

Modification of Development Consent

Section 4.55(1A) of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, I hereby modify the development consent referred to in Schedule 1, in the manner outlined in Schedule 2.



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Department of Planning, Industry and Environment

Jindabyne

15 March 2021

SCHEDULE 1

Application No.:	MOD 10638 (DA No. 9781 MOD 1)
Applicant:	Skyton Developments Pty Ltd
Consent Authority:	Minister for Planning and Public Spaces
Land:	Squatters Run Apartment 6, Thredbo Alpine Resort, Kosciuszko National Park
Development:	Internal alterations to an existing tourist accommodation building
Approved Development:	MOD 10638 (DA No. 9781 MOD 1): Modifications to approved development including: <ul style="list-style-type: none">• retention of installed fireplace flue (to be painted grey)• removal of disused fireplace flue and re-instatement of roof sheeting

Schedule 2 of Development Application No. 9781 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck out~~ words as follows

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) DA No. 9781 submitted by Skyton Developments Pty Ltd on 27 November 2018
- (b) supporting documentation submitted with the application (DA 9781)
- (c) the conditions of this consent
- (d) **as amended by the Section 4.55(1A) application submitted by Skyton Developments Pty Ltd on 29 October 2020 and supporting documentation submitted with the application (MOD 10638) and information received on 29 January 2021**

including, but not limited to, the following:

Ref No.	Document	Title/Description	Author/Prepared by	Date	Document Reference
1	Statement of Environmental Effects (SEE)	Statement of Environmental Effects Internal alterations Apartment 6 Squatters Run	Dabyne Planning Pty Ltd	November 2018	54-18
2	Site Environmental Management Plan	Appendix A Site Environmental Management Plan	Dabyne Planning Pty Ltd	-	-
3	Plan	Proposed alterations and additions Unit 6 Squatters Run Ground Floor / Store Room / Section A Plan	Designcorp Architects	7 November 2018 <u>14 May 2020</u>	2018-219 <u>A1 F1</u> <u>Issue F</u>
4	Plan	Proposed alterations and additions Unit 6 Squatters Run Ground Floor Plan (Existing and Demolition) Kitchen and Laundry layout	Designcorp Architects	7 November 2018	2018-219 A2
<u>5</u>	<u>Report</u>	<u>S.4.55 Modification Report</u>	<u>Dabyne Planning Pty Ltd</u>	<u>November 2020</u>	<u>54-18</u>

<u>6</u>	<u>Report</u>	<u>Bushfire Assessment Report</u>	<u>Dabyne Planning Pty Ltd</u>	<u>November 2020</u>	<u>54-18</u>
<u>7</u>	<u>Plan</u>	<u>Proposed alterations and additions Unit 6 Squatters Run Roof Plan</u>	<u>Designcorp Architects</u>	<u>30 September 2020</u>	<u>2018-219 F5 Issue F</u>
<u>8</u>	<u>Bushfire Requirements</u>	<u>24 Diggings Terrace, Thredbo NSW 2625 792//DP1119757</u>	<u>NSW Rural Fire Service</u>	<u>12 November 2020</u>	<u>DA2020111 0004180-Original-1</u>

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.

PART B – PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

B.1 Construction certificate

Prior to the commencement of any work a construction certificate for the development must be obtained.

B.2 Compliance with the BCA

Prior to the issue of any construction certificate, the following information shall be submitted to, and be to the satisfaction of the certifying authority:

- (a) Plans and specifications prepared by an appropriately qualified person that comply with:
 - (i) Development Consent DA 9781
 - (ii) **Modification 10638 (DA 9781 MOD 1)**;
 - (iii) drawings and specifications comprising the construction certificate; and
 - (iv) current and relevant Australian Standards.
- (b) Compliance with the BCA - Sufficient details to demonstrate that the proposal complies with the relevant provisions of the BCA.

B.3 Payment of the Long Service Levy

Prior to the issue of a 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 Compliance with the NSW Rural Fire Service requirements

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 NSW Rural Fire Service requirements at reference 8 of Condition A.2 and Part G.

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 Implementation of site environmental management measures

Prior to works commencing, all site environmental management measures in accordance with the approved documentation and plans (Condition A.2) shall be in place and in good working order, and shall be inspected and approved as being satisfactory by the PCA.

C.3 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.4 Environmental performance (water and energy efficiency)

- (a) 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 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.5 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.

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

Any demolition work shall comply with the provisions of ~~AS 2601-1991 Demolition of Structures~~ **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 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.15 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.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.

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 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.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 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.7 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.4.

E.8 NSW Rural Fire Service requirements

Prior to the issue of the relevant occupation certificate, the Applicant shall submit documentation to the principal certifier to demonstrate that the works have been undertaken in accordance with the relevant NSW Rural Fire Service conditions, reference 8 in Condition A.2 and Part G.

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 (Condition E.4).

PART G – BUSHFIRE REQUIREMENTS

G.1 General Conditions

1. A Bush Fire Emergency Management and Evacuation Plan must be prepared and be consistent with the NSW Rural Fire Service document A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan. The Plan should include planning for the early relocation of occupants. 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* must be displayed, and an annual (as a minimum) trial emergency evacuation is conducted.

G.2 Asset Protection Zones

The intent of measures is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants. To achieve this, the following conditions shall apply:

2. At the commencement of building works, and in perpetuity, all land within the subject leasehold site must be managed as an Inner Protection Area (IPA) in accordance with Appendix 4 of *Planning for Bush Fire Protection, 2019*.

G.3 Construction Standards

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:

3. All new construction must comply with section 3 and 5 (BAL 12.5) Australian Standard AS3959-2018 *Construction of buildings in bush fire-prone areas* or the relevant BAL 12.5 requirements of the NASH Standard - *Standard Steel Framed Construction in Bushfire Areas (incorporating amendment A-2015)*. All new works must comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

G.4 Water and Utility Services

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

4. The provision of all new and the modification of any existing water, electricity, and gas services must comply with Table 6.8c of *Planning for Bush Fire Protection 2019*.

G.5 Landscaping

5. All Landscaping within the subject leasehold site must comply with Table 6.8a of *Planning for Bush Fire Protection, 2019*.

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.