

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

24 March 2023

SCHEDULE 1

Application No.:	DA No. 22/5961
Applicant:	Tim Moore
Consent Authority:	Minister for Planning
Land:	Southern Alps Ski Club Lodge, 4 Spencers Creek Road, (Lot 107 DP 1242013), Charlotte Pass, Charlotte Pass Alpine Resort, Kosciuszko National Park
Type of Development:	Integrated Development
Integrated Bodies:	NSW Rural Fire Service
Approved Development:	External alterations to existing tourist accommodation building and ground drainage works as outlined in Condition A.2

DEFINITIONS

Act	means the <i>Environmental Planning and Assessment Act, 1979</i> (as amended).
Applicant	means Tim Moore 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 22/5961	means the development application lodged by the Applicant on 10 May 2022.
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).
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 State Environmental Planning Policy (Precincts – Regional) 2021 (as amended), that includes Chapter 4 – Kosciuszko National Park and alpine resorts.
Principal Certifier	means the principal certifier as 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: https://www.environment.nsw.gov.au/research-and-publications/publications-search/rehabilitation-guidelines-for-the-resort-areas-of-kosciuszko-national-park
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 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 shall be in accordance with the:

- (a) Development Application No. DA 22/5961 and supporting documentation lodged on 10 May 2022, as amended by the additional information received during the assessment of the application;
- (b) conditions of this consent; and
- (c) approved documents in the table below (except where modified by conditions of this consent):

Ref No.	Document	Title/Description	Author / Prepared by	Dated / Received	Document Reference
1	Report	Statement of Environmental Effects SEE	Accent Town Planning	August 2022	Revision 07
2	Report	Site Environmental Management Plan SEMP	Accent Town Planning	9 September 2022	Section 8 SEE
3	Report	Bushfire Hazard Assessment Report	Accent Town Planning	April 2022	Report No 21105 Revision 03
4	Report	Biodiversity and Aboriginal Heritage	Accent Town Planning	November 2022	Revision 03
5	Plan	Site Plan	Porebski Architects	16 January 2023	602.A.01 Issue H
6	Plan	Ground/Entry Floor Plan	Porebski Architects	20 February 2023	602.A.02 Issue H
7	Plan	First Floor Plan	Porebski Architects	16 January 2022	602.A.03 Issue I
8	Plan	Second Floor Plan	Porebski Architects	16 January 2023	602.A.04 Issue H
9	Plan	Roof Plan	Porebski Architects	16 January 2023	602.A.05 Issue H

10	Plan	Southern Elevation Nothorn Elevation	Porebski Architects	16 January 2023	602.A.06 Issue H
11	Plan	Eastern Elevation Western Elevation	Porebski Architects	16 January 2023	602.A.07 Issue H
12	Plan	Southern Alps Ski Club Lodge Plan of Proposed Subsoil Drain above Block 2	G.O. Engineering Consultants	18 August 2022	20210316
13	Report	Report on Geotechnical Inspection Proposed Additions and Alterations 4 Spencers Creek Road, Charlotte Pass	Douglas Partners	22 July 2021	Project 205286.00 R.001. Rev2 CMR
14	Report	Form 4 – Minimal Impact Certification	Colin Reid, Douglas Partners	22 July 2022	-
15	Plan	Structural Alterations at Southern Alp Ski Club Lodge, Charlotte Pass, NSW 2624 Structural Drawing List Cover	G.O. Engineering Consultants	24 March 2022	20210316 S01
16	Plan	Structural Drawing List Specifications	G.O. Engineering Consultants	24 March 2022	20210316 S02
17	Plan	Structural Drawing List Ground Floor Plan	G.O. Engineering Consultants	21 January 2021	20210105 S03
18	Plan	Structural Drawing List First Floor Plan	G.O. Engineering Consultants	24 March 2022	20210316 S04
19	Plan	Structural Drawing List Second Floor Plan	G.O. Engineering Consultants	24 March 2022	20210316 S05
20	Plan	Structural Drawing List Staircase Elevation	G.O. Engineering Consultants	24 March 2022	20210316 S06
21	Plan	Structural Drawing List Staircase Details	G.O. Engineering Consultants	24 March 2022	20210316 S07
22	Plan	Souther Alps Lodge Charlotte Pass	JTMoore	17 September 2020	APZ drawing

		Bushfire- Asset Protection Zone			
23	Bush Fire Safety Authority	SFPP – Other Tourist Accommodation Southern Alps Lodge 4 Spencers Creek Rd Charlotte Pass NSW 2624 107//DP1242013	NSW Rural Fire Service	26 August 2022	DA202205 05007558-Original-1

Note: In accordance with section 24(3) of the EP&A 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 shall be served on the Secretary.

A.8. Non-Compliance Notification

The Department must be notified in writing to compliance@planning.nsw.gov.au and 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 and 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.

PART B – PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

B.1. Construction certificate

Building and demolition work 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.

Note: A construction certificate is required prior to commencing any physical activity involved in the erection of a building or other works associated with the Development. Some aspects of this development consent may not require a construction certificate.

Where works are to be staged, separate construction certificates would need to 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;
 - (ii) is shown to be at least equivalent to the deemed to satisfy provision; or
 - (iii) a combination of (i) and (ii).

B.3. 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.4. Building works plan

Prior to the issue of a construction certificate, the Applicant shall submit to the Certifier building work plans that demonstrate 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 (where relevant to the approved Development):

- (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.5. Specifications

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

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

B.6. Appointment of engineer – structural adequacy of existing structure

An appropriately qualified practising Structural Engineer shall be engaged to carry out the inspection required by Condition D.25. and E.5. The name and contact details of the engineer shall be provided to the 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.7. 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.8. Termite protection

Any new building works 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 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.9. 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 (refer to Item 23 in Condition A.2).

B.10. 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.11. Window Removal

Prior to issue of the relevant construction certificate, windows proposed to be removed from Bedroom 1, 4, 5 and 8 are subject to further consideration by the Certifier. Details shall be provided to the Certifier that demonstrates the affected rooms have been assessed, and upon window removal, will comply with the relevant performance requirements of Section F of the BCA, including the provision of the required light and ventilation to the rooms.

Details demonstrating compliance are to be submitted to the Certifier for consideration and form part of the Construction Certificate documentation.

A copy of the documentation given to the Certifier must be provided by the Applicant to the Secretary within seven days after the Certifier accepts it.

B.12. 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.13. External wall system (re-cladding)

- (a) Prior to the issue of a construction certificate the following must be submitted to the satisfaction of the Certifier:
 - (i) a report relating to the external wall system and the internal face of the external wall prepared by a BCA consultant or Fire Engineer assessing compliance with the relevant parts of Section C of Volume 1 of the Building Code of Australia (BCA);
 - (ii) if the above report has identified deficiencies an upgrade strategy or performance solution shall be prepared; and
 - (iii) any upgrade strategy shall include a schedule of works must be undertaken as part of the development.
- (b) Plans, specifications and details demonstrating compliance with these conditions must be submitted to the Certifier prior to the issue of any construction certificate.

B.14. Energy efficiency

All works shall comply with Section J of the BCA. Details indicating compliance with these requirements and a Design Statement are to be submitted the Certifier prior to the issue of a construction certificate.

B.15. Roof works

Prior to the issue of the relevant construction certificate, all proposed building work to the roof and ceiling of the building must be subject to further consideration by the Certifier and compliance with the requirements of the BCA.

Details demonstrating compliance with the relevant performance requirement of Section B,C of the BCA for structural adequacy and where the prevention of the spread of fire applies are to be submitted to the Certifier for consideration and form part of the construction certificate documentation.

A copy of the documentation given to the Certifier must be provided by the Applicant to the Secretary within seven days after the Certifier accepts it.

B.16. Materials and finishes

The approved materials and finishes shall be in accordance with the following, except as otherwise approved in writing by the Secretary or nominee:

Location	Material	Colour
Cladding Type A	Lysaght Colorbond Matt Longline 305	Colorbond Monument
Cladding Type B	Lysaght Colorbond Custom Orb	Colorbond Woodland Grey
Trim window surrounds and capping	Colorbond Flat Sheet	Colorbond Headland or Terrain
Window Hoods	Steel	Colorbond Monument
Roof	Metal sheeting to match existing	Colorbond Paperbark or Surfmist

Prior to the issue of the construction certificate, the Applicant shall submit a full set of coloured elevation plans to the Certifier depicting the above. If the Department is not the Certifier, a copy of the documentation shall be submitted to the Department with the construction certificate.

B.17. 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 Report on Geotechnical Inspection prepared by Douglas Partners dated 22 July 2021 (refer to Condition A.2. Item 13).

B.18. Construction access plan

Prior to the issue of the relevant construction certificate, a construction access plan prepared by a qualified and practising structural or civil engineer, must be submitted to the Certifier. If the Department is not the Certifier a copy of the documentation shall be submitted to the Department with the construction certificate.

- (a) The plan must be prepared in consultation with the NPWS; and be submitted to and approved by the Secretary or nominee
- (b) Access to the site for vehicles, machinery and deliveries may only occur at the north-western corner of the site outside of the biodiversity mapped area.
- (c) The plan must:
 - (i) be drawn to a scale of 1:100 or 1:200;
 - (ii) clearly mark the vegetation at the location to be retained and the extent of the biodiversity mapped area;
 - (iii) provide a pipe or culvert style crossing from the road onto the site;
 - a. Charlotte Pass Snow Resort must be consulted in relation to the design of the crossing and whether it must be temporary or permanent; and
 - (iv) demonstrate that roadside drainage flows must be maintained at all times.

B.19. Updated Asset Protection Zone (APZ) Plan

Prior to the issue of any construction certificate, the APZ plan by J T Moore dated 17 September 2020 (Ref No. Item 22 in Condition A.2) must be updated to accurately depict the biodiversity mapped area.

- (a) The plan must be prepared in consultation with the NPWS to ensure consistency with their APZ authorisation; and be submitted to and approved by the Secretary or nominee
- (b) The plan is to be prepared having regard to the RFS publication - Planning for Bushfire Protection 2019, in particular Appendix 4.1 – Asset Protection Zones, and Appendix 4.1.1 – Inner Protection Areas, and:
 - (i) be drawn to a scale of 1:100 or 1:200;
 - (ii) clearly mark the vegetation on the site to be retained and the extent of the biodiversity mapped area;
 - (iii) clearly mark the vegetation to be removed / managed to achieve the required inner protection requirements of the RFS;
 - (iv) identify that where the removal or trimming of native vegetation, such as heath, which results in bare ground, then the area must be rendered erosion resistant including rehabilitating with native poa seed and tubestock.

B.20. Whole of site stormwater drainage design

Prior to the issue of the relevant 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 Certifier. If the Department is not the certifier a copy of the documentation shall be submitted to the Department with the construction certificate.

- (a) The plan must be prepared in consultation with the NPWS; and be submitted to and approved by the Secretary or nominee;
- (b) All drainage and earth works must avoid the biodiversity mapped area;
- (c) The eastern side (rear) of the building must be excavated for a minimum width of 1 metre and sloping away from the building:
 - (i) The earth can either be battered or stabilised with a small retaining wall;
 - (ii) The finished surface can either be gravel or concrete with appropriate drainage;
 - (iii) Run-off water must be prevented from concentrating against the building;
- (d) A cut-off drain must be designed upslope from the building and outside the 1 metre clear space to reduce groundwater seepages and flows reaching the building structure and impacting the proposed works:
 - (i) the cut-off drain must be 800mm deep or greater to adequately intercept groundwater;
 - (ii) the cut-off drain must avoid the biodiversity mapped area and be connected into the pit and pipe system for the building;
- (e) The design plans must:
 - (i) be drawn to a scale of 1:100 or 1:200;
 - (ii) clearly mark the vegetation on the site to be retained and the extent of the biodiversity mapped area;
- (f) The plan is to address the following:
 - (i) capture of roof water under 100% of the drip line of the building via dish drain, rubble drain or the like;
 - (ii) the cut-off drain referred to in paragraph (d) above;
 - (iii) runoff from the roof must not cause surface flow down the slope in an uncontrolled manner;
 - (iv) runoff must be collected in a pit and pipe system and discharge at the road;
 - (v) provide details of the cut-off drain and connection to the pit and pipe system;
 - (vi) the discharge point must be treated with 'rip rap' scour protection works or the like to avoid erosion;
 - (vii) the discharge point must not interfere with any other infrastructure; and
 - (viii) volume calculations of the stormwater system shall be provided to demonstrate that the system is capable of handling the stormwater (and snow melt) generated by the building's roof catchment and the discharge points are appropriate.

B.21. Update SEMP

Prior to the issue of any construction certificate, the Site Environmental Management Plan (SEMP) (Condition A.2.) must be amended and updated in consultation with the NPWS; and be submitted to and approved by the Secretary or nominee.

The SEMP must be amended and updated to include:

- (a) a written document and a plan drawn to a scale of 1:100 or 1:200;
 - (b) biodiversity mapped areas are to be identified in the SEMP and cordoned off as a no-go zone. Exception is provided to where pedestrians can move through the zone on the existing, formed stepped path from Spencers Creek Road to the Lodge. Signage is to be erected to clearly delineate the perimeters of the no-go zones;
 - (c) the location of the underground petroleum storage system (UPSS) shall be indicated in the SEMP;
 - (d) a revised Erosion and Sediment Control Management Plan (ESCMP) shall be included in the SEMP that identifies the no-go areas and relocates all construction activities (including the stockpile areas and the drop off area) from the excluded areas to disturbed areas elsewhere on the development site. The proposed stabilised construction area shall be removed;
 - (e) no surface vehicles or machinery are to enter into areas of vegetation for the purposes of the Development;
 - (f) temporary storage of equipment, componentry, waste receptacles, tools and the like are only to be placed on disturbed areas of the site, avoiding ground disturbance, compaction and the disturbance of native vegetation; and
 - (g) sedimentation and erosion control measures shall be installed on site prior to works commencing. Should any ground disturbance occur as a result of the Development, additional sedimentation and erosion control measures shall be installed and maintained until the disturbed area is suitably rehabilitated in accordance with the Rehabilitation Guide.
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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 works commencing which are part of the Development, the construction works area must be fenced with temporary fencing. This fencing is to clearly delineate the construction area and shall keep the disturbance area to a minimum. This is to restrict access and also prevent unauthorised persons entering the work area.

C.3. 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.4. 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, as amended by Condition B.21) and these conditions of consent, shall be in place and in good working order.

Any person/s in charge of the demolition and/or construction works shall ensure all staff and contractors attending the Site have been made aware of the SEMP, and have access to, and are instructed to follow, the SEMP.

C.5. 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.6. Termite protection

Any new building work which is 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 Certifier prior to the commencement of works.

C.7. Implementation of approved Asset Protection Zone (APZ) plan

Prior to commencement of building works, the vegetation management of the site in accordance with the approved APZ plan (refer to Condition B.19) is to be carried out. Following completion of the vegetation management, advice must be submitted to the Department and NPWS within seven days of it being submitted to the Certifier.

C.8. 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 seven days of it being submitted to the Principal Certifier.

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

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 seven 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; and
- (b) the approved documentation and plans (Condition A.2.); and
- (c) the amended SEMP (Condition A.2. and B.21.).

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

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 (c) 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, rubbish receptacles 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, and be maintained clear of the no-go zones identified in the amended SEMP (Condition B.21.). 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 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. Storage of materials

During the construction phase of the Development, the Applicant must ensure that:

- (a) the Subject site environmental management measures are complied with;
- (b) no storage or disposal of materials takes place beneath the canopy of any trees or on native heath vegetation; and
- (c) all stockpiling of material is undertaken in accordance with the Stockpile Guide.

D.10. 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.11. Dirt and dust control measures

The Applicant must ensure that adequate measures are taken to prevent dirt and dust from affecting the amenity or environment of the adjoining areas during the construction phase of the Development.

D.12. 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.13. 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) 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.14. 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.15. 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.16. Demolition work

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

D.17. 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 A.2. and B.21.) and these conditions.

D.18. 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.19. Plumbing and drainage works

If plumbing and drainage works are undertaken, 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.20. Gas installations

If gas installation works are undertaken, all gas installation works must be carried out by a qualified plumber who holds the appropriate gas fitters licence and installed in accordance with the relevant Australian Standards.

D.21. 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.22. 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.23. 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.24. Termite protection

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.25. Inspection by engineer – structural adequacy of existing structure

Prior to the installation of the new cladding and structural elements, an appropriately qualified practising structural engineer shall carry out an inspection to determine the structural adequacy of the existing structure and its compliance with BCA Volume One performance requirement BP1.1.

If any deficiencies are identified during the inspection, the engineer shall provide upgrade recommendations. Any works associated with the upgrade recommendations shall be undertaken prior to the installation of the new cladding.

D.26. Geotechnical requirements

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

- (a) the Department's Geotechnical Policy; and
- (b) the Report on Geotechnical Inspection prepared by Douglas Partners dated 22 July 2021 (refer to Condition A.2. Item 13).

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.

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 the works which are part of the Development and prior to the commencement of use.

E.4. 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.5. Structural adequacy certificate of existing structure

Prior to the issue of any occupancy certificate, a certificate of structural adequacy (following inspection as required by Condition D.25) prepared by a suitably qualified professional engineer confirming the suitability of the building to meet BCA Volume One performance requirement BP1.1 shall be submitted to the Principal Certifier. A copy of the structural certificate shall be submitted to the Department with the copy of the occupation certificate.

E.6. 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.7. 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.

E.8. 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.9. Termite protection certification

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.10. 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.11. 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 (refer to Item 23 in Condition A.2). A copy of the documentation is to be submitted to the Secretary or nominee with the occupation certificate documentation.

E.12. External wall system (re-cladding)

Prior to the issue of any occupation certificate, the following documentation shall be submitted to the satisfaction of the Principal Certifier;

- (a) written notice that the works have been completed in accordance with Condition B.13; and
- (b) certificates of installation from tradespersons responsible for carrying out the works; and
- (c) certification from a BCA Consultant and/or Fire Engineer that the required works have been completed in accordance with Condition B.13.

E.13. 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 stormwater drainage plan (Condition B.20), prior to issue of the relevant occupation certificate. A copy of the certificate is to be submitted to the Secretary or nominee with the occupation certificate documentation.

E.14. Plumbing and drainage works

If plumbing and drainage works are undertaken, 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.15. Gas installations certification

If gas installation works are undertaken, 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 installations have been installed by a qualified and licensed gas fitter and installed in accordance with the relevant Australian Standards.

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, 2021* (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 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.