



ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
DETERMINATION OF DEVELOPMENT APPLICATION No. DA 027-03-2010

I, Michael Woodland, Director, Metropolitan Projects as delegate for the Minister for Planning under Instrument of Delegation dated 25 January 2010 pursuant to Section 80 (1)(a) of the Environmental Planning and Assessment Act 1979 determine the Development Application referred to in Schedule 1 subject to the conditions referred in Schedule 2.

The reasons for the imposition of conditions are:

- (1) To protect the environment and amenity of the locality;
- (2) To preserve the visual amenity of the area;
- (3) To ensure public health and safety; and
- (4) Ensure the proposed works are carried out in accordance with the relevant Australian standards, provisions of the Building Code of Australia and are completed in a satisfactory manner.

A handwritten signature in black ink, appearing to be "M Woodland".

Michael Woodland
Director
Metropolitan Projects

19 / 4 / 2010

SCHEDULE 1

PART A—TABLE

Application made by:	Evan Marler
Application made to:	Minister for Planning
Development Application:	DA No. 027-03-2010
On land comprising:	Stillwell Lodge, Charlotte Pass.
For the carrying out of:	Alterations to the building for new dry goods store and new female sanitary facilities on the Ground Floor.
Estimated Cost of Works	\$15,000.00
Type of development:	Local
S.119 Public inquiry held:	No
Approval Body / Bodies:	Nil
Determination made on:	19 / 4 / 2010
Determination:	Development consent is granted subject to the conditions in the attached Schedule 2.
Date of commencement of consent:	This development consent commences on the date identified in the accompanying letter.
Date consent is liable to lapse	This consent will lapse 5 years from the date of commencement of consent, unless: a shorter period of time is specified by the Regulations or a condition in Schedule 2.

PART B—NOTES RELATING TO THE DETERMINATION OF DA No. 027-03-2010.

Responsibility for Other Approvals / Agreements

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid:

- (1) for a development application, within 12 months after the date on which the applicant received this notice, or
- (2) for a modification to the consent, within 3 months after the date on which the application received this notice.

Legal Notices

Any advice or notice to the consent authority shall be served on the Director-General.

PART C—DEFINITIONS

In this consent,

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

Applicant means Evan Marler on behalf of Stillweel Lodge. Pty 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 027-03-2010 means the development application and supporting documentation submitted by the applicant on 15 March 2010.

Department means the Department of Planning.

Director means the Director of the Metropolitan Projects Unit (or its successors) or a delegate of the Director of the Metropolitan Projects Unit within the Department.

Director-General means the Director-General of the Department.

Minister means the Minister for Planning.

PCA means the Principal Certifying Authority as prescribed in Part 4A of the Act.

Regulations means the *Environmental Planning and Assessment Regulations, 2000* (as amended).

Subject Site has the same meaning as the land identified in Part A of this schedule.

Team Leader means the Team Leader of the Metropolitan Projects Unit (or its successors) or a delegate of the Team Leader of the Metropolitan Projects Unit within the Department.

SCHEDULE 2

CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. DA 027-03-2010

INTERNAL ALTERATIONS TO STILLWELL LODGE TO CREATE A NEW DRY GOODS STORE AND NEW SANITARY FACILITIES.

This consent is granted subject to the following:

PART A ADMINISTRATIVE CONDITIONS

A1 Development Description

Development consent is for internal alterations to the building to create a new dry goods store and new sanitary facilities at Stillwell Lodge, Charlotte Pass.

A2 Development in Accordance with Plans

The development shall be in accordance with Development Application No. DA-027-03-2010 submitted by Mr Evan Marler on 15 March 2010 and in accordance with the supporting documentation submitted with that application including, but not limited to, the following:

- Plan titled 'Original Layout submitted with the application.
- Plan titled "Proposed Changes submitted with the application.
- Statement of Environmental Effects submitted with the application.
- Site Environmental Management Plan submitted with the application.

A3 Inconsistency between documents

In the event of any inconsistency between conditions of this approval and the drawings/plans/documents referred to above, the conditions of this approval prevail.

A4 Prescribed Conditions

The Applicant shall comply with the prescribed conditions of approval under clause 98 of the Regulation.

A5 Lapsing of Consent

The development consent shall lapse 5 years after the determination date in Part A of Schedule 1 of this consent.

A6 Compliance with the Building Code of Australia (BCA)

All works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

B1 Commencement of Works

Demolition, excavation, clearing, construction, subdivision or associated activities must not commence until a Construction Certificate has been issued for the proposed development pursuant to the *Environmental Planning and Assessment Act, 1979*.

B2 Compliance with the Building Code of Australia (BCA)

Details are to be provided to the satisfaction of the Certifying Authority, with the application for a Construction Certificate, which demonstrate that the proposal complies with the requirements of the BCA.

B3 Existing and Proposed Fire Safety Measures

In accordance with Schedule 1 of the *EP&A Regulations*, prior to the issue of the Construction Certificate the applicant shall provide:

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

B4 Environmental Health

The design and construction of the dry store must comply with the *Food Act 2003* and the Australia New Zealand Food Standards Code. Additional guidance is also provided by Australian Standard 'AS4674-2004 *Design, construction and fit-out of food premises*'. Written comments shall be obtained from the NPWS Senior Environmental Health Officer prior to the issue of a construction certificate.

PART C PRIOR TO COMMENCEMENT OF WORKS

C1 Notification to Department of the Date of Commencement of Works

The Department shall be given written notice, at least 2 days prior to works commencing on site, of the date work is proposed to commence.

PART D DURING CONSTRUCTION

D1 Approved Plans to be On-Site.

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, or the PCA.

D2 Asbestos or other hazardous material

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. 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.

D3 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) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (b) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
- (c) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice;
- (d) 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.
- (e) If the PCA is not the Department then the name and contact details of the PCA are to be identified on the site signage.

D4 Loading and Unloading of Construction Vehicles

All loading and unloading associated with demolition and construction shall be restricted to the road or disturbed areas of the site.

D5 Storage of Materials

The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any trees.

D6 Work Cover

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

D7 Hours of Work & Construction Activities

The following requirements apply to the hours of demolition, excavation and construction work on the development:

- (a) All work, including building/demolition and excavation work in connection with the proposed development must only be carried out between the hours of 7.00am and 5.00pm on Monday to Friday inclusive, and 8:00am to 5.00pm on Saturdays, with no work allowed on Sunday or Public Holidays, or as otherwise approved by the Director General or nominee;
- (b) 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 30 May or as otherwise approved by the Director General or nominee. By 30 May the applicant must ensure that the site is made safe and secure by undertaking the following:
 - Removal of all waste materials;
 - Removal and/or securing of all stockpiles of soil and gravel;
 - Construction materials are removed from around the building and stored within the building or contained within designated areas;
 - The construction 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;
 - Ensure appropriate signage is erected outlining that unauthorised access to the site is prohibited and that the site is a construction zone;
 - External scaffolding to be dismantled and removed from the site;
 - All external plumbing and drainage works are to be completed; and
 - Any other specific matters raised by Departmental staff during the course of construction.
- (c) Prior to the commencement of the works the applicant shall forward to the Department a 24 hour telephone number and shall ensure that the number is continually attended by a person with authority over the works for the duration of the development.
- (d) This development consent does not extend to the use of appliances, which emit noise of a highly intrusive nature (such as pile drivers and hydraulic hammers). Prior to the use of any such appliances the applicant shall seek, in writing, authorisation from the PCA. The written information should include, but not be limited to, the following:
 - Details of the appliance.
 - Construction activity associated with the appliance.
 - Noise and vibration mitigation measures.
 - Length of time the appliance will be in use.

If authorisation is given, the PCA shall provide a copy to the Department.

D8 Compliance with Australian Standard 2601-1991: 'Demolition of Structures'

The demolition work shall comply with the provisions of Australian Standard AS 2601-1991 'Demolition of Structures'.

D9 Plumbing and Drainage Works

All plumbing and drainage works undertaken as part of this approval shall comply with AS 3500 and are to be carried out by an appropriately licensed plumber.

D10 Waste Materials

All waste resulting from works shall be either recycled or appropriately disposed of to an approved landfill site.

D11 Energy Efficiency

Energy efficiency is to be maximised within the development including but not limited to the following:

- (a) energy efficient options for lighting are to be installed in all cases where possible,
- (b) 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 natural gas water heaters which are to have a rating of 5 stars or more),
- (c) all baths, hot water pipes and ceiling spaces are to be insulated,
- (d) air conditioners to be installed 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,
- (e) doors and windows are to be fitted with draught seals and weather stripping,
- (f) energy efficient water heaters are to be installed e.g. solar, heat pump or gas, and
- (g) where washing machines are to be installed they are to be water efficient washing machines such as front loading machines.

D12 Water Ratings

All water fixtures installed within the premises are to have a AAA water rating or more. The Applicant shall submit to the PCA a statement demonstrating compliance with the requirements of this condition.

PART E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

E1 Occupation Certificate

An Occupation Certificate must be obtained from the PCA and a copy furnished to the Department (if the Department is not the PCA) prior to the occupation of the building or commencement of the use.

E2 Environmental Health

An inspection of the completed works shall be undertaken by the NPWS Senior Environmental Health Officer. Written confirmation from the NPWS Senior Environmental Health Officer that the inspection has been undertaken and works completed to the satisfaction of NPWS shall be submitted to the PCA prior to the issue of the occupation certificate.

E3 Fire Safety Certificate

A Fire Safety Certificate shall be submitted to the PCA for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of an Occupation Certificate. A copy of the Fire Safety certificate must be submitted to the Department by the PCA.

E4 Removal of Temporary Structures – Builder's Signs

Any temporary builder's signs or other site information signs are to be removed upon completion of the site works and prior to the occupation of the building(s) or commencement of the use.

E5 Site Clean Up

Prior to the issue of the Occupation Certificate, the subject site is to be cleaned up and appropriately rehabilitated to its original condition, subject to any changes as part of the approval to the satisfaction of the PCA. The site clean up includes but is not limited to the removal of any waste generated from the works and the like.

PART F POST OCCUPATION

F1 Prohibition of Hazardous Materials

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

F2 Annual Fire Safety Statement

An Annual Fire Safety Statement must be provided to the Department and the NSW Fire Brigade every 12 months commencing within 12 months after the date on which the Department has received the initial Fire Safety Certificate.

F3 Requirements of Public Authorities and/or Service Providers for Location of and Connection to Services.

The applicant shall consult with any public authorities and/or service providers to determine the location of services. The applicant shall comply with the requirements of any public authorities and/or service providers (e.g. Country Energy, Telstra, ELGAS, etc) in regard to the connection to, minor relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the applicant.

PART H ADVISORY

H1 Disability Discrimination Act

The applicant's attention is drawn to legislation regarding responsibility to provide an improved environment for disabled persons. The *Disability Discrimination Act* (DDA) is federal legislation and aims to increase the economic and social independence of people with a disability. The DDA applies to discrimination against any person on the grounds of disability in the areas of: accommodation; education; access to premises; provision of goods; services and facilities; the activities of clubs or sports; and the request for information. The applicant must satisfy themselves that they are familiar with the DDA and have considered it in the Development Application process.
