 Construction certificate

Prior to the commencement of any work (including demolition, excavation, clearing, construction, subdivision or associated activities), a construction certificate for the development must be obtained.

C.2 Documentation for the construction certificate

Prior to the issue of the construction certificate, the following information shall be submitted to, and be to the satisfaction of the certifying authority:

- (a) Structural drawings and design statement - prepared and signed by an appropriately qualified practising Structural Engineer that comply with:
 - (i) section B of the BCA;
 - (ii) development consent DA 5796; and
 - (iii) drawings and specifications comprising the construction certificate.
- (b) Compliance with the BCA - sufficient details to demonstrate that the proposal complies with the relevant provisions of the BCA.

C.3 Payment of the Long Service Levy

Prior to the issue of any construction certificate, evidence shall be provided to the certifying authority, in the form of a receipt, confirming payment of the Long Service Levy to the Long Service Payments Corporation in accordance with Section 34 of the *Building Construction Industry Payments Act 1986*.

C.4 Bush fire safety authority

Prior to the issue of any construction certificate, the certifying authority is to be satisfied that the documentation for the construction certificate demonstrates compliance with the relevant conditions of the bush fire safety authority.

C.5 Colours and materials

The materials and colours shall be constructed in accordance with the plan 'Elevations – External alterations at Gunuma Lodge, Plum Pine Road, Smiggin Holes Dwg 2/2' dated January 2013 (Ref. No.5 Condition A.1).

D PRIOR TO THE COMMENCEMENT OF WORKS

D.1 Notification to Department of the date of commencement of works

The Director-General or nominee shall be given written notice, at least 2 days prior to works commencing on site, of the date that works are proposed to commence.

D.2 Temporary fencing

Prior to works commencing, the construction works area shall be fenced with temporary fencing. This fencing is to clearly delineate the construction area and shall keep the disturbance area to a minimum. This is to restrict access and also prevent unauthorised persons entering the work area.

D.3 Implementation of site environmental management measures

(a) Prior to any construction works commencing, all site environmental management measures in accordance with the approved documentation (condition A.1) and these conditions of consent, shall be in place and in good working order.

D.4 Protection of adjacent vegetation areas

Site management shall ensure that appropriate measures are in place to ensure that vehicles and machinery do not enter into areas of vegetation that are not part of the proposed development.

E DURING CONSTRUCTION

E.1 Approved plans and documentation to be on-site

A copy of the approved plans and documentation shall be kept on site at all times and shall be readily available for perusal by any person associated with construction works, the PCA or an officer of the Department.

E.2 Construction hours

All work in connection with the proposed development shall be carried out between the hours of 7.00am and 6.00pm on Monday to Friday inclusive, and 7:00am to 1.00pm on Saturdays, with no work allowed on Sunday or Public Holidays, or as otherwise approved by the Director-General or nominee.

E.3 Construction period

- (a) All construction activities are limited to the "summer" period. For this development this period means commencing after the October long weekend and ceases no later than 31 May or as otherwise approved by the Director-General or nominee.
- (b) By 31 May the applicant shall ensure that that the site is made safe and secure by undertaking the following:
- (i) removal of all waste materials;
 - (ii) removal and/or securing of all stockpiles of soil and gravel;
 - (iii) completion of all stabilisation and rehabilitation works in accordance with these conditions of consent and the approved Site Environmental Management/Rehabilitation Plan (Reference 9, Condition A1); and
 - (iv) any other specific matters related to making the sites safe and secure raised by the Director-General or nominee during the course of construction.

E.4 Site notice

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details. The notice(s) is to satisfy all but not be limited to, the following requirements:

- (i) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (ii) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
- (iii) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice;
- (iv) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.
- (v) If the PCA is not the Department then the name and contact details of the PCA are to be identified on the site signage.

E.5 Site environmental management measures

- (a) All site environmental management measures in place shall be checked regularly and maintained in good working order at all times.
- (b) All exposed earth must be kept stabilised and revegetation must commence as soon as practicable.

E.6 Loading and unloading of construction vehicles

All loading and unloading associated with demolition and construction shall be restricted to those areas approved in the Site Environmental Management/Rehabilitation Plan (Reference 9, Condition A1).

E.7 Storage of materials

The applicant shall ensure that at all times during the construction period that no storage or disposal of materials shall take place beneath the canopy of any trees or on native heath vegetation.

E.8 Work Cover

All demolition and construction works shall be carried out in accordance with current Work Cover guidelines.

E.9 Maintenance of services

The applicant and/or the lessee are responsible for costs associated with relocating any services. Any damage to any service including road infrastructure shall be immediately rectified by the applicant and/or the lessee.

E.10 Prohibition of hazardous materials

Hazardous or toxic materials or dangerous goods shall not be stored or processed on any site at any time.

E.11 Litter and building waste

Building waste shall be minimised and shall be contained in receptacles so as not to escape by wind or water. These receptacles must only be located in previously disturbed areas and not beneath the canopy or over roots of any trees. The receptacle must be cleaned regularly.

E.12 Site rehabilitation

- (a) Site stabilisation and rehabilitation works shall commence, as soon as possible, following the completion of each section of work to minimise exposed areas.
- (b) Any disturbed area shall be rehabilitated in accordance with the *Rehabilitation Guidelines for the Resorts Areas, Kosciuszko National Park* (NPWS, 2007) and to the satisfaction of the PCA.

- (c) All areas that are re-seeded shall be sown with a Poa-Chewings Fescue mix and adequately mulched and maintained until an erosion resistant ground condition is achieved.

E.13 Protection of native vegetation

Site management shall ensure that appropriate measures are in place to ensure that vehicles, machinery or persons do not damage or remove any native vegetation that is not part of this consent. The damage or removal of any native vegetation that is not part of this consent may warrant further action to be undertaken in accordance with the *National Parks and Wildlife Act 1974* or the *Environmental Planning and Assessment Act 1979*.

E.14 Aboriginal heritage

Should any material suspected of being an Aboriginal relic or artefact become unearthed in the course of works, all works impacting the objects or artefacts shall cease immediately as per Section 90 of the *National Parks and Wildlife Act 1974*. The applicant must immediately contact the OEH to arrange for representatives to inspect the site. All workers on the site are to be made aware of this condition.

F PRIOR TO COMMENCEMENT OF USE

F.1 Occupation certificate

An occupation certificate must be obtained from the PCA and a copy furnished to the Director-General or nominee prior to the occupation of the building or commencement of the use.

F.2 Rehabilitation

Prior to the issue of any occupation certificate, any disturbed ground shall be rendered erosion resistant and rehabilitated in accordance with the approved documentation and these conditions of consent.

F.3 Removal of site notice

Any site notices or other site information signs shall be removed upon completion of the site works and prior to the commencement of use.

F.4 Site clean up

Prior to commencement of use, the subject site shall be cleaned up to the satisfaction of the PCA.

G BUSH FIRE SAFETY AUTHORITY

G.1 Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

- (a) At the commencement of buildings works and in perpetuity the property around the building to a distance of 15 metres shall be maintained 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'.
- (b) To allow for emergency service personnel and residents to undertake property protection activities, a defensible space that permits unobstructed pedestrian access is to be provided around the building.

G.2 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:

- (a) 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 document 'Guidelines for the Preparation of Emergency/Evacuation plan' and comply with Australian Standard AS 3745 2010 'Planning for Emergencies in Facilities'.
 - Detailed plans of all Emergency Assembly Areas including "on site" and "off site" arrangements as stated in Australian Standard AS 3745 2010 'Planning for Emergencies in Facilities' are clearly displayed, and an annual (as a minimum) trial emergency evacuation is conducted.

G.3 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:

- (a) New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
- (b) The existing building is required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

H NOTES

H.1 Vegetation removal

In consultation with the Rural Fire Service, the OEH have advised that the following vegetation removal and management is permitted for the development to satisfy condition G.1 above:

- (a) Tree limbs overhanging, touching, and within 2m of the building may be lopped back to the main trunk.
- (b) Individual live trees may be removed to form a discontinuous canopy out to 15m from the building.
- (c) Standing dead timber without hollows may be felled out to 15m from the building. The felled timber may be placed in bushland beyond 15m from the building.
- (d) Hollow trunks and limbs shall be retained.
- (e) Selection of trees or limbs, living or dead for removal should be undertaken with advice from OEH. Heath vegetation within ten metres of the building may be slashed to a height of 50-60 cm.