

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

SCHEDULE 1

Application No.: DA No. 7216

Applicant: Kosciuszko Thredbo Pty Ltd

Consent Authority: Minister for Planning

Land: Schuss Ski Club, Lot 707, 17 Alpine Way, Thredbo Village, Thredbo Alpine Resort, Kosciuszko National Park

Type of Development: Integrated Development

Integrated Bodies: NSW Rural Fire Service

Approved Development: Alterations and additions to Schuss Ski Club.

DEFINITIONS

Act	means the <i>Environmental Planning and Assessment Act, 1979</i> (as amended).
Applicant	means Kosciuszko Thredbo Pty Ltd.
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 7216	means the development application and supporting documentation submitted by the applicant on 10 August 2015.
Department	means the Department of Planning and Environment, or its successors.
Director	means the Director of Key Site Assessments 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 Key Site Assessments 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 7216 submitted by Kosciuszko Thredbo Pty Ltd on 10 August 2015 and in accordance with the supporting documentation submitted with that application including, but not limited to, the following:

	Document	Title/Description	Author/Prepared by	Date	Document Reference
1	Statement of Environmental Effects (SEE)	Additions and Alterations Schuss Ski Club	Dabyne Planning	July 2015	29-15
2	Site Environmental Management Plan	Site Environmental Management Plan Appendix B of SEE	Dabyne Planning	July 2015	-
3	Bushfire Assessment Report	Bushfire Assessment Report – Schuss Ski Club	Dabyne Planning	July 2015	29-15
4	Geotechnical Certification	Form 4 Minimal Impact Certification	JK Geotechnics	7 October 2015	-
5	Geotechnical Report	Geotechnical Assessment	JK Geotechnics	7 October 2015	28265RHrpt
6	Letter	Response to additional information request	Dabyne Planning	13 October 2015	-
7	Plan	Site Plan	Parolin/Balsamo Architects & Project Management	July 2015	SK-33
8	Plan	Level 4 Plan	Parolin/Balsamo Architects & Project Management	August 2014	SK-30-D
9	Plan	Elevations and section	Parolin/Balsamo Architects & Project Management	September 2014	SK-32-D
10	Plan	Elevations	Parolin/Balsamo Architects & Project Management	August 2014	SK-31-D
11	Material and finishes schedule	Schuss Ski Club Finishes Board	Parolin/Balsamo Architects & Project Management	July 2015	-
12	Email	Re: Update on Schuss DA	Lu Balsamo	17 November 2015 16:50	-
13	Email	Schuss Thredbo DA - King span cladding	Lu Balsamo	1 February 2016 13:58	-

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;
- (b) clause 98A, Erection of signs during building and demolition works; and
- (c) clause 98E, Condition relating to shoring and adequacy of adjoining property.

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.

PART B – PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

B.1 Documentation for the construction certificate

Prior to the issue of a relevant Construction Certificate, the Applicant shall submit to the satisfaction of the certifying authority structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrate compliance with:

- (a) the relevant clauses of the BCA;
- (b) the development consent; and
- (c) the geotechnical recommendations.

B.2 Upgrading of Building

Prior to the issue of a construction certificate;

- (a) a report prepared by a BCA consultant or fire engineer, to the satisfaction of the certifying authority, addressing the following BCA performance requirements;
 - (i) CP1, CP2, CP3, CP4, CP7, CP8;
 - (ii) DP4, DP5, DP6;
 - (iii) EP1.1, EP1.2, EP1.3, EP2.1, EP2.2, EP4.1, EP4.2; and
 - (iv) GP2.1, GP4.1, GP4.2, GP4.3 and GP4.4shall be submitted to the Department for endorsement by the secretary or nominee;
- (b) if the above report has identified deficiencies an upgrade strategy or alternative solution shall be prepared; and
- (c) any upgrade strategy shall include a schedule of works to be endorsed by the secretary or nominee, identifying programming of recommended fire safety upgrades within a period of not more than three years from the date of commencement of works.

B.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*.

B.4 Bushfire 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.

B.5 Energy efficiency

All 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 a construction certificate.

B.6 Structural adequacy of existing building and retaining walls

A certificate prepared and signed by an appropriately qualified practising Structural Engineer indicating that the existing footings, retaining walls and structure which are to remain are capable of supporting the new loads imposed by the proposed development shall be provided prior to the issue of the construction certificate.

B.7 Stormwater drainage

Prior to the issue of any construction certificate, an inspection report shall be obtained from Kosciuszko Thredbo Pty Ltd (head lessee) or their recognised expert for the existing stormwater drainage system.

- (a) The report shall include the following:
- (i) the date of the site inspection, site photographs and a record of site observations;
 - (ii) a statement confirming the adequacy and condition of the existing stormwater system including the Club's cleaning and maintenance program;
 - (iii) if any deficiencies are identified by Kosciuszko Thredbo and/or their recognised expert during the inspection, a list of recommendations shall be provided to the sublessee including a timeframe for completion; and
 - (iv) any such works shall be carried out within the recommended timeframe.
- (b) In finalising the report referenced above, Kosciuszko Thredbo shall make a written statement as to whether any further investigation by a suitably qualified and practising engineer is required.
- (i) if further investigation is deemed by Kosciuszko Thredbo Pty Ltd to be required the sublessee shall engage a suitably qualified and practising engineer to provide list of recommendations and a timeframe for completion.
 - (ii) any such works shall be carried out within the recommended timeframe.

The report/s and any recommendations shall be submitted to the certifying authority prior to the issue of the construction certificate. If the Department is not the certifying authority a copy of the report shall be submitted to the Department with the construction certificate.

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 works commencing, all site environmental management measures in accordance with the approved documentation and plans (Condition A.2) shall be in place and in good working order, and shall be inspected and approved as being satisfactory by the PCA.

C.4 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 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 are to be installed e.g. solar, heat pump or gas.

C.5 Statement of compliance with AS 2601-1991

- (a) The demolition work shall comply with the provisions of AS 2601-1991 Demolition of structures.
- (b) The works plan required by AS 2601-1991 shall be accompanied by a written statement from the licensed demolition contractor, to the effect that the proposals contained in the works plan comply with the safety requirements of the Standard. The works plan is to include details of the method of identification, methods of handling and disposal of asbestos products and compliance with Work Cover Authority requirements. The works plan and the statement of compliance shall be submitted to, and be to the satisfaction of, the PCA prior to the commencement of works.

C.6 Traffic & pedestrian management plan

Prior to the commencement of works, a Traffic and Pedestrian Management Plan shall be submitted to the satisfaction of Kosciuszko Thredbo Pty Ltd and the PCA. The Plan shall address, but not be limited to, the following matters:

- (a) access to the car parking areas for neighbouring buildings along maintained throughout the construction period;
- (b) the predicted traffic volumes, types and routes shall be provided;
- (c) nomination of parking areas for construction and contractor vehicles and where this is off-site, details of how workers will access the construction site;

- (d) nomination of ingress and egress points for vehicles needing to access the site;
- (e) nomination of loading and unloading zones;
- (f) identification of construction machinery required for various stages of the project;
- (g) use of cranes, excavators and other construction machinery which must be confined to within the construction zone unless a temporary road closure approval has been obtained from Kosciuszko Thredbo Pty Ltd;
- (h) procedures and personnel responsible for full and partial road closures ; and
- (i) any road closures must be approved and co-ordinated by Kosciuszko Thredbo Pty Ltd.

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 Work Cover

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

D.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) 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.6 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.7 Prohibition of hazardous materials

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

D.8 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.9 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.10 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.11 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.12 Geotechnical requirements

At all times during construction, all persons associated with the construction activities shall adhere to the geotechnical recommendations prepared by JK Geotechnics in their report (Reference 5, Condition A.2).

D.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.

D.14 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.

D.15 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.

D.16 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.17 Demolitions work

Any demolition work shall comply with the provisions of AS 2601-1991 Demolition of Structures.

D.18 Construction activities

- (a) At all times, construction activities shall be undertaken in accordance with the approved SEMP and the requirements of these conditions.
- (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.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 OEH to arrange for representatives to inspect the site. All workers on the site are to be made aware of this condition.

D.19 Scaffolding

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

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 Structural certification

A structural engineer's certificate shall be submitted to the PCA prior to issue of any occupation certificate. This certificate is to verify that structural works have been completed in accordance with approved plans and specifications and comply with the provisions of the BCA and relevant standards. A copy of the certificate is to be submitted to the Secretary with the Occupation Certificate documentation.

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 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.7 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.

E.8 Fire safety upgrades

Prior to the issue of any occupation certificate, the following documentation shall be submitted to the satisfaction of the certifying authority;

- (a) written notice that the relevant upgrade works have been completed in accordance with the schedule in condition B2;
- (b) certificates of installation from tradespersons responsible for carrying out upgrade works; and
- (c) certification from a BCA Consultant and/or Fire Engineer that the required works have been completed in accordance with the upgrade strategy in condition B2.

PART F – BUSHFIRE SAFETY AUTHORITY

F.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'.

F.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:

2. 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.

F.3 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:

3. New construction shall comply with Sections 3 and 6 (BAL 19) Australian Standard AS 3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bushfire Protection'.

PART G - POST OCCUPATION

G.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.8).

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 External lighting

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

AN.3 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.