

Development consent

Section 80 of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I grant consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts including economic and social 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.



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Jindabyne

6/2/2015

SCHEDULE 1

Application No.:	DA No. 6174
Applicant:	Hus-ski Lodge Limited
Consent Authority:	Minister for Planning
Land:	Lot 101 Burramys Road, Perisher Valley, Kosciuszko National Park
Type of Development:	Integrated Development
Integrated Bodies:	NSW Rural Fire Service
Approved Development:	Works to Hus-ski Lodge including: <ul style="list-style-type: none">• recladding western wall with Hardieplank weatherboard;• replacement of portion of roof ; and• double glazing of windows and installation of insulation; and• associated works.

DEFINITIONS

Act	means the <i>Environmental Planning and Assessment Act, 1979</i> (as amended).
Advisory Notes	means advisory information relating to the consent but do not form a part of this consent.
Applicant	means Hus-ski Lodge Limited.
Approval Body	has the same meaning as within Division 5 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.
Certifying Authority	has the same meaning as Part 4A of the Act.
DA No 6174	means the development application and supporting documentation submitted by the applicant on 1 October 2013.
Department	means the Department of Planning and Environment, or its successors.
Director	means the Director of Industry and Key Sites or a delegate of the Industry and Key Sites within the Department.
Minister	means the Minister for Planning, or nominee.
OEH	means the NSW Office of Environment and Heritage, or its successors.
PCA	means the principal certifying authority and has the same meaning as Part 4A 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 approval, agreement or satisfaction	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 Industry and Key Sites 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 Development Application No. DA 6174 submitted by Hus-ski Lodge Limited on 1 October 2013 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	Statement of Environmental Effects	Hus-ski Lodge Limited	-	-
2	Site Environmental Management Plan	Site Environmental Management Plan	Hus-ski Lodge Limited	-	-
3	Plan	Site Plan	WWH	9 January 2011	-
4	Plan	Western Wall Cladding	WWH	28 September 2013	-
5	Plan	Western Wall Batten Fixing	WWH	12 February 2013	-
6	Bushfire Safety Authority	Integrated Development for Hus-ski Lodge	NSW Rural Fire Service	27 November 2014	D/13/2334

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. Where there is an inconsistency between approved elevations and plans, the elevations prevail.

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:

- clause 98, Compliance with Building Code of Australia;
- clause 98A Erection of signs during building and demolition works; and
- clause 98E Shoring and adequacy of adjoining property.

A.6 Australian standards

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

A.7 Legal notices

Any advice or notice to the consent authority shall be served on the Secretary.

PART B – PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

B.1 Construction certificate

Prior to the commencement of any construction work (defined as physical activity involved in the erection of any structures) a construction certificate for those construction works must be obtained.

B.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 - sufficient details prepared by an appropriately qualified person to demonstrate that the proposal complies with:
 - (i) section B of the BCA;
 - (ii) the development consent; 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) Cladding and roof fixing details – sufficient detail prepared by an appropriately qualified person shall be submitted to the satisfaction of the certifying authority to demonstrate that the wall cladding and roof sheet fixing will comply with the relevant snow and wind loads.

B.3 Payment of the long service levy

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.4 Bush fire safety authority

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 relevant conditions of the bush fire safety authority.

PART C – PRIOR TO THE COMMENCEMENT OF WORKS

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

Both the PCA and the Secretary 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.

C.2 Temporary fencing

Prior to works commencing, the construction works area shall be fenced with temporary fencing. This fencing is to clearly delineate the construction area. This is to restrict access and also prevent unauthorised persons entering the work area.

C.3 Implementation of site environmental management measures

Prior to any construction works commencing, all site environmental management measures in accordance with the approved documentation (condition A.2) and these conditions of consent, shall be in place and in good working order.

C.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.

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 seven days week, with no work allowed on 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) 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 SEMP only.

D.5 Work Cover

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

D.6 Waste

All waste shall be contained so as not to escape by wind or water, and must only be located outside of areas of native vegetation and not beneath the canopy or over roots of any trees.

D.7 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.8 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.

D.9 Prohibition of hazardous materials

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

D.10 Asbestos

- (c) 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.
- (d) 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.

D.11 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.12 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.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 Demolition

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

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.

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 SAFETY AUTHORITY

G.1 Design and Construction

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:

The proposed works shall:

- not comprise the making of, or an alteration to the size of, any opening in a wall or roof, such as a doorway, window or skylight; and
- be adequately sealed or protected to prevent the entry of embers; and
- use equivalent or improved fire resistant materials.

ADVISORY NOTES

AN.1 Vegetation removal

In consultation with the Rural Fire Service, the OEH have advised that the following vegetation removal and management is permitted for the development:

- tree limbs overhanging, touching and within 2m of the building may be lopped to the trunk;
- standing dead trees without hollows may be felled out to 15m on the western and northern side of the building;
- hollow trunks and limbs shall be retained
- heath vegetation within 15m of the building may be slashed to a height of 50cm except for an area around the gas tank where heath may be slashed to 20cm for an area of 3m around the tank;
- selection of trees of limbs, living or dead for removal should be undertaken with advice from OEH.