

Development consent

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

As delegate of the Minister for Planning and Public Spaces, under delegation executed on 9 March 2020, 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, Industry and Environment

Jindabyne

25 May 2020

SCHEDULE 1

Application No.:	DA No. 10181
Applicant:	Bemergals Construction P/L
Consent Authority:	Minister for Planning and Public Spaces
Land:	Chimneys Ridge, 7B Diggings Terrace, Thredbo Village, Thredbo Alpine Resort, Kosciuszko National Park
Type of Development:	Integrated Development
Integrated Bodies:	NSW Rural Fire Service
Approved Development:	External alterations to an existing tourist accommodation building

DEFINITIONS

Act		means the <i>Environmental Planning and Assessment Act, 1979</i> (as amended).
Applicant		means Bemergals Construction P/L, or any person carrying out any development to which this consent applies.
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.
Certifier		has the same meaning as in Part 6 of the Act.
DA No 10181		means the development application submitted by the applicant on 19 March 2020.
Department		means the Department of Planning, Industry and Environment, or its successors.
Director		means the Director of Regional Assessments or a delegate of the Director of within the Department.
Minister		means the Minister for Planning and Public Spaces, or nominee.
NPWS		means the National Parks and Wildlife Service.
Principal Certifier		means the principal certifier and has the same meaning as Part 6 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 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 Regional 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 the:

- (a) DA No. DA 10181 submitted by Bemergals Construction P/L on 19 March 2020
- (b) supporting documentation submitted with that application (DA 10181)
- (c) additional information received 5 May 2020, 13 May 2020 and 19 May 2020
- (d) conditions of this consent

including, but not limited to, the following:

Ref No.	Document	Title/Description	Author / Prepared by	Date	Document Reference
1	Report	Statement of Environmental Effects	-	-	-
2	Report	Bushfire Assessment Report	Bemagals Construction P/L	-	-
3	Report and Form 4	Geotechnical Assessment Form 4 – Minimal Impact Certification	Asset Geotechnical Engineering Pty Ltd	21 February 2020	5919-G1 – Rev. 0
4	Plan	Entry Stair Plan – Existing / Demolition	TZ Design Pty Ltd	11 March 2020	305-01 Rev. C
5	Plan	Entry Stair Plan – Proposed	TZ Design Pty Ltd	11 March 2020	305-02 Rev. C
6	Plan	Site / Location Plan	TZ Design Pty Ltd	11 March 2020	305-03 Rev. C
7	Plan	Stair Plan and Elevation	Grounded Structural Engineering and Drafting Services	19 March 2020	S01 Rev. A
8	Plan	Top Stair and Landing	Grounded Structural Engineering and Drafting Services	-	3D View
9	Plan	Lower Stair	Grounded Structural Engineering and Drafting Services		3D View

10	Plan	Construction for Bushfire Attack (BAL-40)	TZ Design Pty Ltd	-	Notes
11	Bushfire Safety Authority	s100B – SFPP – Other Tourist Accommodation 7B Diggings Tce Thredbo NSW 2627 AUS 765//DP1119757	NSW Rural Fire Service	21 April 2020	DA202004010 01174- Original-1

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

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 drawings and design statement

Prior to the issue of the relevant construction certificate, the Applicant shall submit structural drawings and a design statement, prepared and signed by an appropriately qualified practising Structural Engineer, to the certifier.

B.4 Structural Engineer's adoption of Geotechnical recommendations

The Structural Engineer's design statement in Condition B.3 shall include specific reference to the incorporation of the geotechnical recommendations in the Form 4 and geotechnical report prepared by Asset Geotechnical Engineering Pty Ltd dated 21 February 2020.

The Applicant shall submit details to the certifier. If the Department is not the certifier, the appointed certifier is to provide the information with the copy of the construction certificate.

B.5 Specifications

Prior to the issue of the relevant construction certificate, the Applicant shall provide to the certifier specifications for the development:

- (a) that describe the construction and materials of which the building is to be built, and
- (b) that state whether the materials to be used are new or second-hand and (in the case of second-hand materials) give particulars of the materials to be used.

B.6 Maintenance of fire safety standards

To ensure fire protection of the building is not reduced, the following fire safety measures must be maintained to their standard of performance at the time of installation in accordance with NPWS approval 1993 or if they have since been upgraded, to their current standard of performance:

- (a) automatic fire detection and alarm system
- (b) internal / external emergency lighting
- (c) exit signs
- (d) fire extinguishers
- (e) fire blanket
- (f) fire hose reels
- (g) open inwards signage

Details to be provided to the certifier, with a copy submitted to the Department with the construction certificate.

B.7 Existing and proposed fire safety measures

Prior to the issue of the relevant construction certificate, the Applicant shall provide to the certifier:

- (a) a list of any existing fire safety measures provided in relation to the land or any existing building on the land, and
- (b) a list of the proposed fire safety measures to be provided in relation to the land and any building on the land as a consequence of the building work.

B.8 Site environmental management

Prior to the issue of any construction certificate, a SEMP must be provided to the certifier. The plan should include details for site management, such as the following where relevant:

- (a) erosion and sedimentation control management detail;
- (b) management of native vegetation;
- (c) waste management;
- (d) noise and vibration pollution;
- (e) air pollution;
- (f) fuels and chemicals;
- (g) vehicle parking, machinery access and material storage; and
- (h) emergency procedures.

B.9 Bush fire safety authority

Prior to the issue of the relevant construction certificate, the certifier must be satisfied that the documentation for the construction certificate demonstrates compliance with the relevant conditions of the bush fire safety authority (reference 11 in Condition A.2).

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 (including Condition B.8), shall be in place and in good working order.

C.4 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 Principal Certifier before the commencement of works.

C.5 Machinery and storage

Machinery used during construction must be cleaned prior to site mobilisation, be regularly maintained and manoeuvred to prevent the spread of exotic vegetation. Storage of machinery and material is to be restricted to the designated disturbed areas (i.e. existing lift disturbance areas or existing disturbed ski slopes).

C.6 Termite protection

Any new building work shall be protected from attack from subterranean termites in accordance with AS 3660 *Termite management*. Details are to be submitted to the Principal Certifier prior to the commencement of works.

C.7 Vegetation management

Prior to vegetation being trimmed or removed for an Asset Protection Zone (within or outside of the lease), discussions involving an onsite inspection are to occur between the Applicant and the NPWS Assessment Coordinator (contactable on 02 6450 5543) prior to being carried out.

Any vegetation to be removed must be checked for fauna and fauna habitats (nests/hollows/dreys etc) prior to removal and if any habitat or fauna is found then further consultation with NPWS is required.

C.8 Compliance

The Applicant must ensure that all 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 Principal Certifier, 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 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 Principal Certifier 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 Principal Certifier 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

No hazardous or toxic materials or dangerous goods shall be stored or processed on the 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 there is no adverse impact on 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 and covered daily, or removed from site each day, 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

Demolition work must 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 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. The applicant must immediately contact the NPWS to arrange for representatives to inspect the site. All workers on the site are to be made aware of this condition.

D.15 Erosion and sediment control measures

All erosion and sediment control measures must 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.16 Rehabilitation and site establishment

- (a) Site stabilisation and rehabilitation works shall commence, as soon as possible, following the completion of each section of work to minimise exposed areas. Disturbed areas shall be adequately mulched and maintained with weed free straw until an erosion resistant ground condition is achieved. All erosion prevention and sediment control measures shall remain in place until all exposed areas of soil are stabilised and/or revegetated.
- (b) Rehabilitation shall be undertaken in accordance with:
 - (i) the *Rehabilitation Guidelines for the Resorts Areas, Kosciuszko National Park (NPWS 2007)*; and
 - (ii) these conditions of consent.

D.17 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.18 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.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 Termite protection

Upon completion of the installation of the barrier, the Principal Certifier shall be furnished with a certificate from the person responsible, stating that the barrier complies with AS 3660 Termite management and durable notice in accordance with this standard shall be erected.

D.21 Geotechnical requirements

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 Asset Geotechnical Engineering Pty Ltd dated 21 February 2020.

Works at variance to recommendations contained in the geotechnical assessment report shall not be undertaken without prior approval from 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 Principal Certifier. 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 Principal Certifier.

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 certificate

Prior to the issue of any occupation certificate, a fire safety certificate conforming to the Regulations shall be submitted to the Principal Certifier. A copy of the fire safety certificate shall be submitted to the Department with the copy of the occupation certificate.

E.5 Essential services plan

Prior to the issue of any occupation certificate, a scaled floor plan of all levels of the building showing the location of all fire services shall be submitted to the Principal Certifier. A copy of the plan shall be submitted to the Department with the copy of the occupation certificate.

E.6 Structural certification

A structural engineer's certificate shall be submitted to the Principal Certifier prior to the issue of any occupation certificate. The certificate is to verify that structural works have been completed in accordance with the 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 or nominee with the occupation certificate documentation.

E.7 Rehabilitation

Prior to the issue of any occupation certificate, any disturbed ground shall be rendered erosion resistant and rehabilitated in accordance with the approved documentation and these conditions of consent (including Condition D.16).

E.8 Geotechnical certification of completed works

Prior to the issue of the relevant occupation certificate, the Geotechnical Engineer shall provide a statement to confirm that works been completed in accordance with the Geotech Form 4 and the geotechnical recommendations prepared by Asset Geotechnical Engineering Pty Ltd dated 21 February 2020.

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

E.9 Bush fire safety authority

Prior to the issue of the relevant occupation certificate, the Applicant shall submit documentation to be Principal Certifier to demonstrate that the works have been undertaken in accordance with the relevant conditions of the bush fire safety authority (reference 11 in Condition A.2).

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.

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 Utility services

- (a) The Applicant shall liaise with the relevant utility authorities for electricity, gas (if relevant), water, sewage, telecommunications on the subject site:
 - (i) to locate all service infrastructure on the subject site; and
 - (ii) negotiate relocation and/or adjustment of any infrastructure related to these services that will be affected by the construction of the development.
- (b) The Applicant and/or the lessee are responsible for costs associated with relocating any services.

AN.4 Dial before you dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW).

If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before you dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

AN.5 External lighting

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