

Art House Building Design

19th December, 2024

Statement of Modification – S4.55(1A) R.A.N. Ski Club Lot 263, DP 812199, South Perisher Valley

DA065-10-2010

Determination Date: 24th March, 2011



**Department of Planning
Housing and Infrastructure**

Issued under the Environmental Planning and Assessment Act 1979

Approved Section 4.55 (1A) Modification Application

No 24/19158 granted on the 11 /8/2025

In respect to DA 065-10-2010

Signed Z Derbyshire

Sheet No 38 of 39

Background

Development Consent DA65-10-2010 was issued by the Department of Planning, Industry and Environment.

Minor modifications are proposed to replace two windows and three external egress doors.

The windows are located on the first floor and face west. They are to be replaced due to leaking in strong weather from the west.

The doors to be replaced are also on the west side of the building and are deformed and rotting due to weathering.

This modification application is made under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 (EP&A Act), noting that:

- (a) the proposed modification is of minimal environmental impact;
- (b) the development remains substantially the same as that for which consent was originally granted;
- (c) the application will be notified under the Community Participation Plan;
- (d) any submissions received will be considered by the consent authority.

Proposed modification

The modification includes:

- Replacing two faulty windows to the same size and performance specification.
- Replacing three weather affected doors to match the existing dimensions.

Modifications to Original Consent Conditions

Condition A2 - Development in Accordance with Plans

REF	Drawing No	Plan Title	Date
Ref 1	A001	Site Plan	27-11-2024
Ref 2	A002	Ground Floor Plan	27-11-2024
Ref 3	A003	Upper Floor Plan	27-11-2024
Ref 5	A005	West Elevation	27-11-2024
Ref 9	A009	Section & Detail	27-11-2024

<u>Condition B5 – Energy Efficiency</u>	Comment
All new works shall comply with Section J of the BCA. Details indicating compliance with these requirements and a Design Statement are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.	New glazing performance is to match existing and comply with Section J of the BCA.

<u>Condition B9 – Final Materials & Colours</u>	Comment
Final materials and colours shall be in accordance with the approved plans and documentation other than where changes are required to satisfy the conditions of consent.	Colours are to match existing.

<u>Condition G1 – NSW RFS</u>	Comment
4. New construction on the western elevation shall comply with section 6 (BAL 19) Australian Standard AS3559-2009 'Construction of buildings in bush fire-prone areas' and Section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.	Work to comply.

Locality

The RAN Ski Club is located in South Perisher Valley on Mt. Wheatley Road and is formally identified as Lot 263, DP 812199.

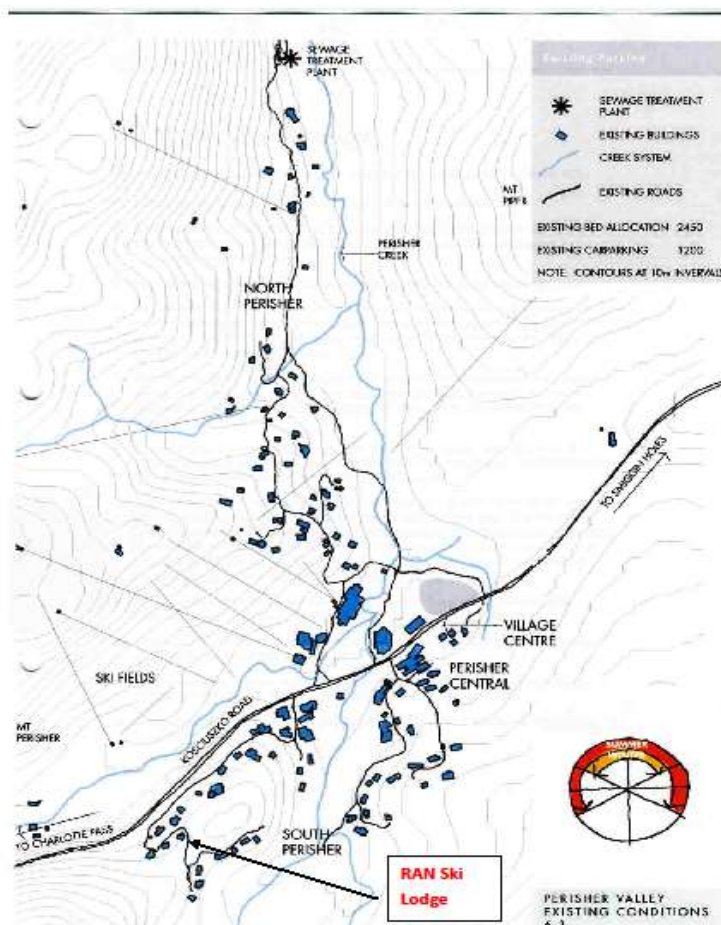


Figure 1: Locality Plan

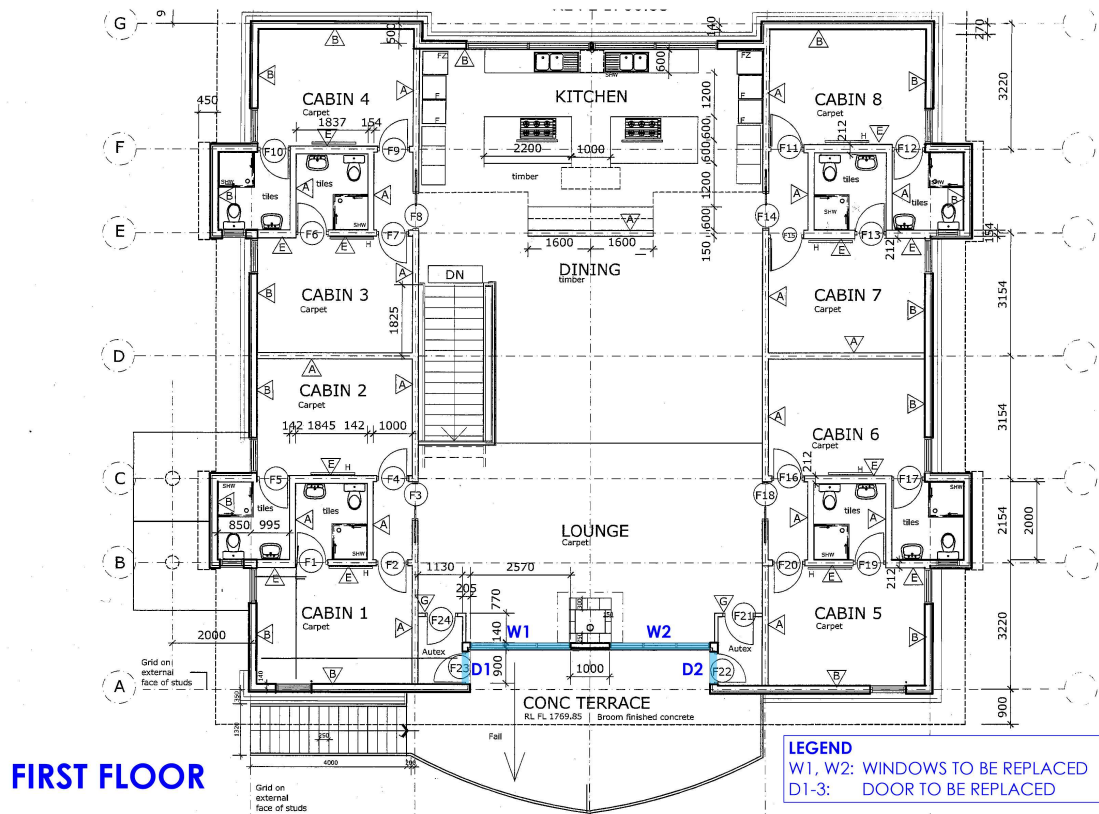


Figure 4: First Floor Plan

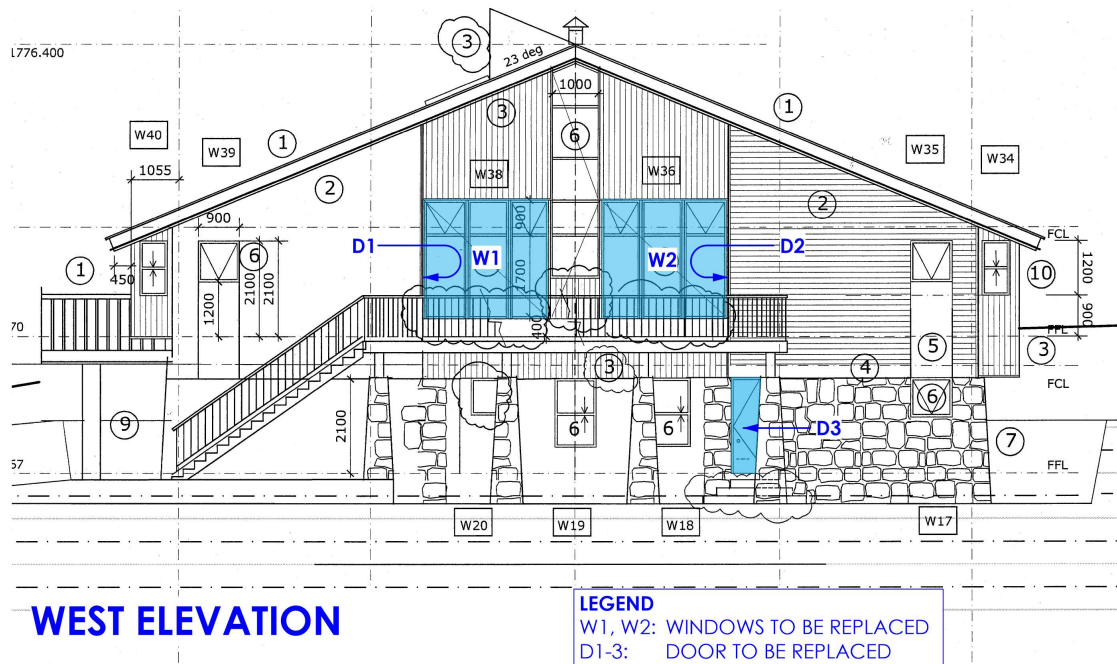


Figure 5: West Elevation



Photo: First floor windows W1 & W2 and door D1 to be replaced.

S4.55(1A) Considerations

Section 4.55(1A) of the EP&A Act provides that a consent authority may, on an application being made by the Applicant or any other person entitled to act on a consent granted by the consent authority, and subject to and in accordance with the Environmental Planning and Assessment Regulations 2021 (EP&A Regulations), modify a consent if the following requirements are met:

Section 4.55(1A) - Clause	Comment
(a) That the proposed modification is of minimal environmental impact	Replacement of windows and doors to same size for maintenance reasons. The works are planned to be performed in a way that will have little or no impact on the environment. Therefore, this requirement is satisfied.
(b) The development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)	The modifications are to replace existing windows and doors to the same size and therefore the development is substantially the same as the original consent. There are no changes to the building footprint or building envelope. Therefore, this requirement is satisfied.
(c) The application has been notified in accordance with the regulations	The consent authority will notify the modification in accordance with the regulations if required.
(d) Consideration of any submissions made concerning the proposed	Any submissions will be considered by the consent authority.

Environmental Impacts of Proposed Modification

Energy Efficiency Considerations

The two PVC framed windows will be replaced with thermally broken aluminium windows of the same size and glazing performance as per the original Construction Specification as follows.

Double glazed insulated glazing units.

Clear, fully toughened 5mm float Comfort Plus grey glass outer layer.

12mm gap

Clear, fully toughened 4mm float Comfort Plus grey glass inner layer.

There will be no adverse effect to energy efficiency.

Bushfire Considerations

The original development application included a Bushfire Assessment Report and corresponding Rural Fire Service approval of the application subject to listed conditions. It is submitted that the original works conformed with the conditions, and that the works proposed under this modification do not raise issues in relation to fire safety or the listed conditions.

The modification is seeking the repair and replacement provisions with material change from timber to aluminium and no new or modified window portions are proposed.

The conditions listed on the approval were as follows.

Approval Condition – G1	Comment
<i>Asset Protection Zones</i> The intent of measures is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants. To achieve this, the following conditions shall apply; 1. At the commencement of the 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'.	Noted
<i>Water and Utilities</i> The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply; 2. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'	No proposed change to water and utilities
<i>Evacuation and Emergency Management</i> 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	No proposed change to current approved arrangements.

are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.	
<i>Design and Construction</i> 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 on the western elevation(s) shall comply with section 6 (BAL 19) 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' 5. Roofing shall be gutterless or guttering and valleys are to be screened to prevent the buildup of flammable material. Any materials used shall be non-combustable. 6. New construction to the northern, eastern and southern elevations shall comply with section 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7	Window and door replacements will comply. N/A N/A

The original DA requires BAL 19 construction to the western elevation. The replacement windows and doors will comply with BAL 19.