

Development consent

Section 4.16 of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, under delegation executed on 11 October 2017, I approve the Development Application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental 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
Alpine Resorts Team
Department of Planning, Industry and Environment

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19/12/2019

SCHEDULE 1

Application No.:	DA No. 10104
Applicant:	Luhajo Pty Ltd
Consent Authority:	Minister for Planning and Public Spaces
Land:	Eiger Chalet, Lot 1 DP 44456, 1 Wheatley Road, Perisher Valley, Kosciuszko National Park
Type of Development:	General Development
Approved Development:	Internal alterations to existing tourist accommodation building

DEFINITIONS

Act		means the <i>Environmental Planning and Assessment Act, 1979</i> (as amended).
Applicant		means Luhajo Pty Ltd, or any person carrying out any development to which this consent applies.
Approval Body		has the same meaning as within Division 4.8 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.
Certifier		has the same meaning as in Part 6 of the Act.
DA No 10104		means the development application submitted by the Applicant on 4 December 2019.
Department		means the Department of Planning, Industry and Environment, or its successors.
Director		means the Director of Regional Assessments or a delegate of the Director of within the Department.
Minister		means the Minister for Planning and Public Spaces, or nominee.
NPWS		National Parks and Wildlife Service
Principal Certifier		means the principal certifier and has the same meaning as Part 6 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 agreement satisfaction	approval, or	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 Regional 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 measures and criteria established in this consent, all reasonable and feasible measures to prevent, and if prevent is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development.

A.2 Development in accordance with approved documentation and plans

The development shall be in accordance with:

- (a) DA No. 10104 submitted by Luhajo Pty Ltd on 4 December 2019;
- (b) supporting documentation submitted with that application (DA 10104); and
- (c) conditions of this consent

including:

Ref No.	Document	Title/Description	Author/Prepared by	Date Received	Document Reference
1	Statement of Environmental Effects (SEE)	Statement of Environmental Effects for proposed apartment upgrades – Eiger Chalet 2019/2020	-	4 December 2019	-
2	Plan	Proposed New Plans	-	18 December 2019	-

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; 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 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 a construction certificate for the development must be obtained.

B.2 Documentation for the construction certificate

The proposed works must comply with the applicable performance requirements of the BCA to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:

- (a) complying with the deemed to satisfy provisions; or
- (b) formulating a performance solution which:
 - (i) complies with the performance requirements; or
 - (ii) is shown to be at least equivalent to the deemed to satisfy provision; or
 - (iii) a combination of (a) and (b).

B.3 Construction Details

Prior to the issue of a construction certificate, the Applicant shall submit to the certifier construction drawings of the location of proposed works demonstrating how compliance with the Building Code of Australia is achieved. The drawings shall include:

- (a) scale and dimensions;
 - (b) specifications that describe the construction and materials to demonstrate compliance with the BCA provisions that are relevant to the proposal;
 - (c) construction details for fire safety and fire resistance;
 - (d) location of essential fire safety measures;
 - (e) loadbearing & non-loadbearing walls; and
 - (f) a statement as to how the performance requirements of the BCA are to be complied with
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PART C – PRIOR TO THE COMMENCEMENT OF WORKS

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

The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.

If the construction or operation of the development is to be staged, the Department must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

C.2 Structural Details

Prior to the commencement of the relevant works, the Applicant shall submit to the Principal Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer. A copy of the plans shall be submitted to the Department prior to the commencement of works.

C.3 Plumbing and drainage works

Prior to the commencement of works, a Notice of Work must be pre-notified to the plumbing regulator (NPWS Perisher Team) in accordance with *Plumbing and Drainage Act 2011*. For more information please refer to the OEH website:

<http://www.environment.nsw.gov.au/alpineresorts/plumbing-and-drainage.htm>

C.4 Compliance

The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

C.5 Demolition

Demolition work must comply with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001).

C.6 Site Environmental Management Measures

The Applicant must ensure that all of site environmental management measures listed in the Statement of Environmental Effects (3 – general information) are implemented and adhered to.

PART D – DURING WORKS

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, any person associated with construction works, or an officer of the Department.

D.2 Hours of works

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 Period of works

- (a) All works 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) The Applicant shall ensure that that the site is made safe and secure by undertaking, where required, the following:
 - (i) removal of all waste materials;
 - (ii) appropriate signage shall be erected outlining that unauthorised access to the site is prohibited and that the site is a construction zone;
 - (iii) all disturbed ground is stabilised and made erosion resistant;
 - (iv) any excavations are made safe and secure; and
 - (v) any other specific matters related to making the site safe and secure raised by the Secretary or nominee.

D.4 Work Cover

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

D.5 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.6 Prohibition of hazardous materials

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

D.7 Recycled Material

Wherever possible, building material should be salvaged for reuse during the construction of the building or sent to a recycling facility to reduce landfill.

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

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

D.12 Demolition

During construction, demolition work must comply with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001).

D.13 Plumbing and drainage

All plumbing and drainage works shall comply with the Plumbing Code of Australia and Australian Standard AS/NZS 3500 *Plumbing and drainage* and shall be carried out by an appropriately licensed plumber.

D.14 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.15 Maintenance of services

The Applicant and/or the lessee are responsible for costs associated with relocating any services. Any damage to any service including road infrastructure shall be immediately rectified by the applicant and/or the lessee.

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 Principal Certifier. 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 the commencement of use, the subject site shall be cleaned up to the satisfaction of the Secretary or nominee.

E.3 Electrical certification

Prior to the commencement of use, certification prepared and signed by an appropriately qualified electrician shall be submitted to the Secretary or nominee. 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.4 Plumbing and draining works

Prior to the issue of any occupation certificate, a Certificate of Compliance and Sewer Service Diagram (SSD) shall be provided to the plumbing regulator (NPWS Perisher Team) in accordance with *Plumbing and Drainage Act 2011*.

E.5 Fire safety certificate

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

PART E – 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.

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.

AN.3 Utility services

- (a) The Applicant shall liaise with the relevant utility authorities for electricity, gas (if relevant), water, sewage, telecommunications on the subject site:
- (i) to locate all service infrastructure on the subject site; and
 - (ii) 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.
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