

# 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 9 March 2020, 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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9 April 2020

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### SCHEDULE 1

|                              |   |
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| <b>Application No.:</b>      | DA No. 10157  |
| <b>Applicant:</b>            | Kandahar Ski Club Ltd   |
| <b>Consent Authority:</b>    | Minister for Planning and Public Spaces   |
| <b>Land:</b>                 | Kandahar Ski Club, Lot 84 DP 756697, 2 Raven Place, Perisher Valley, Kosciuszko National Park |
| <b>Type of Development:</b>  | General Development   |
| <b>Approved Development:</b> | Internal repair works to an existing tourist accommodation building                           |

## DEFINITIONS

|  |                 |  |
|--|-----------------|--|
| Act                                      |                 | means the <i>Environmental Planning and Assessment Act, 1979</i> (as amended).   |
| Applicant                                |                 | means Kandahar Ski Club 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 10157                              |                 | means the development application submitted by the Applicant on 25 February 2020.  |
| 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<br>agreement<br>satisfaction | approval,<br>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. 10157 submitted by Kandahar Ski Club Ltd on 25 February 2020;
- (b) supporting documentation submitted with that application (DA 10157); and
- (c) conditions of this consent

including:

| Ref No. | Document                                 | Title/Description   | Author/Prepared by                      | Date                      | Document Reference |
|---------|--|---|---|---------------------------|--------------------|
| 1       | Statement of Environmental Effects (SEE) | Statement of Environmental Effects  | -                                       | Received 25 February 2020 | -                  |
| 2       | Plan                                     | Kandahar Floor Plan   | -                                       | Received 25 February 2020 | -                  |
| 3       | Plan                                     | Section – Southern Wall Condensation Rectification                                      | John Skurr Consulting Engineers Pty Ltd | 22 December 2019          | A01A               |
| 4       | Plan                                     | Section – Southern Wall Condensation Rectification                                      | John Skurr Consulting Engineers Pty Ltd | 22 December 2019          | A02A               |
| 5       | Report                                   | Detailed Rectification Procedure of Kandahar Lodge Southern Wall to Reduce Condensation | John Skurr Consulting Engineers Pty Ltd | 22 December 2019          | A03A               |

#### 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).

### **B3 Compliance with performance requirement P2.4.7**

The works shall comply with performance provision P2.4.7 (Condensation and water vapour management). Prior to the issue of the Construction Certificate the Applicant is to provide documentary evidence regarding compliance with P2.4.7.

### **B.4 Structural drawings and design statement**

Prior to the issue of the relevant construction certificate for any structural works, the Applicant shall submit structural drawings and a design statement, prepared and signed by an appropriately qualified practising Structural Engineer, to the certifier.

### **B.5 Building works plan**

Prior to the issue of a construction certificate, the Applicant shall submit to the certifier a building works plan and specifications that demonstrates compliance with:

- (a) the relevant clauses of the BCA; and
- (b) the development consent.

### **B.6 Specifications**

Prior to the issue of the relevant construction certificate, the Applicant shall provide to the certifier specifications for the development:

- (a) that describe the construction and materials of which the building is to be built and the method of drainage, sewerage and water supply, and
- (b) that state whether the materials to be used are new or second-hand and (in the case of second-hand materials) give particulars of the materials to be used.

### **B.7 Existing and proposed fire safety measures**

Prior to the issue of the relevant construction certificate, the Applicant shall provide to the certifier:

- (a) a list of any existing fire safety measures provided in relation to the land or any existing building on the land, and
- (b) a list of the proposed fire safety measures to be provided in relation to the land and any building on the land as a consequence of the building work.

## **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 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.3 Machinery and storage**

Machinery used during construction must be cleaned prior to site mobilisation, be regularly maintained and manoeuvred to prevent the spread of exotic vegetation. Storage of machinery and material is to be restricted to the designated disturbed areas (i.e. existing lift disturbance areas or existing disturbed ski slopes).

### **C.4 Compliance**

The Applicant must ensure that all 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.

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## **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.

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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 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 Plumbing and drainage works**

If any plumbing or drainage works occurred, prior to the issue of the relevant 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.4 Electrical certification**

If any electrical works occurred, prior to the issue of the relevant occupation certificate, certification prepared and signed by an appropriately qualified electrician shall be submitted to the Principal Certifier. 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.

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## **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.

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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 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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