

# 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.



**Mark Brown**  
**Principal Planning Officer**  
**Alpine Resorts Team**  
**Department of Planning and Environment**

Jindabyne

1 December 2023

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### SCHEDULE 1

<b>Application No.:</b>	DA No. 23/3582
<b>Applicant:</b>	Matthew Anstee
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	Units 20 to 25, The Stables, 20 Candle Heath Road (Lot 603 DP1158020) Perisher Valley, Perisher Range Alpine Resort, Kosciuszko National Park
<b>Type of Development:</b>	Integrated Development
<b>Integrated Bodies:</b>	NSW Rural Fire Service
<b>Approved Development:</b>	External and internal alterations to 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 Matthew Anstee, 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 23/3582	means the development application submitted by the Applicant on 30 March 2023, as amended on 1 November 2023.
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.
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.
Principal Planning Officer	means the Principal Planning Officer of the Alpine Resorts Team within the Regional Assessments division (or its successors) of the Department.
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: Rehabilitation guidelines for the resort areas of Kosciuszko National Park   NSW Environment and Heritage <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>
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.
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.

## 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 23/3582 and supporting documentation first lodged on 30 March 2023, and with updated lodgement via the amendment of 1 November 2023;
- (b) additional information received during the assessment of the application;
- (c) conditions of this consent; and
- (d) approved documents in the table below (except where modified by conditions of this consent):

Ref No.	Document	Title/Description	Author / Prepared by	Date	Document Reference
1	Statement of Environmental Effects	Project: Proposed alterations and additions to existing Units 20-25 at The Stables 20 Candle Heath Road	Tziallas Architects	30 October 2023	-
2	Site Environmental Management Plan	Project: Proposed alterations and additions to Units 20-25 at 'The Stables' 20 Candle Heath Road	Tziallas Architects	30 October 2021	-
3	Report	Bushfire Hazard Assessment Report	Harris Environmental Consulting	28 September 2023	4152BF
4	Report	Section J Compliance Report - Proposed Alterations and Additions to The Stables Resort Perisher	Application Solutions	October 2023	AS1919
5	Report	BCA Compliance Assessment Report for DA Submission	AED Group	12 October 2023	1018-2022 Rev 4.0
6	Plan	Site Plan	Tziallas Architects	25 August 2023	DA-00 Rev-J
7	Plan	Prop. Cladding + Window Elevations	Tziallas Architects	25 August 2023	DA-01 Rev-J

8	Plan	Prop. Ground Floor Plan	Tziallas Architects	25 August 2023	DA-02 Rev-H
9	Plan	Prop. Elevation and Section	Tziallas Architects	25 September 2023	DA-03 Rev-L
10	Plan	Propo. Window + Door Schedule	Tziallas Architects	25 September 2023	DA-04 Rev-H
11	Plan	Waste Management Plan	Tziallas Architects	25 August 2023	DA-05 Rev-H
12	Plan	Prop. External Colour Scedule (sic)	Tziallas Architects	25 August 2023	DA-07 Rev-C
13	Plan	Ex. U20-U25 First Floor Plan	Tziallas Architects	25 August 2023	MD-01 Rev-D
14	Geotechnical Review	Site Classification Summary Report	Douglas Partners	19 October 2023	217258.00 R.001.Rev1
15	Form 4	Minimal Impact Certification	Michael Jones	18 October 2023	-
16	General Terms of Approval	Integrated Development Application s100B – SFPP – Other Tourist Accommodation 20 Candle Heath Road, Perisher Valley NSW 2624 603//DP1158020	NSW Rural Fire Service	12 May 2023	DA2023033 1001378-Original-1
17	Bush Fire Safety Authority	Integrated Development Application s100B – SFPP – Other Tourist Accommodation 20 Candle Heath Road, Perisher Valley NSW 2624 603//DP1158020	NSW Rural Fire Service	7 November 2023	DA2023033 1001378-CL55-1

Note: In accordance with section 24(3)(a) of the EP&A Regulation, a Development Application is lodged on the day on which the fees payable for the Development Application under this EP&A Regulation are paid, including the integrated development fees, or as otherwise amended and advised in accordance with section 38(2)(b) of the EP&A Regulation.

### 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.

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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**

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 plans and specifications**

Prior to the issue of the construction certificate, the Applicant must submit to the Certifier appropriate building work plans and specifications that address the following:

- (a) detailed building work plans, drawn to a suitable scale and consisting of a block plan and a general plan, that show the following:
  - (i) a plan of each floor section;
  - (ii) a plan of each elevation of the building;
  - (iii) the levels of the lowest floor, an unbuilt yard or area that belongs to the lowest floor and the adjacent ground; and
  - (iv) the height, design, construction and provision for fire safety and fire resistance, if any; and
- (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; and
- (c) a description of an accredited building product or system sought to be relied on for the purposes of the Act, section 4.15(4); and
- (d) a copy of a compliance certificate to be relied on; and
- (e) if the development involves building work to alter, expand or rebuild an existing building—a scaled plan of the existing building.

### **B.5. Building Code of Australia**

- (a) All building work must be carried out in accordance with the requirements of the National Construction Code - Building Code of Australia.
- (b) Prior to the issue of the construction certificate, the Applicant must submit to the Certifier detailed plans, specifications and supporting information detailing how the proposed building work achieves compliance with the National Construction Code - Building Code of Australia.

### **B.6. 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.7. External walls and cladding (combustible 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.8. External wall system**

- (a) Prior to the issue of a construction certificate the following must be submitted to 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 No.1 of the 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.9. Materials and finishes**

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

<b>Location</b>	<b>Material</b>	<b>Colour</b>
Wall cladding	Colorbond Nailstrip profile metal cladding	Woodland Grey
Door and Windows	Aluminium frames	Woodland Grey
New roofing over infilled balcony	Colorbond Custom Orb profile metal roofing	Woodland Grey

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.10. Termite protection**

Any new building work which are part of the Development must be protected from attack from subterranean termites in accordance with AS 3660 *Termite management*. Details are to be submitted to the 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.11. 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 General Terms of Approval (reference Item 16 in Condition A.2) and the Bush Fire Safety Authority (reference Item 17 in Condition A.2).

#### **B.12. 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 EP&A (DCFS) Regulation 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.13. 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.22 and E.7. 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.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. Stormwater drainage plan**

Prior to the issue of the construction certificate, a stormwater drainage plan and design statement prepared and signed by an appropriately qualified and practising stormwater or civil engineer shall be submitted to the Certifier.

The plan shall address the following:

- (a) roof water and surface water for the area along the western boundary of the site adjoining Units 20 to 25 of the development;
- (b) the stormwater system shall be designed in consultation with NPWS Perisher Team (Senior Engineer) and evidence of consultation shall be provided; and
- (c) volume calculations of the stormwater system shall be provided.

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

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

#### **B.16. Updated Asset Protection Zone (APZ) Plan**

Prior to the issue of any construction certificate, the APZ plan by Harris Environmental Consultants dated 3 March 2021 contained in the Bushfire Hazard Assessment Report (Ref No. Item 3 in Condition A.2) must be updated as follows:

- (a) Include the requirements of General Condition 3. of the General Terms of Approval (reference Item 16 in Condition A.2), and
- (b) 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, and
- (c) 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.

## **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. Erection of Construction Sign**

- (a) A sign must be erected at eye level in a prominent position on any site on which any approved work is being carried out:
  - (i) Showing the name, address and telephone number of the principal certifying authority for the work;
  - (ii) Showing the name of the principal contractor (if any) for any demolition or building work and a telephone number on which that person may be contacted outside working hours; and
  - (iii) Stating that unauthorised entry to the work site is prohibited.
- (b) The sign is to be maintained while the approved work is being carried out and must be removed when the work has been completed.
- (c) The sign shall be durable and weatherproof with minimum dimensions 841mm x 594mm with text minimum 30 point.

### **C.4. Demolition**

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

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

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

### **C.5. 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.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. Termite protection**

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

### **C.8. 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 (reference Item 3 Condition A.2) is to be carried out. Following completion of the vegetation management, advice must be submitted to the Department and NPWS within 7 days of it being submitted to the Principal Certifier.

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

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

### **C.10. Compliance**

The Applicant must ensure that all employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

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## **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**

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) and (b) inclusive of Condition D.1.
- (b) all construction activities in connection with the Development are confined to the Subject site;
- (c) no disturbance or other adverse environmental impacts occur outside the Subject site; and
- (d) all materials, stockpiles, vehicles, machinery and the like are 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. 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.6. Site notice**

The Applicant must ensure that site notices are prominently displayed at the boundaries of the Subject site in accordance with Condition C.3 for the duration of works.

#### **D.7. 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.8. 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.9. Dirt and dust control measures**

- (a) 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.
- (b) Without limiting paragraph (a), the Applicant must ensure that the following measures are adopted while undertaking works:
  - (i) all vehicles carrying spoil or rubble to or from the Subject site must at all times be covered to prevent the escape of dust or other material;
  - (ii) covers are to be adequately secured;
  - (iii) cleaning of footpaths must be carried out regularly;
  - (iv) roadways must be kept clean;
  - (v) gates must be closed between vehicle movements;
  - (vi) gates must be fitted with shade cloth; and
  - (vii) the Subject site is to be hosed down when there is a risk of works creating airborne dust.

#### **D.10. Safety fencing**

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

#### **D.11. 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.12. 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.4(b)) or ensure that it is sent to a recycling facility in order to reduce landfill.

### **D.13. Litter and building waste**

Building waste must be minimised and must be contained in receptacles and covered daily, or removed from the Subject site each day and disposed of at an authorised waste disposal facility 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.14. Demolition work**

Demolition work must comply with the provisions of Australian Standard AS 2601-2001 *Demolition of Structures* and be in accordance with the documentation submitted to the Department as required by Condition C.4.

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

All loading and unloading associated with demolition and construction work which is part of the Development must be restricted to those areas approved in the Waste Management Plan (Condition A.2) and these conditions.

### **D.16. 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.17. Erosion and sediment control measures**

During the construction phase of the Development, the Applicant must ensure that all erosion and sediment control measures (e.g. silt curtains, sediment fences, booms etc.) are:

- (a) installed and maintained in accordance with *Managing Urban Stormwater: Soils and Construction* (4th Edition Landcom, 2004, aka the Blue Book); and
- (b) checked regularly, and in any case after each precipitation event, to ensure they remain in good working order at all times.

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

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

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

- (a) The removal of any asbestos or other hazardous material found on the Subject site must be carried out in accordance with current SafeWork NSW guidelines and only by an appropriately qualified and licensed contractor in accordance with the *Work Health and*

*Safety Regulation 2017* and be appropriately transported and disposed of in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014*,

- (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.
- (c) On construction sites where any building contain asbestos material, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and measuring not less than 400mm x 300mm must be displayed in a prominent position visible from the street.

#### **D.20. Scaffolding**

All scaffolding is to be located within the lot boundaries and shall comply with AS/NZS 1576 *Scaffolding* and AS/NZS 4576 *Guidelines for Scaffolding*.

#### **D.21. 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.22. 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 and structural elements.

#### **D.23. 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.24. 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.

## **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. 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.5. 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 and occupation certificate documentation in accordance with the regulations.

### **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. Structural adequacy of existing structure**

Prior to the issue of any occupancy certificate, a certificate of structural adequacy (following inspection as required by Condition D.22) 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.8. Rehabilitation**

Prior to the issue of any occupation certificate, any disturbed ground shall be rendered erosion resistant and rehabilitated in accordance with the Rehabilitation Guide.

### **E.9. 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.10. 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.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 General Terms of Approval (reference Item 16 in Condition A.2) and the Bush Fire Safety Authority (reference Item 17 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. 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.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.15), 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. 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 EP&A (DCFS) Regulation 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 Notification of significant fire safety issues

Where an appointed Certifier or Principal Certifier becomes aware of a significant fire safety issue during assessment of the construction certificate, carrying out inspections or assessment of an occupation certificate, the Certifier or Principal Certifier is to provide written notice to the Department describing the fire safety issue and the parts of the building affected by the issue within two days of being made aware of the issue.

### AN.4 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.5 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.6 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.7 Disability Discrimination Act

The application 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.