

# Development consent

## Section 4.16 of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, under delegation executed on 11 October 2017, I approved 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;
- 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

31/11/ 2019

### SCHEDULE 1

<b>Application No.:</b>	DA No. 9258
<b>Applicant:</b>	Kunapipi Ski Lodge
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	Kunapipi Ski Lodge, Perisher Valley, Perisher Range Alpine Resort, Kosciuszko National Park
<b>Type of Development:</b>	Integrated Development
<b>Approved Development:</b>	Alterations and additions to an existing tourist accommodation building and use of a basement area

## DEFINITIONS

Act		means the <i>Environmental Planning and Assessment Act, 1979</i> (as amended).
Applicant		means Kunapipi Ski Lodge.
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 9258		means the development application submitted by the applicant on 6 April 2018.
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 of Key Sites Assessments 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 in 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, or agreement satisfaction	approval, or	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:

- (a) the Development Application No. DA 9258 submitted by Kunapipi Ski Lodge on 6 April 2018;
- (b) the additional and amended information received 11 April 2018, 4 May 2018, 9 July 2018, 18 July 2018, 2 November 2018 and 8 November 2018;
- (c) the conditions of this consent;
- (d) the supporting documentation submitted with that application (DA 9258);

including, but not limited to, the following:

Ref No.	Document	Title/Description	Author/Prepared by	Date	Document Reference
1	Statement of Environmental Effects (SEE)	Proposed Alterations and Additions	DBA Planning	3 April 2018	SEE_KSL_17 Rev. 2
2	Appendix C of SEE	Bushfire Assessment	DBA Planning	3 April 2018	BA_KSL_17 Rev. 1
3	Appendix D of SEE	Site Environmental Management Plan	DBA Planning	3 April 2018	SEMP_KSL_17 Rev. 2
4	Form 4	Geotechnical Policy - Kosciuszko Alpine Resorts Form 4 - Minimal Impact Certification	Douglas Partners Pty Ltd	6 November 2018	-
5	Geotech Assessment	Proposed Access Ramp / Stairs and Deck	Douglas Partners Pty Ltd	8 November 2018	Project 94004.01 R.001.Rev0
6	Plan	Site Plan	Mark Cambourn & Associates Pty Ltd	8 March 2018	DA 1 Amendment B
7	Plan	Plan of Deck and Steps North-East Elevation of Deck and Steps	Mark Cambourn & Associates Pty Ltd	8 November 2018	Amendment D
8	Plan	Partial Plan of Kunapipi Ski Lodge	Mark Cambourn & Associates Pty Ltd	August 2017	DA 3A

9	Report	DA 9258 and 9260 – Agency Responses	DBA Planning	4 May 2018	-
10	Plan	Plan of Sub-Floor Below Lower Ground Floor	Mark Cambourn & Associates Pty Ltd	6 July 2018	-
11	Letter	Kuapipi Lodge Fire Safety Master Plan and DA 9260	Kunapipi Ski Club	18 July 2018	-
12	Bushfire Safety Authority	Integrated Development Application - 1//863582 – Wheatley Road, Perisher Valley	NSW Rural Fire Service	15 May 2018	D18/5249

### **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 structures.

### **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.

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## **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 9258;
  - (iii) drawings and specifications comprising the construction certificate;
  - (iv) current and relevant Australian Standards; and
- (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 Use of the basement area**

- (a) The use of the basement area is approved for non-habitable purposes only.
- (b) The basement shall not be used until:
  - (i) fire safety within the basement is brought into compliance with the performance provisions of the BCA including any upgrade necessary to the remainder of the building;
  - (ii) a construction certificate has been issued for the fit out; and
  - (iii) an occupation certificate has been issued for the fit out.
- (c) Prior to the issue of a construction certificate that relates to the fit out of the basement, the following information shall be provided:
  - (i) a BCA compliance report;
  - (ii) performance solutions (if required);
  - (iii) fit-out plans for the use as a non-habitable space including:
    - i. clearly defined usable and unusable spaces in the basement;
    - ii. clearly identify the uses of any usable spaces (i.e. workshop, storage, utilities/services and the like)
    - iii. details of any floor, wall or ceiling linings or covering (if required);
    - iv. details of any wall framing or partitioning (if required); and
    - v. location of all proposed essential fire services within the basement.

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.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.

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## **PART C – PRIOR TO THE COMMENCEMENT OF WORKS**

### **C.1 Notification to Department of the date of commencement of works**

The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.

If the construction or operation of the development is to be staged, the Department must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

## **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, excluding any obstruction in the fire stairs.

## **C.4 Plumbing and drainage works**

Prior to the commencement of works, a Notice of Work must be pre-notified to the plumbing regulator (NPWS Perisher Team) in accordance with *Plumbing and Drainage Act 2011*. For more information please refer to the OEH website:

<http://www.environment.nsw.gov.au/alpineresorts/plumbing-and-drainage.htm>

## **C.5 Vegetation management**

Where existing vegetation is to be trimmed or removed in order to comply with this consent, 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.6 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.

Details are to be submitted to the satisfaction of the PCA prior to the commencement of works.

## **C.7 Demolitions work**

Demolition work must comply with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001). The work plans required by AS 2601-2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the PCA before the commencement of works.

## **C.8 Compliance**

The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

## 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 SafeWork NSW

All works shall be carried out in accordance with current SafeWork 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**

During construction, all demolition work must comply with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001).

#### **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 works**

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 re-vegetation must commence as soon as practicable. All straw bales used for sediment and erosion control or for mulching must be 'weed free'.

#### **D.20 Excavation 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 AS/NZS 1576 *Scaffolding* and AS/NZS 4576 *Guidelines for Scaffolding*.

#### **D.23 Dirt and dust control**

- (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 undertaken by Douglas Partners dated 8 November 2018.

Works at variance to recommendations contained in the geotechnical assessment report shall not be undertaken without prior written endorsement from the geotechnical engineer. Any written advice of the variation shall be provided to the PCA and the Department within 48 hours.

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## **PART E – PRIOR TO OCCUPATION OR 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 Fire Safety Upgrade Strategy Certification**

A fire engineer's certificate shall be submitted to the PCA prior to the issue of any occupation certificate. This certificate is to verify that fire safety upgrade 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 Plumbing and drainage works**

Prior to the issue of any occupation certificate, a Certificate of Compliance and Sewer Service Diagram (SSD) shall be provided to the plumbing regulator (NPWS Perisher Team) in accordance with *Plumbing and Drainage Act 2011*.

## **E.6 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.7 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.8 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.9 Geotech certification**

Prior to the issue of any occupation certificate, certification from a Geotechnical Engineer confirming the works have been completed in accordance with the geotechnical documentation in Condition A.2 and/or any additional geotechnical recommendations during construction shall be submitted to and be to the satisfaction of the PCA.

A copy of the Geotechnical certificate shall be submitted to the Department with the copy of the occupation certificate.

## **E.10 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.11 Environmental performance**

Prior to the issue of a final occupation certificate, the PCA is to be satisfied that the development complies with all requirements of Condition C.6.

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# **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.

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## 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.