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

3/8/2018

SCHEDULE 1

Application No.:

DA No. 8783

Applicant:

Ski Club of Australia

Consent Authority:

Minister for Planning

Land:

Ski Club of Australia, Buckwong Place, 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 an existing tourist

accommodation building

DEFINITIONS

means the Environmental Planning and Assessment Act, 1979 (as Act

amended).

Applicant means Ski Club of Australia.

Approval Body has the same meaning as within Division 4.8 of Part 4 of the Act.

means the edition of the Building Code of Australia in force at the time of **BCA**

lodgement of an application for a Construction Certificate.

has the same meaning as in Part 4A of the Act. Certifying Authority

means the development application and supporting documentation submitted DA No 8783

by the applicant on 26 September 2017.

means the Department of Planning and Environment, or its successors. Department

means the Director of Key Sites Assessments or a delegate of the Director Director

within the Department.

means the Minister for Planning, or nominee. Minister

means the NSW Office of Environment and Heritage, or its successors. OEH

means the principal certifying authority and has the same meaning as Part **PCA**

4A of the Act.

Regulation means the Environmental Planning and Assessment Regulations, 2000 (as

amended).

means the Secretary of the Department, or nominee/delegate. Secretary

means a written approval from the Secretary or nominee/delegate. Secretary's approval,

agreement or satisfaction

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 8783 submitted by Ski Club of Australia on 26 September 2017 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	Additions and Alterations Ski Club of Australia, Buckwong Place, Thredbo Alpine Resort	Dabyne Planning Pty Ltd	August 2017	36-17
2	Appendix A of SEE	Site Environmental Management Plan	Dabyne Planning Pty Ltd	August 2017	-
3	Bushfire Assessment Report	Additions and Alterations Ski Club of Australia, Buckwong Place, Thredbo Alpine Resort	Dabyne Planning Pty Ltd	August 2017	36-17
4	Form 4	Geotechnical Policy - Kosciuszko Alpine Resorts Form 4 - Minimal Impact Certification (except as varied by Plan Ref 13 and Condition B.4).	Asset Geotechnical Engineering Pty Ltd	19 December 2017	-
5	Plan	Cover Sheet	Edward Birch Design	28 August 2017	DA00 Rev. A
6	Plan	Site Plan	Edward Birch Design	28 August 2017	DA01 Rev. A
7	Plan	Ground Floor Plan	Edward Birch Design	28 August 2017	DA02 Rev. A
8	Plan	North West Elevation	Edward Birch Design	28 August 2017	DA03 Rev. A
9	Plan	North East Elevation	Edward Birch Design	28 August 2017	DA04 Rev. A
10	Plan	Section AA	Edward Birch Design	28 August 2017	DA05 Rev. A

11	Plan	South West Elevation	Edward Birch Design	28 August 2017	DA06 Rev. A
12	Plan	Ground Floor Location Plan	Edward Birch Design	28 August 2017	DA07 Rev. A
13	Plan	Landscaping, drainage and remedial work endorsed by Asset Geotechnical Engineering Pty Ltd	Ski Club of Australia	25 July 2018.	
14	Bushfire Safety Authority	Integrated Development for 745//1119757, Corner of Buckwong Place and Diggins Terrace, Thredbo NSW	NSW Rural Fire Service	22 November 2017	D17/3485

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) <u>Structural drawings and design statement</u> - prepared and signed by an appropriately qualified practising Structural Engineer that comply with:

- (i) section B of the BCA;
- (ii) the development consent (DA 8783);
- (iii) drawings and specifications comprising the construction certificate;
- (iv) current and relevant Australian Standards; and
- (v) the geotechnical documentation.
- (b) <u>Compliance with the BCA</u> sufficient details to demonstrate that the proposal complies with the relevant provisions of the BCA.

B.3 Upgrading of building

- (a) The applicant shall ensure the following fire safety and BCA upgrade works are undertaken as part of the development:
 - (i) Seal the penetrations of the water pipes in the loft areas where they penetrate the plasterboard walls. This shall be carried out with an approved fire rated sealant in accordance with the manufacturer's details and test report.
 - (ii) Replace the knob type handles to the final exit doors with lever type handles.
 - (iii) The final exit doors that open inwards shall be provided with a hold open device, such as a 'parrot' latch.
 - (iv) Provide a handrail to one side of the main stair from the ground to first floors. The handrail is to be nominally 30mm minimum in diameter and is to maintain a clear unobstructed width of 1000mm to the stair.
 - (v) Provide a handrail to the 3 riser step at the end of the corridor on the first floor. A minimum unobstructed width of 1m is to be maintained to the corridor.
 - (vi) The loft to room 13 be reinstated to its original use as a store room accessed from the corridor only. This would include the need to provide a fire rated wall between the store and room 13.
- (b) Details of compliance will these conditions shall be provided to the certifying authority prior to the issue of the construction certificate.

B.4 Landscaping, drainage and remedial work

- (a) Landscaping, drainage and remedial work shall be included in the relevant construction certificate, to the satisfaction of the certifying authority.
- (b) The works shall be undertaken in accordance with the Plan prepared by Ski Club of Australia and endorsed by Asset Geotechnical Engineering Pty Ltd on 25 July 2018.

B.5 Materials and colours

The material and colours shall match the existing building. Prior to the issue of the relevant construction certificate, the Applicant shall submit the following information to the certifying authority:

(a) a materials and colours schedule.

Or

Where material are required to change to meet BCA compliance, the profile of the material shall match the existing material and prior to the issue of the relevant construction certificate, the Applicant shall submit the following information to the certifying authority:

- (a) a materials and colours schedule; and
- (b) an annotated set of elevation plans that identifies the locations of the changed materials.

If the Department is not the certifying authority, copies of the above information shall be submitted to the Department with the construction certificate.

B.6 Structural Engineer's adoption of Geotechnical recommendations

The Structural Engineer's design statement in Condition B.2 shall include specific reference to the incorporation of the geotechnical recommendations prepared by Asset Geotechnical Engineering Pty Ltd into the design of the development.

Details are to 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 the information with the copy of the construction certificate.

B.7 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.8 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 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, excluding any obstruction in the fire stairs.

C.3 Vegetation management

Where existing vegetation is to be trimmed or removed in order to comply with 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.

C.4 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.5 Traffic & pedestrian management plan

Where the use of Buckwong Place and/or Diggings Terrace is necessary to facilitate the works, prior to the commencement of those 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 Buckwong Place shall be 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 where this is off-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) a temporary road closure approval has been obtained from Kosciuszko Thredbo Pty Ltd and in this case, the machinery must be confined to the existing road corridor only;
- (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.

C.6 Pre-commencement compliance report

Prior to the commencement of works, the Applicant shall submit to the PCA a report addressing compliance with all conditions contained in sections B and C of this consent pertaining to those works. A copy of this compliance report shall be submitted to the Department within 7 days of it being submitted 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 Work Cover

All works shall be carried out in accordance with current Work Cover 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 the site environmental management measures are complied with and that 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 External lighting

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

D.16 Plumbing and drainage

All plumbing and drainage works shall comply with the Plumbing Code of Australia and Australian Standard AS/NZS 3500 *Plumbing and drainage* and shall be carried out by an appropriately licensed plumber.

D.17 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.18 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 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. All straw bales used for sediment and erosion control or for mulching must be 'weed free'.

D.20 Excavations and backfilling

- (a) Unless otherwise agreed by the Secretary or nominee, all excavating and backfilling shall comply with the following:
 - (i) shall be executed in a safe manner and in accordance with appropriate professional standards:
 - (ii) where excavations are to be left open overnight, provision shall be made so that any fauna entering these excavations can escape;
 - (iii) all excavated material is to be moved off-site for storage or disposal;
 - (iv) adequate provision shall be made for drainage; and
 - (v) all excavations shall be properly guarded and protected to prevent them from being dangerous;
- (b) Any clean excavated material may be temporarily stockpiled at the site compound prior to its removal off-site.
- (c) Any clean excess fill shall be disposed of at an authorised land fill site, and any contaminated spoil shall be disposed of at an authorised waste facility.
- (d) 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 within KNP.

D.21 Site rehabilitation

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

D.22 Scaffolding

All scaffolding is to be located within the lot boundaries and shall comply with Australian Standard AS/NZS 1576 Scaffolding and AS/NZS 4576 'Guidelines for Scaffolding'.

D.23 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.24 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.25 Geotechnical

At all times works associated with the development shall comply with:

- (a) the Department's Geotechnical Policy; and
- (b) the Geotechnical Assessment in Condition A.2 (except as varied by Plan Ref 13 and Condition B.4).

Works at variance to recommendations contained in the geotechnical assessment report shall not be undertaken without prior notification to the geotechnical engineer. Written advice of the variation shall be provided to the Department within 48 hours.

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 Geotech certification of landscaping, drainage and remedial work including granite retaining wall repairs.

Prior to the issue of any occupation certificate, the Geotechnical Engineer shall provide a statement to confirm that the landscaping, drainage and remedial work including granite retaining wall repair works been completed in accordance with the Geotech Form 4 and the geotechnical recommendations prepared by Asset Geotechnical Engineering Pty Ltd in their report (Condition A.2) except as varied by Plan Ref 13 and Condition B.4.

If the Department is not the PCA, the appointed PCA shall provide a copy of the completed and signed statement of completion to the Department with the copy of the occupation certificate.

E.8 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.9 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 B.3; and
- (b) certificates of installation from tradespersons responsible for carrying out upgrade works.

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 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:

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':

G.2 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:

2. Any extension of water, electricity and gas services approved under this proposal shall comply with section 4.2.7 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 the following requirements of 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.
 - 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. New construction shall comply with Sections 3 and 5 (BAL 12.5) 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'.

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.