



ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF DEVELOPMENT APPLICATION NO. DA 010-02-2010

ALTERATIONS TO BLUE COW SKI CLUB, GUTHEGA.

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 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 preserve the visual amenity of the area; and
- (3) 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 read "Dan", written over a horizontal line.

Daniel James
Team Leader
Alpine Resorts Team

1 / 4 / 2010

SCHEDULE 1

PART A—TABLE

Application made by:	Mr Greg Tanner on behalf of Blue Cow Ski Club
Application made to:	Minister for Planning
Development Application:	DA No. 010-02-2010
On land comprising:	Blue Cow Ski Club, Guthega
For the carrying out of:	Alterations to an existing building
Estimated Cost of Works	\$80,000
Type of development:	Integrated
S.119 Public inquiry held:	No
Approval Body / Bodies:	NSW Rural Fire Service
Determination made on:	... / ... / 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. 010-02-2010

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 Blue Cow Ski Club

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 010-02-2010 means the development application and supporting documentation submitted by the applicant on 4 February 2010.

Department means the Department of Planning.

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



SCHEDULE 2

CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. DA 010-02-2010

ALTERATIONS TO BLUE COW SKI CLUB, PERISHER VALLEY.

This consent is granted subject to the following:

PART A ADMINISTRATIVE CONDITIONS

A1 Development Description

Development consent is granted only to carrying out the development described in detail below:

- 1) Replacement of existing timber cladding on ski lodge with metal cladding; and
- 2) Replacement of existing windows with new windows.

A2 Development in Accordance with Plans

The development shall be in accordance with Development Application No. DA 010-02-2010 submitted by Blue Cow Ski Club on 4 February 2010 and in accordance with the supporting documentation submitted with that application including, but not limited to, the following:

- Drawings and Plans by Arquitectura as follows:

PLAN TITLE	REVISION	DATE
Site Plan, Locality Plan, Site Management Plan	2	19.10.09
Proposed Floor Plans	1	12.06.09
Proposed Elevations and Section	1	19.10.09

- Statement of Environmental Effects dated January 2010.
- Bushfire Assessment Report by Fairidge dated 25 November 2009.

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 Compliance with the Building Code of Australia (BCA)

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

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 Compliance with the Building Code of Australia (BCA)

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

B3 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 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.

C3 Nominated Person (Photographic Record)

Prior to the commencement of works, that applicant shall notify the PCA of the nominated person responsible for undertaking a photographic record of the details of Blue Cow Lodge during the removal of the western red cedar shingles.

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 Asbestos or other hazardous material

The removal of any asbestos or other hazardous material found on the site shall be carried out in accordance with current Work Cover guidelines by an appropriately qualified contractor. Any asbestos or other hazardous materials shall be disposed of at an authorised waste facility. Receipts shall be provided to the PCA as evidence of appropriate disposal.

D3 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.

D4 Protection of Trees

All trees within and adjacent to the site, other than those trees identified elsewhere in this approval, 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*.

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 the road or disturbed areas of the site.

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.

D9 Work Cover

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

D10 Compliance with Australian Standard 2601-1991: 'Demolition of Structures'

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

D11 Construction Site Fencing.

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

D12 Waste Materials

All waste resulting from works shall be either recycled or appropriately disposed of to an approved landfill site.

D13 Photographic Record

A photographic record of the details of Blue Cow Lodge during the removal of the western red cedar shingles is to be undertaken. Photographs of all elevations shall be taken at the following stages of the work:

- prior to removal of any shingles,
- while the shingles are being removed,
- once all the shingles are removed and prior to any new cladding being erected,
- during the placement of new cladding, and
- once new cladding is complete.

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 (if the Department is not the PCA) 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 PCA. The site clean up includes but is not limited to the removal of any waste generated from the works and the like.

E5 Photographic Record

A digital copy of the photographic record required by condition D13 shall be submitted to the PCA prior to the issue of the Occupation Certificate.

PART F POST OCCUPATION

F1 Prohibition of Hazardous Materials

Hazardous or toxic materials or dangerous goods 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.

F3 Requirements of Public Authorities and/or Service Providers for Location of and Connection to Services.

The applicant shall consult with any public authorities and/or service providers to determine the location of services. The applicant shall comply with the requirements of any public authorities and/or service providers (e.g. Country Energy, Telstra, ELGAS, etc) in regard to the connection to, minor relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the applicant.

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 conditions:

1. At the commencement of the building works and in perpetuity the entire property shall be maintained as an 'Inner Protection Area' as outlined within section 4.1.3 and appendix 5 of *Planning for Bush Fire Protection 2006* and the Service's document '*Standards for asset protection zones*'.
2. An Emergency /Evacuation Plan is to be prepared consistent with the NSW Rural Fire Service document '*Guidelines for the Preparation of Emergency/Evacuation plan*'.
3. The entire 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. Where applicable, this includes any sub floor areas, openable windows, doors, vents, weep holes and eaves.
4. New construction shall comply with Australian Standard AS3959-1999 'Construction of buildings in bush fire-prone areas' Level 1.
5. Roofing for the entire building shall be gutterless or guttering and valleys are to be screened to prevent the build up of flammable material. Any materials used shall have a Flammability Index of no greater than 5 when tested in accordance with Australian Standard AS1530.2-1993 'Methods for Fire Tests on Building Materials, Components and Structures - Test for Flammability of Materials'.