

Modification of Development Consent

Section 4.55(1A) of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning, I hereby modify the development consent referred to in Schedule 1, in the manner outlined in Schedule 2.



Andrew Hartcher
Acting Team Leader
Alpine Resorts Team
Department of Planning and Environment

Jindabyne 22 August 2018

SCHEDULE 1

Application No.: MOD 9420 (DA 017-06-2012 MOD 4)

Applicant: Side-Cut Pty Ltd

Consent Authority: Minister for Planning

Land: Lot 716, Bobuck Lane Thredbo, Kosciuszko National Park

Development: Construction of eight self-contained apartments

Modification No.: MOD 9420 (DA 017-06-2012 Mod 4): Modifications to the approved development including:

- external design changes;
- internal design changes; and
- confirmation of external finishes.

SCHEDULE 2

Development Application No. DA 017-06-2012 is modified as follows:

- a) *In Part A, Condition A.1 is amended by the insertion of the **bold** and **underlined** words and deletion of the **struck-out** words as follows:*

A.1 Development in accordance with approved documentation and plans

The development shall be in accordance with Development Application No. DA 017-06-2012 submitted by Kosciuszko Thredbo Pty Ltd on 1 June 2012 and in accordance with the supporting documentation submitted with that application including:

- as amended by the Section 96(1A) applications submitted by Kosciuszko Thredbo Pty Ltd on 11 September 2013 (Mod 1);
- as amended by the Section 96(1A) applications submitted by Kosciuszko Thredbo Pty Ltd on 18 December 2014 (Mod 2);
- as amended by the Section 96(1A) application submitted by Myson + Berkery Architects Pty Ltd on 30 September 2016 and additional information received on 31 October 2016 (**Mod 3**); and
- **as amended by the Section 4.55(1A) application submitted by Side-Cut Pty Ltd on 14 June 2018 (MOD 4);**

including, but not limited to, the following:

Ref. No.	Document	Title / Description	Author / Prepared by	Date	Document Reference
1	Letter	'Re: Response to submissions arising from end of notification: DA 016-07-2012 Mittabah redevelopment'	Robin Dyke of Daryl Jackson Robin Dyke Pty Ltd to Kosciuszko Thredbo Pty Ltd	7 Aug 2012	-
2	Site Environmental Management Plan	'Appendix C – Statement of Environmental Effects – Site Environmental Management Plan'	Dabyne Planning Pty Ltd	Feb 2012	-
3	Tree Report	'Tree Report for Mittabah Lodge, Thredbo Village NSW'	Jindabyne Landscaping Pty Ltd	5 May 2011	-
4	Plan	'Location Plan & Site Plan'	Daryl Jackson Robin Dyke Pty Ltd	15 August 2013	Job No. 10 431, Drawing No. A-0100, Rev C
5	Plan	'Site Environmental Management Plan'	Daryl Jackson Robin Dyke Pty Ltd	15 August 2013	Job No. 10 431, Drawing No. A.0101, Rev D
Referenced document 6 has been deleted					
7	Plan	'Site Section'	Daryl Jackson Robin Dyke Pty Ltd	15 August 2013	Job No. 10 431, Drawing No. A-0103, Rev C
Previously referenced documents 8 through to 28 inclusive have been deleted					
29	Letter	Re: Geotechnical Site Assessment – Mittabah	Delfa Sarabia of Coffey Geotechnics Pty Ltd	13 August 2013	GEOTLCOV24185AC-AA

		Lodge, Lot 716, Bobuck Lane, Thredbo			
30	Report	'Geotechnical Site Assessment Lot 67 (Mittabah) Thredbo'	Paran Moyes of Coffey Geosciences Pty Ltd	23 Feb 2004	S20966/8-AE
31	Letter	'RE: Lot 67 Mittabah Lodge, Thredbo Geotechnical Assessment'	Paran Moyes of Coffey Geosciences Pty Ltd to Daniel James of the Department of Planning and Infrastructure	25 Oct 2012	GEOTLCOV24185AB-AC
32	Report	S.96 Modification Report Mittabah Apartments Lt 716, Bobuck Lane, Thredbo Kosciuszko National Park	Ivan Pasalich of Dabyne Planning Pty Ltd	August 2013	Project: 19-11
Previously referenced documents 33 and 34 45 have been deleted					
46	Plan	'Section'	Myson + Berkery Architects	September 2016	Job No. 11 13 Drawing A2-05 Revision C
47	Plan	'Hydraulic Services, Site Plan, Stormwater Drainage Plan'	Cardno ITC (ACT) Pty Ltd for Daryl Jackson Robin Dyke Pty Ltd	24 Feb 2012	Dwg No. C11232-H01 Rev 02
48	Plan	'Hydraulic Services Details'	Cardno ITC (ACT) Pty Ltd for Daryl Jackson Robin Dyke Pty Ltd	24 Feb 2012	Dwg No. C 11232-H02 Rev 02
49	Letter	Integrated Development for 716//1119757 Mittabah Lodge, Thredbo NSW	NSW Rural Fire Service	8 November 2016 6 July 2018	D13/2127 D18/6074
Previously referenced documents 50 and 51 have been deleted					
52	Report	S.96 Modification Report	Myson + Berkery Architects	3 December 2014	-
53	Email	Response to DoP comments	Vince Myson	25 March 2015	-
54	Report	S.96 Modification Report	Myson + Berkery Architects	21 September 2016	-
55	Form 1	'Form 1 – Declaration and certification made by a geotechnical engineer or engineering geologist in a geotechnical report'	Troy Crozier of Crozier Geotechnical Consultants	31 October 2016	-
56	Letter	'Geotechnical Assessment for Section 96 Application for Lot 716, Bobuck Lane, Thredbo, NSW'	Crozier Geotechnical Consultants	31 October 2016	Project No.: 2016-194
57	<u>Letter</u>	<u>Proposed Section 4.55 Modification Application</u>	<u>Myson + Berkery Architects</u>	<u>8 June 2018</u>	=

58	<u>Plan</u>	<u>'Site + Roof Plan'</u>	<u>Myson + Berkery Architects</u>	<u>6 June 2018</u>	<u>Job No. 11 13 Drawing A0-01 Revision 3</u>
59	<u>Plan</u>	<u>'Ground Floor Plan'</u>	<u>Myson + Berkery Architects</u>	<u>6 June 2018</u>	<u>Job No. 11 13 Drawing A1-00 Revision 3</u>
60	<u>Plan</u>	<u>'Level 1 Plan'</u>	<u>Myson + Berkery Architects</u>	<u>6 June 2018</u>	<u>Job No. 11 13 Drawing A1-01 Revision 6</u>
61	<u>Plan</u>	<u>'Level 2 Plan'</u>	<u>Myson + Berkery Architects</u>	<u>6 June 2018</u>	<u>Job No. 11 13 Drawing A1-02 Revision 4</u>
62	<u>Plan</u>	<u>'Level 3 Plan'</u>	<u>Myson + Berkery Architects</u>	<u>6 June 2018</u>	<u>Job No. 11 13 Drawing A1-03 Revision 4</u>
63	<u>Plan</u>	<u>'Level 4 Plan'</u>	<u>Myson + Berkery Architects</u>	<u>6 June 2018</u>	<u>Job No. 11 13 Drawing A1-04 Revision 6</u>
64	<u>Plan</u>	<u>'Level 5 Plan'</u>	<u>Myson + Berkery Architects</u>	<u>6 June 2018</u>	<u>Job No. 11 13 Drawing A1-05 Revision 6</u>
65	<u>Plan</u>	<u>'North-west Elevation'</u>	<u>Myson + Berkery Architects</u>	<u>6 June 2018</u>	<u>Job No. 11 13 Drawing A2-01 Revision 5</u>
66	<u>Plan</u>	<u>'South-west Elevation'</u>	<u>Myson + Berkery Architects</u>	<u>6 June 2018</u>	<u>Job No. 11 13 Drawing A2-02 Revision 5</u>
67	<u>Plan</u>	<u>'South-east Elevation'</u>	<u>Myson + Berkery Architects</u>	<u>6 June 2018</u>	<u>Job No. 11 13 Drawing A2-03 Revision 5</u>
68	<u>Plan</u>	<u>'North-east Elevation'</u>	<u>Myson + Berkery Architects</u>	<u>6 June 2018</u>	<u>Job No. 11 13 Drawing A2-04 Revision 5</u>

b) *In Part C, Condition C.12 is deleted.*

c) *In Part H, Conditions H.1 to H.5 are amended by the insertion of the **bold** and underlined words and deletion of the ~~struck out~~ words as follows:*

H Bush Fire Safety Authority

H.1 General

1. The development proposal is to comply with the plans prepared by Myson Berkery Architects, Job numbered 11 13, dated ~~September 2016~~ June 2018.

H.2 Asset Protection Zones

The intent of measures is to provide sufficient space for fire fighters 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. To achieve this, the following conditions shall apply:

2. 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':

H.3 Water and Utilities

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:

3. Water, electricity and gas are to comply with the following requirements of section 4.1.3 **and 4.2.7** of 'Planning for Bush Fire Protection 2006'.
 - Where the rear or most distant part of the building is greater than 70 metres from the nearest hydrant, a new hydrant is required to be installed as per Australian Standard AS 2419.1 – 2005 'Fire Hydrant Installations'. Locations of fire hydrants are to be delineated by blue pavement markers offset 150mm from the centre of the road. The direction of offset shall indicate on which side of the road the hydrant is located. Alternatively, an onsite 5000 litre water supply shall be provided for fire fighting purposes.
 - Gas cylinders kept close to the building shall have release valves directed away from the building. Connections to and from gas cylinders are to be metal. Polymer sheathed flexible gas supply lines to gas meters adjacent to building are not to be used.

H.4 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:

4. ~~An Emergency/Evacuation Plan is to be prepared in accordance with Australian Standard AS 3745-2010 'Planning for emergencies in facilities.~~

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.**

H.5 Design and Construction

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:

5. New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' **or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate** and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

End of Modifications to DA 017-06-2012 (MOD 4)