



ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF DEVELOPMENT APPLICATION NO. DA 035-08-2011

I, Erin Fuller, Acting Team Leader, Metropolitan and Regional Projects South (Alpine Resorts Team), as delegate for the Minister for Planning and Infrastructure, under Instrument of Delegation dated 14 September 2011, 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 ensure public health and safety; and
- (3) To ensure the proposed works are carried out in accordance with the relevant Australian standards, provisions of the Building Code of Australia and other relevant legislation.

Erin Fuller
A/Team Leader
Alpine Resorts Team

___ January 2012

SCHEDULE 1

PART A — TABLE

Application made by:	Kosciuszko Thredbo Pty Ltd
Application made to:	Minister for Planning and Infrastructure
Development Application:	DA No. 035-08-2011
On land comprising:	Lot 604 DP 1118588, Apartment 2 Mosswood, 23 Mountain Drive, Woodridge, Thredbo Alpine Resort
For the carrying out of:	Additions to existing building
Estimated Cost of Works	\$85,000
Type of development:	Integrated
Approval Body / Bodies:	NSW Rural Fire Service
Determination made on:	
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 035-08-2011

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

Pursuant to section 97 of the *Environmental Planning and Assessment Act, 1979*, the applicant may appeal the determination of this development application. Any such appeal must be made to the Land and Environment Court within six (6) months of the applicant receiving this notice of the determination.

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 Thredbo Pty Ltd.

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

AS means Australian Standard.

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.

Construction Certificate has the same meaning as Part 4A of the Act.

DA No 035-08-2011 means the development application and supporting documentation submitted by the applicant on 18 August 2011.

Department means the Department of Planning and Infrastructure.

Department's Geotechnical Policy means the document titled *Geotechnical Policy Kosciuszko Alpine Resorts* prepared by the Department of Infrastructure, Planning and Natural Resources and dated November 2003.

Director means the Director of Metropolitan and Regional Projects South (or its successors) or a delegate of the Director of Metropolitan and Regional Projects South within the Department.

Director-General means the Director-General of the Department.

Minister means the Minister for Planning and Infrastructure.

NZS means New Zealand Standard.

Occupation Certificate has the same meaning as Part 4A of the Act.

OEH means the NSW Office of Environment and Heritage.

PCA means the Principal Certifying Authority as prescribed in Part 4A of the Act.

Regulation means the *Environmental Planning and Assessment Regulations, 2000* (as amended).

RFS means the NSW Rural Fire Service.

Subject Site has the same meaning as the land identified in Part A of this schedule.

Team Leader means the Team Leader of the Metropolitan and Regional Projects South (or its successors) or a delegate of the Team Leader of the Metropolitan and Regional Projects South within the Department.

SCHEDULE 2

CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. DA 035-08-2011

ADDITIONS TO EXISTING BUILDING
LOT 604, DP 1118588, APARTMENT 2 MOSSWOOD, 23 MOUNTAIN DRIVE, WOODRIDGE,
THREDBO ALPINE RESORT, KOSCIUSKO NATIONAL PARK

This consent is granted subject to the following:

A THE APPROVED DEVELOPMENT

A.1 Development in accordance with approved documentation and plans

The development shall be in accordance with Development Application No. DA 035-08-2011 submitted by Kosciuszko Thredbo Pty Ltd on 18 August 2011 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)	'Additions and Alterations Mosswood No 2 – Lot 604, Woodridge, Thredbo'	Dabyne Planning Pty Ltd	June 2011	Project: 22-11
2	SEE Appendix A	'Site Environmental Management Plan'	Dabyne Planning Pty Ltd	June 2011	-
3	Bushfire Assessment Report	'Additions and Alterations Mosswood No 2 – Lot 604, Woodridge, Thredbo'	Dabyne Planning Pty Ltd	June 2011	Project: 22-11
4	Plan	Entry Level & South Elevation	Phillips Henningham Architects	April 2011	Dwg 01
5	Plan	Existing First Floor Plan & Existing Mezzanine Floor Plan	Phillips Henningham Architects	April 2011	Dwg 02
6	Plan	North Elevation & West Elevation	Phillips Henningham Architects	April 2011	Dwg 03
7	Plan	Site Plan & East Elevation	Phillips Henningham Architects	April 2011	Dwg 04
8	Geotechnical Investigation	'Proposed Alterations and Additions Lot 200 "Mosswood" Thredbo Village'	Asset Geotechnical	30 June 2011	Report 1699-A
9	Form 1	Geotechnical Certification	Mark Bartel	30 June 2011	-
10	Bush Fire Safety Authority	'Integrated Development for Lot 604, Mosswood Apartment 2, Mountain Drive, Thredbo'	NSW Rural Fire Service	22 December 2011	D11/1484 DA1108257 9518 LC

A.2 Development site description

The development site is Lot 604 DP 1118588, Apartment 2 Mosswood, 23 Mountain Drive, Woodridge Thredbo Alpine Resort.

A.3 Development description

The development to which consent is granted is described as additions to the existing building and associated works.

A.4 Inconsistency between documents

In the event of any inconsistency between conditions of this consent and the documents referred to above, the conditions of this consent prevail.

B GENERAL CONDITIONS

B.1 Prescribed conditions

All works shall comply with the prescribed conditions of development consent as set out in the Regulations:

- (a) Clause 98, Compliance with Building Code of Australia; and
- (b) Clause 98A, Erection of signs.

B.2 Australian Standards

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

B.3 Lapsing of consent

The development consent shall lapse 5 years after the determination date in Part A of Schedule 1 of this development consent.

C PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

C.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.

C.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) section B of the BCA;
 - (ii) the development consent;
 - (iii) drawings and specifications comprising the construction certificate; and
 - (iv) completed Form 2 in accordance with the Departments Geotechnical Policy – Kosciuszko Alpine Resorts.
- (b) Compliance with the BCA – sufficient details to demonstrate that the proposal complies with the relevant provisions of the BCA.

C.3 Payment of the Long Service Levy

Prior to the issue of any construction certificate, evidence shall be provided to the certifying authority, in the form of a receipt, confirming payment of the Long Service Levy to the Long Service Payments Corporation in accordance with Section 34 of the *Building Construction Industry Payments Act 1986*.

C.4 Bush fire safety authority

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

C.5 Colours and materials

The materials and colours shall be constructed in accordance with the approved plans.

C.6 Geotechnical declaration and certification

Prior to the issue of any construction certificate, a completed and signed Form 2 from the Department's Geotechnical Policy shall be submitted to, and be to the satisfaction of, the certifying authority. If the Department is not the certifying authority, the appointed certifying authority is to provide a copy of the signed Form 2 to the Department with the copy of the construction certificate.

C.7 Termite Protection

The building shall be protected from attack from subterranean termites in accordance with AS 3660.1-2000 *Protection of building from subterranean termites – New buildings*. Details are to be submitted to the PCA prior to the issue of the construction certificate.

D PRIOR TO THE COMMENCEMENT OF WORKS

D.1 Notification to Department of the date of commencement of works

The Director-General 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.

D.2 Implementation of site environmental management measures

Prior to any works commencing, all site environmental management measures and actions identified on the approved SEMP (Ref. No.2 Condition A.1) shall be put in place, implemented and undertaken. All of these site environmental management measures shall be installed to the satisfaction of the PCA prior to works commencing.

D.3 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.

D.4 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.

E DURING CONSTRUCTION

E.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 any person associated with construction works, the PCA or an officer of the Department.

E.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 Director-General or nominee.

E.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 Director-General 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) completion of all stabilisation and rehabilitation works in accordance with these conditions of consent and the approved SEMP; and
 - (iv) any other specific matters related to making the sites safe and secure raised by the Director-General or nominee during the course of construction.

E.4 Construction activities

- (a) All construction activities shall be confined to within the lease area and within the fenced construction area.
- (b) All machinery to be used during the construction phase shall be confined to the existing disturbed areas (wherever possible) and the existing access tracks. Wet areas and areas of native vegetation are to be avoided.
- (c) All machinery to be used during the construction phase must be cleaned prior to coming on each site to ensure no weeds are transported to the site.
- (d) Access to the sites for construction shall be from the existing formed roads, over previously disturbed areas and in accordance with the approved SEMP only.

E.5 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.

E.6 Erosion and Sediment Control Measures

All erosion prevention and sediment control measures in place shall be checked regularly and maintained in good working order at all times. All exposed earth must be kept stabilised and revegetation must commence as soon as practicable.

E.7 Excavations and Backfilling

- (a) All excavation and backfilling shall be executed in a safe manner and in accordance with appropriate professional standards.
- (b) All excavations shall be properly guarded and protected to prevent them from being dangerous.
- (c) Any excavations left open at night shall be left with ramps or openings such that any fauna entering these excavations have a means of escape during the night.

E.8 Dirt and Dust Control Measures

- (a) Adequate measures shall be taken to prevent dirt and dust from affecting the amenity of the neighbourhood during construction.
- (b) In particular, the following measures must be adopted:
 - (i) 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;
 - (ii) covers are to be adequately secured;
 - (iii) cleaning of footpaths must be carried out regularly;
 - (iv) roadways must be kept clean;
 - (v) gates are closed between vehicle movements;
 - (vi) gates are fitted with shade cloth; and,
 - (vii) the site is hosed down when necessary.

E.9 Asbestos

- (a) 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.
- (b) 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.

E.10 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.

E.11 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 other than those areas approved in the SEMP.

E.12 Work Cover

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

E.13 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.

E.14 Site rehabilitation

Any disturbed area shall be rehabilitated in accordance with the *Rehabilitation Guidelines for the Resorts Areas, Kosciuszko National Park* (NPWS, 2007) and to the satisfaction of the PCA.

E.15 Prohibition of hazardous materials

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

E.16 Recycled Material

Wherever possible, building material from the demolition should be salvaged and stored securely within the remaining building for reuse during the redevelopment of the building.

E.17 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.

E.18 Protection of native vegetation

Site management shall ensure that appropriate measures are in place to ensure that vehicles, machinery or persons do not damage or remove any native vegetation that is not part of this consent. The damage or removal of any native vegetation that is not part of this consent may warrant further action to be undertaken in accordance with the *National Parks and Wildlife Act 1974* or the *Environmental Planning and Assessment Act 1979*.

E.19 Aboriginal heritage

Should any material suspected of being an Aboriginal relic or artefact become unearthed in the course of works, all works impacting the objects or artefacts shall cease immediately as per Section 90 of the *National Parks and Wildlife Act 1974*. The applicant must immediately contact the OEHL to arrange for representatives to inspect the site. All workers on the site are to be made aware of this condition.

E.20 Compliance with AS 2601-1991

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

E.21 Plumbing and drainage works

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

E.22 Environmental performance

- (a) Water Efficiency – All water associated fixtures, fittings and appliances installed in the building shall have a minimum three (3) star Water Efficiency Labelling and Standards (WELS) rating.
- (b) Energy Efficiency – Energy efficiency shall be maximised within the development including, but not limited to the following:
 - (i) energy efficient options for lighting are to be installed in all cases where possible;
 - (ii) all classes of appliances that are available with an energy label or a Minimum Energy Performance Standard to be installed within the premises are to have an energy star rating of 4 stars or more (excluding clothes dryers which are to have a rating of 2.5 stars or more and natural gas water heaters which are to have a rating of 5 stars or more);
 - (iii) all baths, hot water pipes and ceiling spaces are to be insulated;
 - (iv) if air conditioners are installed they are to have a variable speed compressor or inverter drive and their outdoor components are to be positioned out of direct sunlight while still allowing access to outside air;
 - (v) doors and windows are to be fitted with draught seals and weather stripping; and
 - (vi) energy efficient water heaters that achieve a minimum 5 star performance level are to be installed.

E.23 Geotechnical requirements

At all times during demolition, excavation and construction, all persons associated with the construction activities shall adhere to the Department's Geotechnical Policy and the Geotechnical Slope Stability Assessment by Asset Geotechnical Pty Ltd dated 30 June 2011 (Ref No. 8, Condition A.1).

E.24 Disposal of excess spoil

All clean excess spoil shall be disposed of at an authorised land fill site. Any contaminated spoil shall be disposed of at an authorised waste facility.

E.25 Fill material

- (a) Under no circumstances shall fill material be imported from outside of Kosciuszko National Park (KNP). If fill material is required, OEH should be contacted in relation to available sources from within KNP.
- (b) The applicant shall arrange for any fill to be placed in accordance with the standards specified in AS 3798 *Guidelines on earthworks for commercial and residential developments*.

E.26 Ongoing Termite Protection

- (a) On completion of the installation of the barrier, the PCA shall be furnished with a certificate from the person responsible, stating that the barrier complies with AS 3660.1 *Termite management – New building work*.
- (b) 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 PRIOR TO COMMENCEMENT OF USE

F.1 Occupation certificate

An occupation certificate must be obtained from the PCA and a copy furnished to the Director-General or nominee prior to the occupation of the building or commencement of the use.

F.2 Rehabilitation

Prior to the issue of any occupation certificate, any disturbed ground shall be rendered erosion resistant and rehabilitated in accordance with the approved documentation and these conditions of consent.

F.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.

F.4 Site clean up

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

F.5 Geotechnical Certification

A Form 3 of the Department's Geotechnical Policy is required to be completed and signed, and submitted to, and be to the satisfaction of the PCA prior to the issue of any Occupation Certificate. If the Department is not the PCA, the appointed PCA shall provide a copy of the signed Form 3 of the Department's Geotechnical Policy to the Department with the copy of the Occupation Certificate.

G BUSH FIRE SAFETY AUTHORITY

G1 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 following land 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.

G2 Water and Utilities

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

3. Future gas installations are to comply with the following requirements of section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
 - All fixed gas cylinders are kept clear of all flammable materials to a distance of 10 metres and be shielded on the hazard side of the installation.
 - 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.

G3 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. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

G4 Design and construction

The intent of measures is that apartment 2 is designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

5. The existing apartment 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 mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.
6. New construction shall comply with section 8 (BAL 40) 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'.

G6 General Advice to Applicant

Future landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006' in order to maintain the area as an Inner Protection Area. In this regard the following landscaping principles are to be incorporated into the development:

- Grassed areas/mowed lawns/ or ground cover plantings being provided in close proximity to the building;
- Restrict planting in the immediate vicinity of the building which may over time and if not properly maintained come in contact with the building;
- Planting should not provide a continuous canopy to the building (i.e. trees or shrubs should be isolated or located in small clusters);
- When considering landscape species consideration needs to be given to estimate size of the plant at maturity;

- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of tree species which generally do not carry a fire up the bank into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from building;
- Locate combustible structures such as garden sheds, pergolas and materials such timber garden furniture away from the building; and
- Use of low flammability vegetation species.

RECOMMENDATION

