

# Development consent

## Section 80 of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I grant development consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.

Daniel James  
**Team Leader**  
**Alpine Resorts Team**  
**Department of Planning and Environment**

Jindabyne

2016

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### **SCHEDULE 1**

<b>Application No.:</b>	DA No. 7569
<b>Applicant:</b>	Mr Doug Reid
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	Apartment 4, Aspen Creek Apartments, Lot 555, Chimneys Way, Thredbo Alpine Resort, Kosciuszko National Park
<b>Type of Development:</b>	Integrated Development
<b>Integrated Bodies:</b>	NSW Rural Fire Service
<b>Approved Development:</b>	Works to Aspen Creek Apartment 4 including: <ul style="list-style-type: none"><li>• construction of a deck; and</li><li>• installation of a spa.</li></ul>

## DEFINITIONS

Act	means the <i>Environmental Planning and Assessment Act, 1979</i> (as amended).
Applicant	means Mr Doug Reid.
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 7569	means the development application and supporting documentation submitted by the applicant on 24 March 2016.
Department	means the Department of Planning and Environment, or its successors.
Director	means the Director of Industry and Key Sites or a delegate of the Industry and Key Sites within the Department.
Minister	means the Minister for Planning, or nominee.
OEH	means the NSW Office of Environment and Heritage, or its successors.
PCA	means the principal certifying authority and has the same meaning as Part 4A of the Act.
Regulation	means the <i>Environmental Planning and Assessment Regulations, 2000</i> (as amended).
Secretary	means the Secretary of the Department, or nominee/delegate.
Secretary's approval, agreement or satisfaction	means a written approval from the Secretary or nominee/delegate.
Subject site	has the same meaning as the land identified in Part A of this schedule.
Team Leader	means the Team Leader of the Alpine Resorts Team within the Industry and Key Sites division (or its successors) or a delegate of the Team Leader of the Alpine Resorts Team within the Department.

## SCHEDULE 2

### PART A – ADMINISTRATIVE CONDITIONS

#### A.1 Obligation to minimise harm to environment

In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction or operation of the development.

#### A.2 Development in accordance with approved documentation and plans

The development shall be in accordance with the Development Application No. DA 7569 submitted by Mr Doug Reid on 24 March 2016 and additional information received on 31 March 2016 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)	Addition of New Deck Platform to Existing Deck Structure and Spa Aspen Creek Apartment 4 Lot 555, Woodridge Stage 3, Thredbo	-	-	-
2	Page 10-11 SEE	Site Environmental Management Plan	-	-	-
3	Page 12 of SEE	Spa Details	Fisherspaspas	-	-
4	Bushfire Assessment Report	Bushfire Hazard Assessment Report	Complete Certification Pty Ltd	February 2016	070216
5	Plan	Proposed Deck Aspen Creek – Deck Joist and Beam Layout	Pierre Dragh Consulting Engineers	31 March 2016	S01 of 01
6	Plan	Ground Floor Plan	Daryl Jackson Robin Dyke Pty Ltd	September 2015	A-01D
7	Plan	Floor Plans	Daryl Jackson Robin Dyke Pty Ltd	September 2015	A-02D
8	Plan	Elevations	Daryl Jackson Robin Dyke Pty Ltd	September 2015	A-03D
9	Bushfire Safety Authority	Integrated Development for Lot 555, Aspen Creek Apartment 4, Thredbo	NSW Rural Fire Service	19 April 2016	D16/0982

### **A.3 Inconsistency between documents**

If there is any inconsistency between the plans and documentation referred to above, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this approval prevail to the extent of any inconsistency.

### **A.4 Lapsing of consent**

This development consent will lapse five years from the date of consent, unless the building, engineering or construction work relating to the development is physically commenced on the land to which this consent applies before the date on which the consent would otherwise lapse.

### **A.5 Prescribed conditions**

All works shall comply with the prescribed conditions of development consent as set out in Part 6, Division 8A of the Regulation. In particular, your attention is drawn to:

- (a) clause 98, Compliance with Building Code of Australia; and
- (b) clause 98A, Erection of signs during building and demolition works.

### **A.6 Australian standards**

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

### **A.7 Legal notices**

Any advice or notice to the consent authority shall be served on the Secretary.

### **A.8 Spa pool access**

Access to the spa pool shall be restricted in accordance with the provisions of the *Swimming Pools Act 1992* and *Swimming Pools Regulation 2008*.

### **A.9 Spa pool operating requirements**

The spa shall comply with either of the following:

- (a) The spa pool shall not be made available to the general public when the premises is rented and the applicant shall drain and restrict access to the spa at any time the premises is rented.
- (b) Alternatively if the spa is to be included with rental of the property, the operation of the spa pool is to be in accordance with the Public Health Act 2010 and Public Health Regulation 2012.

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## **PART B – PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **B.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.

### **B.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) the BCA;

- (ii) the development consent DA 7569;
  - (iii) drawings and specifications comprising the construction certificate; and
  - (iv) current and relevant Australian Standards.
- (b) Compliance with the BCA - sufficient details to demonstrate that the proposal complies with the relevant provisions of the BCA.

### **B.3 Location of spa and balustrade details**

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

- (a) Spa being located a minimum of 800mm from the edge of the balcony; and
- (b) Balustrade being a minimum of 1200mm high.

### **B.4 Bush fire safety authority**

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

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## **PART C – PRIOR TO THE COMMENCEMENT OF WORKS**

### **C.1 Notification to Department of the date of commencement of works**

Both the PCA and the Secretary 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.

### **C.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.

### **C.3 Implementation of site environmental management measures**

Prior to any construction works commencing, all site environmental management measures in accordance with the approved documentation (Condition A.2) and these conditions of consent, shall be in place and in good working order.

### **C.4 Compliance with AS 2601-1991**

The demolition work shall comply with the provisions of AS 2601-1991 Demolition of structures.

### **C.5 Scaffolding**

All scaffolding is to be located within the lot boundaries and shall comply with AS/NZS 1576 Scaffolding and AS/NZS 4576 'Guidelines for Scaffolding'.

## **PART D – DURING CONSTRUCTION**

### **D.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 the PCA, any person associated with construction works, or an officer of the Department.

### **D.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 Secretary or nominee.

### **D.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 Secretary 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) demolition and construction materials are removed from around the building and are stored within the building or contained within designated areas;
  - (iv) the subject 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;
  - (v) appropriate signage shall be erected outlining that unauthorised access to the site is prohibited and that the site is a construction zone;
  - (vi) any external scaffolding shall be dismantled and removed from the site;
  - (vii) all external plumbing and drainage works are to be completed;
  - (viii) all disturbed ground is stabilised and made erosion resistant;
  - (ix) any excavations are made safe and secure; and
  - (x) any other specific matters related to making the site safe and secure raised by the PCA or the Secretary or nominee.

### **D.4 Construction activities**

- (a) At all times, construction activities shall be undertaken in accordance with the approved SEMP.
- (b) All construction activities shall be confined to within the construction zone.
- (c) No disturbance is permitted outside the construction zone unless otherwise agreed by the Secretary or nominee.

### **D.5 Work Cover**

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

### **D.6 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) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
- (b) The approved hours of work, the name of the principal contractor for the work (if any), and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice;

- (c) 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.
- (d) The name, address and phone number of the PCA is to be identified on the site signage.

#### **D.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.

#### **D.8 Prohibition of hazardous materials**

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

#### **D.9 Recycled Material**

Wherever possible, building material should be salvaged for reuse during the construction of the building or sent to a recycling facility to reduce landfill.

#### **D.10 Noise and vibration management**

Excavation and construction shall be managed in accordance with AS 2436 *Guide to noise and vibration control on construction, demolition and maintenance sites* and to ensure that there is not an adverse impact for any neighbouring/affected tourist accommodation buildings during the construction period.

#### **D.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.

#### **D.12 Loading and unloading of construction vehicles**

All loading and unloading associated with demolition and construction shall be restricted to those areas approved in the SEMP and conditions.

#### **D.13 External lighting**

External lighting shall comply with Australian Standard AS 4282-1997: 'Control of Obtrusive Effects of Outdoor Lighting'.

#### **D.14 Electrical works**

All electrical works shall be carried out by a qualified and licensed Electrical contractor and installed in accordance with the relevant Australian Standards.

#### **D.15 Plumbing and drainage works**

All plumbing and drainage works shall comply with AS/NZS 3500 Plumbing and drainage and shall be carried out by an appropriately licensed plumber.

#### **D.16 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.

## **PART E – PRIOR TO COMMENCEMENT OF USE**

### **E.1 Occupation certificate**

Prior to the occupation of the building or the commencement of use, an occupation certificate must be obtained from the PCA. A copy of the occupation certificate must be furnished to the Secretary or nominee prior to the occupation of the building or commencement of the use.

### **E.2 Site Clean Up**

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

### **E.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.

### **E.4 Fire safety certificate**

Prior to the issue of any occupation certificate, a fire safety certificate conforming to the Regulations shall be submitted to and be to the satisfaction of the PCA. A copy of the fire safety certificate shall be submitted to the Department with the copy of the occupation certificate.

### **E.5 Electrical certification**

Prior to the issue of any occupation certificate, certification prepared and signed by an appropriately qualified electrician shall be submitted to the PCA. The certificate shall indicate that all electrical works have been installed by a qualified and licensed electrician and installed in accordance with the relevant Australian Standards.

### **E.6 Plumbing and drainage certification**

Prior to the issue of any occupation certificate, certification prepared and signed by an appropriately qualified plumber shall be submitted to the PCA. The certificate shall indicate that all plumbing works have been installed by a qualified and licensed plumber and installed in accordance with the relevant Australian Standards.

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## **PART F – POST OCCUPATION**

### **F.1 Annual fire safety statement**

An annual fire safety statement conforming to the Regulations shall be provided to the Department and the NSW Fire Brigade every 12 months commencing within 12 months after the date on which the Department received the initial Fire Safety Certificate (Condition E.4).



## **PART G – BUSHFIRE SAFETY AUTHORITY**

### **G.1 Asset Protection Zones**

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 building works and in perpetuity the entire leasehold area 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'.
2. 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:

3. 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 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 building are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

4. New construction shall comply with Sections 3 and 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'.

### **G.4 Landscaping**

5. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

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## **ADVISORY NOTES**

### **AN.1 Responsibility for other consents / agreements**

The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

## **AN.2 Premises Standard**

The persons responsible for ensuring compliance with the Premises Standard (Access to Premises – Buildings) are the building certifier, building developer, and building manager. The Standard's applicability should be reasonably investigated by these persons.