

# 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, and/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

27 April 2023

### SCHEDULE 1

<b>Development Application No.:</b>	DA No. 22/11154
<b>Applicant:</b>	Glenn Cunnington, H&E Architects (on behalf of Sub-Lessee)
<b>Consent Authority:</b>	Minister for Planning
<b>Site:</b>	Sequoia 5 (Lot 742 DP 1119757), 15 Diggings Terrace, Thredbo Village, Thredbo Alpine Resort, Kosciuszko National Park
<b>Type of Development:</b>	General Development
<b>Integrated Bodies:</b>	Nil
<b>Approved Development:</b>	Internal alterations and change of use (storeroom and bedroom) within an existing tourist accommodation building as outlined in Condition A.2

## DEFINITIONS

Act	means the <i>Environmental Planning and Assessment Act, 1979</i> (as amended).
Applicant	means Glenn Cunnington of H&E Architects (on behalf of the Sub-Lessee), or any person carrying out the 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 22/11154	means the development application lodged on 23 August 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 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 (2007)</i> a copy of which is available at: <a href="https://www.environment.nsw.gov.au/research-and-publications/publications-search/rehabilitation-guidelines-for-the-resort-areas-of-kosciuszko-national-park">https://www.environment.nsw.gov.au/research-and-publications/publications-search/rehabilitation-guidelines-for-the-resort-areas-of-kosciuszko-national-park</a> .
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.
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 22/11154 and supporting documentation lodged on 23 August 2022, as amended by the additional information received during the assessment of the application;
- (b) the conditions of this consent; and
- (c) the approved documents in the table below (except where modified by conditions of this consent):

Ref No.	Document	Title/Description	Author / Prepared by	Dated	Document Reference
1	Statement of Environmental Effects (SEE)	Internal Alterations to Sequoia 5 Penthouse, Thredbo	H&E Architects	21 September 2022	Version 3.0
2	Plan	Cover Sheet	H&E Architects	20 September 2022	DA2-0000 Revision 3
3	Plan	Site Plan	H&E Architects	20 September 2022	DA2-0500 Revision 3
4	Plan	General Arrangement Plan – Demolition	H&E Architects	20 September 2022	DA2-1000 Revision 3
5	Plan	General Arrangement Plan – Proposed	H&E Architects	20 September 2022	DA2-1001 Revision 3
6	Plan	General Arrangement Plan – Roof Plan	H&E Architects	20 September 2022	DA2-1003 Revision 3
7	Plan	General Arrangement Plan – Sections	H&E Architects	20 September 2022	DA2-4100 Revision 1
8	Plan	Stair Well and Handrail	H&E Architects	20 September 2022	DA2-6400 Revision 3

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.

### **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 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](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. Excluded development**

Any completed building work that is the subject of Building Information Certificate No. BIC 03-06-2022 is excluded from this development consent.

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

If structural works are required, 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 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 (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. Environmental performance**

If plumbing and electrical installations are required:

- (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.

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

## **B.6. 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.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. 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.9. NPWS and Plan of Management (additional beds)**

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 in relation to the increase in bed numbers 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.10. Acoustic properties of Sequoia 5**

- (a) Prior to the issue of any construction certificate, an acoustic engineer must inspect the building and carry out acoustic testing to determine the acoustic properties of the Sequoia 5 floor system, in accordance with F5.1, F5.2, F5.3 and F5.4 of Volume One of the BCA.
- (b) If any non-compliances are identified:
  - (i) the floor tiles must be removed and the acoustic engineer must provide recommendations to the Certifier to be included within the construction certificate so that the replacement floor system will comply with the deemed to satisfy provisions of the BCA, or
  - (ii) if written agreement from the Sequoia Owners Association is obtained, the floor tiles can remain and the acoustic engineer must provide recommendations to the Certifier to be included within the construction certificate so that a fixed / permanent addition to the current floor system will comply with the deemed to satisfy provisions of the BCA.

### **B.11. Rooms height**

The use of the storeroom and Bedroom 4 are approved subject to room height compliance being demonstrated

Prior to the issue of the relevant construction certificate, the Applicant shall provide to the Certifier plans and/or a performance solution demonstrating compliance with Part F3 Room Height of Volume One of the BCA.

A copy of the plans and / or a performance solution must be submitted to the Department with the construction certificate.

### **B.12. Building upgrades**

The following building upgrade must be included in the construction certificate:

- (a) Works within Apartment 5 identified on Plan DA2-1001 and the Report Number 12125, prepared by AE&D, dated 15 June 2022:
  - (i) Throughout Apartment 5, where existing windows are operable, provide a device or screen, to an approved detail, which will not permit a 125 mm sphere to pass through the window opening or screen and resist an outward horizontal action of 250 N against the window restrained by a device, or screen protecting the opening with a child resistant release mechanism if the screen or device is able to be removed, unlocked or overridden
  - (ii) Verify that the existing apartment entry door (below) is a compliant fire door with an FRL -/60/30. Tag in accordance with AS 1905.1-2018. Otherwise replace with a compliant fire door and paint finish to match existing.
  - (iii) Provide an alternate solution to reconcile the existing non-compliance in ceiling height in the Storage Space. Considering that this area is a non-habitable storage space, within a private sole occupancy unit, it is considered that it has sufficient height such that it does not compromise the intended use and satisfies the Performance Requirement FP3.1 of the BCA.
- (b) Works outside the Strata of Apartment 5 identified on Plan DA2-1001 and the Report Number 12125, prepared by AE&D, dated 15 June 2022:

- (i) Replace existing door handles in common areas at Ground Level to a lever type handle compliant with BCA D2.21 (Operation of Latch).
- (ii) Where the existing Main entry/egress door to the residential building opens inward provide signage, in accordance with the provisions of BCA G4.3 (External Doors), to an approved detail, marked "OPEN INWARDS" to be installed on the inside face of the door in letters not less than 75mm high in a colour contrasting with that of the background. This signage is to be maintained by the Owner's Corporation and certified annually as part of the AFSS inspection and certifications.
- (iii) In accordance with BCA G4.8 (Firefighting services and equipment) Lower the Manual Call Point (MCP) adjacent to the main entry/egress door to comply with AS 1670.1-2018. The MCP is to be maintained by the Owner's Corporation and certified annually as part of the AFSS inspection and certifications.
- (iv) In accordance with BCA G4.8 (Firefighting services and equipment) where necessary and considered appropriate, replace existing smoke detectors with current smoke detectors. Note that this relates to the smoke detection heads only and not the entire system.

### **B.13. Bush fire requirements (Roof penetration for kitchen exhaust and cowl)**

The works must comply with:

- (a) section 3 and section 5 (BAL 12.5) Australian Standard AS3959–2018 *Construction of buildings in bushfire-prone areas* or the relevant requirements of the NASH Standard – *Steel Framed Construction in Bushfire Areas* (incorporating amendment A - 2015); and
  - (b) the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.
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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 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) and these conditions of consent, shall be in place and in good working order.

### **C.4. Plumbing and drainage works**

If plumbing and drainage works are required, 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/parkmanagement/alpine-resort-management/our-services/plumbing-and-drainage>

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

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

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

### **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. 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).

### **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**

- (a) At all times, construction activities shall be undertaken in accordance with the approved documentation.
- (b) All construction activities shall be confined to within the construction zone.
- (c) No disturbance is permitted outside the construction zone unless otherwise agreed by the Secretary.

### **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**

Waste must be stored and managed onsite so as not to adversely impact on the natural environment. 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 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. 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.11. 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.12. 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.13. 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.14. Loading and unloading of construction vehicles**

All loading and unloading associated with construction work which is part of the Development must be restricted to designated driveways and car parks onsite, and building materials stored and managed onsite so as not to adversely impact on the natural environment and in accordance with these conditions.

### **D.15. Maintenance of services**

The Applicant shall be responsible for costs associated with relocating any services.

### **D.16. Demolition work**

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

### **D.17. 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.18. 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.19. 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.20. 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.21. Rehabilitation and site establishment**

- (a) If site disturbance occurs, 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.
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## **PART E – PRIOR TO COMMENCEMENT OF USE**

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

Prior to the occupation of the building or the commencement of use 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. Structural certification**

If any structural works are undertaken, 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**

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.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 EP&A (DCFS) 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. Environmental performance**

If plumbing and electrical installations are undertaken, 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.5. A copy of the documentation is to be submitted to the Secretary or nominee with the occupation certificate documentation.

#### **E.9. 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 installation have been installed by a qualified and licensed gas fitter and installed in accordance with the relevant Australian Standards.

#### **E.10. Acoustic requirements**

If any acoustic rectification works are required, 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 Condition B.10. A copy of the documentation is to be submitted to the Secretary or nominee with the occupation certificate documentation.

#### **E.11. 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.12. of this consent; and
- (b) certificates of installation from tradespersons responsible for carrying out the upgrade works.

#### **E.12. Bush fire requirements**

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 Condition B.13. A copy of the documentation is to be submitted to the Secretary or nominee with the occupation certificate documentation.

## **PART F – POST OCCUPATION**

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

An annual fire safety statement conforming to the EP&A (DCFS) 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.

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## 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](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.

### AN.7 Obligations under sub lease

The applicant must obtain any necessary approvals, permissions or endorsements under the requirements of the sub lease prior to undertaking the project.