



ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF DEVELOPMENT APPLICATION No. DA 013-02-2010

I, Daniel James, Team Leader, Alpine Resorts Team as delegate for the Minister for Planning under Instrument of Delegation dated 25 January 2010 pursuant to Section 80 (1)(a) of the Environmental Planning and Assessment Act 1979 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 preserve the visual amenity of the area;
- (3) To ensure public health and safety; and
- (4) Ensure the proposed works are carried out in accordance with the relevant Australian standards, provisions of the Building Code of Australia and are completed in a satisfactory manner.

A handwritten signature in black ink, appearing to be "Daniel James".

Daniel James
Team Leader
Alpine Resorts Team

26 / 3
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SCHEDULE 1

PART A—TABLE

Application made by:	Kosciuszko Thredbo Pty Ltd
Application made to:	Minister for Planning
Development Application:	DA No. 013-02-2010
On land comprising:	Lot 711, "Pindari Lodge" Banjo Drive, Thredbo
For the carrying out of:	Alterations to Existing Lodge
Estimated Cost of Works	\$55,000
Type of development:	Integrated
S.119 Public inquiry held:	No
Approval Body / Bodies:	NSW Rural Fire Service
Determination made on:	26.3.2010
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 No. 013-02-2010

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 Kosciuszko Thredbo 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 an application for a Construction Certificate.

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

DA No 013-02-2010 means the development application and supporting documentation submitted by the applicant on 12 February 2010.

Department means the Department of Planning.

Director means the Director of the Urban Assessments branch (or its successors) or a delegate of the Director of the Urban Assessments branch within the Department.

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

Minister means the Minister for Planning.

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 Urban Assessments branch (or its successors) or a delegate of the Team Leader of the Urban Assessments branch within the Department.

SCHEDULE 2

CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. DA 013-02-2010

ALTERATIONS TO EXISTING LODGE AT LOT 711 "PINDARI LODGE" BANJO DRIVE, THREDBO.

This consent is granted subject to the following:

PART A ADMINISTRATIVE CONDITIONS

A1 Development Description

Development consent is granted only to carrying out of alterations to the existing lodge.

Note: This consent does not allow for any construction or excavation works to commence on site other than those listed above and/or as required by the conditions of this consent. Prior to any additional works being carried out, the appropriate consent must be obtained.

A2 Development in Accordance with Plans

The development shall be in accordance with Development Application No. DA 013-02-2010 submitted by Kosciuszko Thredbo Pty Ltd on 12 February 2010 and in accordance with the supporting documentation submitted with that application including, but not limited to, the following:

- Architectural Drawings and Plans by Innovarchi titled Pindari Ski Club, labelled as follows:

DRAWING No.	PLAN TITLE	REVISION	DATE
01DA B	Site Environmental Management Plan	B	03.02.10
02DA B	Landscape and Rehabilitation Plan	B	03.02.10
03DA B	New Site Plan	B	03.02.10
04DA B	Ground Plan	B	03.02.10
05DA B	Main Floor Plan	B	03.02.10
06DA B	Upper Floor Plan	B	03.02.10
07DA B	North Elevation	B	03.02.10
08DA B	East Elevation	B	03.02.10
09DA B	South Elevation	B	03.02.10
10DA B	Section	B	03.02.10

- Geotechnical Assessment Report by ACT Geotechnical Engineers Pty Ltd dated 20 October 2009.
- Letter by ACT Geotechnical Engineers Pty Ltd dated 4 March 2010.
- Form 1 Declaration by Gary Renfrey dated 17 December 2009.
- Statement of Environmental Effects by Innovachi dated 20 February 2010.
- Bushfire Protection Assessment by Dabyne Planning dated December 2008.

A3 Inconsistency between documents

In the event of any inconsistency between conditions of this approval and the drawings/plans/documents referred to above, the conditions of this approval prevail.

A4 Prescribed Conditions

The Applicant shall comply with the prescribed conditions of approval under clause 98 of the Regulation.

A5 Lapsing of Consent

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

A6 Geotechnical Works

All works for the development are to comply with the Departments Geotechnical Policy and the recommendations of the Geotechnical Investigation prepared by ACT Geotechnical Engineers identified in *Condition A2*.

PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

B1 Commencement of Works

Demolition, excavation, clearing, construction, subdivision or associated activities must not commence until a Construction Certificate has been issued for the proposed development pursuant to the *Environmental Planning and Assessment Act, 1979*.

B2 Structural Details

The applicant shall submit the following details to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate:

Structural Drawings and a Design Statement prepared and signed by an appropriately qualified practising Structural Engineer that comply with:

- (i) Section B of the BCA;
- (ii) the relevant development consent;
- (iii) drawings and specifications comprising the Construction Certificate;
- (iv) the Departments Geotechnical Policy and all the recommendations from the Geotechnical Engineer.

B3 Structural Engineer & Geotechnical Report Declaration and/or Verification

A Form 2 of the Departments Geotechnical Policy – Kosciuszko Alpine Resorts shall be completed and submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate. If the Department is not the Certifying Authority, the appointed Certifying Authority is to provide a copy of the signed Form 2 to the Department with the copy of the Construction Certificate.

B4 Compliance with the Building Code of Australia (BCA)

Details shall be provided to the satisfaction of the Certifying Authority, with the application for a Construction Certificate, which demonstrate that the proposal complies with the relevant provisions of the BCA.

B5 Long Service Levy

Prior to the issue of the Construction Certificate, receipt of payment to the Long Service Payments Corporation in accordance with Section 34 of the Building Construction Industry Payments Act 1986 must be presented to the Certifying Authority.

PART C PRIOR TO COMMENCEMENT OF WORKS

C1 Notification to Department of the Date of Commencement of Works

The Department shall be given written notice, at least 2 days prior to works commencing on site, of the date work is proposed to commence.

C2 Erosion and Sedimentation Control

Temporary erosion control, sediment containment and controls to manage the dispersion of any concentrated runoff shall be installed in accordance with the approved 'Site Environmental Management Plan' prior to the commencement of works.

C3 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.

C4 Demolition

The demolition work shall comply with the provisions of Australian Standard AS 2601-1991 'Demolition of Structures'.

PART D DURING CONSTRUCTION

D1 Approved Plans to be On-Site.

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, or the PCA.

D2 Recycled Material

Wherever possible, building material from the demolition should be salvaged and stored securely within the remaining building for reuse during the redevelopment of the building.

D3 Protection of Trees

All trees shall be protected at all times during construction. The damage or removal of trees may warrant action to be undertaken in accordance with the *National Parks and Wildlife Act 1974* or the *Environmental Planning and Assessment Act 1979*.

D4 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:

- (a) 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;

- (b) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
- (c) 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;
- (d) 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.
- (e) If the PCA is not the Department then the name and contact details of the PCA are to be identified on the site signage.

D5 Dirt and Dust Control Measures

Adequate measures shall be taken to prevent dirt and dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:

- (a) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material;
- (b) Covers are to be adequately secured;
- (c) Cleaning of footpaths must be carried out regularly;
- (d) Roadways must be kept clean;
- (e) Gates are closed between vehicle movements;
- (f) Gates are fitted with shade cloth; and,
- (g) The site is hosed down when necessary.

D6 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 Plan.

D7 Hours of Work & Construction Activities

The following requirements apply to the hours of demolition, excavation and construction work on the development:

- (a) All work, including building/demolition and excavation work in connection with the proposed development must only be carried out between the hours of 7.00am and 5.00pm on Monday to Friday inclusive, and 8:00am to 5.00pm on Saturdays, with no work allowed on Sunday or Public Holidays, or as otherwise approved by the Director General or nominee;
- (b) 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 30 May or as otherwise approved by the Director General or nominee. By 30 May the applicant must ensure that the site is made safe and secure by undertaking the following:
 - Removal of all waste materials;
 - Removal and/or securing of all stockpiles of soil and gravel;
 - Construction materials are removed from around the building and stored within the building or contained within designated areas;
 - The construction site is fenced with para-webbing or other suitable visible protection fencing around the perimeter of the site to limit access to and from the site;
 - Ensure appropriate signage is erected outlining that unauthorised access to the site is prohibited and that the site is a construction zone;
 - External scaffolding to be dismantled and removed from the site;
 - All external plumbing and drainage works are to be completed; and
 - Any other specific matters raised by Departmental staff during the course of construction.
- (c) Prior to the commencement of the works the applicant shall forward to the Department a 24 hour telephone number and shall ensure that the number is continually attended by a person with authority over the works for the duration of the development.

- (d) This development consent does not extend to the use of appliances, which emit noise of a highly intrusive nature (such as pile drivers and hydraulic hammers). Prior to the use of any such appliances the applicant shall seek, in writing, authorisation from the PCA. The written information should include, but not be limited to, the following:
- Details of the appliance.
 - Construction activity associated with the appliance.
 - Noise and vibration mitigation measures.
 - Length of time the appliance will be in use.

If authorisation is given, the PCA shall provide a copy to the Department.

D8 Storage of Materials

The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any trees other than those areas approved in the Site Environmental Management Plan.

D9 Geotechnical Requirements & Inspections

At all times during demolition, excavation and construction, the applicant shall adhere to the Departments Geotechnical policy and the recommendations contained with the Geotechnical Report prepared by ACT Geotechnical Engineers as identified in *Condition A2*. The applicant shall engage a Geotechnical Engineer to undertake the inspections required by the Geotechnical Report.

D10 Work Cover

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

D11 Construction Site Fencing.

The construction site shall be clearly delineated with suitable safety fencing to limit access to authorised personal only.

D12 Maintenance of Services

The applicant and/or the sub-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 sub-lessee.

D13 Site Rehabilitation

Rehabilitation works must be commenced as soon as practicable following the completion of works to minimise exposed areas. Rehabilitation should use only native endemic species except for grasses which may use a mix of Chewings fescue and native Poa sp. All disturbed areas are to be rehabilitated to the satisfaction of the PCA.

D14 Flora and Fauna

Any excavations left open at night shall be left with ramps or openings such that any fauna entering these excavations have a means of escape during the night.

D15 Aboriginal Heritage

Should any material suspected of being an Aboriginal object become unearthed in the course of works associated with the proposed works, all work at that location shall cease immediately as per Section 90 of the *National Parks and Wildlife Act, 1974*. The proponent is required to immediately contact the Department and the Department of Environment, Climate Change and Water DECCW to arrange for representatives to inspect the site. All workers on the site are to be made aware of this condition.

Upon the request of the Department and/or the DECCW, the applicant is to provide the Department and DECCW personnel safe access to the construction site for the purposes of undertaking further cultural heritage related assessments as considered appropriate by the DECCW.

D16 Re-Fuelling

Appropriate controls shall be put in place for ensuring no spillage when re-fuelling all vehicles and machinery associated with the works.

D17 Disposal of Excess Spoil

All clean excess spoil shall be disposed of at an authorised land fill site. Any contaminated spoil shall be disposed of at an authorised waste facility.

D18 Fill Material

Under no circumstances shall fill material be imported from outside of Kosciuszko National Park (KNP). If fill material is required, DECCW should be contacted in relation to available sources from within KNP.

PART E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

E1 Occupation Certificate

An Occupation Certificate must be obtained from the PCA and a copy furnished to the Department prior to the occupation of the building or commencement of the use.

E2 Fire Safety Certificate

A Fire Safety Certificate shall be submitted to the PCA for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of an Occupation Certificate. A copy of the Fire Safety certificate must be submitted to the Department by the PCA.

E3 Removal of Temporary Structures – Builder's Signs

Any temporary builder's signs or other site information signs are to be removed upon completion of the site works and prior to the occupation of the building(s) or commencement of the use.

E4 Site Clean Up

Prior to the issue of the Occupation Certificate, the subject site is to be cleaned up and appropriately rehabilitated to its original condition, subject to any changes as part of the approval to the satisfaction of the Director General or nominee. The site clean up includes but is not limited to the removal of any waste generated from the works and the like.

E5 Geotechnical Certification

A Form 3 of the Departments Geotechnical Policy – Kosciuszko Alpine Resorts is required to be completed and submitted to the satisfaction of the PCA prior to occupation. If the Department is not the PCA, the appointed PCA is to provide a copy of the signed Form 3 of the Departments Geotechnical Policy to the Department with the copy of the Occupation Certificate.

PART F POST OCCUPATION

F1 Prohibition of Hazardous Materials

Hazardous or toxic materials or dangerous goods, in excess of normal domestic quantities, shall not be stored or processed on the site at any time.

F2 Annual Fire Safety Statement

An Annual Fire Safety Statement must be provided to the Department and the NSW Fire Brigade every 12 months commencing within 12 months after the date on which the Department has received the initial Fire Safety Certificate.

PART G GENERAL TERMS OF APPROVAL

G1 NSW Rural Fire Service

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

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.

1. At the commencement of building works and in perpetuity the entire property 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'.

Water and Utilities

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities.

2. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.

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.

3. An Emergency /Evacuation Plan is to be prepared consistent with the NSW Rural Fire Service document 'Guidelines for the Preparation of Emergency/Evacuation plan'.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack.

4. New construction shall comply with Australian Standard AS3959-1999 'Construction of buildings in bushfire prone areas' Level 1.