

# Modification of Development Consent

## Section 4.56 of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning, I hereby modify the development consent referred to in Schedule 1, in the manner outlined in Schedule 2.



Mark Brown

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

Jindabyne

7 September 2023

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### SCHEDULE 1

<b>Application No.:</b>	MOD 23/10039 (DA No. 10064 MOD 3) MOD 3 to NSW LEC No. 2020/68009
<b>Applicant:</b>	Hidali Pty Ltd
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	Black Bear Inn, Lot 794 DP 1119757, Diggings Terrace, Thredbo Village, Thredbo Alpine Resort, Kosciuszko National Park
<b>Type of Development:</b>	Integrated Development
<b>Integrated Bodies:</b>	NSW Rural Fire Service
<b>Development:</b>	Demolition of existing building and erection of a 7-storey building comprising nine apartments including an accessible apartment; car parking; all to be used as serviced apartments for tourist accommodation at 30 Diggings Terrace, Thredbo Village
<b>Approved Development:</b>	MOD 23/10039 (DA No. 10064 MOD 3): Modifications to approved NSW LEC development including: <ul style="list-style-type: none"><li>• Relocation of required ingress / egress from Level 0 to Level 1</li><li>• Correction to plan referencing errors determined under MOD 2</li><li>• Minor internal and external amendments</li></ul>

## SCHEDULE 1

Schedule 1 of Development Application No. 10064 (NSW LEC No. 2020/68009) is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck out~~ words as follows

### DEFINITIONS

Act	means the <i>Environmental Planning and Assessment Act, 1979</i> (as amended).
Applicant	means Hidali Pty Ltd, 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.
Consultation	means consultation in accordance with Condition A.12.
DA No 10064	means the development application submitted by the applicant on 21 August 2019.
Department	means the Department of Planning, Industry and Environment, or its successors.
Development	means the works as described in DA No. DA 10064 submitted by Hidali Pty Ltd on 21 August 2019, as amended by the amended information submitted 22 January 2021 (and described in Condition A.2 of this consent)
MOD 22/5350 (DA No. 10064 MOD 1) MOD 1 to NSW LEC No. 2020/68009	means the modification application lodged by the Applicant on 8 April 2022
MOD 22/8121 (DA No. 10064 MOD 2) MOD 2 to NSW LEC No. 2020/68009	means the modification application lodged by the Applicant on 23 June 2022
<b><u>MOD 23/10039 (DA No. 10064 MOD 3) MOD 3 to NSW LEC No. 2020/68009</u></b>	<b><u>means the modification application lodged by the Applicant on 28 July 2023</u></b>
Minister	means the Minister for Planning and Public Spaces
NPWS	means the National Parks and Wildlife Service.
Non-compliance	means an occurrence, set of circumstances or development that is a breach of this consent.
Principal Certifier	means the principal certifier and has the same meaning as Part 6 of the Act.
Regulation	means the Environmental Planning and Assessment Regulations, 2000 (as amended).
RFS	means the NSW Rural Fire Service.

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

## SCHEDULE 2

Schedule 2 of Development Application No. 10064 (NSW LEC No. 2020/68009) is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck out~~ words as follows

### 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 may only be carried out in accordance with the:

- (a) conditions of this consent;
- (b) DA No. DA 10064 submitted by Hidali Pty Ltd on 21 August 2019 as amended by the amended information submitted 22 January 2021;
- (c) Modification Application (MOD 22/5350 (DA 10064 MOD 1)) lodged on 8 April 2022; **and**
- (d) Modification Application (MOD 22/8121 (DA 10064 MOD 2)) lodged on 23 June 2022, as amended on 17 August 2022 and 24 November 2022 **as follows; and**
- (e) **Modification Application (MOD 23/10039 (DA 10064 MOD 3)) lodged on 28 July 2023 as follows:**

Ref No.	Document	Title/Description	Author / Prepared by	Date	Document Reference
1	Statement of Environmental Effects (excluding Appendix A, B and C)	Redevelopment of Black Bear Inn Lot 794, Diggings Terrace Thredbo Alpine Resort Kosciuszko National Park	Dabyne Planning Pty Ltd	August 2019	27-19
2	Bushfire Assessment Report	Redevelopment of Black Bear Inn Lot 794, Diggings Terrace Thredbo Alpine Resort	Dabyne Planning Pty Ltd	August 2019	27-19
3	Arborist Report	Arboricultural Impact Assessment Report	Martin Peacock Tree Care	15 October 2020	-
4	Report	Validation Assessment Underground Storage Tank Removal	Environmental Investigation Services	20 May 2013	E26548Krpt
5	Report	Revised Design Cover Letter	Dabyne Planning Pty Ltd	21 January 2021	-
6	Report	Revised Design Bushfire Letter	Dabyne Planning Pty Ltd	14 January 2021	-

7	Report	Geotechnical Investigation Report	Alliance Geotechnical Pty Ltd	<b>17 May 2022</b> <b><u>29 August 2023</u></b>	<b>13526-GR-1-1 Rev. F</b> <b><u>13526-GR-1-1 Rev. G</u></b>
8	Form 1	Geotechnical Policy - Kosciuszko Alpine Resorts Form 1 – Declaration and certification made by a geotechnical engineer or engineering geologist in a geotechnical report	Alliance Geotechnical Pty Ltd	<b>17 May 2022</b> <b><u>29 August 2023</u></b>	-
9	Plan	Title Page	Popov Bass	4 January 2021	0555-DA000 Rev. 07
10-11	Deleted Under MOD 1				
12-17	Deleted Under MOD 2				
18-25	Deleted Under MOD 1				
26	Plan	External Perspectives	Popov Bass	16 December 2020	0555-DA020 Rev. 06
27	Plan	Site Plan (Split Level)	Popov Bass	16 December 2020	0555-DA021 Rev. 05
28	Bushfire Safety Authority	Integrated Development Application 794//1119757, Diggings Terrace, Thredbo	NSW Rural Fire Service	18 September 2019	D19/2959
29	Report	Minor Modifications	Mod Urban Pty Ltd	March 2022	-
30	Letter	Request for Additional Information Response	Hones Lawyers Pty Ltd	13 May 2022	JBH:MC: 21433
<b>31</b>	<b>Plan</b>	<b>Level 0 – GA Plan</b>	<b>PopovBass Architects</b>	<b>4 May 2022</b>	<b>A-1000 Rev. I</b>
<b>32</b>	<b>Plan</b>	<b>Level 1 – GA Plan</b>	<b>PopovBass Architects</b>	<b>4 May 2022</b>	<b>A-1001 Rev. I</b>
33-39	Deleted Under MOD 2				
40	Report	Apart Layout Modifications	Mod Urban Pty Ltd	June 2022	-
41	Report	Statement of Changes (Page 1 only)	PopovBass Architects	3 June 2022	-

42	Plan	Cover Page	PopovBass Architects	8 June 2022	A-0010 Rev. H
43	Plan	Site Plan	PopovBass Architects	8 June 2022	A-0020 Rev. H
44	Plan	Proposed External Materials	PopovBass Architects	8 June 2022	A-0050 Rev. H
45	Plan	Level 2 – GA Plan	PopovBass Architects	8 June 2022	A-1002 Rev. H
46	Plan	Level 3 – GA Plan	PopovBass Architects	8 June 2022	A-1003 Rev. H
47	Plan	East Elevation	PopovBass Architects	8 June 2022	A-3003 Rev. H
48	Plan	Section AA' – General	PopovBass Architects	8 June 2022	A-4001 Rev. H
49	Plan	Section BB' – General	PopovBass Architects	8 June 2022	A-4002 Rev. H
50	Plan	Section CC' – General	PopovBass Architects	8 June 2022	A-4003 Rev. H
51	Plan	Window Size Quantitative Assessment	PopovBass Architects	17 May 2022	-
52	Report	Horticultural Impact Statement	Alpine Flora	3 June 2022	-
53	Report	Response to Submission	Mod Urban Pty Ltd	18 August 2022	-
54	Report	Schedule of Changes	PopovBass Architects	12 August 2022	-
55	Plan	Level 4 – GA Plan	PopovBass Architects	8 June 2022	A-1004 Rev. H
56	Plan	Level 5 – GA Plan	PopovBass Architects	8 June 2022	A-1005 Rev. H
57	Plan	Level 6 – GA Plan	PopovBass Architects	8 June 2022	A-1006 Rev. H
58	Plan	Roof – GA Plan	PopovBass Architects	8 June 2022	A-1007 Rev. H
59	Plan	North Elevation	PopovBass Architects	8 June 2022	A-3001 Rev. H
60	Plan	South Elevation	PopovBass Architects	8 June 2022	A-3002

					<b>Rev. H</b>
<b>60A</b>	<b>Plan</b>	<b>South Elevation</b>	<b>PopovBass Architects</b>	<b>23 December 2022</b>	<b>A-3002 Rev. K</b>
<b>60B</b>	<b>Plan</b>	<b>South Elevation</b>	<b>PopovBass Architects</b>	<b>23 December 2022</b>	<b>A-3002 Rev. K(1)</b>
<b>61</b>	<b>Plan</b>	<b>West Elevation</b>	<b>PopovBass Architects</b>	<b>8 June 2022</b>	<b>A-3004 Rev. H</b>
<b>62</b>	<b>Plan</b>	<b>Landscape Materials</b>	<b>Ann-Maree O'Brien</b>	<b>4 August 2022</b>	<b>LL DD 002</b>
<b>63</b>	<b>Plan</b>	<b>Planting Plan Legend</b>	<b>Ann-Maree O'Brien</b>	<b>4 August 2022</b>	<b>LL DD 004</b>
64	Plan	Planting Plan Schedule	Ann-Maree O'Brien	4 August 2022	LL DD 007.01
65	Letter	Hidali Pty Ltd Response to Department Letter	Hidali Pty Ltd	24 November 2022	-
<b>66</b>	<b>Plan</b>	<b>Level 4 - GA Plan</b>	<b>PopovBass Architects</b>	<b>24 November 2022</b>	<b>A-1004 Rev. K</b>
67	Letter	Reduced Lobby Area Support Letter	Kosciuszko Thredbo Pty Ltd	11 November 2022	-
68	Letter	Reduced Lobby Area Support Letter	Forbes Stynes	23 November 2022	-
<b>69</b>	<b><u>Report</u></b>	<b><u>MOD 3 Statement of Changes</u></b>	<b><u>PopovBass Architects</u></b>	<b><u>21 August 2023</u></b>	<b><u>Rev. B</u></b>
<b>70</b>	<b><u>Report</u></b>	<b><u>Design Statement – Proposed Modifications</u></b>	<b><u>PopovBass Architects</u></b>	<b><u>14 July 2023</u></b>	<b><u>-</u></b>
<b>71</b>	<b><u>Plan</u></b>	<b><u>Cover Page</u></b>	<b><u>PopovBass Architects</u></b>	<b><u>14 July 2023</u></b>	<b><u>A-0010 Rev. N</u></b>
<b>72</b>	<b><u>Plan</u></b>	<b><u>Level 0 - GA Plan</u></b>	<b><u>PopovBass Architects</u></b>	<b><u>14 July 2023</u></b>	<b><u>A-1000 Rev. N</u></b>
<b>73</b>	<b><u>Plan</u></b>	<b><u>Level 1 - GA Plan</u></b>	<b><u>PopovBass Architects</u></b>	<b><u>14 July 2023</u></b>	<b><u>A-1001 Rev. N</u></b>
<b>74</b>	<b><u>Plan</u></b>	<b><u>Level 2 - GA Plan</u></b>	<b><u>PopovBass Architects</u></b>	<b><u>14 July 2023</u></b>	<b><u>A-1002 Rev. N</u></b>
<b>75</b>	<b><u>Plan</u></b>	<b><u>Level 3 - GA Plan</u></b>	<b><u>PopovBass Architects</u></b>	<b><u>14 July 2023</u></b>	<b><u>A-1003 Rev. N</u></b>

<u>76</u>	<u>Plan</u>	<u>Level 4 - GA Plan</u>	<u>PopovBass Architects</u>	<u>21 August 2023</u>	<u>A-1004 Rev. P</u>
<u>77</u>	<u>Plan</u>	<u>Level 5 - GA Plan</u>	<u>PopovBass Architects</u>	<u>14 July 2023</u>	<u>A-1005 Rev. N</u>
<u>78</u>	<u>Plan</u>	<u>Level 6 - GA Plan</u>	<u>PopovBass Architects</u>	<u>14 July 2023</u>	<u>A-1006 Rev. N</u>
<u>79</u>	<u>Plan</u>	<u>Roof - GA Plan</u>	<u>PopovBass Architects</u>	<u>14 July 2023</u>	<u>A-1007 Rev. N</u>
<u>80</u>	<u>Plan</u>	<u>North Elevation</u>	<u>PopovBass Architects</u>	<u>14 July 2023</u>	<u>A-3001 Rev. N</u>
<u>81</u>	<u>Plan</u>	<u>South Elevation</u>	<u>PopovBass Architects</u>	<u>14 July 2023</u>	<u>A-3002 Rev. N</u>
<u>82</u>	<u>Plan</u>	<u>East Elevation</u>	<u>PopovBass Architects</u>	<u>14 July 2023</u>	<u>A-3003 Rev. N</u>
<u>83</u>	<u>Plan</u>	<u>West Elevation</u>	<u>PopovBass Architects</u>	<u>14 July 2023</u>	<u>A-3004 Rev. N</u>
<u>84</u>	<u>Plan</u>	<u>Section AA' - General</u>	<u>PopovBass Architects</u>	<u>14 July 2023</u>	<u>A-4001 Rev. N</u>
<u>85</u>	<u>Plan</u>	<u>Section BB' - General</u>	<u>PopovBass Architects</u>	<u>14 July 2023</u>	<u>A-4002 Rev. N</u>
<u>86</u>	<u>Plan</u>	<u>Section CC' - General</u>	<u>PopovBass Architects</u>	<u>14 July 2023</u>	<u>A-4003 Rev. N</u>
<u>87</u>	<u>Plan</u>	<u>Landscape Materials</u>	<u>Ann-Maree O'Brien</u>	<u>27 June 2023</u>	<u>LA DD 002</u>
<u>88</u>	<u>Plan</u>	<u>Planting Plan Legend</u>	<u>Ann-Maree O'Brien</u>	<u>04 September 2023</u>	<u>LA DD 004</u>
<u>89</u>	<u>Report</u>	<u>Response Table</u>	<u>Hidali Pty Ltd</u>	<u>21 August 2023</u>	<u>:</u>
<u>90</u>	<u>Report</u>	<u>Response to Public Submissions</u>	<u>Hidali Pty Ltd</u>	<u>28 August 2023</u>	<u>:</u>

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.3 Inconsistency between documents**

If there is any inconsistency between the plans and documentation referred to above, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this approval prevail to the extent of any inconsistency.



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

This development consent will lapse five years from the date of consent, unless the building, engineering or construction work relating to the development is physically commenced on the land to which this consent applies before the date on which the consent would otherwise lapse.

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

All works shall comply with the prescribed conditions of development consent as set out in Part 6, Division 8A of the Regulation. In particular, your attention is drawn to:

- (a) clause 98, Compliance with Building Code of Australia;
- (b) clause 98A, Erection of signs during building and demolition works; and
- (c) clause 98E, Condition relating to shoring and adequacy of adjoining property.

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

All works shall 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 Separate approval for use of restaurant**

This consent does not approve the use of the area marked 'restaurant' on Level 1 - GA Plan shown in plan ~~1001 Rev. I~~ **A-1001 Rev. N**, prepared by Popov Bass, dated ~~4 May 2022~~ **14 July 2023** as a restaurant. A separate development application would need to be submitted and approved prior to use of the restaurant space on Level 1.

#### **A.9 Underpinning of adjoining properties**

No approval is granted for underpinning on a neighbouring lot (being outside of Lot 794 DP 1119757). A separate development application would be required for underpinning outside of the subject site.

#### **A.10 Deleted**

#### **A.11 Restriction on access**

Public access to the building must only be from Diggings Terrace. The ~~Level 0 - GA Plan Level 1 - GA Plan (A-1000 Rev. I)~~ **A-1001 Rev. N**, prepared by Popov Bass, dated ~~4 May 2022~~ **14 July 2023** required ingress/egress from the rear of the building must only be used:

- (a) for access to or from the accommodation units within the building between the hours of 6am and 10pm or for fire egress or escape purposes.; and
- (b) following the issue of the occupation certificate for the works the subject of development consent DA 078-12-2010 as approved 20 January 2011.

#### **A.12 Evidence of Consultation**

Where conditions of this consent require consultation with an identified party, the Applicant must:

- (a) consult with the relevant party prior to submitting the subject document for information or approval; and
- (b) provide details of the consultation undertaken including:
  - (i) the outcome of that consultation, matters resolved and unresolved; and
  - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

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

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

Work must not commence until a 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; or
  - (ii) is shown to be at least equivalent to the deemed to satisfy provision; or
  - (iii) a combination of (a) and (b).

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

Prior to the issue of the construction certificate, the Applicant shall submit a BCA compliance report demonstrating that the proposal complies with the relevant provisions of the BCA to the satisfaction of the certifier.

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

Prior to the issue of the construction certificate, the Applicant shall submit structural drawings and a design statement, prepared and signed by an appropriately qualified practising Structural Engineer, to the satisfaction of the certifier.

### **B.5 Specifications**

Prior to the issue of the construction certificate, the Applicant shall submit to the satisfaction of the certifier specifications for the development:

- (a) that describe the construction and materials of which the building, 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.

### **B.6 Payment of the Long Service Levy**

Prior to the issue of the construction certificate, evidence shall be submitted 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 Geotechnical declaration and certification**

Prior to the issue of the construction certificate, a completed and signed Form 2 from the Department's Geotechnical Policy – Kosciuszko Alpine Resorts (2003) shall be submitted to the certifier. All sections of the Form 2 must be completed and signed by the appropriate person/s. If the Department is not the certifier, the appointed certifier is to provide a copy of the completed and signed Form 2 to the Department with the copy of the construction certificate.

A Form 2 must be submitted with each construction certificate, unless otherwise approved in writing by the Secretary following receipt of advice from a geotechnical engineer.

### **B.8 Hydraulics plan**

Prior to the issue of the construction certificate, a hydraulics plan in accordance with the relevant and current Australian Standards and design statement, prepared by an appropriately qualified and practising professional, shall be submitted to the satisfaction of the certifier. If the Department is not the certifier a copy of the documentation shall be submitted to the Department with the construction certificate.

### **B.9 Stormwater drainage plan**

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

The plan shall address the following:

- (a) the stormwater system shall be designed in consultation with Kosciuszko Thredbo Pty Ltd and evidence of consultation shall be provided;
- (b) Kosciuszko Thredbo Pty Ltd shall provide confirmation that the drainage system that the development is to connect to is capable of handling the stormwater generated by the development and the discharge points are appropriate; and
- (iii) 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. If the Department is not the certifier, copies of the above information shall be submitted to the Department with the construction certificate.

### **B.10 Disabled access and Accessibility Report**

- (a) Apartment 401B must be an accessible studio that is designed, constructed and available to be used for people with a disability in accordance with the BCA.
- (b) Access and facilities for people with disabilities must be designed in accordance with the relevant provisions of the BCA for the buildings approved use as tourist accommodation. Prior to the issue of the construction certificate, a report and certificate certifying compliance with this condition from an appropriately qualified person must be provided to the satisfaction of the certifier.

### **B.11 Extension of existing services**

Prior to the issue of the construction certificate requiring the extension of existing services including electricity, water, sewer, gas and communication, plans are to be submitted to the satisfaction of the certifier identifying the existing and proposed services to be upgraded or extended in order to carry out the development. The plans are to be prepared by appropriately qualified and practising professionals.

If the Department is not the certifier, a copy of the documentation shall be submitted to the Department with the construction certificate.

### **B.12 Energy efficiency**

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

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

### **B.13 Car parking and pedestrian access**

Prior to the issue of the construction certificate, design details for the car parking demonstrating compliance with *Australian Standard / New Zealand Standard 2890 Parking facilities* and a design statement, shall be submitted to the satisfaction of the certifier. If the Department is not the certifier, a copy of the documentation shall be submitted to the Department with the construction certificate.

### **B.14 Proposed fire safety measures and essential services**

Prior to the issue of the construction certificate, the Applicant shall submit to the satisfaction of the certifier a list and plans of the fire safety measures and essential fire services to be provided in relation to the land and any building on the land as a consequence of the building work. The plan is to be prepared by an appropriately qualified person or fire engineer. The plan is also to identify that the building is capable of being covered by existing or proposed fire hydrants.

If the Department is not the certifier, a copy of the documentation shall be submitted to the Department with the construction certificate.

### **B.15 Mechanical ventilation**

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

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

No mechanical ventilation shall be installed above the maximum approved roof height of RL 1,399.95.

If the Department is not the certifier, a copy of the documentation shall be submitted to the Department with the construction certificate.

### **B.16 Heating and cooling appliances**

Prior to the issue of the construction certificate, details, specifications and plans of the proposed heating and cooling appliances to be installed for the building is to be submitted to the satisfaction of the certifier. No heating or cooling appliances shall be installed above the maximum approved roof height of RL 1,399.95 other than the gas chimney flues depicted ~~in the approved Popov Bass drawings numbered 8, 9, 10. on Plans A-3001, A-3002, A-3003 and A-3004 prepared by PopovBass Architects and dated 14 July 2023.~~

Note: No consent is provided for the installation of any wood / solid fuel fires.

### **B.17 Bush fire safety authority**

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 of the bush fire safety authority (reference 28 in Condition A.2).

#### **B.18 External walls and cladding**

- (a) The external walls of all buildings must comply with the relevant requirements of the BCA.
- (b) Prior to the issue of the 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.19 Waste receptacle**

Prior to the issue of the construction certificate, the Applicant shall provide to the satisfaction of the certifier details of the location and design of an appropriate waste storage facility (providing waste and recycling bins), which follows consultation with and approval from Kosciuszko Thredbo Pty Ltd. If the Department is not the certifier, a copy of the documentation shall be submitted to the Department with the construction certificate.

#### **B.20 Deleted**

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

Prior to the issue of the construction certificate, the certifier must be satisfied that the documentation for the construction certificate demonstrates compliance with the approved 'Material Schedule' (reference 44 in Condition A.2).

If the Department is not the certifier, a copy of the documentation shall be submitted to the Department with the construction certificate.

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

Prior to the issue of the construction certificate, an external lighting plan and a design statement prepared by an appropriately qualified professional, shall be submitted to the satisfaction of the certifier. The lighting (including any illuminated signage) shall comply with *Australian Standard AS 4282-1997: 'Control of Obtrusive Effects of Outdoor Lighting'*. If the Department is not the certifier, a copy of the documentation shall be submitted to the Department with the construction certificate.

#### **B.23 Rehabilitation and landscape plan**

- (a) Prior to the issue of a construction certificate, a rehabilitation and landscaping plan shall be submitted to the Secretary for approval.
- (b) The landscape plan shall be prepared in consultation with the adjoining properties at Candlelight Lodge (Lot 795 DP 1119757) and Sasha's Apartments (Lot 793 DP 1119757) to ensure appropriate resolution of any existing trees located on the boundary or trees on the adjoining properties which may be effected by excavation approved on the subject site.
- (c) The plan must comply with the following:
  - (i) be prepared by a qualified landscape architect, landscape designer, or similarly qualified person/s;
  - (ii) all rehabilitation shall be in accordance with the *Rehabilitation Guidelines for the Resorts Areas, Kosciuszko National Park* (NPWS 2007);
  - (iii) the bushfire requirements of reference 28 in Condition A.2;
  - (iv) provide a species list and details of planting ratios / density of tube stock;
  - (v) all straw bales used must be certified as weed free; and
  - (vi) identify that landscaped area are using endemic plant species, be adequately mulched and maintained until an erosion resistant ground condition is achieved.

A construction certificate may not be issued until a Rehabilitation and Landscape Plan has been approved by the Secretary under this condition.

The Applicant must comply with any Rehabilitation and Landscape Plan approved by the Secretary under this condition.

Copy of the above approved plan shall be submitted to the certifier.

#### **B.24 Deleted**

#### **B.25 Temporary shoring of excavations**

Prior to the issue of the construction certificate, sufficient details of the means and appropriateness of providing temporary shoring to any excavated face shall be submitted to the satisfaction of the certifier. This detail shall be prepared and signed by an appropriately qualified practising structural or civil engineer and shall be in accordance with the geotechnical documentation at references 7 in Condition A.2.

#### **B.26 Surrender of Development Consent No. DA 33-7-2007**

Prior to the issue of the construction certificate, the applicant shall submit a notice of surrender of a development consent to the Department for the surrender of development consent DA 33-7-2007 which was approved by the Minister for Planning on 23 July 2008. In accordance with clause 97(1) of the Regulation, a notice of surrender of a development consent must include the following information:

- a) the name and address of the person by whom the notice is given,
- b) the address, and formal particulars of title, of the land to which the consent or right relates,
- c) a description of the development consent or existing use right to be modified or surrendered,
- d) particulars as to whether the consent or right is to be modified (including details of the modification) or surrendered,
- e) if the applicant is not the owner of the land, a statement signed by the owner of the land to the effect that the owner consents to the modification or surrender of the consent or right.

#### **B.27 Environmental performance (water and energy efficiency)**

- (a) 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 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 satisfaction of the certifier prior to the issue of the construction certificate. If the Department is not the certifier, a copy of the documentation shall be submitted to the Department with the construction certificate.

## **B.28 Electrical Services**

Electrical Services details and a design statement prepared and signed by an appropriately qualified practising electrical engineer are to be submitted to the satisfaction of the certifier prior to the issue of the construction certificate. The plans and design statement shall indicate that the design is in accordance with the relevant Australian Standards for electrical installations, interior lighting and, where relevant, fire detection and alarm system, emergency lighting and exit signage.

## **B.29 Snow stoppers**

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

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

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

The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.

If the construction or operation of the development is to be staged, the Department must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

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

Prior to works 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 construction works commencing, all site environmental management measures in accordance with the approved documentation (Condition A.2), the CEMP (Condition C.11) and these conditions of consent, shall be in place and in good working order.

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

Demolition work 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 Machinery and storage**

Machinery used during construction must be cleaned prior to site mobilisation, be regularly maintained and manoeuvred to prevent the spread of exotic vegetation. Storage of machinery and material is to be restricted to the designated disturbed areas.

### **C.6 Plumbing and drainage works**

Prior to the commencement of works, 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:

<http://www.environment.nsw.gov.au/alpineresorts/plumbing-and-drainage.htm>

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

### **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 Dilapidation report**

Prior to the commencement of any works (including demolition) on the subject site the Applicant is to engage a qualified structural/civil or geotechnical engineer to prepare dilapidation report/s detailing the current structural condition of all nearby buildings, pedestrian paths, infrastructure and roads. The dilapidation report/s shall be submitted to the principal certifier and a copy of the dilapidation report/s shall be provided to the Department within 7 days of it being submitted to the principal certifier.

### **C.9 Traffic & pedestrian management plan**

Prior to the commencement of works, a Traffic and Pedestrian Management Plan shall be submitted to the satisfaction of Kosciuszko Thredbo Pty Ltd and the principal certifier. The Plan shall address, but not be limited to, the following matters:

- (a) access to the car parking areas for neighbouring buildings along Diggings Terrace shall be maintained throughout the construction period;
- (b) the predicted traffic volumes, types and routes shall be provided;
- (c) nomination of parking areas for construction and contractor vehicles and where this is off-site, details of how workers will access the construction site;
- (d) nomination of ingress and egress points for vehicles needing to access the site;
- (e) nomination of loading and unloading zones;
- (f) identification of construction machinery required for various stages of the project;
- (g) use of cranes, excavators and other construction machinery which must be confined to within the construction zone unless a temporary road closure approval has been obtained from Kosciuszko Thredbo Pty Ltd and in this case, the machinery must be confined to the existing road corridor only;
- (h) procedures and personnel responsible for full and partial road closures; and
- (i) any road closures must be approved and co-ordinated by Kosciuszko Thredbo Pty Ltd.

Works may not commence until a Traffic and Pedestrian Management Plan has been approved by the principal certifier. A copy shall be forwarded to the Department within 7 days of it being approved by the principal certifier.

The Applicant must comply with any Traffic and Pedestrian Management Plan approved by the principal certifier under this condition,

### **C.10 Tree removal**

Any trees proposed to be removed, or partly removed, shall be clearly marked/tagged, and inspected prior to their removal, or partial removal.

### **C.11 Construction environmental management plan (CEMP)**

Prior to the commencement of works, a Construction Environmental Management Plan shall be submitted to the satisfaction of the principal certifier. The Plan shall address, but not be limited to the following and confirm to these conditions of consent where applicable:

- (a) the date of commencement of works,
- (b) hours of works,
- (c) contact details of site manager,
- (d) traffic and pedestrian management including details on:
  - (i) ingress and egress of vehicles to the site,
  - (ii) loading and unloading, including construction zones,
  - (iii) the location of storage areas,
  - (iv) predicted traffic volumes, types and routes,
  - (v) parking of construction and contractor vehicles,

- (vi) turning areas of construction and contractor vehicles, and
  - (vii) pedestrian and traffic management methods.
- (e) noise and vibration management identifying specific activities that would be carried out and associated noise sources and how they will be managed. Excavation and construction shall 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 period.
- (f) waste and recycling management including details on:
  - (i) the location for recycling of building materials,
  - (ii) the identification of any asbestos or other hazardous material,
  - (iii) the location for disposal of building waste, and
  - (iv) the location for disposal of excess spoil.
- (g) erosion and sediment control
- (h) flora and fauna management
- (i) suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters, and
- (j) any relevant recommendations of the demolition 'works plan'.

Works may not commence until a Construction Environmental Management Plan has been approved by the principal certifier. A copy shall be forwarded to the Department within 7 days of it being approved by the principal certifier.

The Applicant must comply with any Construction Environmental Management Plan approved by the principal certifier under this condition.

This condition can be satisfied for the whole project or progressively for various sections of the project.

## **C.12 Implementation of construction environmental management measures**

Prior to works commencing, all construction environmental management measures applicable to those particular works in accordance with the approved documentation and plans (Condition A.2), these conditions of consent, and the CEMP required by Condition C.11 shall be in place and in good working order, and shall be inspected and approved as being satisfactory by the principal certifier.

## **C.13 Notice of commencement to interested parties**

Prior to works commencing on the site, the Applicant shall advise:

- (a) Kosciuszko Thredbo Pty Ltd (for any leasing requirements); and
- (b) adjoining lessees (for any construction impacts) (consistent with the list set out in Annexure B)

of the timing of the commencement, construction management arrangements and contacts for any complaints.

Details are to be provided to the principal certifier and a copy forwarded to the Department within 7 days of it being submitted to the principal certifier.

## **C.14 Heritage Report**

In accordance with Condition D.29, a Heritage Report, "before" removal, shall be submitted to the principal certifier prior to commencement of demolition. A copy shall be forwarded to the Department within 7 days of it being submitted to the principal certifier.

### **C.15 Pre-commencement compliance report**

Prior to the commencement of works, the Applicant shall 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 shall be submitted to the Department within 7 days of it being submitted to the principal certifier.

### **C.16 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.

### **C.17 Site environmental management measures**

Prior to any construction works commencing, an updated Site Environmental Management Plan must be provided to and be to the satisfaction of the principal certifier. The plan should include details for site management, such as the following where relevant:

- (a) erosion and sedimentation control management detail;
- (b) management of native vegetation;
- (c) waste management;
- (d) noise and vibration pollution;
- (e) air pollution;
- (f) fuels and chemicals;
- (g) vehicle parking, machinery access and material storage; and
- (h) emergency procedures.

Works may not commence until a Site Environmental Management Plan has been approved by the principal certifier. A copy shall be forwarded to the Department within 7 days of it being approved by the principal certifier.

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.

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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 shall be kept on site at all times and shall be readily available for perusal by the principal certifier, any person associated with construction works, or an officer of the Department.

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

All work in connection with the proposed development shall 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 Public Holidays, or as otherwise approved by the Secretary.

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

- (a) All construction activities are limited to the “summer” period. For this development this period means commencing after the October long weekend and ceases no later than 31 May or as otherwise approved by the Secretary.
- (b) By 31 May the applicant shall ensure that the site is made safe and secure by undertaking the following:
  - (i) removal of all waste materials;
  - (ii) removal and/or securing of all stockpiles of soil and gravel;
  - (iii) demolition and construction materials are removed from around the building and are stored within the building or contained within designated areas;
  - (iv) 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;
  - (v) appropriate signage shall be erected outlining that unauthorised access to the site is prohibited and that the site is a construction zone;
  - (vi) any external scaffolding shall be dismantled and removed from the site;
  - (vii) all external plumbing and drainage works are to be completed;
  - (viii) all disturbed ground is stabilised and made erosion resistant;
  - (ix) any excavations are made safe and secure; and
  - (x) any other specific matters related to making the site safe and secure raised by the principal certifier or the Secretary.

### **D.4 Construction activities**

- (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 SafeWork NSW**

All works shall be carried out in accordance with current SafeWork NSW guidelines.

### **D.6 Site notice**

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details. The notice(s) is to satisfy all but not be limited to, the following requirements:

- (a) The notice is to be durable and weatherproof and is to be displayed throughout the works period.
- (b) The approved hours of work, the name of the principal contractor for the work (if any), and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice.

- (c) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.
- (d) The name, address and phone number of the principal certifier is to be identified on the site signage.

#### **D.7 Storage of materials**

The Applicant shall ensure that the site environmental management measures are complied with and that during the construction period that no storage or disposal of materials shall take place beneath the canopy of any trees or on native heath vegetation.

All stockpiling is to be in accordance with the *'Soil Stockpile Guidelines for the Resort Areas of Kosciuszko National Park, October 2017'*.

#### **D.8 Prohibition of hazardous materials**

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

#### **D.9 Noise and vibration management**

Excavation and construction shall 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 period.

#### **D.10 Litter and building waste**

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

#### **D.11 Demolition work**

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

#### **D.12 Recycled Material**

Wherever possible, building material should be salvaged for reuse during the redevelopment of the building or sent to a recycling facility to reduce landfill.

#### **D.13 Loading and unloading of construction vehicles**

All loading and unloading associated with demolition and construction shall be restricted to those areas approved in the CEMP (Condition C.11) and conditions.

#### **D.14 Aboriginal heritage**

Should any material suspected of being an Aboriginal object, within the meaning of the *National Parks and Wildlife Act 1974*, become unearthed in the course of works, all works impacting the object/s shall cease immediately. The applicant must immediately contact the NPWS to arrange for representatives to inspect the site. All workers on the site are to be made aware of this condition.

#### **D.15 Erosion and sediment control measures**

All erosion and sediment control measures must be checked regularly and maintained in good working order at all times. All exposed earth must be kept stabilised and re-vegetation must

commence as soon as practicable. All straw bales used for sediment and erosion control or for mulching must be 'weed free'.

#### **D.16 Rehabilitation and site establishment**

- (a) Site stabilisation and rehabilitation works shall commence, as soon as possible, following the completion of each section of work to minimise exposed areas. Disturbed areas shall be adequately mulched and maintained with weed free straw until an erosion resistant ground condition is achieved. All erosion prevention and sediment control measures shall remain in place until all exposed areas of soil are stabilised and/or revegetated.
- (b) Rehabilitation shall be undertaken in accordance with:
  - (i) the *Rehabilitation Guidelines for the Resorts Areas, Kosciuszko National Park (NPWS 2007)*;
  - (ii) the detailed rehabilitation and landscape plan (Condition B.23); and
  - (iii) these conditions of consent.

#### **D.17 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.18 Dirt and Dust Control Measures**

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

#### **D.19 Excavations and backfilling**

- (a) All excavating and backfilling shall comply with the following:
  - (i) shall be executed in a safe manner and in accordance with appropriate professional standards;
  - (ii) where trenches or excavations are to be left open overnight, provision shall be made so that any fauna entering these excavations can escape;
  - (iii) adequate provision shall be made for drainage; and
  - (iv) all excavations shall be properly guarded and protected to prevent them from being dangerous;unless otherwise agreed in writing by the Secretary.
- (b) Any clean excavated material (i.e. containing no contaminants or weeds) may be:
  - (i) temporarily stockpiled at the site in accordance with the *Rehabilitation Guidelines for the Resort Areas of Kosciuszko National Park* prior to reuse on site; or
  - (ii) stockpiled and managed at an approved Kosciuszko Thredbo Pty Ltd (KT) facility for future use in accordance with the *Rehabilitation Guidelines for the Resort Areas of Kosciuszko National Park*; or
  - (iii) disposed of at an authorised land fill site.
- (c) Any contaminated material (i.e. containing contaminants or weeds) shall not be stockpiled at the site or in Thredbo and is to be disposed of at an authorised waste facility.
- (d) Imported fill material shall only be obtained from an National Parks and Wildlife Service recommended source.
- (e) Excess imported fill material shall be stockpiled in Thredbo for reuse.

## **D.20 Electrical works**

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

## **D.21 Plumbing and drainage**

All plumbing and drainage works shall comply with the Plumbing Code of Australia and Australian Standard AS/NZS 3500 *Plumbing and drainage* and shall be carried out by an appropriately licensed plumber.

## **D.22 Asbestos**

- (a) The removal of any asbestos or other hazardous material found on the site shall be carried out in accordance with current Work Cover guidelines by an appropriately qualified contractor.
- (b) Any asbestos or other hazardous materials shall be disposed of at an authorised waste facility. Receipts shall be provided to the principal certifier as evidence of appropriate disposal

## **D.23 Geotechnical requirements**

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

- (a) the Department's Geotechnical Policy; and
- (b) the Geotechnical Assessment undertaken by **Crozier Geotechnical Consultants Alliance Geotechnical Pty Ltd** dated ~~15 January 2021~~ **29 August 2023**.

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

## **D.24 Maintenance of services**

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

## **D.25 Termite protection**

Upon completion of the installation of the barrier, the principal certifier shall be furnished 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.

## **D.26 Tree removal**

All tree removal, as identified in the Arborist report at reference 3 in Condition A.2 and landscape and rehabilitation plan at Condition B.23, permitted by this consent shall comply with the following:

- (a) trees required for removal must be clearly marked;
- (b) trees shall be checked for nests, hollows or any fauna and if any fauna are present the NPWS shall be contacted for advice on suitable procedures to be followed;
- (c) trees removed must be cut into pieces small enough to enable them to be used for rehabilitation or taken away from the site.

## **D.27 Blasting**

- (a) No blasting or use of explosives is permitted by this development consent.
- (b) Where use of explosives or blasting is proposed, notice for a period of 7 days should be provided to the immediate adjoining lodges and key stakeholders and the Secretary.
- (c) If use of explosives or blasting is required,:
  - (i) provide a notice to SafeWork NSW;
  - (ii) obtain approval from the Secretary;

- (iii) provide a copy of the approval to the principal certifier.

#### **D.28 Additional site validation**

- (a) Following the demolition of the existing building and during excavation in the vicinity of the previous tank pit, additional inspections, sampling and validation are to be carried out by an experienced and approved contractor.
- (b) Prior to backfilling or new retaining supports, assessment and validation of the soil below (and around) the previous tank excavation pit as defined in reference 4 of condition A.2 shall be completed by a consultant experienced in contaminated land assessment. The results of the assessment and validation shall be submitted to the principal certifier within seven (7) days of the completion of sampling. The backfilling and new retaining supports may not be commenced until the principal certifier has approved the assessment and validation submitted under this condition. If the Department is not the principal certifier, the principal certifier is to provide a copy of the assessment and validation to the Department.
- (c) If contaminated soil is present on site, works shall cease and contingencies shall be made to address the contaminated soil, as it is not feasible to temporarily stockpile the excavated soil on-site, any contaminated excavated material must be disposed at an EPA Approved Landfill and Contaminated Waste Remediation site.
- (d) If contaminated soil is present on site, all works shall cease and a remediation plan shall be prepared in accordance with the Contaminated Land Planning Guidelines and submitted to the Department for approval, prior to remediation action being undertaken. If contaminated soil is present on site, no further works may occur until a remediation plan is approved by the Secretary under this condition. Should additional excavation works be required as part of the remediation, these works will need to be certified by a suitably qualified geotechnical engineer in accordance with the Department's Geotechnical Policy. Any additional excavation works may not be carried out until they have been approved by the Secretary under this condition (or until any further necessary approvals under the Act have been obtained).
- (e) Following remediation, a validation report is to be submitted to the principal certifier in accordance with the Contaminated Land Planning Guidelines and the EPA guidelines for Consultants Reporting on Contaminated Sites. If the Department is not the principal certifier, the principal certifier is to provide a copy of the validation report to the Department.
- (f) If there is no contamination present on site, works may continue.

#### **D.29 Heritage**

The applicant shall compile and submit a report comprising photographic and written record of the details of the Black Bear Inn before, during and after removal. The report is to be prepared by a competent person in accordance with the principles outlined in the Burra Charter, and is to address the following:

- the significance of the existing Black Bear Inn to the development of the skiing industry and the development of the ski resorts; and
- the historical, aesthetic, technical/research and social/associational attributes of the Black Bear Inn

The first stage of the Heritage Report, "before" removal, shall be submitted to the principal certifier prior to commencement of demolition. The remaining components of the report which documents "during" and "after" removal shall be submitted to the principal certifier prior to issue of the occupation certificate.

Upon completion of all three stages of the Heritage Report, a copy of the full report is to be made available to the public (for example, in libraries, in the new lodge, on the internet, other public places) and a copy submitted to the State Library of NSW.

In addition to the Heritage Report, consideration should be given to the use of any of the existing building materials or components/items within the building that could be adapted in a memorial



commemorating the historic significance of the Black Bear Inn and its contribution to the skiing industry.

If the Department is not the principal certifier, the principal certifier is to provide copies of each heritage report to the Department.

#### **D.30 Progress survey certificate**

- (a) The maximum height of any part of the main roof of the completed building must not exceed RL1,399.95 and the completed lift overrun and secondary metal deck roof must not exceed RL1,400.76.
- (b) A survey certificate, prepared by a registered surveyor, must be submitted to the principal certifier at the completion of pouring of each concrete slab and prior to concrete being poured for the next level of the building. The survey is to certify the RL of the lower floor level and the location of that part of the building in relation to the boundaries and each additional level including the roof.

#### **D.31 Water in excavations**

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

#### **D.32 Use of treated timber**

If any treated timber is required to be used it must not be treated with Copper Chrome Arsenic (CCA).

#### **D.33 Re-fuelling**

Appropriate controls shall be put in place to ensure no spillage when re-fuelling all vehicles, machinery associated with the works. Re-fuelling of vehicles shall be performed on hard-stand areas or with appropriate spill kit and temporary bunding in place.

#### **D.34 Gas installations**

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

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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, 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 building or commencement of the use.

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

Prior to commencement of use, the subject site shall be cleaned up to the satisfaction of the principal certifier.

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

Any site notices or other site information signs shall be removed upon completion of the site works and prior to the commencement of use.

### **E.4 Fire safety certificate**

Prior to the issue of the occupation certificate, a fire safety certificate conforming to the Regulations shall be submitted to the principal certifier. A copy of the documentation shall be submitted to the Department with the occupation certificate.

### **E.5 Structural certification**

A structural engineer's certificate shall be submitted to the principal certifier prior to the issue of the occupancy certificate. The certificate is to verify that structural works have been completed in accordance with the approved plans and specifications and comply with the provisions of the BCA and relevant standards. A copy of the documentation shall be submitted to the Department with the occupation certificate.

### **E.6 Rehabilitation and landscaping**

- (a) Prior to the issue of the occupation certificate, any disturbed ground shall be rendered erosion resistant and rehabilitated in accordance with the approved documentation and these conditions of consent (including Condition B.23).
- (b) Prior to the issue of the occupation certificate, all landscaping provided in accordance with the approved landscape plan (at condition B.23) shall be planted.

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

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

### **E.8 Electrical certification**

Prior to the issue of the occupation certificate, certification prepared and signed by an appropriately qualified electrician shall be submitted to the principal certifier. The certificate shall indicate that all electrical works have been installed by a qualified and licensed electrician and installed in accordance with the relevant Australian Standards. A copy of the documentation shall be submitted to the Department with the occupation certificate.

### **E.9 Stormwater drainage system certification**

An appropriately qualified and practising stormwater engineer shall provide certification to the principal certifier that the stormwater drainage system has been installed in accordance with the

approved detailed stormwater drainage plan (Condition B.9), prior to issue of the occupation certificate. A copy of the documentation shall be submitted to the Department with the occupation certificate.

#### **E.10 Hydraulic certification**

Prior to issue of the occupation certificate, hydraulic certification is to be provided to the principal certifier. This certificate is to verify that hydraulic works have been completed in accordance with approved plans and specifications and comply with the provisions of the BCA and relevant standards. A copy of the documentation shall be submitted to the Department with the occupation certificate.

#### **E.11 Geotechnical certification**

- (a) Prior to the issue of the occupation certificate:
  - (i) a completed and signed Form 3 from the Department's Geotechnical Policy – Kosciuszko Alpine Resorts (2003) must be submitted to the principal certifier. All sections of the Form 3 must be completed and signed by the appropriate person/s; or
  - (ii) if alternative advice is provided by the geotech and approved by the Secretary in Condition D.23, confirmation that the works have been undertaken in accordance with the advice.
- (b) If the Department is not the principal certifier, the appointed principal certifier shall provide a copy of the completed and signed Form 3 to the Department with the copy of the occupation certificate.

#### **E.12 Details from registered surveyor**

Prior to the issue of the occupation certificate, the following is to be provided to the principal certifier:

- (a) a building identification survey of the constructed development; and
- (b) a final survey certificate of the height, prepared by a registered surveyor, must be submitted at the completion of the works. The survey is to certify the RL of the height point of the roof.

A copy of the documentation shall be submitted to the Department with the occupation certificate.

#### **E.13 Dilapidation reports**

- (a) Within 30 days of the completion of the construction works on the subject site, and prior to the occupation certificate being issued:
  - (i) the applicant shall engage a suitably qualified person to prepare post-construction dilapidation report/s;
  - (ii) the post-construction dilapidation report/s shall compare the state of the condition of all nearby buildings, infrastructure and roads;
  - (iii) the post-construction dilapidation report/s shall be submitted to the principal certifier; and
  - (iv) a copy of the dilapidation report/s shall be provided to the Department;
- (b) If it is determined that impacts have occurred as a result of the construction works, then the structural engineer shall make recommendations as to the remediation works that should be undertaken to rectify any impacts detected. These recommendations shall be implemented to the satisfaction of the principal certifier unless they are outside the scope of this development consent, in which case the Department shall be contacted as a matter of urgency to determine the course of action required.

If the Department is not the principal certifier, the principal certifier is to provide a copy of these reports to the Department within 30 days of being approved by the principal certifier and to any occupation certificate being issued.

#### **E.14 Environmental performance**

Prior to the issue of the occupation certificate, the principal certifier is to be satisfied that the development complies with all requirements in Condition B.28.

#### **E.15 Bush fire safety authority**

Prior to the issue of the occupation certificate, the Applicant shall submit documentation to be principal certifier to demonstrate that the works have been undertaken in accordance with the conditions of the bush fire safety authority (reference 28 in Condition A.2). A copy of the documentation shall be submitted to the Department with the occupation certificate

#### **E.16 Mechanical ventilation certification**

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

#### **E.17 External walls and cladding**

Prior to the issue of the 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 Secretary within seven days after the principal certifier accepts it.

#### **E.18 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 documentation shall be submitted to the Department with the occupation certificate.

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

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

#### **E.20 Heritage Report**

In accordance with Condition D.29, a Heritage Report, which documents “during” and “after” removal, shall be submitted to the principal certifier prior to issue of the occupation certificate.

#### **E.21 Gas installations certification**

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.22 Accessible car spaces certification**

Prior to the issue of the occupation certificate, certification shall be submitted to the principal certifier to demonstrate that all accessible car parking spaces have been installed in accordance

with the BCA and relevant Australian Standards. If the Department is not the principal certifier, a copy of the documentation shall be submitted to the Department with the occupation certificate.

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## **PART F – POST OCCUPATION**

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

An annual fire safety statement conforming to the Regulations shall 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 (as required by Condition E.4).

### **F.2 Rehabilitation**

Up until the date 5 years after the issue of an occupation certificate for the whole of the development, all disturbed areas shall be monitored, and maintained to ensure that:

- (a) the ground remains erosion resistant and the groundcover is being established; and
  - (b) all areas planted with native species (including sod replacement and seeding), are surviving.
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## ADVISORY NOTES

### AN.1 Responsibility for other consents / agreements

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

### AN.2 Premises Standard

The persons responsible for ensuring compliance with the Premises Standard (Access to Premises – Buildings) are the building certifier, building developer, and building manager. The Standard's applicability should be reasonably investigated by these persons.

### AN.3 Utility services

- (a) The Applicant shall 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 and/or the lessee are responsible for costs associated with relocating any services.

### AN.4 Dial before you dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig 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 the development 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.5 External lighting

External lighting shall comply with Australian Standard AS 4282-1997: '*Control of Obtrusive Effects of Outdoor Lighting*'.

### AN.6 Deleted

### AN.7 Building signage

A separate development application is required where any signage is to be installed that does not meet the exempt provisions of *State Environmental Planning Policy (Kosciuszko National Park - Alpine Resorts) 2007*.

### AN.8 Scaffolding and hoardings

No approval is given for any scaffolding or hoarding outside of Lot 794 DP 1119757. If additional scaffolding or hoarding is required, separate approval must be obtained prior to installation and after consultation with Kosciuszko Thredbo Pty Ltd and adjoining sub-lessees.

## **AN.9 Spas**

A separate development application is required if spas are to be installed.

## **AN.10 Non-Compliance Notification**

The Department must be notified by the Certifier 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.