

Annexure A

**DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF
CONSENT**

Development Application No: 2021/10688

Development: Demolition of an existing building and construction of a new 2 storey ski lodge with onsite car parking, landscaping and associated services

Site: Lots 619 & 665 in DP1118588 also known as 9 Valley Close, Thredbo

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

Date of determination: 25 August 2022

Date from which consent takes effect: Date the consent is registered on the NSW Planning Portal

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the "Applicant" means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the "Site", means the land known as Lots 619 & 665 in DP1118588 also known as 9 Valley Close, Thredbo.

The conditions of consent are as follows:

CONDITIONS OF CONSENT

Development consent

Section 4.16 of the *Environmental Planning and Assessment Act 1979*

SCHEDULE 1

Development Application No.:	DA No. 10688
Applicant:	Collins Pennington Architects (on behalf of the sublessee Redwin Investments Pty Ltd)
Consent Authority:	Minister for Planning
Site:	9 Valley Close Lot 619 DP 1118588 and Lot 665 DP 1118588, Thredbo Village, Thredbo Alpine Resort, Kosciuszko National Park
Type of Development:	Integrated Development
Integrated Bodies:	NSW Rural Fire Service and Natural Resources Access Regulator
Approved Development:	Demolition of an existing building and erection of a new ski lodge with onsite car parking, offsite car parking turning area; to be used as tourist accommodation

DEFINITIONS

Act	means the <i>Environmental Planning and Assessment Act, 1979</i> (as amended).
Applicant	means Collins Pennington Architects (on behalf of the sublessee Redwin Investments 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.
DA No 10688	means the development application lodged on 21 June 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 (DCFS) Regulation	means the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation, 2021</i> (as amended).
Minister	means the Minister for Planning, or nominee.
NPWS	means the National Parks and Wildlife Service, or its successors.
Non-compliance	means an occurrence, set of circumstances or development that is a breach of this consent.
NRAR	means the Natural Resources Access Regulator (now known as the Department of Planning and Environment – Water).
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: https://www.environment.nsw.gov.au/research-andpublications/publications-search/rehabilitation-guidelines-for-theresort-areas-of-kosciuszko-national-park
RFS	means the NSW Rural Fire Service, or its successors.
Secretary	means the Secretary of the Department, or nominee/delegate.
Secretary's approval, agreement or satisfaction	means a written approval from the Secretary or nominee/delegate.

Site Environmental Management Plan or SEMP	means a site environmental management plan for the Subject site, prepared by the Applicant as part of Condition A.2.
Stockpile Guide	means the NPWS document entitled: ' <i>Soil Stockpile Guidelines for the Resort Areas of Kosciuszko National Park, October 2017</i> ', a copy of which can be obtained from the NPWS Resorts Environmental Services Team.
Subject site	has the same meaning as the land identified in Part A of this schedule.
Team Leader	means the Team Leader of the Alpine Resorts Team within the Regional Assessments division (or its successors) or a delegate of the Team Leader of the Alpine Resorts Team within the Department.

SCHEDULE 2**PART A – ADMINISTRATIVE CONDITIONS****A.1. Obligation to minimise harm to environment**

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

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

The development must be implemented in accordance with the approved plans and supporting documentation listed below, except as amended by conditions of this Development consent:

Ref No.	Document	Title/Description	Author / Prepared by	Date	Document Reference
1	Statement of Environmental Effects	Woodridge Lodge	Collins Pennington Architects	November 2021	-
2	SEMP	Site Environmental Management Plan	Collins Pennington Architects	November 2021	-
3	Report	Biodiversity Offset Scheme Assessment and Aboriginal Heritage Due Diligence Assessment	Collins Pennington Architects	June 2021	
4	Report	Geotechnical Investigation	AssetGeoEnviro	18 July 2022	4291-1-G1 Rev 2
5	Form 1	Geotechnical Policy - Kosciuszko Alpine Resorts Form 1 – Declaration and certification made	AssetGeoEnviro	18 July 2022	-

		by a geotechnical engineer or engineering geologist in a geotechnical report			
6	Report	Bushfire Assessment Report	Ember Bushfire Consulting	10 June 2021	
7	Plan	Location Plan	Collins Pennington Architects	18 May 2021	DA.01 Issue DA1
8	Plan	Site Analysis Site Plan	Collins Pennington Architects	7 June 2022	DA.02 Issue DA3
9	Plan	Demolition Plan	Collins Pennington Architects	9 November 2021	DA.10 Issue DA2
10	Plan	Lower Floor Plan	Collins Pennington Architects	21 June 2022	DA.11 Issue DA4
11	Plan	Upper Floor Plan	Collins Pennington Architects	9 November 2021	DA.12 issue DA2
12	Plan	Roof Plan	Collins Pennington Architects	9 November 2021	DA.13 Issue DA2
13	Plan	Basement Plan	Collins Pennington Architects	25 May 2022	DA. 14 Issue P1
14	Plan	Area Plan	Collins Pennington Architects	18 May 2021	DA.15 Issue DA1
15	Plan	Landscape Plan	Collins Pennington Architects	18 May 2021	DA.18 Issue DA1
16	Plan	Elevations 1	Collins Pennington Architects	9 November 2021	DA.20 Issue DA2
17	Plan	Elevations 2	Collins Pennington Architects	9 November 2021	DA.21 Issue DA2

18	Plan	Materials Schedule	Collins Pennington Architects	9 November 2021	DA.23 Issue DA2
19	Plan	Sections	Collins Pennington Architects	20 June 2022	DA.30 Issue DA4
20	Plan	Stormwater Management Plan	Indesco	3 November 2021	C05 Rev. C
21	Plan	Turning Template Plan	Indesco	11 July 2022	C10 Rev.C
22	Plan	Concept Sediment and Erosion Control Notes	Indesco	3 November 2021	C50 Rev.B
23	Plan	Concept Sediment and Erosion Control Notes	Indesco	3 November 2021	C51 Rev.C
24	Bushfire Safety Authority	s100B – SFPP – Other Tourist Accommodation 9 Valley Close Thredbo NSW 2625 619//DP1118588	NSW Rural Fire Service	13 August 2021	DA202107 23003048-Original-1
25	General Terms of Approval	Demolition of Existing Tourist Accommodation Lodge. Construction of new Tourist Accommodation Lodge and Associated Landscape Works 9 Valley Close Thredbo 2625	Natural Resources Access Regulator	4 August 2021	IDAS11395 20

Note: In accordance with section 24(3)(a) of the EP&A Regulation, a Development Application is lodged on the day on which the fees payable for the Development Application under the EP&A 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

In undertaking the Development, the Applicant must comply with all relevant prescribed conditions of development consent under Part 4, Division 2 of the EP&A Regulation.

A.6. Australian standards

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

A.7. Legal notices

Any advice or notice to the consent authority must 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. Spa pool operating requirements

The spa pool shall comply with either of the following:

- (a) The spa pool shall not be made available to the general public when the premises is rented and the Applicant shall drain and restrict access to the spa at any time the premises is rented.

- (b) Alternatively, if the spa is to be included within rental of the property, the operation of the spa pool is to be in accordance with the *Public Health Act 2010* and *Public Health Regulation 2012*.

A.10. Approved use

This development consent is for a tourist accommodation lodge or logging house that includes the use of the building as transient accommodation for a number of unrelated persons.

A.11. Excluded development

This development consent excludes consent for any car parking on Lot 658 and Lot 656.

PART B – CONDITIONS WHICH MUST BE SATISFIED 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. BCA Compliance Report

Prior to the issue of the construction certificate, the Applicant must engage a suitably qualified building consultant and submit a BCA compliance report demonstrating that the proposal complies with the relevant provisions of Volume One of the BCA in accordance with its approved use as ski lodge (tourist accommodation facility) to the satisfaction of the Certifier.

B.4. Structural drawings and design statement

Prior to the issue of the 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.5. Building works plan

Prior to the issue of the construction certificate, the Applicant must submit to the Certifier building work plans that demonstrates compliance with:

- (a) the relevant clauses of Volume One of the BCA; and
- (b) this development consent.

Note: The appropriate building work plans and specifications must include, but not limited to, 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,
 - (iv) the height, design, construction and provision for fire safety and fire resistance, if any,
- (b) building work specifications that:
 - (i) describe the construction and the materials to be used to construct the building, and
 - (ii) describe the method of drainage, sewerage and water supply, and
 - (iii) state whether the materials to be used are new or second-hand and contain details of any second-hand materials to be used.

B.6. Updated plan for accessible car space within the garage

There must be no obstacles within the 2.5 metres clearance zone associated with the accessible car space in the garage. Prior to the issue of the construction certificate, the Applicant must submit to the Certifier updated building work plans that demonstrates compliance with Figure 2.7 Headroom required above car spaces for people with disabilities in AS 2890.6.

B.7. Accessibility – Building standards

The following instruments describe building standards relevant to promoting accessibility for persons with a disability:

- (a) the *Disability Discrimination Act 1992* (Cth);
- (b) the *Disability (Access to Premises – Buildings) Standards 2010*; and
- (c) the BCA,

(together, the ‘relevant provisions’)

Prior to the issue of the construction certificate, the Applicant must provide the Certifier with appropriate plans and specification demonstrating compliance, that the works proposed as

part of the Development will achieve compliance with the relevant provisions, in accordance with its approved use, as a ski lodge (tourist accommodation facility).

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

B.8. Environmental performance

- (b) Water Efficiency - All water associated fixtures, fittings and appliances installed in the building shall have a minimum three (3) star Water Efficiency Labelling and Standards (WELS) rating.
- (c) Energy Efficiency - Energy efficiency shall be maximised within the development including, but not limited to the following:
 - (i) energy efficient options for lighting are to be installed in all cases where possible;
 - (ii) all classes of appliances that are available with an energy label or a Minimum Energy Performance Standard to be installed within the premises are to have an energy star rating of 4 stars or more (excluding clothes dryers which are to have a rating of 2.5 stars or more and gas water heaters which are to have a rating of 5 stars or more);
 - (iii) all baths, hot water pipes and ceiling spaces are to be insulated;
 - (iv) if air conditioners are installed they are to have a variable speed compressor or inverter drive and their outdoor components are to be positioned out of direct sunlight while still allowing access to outside air;
 - (v) doors and windows are to be fitted with draught seals and weather stripping; and
 - (vi) energy efficient water heaters are to be installed e.g. solar, heat pump or gas.

Details are to be submitted to the Certifier prior to the issue of a construction certificate.

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

B.9. 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.10. External walls and cladding

The external walls of all buildings must comply with the relevant requirements of Volume One of the BCA.

Prior to the issue of the relevant construction certificate, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels, comply with the requirements of the BCA.

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

B.11. 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.12. 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.

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

B.13. 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
- (c) volume calculations of the stormwater system shall be provided.

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

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

B.14. 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.

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

B.15. 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 to 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.16. Car parking and pedestrian access

Prior to the issue of the construction certificate, plans and specifications for the internal car parking and associated turning area is to be prepared accompanied by a design statement that demonstrates compliance with *Australian Standard / New Zealand Standard 2890 Parking facilities*, shall be submitted to the satisfaction of the Certifier.

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

B.17. Fire safety essential services, passive and active

Prior to the issue of the construction certificate, the Applicant must provide the Certifier with appropriate plans and specification demonstrating compliance, that the building works proposed will achieve compliance with the relevant provisions of Volume One of the BCA, in accordance with its approved use, as a ski lodge (tourist accommodation facility).

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

B.18. Mechanical ventilation

Prior to the issue of the construction certificate, drawings and a design statement prepared by an appropriately qualified and practising designer or 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.

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

B.19. 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.

B.20. Waste receptacle

Prior to the issue of the construction certificate, the Applicant shall obtain written consent from Kosciuszko Thredbo Pty Ltd for the location and design of an appropriate waste storage facility (providing waste and recycling bins). A copy is to be furnished to the Certifier.

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

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' in Condition A.2.

A copy of the documentation relied on 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'*.

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

B.23. Rehabilitation and landscape plan

Prior to the issue of a construction certificate, a rehabilitation and landscaping plan shall be submitted to the Secretary for approval. The construction certificate must not be issued until a Rehabilitation and Landscape Plan has been approved by the Secretary under this condition.

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 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.

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

B.24. NPWS and Plan of Management

Prior to the issue of any construction certificate, the Applicant must obtain written confirmation from NPWS that any relevant lessor's consent and Plan of Management matters have either been addressed or are progressing to the point where there is certainty that the development can proceed. The written confirmation must be submitted to the Certifier and a copy sent to the Department.

B.25. Electrical Services

Electrical Services details and a design statement prepared and signed by an appropriately qualified practising electrical designer or 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.

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

B.26. 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.

B.27. Spa

Prior to the issue of the construction certificate, plans and specification must be provided to the Certifier that the proposed spa demonstrates compliance with the relevant provisions of the BCA for accessibility and AS1428. A spa is defined as a swimming pool for the purpose of a structure identified under volume 1 of the BCA.

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

B.28. 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 relevant conditions of the bush fire safety authority in Condition A.2.

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. Controlled activity approval under the Water Management Act 2000

Prior to the commencement of works for any part of the Development requiring a controlled activity approval under the *Water Management Act 2000*, a copy of the controlled activity approval shall be submitted to the Principal Certifier and the Secretary or nominee.

C.3. Temporary fencing

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

C.4. Implementation of site environmental management measures

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

C.5. 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.6. Demolition work

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

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

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

C.7. 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.8. Plumbing and drainage works

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. 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.10. 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, 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.

C.11. Traffic and 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 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 Valley Close 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.12. Construction environmental management plan (CEMP)

Prior to the commencement of works which are part of the Development, 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.

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

If the Department is not the Principal Certifier, a copy of the documentation shall be submitted to the Department prior to the commencement of the works. This condition can be satisfied for the whole project or progressively for various sections of the project.

C.13. 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.12 shall be in place and in good working order, and shall be inspected and approved as being satisfactory by the Principal Certifier.

C.14. 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)
- (b) adjoining lessees (for any construction impacts)

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.15. Pre-commencement compliance report

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

C.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.

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);
- (c) the SEMP (Condition A.2); and
- (d) the CEMP (Condition C.12).

D.2. Construction hours

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

D.3. Construction period

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

D.4. Construction activities and management

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

Note to Applicant: The damage or removal of any native vegetation that is not the subject of this consent requires further authorisation under the National Parks and Wildlife Act 1974 or the Environmental Planning and Assessment Act 1979. Failure to obtain authorisation may result in compliance action under that legislation.

D.5. Aboriginal heritage

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

D.6. Waste

All waste must be contained in receptacles and covered daily, or removed from the Subject site each day, so as not to escape by wind, water or scavenging fauna. These receptacles must only be located in previously disturbed areas and not beneath the canopy or over roots of any trees. 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 Applicant or other principal contractor for the work (if any), and include a 24 hour contact phone number for any inquiries, including construction/noise complaints.
- (c) The notice(s) is/are to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.
- (d) The name, address and phone number of the Principal Certifier is to be identified on the notice(s).

D.9. Prohibition of hazardous materials

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

D.10. Dirt and dust control measures

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

D.11. Safety demarcation

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

D.12. Erosion and sediment control measures

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

D.13. Noise and vibration management

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

D.14. Recycled Material

In undertaking works which are part of the Development, the Applicant must wherever possible, salvage building material for reuse during the construction phase of the Development (subject to Condition B.5(b) or ensure that it is sent to a recycling facility in order to reduce landfill.

D.15. Demolition work

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

D.16. Loading and unloading of construction vehicles

All loading and unloading associated with demolition and construction work which is part of the Development must be restricted to those areas approved in the SEMP (Condition A.2), the CEMP (Condition C.12) and these conditions.

D.17. Electrical works

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

D.18. Plumbing and drainage works

All plumbing and drainage work which are part of the Development must comply with the Plumbing Code of Australia and Australian Standard AS/NZS 3500 *Plumbing and drainage* and must be carried out by an appropriately licensed plumber.

D.19. 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.20. 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.21. 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.22. Maintenance of services

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

D.23. 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.24. 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 AssetGeoEnviro dated 3 November 2021.

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.25. 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.26. 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 a National Parks and Wildlife Service recommended source.
- (e) Excess imported fill material shall be stockpiled in Thredbo for reuse.

D.27. 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.28. 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.

PART E – PRIOR TO COMMENCEMENT OF USE

E.1. Occupation certificate

Prior to the occupation of the building or the commencement of use which are part of the Development, an occupation certificate must be obtained from the Principal Certifier. A copy of the occupation certificate must be furnished to the Secretary prior to the occupation of the relevant buildings or commencement of use which are part of the Development.

E.2. Site Clean Up

Prior to commencement of use which are part of the Development, the Subject site must be cleaned and made good to the satisfaction of the Principal Certifier.

E.3. Removal of site notice

Any site notices or other site information signs must be removed upon completion of construction of the Development and prior to the commencement of use.

E.4. 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.5. Plumbing and drainage works

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

E.6. Electrical certification

Prior to the issue of the relevant occupation certificate, certification prepared and signed by an appropriately qualified electrician must be submitted to the Principal Certifier. The certificate must indicate that all electrical works which are part of the Development have been installed by a qualified and licensed electrician and installed in accordance with the relevant Australian Standards. A copy of the certificate is to be submitted to the Secretary or nominee with the occupation certificate documentation.

E.7. Fire safety certificate

Prior to the issue of the relevant occupation certificate, a fire safety certificate conforming to the EP&A (DCFS) Regulations must be submitted to the Principal Certifier. A copy of the fire safety certificate must be submitted to the Secretary or nominee with the copy of the occupation certificate.

E.8. Environmental performance

Prior to the issue of the relevant occupation certificate, details are to be provided to the Principal Certifier to demonstrate compliance with all requirements of Condition B.8. A copy of the documentation is to be submitted to the Secretary or nominee with the occupation certificate documentation.

E.9. 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 in Condition A.2. A copy of the documentation is to be submitted to the Secretary or nominee with the occupation certificate documentation.

E.10. 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.24, 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.11. Accessibility - Building Standards

Prior to the determination of any occupation certificate, the Principal Certifier must ensure the building work which is part of the Development as complete complies with the approved supporting information per Condition B.7.

E.12. 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.13. External walls and cladding

Prior to the issue of an occupation certificate, the Applicant must provide the Principal Certifier with documented evidence that the products and systems used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.

The Applicant must provide a copy of the documentation given to the Principal Certifier to the Planning Secretary within seven days after the Principal Certifier accepts it.

E.14. 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.15. 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.16. 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.13), prior to issue of the

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

E.17. 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.18. 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.19. 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.20. 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.21. Spa installation certification

Following installation of the spa, certification is to be provided to the Principal Certifier prior to the issue of the occupation certificate that demonstrates compliance the installation meets legislative requirements and the conditions of consent.

E.22. Building identification survey

Prior to the issue of the occupation certificate, a building identification survey of the constructed development identifying setbacks to boundaries and maximum roof ridge height of each apartment is to be furnished to the Principal Certifier, with a copy provided to the Department if not the Principal Certifier.

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.

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.

F.3 Registration of the spa pool

The spa pool shall be registered under the *Swimming Pools Act 1992* on the NSW Governments Swimming Pool Register.

F.4 Spa pool access

Access to the spa pool shall be restricted in accordance with the provisions of the *Swimming Pools Act 1992* and *Swimming Pools Regulation 2018*.

F.5 Spa pool operating requirements

The operation of the spa pool is to be in accordance with the *Public Health Act 2010* and *Public Health Regulation 2012*.

When the spa is emptied, the chemical levels (chlorine / salts) are to be lowered and pH is as close to neutral before emptying to sewer. Kosciuszko Thredbo Pty Ltd Environmental Services are to be advised prior to emptying, 02 6459 4100.

F.6 Spa pool operation noise

At no time shall the use of the spa or any noise emitting equipment associated with the spa give rise to 'offensive noise' as defined under the *Protection of the Environment Operations Act 1997*.

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 Building signage

A separate development application is required where any signage is to be installed that does not meet the exempt provisions of Chapter 4 within *State Environmental Planning Policy (Precincts - Regional) 2021*