

# Development consent

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

As delegate of the Minister for Planning, under delegation executed on 9 March 2022, 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 and Environment**

Jindabyne

13 September 2022

---

### SCHEDULE 1

<b>Application No.:</b>	DA No. 10630
<b>Applicant:</b>	Mark and Brigitte Beaton
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	20 Mountain Drive (Lot 612 DP 1118588), Thredbo Village, Thredbo Alpine Resort, Kosciuszko National Park
<b>Type of Development:</b>	Integrated Development
<b>Integrated Bodies:</b>	NSW Rural Fire Service
<b>Approved Development:</b>	Alterations and additions to an existing tourist accommodation building to include a first floor studio apartment above a garage and altered front entry area as outlined in Condition A.2

## DEFINITIONS

Act	means the <i>Environmental Planning and Assessment Act, 1979</i> (as amended).
Applicant	means Mark and Brigitte Beaton, 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 10630	means the development application lodged on 25 September 2020.
Department	means the Department of Planning and Environment, or its successors.
Development	means the development approved pursuant to this consent, as defined in Condition A.2 and as modified by the conditions of this consent.
Director	means the Director of Regional Assessments or a delegate of the Director of within the Department.
EP&A Regulation	means the <i>Environmental Planning and Assessment Regulation, 2021</i> (as amended).
EP&A (DCFS) Regulation	means the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation, 2021</i> (as amended).
Minister	means the Minister for Planning, or nominee.
NPWS	means the National Parks and Wildlife Service, or its successors.
Non-compliance	means an occurrence, set of circumstances or development that is a breach of this consent.
Park	means the Kosciuszko National Park reserved under the <i>National Parks and Wildlife Act 1974</i> .
Precincts-Regional SEPP	means the <i>State Environmental Planning Policy (Precincts - Regional) 2021</i> (as amended), that includes Chapter 4 – Kosciuszko National Park and alpine resorts.
Principal Certifier	means the principal certifier and has the same meaning as Part 6 of the Act.
Rehabilitation Guide	means the NPWS document entitled: <i>Rehabilitation Guidelines for the Resorts Areas of Kosciuszko National Park</i> (2007) a copy of which is available at: <a href="https://www.environment.nsw.gov.au/research-andpublications/publications-search/rehabilitation-guidelines-for-the-resort-areas-of-kosciuszko-national-park">https://www.environment.nsw.gov.au/research-andpublications/publications-search/rehabilitation-guidelines-for-the-resort-areas-of-kosciuszko-national-park</a>
RFS	means the NSW Rural Fire Service, or its successors.
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.
Site Environmental Management Plan or SEMP	means a site environmental management plan for the Subject site, prepared by the Applicant as part of Condition A.2.
Stockpile Guide	means the NPWS document entitled: ' <i>Soil Stockpile Guidelines for the Resort Areas of Kosciuszko National Park, October 2017</i> ', a copy of which can be obtained from the NPWS Resorts Environmental Services Team.

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 prevention 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 must be in accordance with the:

- (a) Development Application No. DA 10630 and supporting documentation lodged on 25 September 2020;
- (b) additional information received during the assessment of the application;
- (c) conditions of this consent; and
- (d) approved documents in the table below (except where modified by conditions of this consent):

Ref No.	Document	Title/Description	Author / Prepared by	Date	Document Reference
1	Statement of Environmental Effects	Proposed Alterations and Additions 20 Mountain Drive, Thredbo	-	2 February 2021	Rev. B
2	Appendix A to SEE	Site Environmental Management Plan	-	-	-
3	Report	Bushfire Hazard Assessment Report	Complete Bushfire Reports	November 2020	20121, Rev. 01
4	Report	Geotechnical Assessment	JK Geotechnics Pty Ltd	8 April 2020	33066SHrpt2
5	Form 4	Form 4 – Minimal Impact Certification	JK Geotechnics Pty Ltd	8 April 2020	-
6	Plan	Ground Floor Plan	David Law	25 November 2020	Sheet 1, Issue J
7	Plan	1 <sup>st</sup> Floor Plan	David Law	25 November 2020	Sheet 2, Issue G

8	Plan	East Elevation	David Law	3 June 2020	Sheet 3, Issue D
9	Plan	South Elevation	David Law	3 June 2020	Sheet 4, Issue D
10	Bushfire Safety Authority	s100B – SFPP – Other Tourist Accommodation 20 Mountain Drive, Thredbo NSW 2625 612//DP1118588	NSW Rural Fire Service	13 May 2022	DA20200930 003574- CL55-1

Note: In accordance with section 24(3)(a) of the Regulation, a Development Application is lodged on the day on which the fees payable for the Development Application under this Regulation are paid, including the integrated development fees.

### **A.3. Inconsistency between documents**

The conditions of this consent prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in Condition A.2. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Condition A.2, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

### **A.4. Lapsing of consent**

This consent lapses five years after the date of consent unless work for the purposes of the Development is physically commenced.

### **A.5. Prescribed conditions**

All works shall comply with the prescribed conditions of development consent as set out in Part 4, Division 2 of the EP&A Regulation. In particular, your attention is drawn to:

- (a) section 69, Compliance with Building Code of Australia; and
- (b) section 70, Erection of signs during building and demolition works.

### **A.6. Australian standards**

All works which are part of the Development must be carried out in accordance with relevant current Australian Standards.

### **A.7. Legal notices**

Any advice or notice to the consent authority must be served on the Secretary.

### **A.8. Non-Compliance Notification**

The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) and [alpineresorts@planning.nsw.gov.au](mailto:alpineresorts@planning.nsw.gov.au) within seven days after the Applicant becomes aware of any Non-compliance. The Principal Certifier must also notify the Department in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) and [alpineresorts@planning.nsw.gov.au](mailto:alpineresorts@planning.nsw.gov.au) within seven days after they identify any Non-compliance.

The notification must identify the Development and the application number for it, set out the condition of consent that the Development is Non-compliant with, the way in which it does not

comply and the reasons for the Non-compliance (if known) and what actions have been, or will be, undertaken to address the Non-compliance.

A Non-compliance which has been notified as an incident does not need to also be notified as a Non-compliance.

**A.9. Approved use**

This development consent is for a tourist accommodation building that includes the use of the building as transient accommodation for a number of unrelated persons.

**A.10. Excluded development**

The Department has not assessed or approved any external car parking associated with this development.

---

## **PART B – PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **B.1. Construction certificate**

Building and demolition works must not commence until a relevant construction certificate has been issued. Prior to the issue of the construction certificate, the Certifier must be satisfied that the documentation for the construction certificate demonstrates compliance with the conditions in Part B of this consent.

If the Department is not appointed as the Certifier, the Applicant must provide a copy of the construction certificate to the Department within 2 days of it being issued by the Certifier.

### **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;
  - (ii) is shown to be at least equivalent to the deemed to satisfy provision; or
  - (iii) a combination of (i) and (ii).

### **B.3. BCA Compliance Report**

Prior to the issue of the construction certificate, the Applicant must engage a suitably qualified building consultant and submit a BCA compliance report demonstrating that the proposal complies with the relevant provisions of Volume One of the BCA in accordance with its approved use as a tourist accommodation building to the satisfaction of the Certifier.

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

Prior to the issue of the relevant construction certificate, the Applicant must 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 building work plans that demonstrates compliance with:

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

Note: The appropriate building work plans and specifications must include, but not limited to, the following:

- (a) detailed building work plans, drawn to a suitable scale and consisting of a block plan and a general plan, that show the following:
  - (i) a plan of each floor section,
  - (ii) a plan of each elevation of the building,
  - (iii) the levels of the lowest floor, an unbuilt yard or area that belongs to the lowest floor and the adjacent ground,
  - (iv) the height, design, construction and provision for fire safety and fire resistance, if any,
- (b) building work specifications that:
  - (i) describe the construction and the materials to be used to construct the building, and

- (ii) describe the method of drainage, sewerage and water supply, and
- (iii) state whether the materials to be used are new or second-hand and contain details of any second-hand materials to be used.

## **B.6. Specifications**

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

- (c) that describe the construction and materials of which the buildings, services and infrastructure are to be built, and
- (d) 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 and manner of use.

## **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.

Section 14(3) of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* provides that a certifier must not issue a construction certificate for alteration building work unless, on completion of the building work, the fire protection and structural capacity of the building will not be reduced.

As a result, any existing fire safety measures are to remain and be included in the fire safety schedule.

## **B.8. Accessibility – Building standards**

The following instruments describe building standards relevant to promoting accessibility for persons with a disability:

- (a) the *Disability Discrimination Act 1992* (Cth);
- (b) the *Disability (Access to Premises – Buildings) Standards 2010*; and
- (c) the BCA,

(together, the ‘relevant provisions’)

Prior to the determination of any construction certificate, the Applicant must provide the Certifier with sufficient information demonstrating that the Development work/s will achieve compliance with the relevant provisions. Where the Department is not the Certifier, a copy of the documentation incorporating the information required by this condition must be submitted to the Department with the approved construction certificate.

## **B.9. Upgrading of existing separating wall between Lot 611 and Lot 612**

The Applicant must ensure the following fire safety and BCA upgrade works in accordance with the relevant performance provisions of Volume One of the BCA are undertaken as part of the development.

The fire separating wall should achieve a fire resistance level of 90/90/90, as follows:

- (a) rectification work is to be undertaken to reinstate the separating wall to be compliant with the FRL; or
- (b) where not physically possible to achieve retrospective compliance, a performance solution must be prepared and any additional recommended works undertaken as part of the development.



Details of the method (deemed to satisfy provision or performance solution) to meet building upgrade requirements in accordance with the relevant performance provisions of Volume One of the BCA shall be submitted with the application for the construction certificate. Where the Department is not the Certifier, full details including specification and justification of the methods utilised must be submitted to the Department with the approved construction certificate.

Note: This only applies to the Lot 612 side of the separating wall. This consent does not allow for any works on Lot 611.

#### **B.10. Fire separation between Sole Occupancy Units (SOUS)**

Details demonstrating compliance with the relevant performance provisions of Volume One of the BCA for fire separation between SOUS in the building are to be submitted to the certifier for consideration. Plans, specifications and construction details of the proposed method of fire separation must be submitted with the application for the construction certificate. Documents relied on for the determination of the construction certificate must be included in the schedule accompanying the construction certificate.

#### **B.11. 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.

Details are to be submitted to the Certifier prior to the issue of a construction certificate. Where the Department is not the Certifier, a copy of the documentation must be provided to the Department with the approved construction certificate.

#### **B.12. Payment of the long service levy**

Prior to the issue of any construction certificate, evidence shall be provided to the Certifier, 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 and Construction Industry Long Service Payments Act 1986*.

#### **B.13. External walls and cladding**

The external walls of all buildings must comply with the relevant requirements of the BCA.

Prior to the issue of the relevant construction certificate, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels, comply with the requirements of the BCA.

The Applicant must provide a copy of the documentation given to the Certifier to the Secretary within seven days after the certifier accepts it.

#### **B.14. Termite protection**

Where required, any new building work which are part of the Development must be protected from attack from subterranean termites in accordance with AS 3660 *Termite management*. Details are to be submitted to the Principal Certifier prior to the issue of the construction certificate.

If the Department is not the certifier, the certifier is to provide a copy of the information to the Department with the copy of the construction certificate.

#### **B.15. Hydraulics plan**

Prior to the issue of the construction certificate, a hydraulics plan in accordance with the relevant and current Australian Standards and design statement, prepared by an appropriately qualified and practising professional, shall be submitted to the satisfaction of the Certifier.

A copy of the documentation relied on shall be submitted to the Department with the construction certificate.

#### **B.16. Stormwater drainage plan**

Prior to the issue of the construction certificate, a stormwater drainage plan and design statement prepared and signed by an appropriately qualified and practising stormwater or civil engineer, shall be submitted to the satisfaction of the Certifier following endorsement from Kosciuszko Thredbo Pty Ltd.

The plan shall address the following:

- (a) the stormwater system shall be designed in consultation with Kosciuszko Thredbo Pty Ltd and evidence of consultation shall be provided;
- (b) Kosciuszko Thredbo Pty Ltd shall provide confirmation that the drainage system that the development is to connect to is capable of handling the stormwater generated by the development and the discharge points are appropriate; and
- (c) volume calculations of the stormwater system shall be provided.

Details of each of the above shall be submitted with the application for the construction certificate.

A copy of the documentation relied on shall be submitted to the Department with the construction certificate.

#### **B.17. Energy efficiency**

The approved tourist accommodation building is not a *BASIX building* as defined by the EP&A Regulation. All works shall comply with Section J of Volume One of the BCA. Details indicating compliance with these requirements and a design statement must be submitted the satisfaction of the certifier prior to the issue of the construction certificate.

A copy of the documentation relied on shall be submitted to the Department with the construction certificate.

#### **B.18. Mechanical ventilation**

Prior to the issue of the construction certificate, drawings and a design statement prepared by an appropriately qualified and practising designer or engineer, shall be submitted to the satisfaction of the Certifier to demonstrate that the proposal complies with:

- (a) identifies the location of the mechanical ventilation system, discharge vents (if applicable), air flow measurements and the noise rating of the fan(s) and motor(s)
- (b) the mechanical ventilation systems comply with *Australian Standard / New Zealand Standard 1668.2 – 2012 (The use of ventilation and airconditioning in buildings – Mechanical ventilation in buildings)*
- (c) a mechanical ventilation engineer or other suitably qualified professional is required to design the system and the installation is to be carried out by a suitably qualified trade person.

A copy of the documentation relied on shall be submitted to the Department with the construction certificate.

#### **B.19. Heating and cooling appliances**

Prior to the issue of the construction certificate, details, specifications and plans of the proposed heating and cooling appliances to be installed for the building is to be submitted to the satisfaction of the Certifier.

#### **B.20. Waste receptacle**

Prior to the issue of the construction certificate, the Applicant shall obtain written consent from Kosciuszko Thredbo Pty Ltd for the location and design of an appropriate waste storage facility (providing waste and recycling bins). A copy is to be furnished to the Certifier.

A copy of the documentation relied on shall be submitted to the Department with the construction certificate.

#### **B.21. Materials and colours**

Prior to the issue of the construction certificate, the Certifier must be satisfied that the documentation for the construction certificate demonstrates compliance with the approved 'Material Schedule' in Condition **Error! Reference source not found.**

A copy of the documentation relied on shall be submitted to the Department with the construction certificate.

#### **B.22. External lighting plan**

Prior to the issue of the construction certificate, an external lighting plan and a design statement prepared by an appropriately qualified professional, shall be submitted to the satisfaction of the Certifier. The lighting (including any illuminated signage) shall comply with *Australian Standard AS 4282-1997: 'Control of Obtrusive Effects of Outdoor Lighting'*.

A copy of the documentation relied on shall be submitted to the Department with the construction certificate.

#### **B.23. NPWS and Plan of Management**

Prior to the issue of any construction certificate, the Applicant must obtain written confirmation from NPWS that any relevant lessor's consent and Plan of Management matters have either been addressed or are progressing to the point where there is certainty that the development can proceed. The written confirmation must be submitted to the Certifier and a copy sent to the Department.

**B.24. Snow stoppers**

Prior to the issue of the construction certificate, sufficient details of any snowstoppers to be incorporated on the rooftop, if required, shall be submitted to satisfaction of the Certifier.

**B.25. Geotechnical recommendations**

Prior to the issue of the construction certificate, the Applicant is to demonstrate to the Principal Certifier, with a copy provided to the Secretary, compliance with the recommendations within the Geotechnical Assessment undertaken by JK Geotechnics Pty Ltd dated 8 April 2020.

**B.26. Bush fire safety authority**

Prior to the issue of the relevant construction certificate, the Certifier must be satisfied that the documentation for the construction certificate demonstrates compliance with the relevant conditions of the bush fire safety authority (reference 10 in Condition A.2).

---

## **PART C – PRIOR TO THE COMMENCEMENT OF WORKS**

### **C.1. Notification of commencement**

- (a) The Applicant must notify the Department in writing, at least 48 hours prior, of the date of commencement of physical work for the Development.
- (b) If the construction of the Development is to be staged, the Applicant must notify the Department in writing at least 48 hours prior to each construction stage, of the commencement date and extent of works to be carried out for the Development in that stage.

### **C.2. Temporary fencing**

Prior to any relevant works which are part of the Development commencing, the construction works area shall be fenced with temporary site security fencing. This fencing is to clearly delineate the construction works area and shall keep the disturbance area to a minimum. This is to restrict access and also prevent unauthorised persons entering the construction work area.

### **C.3. Implementation of site environmental management measures**

Prior to any relevant works which are part of the Development commencing, all site environmental management measures in accordance with the approved documentation (Condition A.2), the SEMP (Condition A.2) and these conditions of consent, shall be in place and in good working order.

### **C.4. Protection of adjacent vegetation areas**

The Applicant must manage the Subject site appropriately and ensure that measures are in place to ensure that vehicles and machinery do not enter into areas of vegetation that are not necessary for the purposes of the Development.

### **C.5. Demolition work**

Demolition works for the Development must comply with Australian Standard *AS 2601-2001 The demolition of structures* (Standards Australia, 2001). The work plans required by AS 2601-2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Principal Certifier before the commencement of works.

A copy shall be forwarded to the Department within 7 days of it being submitted to the principal certifier.

No demolition is to occur without the issue of a construction certificate.

### **C.6. Machinery and storage**

- (a) All equipment, machinery and vehicles used during construction of the Development must be cleaned prior to entry into the Park and prior to Subject site mobilisation to ensure they are free of mud and vegetative propagules.
- (b) Equipment, machinery and vehicles must be regularly maintained and manoeuvred to prevent the spread of exotic vegetation. Storage of equipment, machinery, vehicles and material is to be restricted to existing disturbed areas and not be stored on native vegetation.

### **C.7. Plumbing and drainage works**

Prior to the commencement of works which are part of the Development, 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 NPWS website:

<https://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/park-management/alpine-resort-management/our-services/plumbing-and-drainage>

A copy of the notice of works must also be provided to the Department.

### **C.8. Termite protection**

The building shall be protected from attack from subterranean termites in accordance with AS 3660 *Termite management*. Details are to be submitted to the Principal Certifier prior to the commencement of works. If the Department is not the Principal Certifier, a copy of the documentation shall be submitted to the Department within 7 days of it being submitted to the Principal Certifier.

### **C.9. Pre-commencement compliance report**

Prior to the commencement of works which are part of the Development, the Applicant must submit to the Principal Certifier a report addressing compliance with all conditions contained in sections B and C of this consent pertaining to those works. A copy of this compliance report must be submitted to the Department within 7 days of it being submitted to the Principal Certifier.

### **C.10. 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.

---

## **PART D – DURING CONSTRUCTION**

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

A copy of the approved plans and documentation must be kept by the Applicant on the Subject site at all times and be readily available for perusal by the Principal Certifier, any person associated with the construction works, or an officer of the Department or NPWS. Without limitation, this condition applies to the following approved documentation:

- (a) this consent and its schedule of conditions;
- (b) the approved documentation and plans (Condition A.2); and
- (c) the SEMP (Condition A.2).

### **D.2. Construction hours**

All work in connection with the proposed Development may only 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 gazetted public holidays in New South Wales, or as otherwise approved by the Secretary.

### **D.3. Construction period**

- (a) All demolition, civil and construction works which are part of the Development may only occur in the 'summer period'. For the purposes of this condition, the 'summer period' means the period of time commencing after the October long weekend and ending no later than 31 May the following year in each year works are required to complete the Development, or as otherwise approved by the Secretary or nominee.
- (b) By 31 May in each year works are required to complete the Development, the Applicant must ensure that the Subject site is made safe and secure by undertaking the following:
  - (i) removal of all materials, vehicles, machinery, equipment, and the like;
  - (ii) removal and/or securing of all stockpiles of soil and gravel;
  - (iii) ensuring 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;
  - (iv) appropriate signage must be erected outlining that unauthorised access to the Subject site is prohibited and that the site is a construction zone;
  - (v) all external plumbing and drainage works are to be completed;
  - (vi) any excavations are to be made safe and secure;
  - (vii) stabilisation and rehabilitation works must be implemented in accordance with these conditions of consent and the approved documentation; and
  - (viii) any other specific matters related to making the Subject site safe and secure raised by the Principal Certifier or the Secretary.

### **D.4. Construction activities and management**

At all times during the construction phase of the Development and unless agreed otherwise by the Secretary or nominee in writing, the Applicant must ensure that:

- (a) all construction activities in connection with the Development are undertaken in accordance with the approved documentation, including (without limitation) the documentation specified in paragraphs (a) to (d) inclusive of Condition D.1.
- (b) all construction activities in connection with the Development are confined to the Subject site;
- (c) no disturbance or other adverse environmental impacts occur outside the Subject site; and
- (d) all materials, stockpiles, vehicles, machinery and the like are to be confined to the Subject site.

*Note to Applicant: The damage or removal of any native vegetation that is not the subject of this consent requires further authorisation under the National Parks and Wildlife Act 1974 or the*

*Environmental Planning and Assessment Act 1979. Failure to obtain authorisation may result in compliance action under that legislation.*

#### **D.5. Aboriginal heritage**

- (a) Should any material suspected of being an Aboriginal relic or artefact become unearthed in the course of works which are part of the Development, the Applicant must immediately:
  - (i) cease all works impacting the suspected relic or artefact; and
  - (ii) contact the NPWS to arrange for representatives to inspect the Subject site.
- (b) The Applicant must ensure that all workers on the Subject site are made aware of the requirements of paragraph (a).

#### **D.6. Waste**

All waste must be contained in receptacles and covered daily, or removed from the Subject site each day, so as not to escape by wind, water or scavenging fauna. These receptacles must only be located in previously disturbed areas and not beneath the canopy or over roots of any trees. The receptacles must be cleaned regularly.

#### **D.7. SafeWork NSW**

The Applicant must ensure that all works which are part of the Development are carried out in accordance with current SafeWork NSW guidelines.

#### **D.8. Site notice**

The Applicant must ensure that site notice(s) are prominently displayed at the boundaries of the Subject site for the purposes of informing the public of Development details. The notice(s) is/are 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 construction phase of the Development.
- (b) The notice(s) must list the approved hours of work, the name of the Applicant or other principal contractor for the work (if any), and include a 24 hour contact phone number for any inquiries, including construction/noise complaints.
- (c) The notice(s) is/are 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 Principal Certifier is to be identified on the notice(s).

#### **D.9. Prohibition of hazardous materials**

No hazardous or toxic materials or dangerous goods may be stored or processed on the Subject site at any time unless otherwise agreed by the Secretary or nominee.

#### **D.10. Safety demarcation**

During the construction phase of the Development, the Applicant must ensure that the Subject site is clearly identified and signed to prevent access by unauthorised persons.

#### **D.11. Erosion and sediment control measures**

- (a) All erosion prevention and sediment control measures must be checked and maintained in good working order at all times, particularly after precipitation events. All exposed earth must be kept stabilised and revegetation must commence as soon as practicable. All straw bales used for sediment and erosion control must be certified as weed free.
- (b) The erosion and sediment controls must also ensure that:



- (i) grading, excavation, and construction does not take place during or immediately after significant rainfall or snowfall events;
- (ii) sediment traps are designed, installed, and maintained to maximise the volume of sediment trapped from the Subject site during construction; and
- (iii) disturbed areas that are not required for further construction access are to be stabilised and revegetated during trail construction.

#### **D.12. Noise and vibration management**

Excavation and construction works must be managed in accordance with Australian Standard AS 2436-2010 *Guide to noise and vibration control on construction, demolition and maintenance sites* and to ensure there is no adverse impact on any neighbouring/affected tourist accommodation buildings during the construction phase of the Development.

#### **D.13. Recycled Material**

In undertaking works which are part of the Development, the Applicant must wherever possible, salvage building material for reuse during the construction phase of the Development (subject to Condition B.5(b) or ensure that it is sent to a recycling facility in order to reduce landfill.

#### **D.14. Demolitions work**

Demolition work must comply with the provisions of Australian Standard AS 2601-2001 *Demolition of Structures*.

#### **D.15. Loading and unloading of construction vehicles**

All loading and unloading associated with demolition and construction work which is part of the Development must be restricted to those areas approved in the SEMP (Condition C.3) and these conditions.

#### **D.16. Electrical works**

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

#### **D.17. Plumbing and drainage works**

All plumbing and drainage work which are part of the Development must comply with the Plumbing Code of Australia and Australian Standard AS/NZS 3500 *Plumbing and drainage* and must be carried out by an appropriately licensed plumber.

#### **D.18. Rehabilitation and site establishment**

- (a) Site stabilisation and rehabilitation works must commence, as soon as possible, following the completion of each stage of work which is part of the Development to minimise exposed areas. Disturbed areas must be adequately mulched and maintained with weed free straw (i.e. straw which does not contain viable seed or other vegetative propagules) until an erosion resistant ground condition is achieved. All erosion prevention and sediment control measures must remain in place until all exposed areas of soil are stabilised and/or revegetated.
- (b) Rehabilitation must be undertaken by the Applicant in accordance with:
  - (i) the Rehabilitation Guide; and
  - (ii) these conditions of consent.

#### **D.19. Asbestos**

- (a) The removal of any asbestos or other hazardous material found on the Subject site must be carried out in accordance with current SafeWork NSW guidelines and only by an appropriately qualified and licensed contractor.
- (b) Any asbestos or other hazardous materials must be disposed of at an authorised waste facility. Receipts must be provided to the Principal Certifier by the Applicant as evidence of appropriate disposal.

#### **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. Termite protection**

If termite protection is installed, upon completion of the installation of the barrier, the Principal Certifier must be furnished with a certificate from the person responsible, stating that the barrier complies with Australian Standard AS 3660 *Termite management* and durable notice in accordance with this standard shall be erected.

#### **D.22. Geotechnical requirements**

At all times, works associated with the development shall comply with:

- (a) the Department's Geotechnical Policy; and
- (b) the Geotechnical Assessment undertaken by JK Geotechnics Pty Ltd dated 8 April 2020.

Works at variance to recommendations contained in the geotechnical assessment report shall not be undertaken without prior written endorsement from the geotechnical engineer. Any written advice of the variation shall be provided to the Principal Certifier and the Department within 48 hours.

#### **D.23. Dirt and Dust Control Measures**

- (a) Adequate measures shall be taken to prevent dirt and dust from affecting the amenity of the neighbourhood during construction.
- (b) In particular, the following measures must be adopted:
  - (i) all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material;
  - (ii) covers are to be adequately secured;
  - (iii) cleaning of footpaths must be carried out regularly;
  - (iv) roadways must be kept clean;
  - (v) gates are closed between vehicle movements;
  - (vi) gates are fitted with shade cloth; and
  - (vii) the site is hosed down when necessary.

#### **D.24. 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 trenches or excavations are to be left open overnight, provision shall be made so that any fauna entering these excavations can escape;
  - (iii) adequate provision shall be made for drainage; and
  - (iv) all excavations shall be properly guarded and protected to prevent them from being dangerous;

unless otherwise agreed in writing by the Secretary.

- (b) Any clean excavated material (i.e. containing no contaminants or weeds) may be:
  - (i) temporarily stockpiled at the site in accordance with the *Rehabilitation Guidelines for the Resort Areas of Kosciuszko National Park* prior to reuse on site; or
  - (ii) stockpiled and managed at an approved Kosciuszko Thredbo Pty Ltd (KT) facility for future use in accordance with the *Rehabilitation Guidelines for the Resort Areas of Kosciuszko National Park*; or
  - (iii) disposed of at an authorised land fill site.
- (c) Any contaminated material (i.e. containing contaminants or weeds) shall not be stockpiled at the site or in Thredbo and is to be disposed of at an authorised waste facility.
- (d) Imported fill material shall only be obtained from a National Parks and Wildlife Service recommended source.
- (e) Excess imported fill material shall be stockpiled in Thredbo for reuse.

#### **D.25. Water in excavations**

In the event that water needs to be pumped out of any excavations a temporary filter dam shall be installed within the construction zone and shall function in such a way that it captures sediment and pollutants and prevents them leaving the filter dam. Only appropriately treated water from the filter dam shall be disposed of via the existing storm water system. All pump out equipment shall be wholly contained within the construction zone.

#### **D.26. Gas installations**

All gas installation works shall be carried out by a qualified plumber who holds the appropriate gas fitters licence and installed in accordance with the relevant Australian Standards.

---

## **PART E – PRIOR TO COMMENCEMENT OF USE**

### **E.1. Occupation certificate**

Prior to the occupation of the building or the commencement of use which are part of the Development, an occupation certificate must be obtained from the Principal Certifier. A copy of the occupation certificate must be furnished to the Secretary prior to the occupation of the relevant buildings or commencement of use which are part of the Development.

### **E.2. Site Clean Up**

Prior to commencement of use which are part of the Development, the Subject site must be cleaned and made good to the satisfaction of the Principal Certifier.

### **E.3. Removal of site notice**

Any site notices or other site information signs must be removed upon completion of construction of the Development and prior to the commencement of use.

### **E.4. Structural certification of new work**

A structural engineer's certificate must be submitted to the Principal Certifier prior to issue of the relevant occupation certificate. This certificate is to verify that structural works which are part of the Development 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 or nominee with the occupation certificate documentation.

### **E.5. Plumbing and drainage works**

Prior to the issue of the relevant occupation certificate, a Certificate of Compliance and Sewer Service Diagram must be provided to the plumbing regulator (NPWS Perisher Team) in accordance with *Plumbing and Drainage Act 2011*. A copy of the documentation must be submitted to the Department with the copy of the occupation certificate.

### **E.6. Electrical certification**

Prior to the issue of the relevant occupation certificate, certification prepared and signed by an appropriately qualified electrician must be submitted to the Principal Certifier. The certificate must indicate that all electrical works which are part of the Development have been installed by a qualified and licensed electrician and installed in accordance with the relevant Australian Standards. A copy of the certificate is to be submitted to the Secretary or nominee with the occupation certificate documentation.

### **E.7. Fire safety certificate**

Prior to the issue of the relevant occupation certificate, a fire safety certificate conforming to the Regulations must be submitted to the Principal Certifier. A copy of the fire safety certificate must be submitted to the Secretary or nominee with the copy of the occupation certificate.

### **E.8. Building upgrades**

Prior to the issue of occupation certificate, the following documentation shall be submitted to the Principal Certifier:

- (a) written notice that the relevant upgrade works have been completed in accordance with Condition B.9 of this consent; and

- (b) certificates of installation from tradespersons responsible for carrying out the upgrade works.

Note: The upgrade works can be completed in stages and this condition does not prevent a partial occupation certificate being issued.

#### **E.9. Environmental performance**

Prior to the issue of the relevant occupation certificate, details are to be provided to the Principal Certifier to demonstrate compliance with all requirements of Condition B.9. A copy of the documentation is to be submitted to the Secretary or nominee with the occupation certificate documentation.

#### **E.10. Bush fire safety authority**

Prior to the issue of the relevant occupation certificate, the Applicant must submit documentation to be Principal Certifier to demonstrate that the works have been undertaken in accordance with the relevant conditions of the bush fire safety authority (reference 8 in Condition A.2). A copy of the documentation is to be submitted to the Secretary or nominee with the occupation certificate documentation.

#### **E.11. Accessibility - Building Standards**

Prior to the determination of any occupation certificate, the Principal Certifier must ensure the building work which is part of the Development as complete complies with the approved supporting information per Condition B.8.

#### **E.12. Termite protection certification**

If termite protection is installed, prior to the issue of the occupation certificate, the Principal Certifier is to be provided with a certificate from the person responsible, stating that the barrier complies with AS 3660 *Termite management* and durable notice in accordance with this standard shall be erected.

A copy of the certificate is to be submitted to the Secretary or nominee with the occupation certificate documentation.

#### **E.13. External walls and cladding**

Prior to the issue of an occupation certificate, the Applicant must provide the Principal Certifier with documented evidence that the products and systems used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.

The Applicant must provide a copy of the documentation given to the Principal Certifier to the Planning Secretary within seven days after the Principal Certifier accepts it.

#### **E.14. Rehabilitation**

Prior to the issue of any occupation certificate, any disturbed ground shall be rendered erosion resistant and rehabilitated in accordance with the approved documentation and these conditions of consent (including Condition D.18).

#### **E.15. Gas installations certification**

If installed, prior to the issue of the occupation certificate, certification prepared and signed by an appropriately qualified gas fitter shall be submitted to the Principal Certifier. The certificate shall

indicate that all gas installation have been installed by a qualified and licensed gas fitter and installed in accordance with the relevant Australian Standards.

#### **E.16. Stormwater drainage system certification**

An appropriately qualified and practising stormwater engineer shall provide certification to the Principal Certifier that the stormwater drainage system has been installed in accordance with the approved detailed stormwater drainage plan (Condition B.16), prior to issue of the occupation certificate. A copy of the documentation shall be submitted to the Department with the occupation certificate.

#### **E.17. Hydraulic certification**

Prior to issue of the occupation certificate, hydraulic certification is to be provided to the Principal Certifier. This certificate is to verify that hydraulic 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 documentation shall be submitted to the Department with the occupation certificate.

#### **E.18. Mechanical ventilation certification**

Following completion and installation (if installed), the mechanical ventilation system/s in the new building shall be tested and prior to the issue of the occupation certificate, certification from an appropriately qualified person confirming that the mechanical ventilation system/s installed in the new building comply with the BCA and any relevant and current Australian Standards shall be submitted to the Principal Certifier. A copy of the documentation shall be submitted to the Department with the occupation certificate.

#### **E.19. Road and infrastructure damage**

Prior to the issue of the occupation certificate, the Principal Certifier is to be satisfied that any roads or other infrastructure damaged as a result of the construction works associated with the development has been adequately repaired to the satisfaction of the provider of the road/infrastructure.

#### **E.20. Building identification survey**

Prior to the issue of the occupation certificate, a building identification survey of the constructed development identifying setbacks to boundaries and maximum roof ridge height of each apartment is to be furnished to the Principal Certifier, with a copy provided to the Department if not the Principal Certifier.

---

## **PART F – POST OCCUPATION**

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

An annual fire safety statement conforming to the Regulations 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 received the initial fire safety certificate for the Development.

---

## ADVISORY NOTES

### AN.1 Appeals

The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000* (as amended).

### AN.2 Responsibility for other consents / agreements

The Applicant is solely responsible for ensuring that all additional approvals, licenses, consents and agreements are obtained from other authorities, as relevant. No condition of this consent removes any obligation to obtain, renew or comply with such additional approvals, licenses, consents and agreements.

### AN.3 Other approvals and permits

The Applicant must apply to the relevant authority for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the *Local Government Act, 1993* or Section 138 of the *Roads Act, 1993*.

### AN.4 Utility services

- (a) The Applicant must 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 is responsible for costs associated with relocating any services.

### AN.5 Dial before you dig

Underground assets may exist in the area that is the Subject site. In the interests of health and safety and in order to prevent damage to third party assets please contact the Dial Before You Dig service at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (this is the law in NSW).

If alterations are required to the configuration, size, form or design of the Development upon contacting the Dial Before You Dig service, an amendment to this consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

### AN.6 Disability Discrimination Act

The Applicant has been assessed in accordance with the *Environmental Planning and Assessment Act, 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992* (Cth). The Applicant is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* (Cth) covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - *Design for Access and Mobility*. AS 1428 Parts 2, 3 and 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* (Cth) currently available in Australia.