

# 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 approve the Development Application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, 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

10/3/2019

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2019

### SCHEDULE 1

<b>Application No.:</b>	DA No. 9785
<b>Applicant:</b>	Event Hospitality and Entertainment Ltd
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	Thredbo Alpine Hotel, Lot 861 DP 1128686, Friday Drive, Thredbo Village, Thredbo Alpine Resort, Kosciuszko National Park
<b>Type of Development:</b>	Integrated Development
<b>Integrated Bodies:</b>	NSW Rural Fire Service
<b>Approved Development:</b>	Internal and external alterations to an existing hotel bistro

## DEFINITIONS

Act	means the <i>Environmental Planning and Assessment Act, 1979</i> (as amended).
Applicant	means Event Hospitality and Entertainment 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 9785	means the development application and supporting documentation submitted by the applicant on 3 December 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 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 measures and criteria established in this consent, all reasonable and feasible measures to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and 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 9785 submitted by Event Hospitality and Entertainment Ltd on 3 December 2018
- (b) the additional information received from the Applicant on 8 February 2019 and 4 March 2019 (Accessibility review)
- (c) the conditions of this consent
- (d) the supporting documentation submitted with the application (DA 9785)

including, but not limited to, the following:

Ref No.	Document	Title/Description	Author/Prepared by	Date	Document Reference
1	Statement of Environmental Effects (SEE)	Erection of a roof over the bistro terrace and internal works	Dabyne Planning Pty Ltd	November 2018	49-18
2	Site Environmental Management Plan (SEMP)	Appendix A of SEE SEMP Bistro Terrace Thredbo Alpine Hotel	Dabyne Planning Pty Ltd	November 2018	-
3	Plan	GA Plan Level 1 Bistro	Luchetti Krelle Pty Ltd	4 February 2019	D00.155 Revision H
4	Plan	Demo Plan – Level 1 Bistro	Luchetti Krelle Pty Ltd	4 February 2019	D00.025 Rev. F
5	Bushfire Safety Authority	Integrated Development Application – Thredbo Alpine Hotel – Lot 861 DP 1128686 – Friday Drive Threbo	NSW Rural Fire Service	20 December 2018	D18/8483

#### 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; and
- (b) clause 98A, Erection of signs during building and demolition works.

#### **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 Building Code of Australia Compliance**

The proposed works must comply with the applicable performance requirements of the BCA to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:

- (a) complying with the deemed to satisfy provisions; or
- (b) formulating a performance solution which:
  - (i) complies with the performance requirements; or
  - (ii) is shown to be at least equivalent to the deemed to satisfy provision; or
  - (iii) a combination of (a) and (b).

#### **B.3 Structural Details**

Prior to the issue of the 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 demonstrates compliance with:

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

#### **B.4 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.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 (reference 5 in Condition A.2).

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

### **C.1 Notification of commencement**

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.6 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.7 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 seven days per week, 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 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 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**

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**

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 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.19 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.20 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.21 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.

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## **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 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.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.

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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.