



ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF DEVELOPMENT APPLICATION NO. DA 029-06-2011

I, Michael Woodland, Director, Metropolitan and Regional Projects South as delegate for the Minister for Planning and Infrastructure under Instrument of Delegation dated 14 September 2011, pursuant to Section 80(1)(a) of the *Environmental Planning and Assessment Act 1979* and State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007, determine the development application referred to in **Schedule 1** subject to the conditions referred in **Schedule 2**.

The reasons for the imposition of conditions are:

- (1) To protect the environment and amenity of the locality;
- (2) To ensure public health and safety; and
- (3) To ensure the proposed works are carried out in accordance with the relevant Australian standards, provisions of the Building Code of Australia and other relevant legislation.



2/11/2011

Michael Woodland
Director
Metropolitan and Regional Projects South

SCHEDULE 1

PART A — TABLE

Application made by:	Kosciuszko Thredbo Pty Ltd
Application made to:	Minister for Planning and Infrastructure
Development Application:	DA No. 029-06-2011
On land comprising:	Lot 864 DP 1128686, Mountain Workshop, Thredbo Alpine Resort
For the carrying out of:	Additions to the existing Mountain Workshop
Estimated Cost of Works	\$195,000
Type of development:	General
Approval Body / Bodies:	Nil
Determination made on:	2 NOVEMBER 2011
Determination:	Development consent is granted subject to the conditions in the attached Schedule 2.
Date of commencement of consent:	This development consent commences on the date identified in the accompanying letter.
Date consent is liable to lapse:	This consent will lapse 5 years from the date of commencement of consent, unless a shorter period of time is specified by the Regulations or a condition in Schedule 2.

PART B—NOTES RELATING TO THE DETERMINATION OF DA 029-06-2011

Responsibility for Other Approvals / Agreements

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid:

- (1) for a development application, within 12 months after the date on which the applicant received this notice, or
- (2) for a modification to the consent, within 3 months after the date on which the applicant received this notice.

Legal Notices

Any advice or notice to the consent authority shall be served on the Director-General.

PART C—DEFINITIONS

In this consent,

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

Applicant means Kosciuszko Thredbo Pty Ltd.

Approval Body has the same meaning as within Division 5 of Part 4 of the Act.

AS means Australian Standard.

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 Part 4A of the Act.

Construction Certificate has the same meaning as Part 4A of the Act.

DA No 029-06-2011 means the development application and supporting documentation submitted by the applicant on 29 June 2011.

Department means the Department of Planning and Infrastructure.

Department's Geotechnical Policy means the document titled *Geotechnical Policy Kosciusko Alpine Resorts* prepared by the Department of Infrastructure, Planning and Natural Resources and dated November 2003.

Director means the Director of Metropolitan and Regional Projects South (or its successors) or a delegate of the Director of Metropolitan and Regional Projects South within the Department.

Director-General means the Director-General of the Department.

Minister means the Minister for Planning and Infrastructure.

NZS means New Zealand Standard.

Occupation Certificate has the same meaning as Part 4A of the Act.

OEH means the NSW Office of Environment and Heritage.

PCA means the Principal Certifying Authority as prescribed in Part 4A of the Act.

Regulation means the *Environmental Planning and Assessment Regulations, 2000* (as amended).

Subject Site has the same meaning as the land identified in Part A of this schedule.

Team Leader means the Team Leader of the Metropolitan and Regional Projects South (or its successors) or a delegate of the Team Leader of the Metropolitan and Regional Projects South within the Department.

SCHEDULE 2

CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. DA 029-06-2011

ADDITIONS TO EXISTING BUILDING AT LOT 864, DP 1128686, MOUNTAIN WORKSHOP,
THREDBO ALPINE RESORT, KOSCIUSZKO NATIONAL PARK

This consent is granted subject to the following:

A THE APPROVED DEVELOPMENT

A.1 Development in accordance with approved documentation and plans

The development shall be in accordance with development application No. DA 029-06-2011 submitted by Kosciuszko Thredbo Pty Ltd on 29 June 2011 and in accordance with the supporting documentation submitted with that application including, but not limited to, the following:

Ref. No.	Document	Title / Description	Author / Prepared by	Date	Document Reference
1	Statement of Environmental Effects (SEE)	Mountain Workshop (Cat Shed) Extensions	Dabyne Planning Pty Ltd	April 2011	Project: 08-11
2	Site Environmental Management Plan	For proposed Cat Shed Extensions	Thredbo	Undated	-
3	Geotechnical Policy – Form 4	Geotechnical Policy – Kosciuszko Alpine Resorts – Form 4 – Minimal Impact Certification	Jeffrey and Katauskas Pty Ltd	10/2/11	-
4	Geotechnical Report	Geotechnical Slope Assessment	Jeffrey and Katauskas Pty Ltd	9/2/11	24586 WHlet
5	Plan	Site/Roof Plan	Daryl Jackson Robin Dyke Pty Ltd	11/5/11	A0.01 Rev C
6	Plan	Floor Plan	Daryl Jackson Robin Dyke Pty Ltd	23/5/11	A1.01 Rev D
7	Plan	Mezzanine Plan	Daryl Jackson Robin Dyke Pty Ltd	11/5/11	A1.02 Rev C
8	Plan	Roof Plan	Daryl Jackson Robin Dyke Pty Ltd	11/5/11	A1.03 Rev A
9	Plan	Elevations	Daryl Jackson Robin Dyke Pty Ltd	23/5/11	A2.01 Rev D
10	Plan	Sections 1 & 2	Daryl Jackson Robin Dyke Pty Ltd	11/5/11	A3.01 Rev C
11	Letter	Selection of separator for fuelling apron and extension to the catshed	Russell Nuridin, Engineering Manager	2/9/11	

A.2 Development site description

The development site is Lot 864, DP 1128686, Mountain Workshop (Cat Shed), Thredbo Alpine Resort.

A.3 Development description

The development to which consent is granted is described as additions to the existing building, installation of geothermal heating system and other associated works.

A.4 Inconsistency between documents

In the event of any inconsistency between conditions of this consent and the documents referred to above, the conditions of this consent prevail.

B GENERAL CONDITIONS

B.1 Prescribed conditions

All works shall comply with the prescribed conditions of development consent as set out in the Regulations:

- (a) Clause 98, Compliance with Building Code of Australia; and
- (b) Clause 98A, Erection of signs.

B.2 Australian Standards

All works shall be carried out in accordance with the current and relevant Australian Standards.

B.3 Colours and materials

The materials and colours shall be constructed in accordance with the approved plans.

B.4 Lapsing of consent

The development consent shall lapse 5 years after the determination date in Part A of Schedule 1 of this development consent.

B.5 No sleeping accommodation

The workshop including the mezzanine level shall not be used for sleeping accommodation.

C PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

C.1 Construction certificate

Prior to the commencement of any work (including demolition, excavation, clearing, construction, subdivision or associated activities), a construction certificate for the development must be obtained.

C.2 Documentation for the construction certificate

Prior to the issue of the construction certificate, the following information shall be submitted 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) section B of the BCA;
 - (ii) the development consent; and
 - (iii) drawings and specifications comprising the construction certificate.
- (iv) The Departments Geotechnical Policy and the Geotechnical Slope Stability Assessment by Jeffrey and Katauskas Pty Ltd dated 9/2/11 (Ref No. 4, Condition A.1).

- (b) Compliance with the BCA - sufficient details to demonstrate that the proposal complies with the relevant provisions of the BCA.

C.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 Construction Industry Payments Act 1986*.

C.4 Energy efficiency

All new works shall comply with Section J of the BCA. Details indicating compliance with these requirements and a design statement are to be submitted to the satisfaction of the certifying authority prior to the issue of the construction certificate.

C.5 Access for people with a disability

The building shall comply with the Disability (Access to Premises - Buildings) Standards 2010.

D PRIOR TO THE COMMENCEMENT OF WORKS

D.1 Notification to Department of the date of commencement of works

The Director-General or nominee shall be given written notice, at least 2 days prior to works commencing on site, of the date that works are proposed to commence.

D.2 Implementation of site environmental management measures

Prior to any works commencing, all site environmental management measures and actions identified on the approved site environmental management plans (Ref. No.2 Condition A.1) shall be put in place, implemented and undertaken. All of these site environmental management measures shall be installed to the satisfaction of the PCA prior to works commencing.

D.3 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.

D.4 Protection of adjacent vegetation areas

Site management shall ensure that appropriate measures are in place to ensure that vehicles and machinery do not enter into areas of vegetation that are not part of the proposed development.

E DURING CONSTRUCTION

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

E.2 Construction hours

All work in connection with the proposed development shall be carried during construction hours that ensure the amenity of Thredbo Alpine Village is not adversely affected.

E.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 Director-General 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) completion of all stabilisation and rehabilitation works in accordance with these conditions of consent and the approved SEMP; and
 - (iv) any other specific matters related to making the sites safe and secure raised by the Director-General or nominee during the course of construction.

E.4 Construction activities

- (a) All construction activities shall be confined to within the lease area and within the fenced construction area.
- (b) All machinery to be used during the construction phase shall be confined to the existing disturbed areas (wherever possible) and the existing access tracks. Wet areas and areas of native vegetation are to be avoided.
- (c) All machinery to be used during the construction phase must be cleaned prior to coming on each site to ensure no weeds are transported to the site.
- (d) Access to the sites for construction shall be from the existing formed roads, over previously disturbed areas and in accordance with the approved site environmental management plan only (Ref 2, Condition A.1).

E.5 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) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (b) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
- (c) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice;
- (d) 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.
- (e) If the PCA is not the Department then the name and contact details of the PCA are to be identified on the site signage.

E.6 Erosion and sediment control measures

- (a) All erosion prevention and sediment control measures in place shall be checked at the start of each working day and maintained in good working order at all times.
- (b) All exposed earth must be kept stabilised and revegetation must commence as soon as practicable.

E.7 Excavations and backfilling

- (a) All excavation and backfilling shall be executed in a safe manner and in accordance with appropriate professional standards.
- (b) All excavations shall be properly guarded and protected to prevent them from being dangerous.
- (c) Any excavations left open at night shall be left with ramps or openings such that any fauna entering these excavations have a means of escape during the night.

E.8 Site stabilisation and rehabilitation

- (a) Any disturbed area shall be rehabilitated in accordance with the *Rehabilitation Guidelines for the Resorts Areas, Kosciuszko National Park* (NPWS, 2007) and to the satisfaction of the PCA.
- (b) Site stabilisation and rehabilitation works shall commence, as soon as possible, following the completion of each section of work to minimise exposed areas.

E.9 Dirt and dust control measures

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

E.10 Loading and unloading of construction vehicles

All loading and unloading associated with demolition and construction shall be restricted to disturbed areas and those areas approved in the site environmental management plan.

E.11 Storage of materials

The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any trees other than those areas approved in the site environmental management plan.

E.12 Work Cover

All demolition and construction works shall be carried out in accordance with current Work Cover guidelines.

E.13 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.

E.14 Hazardous materials

Hazardous or toxic materials or dangerous goods shall be stored and handled in accordance with relevant legislative requirements at all times.

E.15 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.

E.16 Protection of native vegetation

Site management shall ensure that appropriate measures are in place to ensure that vehicles, machinery or persons do not damage or remove any native vegetation that is not part of this consent. The damage or removal of any native vegetation that is not part of this consent may warrant further action to be undertaken in accordance with the *National Parks and Wildlife Act 1974* or the *Environmental Planning and Assessment Act 1979*.

E.17 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.

E.18 Geotechnical requirements

At all times during demolition, excavation and construction, all persons associated with the construction activities shall adhere to the Departments Geotechnical Policy and the Geotechnical Slope Stability Assessment by Jeffrey and Katauskas Pty Ltd dated 9/2/11 (Ref No. 4, Condition A.1).

E.19 Disposal of excess spoil

All clean excess spoil shall be disposed of at an authorised land fill site. Any contaminated spoil shall be disposed of at an authorised waste facility.

E.20 Fill material

- (a) Under no circumstances shall fill material be imported from outside of Kosciuszko National Park (KNP). If fill material is required, OEHL should be contacted in relation to available sources from within KNP.
- (b) The applicant shall arrange for any fill to be placed in accordance with the standards specified in AS 3798 *Guidelines on earthworks for commercial and residential developments*.

E.21 Plumbing and drainage works

All plumbing and drainage works undertaken as part of this consent shall comply with AS 3500 and are to be carried out by an appropriately licensed plumber.

E.22 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 natural 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 that achieve a minimum 5 star performance level are to be installed.

E.23 Compliance with AS 2601-1991

The demolition work shall comply with the provisions of AS 2601-1991 *Demolition of structures*.

F PRIOR TO COMMENCEMENT OF USE

F.1 Occupation certificate

An occupation certificate must be obtained from the PCA and a copy furnished to the Director-General or nominee prior to the occupation of the building or commencement of the use.

F.2 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.

F.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.

F.4 Site clean up

Prior to commencement of use, the subject site shall be cleaned up to the satisfaction of the PCA.

F.5 Fire safety certificate

A fire safety certificate shall be submitted to the PCA for all the essential fire or other safety measures forming part of this approval prior to issue of an occupation certificate. A copy of the fire safety certificate must be submitted to the department by the PCA.

F.6 Structural certification

A structural engineer's certificate shall be submitted to the PCA prior to issue of an occupancy certificate. This certificate is to verify that structural works have been completed in accordance with approved plans and specifications. In all cases the structural certification is to comply with the provisions of the BCA and relevant standards.

F.7 Geothermal heating system certification

Prior to issue of an occupancy certificate, the installer of the geothermal heating system shall submit a certificate confirming that the system was installed in accordance with the relevant standards, to the satisfaction of the PCA..

G POST OCCUPATION

G.1 Rehabilitation

For a period of two years after the works have been completed, all disturbed areas shall be monitored and necessary action undertaken to ensure that the ground remains erosion resistant and groundcover is being established.

G.2 Annual fire safety statement

An Annual Fire Safety Statement must be provided to the Department and the NSW Fire Brigade every 12 months commencing within 12 months after the date on which the Department has received the initial Fire Safety Certificate.

G.3 Workshop operations advisory note

The applicant should make themselves aware of the responsibilities and obligations under the relevant legislation including but not limited to:

- Relevant Workcover guidelines
- Storage and Handling of Dangerous Goods, Code of Practice 2005.
- Occupational Health and Safety Act 2000.
- Occupational Health and Safety Regulation 2001.
- AS 1940 the Storage and Handling of Flammable and Combustible Liquids.