

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

8/03/2017

SCHEDULE 1

Application No.:	DA No. 7923
Applicant:	Lampada Ski Lodge Co Op Ltd
Consent Authority:	Minister for Planning
Land:	Lampada Ski Club, Perisher Range Alpine Resort, Kosciuszko National Park
Type of Development:	Integrated Development
Approved Development:	Building alterations to Lampada Ski Lodge including: <ul style="list-style-type: none">• alterations and additions; and• associated works.

DEFINITIONS

Act	means the <i>Environmental Planning and Assessment Act, 1979</i> (as amended).
Applicant	means Lampada Ski Lodge Co Op Ltd.
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 7923	means the development application and supporting documentation submitted by the applicant on 26 August 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 Director 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 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 the Development Application No. DA 7923 submitted by Lampada Ski Lodge Co Op Ltd on 26 August 2016 and further information provided on 13 December 2016 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	-	Received 6 December 2016	-
2	Bushfire Safety Authority	Integrated development for 107//244471 Lampada Ski Lodge Pretty Valley Road, Perisher	NSW Rural Fire Service	22 September 2016	D16/2958
3	Plan	Site plan	Allan McFarland Designs	July 2016	Sheet 1/5
4	Plan	Ground floor plan	Allan McFarland Designs	July 2016	Sheet 2/5
5	Plan	First floor plan	Allan McFarland Designs	July 2016	Sheet 3/5
6	Plan	West and South elevations	Allan McFarland Designs	July 2016	Sheet 4/5
7	Plan	East and North elevations	Allan McFarland Designs	July 2016	Sheet 5/5
8	Plan	Asset Protection Zone	Allan McFarland Designs	December 2016	Sheet 1a/5
9	Plan	Awning – Exit Detail	Allan McFarland Designs	July 2016	1D
10	Report	Lampada Ski Club Geotechnical Assessment Report	GHD	July 2016	21/25685
11	Form	Form 1 Declaration and certification made by geotechnical engineer	GHD	3 August 2016	-
12	Email	DA 7923 Lampada Ski Lodge, Perisher	Kent Mears	19 January 2017 7:37 pm	-

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

B.2 Structural detail and compliance with the BCA

Prior to the issue of any 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 and practicing structural engineer that comply with:
 - (i) Development Consent DA 7923;
 - (ii) drawings and specifications comprising the construction certificate; and
 - (iii) the BCA and current Australian Standards.
- (b) Compliance with the BCA - Sufficient details to demonstrate that the proposal complies with the relevant provisions of the BCA Volume One Section B, C, D, E, F, G and J.

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 Geotechnical declaration and certification

Prior to the issue of the relevant construction certificate, a completed and signed Form 2 in accordance with the Department's Geotechnical Policy - Kosciuszko Alpine Resorts (2003) shall be submitted to, and be to the satisfaction of the certifying authority. All sections of the Form 2 must be completed and signed by the appropriate person/s. If the Department is not the certifying authority, the appointed certifying authority is to provide a copy of the completed and signed Form 2 to the Department with the copy of the construction certificate.

B.5 Temporary shoring of excavations

Prior to the issue of any construction certificate, sufficient details of the means and appropriateness of providing temporary shoring to any excavated face shall be submitted to, and be to the satisfaction of the certifying authority. This detail shall be prepared and signed by an appropriately qualified practising structural or civil engineer and shall be in accordance with the geotechnical documentation at references 10 and 11 in condition A.2.

B.6 Bush fire safety authority

Prior to the issue of any construction certificate, the certifying authority is to be satisfied that the documentation for the construction certificate demonstrates compliance with the relevant conditions of the bush fire safety authority.

B.7 BCA investigation and/or upgrade

Prior to the issue of any construction certificate, the building ground floor ceiling shall be investigated to confirm compliance with performance requirements CP1 and CP2 of BCA Volume One.

If the building is not compliant, plans and specifications demonstrating building upgrades to provide conformity with BCA performance requirement CP1 and CP2 shall be submitted and be to the satisfaction of the certifying authority.

Details of the method (deemed to satisfy or performance solution) to meet the performance requirements nominated above shall be submitted with the application for the construction certificate. If the Department is not the certifying authority, full details including specification and justification of the methods utilised shall be submitted to the Department with the construction certificate.

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 works commencing, all site environmental management measures in accordance with the approved documentation and plans (Condition A.2) shall be in place and in good working order, and shall be inspected and approved as being satisfactory by the PCA.

C.3 Plumbing and drainage works

A Notice of Work must be provided to the NPWS Perisher Team in accordance with Plumbing and Drainage Act 2011.

C.4 Hydraulic assessment

Prior to the commencement of works relating to plumbing and drainage a hydraulic assessment needs to be undertaken by a suitably qualified person to determine the adequacy of the existing water and sewer services to the premises. The assessment shall be submitted to the certifying authority.

C.5 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.

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 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 Construction activities

- (a) At all times, construction activities shall be undertaken in accordance with the approved documentation.
- (b) All construction activities shall be confined to within the construction zone.
- (c) No disturbance is permitted outside the construction zone unless otherwise agreed by the Secretary or nominee.

D.5 Work Cover

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

D.6 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.7 Geotechnical requirements

At all times during excavation and construction, all persons associated with the construction activities shall adhere to the Department's Geotechnical Policy and the geotechnical recommendations prepared by GHD in their report (Reference 10, Condition A.2).

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 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 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.12 Demolitions work

Any demolition work shall comply with the provisions of AS 2601-1991 Demolition of Structures.

D.13 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.14 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.15 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.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.

D.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.

D.18 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.19 Excavations and backfilling

- (a) All excavating and backfilling shall comply with the following:
 - (i) shall be executed in a safe manner and in accordance with appropriate professional standards;
 - (ii) where excavations are to be left open overnight, provision shall be made so that any fauna entering these excavations can escape;
 - (iii) all excavated material is to be moved off-site for storage or disposal;
 - (iv) adequate provision shall be made for drainage;
 - (v) all excavations shall be properly guarded and protected to prevent them from being dangerous; and
 - (vi) any clean excavated material may be temporarily stockpiled at the site compound prior to its removal off-site.
- (b) Any clean excess fill shall be disposed of at an authorised land fill site, and any contaminated spoil shall be disposed of at an authorised waste facility.

- (c) Fill material imported from outside of Kosciuszko National Park (KNP) shall only be obtained from an OEH recommended source.

D.20 Scaffolding

All scaffolding is to be located within the lot boundaries and shall comply with AS/NZS 1576 Scaffolding and AS/NZS 4576 'Guidelines for Scaffolding'.

D.21 Erosion and sediment control measures

All erosion prevention and sediment control measures in place shall be checked regularly and maintained in good working order at all times. All exposed earth must be kept stabilised and re-vegetation must commence as soon as practicable. All straw bales used for sediment and erosion control must be certified as weed free.

D.22 Site rehabilitation and landscaping

- (a) Any disturbed areas shall be rendered erosion resistant, rehabilitated and landscaped as soon as practical following the completion of construction works.
- (b) Rehabilitation and landscaping shall be undertaken in accordance with the Rehabilitation Guidelines for the Resorts Areas, Kosciuszko National Park (NPWS, 2007).

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 Structural certification

A structural engineer's certificate shall be submitted to 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. A copy of the certificate is to be submitted to the Secretary with the Occupation Certificate documentation.

E.5 Electrical certification

Prior to the issue of an occupation certificate, certification prepared and signed by an appropriately qualified electrician shall be submitted to the PCA. The certificate shall indicate that all electrical works have been installed by a qualified and licensed electrician and installed in accordance with the relevant Australian Standards.

E.6 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.7 Plumbing and drainage works

Prior to the issue of an occupation certificate, a Certificate of Compliance and a Sewer Service Diagram of the works shall be provided to the plumbing regulator in accordance with Plumbing and Drainage Act 2011.

E.8 Geotechnical certification

Prior to the issue of an occupation certificate, a completed and signed Form 3 in accordance with the Department's Geotechnical Policy - Kosciuszko Alpine Resorts (2003) must be submitted to, and be to the satisfaction of the PCA. All sections of the Form 3 must be completed and signed by the appropriate person/s. If the Department is not the PCA, the appointed PCA shall provide a copy of the completed and signed Form 3 to the Department with the copy of the occupation certificate.

PART F – BUSHFIRE SAFETY AUTHORITY

F.1 Asset Protection Zones

The intent of measures is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants. To achieve this, the following conditions shall apply:

1. At the commencement of building works and in perpetuity the property around the building shall be managed as follows as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones':
 - north for a distance of 7 metres as an inner protection area;
 - east for a distance of 9 metres as an inner protection area;
 - south for a distance of 7 metres as an inner protection area; and
 - west for a distance of 7 metres as an inner protection area.

F.2 Water and Utilities

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

2. Any installation of water, electricity and gas approved as part of this proposal are to comply with the requirements of section 4.1.3 of 'Planning for Bushfire Protection 2006' and Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

F.3 Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

3. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.
 - An Emergency/Evacuation Plan is to be prepared in accordance with the NSW Rural Fire Service Guidelines for the Preparation of Emergency/Evacuation Plan and comply with Australian Standard AS 3745:2010 'Planning for Emergencies in Facilities'.
 - Detailed plans of all Emergency Assembly Areas including "on site" and "off-site" arrangements as stated in Australian Standard AS 3745:2010 'Planning for Emergencies in Facilities' are clearly displayed, and an annual (as a minimum) trial emergency evacuation is conducted.

F.4 Design and construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bushfire attack. To achieve this, the following conditions shall apply:

4. New construction shall comply with Sections 3 and 8 (BAL40) Australian Standard AS3959-2009 'Construction of buildings in bushfire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

F.5 Landscaping

5. Any landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bushfire Protection 2006'.

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.6).

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 Premises Standard

The persons responsible for ensuring compliance with the Premises Standard (Access to Premises – Buildings) are the building certifier, building developer, and building manager. The Standard's applicability should be reasonably investigated by these persons.