



**Planning &
Infrastructure**

**DEVELOPMENT ASSESSMENT REPORT
DA 012-04-2012**

**Installation of extraction hood in kitchen,
Bellavista staff accommodation building,
Charlotte Pass alpine resort.**

***Proposed by Dabyne Planning Pty Ltd
on behalf of Charlotte Pass Village Pty
Ltd***

Part 4 of the
Environmental Planning and Assessment Act 1979

May 2012

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NSW Department of Planning and Infrastructure
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1. EXECUTIVE SUMMARY

This report is an assessment of development application No DA 012-04-2012 under the provisions of Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the *Environmental Planning and Assessment Regulations 2000* (EP&A Regulations) and State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007 (Alpine SEPP).

Proposal

The applicant, Dabyne Planning Pty Ltd on behalf of Charlotte Pass Village Pty Ltd, is seeking development consent for the installation of an extraction hood in the kitchen of the Bellavista staff accommodation building at Charlotte Pass alpine resort.

Consent Authority

Under the provisions of the Alpine SEPP, the Minister for Planning and Infrastructure is the consent authority for development within the NSW alpine resorts.

Permissibility

Pursuant to cl.11 of the Alpine SEPP and the Charlotte Pass alpine resort land use table, 'tourist accommodation' is permissible with consent. The definition of tourist accommodation includes 'staff accommodation'. The extraction hood is ancillary to the existing staff accommodation building.

Consideration and Key Matters

The proposal has been considered against the matters set out in s 79C(1) of the EP&A Act and the Alpine SEPP. The key matters arising from this assessment are compliance with the Building Code of Australia (BCA) and mechanical ventilation standards.

The applicant has provided conceptual information for the assessment of the development application. The information recognises BCA requirements particularly in relation to fire safety. The documents also identify that the mechanical ventilation will comply with AS 1668.

The final design and certification from appropriately qualified consultants will need to be submitted to the certifying authority before the issue of the construction certificate.

Consultation

NSW Office of Environment and Heritage (OEH)

The proposal was referred to the OEH pursuant to cl.17 of the Alpine SEPP. The OEH is the food authority within Kosciuszko National Park.

Additional information was requested by the OEH to adequately assess the suitability of the premises for its use as a commercial kitchen subject to the *Food Act 2003*. Charlotte Pass Village Pty Ltd (CPV) was opposed to providing the information required by the OEH. CPV maintain that the premises is not a commercial kitchen and that the development application for an extraction hood only.

A negotiated outcome was reached where some additional information was provided to enable the OEH to assess the extraction hood. The OEH supported the additional information and recommended several conditions to be addressed prior to the issue of a construction certificate. The OEH have also advised that development consent is required prior to CPV carrying out any other commercial kitchen works. These conditions have been included in the consent.

Notification

The proposal was not notified to any neighbouring lodges. There are no buildings within the vicinity of Bellavista that would be affected by the installation of the extraction hood.

Conclusion

After consideration of the proposal against the relevant statutory considerations, s 79C of the EP&A Act and the provisions of the Alpine SEPP, it is concluded that the proposal for the installation of an extraction hood at the Bellavista staff accommodation building is appropriate. The proposal is permissible with consent, the development will not involve any damage to native vegetation and compliance with the necessary standards can be demonstrated at the construction certificate stage. Accordingly, the application is recommended for **approval** subject to the imposition of conditions in Schedule 2.

2. BACKGROUND

2.1 Locality

The Charlotte Pass alpine resort is located within Kosciuszko National Park, approximately 40 kilometres from Jindabyne. The Bellavista staff accommodation building is located on the western side of Spencers Creek.



Map 1: Bellavista staff accommodation building circled yellow.

2.2 Site Description

The site forms part of the head lease. There are no boundaries around the building. The main Charlotte Pass ski slopes are located to the north and west. The nearest building to Bellavista are The Chalet, Kosciuszko Alpine Club and the Administration Office. The site is accessed from Kosciuszko Road.

The existing building on the site is 2 storeys and consists of timber, colorbond and stone construction with a metal roof. The lodge has a maximum capacity of 40 beds.



Photo 1: Bellavista staff accommodation building.

3. THE PROPOSED DEVELOPMENT

3.1 Overview

The proposal is for the installation of an extraction hood with dimension of 1 metre by 3 metres. The hood will be located over a combi oven and a hot plate in the kitchen area of the building. The location of the extraction hood and the appliances to be covered are shown in photo 2 below. The mechanical ventilation duct work will discharge to the outside of the building. The estimated cost of the works is \$10,000.

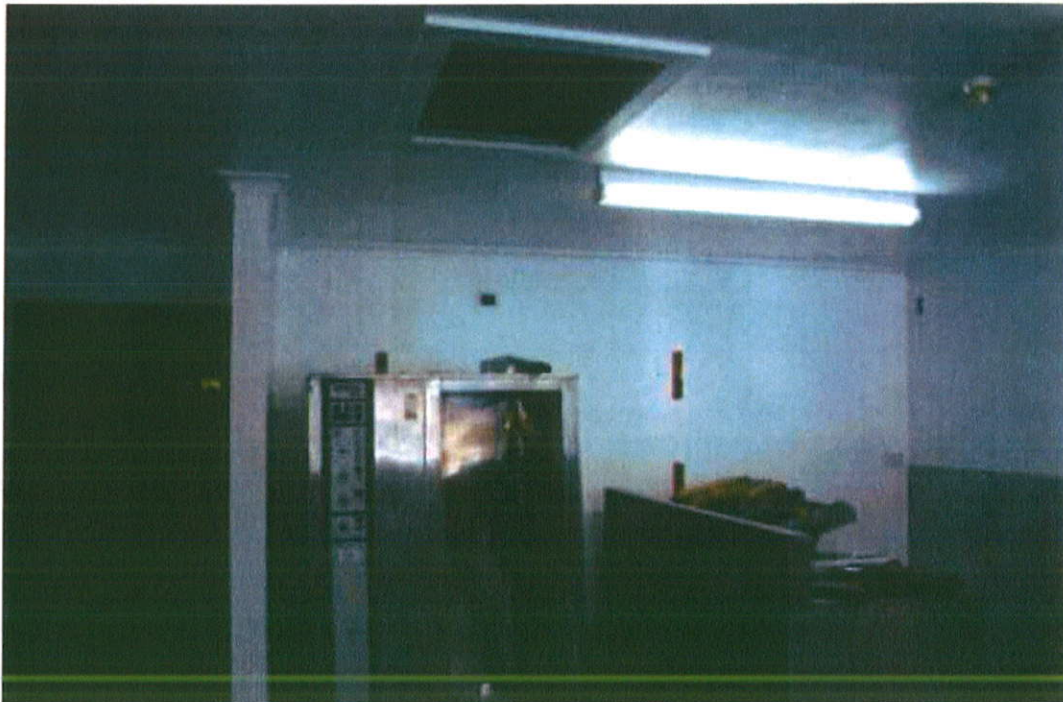


Photo 2: location of extraction hood within the Bellavista kitchen area.

4. STATUTORY FRAMEWORK

4.1 Development Assessment

The application has been made and assessed pursuant to Part 4 of the EP&A Act and the EP&A Regulations.

4.2 Statement of Permissibility

'Tourist accommodation' is permissible with consent pursuant to cl.11 of the Alpine SEPP and the Charlotte Pass alpine resort land use table. The definition of tourist accommodation includes 'staff accommodation'. The extraction hood is ancillary to the existing staff accommodation building.

4.3 Statutory Considerations

The proposal has been considered against the relevant statutory considerations including:

- the principles of Ecologically Sustainable Development (ESD);
- the objects of the EP&A Act;
- s 79C of the EP&A Act; and
- the Alpine SEPP.

The proposal is consistent with the relevant statutory matter for consideration. A full assessment is provided in Appendix A and a summary of the key matters is provided in section 6 of this report.

5. CONSULTATION

5.1 NSW Office Environment and Heritage

Cl.17 of the Alpine SEPP requires that development applications in the Alpine Resorts are referred to the Department of Environment, Climate Change and Water (now the NSW Office of Environment and Heritage) for their comments in accordance with the adopted referral guidelines. Public health is a key assessment issue identified in the guidelines as the OEH is the food authority within Kosciuszko National Park.

The initial response from the OEH included a request for additional information so that the OEH could adequately assess the suitability of the premises for its use as a commercial kitchen subject to the *Food Act 2003*. The Department informed CPV of the additional information requirement. CPV was opposed to providing the information required by the OEH. CPV maintain that the premises is not a commercial kitchen as it is only used by staff and there is no sale of food to the public. CPV also believe that other works can be undertaken in the kitchen as exempt development. CPV replied to the Department identifying that the development application for an extraction hood only and stating that they would not be providing plans or documents in relation to the rest of the kitchen.

The Department facilitated meetings and a site inspection in order to resolve the issues between the OEH and CPV. The OEH still maintain that the premises is a commercial kitchen and they are also aware that CPV intend to undertake other works in the kitchen. CPV were seeking a fast resolution of the matter so that the works could be undertaken before winter. The commercial kitchen debt is ongoing and both parties are seeking their own legal advice.

A negotiated outcome was reached where some additional information was provided to enable the OEH to assess the extraction hood. The OEH supported the additional information and recommended several conditions to be addressed prior to the issue of a construction certificate. The conditions relate to the provision of detailed construction plans, the installation of a grease arrestor and compliance with AS 1668. The OEH have advised the Department that development consent is required prior to CPV carrying out any other commercial kitchen works. These recommended conditions have been included in the consent.

6. CONSIDERATION

The proposal has been assessed against the relevant statutory considerations and a full assessment is provided in Appendix A. The following is a summary of the key matters arising from this assessment.

6.1 Building Code of Australia (BCA)

The installation of the proposed extraction hood will need to comply with the BCA. Particularly in relation to fire safety aspects of the ventilation ducting and any locations where the system penetrates fire rated walls or ceilings. The applicant's submitted information recognises these types of requirements and states that the design is capable of compliance.

The applicant will need to provide sufficient information to the certifying authority to demonstrate compliance with the BCA before the issue of the construction certificate. Conditions of consent have been included to address this issue.

6.2 Mechanical ventilation standards

The proposed extraction hood will minimise the likelihood of airborne contamination of food and provide a safe environment by effectively removing fumes, smoke, steam and vapours. These types of mechanical ventilation systems need to comply with Australian Standard AS 1668 Parts 1 and 2. The extraction hood will also include grease filters, a fan and ducting. The discharge vent for the system will be located on the western side of the building.

The applicant has provided conceptual plans of the extraction hood and details of the appliances that will be located underneath the unit. This information is sufficient for the assessment of the development application. The final design and certification from an appropriately qualified consultant will need to be submitted to the OEH and the certifying authority before the issue of the construction certificate. Conditions of consent have been included to address this issue.

7. CONCLUSION

The proposal has been assessed against the relevant statutory considerations, s.79C of the EP&A Act and the provisions of the Alpine SEPP. It is concluded that the installation of an extraction hood at Bellavista staff accommodation buildings is appropriate. The proposal is permissible with consent, the development will not involve any damage to native vegetation and compliance with the necessary standards can be demonstrated at the construction certificate stage. The proposal is considered appropriate and is therefore recommended for **approval** subject to the imposition of the conditions in Schedule 2.

8. DELEGATIONS


It is considered that Alan Bright, Director, Metropolitan and Regional Projects South has the delegation to exercise the function as a consent authority as provided by the Minister for Planning and Infrastructure, pursuant to section 23 of the *Environmental Planning and Assessment Act 1979*. This exercise of delegations is considered to be appropriate in accordance with the adopted delegation guidelines, dated 14 September 2011.

9. RECOMMENDATION


It is recommended that Alan Bright, 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 s 80 of the *Environmental Planning and Assessment Act 1979* and State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007:

- (i) Grant consent to DA 012-04-2012 for the installation of an extraction hood in the kitchen of the Bellavista staff accommodation building, Charlotte Pass alpine resort, subject to the conditions of consent (**refer to Schedule 2**);
- (ii) Sign and date the Notice of Determination for DA 012-04-2012 (**refer to Notice of Determination**);

Prepared by:


16/5/2012
Daniel James
Team Leader
Alpine Resorts Team

Approved by:


16/05/12
Alan Bright
Director
Metropolitan and Regional Projects South
**Determined as Delegate of the Minister for
Planning and Infrastructure**

APPENDIX A – STATUTORY ASSESSMENT & CONSIDERATION

A1. ECOLOGICALLY SUSTAINABLE DEVELOPMENT

The Department has considered the proposed development against the five principles of ESD set out in s 3 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act):

Integration Principle – The environmental, economic and social aspects of the proposal have been considered. The proposal will improve operation aspects of the kitchen without any adversely impact upon the natural environment.

Precautionary Principle – The proposal does not pose a threat of serious or irreversible environmental damage.

Inter-Generational Principle – The proposal will not adversely impact upon the health, diversity or productivity of the environment for future generations.

Biodiversity Principle – The proposal will not result in a loss of biodiversity as there will be no adverse disturbance to any native vegetation.

Valuation Principle – The proposal will improve the standard of staff accommodation provided in the Bellavista staff accommodation building. The development will be funded by the lessee.

A2. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Objects of the EP&A Act

The objects provide an overarching framework that informs the purpose and intent of the legislation and gives guidance to its operation. The consideration and determination of a development application under Part 4 must be informed by the relevant provisions of the EP&A Act, consistent with the objects of the EP&A Act.

The proposal is considered consistent with the objects of the EP&A Act in that there will not be an adverse environmental impact, the proposal is consistent with the principles of ESD and there will be operational improvements within the existing staff accommodation building.

Section 79C(1) Matters for consideration – general

In determining a development application, a consent authority must take into consideration the matters referred to in s 79C(1) of the EP&A Act as are of relevance to the development:

S.79C(1)(a)(i) the provisions of any environmental planning instrument
The applicable environmental planning instrument is State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007. See section A3 for an assessment of the proposal against this policy.
S.79C(1)(a)(ii) the provisions of any proposed environmental planning instrument
None are applicable to the proposal.
S.79C(1)(a)(iii) the provisions of any development control plan
None are applicable to the proposal

S.79C(1)(a)(iia) the provisions of any planning agreement

None are applicable to the proposal.

S.79C(1)(a)(iv) the provisions of any regulations

Cl.92 of the Regulations – The proposal will include some minor demolition work. Standard demolition conditions are contained in the conditions of consent in Schedule 2.

Cl.94 of the Regulations – The proposed building works are considered to be less than 50% of the building. The existing measures in building are adequate to protect persons using the building, and facilitate their egress from the building, in the event of fire. The measures will also restrict the spread of fire from the building to other buildings nearby. The level of compliance of the existing building is considered to be adequate. Given the level of works proposed and the suitability of the existing fire safety measures further BCA upgrade requirements are not considered necessary.

S.79C(1)(b) the likely impacts of that development

Context and Setting – The majority of the works associated with the proposal are internal to the building. An external vent will be included to discharge the air that is removed from the kitchen. The proposal considered minor and will not adversely impact on the context and setting of the locality.

Access, Transport and Traffic – The proposal will not increase traffic in the locality or impact upon access, transport or traffic management within the resort. The proposal does not increase the capacity of the lodge.

Public Domain – There will be no impacts on the public domain or pedestrian linkages.

Utilities and Energy – Energy and utility requirements will not be significantly altered by the proposal.

Heritage – The proposal is not considered to impact upon any European or Aboriginal archaeological heritage items.

Water – The proposed works will not impact on water quality or water supply.

Soils – All of the works are within the existing building foot print. No excavation is required.

Construction, Noise, Vibration, Air and Microclimate – Impacts in this regard will be small-scale and short-term during construction and involve primarily noise, and vehicle emissions. Conditions of consent have been included to address these issues.

Noise – Any increase in the operational noise as a result of the extraction will need to comply with the appropriate Australian Standards. Conditions of consent have been included to address this issue.

Flora and Fauna – All of the works are within the existing building foot print. No excavation or removal of native vegetation is required.

Waste – Construction waste will be minimal. The proposal does not increase the need for waste disposal on site.

Natural Hazards – There are no known natural hazards associated with this proposal.

Social Impact – The social impacts are positive. The proposal will improve operational aspects within the kitchen area of the staff accommodation building.

Economic Impact – The development will be funded by the lessee. No adverse economic impact is envisaged as a result of the proposal.

Site Design and Internal Design – The applicant has provided conceptual information in relation to compliance with the Building Code of Australia (BCA) and mechanical ventilation standards. The final design and certification from appropriately qualified consultants will need to be submitted to the certifying authority before the issue of the construction certificate.

Cumulative Impacts – No cumulative impacts are envisaged as a result of this proposal.

S.79C(1)(c) the suitability of the site for the development

The site is considered suitable for the proposal as it will improve operation aspects of the kitchen without any adverse impact upon the natural environment. The majority of the works associated with the proposal are internal to the building. An external vent will be included to discharge the air that is removed from the kitchen. The proposal considered minor and will not adversely impact on the amenity of any adjoining buildings.

S.79C(1)(e) the public interest

The proposal is considered in the public interest as it will improve an existing staff accommodation within the Charlotte Pass alpine resort.

A3. COMPLIANCE WITH ENVIRONMENTAL PLANNING INSTRUMENTS

State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007

Clause 2 – Aim and Objectives:

The proposal is considered to be consistent with the aim and objectives of the Alpine SEPP in that it is:

- consistent with the principles of ESD;
- the works can be undertaken with minimal impacts to the environment; and
- the proposal improves the amenity of the existing staff accommodation building.

Clause 11 – Land Use Table

Pursuant to cl.11 of the Alpine SEPP and the Charlotte Pass Alpine Resort Land Use Table, 'tourist accommodation' is permissible with consent. The definition of tourist accommodation includes 'staff accommodation'. The extraction hood is ancillary to the existing staff accommodation building.

Clause 14(1) – Matters to be considered by consent authority

(a) the aim and objectives of this policy, as set out in clause 2,

See discussion above.

(b) the conservation of the natural environment and any measures to mitigate environmental hazards (including geotechnical hazards, bush fires and flooding),

There are no known natural hazards associated with this proposal.

(c) the cumulative impacts of development on existing transport, effluent management systems, waste disposal facilities or transfer facilities, and existing water supply

The proposal does not increase the capacity of the staff accommodation building. The subject site contains the necessary infrastructure and services to support the development as proposed.

(d) any statement of environmental effects,

The SEE and additional information supplied are considered adequate to enable a proper assessment of the proposal.	
(e) the character of the alpine resort	
The proposal will not significantly alter the character of the Resort. The proposal considered minor and will not adversely impact on the context and setting of the locality	
(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,	
N/A	
(g) any sedimentation and erosion control measures proposed,	
N/A.	
(h) any stormwater drainage works proposed,	
N/A	
(i) visual impact of the proposed development, particularly when viewed from the Main Range,	
The proposal will not result in an unacceptable visual impact. The majority of the works associated with the proposal are internal to the building. An external vent will be included to discharge the air that is removed from the kitchen.	
(j) any significant increase in activities, outside of the ski season,	
The proposal will not result in a significant increase in activities outside the ski season.	
(k) if the development involves the installation of ski lifting facilities,	
N/A.	
(l) if the development is proposed to be carried out in Perisher Range Alpine Resort: the document entitled Perisher Range Resorts Master Plan and the document entitled Perisher Blue Ski Slope Master Plan	
N/A	
(m) if the development is proposed to be carried out on land in a riparian corridor:	
N/A	
Clause 15 – Additional matters to be considered for buildings	
Building Height	N/A
Building Setback	N/A
Landscaped Area	N/A
Clause 17 – Development applications referred to the Department of Environment, Climate Change and Water (DECCW)	
The OEH requested additional information from the applicant in relation to the extraction hood. CPV provided conceptual information that was sufficient for the determination of the development application.	
The OEH supported the additional information and recommended several conditions to be addressed prior to the issue of a construction certificate. The conditions relation to the provision of detailed construction plans, the installation of a grease arrestor and compliance with AS 1668. The OEH have advised the Department that development consent is required prior to CPV carrying out any other commercial kitchen works. The following conditions	

have been included in the consent.

Development description

The development to which consent is granted is described as the installation of an extraction hood in the kitchen and associated mechanical ventilation works.

This development consent does not include any other works in the kitchen.

A separate development application is required for any other commercial kitchen works.

Documentation to be submitted to the Office of Environment and Heritage (OEH)

The following information shall be submitted to the OEH:

1. construction plans drawn to scale and accurately showing;
 - a. the separation of the combi oven and stove from the walls; and
 - b. the locations of cooking equipment within the extraction hoods internal perimeter capture edge, including any cooking equipment door openings;the construction plan shall be signed and endorsed by an appropriately qualified mechanical engineer;
2. plans and specifications of the grease arrester; and
3. an updated mechanical engineering certificate demonstrating compliance with AS 1668.2.

Written approval shall be obtained from the OEH and submitted to the certifying authority prior to the issue of a construction certificate.

The commercial kitchen debt is ongoing. The OEH as the food authority within Kosciuszko National Park believe that the premises is a commercial kitchen. If this is the case the whole of the kitchen will be subject to the requirements of the *Food Act 2003*. CPV maintain that the kitchen is only used by staff and that there is no sale of food to the public. CPV also believe that other works can be undertaken in the kitchen as exempt development. Both parties are seeking their own legal advice. This issue does not prevent the Department from issuing a development consent for the extraction hood only.

Clause 26 – Heritage Conservation

European Heritage	The proposal will not impact on any European heritage items.
Aboriginal Heritage	The proposal will not impact on any Aboriginal heritage items



ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF DEVELOPMENT APPLICATION NO. DA 012-04-2012

I, Alan Bright, Acting Director, Metropolitan and Regional Projects South as delegate for the Minister for Planning and Infrastructure under Instrument of Delegation dated 14 September 2012, 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.



Alan Bright
Acting Director
Metropolitan and Regional Projects South
16 May 2012



SCHEDULE 1

PART A — TABLE

Application made by:	Dabyne Planning on behalf of Charlotte Pass Village Pty Ltd
Application made to:	Minister for Planning and Infrastructure
Development Application:	DA No. 012-04-2012
On land comprising:	Bellavista staff accommodation building, Charlotte Pass
For the carrying out of:	Installation of an extraction hood in the kitchen.
Estimated Cost of Works	\$10,000
Type of development:	General
Approval Body / Bodies:	Nil
Determination made on:	6 May 2012
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 012-04-2012

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 Dabyne Planning on behalf of Charlotte Pass Village 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 012-04-2012 means the development application and supporting documentation submitted by the applicant on 12 April 2012.

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 012-04-2012

INSTALLATION OF AN EXTRACTION HOOD IN THE KITCHEN OF THE BELLAVISTA STAFF
ACCOMMODATION BUILDING, CHARLOTTE PASS 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 012-04-2012 submitted by Dabyne Planning Pty Ltd on behalf of Charlotte Pass Village Pty Ltd 12 April 2012 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)	'Kitchen upgrade works, 'Bella Vista' staff accommodation, Charlotte Pass'	Dabyne Planning Pty Ltd	April 2012	Project: 52-11
2	Plan	'Site Plan'		April 2012	DWG 1 Rev a
3	Plan	'Bella Vista kitchen 2012'	Rolf Klicker & Lachlan MacLean	3/5/2012	Attachment A
4	Plan	'Kitchen Exhaust, Bella Vista Charlotte Pass'		7/3/12	Attachment B

A.2 Development site description

The development site is the Bellavista staff accommodation building, Charlotte Pass.

A.3 Development description

The development to which consent is granted is described as the installation of an extraction hood in the kitchen and associated mechanical ventilation works.

This development consent does not include any other works in the kitchen.

A separate development application is required for any other commercial kitchen 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 Lapsing of consent

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

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, and be 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) development consent DA 012-04-2012; and
 - (iii) drawings and specifications comprising the construction certificate.
- (b) Compliance with the BCA – sufficient details to demonstrate that the proposal complies with the relevant provisions of the BCA.

C.3 Documentation to be submitted to the Office of Environment and Heritage (OEH)

The following information shall be submitted to the OEH:

1. construction plans drawn to scale and accurately showing;
 - a. the separation of the combi oven and stove from the walls; and
 - b. the locations of cooking equipment within the extraction hoods internal perimeter capture edge, including any cooking equipment door openings;the construction plan shall be signed and endorsed by an appropriately qualified mechanical engineer;
2. plans and specifications of the grease arrester; and
3. an updated mechanical engineering certificate demonstrating compliance with AS 1668.2.

Written approval shall be obtained from the OEH and submitted to the certifying authority prior to the issue of a construction certificate.

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.

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 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 Director-General or nominee.

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 30 May or as otherwise approved by the Director-General or nominee.
- (b) By 30 May the applicant shall ensure that the site is made safe and secure by undertaking the following:
 - (i) removal of all waste materials; and
 - (ii) any other specific matters related to making the sites safe and secure raised by the Director-General or nominee during the course of construction.
- (c) Prior to the commencement of works, the applicant shall forward to the Department a 24 hour telephone number and shall ensure that the number is continually attended by a person with authority over the works for the duration of the development.
- (d) This development consent does not extend to the use of appliances, which emit noise of a highly intrusive nature (such as pile drivers and hydraulic hammers). Prior to the use of any such appliances the applicant shall seek, in writing, authorisation from the PCA. The written information should include, but not be limited to, the following:
 - (i) details of the appliance;
 - (ii) construction activity associated with the appliance;
 - (iii) noise and vibration mitigation measures; and
 - (iv) length of time the appliance will be in use.

If authorisation is given, the PCA shall provide a copy of the authorisation to the Department.

E.4 Construction activities

- (a) All construction activities shall be confined to within the Bellavista staff accommodation building 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 and over previously disturbed areas only.

E.5 Site notice

- (a) A site notice(s) shall be prominently displayed at the boundaries of the sites for the purposes of informing the public of project details.
- (b) The notice(s) is to satisfy, but not be limited to, all of the following requirements:
 - (i) 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;
 - (ii) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
 - (iii) 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; and
 - (iv) the notice(s) is to be mounted at eye level and is to state that unauthorised entry to the site is not permitted.

E.6 Hazardous materials and asbestos

- (a) Hazardous or toxic materials or dangerous goods shall not be stored or processed on any site at any time.
- (b) 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.
- (c) 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.

E.7 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.8 Storage of materials

The applicant shall ensure that at all times during the construction period no storage or disposal of materials shall take place beneath the canopy of any trees or on any native vegetation.

E.9 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.10 Work Cover

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

E.11 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.12 Demolition

During the demolition phase of the development all works shall comply with AS 2601-1991 *The demolition of structures*.

E.13 Loading and unloading of construction vehicles

All loading and unloading associated with demolition and construction shall be restricted to disturbed areas of the site.

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 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.3 Site clean up

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

F.4 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.

G POST OCCUPATION

G.1 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.