

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.



Keiran Thomas
Director
Regional Assessments
Department of Planning and Environment

Jindabyne

15 August 2023

SCHEDULE 1

Application No.:	DA No. 10683
Applicant:	Munjarra Co-Operative Ski Club Ltd
Consent Authority:	Minister for Planning
Land:	Munjarra Lodge (Lot 704 DP 1119757), 13 Bobuck Lane, Thredbo Village, Thredbo Alpine Resort, Kosciuszko National Park
Type of Development:	Integrated Development
Integrated Bodies:	NSW Rural Fire Service
Approved Development:	External alterations to existing tourist accommodation buildings as outlined in Condition A.2

DEFINITIONS

Act		means the <i>Environmental Planning and Assessment Act, 1979</i> (as amended).
Applicant		means Munjarra Co-Operative Ski Club 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.
DA No 10683		means the development application submitted by the Applicant on 25 May 2021.
Department		means the Department of Planning and Environment, or its successors.
Development		means the development approved pursuant to this consent, as defined in Condition A.2 and as modified by the conditions of this consent.
Director		means the Director of Regional Assessments or a delegate of the Director of within the Department.
EP&A Regulation		means the <i>Environmental Planning and Assessment Regulation, 2021</i> (as amended).
EP&A Regulation	(DCFS)	means the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation, 2021</i> (as amended).
Minister		means the Minister for Planning, or nominee.
NPWS		means the National Parks and Wildlife Service, or its successors.
Non-compliance		means an occurrence, set of circumstances or development that is a breach of this consent.
Park		means the Kosciuszko National Park reserved under the <i>National Parks and Wildlife Act 1974</i> .
Precincts - Regional SEPP		means the <i>State Environmental Planning Policy (Precincts – Regional) 2021</i> (as amended), that includes Chapter 4 – Kosciuszko National Park and alpine resorts.
Principal Certifier		means the principal certifier and has the same meaning as Part 6 of the Act.
Rehabilitation Guide		means the NPWS document entitled: <i>Rehabilitation Guidelines for the Resorts Areas of Kosciuszko National Park</i> (2007) a copy of which is available at: Rehabilitation guidelines for the resort areas of Kosciuszko National Park NSW Environment and Heritage
RFS		means the NSW Rural Fire Service, or its successors.
Secretary		means the Secretary of the Department, or nominee/delegate.
Secretary's approval, agreement or satisfaction		means a written approval from the Secretary or nominee/delegate.
Site Environmental Management Plan or SEMP		means a site environmental management plan for the Subject site, prepared by the Applicant as part of Condition B.9.
Stockpile Guide		means the NPWS document entitled: ' <i>Soil Stockpile Guidelines for the Resort Areas of Kosciuszko National Park, October 2017</i> ', a copy of which can be obtained from the NPWS Resorts Environmental Services Team.
Subject site		has the same meaning as the land identified in Part A of this schedule.
Team Leader		means the Team Leader of the Alpine Resorts Team within the Regional Assessments division (or its successors) or a delegate of the Team Leader of the Alpine Resorts Team within the Department.

SCHEDULE 2

PART A – ADMINISTRATIVE CONDITIONS

A.1. Obligation to minimise harm to environment

In addition to meeting the specific performance measures and criteria established in this consent, all reasonable and feasible measures to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development.

A.2. Development in accordance with approved documentation and plans

The development shall be in accordance with the:

- (a) Development Application DA No. DA 10683 and supporting documentation lodged by the Applicant on 25 May 2021;
- (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	Munjarra Lodge	-	-	-
2	Form 1	Geotechnical Policy - Kosciuszko Alpine Resorts Form 1 - Declaration and certification made by geotechnical engineer or engineering geologist in a geotechnical report	JK Geotechnics Pty Ltd	28 May 2020	-
3	Geotechnical Assessment	Proposed Stair Refurbishment and Bike Storage Cage at Munjarra Lodge 13 Bobuck Lane, Thredbo NSW	JK Geotechnics Pty Ltd	28 May 2020	32993RHrpt
4	Plan	Index	TZ Design Pty Ltd	-	-
5	Plan	Notes - 1	TZ Design Pty Ltd	-	-
6	Plan	Entry Stair Plan – Existing / Demolition	TZ Design Pty Ltd	12 May 2021	306-01 Rev. D

7	Plan	Entry Stair Plan - Proposed	TZ Design Pty Ltd	12 May 2021	306-02 Rev. D
8	Plan	Entry Stair Plan – Site / Location Plan	TZ Design Pty Ltd	12 May 2021	306-04 Rev. D
9	Plan	Site Photos	TZ Design Pty Ltd	12 May 2021	306-06 Rev. D
10	Plan	Cover Sheet Sheet 1 of 5	Grounded	20 March 2020	S00 Rev. A
11	Plan	Stair and Mesh Plan Sheet 2 of 5	Grounded	20 March 2020	S01 Rev. A
12	Plan	Stair Elevations and Sections Sheet 3 of 5	Grounded	20 March 2020	S02 Rev. A
13	Plan	Retaining Wall Details Sheet 4 of 5	Grounded	20 March 2020	S03 Rev. A
14	Plan	Bike Storage Cage Sheet 5 of 5	Grounded	20 March 2020	S04 Rev. A
15	Plan	Mountain Bike Store 3D Representation	Grounded	-	107 3D01
16	Plan	Mountain Bike Store Section Through Between	Grounded	-	107 SECTION
17	Plan	Mountain Bike Store Plan View No Mesh	Grounded	-	107 PLAN
18	Plan	Mountain Bike Store Side Elevation	Grounded	-	107 ELEVATION
19	Plan	Mountain Bike Store Front Elevation	Grounded	-	107 ELEVATION
20	Plan	Munjarra Entry Stair 3D View	Grounded	-	102 MP
21	Plan	Munjarra Entry Stair Mesh Plan	Grounded	-	102 MP
22	Plan	Munjarra Entry Stair Member and Post Plan	Grounded	-	102 MP
23	Plan	Munjarra Entry Stair Setout Plan	Grounded	-	102 MP

24	Plan	Munjarra Entry Stair Elevation for Levels	Grounded	-	102 MP
25	Plan	Discharge from Exits - Memorandum	Complete Certification Pty Ltd	17 May 2022	00121 - Memo
26	Plan	DA Lodgement Accessibilty Design Review	Complete Certification Pty Ltd	30 May 2022	22107 Rev. A
27	Plan	Bushfire Construction Assessment for Wood Store and Bike Storage	Complete Bushfire Repots	May 2022	22125 Rev. 01
28	Plan	Bike Storage Area – Proposed	TZ Design Pty Ltd	17 January 2023	306-03 Rev. E
29	Plan	North Elevation	TZ Design Pty Ltd	17 January 2023	306-07 Rev. E
30	Bushfire Safety Authority	s100B – SFPP – Other Tourist Accommodation 13 Bobuck Lane, Thredbo NSW 2625 7004//DP1119757	NSW Rural Fire Service	24 September 2021	DA20210826 003614- Original-1

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

A.3. Inconsistency between documents

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

A.4. Lapsing of consent

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

A.5. Prescribed conditions

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

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

A.6. Australian standards

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

A.7. Legal notices

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

A.8. Non-Compliance Notification

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

The notification must identify the Development and the application number for it, set out the condition of consent that the Development is Non-compliant with, the way in which it does not comply and the reasons for the Non-compliance (if known) and what actions have been, or will be, undertaken to address the Non-compliance.

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

A.9. Excluded development

The following works are excluded from this consent:

- (a) any internal works to a boiler or replacement of components of the building to facilitate connection of the external flues approved under this consent unless considered to be exempt or complying development under *State Environmental Planning Policy (Precincts-Regional) 2021*; and
 - (b) vegetation management works outside of the Subject site.
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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

The appropriate building work plans and specifications must include 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. 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.6. Geotechnical declaration and certification

Prior to the issue of the relevant construction certificate, a completed and signed Form 2 from the Department's *Geotechnical Policy – Kosciuszko Alpine Resorts* (2003) must 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 or nominee following receipt of advice from a geotechnical engineer.

B.7. 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 Principal Certifier prior to the issue of the construction certificate.

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

B.8. Bush fire safety authority

Prior to the issue of the relevant construction certificate, the Certifier must be satisfied that the documentation for the construction certificate demonstrates compliance with the relevant conditions of the bush fire safety authority (Condition A.2), including but not limited to:

- (a) a schedule of proposed ember upgrades; and
- (b) a schedule of proposed tree trimming and / or removal.

B.9. Site environmental management plan (SEMP)

Prior to the issue of any construction certificate, a SEMP must be provided to the Certifier. The plan should be prepared in consultation with NPWS and 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 within the site (or on Bobuck Lane with the endorsement of Kosciuszko Thredbo Pty Ltd) or another suitable location/s endorsed by the NPWS; and
- (h) emergency procedures.

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.10. Wood storage area shelter

Prior to relocation of the wood store in accordance with the recommendations of the 'Discharge from Exits – Memorandum' (Condition A.2), details of the construction standard and measures to be applied to the wood storage structure is to be provided to the Certifier consistent with the 'Bushfire Construction Assessment Report for Wood Store and Bike Storage' (Condition A.2).

In support of the above and prior to issue of the construction certificate for these works, geotechnical and structural requirements are to be obtained from appropriately qualified consultants.

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. Materials and finishes

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

Location	Material	Colour
Storage Cage Metalwork	Steel, Locker Group Pty Ltd in L76 Profile or similar	Black or Wild Brumby Charcoal
Stair case and balustrades	Steel	Black or Wild Brumby Charcoal
Landing and mesh	Galvanised Steel	Silver

Prior to the issue of the construction certificate, the Applicant shall confirm the materials and finishes and submit details to the Certifier. If the Department is not the Certifier, a copy of the documentation shall be submitted to the Department with the construction certificate.

B.12. Asset Protection Zone (APZ) Plan

An APZ plan is to be prepared in consultation with and endorsed by NPWS, and submitted to the Secretary or nominee for approval, prior to issue of the relevant construction certificate.

The plan is to be prepared having regard to *Planning for Bushfire Protection 2019*, in particular Appendix 4.1 – Asset Protection Zones and Appendix 4.1.1 – Inner Protection Areas, and:

- (a) be drawn to a scale of 1:100 or 1:200;
 - (b) clearly mark the vegetation on the site to be retained;
 - (c) clearly mark the vegetation to be removed / managed to achieve the required inner protection requirements of the RFS ; and
 - (d) 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.
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PART C – PRIOR TO THE COMMENCEMENT OF WORKS

C.1. Notification of commencement

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

C.2. Temporary fencing

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

C.3. Implementation of site environmental management measures

Prior to any relevant works which are part of the Development commencing, all site environmental management measures in accordance with the approved documentation (Condition A.2), the SEMP (Condition B.9) and these conditions of consent, shall be in place and in good working order.

C.4. Protection of adjacent vegetation areas

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

C.5. Machinery and storage

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

C.6. Endorsement of and implementation of Asset Protection Zone (APZ) plan

Prior to commencement of building works, the vegetation management of the site in accordance with the approved APZ plan (Condition B.12) 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.7. Vegetation management

Where existing vegetation is to be trimmed or removed in order to comply with this consent, discussions involving an onsite inspection are to occur between the Applicant and the NPWS (Environment Liaison Officer on 0423 902 810) prior to vegetation works being carried out. Details demonstrating compliance with the above are to be provided to the Principal Certifier.

C.8. Plumbing and drainage works

If plumbing and drainage works are required, prior to the commencement of works which are part of the Development, a notice of work must be pre-notified to the plumbing regulator (NPWS Perisher Team) in accordance with *Plumbing and Drainage Act 2011*. For more information please refer to the NPWS website:

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

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

C.9. Pre-commencement compliance report

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

C.10. Compliance

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

PART D – DURING CONSTRUCTION

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

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

- (a) this consent and its schedule of conditions;
- (b) the approved documentation and plans (Condition A.2); and
- (c) the SEMP (Condition B.9).

D.2. Construction hours

All work in connection with the proposed Development may only be carried out between the hours of 7.00am and 6.00pm on Monday to Friday inclusive, and 7:00am to 1.00pm on Saturdays, with no work allowed on Sunday or gazetted public holidays in New South Wales, or as otherwise approved by the Secretary.

D.3. Construction period

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

D.4. Construction activities

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

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

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

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

D.5. Aboriginal heritage

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

D.6. 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, so as not to escape by wind, water or scavenging fauna. These receptacles must only be located in previously disturbed areas and not beneath the canopy or over roots of any trees. The receptacles must be cleaned regularly.

D.7. SafeWork NSW

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

D.8. Site notice

The Applicant must ensure that site notice(s) are prominently displayed at the boundaries of the Subject site for the purposes of informing the public of Development details. The notice(s) is/are to satisfy all but not be limited to, the following requirements:

- (a) The notice is to be durable and weatherproof and is to be displayed throughout the construction phase of the Development.
- (b) The notice(s) must list the approved hours of work, the name of the principal contractor for the work (if any), and include a 24 hour contact phone number for any inquiries, including construction/noise complaints.
- (c) The notice(s) is/are to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.
- (d) The name, address and phone number of the Principal Certifier is to be identified on the notice(s).

D.9. Storage of materials

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

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

D.10. Prohibition of hazardous materials

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

D.11. Dirt and dust control measures

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

D.12. Safety demarcation

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

D.13. Erosion and sediment control measures

- (a) All erosion prevention and sediment control measures must be checked and maintained in good working order at all times, particularly after precipitation events. All exposed earth must be kept stabilised and revegetation must commence as soon as practicable. All straw bales used for sediment and erosion control must be certified as weed free.
- (b) The erosion and sediment controls must also ensure that:
 - (i) grading, excavation, and construction does not take place during or immediately after significant rainfall or snowfall events;
 - (ii) sediment traps are designed, installed, and maintained to maximise the volume of sediment trapped from the Subject site during construction; and
 - (iii) disturbed areas that are not required for further construction access are to be stabilised and revegetated during trail construction.

D.14. Noise and vibration management

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

D.15. Recycled Material

In undertaking works which are part of the Development, the Applicant must wherever possible, salvage building material for reuse during the construction phase of the Development (subject to Condition B.4(b) or ensure that it is sent to a recycling facility in order to reduce landfill.

D.16. Demolitions work

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

D.17. Loading and unloading of construction vehicles

All loading and unloading associated with demolition and construction work which is part of the Development must be restricted to those areas approved in the SEMP (Condition B.9) and these conditions.

D.18. Rehabilitation and site establishment

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

D.19. 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.20. Termite protection

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

D.21. Asbestos

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

D.22. 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.23. Plumbing and drainage works

If plumbing and drainage works are required, 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 works are required as a result of the proposal, 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.

D.25. Geotechnical requirements

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

- (a) the Department's Geotechnical Policy; and
- (b) the Geotechnical Assessment undertaken by JK Geotechnics Pty Ltd (Condition A.2).

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

D.26. Use of treated timber

If any treated timber is required to be used for the Development it must not be treated with copper chromium arsenic.

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. Wood storage area shelter

Prior to the issue of any occupation certificate, all works associated with the relocation of the wood storage area shelter must be completed. Details are to be provided to 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.3. 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.4. 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.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.

E.6. Structural certification

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. Geotechnical certification

- (a) Prior to the issue of the relevant 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 geotechnical engineer (Condition D.25), 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 must provide a copy of the completed and signed Form 3 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 approved documentation and these conditions of consent (including Condition D.18).

E.9. Termite protection certification

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

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

E.10. Bush fire safety authority

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

E.11. Plumbing and drainage works

If plumbing and drainage works are required, 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.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. Gas installations certification

If gas works were undertaken as a result of the proposal, 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.

PART F – POST OCCUPATION

F.1 Annual fire safety statement

An annual fire safety statement conforming to the EP&A (DCFS) Regulations must be provided to the Department and the NSW Fire Brigade every 12 months commencing within 12 months after the date on which the Department received the initial fire safety certificate for the Development.

ADVISORY NOTES

AN.1 Appeals

The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2021* (as amended).

AN.2 Responsibility for other consents / agreements

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

AN.3 Other approvals and permits

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

AN.4 Utility services

- (a) The Applicant must liaise with the relevant utility authorities for electricity, gas (if relevant), water, sewage, telecommunications on the Subject site:
 - (i) to locate all service infrastructure on the Subject site; and
 - (ii) negotiate relocation and/or adjustment of any infrastructure related to these services that will be affected by the construction of the Development.
- (b) The Applicant is responsible for costs associated with relocating any services.

AN.5 Dial before you dig

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

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

AN.6 Disability Discrimination Act

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

AN.7 External lighting

If external lighting is installed, the lighting shall comply with *Australian Standard AS 4282-1997: 'Control of Obtrusive Effects of Outdoor Lighting'*.