



**ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

**DETERMINATION OF DEVELOPMENT APPLICATION NO. DA 052-12-2011**

I, Daniel James, Team Leader, Metropolitan and Regional Projects South (Alpine Resorts Team) as delegate for the Minister for Planning 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.

**Daniel James**  
Team Leader  
Alpine Resorts Team

\_\_\_ May 2012

**SCHEDULE 1**

**PART A — TABLE**

<b>Application made by:</b>	Kosciuszko Thredbo Pty Ltd
<b>Application made to:</b>	Minister for Planning and Infrastructure
<b>Development Application:</b>	DA 052-12-2011
<b>On land comprising:</b>	Lot 816 DP 1119757, Happy Jacks, Unit 9, Thredbo Alpine Resort
<b>For the carrying out of:</b>	Internal alterations and additions
<b>Estimated Cost of Works</b>	\$85,000
<b>Type of development:</b>	General
<b>Approval Body / Bodies:</b>	Nil
<b>Determination made on:</b>	__ May 2012
<b>Determination:</b>	Development consent is granted subject to the conditions in the attached Schedule 2.
<b>Date of commencement of consent:</b>	This development consent commences on the date identified in the accompanying letter.
<b>Date consent is liable to lapse:</b>	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 052-12-2011**

**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**

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 applicant 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 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 052-12-2011** means the development application and supporting documentation submitted by the applicant on 20 December 2011.

**Department** means the Department of Planning and Infrastructure.

**Department's Geotechnical Policy** means the document titled *Geotechnical Policy Kosciusko 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).

**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 052-12-2011

INTERNAL ALTERATIONS AND ADDITIONS TO EXISTING BUILDING AT LOT 816, DP 1119757,  
HAPPY JACKS UNIT 9, 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 052-12-2011 submitted by Kosciuszko Thredbo Pty Ltd on 20 December 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)	'Happy Jacks Lot 816 - Unit 9, Mowamba Place, Thredbo'	Phillips Henningham Architects	Dec 2011	-
2	Site Environmental Management Plan	'Lot 816 Unit – Happy Jacks, Thredbo for Mr & Mrs V Berger'	Phillips Henningham Architects	6 Dec 2011	-
4	Geotechnical Assessment	'Report on Geotechnical Assessment at Unit 9, Happy Jacks, 6 Mowamba Place, Thredbo'	Coffey Geotechnics Pty Ltd	1 July 2011	-
4	Plan	'Site Plan'	Phillips Henningham Architects	July 2011	Dwg 04
5	Plan	'DA Drawing – Floor Plan'	Phillips Henningham Architects	July 2011	Dwg 01
6	Plan	'DA Drawing – Section AA'	Phillips Henningham Architects	July 2011	Dwg 02
7	Plan	'DA Drawing – South West Elevation'	Phillips Henningham Architects	July 2011	Dwg 03

**A.2 Development site description**

The development site is Lot 816 DP 1119757, Happy Jacks Unit 9, Thredbo Alpine Resort.

**A.3 Development description**

The development to which consent is granted is described as internal alterations.

**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**

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### **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**

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### **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; and
  - (iii) drawings and specifications comprising the construction certificate.
- (b) Compliance with the BCA - sufficient details to demonstrate that the proposal complies with the relevant provisions of the BCA.

### **C.3 Engineer designed drainage plan**

A drainage plan by an appropriately qualified engineer shall be provided to the certifying authority prior to the issue of any construction certificate.

The drainage plan shall show:

- (i) the location of the existing on site drainage system in the vicinity of Apartment 9;
- (ii) the connection of the retaining wall sub surface drainage (as recommended by Coffey Geotechnics) to the existing drainage system; and
- (iii) the connection of the open spoon drain in cavity (as shown on the architectural plans) to the existing drainage system

The drainage plan shall be certified by:

- (i) the design engineer; and
- (ii) a geotechnical engineer.

#### **C.4 Engineer designed retaining wall**

A retaining wall design by an appropriately qualified structural engineer shall be submitted to the satisfaction of the certifying authority prior to the issue of any construction certificate.

The retaining wall design shall be certified by:

- (iii) the structural engineer; and
- (iv) a geotechnical engineer.

#### **C.5 Apartment upgrade plans**

Plans shall be provided to the satisfaction of the certifying authority, prior to the issue of the construction certificate, to demonstrate the following:

- (a) Service penetrations must comply with Clause C3.15 of the BCA:
  - (i) penetrations in the floor separating Unit 9 and the unit directly above unit 9.
  - (ii) penetrations in the floor separating the sub floor space at the rear of Unit 9 and the unit directly above the sub floor space
- (b) Openings in the external walls of Unit 9 shall be protected in accordance with in accordance with CP2 of the BCA.
- (c) The stairs leading from the front door of unit 9, which comprises five (5) risers, shall comply with the following:
  - (i) with regard to the width of the stairs and the dimensions of the goings and risers, Performance Requirement DP2 of the BCA, and
  - (ii) Performance Requirement DP4 of the BCA.

#### **C.6 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*.

### **D PRIOR TO THE COMMENCEMENT OF WORKS**

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#### **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**

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### **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 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.7 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.8 Work Cover**

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

### **E.9 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.10 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.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.

### **E.12 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.13 Prohibition of hazardous materials**

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

### **E.14 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 OEH to arrange for representatives to inspect the site. All workers on the site are to be made aware of this condition.

### **E.15 Compliance with AS 2601-1991**

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

### **E.16 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.17 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.

## **F PRIOR TO COMMENCEMENT OF USE**

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### **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 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. A copy of the Fire Safety certificate must be submitted to the Department by the PCA.

## **G POST OCCUPATION**

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### **G.1 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 Department has received the initial Fire Safety Certificate.