

# Development consent

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

As delegate of the Minister for Planning, I grant development 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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Team Leader  
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Department of Planning and Environment

Jindabyne

12/5/2016

### SCHEDULE 1

<b>Application No.:</b>	DA No. 7611
<b>Applicant:</b>	Tony O'Meara
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	Apartment 28, The Stables, Perisher Valley, Kosciuszko National Park
<b>Type of Development:</b>	Integrated Development
<b>Approved Development:</b>	Internal works to alter Apartment 28 including: <ul style="list-style-type: none"><li>• relocation of apartment entry door;</li><li>• renovation of bathrooms;</li><li>• installation of gas heater with external flue;</li><li>• change of room use from dining to bedroom; and</li><li>• associated works</li></ul>

## DEFINITIONS

Act	means the <i>Environmental Planning and Assessment Act, 1979</i> (as amended).
Applicant	means Tony O'Meara.
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 7611	means the development application and supporting documentation submitted by the applicant on 15 April 2016.
Department	means the Department of Planning and Environment, or its successors.
Director	means the Director of Key Sites Assessments or a delegate of the Key Sites Assessments 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 Key Sites Assessments (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 the Development Application No. DA 7611 submitted by Tony O'Meara on 15 April 2016 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)	Statement of Environmental Effects	Tziallas Omeara Architecture Studio	14 April 2016	-
2	Plan	Proposed Floor Plans Unit 28	Tziallas Omeara Architecture Studio	14 April 2016	A-02
3	Bushfire Safety Authority	Integrated Development for the Stables, Unit 28, 20 Candle Heath Road Perisher Valley	NSW Rural Fire Service	10 May 2016	D16/1331

#### A.3 Inconsistency between documents

If there is any inconsistency between the plans and documentation referred to above, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this approval prevail to the extent of any inconsistency.

#### A.4 Lapsing of consent

This development consent will lapse five years from the date of consent, unless the building, engineering or construction work relating to the development is physically commenced on the land to which this consent applies before the date on which the consent would otherwise lapse.

#### A.5 Prescribed conditions

All works shall comply with the prescribed conditions of development consent as set out in Part 6, Division 8A of the Regulation. In particular, your attention is drawn to:

- (a) clause 98, Compliance with Building Code of Australia;
- (b) clause 98A, Erection of signs during building and demolition works; and
- (c) clause 98E, Condition relating to 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 building work (defined as physical activity involved in the erection of any structures), a construction certificate for the development 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 - prepared and signed by an appropriately qualified practising Structural Engineer that comply with:
  - (i) the BCA;
  - (ii) development consent DA 7611;
  - (iii) drawings and specifications comprising the construction certificate, and
  - (iv) current and relevant Australian Standards.
- (b) Compliance with the BCA - sufficient details to demonstrate that the proposal complies with the relevant provisions of the BCA.

### B.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*.

### B.4 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 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 are to be installed e.g. solar, heat pump or gas.

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## 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 Implementation of site environmental management measures**

Prior to any construction works commencing, all site environmental management measures, shall be in place and in good working order.

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## **PART D – DURING CONSTRUCTION**

### **D.1 Approved plans and documentation to be on-site**

A copy of the documents listed in condition A2 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 on Monday to Friday inclusive, and 7:00am to 1.00pm on Saturdays, with no work allowed on Sunday or Public Holidays, or as otherwise approved by the Secretary or nominee.

### **D.3 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 Work Cover**

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

### **D.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) 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.6 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.7 Prohibition of hazardous materials**

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

#### **D.8 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.9 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.10 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.11 Dirt and Dust Control Measures**

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

#### **D.12 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.

#### **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 CEMP and conditions.

#### **D.14 Electrical works**

All electrical works shall be carried out by a qualified and licensed electrical contractor and installed in accordance with the relevant Australian Standards.

#### **D.15 Compliance with AS 2601-1991**

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

#### **D.16 Plumbing and drainage**

All plumbing and drainage works shall comply with AS/NZS 3500 Plumbing and drainage and shall be carried out by an appropriately licensed plumber.

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### **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.

#### **E.5 Environmental performance**

Prior to the issue of a final occupation certificate, the PCA is to be satisfied that the development complies with all requirements of Condition B.5.

#### **E.6 Structural certification**

A structural engineer's certificate must be submitted to the satisfaction of the PCA prior to issue of any occupation certificate. This certificate is to verify that structural works have been completed in accordance with approved plans and specifications and comply with the provisions of the BCA and relevant standards.

## **PART F – BUSH FIRE SAFETY AUTHORITY**

### **F.1 Annual fire safety statement**

Any external work shall be constructed of non-combustible materials.

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## **PART G – POST OCCUPATION**

### **G.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).

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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.

### **AN.2 Utility services**

- (a) The applicant shall liaise with the relevant utility authorities for electricity, gas (if relevant), water, sewage and telecommunications:
  - (i) to locate all service infrastructure on the subject site;
  - (ii) arrange connection to these services for the development where relevant; and
  - (iii) negotiate relocation and/or adjustment of any infrastructure related to these services that will be affected by the construction of the development.
- (b) The applicant and/or the lessee are responsible for costs associated with relocating any services.