

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 26 April 2021, 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

Jindabyne

28 April 2021

SCHEDULE 1

Application No.:	DA No. 10645
Applicant:	Jacqueline Mann and Rowena Pearce
Consent Authority:	Minister for Planning and Public Spaces
Land:	Mowamba Apartments B4, Lot 818, 2 Mowamba Place, Thredbo Village, Thredbo Alpine Resort, Kosciuszko National Park
Type of Development:	General Development
Approved Development:	Internal alterations to apartment B4 including kitchen and bathroom upgrades and floor layout reconfiguration

DEFINITIONS

Act		means the <i>Environmental Planning and Assessment Act, 1979</i> (as amended).
Applicant		means Jacqueline Mann and Rowena Pearce, 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 10645		means the development application submitted by the Applicant on 21 November 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		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 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. 10645 submitted by Jacqueline Mann and Rowena Pearce on 21 November 2020;
- (b) supporting documentation submitted with that application (DA 10645);
- (c) additional information submitted on 21 January 2021, 28 January 2021 and 8 February 2021; and
- (d) conditions of this consent

including, but not limited to, the following:

Ref No.	Document	Title/Description	Author/Prepared by	Date	Document Reference
1	Statement of Environmental Effects (SEE)	Internal alterations to existing unit used for the purpose of tourist accommodation	N/A	N/A	N/A
2	Scope of Works	Scope of Works	Goaland Constructions	01 July 2020	N/A
3	Email	Mowamba Building	Goaland Constructions	21 January 2021	N/A
4	Plan	Site Plan	Jude Little	18 October 2020	S1 Rev. E
5	Plan	Internal Alterations	Jude Little	18 October 2020	S2 Rev. E
6	Plan	Bathroom 2	Jude Little	18 October 2020	S3 Rev. E

The conditions of this consent prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in Condition A.2. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Condition A.2, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

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

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.

A.8 Excluded Development

The works approved under this DA are limited to the internal parts of apartment, no external works or works outside the subject apartment are approved.

A.9 Non-compliance notification

The Department must be notified in writing to compliance@planning.nsw.gov.au and alpineresorts@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The Principal Certifier must also notify the Department in writing to compliance@planning.nsw.gov.au and alpineresorts@planning.nsw.gov.au within seven days after they identify any non-compliance.

The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

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 construction certificate for any structural works, 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 Building works plan

Prior to the issue of a construction certificate, the Applicant shall submit to the certifier a building works plan and specifications that demonstrates compliance with:

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

B.5 Specifications

Prior to the issue of the 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 the method of drainage, sewerage and water supply, 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 Existing and proposed fire safety measures

Prior to the issue of the 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.7 Payment of the Long Service Levy

Prior to the issue of any construction certificate, evidence shall be provided to the certifying authority, in the form of a receipt, confirming payment of the Long Service Levy to the Long Service Payments Corporation in accordance with Section 34 of the *Building Construction Industry Payments Act 1986*.

B.8 Laundry wastewater design statement

Prior to the issue of the construction certificate a design statement shall be prepared by an appropriately qualified person and submitted to the certifier relating to the plumbing design and

discharge of wastewater of the laundry facilities. A copy of the statement shall be provided to the Department with the Construction Certificate.

B.9 Site Environmental Management Plan

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

- (a) erosion and sediment 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.

Works may not commence until a Site Environmental Management Plan has been approved by the principal certifier. A copy shall be forwarded to the Department within 7 days of it being approved by the principal certifier.

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.

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 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.

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 NPWS website:

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

C.4 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.5 Approval to use common property

The Applicant must ensure that approval is obtained in writing prior to commencement to use any land that is not a part of the Mowamba Apartment B4 sub-lease, for the purposes of this DA including to store material, park trade vehicle, accommodate a skip bin or the like.

C.6 Demolition 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.

A copy shall be forwarded to the Department within 7 days of it being submitted to the principal certifier.

C7 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, any person associated with construction works, or an officer of the Department.

D.2 Hours of works

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 Period of works

- (a) All works 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) The Applicant shall ensure that that the site is made safe and secure by undertaking, where required, the following:
 - (i) removal of all waste materials;
 - (ii) appropriate signage shall be erected outlining that unauthorised access to the site is prohibited and that the site is a construction zone;
 - (iii) all disturbed ground is stabilised and made erosion resistant;
 - (iv) any excavations are made safe and secure; and
 - (v) any other specific matters related to making the site safe and secure raised by the Secretary or nominee.

D.4 SafeWork NSW

All works shall be carried out in accordance with current SafeWork NSW guidelines.

D.5 Storage of materials

The applicant shall ensure that 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.6 Prohibition of hazardous materials

Hazardous or toxic materials or dangerous goods shall not be stored or processed on any site at any time.

D.7 Recycled Material

Wherever possible, building material should be salvaged for reuse during the construction of the building or sent to a recycling facility to reduce landfill.

D.8 Noise and vibration management

Excavation and construction shall be managed in accordance with AS 2436 *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.9 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.10 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.11 Dirt and Dust Control Measures

Adequate measures shall be taken to prevent construction dirt and dust from adversely affecting the surrounding vegetation and the amenity of the neighbourhood during construction.

D.12 Demolition

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

D.13 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.14 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 principal certifier as evidence of appropriate disposal

D.15 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.16 Fire resistance level compliance of bounding construction

The Principal Certifier must ensure that the BCA performance requirements for fire separation / bounding construction of Apartment B4 are met in relation to:

- (a) shared walls,
- (b) ceiling; and
- (c) floor.

If BCA deemed-to- satisfy deficiencies are identified an upgrade strategy report or alternative solution report shall be prepared.

D.17 Mechanical ventilation investigation

Once demolition or destruction testing has occurred, a design statement shall be prepared by an appropriately qualified person and submitted to the Principal Certifier regarding the mechanical ventilation design for the laundry, kitchen (if applicable) and bathroom's mechanical ventilation. A copy of the statement shall be provided to the Department within 7 days of it being issues to the Principal Certifier.

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 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 Structural certification

A structural engineer's certificate shall be submitted to the Principal Certifier 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 documentation is to be submitted to the Secretary with the Occupation Certificate.

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 Principal Certifier. 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. A copy of the documentation shall be submitted to the Department with the occupation certificate.

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 the Principal Certifier. A copy of the documentation shall be submitted to the Department with the occupation certificate.

E.7 Plumbing and draining 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*. A copy of the documentation shall be submitted to the Department with the occupation certificate.

E.8 Mechanical ventilation certificate

Prior to the issue of any occupation certificate, certification must be provided that the mechanical ventilation systems have been installed in accordance with the design and are compliant with the relevant Australian Standards. A copy of the documentation shall be submitted to the Department with the occupation certificate.

E.9 Bounding construction certificate

If any deficiencies are identified as a result of Condition D.16, prior to the issue of any occupation certificate, a certificate must be provided to the Principal Certifier that the shared walls, floor and ceiling have been upgraded in accordance with the recommendations of the report. A copy of the documentation shall be submitted to the Department with the occupation certificate.

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.6).

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.