

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.

Daniel James
Team Leader
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Department of Planning and Environment

Jindabyne

4/9/

2015

SCHEDULE 1

Application No.:	DA No. 7154
Applicant:	Apex Children's Chalet
Consent Authority:	Minister for Planning
Land:	Apex Children's Chalet, Lot 197 Corroboree Road, Smiggin Holes, Perisher Range Alpine Resort, Kosciuszko National Park
Type of Development:	Integrated Development
Integrated Bodies:	NSW Rural Fire Service
Approved Development:	Works to Apex Children's Chalet including: <ul style="list-style-type: none">• removal of the existing timber exterior cladding; and• replacement of cladding with new metal cladding of a similar colour

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 Apex Foundation.
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 7154	means the development application and supporting documentation submitted by the applicant on 3 July 2015.
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 7154 submitted by Apex Foundation on 3 July 2015 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)	Re-cladding of The Apex Children's Chalet, Corroboree Road, Smiggin Holes	Harrison Friedmann & Associates Pty Ltd	11 May 2015	51700RH-SEE
2	Bushfire Risk Assessment	Bush fire risk assessment (Section 2)	-	-	-
3	Scope of Works	Outline of Scope of Works Apex Children's Chalet	Cooma Cutting Edge Carpentry	-	-
4	Bushfire Safety Authority	Integrated Development for 197//44460, Corroboree Road, Smiggin Holes	NSW Rural Fire Service	10 July 2015	D15/2021
5	Plan	North Elevation	Cooma Cutting Edge Carpentry	28 May 2015	ACC2015002c
6	Plan	South Elevation	Cooma Cutting Edge Carpentry	28 May 2015	ACC2015001c
7	Plan	East Elevation	Cooma Cutting Edge Carpentry	28 May 2015	ACC2015003c
8	Plan	West Elevation	Cooma Cutting Edge Carpentry	28 May 2015	ACC2015004c
9	SEMP	Site Environmental Management Plan	Cooma Cutting Edge Carpentry	28 May 2015	ACC2015012c

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:

- (a) clause 98 Compliance with the BCA; and
- (b) clause 98A Erection of signs during building and demolition works.

A.6 Australian standards

All works shall be carried out in accordance with the current and relevant 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 CONSTRUCTION CERTIFICATE

B.1 Construction certificate

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

B.3 Documentation for the construction certificate

Prior to the issue of the construction certificate sufficient details to demonstrate that the proposal complies with the relevant provisions of the BCA is to be provided and to the satisfaction of the certifying authority.

B.4 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.5 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 (reference 4 at condition A.2 and Part G of this consent).

PART C – PRIOR TO THE COMMENCEMENT OF WORKS

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

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 Appointment of engineer – structural adequacy of existing structure

An appropriately qualified practising Structural Engineer shall be engaged to carry out the inspection required by condition D.2. The name and contact details of the engineer shall be provided to the certifying authority prior to the issue of the construction certificate. If the Department is not the certifying authority, the appointed certifying authority is to provide a copy of the information to the Department with the copy of the construction certificate.

C.4 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.5 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 (condition A.2) 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 Inspection by engineer – structural adequacy of existing structure

Upon removal of the existing cladding and prior to the installation of the new cladding, an appropriately qualified practising structural engineer shall carry out an inspection to determine the suitability of the building to meet BCA Volume One performance requirement BP1.1, and the structural adequacy of the existing structure. If any deficiencies are identified during the inspection, the engineer shall provide upgrade recommendations. Any works associated with the upgrade recommendations shall be undertaken prior to the installation of the new cladding.

D.3 Construction hours

All work in connection with the proposed development shall be carried out between the hours of 7.00am and 6.00pm on Monday to Friday inclusive, and 7:00am to 1.00pm on Saturdays, with no work allowed on Sunday or Public Holidays, or as otherwise approved by the Secretary or nominee.

D.4 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 the site is made safe and secure. This shall include, but is not limited to, 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 the unauthorised access to 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.5 Work Cover

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

D.6 Construction 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; and
- (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

- (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 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 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.13 Demolition

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

D.14 Construction activities

- (a) At all times, construction activities shall be undertaken in accordance with the approved documentation (condition A.2 including the SEMP) and the requirements of these conditions.
- (b) No disturbance is permitted outside the construction zone unless otherwise agreed by the Secretary or nominee.

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 issue of any occupation certificate, the subject site shall be cleaned up to the satisfaction of the PCA.

E.3 Removal of site notice

Any site notices or other site information signs shall be removed upon completion of the site works and prior to the commencement of use.

E.4 Fire safety certificate

Prior to the issue of any occupation certificate, a fire safety certificate conforming to the Regulations shall be submitted to and be to the satisfaction of the PCA. A copy of the fire safety certificate shall be submitted to the Department with the copy of the occupation certificate.

E.5 Structural Adequacy Certificate

Prior to the issue of any occupancy certificate a certificate or structural adequacy prepared by a suitably qualified professional engineer confirming the suitability of the building to meet BCA Volume One performance requirement BP1.1 Structural stability and resistance to action shall be submitted to and be to the satisfaction of the PCA. A copy of the structural 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 D.5).

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:

1. The proposed works shall:
 - Not comprise the making of, or 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.
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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.