

# Development consent

## Section 4.16 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

25/7/

2018

### SCHEDULE 1

<b>Application No.:</b>	DA No. 8968
<b>Applicant:</b>	Mulpha Norwest Pty Ltd
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	Marritz Alpine Inn (Marritz Hotel), 12 Porcupine Road, Perisher Valley, Perisher Range Alpine Resort, Kosciuszko National Park
<b>Type of Development:</b>	Integrated Development
<b>Integrated Bodies:</b>	NSW Rural Fire Service
<b>Approved Development:</b>	External alterations and repairs / maintenance to an existing tourist accommodation building

## DEFINITIONS

Act	means the <i>Environmental Planning and Assessment Act, 1979</i> (as amended).
Applicant	means Mulpha Norwest Pty Ltd.
Approval Body	has the same meaning as within Division 4.8 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 in Part 4A of the Act.
DA No 8968	means the development application and supporting documentation submitted by the applicant on 21 December 2017.
Department	means the Department of Planning and Environment, or its successors.
Director	means the Director of Key Sites Assessments or a delegate of the Director 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 Sites 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 8968 submitted by Mulpha Norwest Pty Ltd on 21 December 2017, as amended on 16 March 2018 and additional information received 24 April 2018 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)	Alterations and Additions to the Existing Marritz Hotel	-	November 2017	031017
2	Bushfire Hazard Assessment Report	Alterations and Additions to the Existing Marritz Hotel	-	November 2017	031117
3	Plan	Basement Demolition	MACO Project Designs	23 October 2017	A100 Rev. A
4	Plan	Ground Floor Demolition	MACO Project Designs	23 October 2017	A101 Rev. A
5	Plan	First Floor Demolition	MACO Project Designs	23 October 2017	A102 Rev. A
6	Plan	Basement Floor Plan	MACO Project Designs	13 March 2018	A200 Rev. B
7	Plan	Ground Floor Plan	MACO Project Designs	13 March 2018	A201 Rev. B
8	Plan	First Floor Plan	MACO Project Designs	13 March 2018	A202 Rev. B
9	Plan	Roof Plan	MACO Project Designs	13 March 2018	A203 Rev. B
10	Plan	E-01 West Elevation	MACO Project Designs	23 October 2017	A300 Rev. A
11	Plan	E-02 South Elevation	MACO Project Designs	23 October 2017	A301 Rev. A

12	Plan	E-03 East Elevation	MACO Project Designs	23 October 2017	A302 Rev. A
13	Plan	E-04 North Elevation	MACO Project Designs	23 October 2017	A303 Rev. A
14	Plan	Northern Facade	Grounded Structural Engineers and Drafting Services	17 January 2018	Drawing # S01 DA
15	Bushfire Safety Authority	Integrated Development for Marritz Alpine Inn, Perisher Valley	NSW Rural Fire Service	2 February 2018	D18/267

### **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 Construction certificate**

Work must not commence until a relevant construction certificate has been issued.

### **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) development consent (DA 8968);
  - (iii) drawings and specifications comprising the construction certificate; and
  - (iv) current and relevant Australian Standards.
- (b) Plans and specifications demonstrating compliance with BCA

### **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 and Construction Industry Long Service Payments Act 1986*.

### **B.4 Materials and finishes**

- (a) The isolated areas where there is horizontal, painted timber panelling, shall be replaced with a metal cladding in a timber like profile, finished in similar (mid green).
- (b) Prior to the issue of any construction certificate, the Applicant shall submit a materials and colours schedule for the works, including (a) above.

### **B.5 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.

---

## **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, and shall be inspected and approved as being satisfactory by the PCA.

### **C.4 Vegetation management**

Where existing vegetation is to be trimmed or removed in order to comply with Condition G.1 – Asset Protection Zones, discussions involving an onsite inspection are to occur between the Applicant and the OEH (NPWS Assessment Coordinator on 02 6450 5543) prior to vegetation works being carried out. Details demonstrating compliance with the above are to be provided to the PCA.

## 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 documentation.
- (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 WorkSafe NSW

All works shall be carried out in accordance with current WorkSafe NSW 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.

All stockpiling is to be in accordance with the 'Soil Stockpile Guidelines for the Resort Areas of Kosciuszko National Park, October 2017'.

#### **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 Noise and vibration management**

Excavation and construction shall be managed in accordance with Australian Standard AS 2436-2010 *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.10 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.11 Demolitions work**

Any demolition work shall comply with the provisions of Australian Standard AS 2601-2001 *Demolition of Structures*.

#### **D.12 Recycled Material**

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

#### **D.13 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.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 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.16 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 re-vegetation must commence as soon as practicable.

#### **D.17 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.

#### **D.18 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*.

#### **D.19 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.20 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.

---

### **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 adequacy certificate**

A structural engineer's certificate shall be submitted to the PCA prior to the 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 structural certificate shall be submitted to the Department with the copy of the occupation certificate.



### **E.5 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.6 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.

---

## **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.

---

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

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

The intent of measures is to provide sufficient space and maintain reduced fuel loads as 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:

1. At the commencement of building works, and in perpetuity, all land within the subject 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'.

### **G.2 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 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:

2. The provision of all new water, electricity and gas services shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

### **G.3 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.4 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:

4. All proposed works to the roof and the south eastern elevation of the existing building shall comply with Sections 3 and 8 (BAL 40) Australian Standard AS 3959-2009 '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 2006'.
5. All proposed works to the north eastern, north western, and south western elevations of the existing building shall comply with Sections 3 and 7 (BAL 29) Australian Standard AS 3959-2009 '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 2006'.

#### **G.5 Landscaping**

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

---

### **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.

#### **AN.3 External lighting**

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