



Department of
Infrastructure, Planning and Natural Resources

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF DEVELOPMENT APPLICATION No. DA 155-6-2004

(File No. J04/00099/1)

**CONSTRUCTION OF A FRONT ENTRY GATE PLUS
ADDITIONS & ALTERATIONS TO TWELVE (12) CABINS USED FOR TOURIST ACCOMODATION AT
LOT 30, 725492, KOSCIUSKO MOUNTAIN RETREAT, SAWPIT CREEK, KOSCIUSZKO NATIONAL PARK**

I, Jim Corrigan, Team Leader, Urban Assessments as delegate for the Minister for Infrastructure and Planning under Instrument of Delegation dated (6 July, 2004) 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) 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;
- (2) Protect the environment and amenity of the locality;

Jim Corrigan
Team Leader
Urban Assessments
(Alpine Resorts Assessments Team)

10 / 2 / 2005

SCHEDULE 1

PART A—TABLE

Application made by:	Kosciuszko Mountain Retreat Pty Ltd
Application made to:	Minister for Infrastructure and Planning
Development Application:	DA No. 155-6-2004
On land comprising:	Lot 30, 725492, Kosciuszko Mountain Retreat, Sawpit Creek, Kosciuszko National Park
For the carrying out of:	Front Entry Gate, Additions & Alterations to twelve (12) Cabins used for tourist accommodation
Estimated Cost of Works	\$350,000
Type of development:	Integrated Development
S.119 Public inquiry held:	No
BCA building class:	Cabins: Class 1b Front Entry Sign: Class 10b
Approval Body / Bodies:	NSW Rural Fire Service
Determination made on:	10.2.2005
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. 155-6-2004

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 Mountain Retreat Pty Ltd.

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

BCA means the Building Code of Australia.

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

DA No. 155-6-2004 means the development application and supporting documentation submitted by the applicant on 23 June 2004.

Department means the Department of Infrastructure, Planning and Natural resources.

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 Infrastructure and 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 155-6-2004**

This consent is granted subject to the following:

A. THE APPROVED DEVELOPMENT**A1 Development in Accordance with Plans**

The development shall be in accordance with Development Application No. DA 155-6-2004 submitted by Kosciusko Mountain Retreat Pty Ltd on 23 June 2004, and in accordance with the supporting documentation submitted with that application and detailed below.

- Architectural plans, labelled as:

Title:	Received :
Proposed Type A Floor Plan	23 June 2004
Proposed Type B Floor Plan	23 June 2004
Proposed Type C Floor Plan	4 Jan 2005
Proposed Type D Floor Plan	4 Jan 2005
Elevations	23 June 2004
Stone Entrance Plan	23 June 2004
Stone Entrance Elevation	23 June 2004
Car Park Plan	23 June 2004

- Statement of Environmental Effects, prepared by NGH Environmental Pty Ltd, dated September 2004.
- Site Environmental Management Plan prepared by NGH Environmental Pty Ltd, dated September 2004.
- Site Classification Report prepared by Geotechnical Consultants Pty Ltd, Project No. 04073, dated 19 January 2004.

A2 Completion of Works

The works described by the plans and specifications and approved under this consent, once commenced, shall be completed within five (5) years of the date of commencement.

A3 Compliance with the Building Code of Australia (BCA)

The works must be carried out in accordance with the requirements of the Building Code of Australia.

A4 Removal of Concrete Lip & Continuation of Granite Rock Facing

The existing concrete lip that accesses each of the existing carports is required to be removed as part of the upgrade works to the subject cabins. The granite rock facing is to be continued underneath the proposed timber cladding where the concrete lip is removed.

A5 Access for Disabled Persons (AS 1428)

One (1) of the cabins for redevelopment is required to provide access for disabled persons in accordance with Australian Standard 1428.1.

The following areas to and within the cabin are to be undertaken in accordance with AS1428:

- Access into the cabin through a ramp with a minimum gradient of 1:14.
- Access to and through the main entry to the cabin as well as an accessible bathroom.

The Department suggests that the Cabins located on the lower side of the road (eg 2 or 3) would be the most suitable cabins to provide access.

B. PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**B1 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 prepared and signed by an appropriately qualified practising Structural Engineer that comply with:

- (i) the relevant clauses of the Building Code of Australia;
- (ii) the relevant development consent;
- (iii) drawings and specifications comprising the Construction Certificate;
- (iv) the relevant Australian Standards listed in the BCA (Specification A1.3);
- (v) the recommendations set out in the Site Classification report prepared by Geotechnical Consultants Pty Ltd, Project No. 04073, dated 19 January 2004.
- (vi) All structural works to comply with a wind speed of 51 m/s or N4 classification.

B2 Structural Engineer Declaration and/or Verification

Form 2A of the Department of Infrastructure, Planning and Natural Resources Geotechnical Policy – Kosciuszko Alpine Resorts is required to 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 to provide a copy of the signed Form 2A of the Departments Geotechnical Policy to the Department with the copy of the Construction Certificate.

B3 Commencement of Demolition or Excavation

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

B4 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 Department.

B5 Tree Protection Bond

A Tree Protection Bond of **\$1000** (consisting of bank cheque) shall be lodged with the Department prior to the issue of the Construction Certificate to ensure that Eucalyptus trees located within close proximity of Cabin 3 & 8 are maintained in the same condition as found prior to commencement site development work.

The bond will be returned following the issue of the final occupation certificate, provided the trees are undamaged.

In the event that any specified trees are found damaged, dying or dead as a result of any negligence by the applicant or its agent, or as a result of the construction works at any time during the construction period, the Department will have the option to demand the whole or part therefore of the bond.

B6 Existing trees located within proposed Deck Footprint

The existing native Eucalyptus trees located within the deck footprint are to be protected and the deck is to be constructed around the deck. The support posts for the deck shall be located such that no roots of a diameter greater than 50mm shall be severed or injured in the process of any site works during the construction period.

The location and details of the deck in relation to the trees and the location of post supports shall be submitted to the satisfaction of the Team Leader of the Department or nominee prior to the release of the Construction Certificate.

B7 Fire Safety Upgrade

Details to the satisfaction of the PCA are to be provided with the application for a Construction Certificate which demonstrates that the proposal complies with the following requirements of the Building Code of Australia (BCA) as required by clause 94 of the *Environmental Planning & Assessment Regulations 2000*:

- (a) **Potable Fire Extinguishers**; installed in accordance with AS 2444-2001. One 4.5kg ABE fire extinguisher to be installed on the wall adjacent to the front door and a 2.3kg ABE fire extinguisher installed in each kitchen.
- (b) **Fire blankets**; a fire blanket will be required in each kitchen of minimum size of 1.2m x 1.8m as per AS 2444-2001.
- (c) **Emergency Lighting**; An emergency light in accordance with Part E4 of the BCA needs to be installed in the main living/dining room and externally above the entrance/exit door way leading to open space.
- (d) **Smoke and Thermal Detection**; A smoke alarm system complying with AS 3786, which includes a smoke detector in each bedroom and a thermal detector in the kitchen/living room.

B8 Compliance with the AS 3959 – 1999

Details are to be provided to the satisfaction of the PCA prior to the issue of the Construction Certificate, which demonstrate that the proposal complies with the requirements of AS 3959 – 1999 level 3 'Construction of Buildings in bushfire prone areas.

B9 Details of Access for Disabled Persons

Details of the proposed cabin to accommodate access for disabled persons in accordance with Condition **A5** is to be provided to the satisfaction of the Team Leader of the Department or nominee prior to the issue of the Construction Certificate. The details are to include floor plans illustrating compliance with the condition and AS 1428.1

C. PRIOR TO COMMENCEMENT OF WORKS

C1 Notification to Consent Authority of PCA and Date of Commencement of Works

The consent authority shall be given written notice, at least 2 days prior to work commencing on site, of the name and details of the PCA and the date construction work is proposed to commence. Inspections to be undertaken by the Department as the PCA.

D. DURING CONSTRUCTION**D1 Inspections to be undertaken by Department of Infrastructure, Planning and Natural Resources (Department) as the Principal Certifying Authority (PCA).**

Where the Department has been appointed as PCA for the development, the following inspections are required to be carried out. The Department is to be notified at least 24 hours prior to any inspection to be undertaken:

- (i) Site Environmental Management Inspection (Prior to works commencing on site) including Tree protection measures
- (ii) Footing inspections
- (iii) Slab inspections
- (iv) Wet area's inspection
- (v) Plumbing and Drainage inspections
- (vi) Hot and Cold Water Rough-In Inspections
- (viii) Final Occupancy at completion of works

If the Department has not been appointed as PCA, the Department will still be required to carry out the following inspections;

- (a) Site Environmental Management Inspection (Prior to works commencing on site)
- (b) Plumbing and Drainage inspections.
- (c) Hot and Cold Water Rough-In Inspections.

At least 24 hours notice is to be given prior to any inspection being undertaken

D2 Municipal Service Main Connections to be supervised by NPWS Municipal Services Unit

All new connections (sewer/water) shall be carried out in accordance with National Parks and Wildlife Service Municipal Services Unit's specifications and under the supervision of the Municipal Services Unit. The Manager Municipal Services Mr Merv Eagle shall be contacted a minimum of seven (7) days prior to commencement of works. Mr Eagle can be contacted Mondays to Fridays, between 8:00 am and 3:30 pm on pH 02 6457 5214. Any cost associated with new connections shall be borne by the proponent.

D3 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 consent authority, or the PCA.

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 Principal Certifying Authority (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 construction shall be accommodated on-site. If this is not feasible, an application may be made for the provision of a construction zone.

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 consent authority;
- (b) All construction activities are limited to the summer period which commences following the October long weekend and ceases no later than 30 April, unless the applicant can demonstrate 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 to be removed from around the building and stored within the building or contained within designated areas;
 - The construction site is to be 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;
 - Any other specific matters raised by the Department staff during the course of construction.

If the applicant can demonstrate that the site complies with the above requirements, then construction will be allowed to proceed up until May 30 or as otherwise approved by the Team Leader or nominee.

- (c) Prior to the commencement of the works the applicant shall forward to the consent authority 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). A separate application for approval to use any of these appliances must be made to the Department.

D8 *Plumbing and Drainage works*

All plumbing and drainage works undertaken as part of this consent are to comply with AS 3500 and are to be carried by an appropriately licensed plumber.

D9 *Aboriginal Relics or Artefacts*

Should any material suspected of being an Aboriginal relic or artefact 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 National Parks and Wildlife Service (NPWS) 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 NPWS, the proponent is to provide the Department and NPWS personnel safe access to the construction site for the purposes of undertaking further cultural heritage related assessments as considered appropriate by the NPWS.

D10 *Services*

The applicant shall ensure that the proposed works do not interfere or disrupt existing servicing in the area. The applicant must make the necessary arrangements with each appropriate service provider to ensure that no conflicts occur. Any damage to any service shall be rectified immediately at the applicant's expense.

D11 *Protection of Trees*

All trees shall be protected at all times during construction. Any tree, which is damaged or removed during construction, shall be replaced, to the satisfaction of the consent authority. The damage or removal of trees may also warrant further action to be undertaken in accordance with the *National Parks and Wildlife Act 1974* or the *Environmental Planning and Assessment Act 1979*.

D12 *Animal Proofing of Buildings*

All buildings shall be constructed to prevent animal species and the establishment of nesting & roosting sites. The applicant shall give particular focus toward wall cavities and external features. All electrical wiring should be protected in animal proof conduits.

E. PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**E1 *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. Where the Department is not appointed as the PCA, a copy of the Fire Safety certificate must be submitted to the Department by the PCA.

E2 *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.

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 *Electrical Installation Certification*

Certification that all electrical works have been installed by a qualified and licensed Electrician and installed in accordance with the relevant Australian Standards must be submitted to the satisfaction of the PCA prior to the issue of an Occupation Certificate.

E5 *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 Team Leader or nominee. The site clean up includes but is not limited to the removal of any waste generated from the works and the like.

E6 *Structural Certification*

Where the Department has been appointed as PCA for the development, a Structural Engineer's certificate is required to be submitted to the PCA prior to issue of an Occupation Certificate. This certificate is to verify that structural works have been completed in accordance with approved plans and specifications. In all cases the structural certification is to comply with the provisions of the BCA and relevant standards.

E7 *Geotechnical Certification*

Form 3A 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 3A of the Departments Geotechnical Policy to the Department with the copy of the Occupation Certificate.

E8 *Landscape Rehabilitation*

All disturbed areas are to be rehabilitated and revegetated to the satisfaction of the Department prior to the issue of the Occupation Certificate. Landscape and rehabilitation works must be commenced as soon as practicable following the completion of each section of work to minimise exposed areas. All native grass species which are proposed to be removed are to be sodded and stockpiled for re-use in rehabilitation of the site.

E9 *Replacement Trees*

The applicant is to provide replacement trees at the rate of two (2) new trees to every one (1) tree removed within the lease boundary and prior to occupation. The applicant is to maintain the establishment of the new trees for a minimum of 5 years. Trees species shall be endemic to the Kosciuszko National Park. In the event that any of the trees do not survive, replacement species are to be planted.

E10 *Plumbing & Drainage*

Works-as-executed drawings are required to be submitted, detailing the plumbing and drainage, and hot and cold water pipe work installed in each cabin and the location of each connection points to the main sewer and main water lines.

E11 *Submission of Bushfire Evacuation Plan*

A Bushfire Evacuation Plan as required in Condition **G1** is required to be submitted to the NSW Rural Fire Service for approval and a copy to the PCA prior to the issue of the Occupation Certificate.

E12 *Termite Protection*

The additions to the buildings shall be protected from attack from subterranean termites in accordance with Australian Standard AS 3660.1-1995: Protection of Building Form Subterranean Termites – New Buildings.

On completion of the installation of the barrier, the Principal Certifying Authority shall be furnished with a certificate prior to the issue of the Occupation Certificate from the person responsible, stating that the barrier complies with AS 3660.1.

A durable notice shall be permanently fixed to the building in a prominent location, such as the meter box or the like indicating:

- i) the method of protection;
- ii) the date of installation of the system;
- iii) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
- iv) the need to maintain and inspect the system on a regular system.

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 consent authority initial Fire Safety Certificate is received.

F3 Change to Environmental Conditions

If the existing trees in the vicinity of the works area demonstrate significant signs of die-back as a result of changed environmental conditions (eg. drainage), leading to visual or public safety impacts, the Department is to be notified and will determine whether the tree(s) should be removed. Replacement species will be required in the event of any tree removal.

F4 Future Relocation of Services

Any costs associated with relocating any services in the future shall be borne by the applicant.

G. NSW RURAL FIRE SERVICE CONDITIONS

G1 Bush Fire Evacuation Plan

A Bush Fire Evacuation Plan is to be submitted to the NSW Rural Fire Service – Development Control Services for approval prior to occupation. The evacuation plan is to detail the following:

- (a) Under what circumstances will the complex be evacuated.
- (b) Where will all person be evacuated to.
- (c) Roles and responsibilities of persons co-ordinating the evacuation.
- (d) Roles and responsibilities of persons remaining with the complex after evacuation.
- (e) A procedure to contact the NSW Rural Fire Service District Office/NSW Fire Brigade and inform them of the evacuation and where they will be evacuated to.

G2 Asset Protection Zones

The following asset protection zones shall be provided for any habitable buildings and maintained in accordance with Section 4.2.2 of Planning for Bushfire Protection 2001:

- There shall be a minimum of 80 metres from habitable buildings to the west (65m of Inner Protection Area & 15m of Outer Protection Area).
- There shall be a minimum of 75 metres from habitable buildings to the north, south & east (60m of Inner Protection Area & 15m of Outer Protection Area).

G3 *Ember Protection Upgrade*

Any existing habitable buildings should be upgraded to improve ember protection by enclosing all openings (excluding roof tiles spaces) or covering openings with a non-corrosive metal screen. This may include all subfloor areas and eaves.

G4 *Additions & Alterations to comply with AS 3959*

The construction of the proposed additions and alterations shall comply with AS 3959-1999 level 1 'Construction of Buildings in bush fire prone areas.

G5 *Water Supply*

If the reticulated water supply is unreliable then a tank with a capacity of 5,000 litres for a dedicated fire fighting supply shall be provided for each habitable building or alternatively a centrally located tank for the whole development with 50,000 litres. A 65mm Storz fitting and ball or gate valve shall be installed in the tank.

G6 *Compliance with NSW RFS Planning for Bushfire Protection 2001 Manual*

Access shall comply with section 4.3.2 of Planning for Bushfire Protection 2001.