

Development consent

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

As delegate of the Minister for Planning and Public Spaces, 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.



David Gainsford

**Deputy Secretary
Development Assessment
Department of Planning and Environment**

23 June 2023

SCHEDULE 1

Application No.:	DA No. 21/11288
Applicant:	Geoanalysis Pty Ltd
Consent Authority:	Minister for Planning
Land:	Perisher View (Lot 1 DP 1192372), Perisher Valley, Perisher Range Alpine Resort, Kosciuszko National Park
Type of Development:	Integrated Development
Integrated Bodies:	NSW Rural Fire Service
Approved Development:	Construction of a new tourist accommodation building as outlined in Condition A.2

DEFINITIONS

Act	means the <i>Environmental Planning and Assessment Act, 1979</i> (as amended).
Applicant	means Geoanalysis 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.
Construction Management Plan or CMP	means a site environmental management plan for the Subject site, prepared by the Applicant as part of Condition A.2.
DA No 21/11288	means the development application submitted by the Applicant on 2 August 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.
NPWS REST Team	means the NPWS Resorts Environmental Services Team, 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.
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 No. DA 21/11288 and supporting documentation lodged on 2 August 2021 and additional information received during the assessment of the application;
- (b) conditions of this consent; and
- (c) approved documents in the table below (except where modified by conditions of this consent):

Ref No.	Document	Title/Description	Author / Prepared by	Dated / Received	Document Reference
1	Statement of Environmental Effects	Perisher Views Ski Lodge	Geoanalysis Pty Ltd	July 2021	-
2	Report	Bushfire Hazard Assessment	BlackAsh Buhfire Consulting	27 July 2021	Version 1.6
3	Report	Preliminary Construction Managment Plan	Blend ESQ	18 December 2020	Version No. 1
4	Report	Report on Geotechnical Investigation	Douglas Partners Pty Ltd	June 2020	94499 Revision 0
5	Form 1	Form 1 – Declaration and Certification made by a geotechnical engineer or engineering geologist in a geotechnical report	Douglas Partners Pty Ltd	23 June 2020	-
6	Report	Section J of NCC 2019 Volume 1 Preliminary Feedback Report	JS Solutions	February 2021	Issue A
7	Report	Response to Public Submissions	Geoanalysis Pty Ltd	June 2022	-
8	Report	Response to Additional Information Requests	Geoanalysis Pty Ltd	June 2022	-
9	Report	National Construction Code of Australia Compliance Report	Illawarra Building Certifiers	7 June 2022	Version 2

10	Report	Test of Significance	Eco Logical Australia Pty Ltd	30 March 2022	15933 Version 2
11	Report	RFS Response for Information Proposed APZ	Eco Logical Australia Pty Ltd	30 March 2022	15933
12	Plan	Cover Sheet	Borst and Co Architecture Pty Ltd	7 June 2022	DA_00B
13	Plan	Site Plan	Borst and Co Architecture Pty Ltd	7 June 2022	DA_01B
14	Plan	Basement Floor Plan	Borst and Co Architecture Pty Ltd	7 June 2022	DA_02B
15	Plan	Ground Floor Plan	Borst and Co Architecture Pty Ltd	7 June 2022	DA_03B
16	Plan	First Floor Plan	Borst and Co Architecture Pty Ltd	7 June 2022	DA_04B
17	Plan	South Elevation	Borst and Co Architecture Pty Ltd	7 June 2022	DA_05B
18	Plan	West Elevation	Borst and Co Architecture Pty Ltd	7 June 2022	DA_06B
19	Plan	East Elevation	Borst and Co Architecture Pty Ltd	7 June 2022	DA_07B
20	Plan	North Elevation	Borst and Co Architecture Pty Ltd	7 June 2022	DA_08B
21	Plan	Section A-A	Borst and Co Architecture Pty Ltd	7 June 2022	DA_09
22	Plan	Section B-B	Borst and Co Architecture Pty Ltd	7 June 2022	DA_10
23	Plan	Gross Floor Area	Borst and Co Architecture Pty Ltd	7 June 2022	DA_13A
24	Plan	3D South West	Borst and Co Architecture Pty Ltd	7 June 2022	DA_14

25	Plan	3D North East	Borst and Co Architecture Pty Ltd	7 June 2022	DA_15
26	Plan	3D South East	Borst and Co Architecture Pty Ltd	7 June 2022	DA_16
27	Plan	3D South East	Borst and Co Architecture Pty Ltd	7 June 2022	DA_17
28	Plan	3D North West	Borst and Co Architecture Pty Ltd	7 June 2022	DA_18
29	Plan	External Finishes	Borst and Co Architecture Pty Ltd	7 June 2022	DA_19
30	Plan	Accessible Bathroom Details	Borst and Co Architecture Pty Ltd	7 June 2022	DA_20B
31	Plan	Waste Hut Details	Borst and Co Architecture Pty Ltd	7 June 2022	DA_21
32	Plan	Driveway	Borst and Co Architecture Pty Ltd	7 June 2022	DA_RFI_01
33	Plan	Cover Sheet and Drawing List	ROC Engineering Design	21 March 2022	C00 Revision 1
34	Plan	Civil Specification	ROC Engineering Design	21 March 2022	C01 Revision 1
35	Plan	Driveway Plan	ROC Engineering Design	21 March 2022	C02 Revision 1
36	Plan	Driveway Longitudinal Sections	ROC Engineering Design	21 March 2022	C03 Revision 1
37	Plan	Driveway Cross Sections	ROC Engineering Design	21 March 2022	C04 Revision 1
38	Plan	Driveway Details	ROC Engineering Design	21 March 2022	C05 Revision 1
39	Plan	Stormwater Concept Plan	Rienco Consulting	March 2022	1001 Revision B
40	Plan	Standard Drawing Typical LPG Tank Installation	ELGAS	20 August 2019	D-STD-LAY-GEN-001 Revision B

41	Report	Geotechnical Comment	Douglas Partners Pty Ltd	14 June 2022	94499.01
42	Report	Response to Public Submissions on Revisions 2 plan	Geoanalysis Pty Ltd	July 2022	
43	Report	Aboriginal Heritage Due Diligence Assessment	Geoanalysis Pty Ltd	August 2022	-
44	Bushfire Safety Authority	s100B – SFPP – Other Tourist Accommodation Perisher View Lodge, Perisher Valley NSW 1//DP1192372	NSW Rural Fire Service	15 December 2022	DA202108040 03243- Oringal-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.

PART B – PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

B.1. Construction certificate

Building 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 a tourist accommodation building to the satisfaction of the Certifier.

B.4. 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.5. 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.6. 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 tourist accommodation building.

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

B.7. Environmental performance

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

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

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

B.8. Payment of the long service levy

Prior to the issue of any construction certificate, evidence shall be provided to the Certifier, in the form of a receipt, confirming payment of the ‘Long Service Levy’ to the Long Service Payments Corporation in accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*.

B.9. External walls and cladding

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

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

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

B.10. 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.11. 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.12. 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.

The plan shall address the following:

- (a) the stormwater system shall be designed in consultation with NPWS Perisher Team (Senior Engineer) and evidence of consultation shall be provided; and
- (b) 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.13. 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.14. Energy efficiency

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

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

B.15. 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 tourist accommodation building.

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

B.16. 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*); and
- (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.17. 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.18. Waste removal hut

Prior to the issue of the construction certificate, the Applicant is to confirm that the dimensions of the waste removal hut conform to the Perisher Range Resorts Waste Receptacle Guideline (Version 3), a copy of which is available at: <https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Parks-reserves-and-protected-areas/Alpine-resorts/waste-receptacle-guideline-perisher-range-resorts-150158.pdf?la=en&hash=A0AB6FC252F6EE18DB9BC25CA27EC0000EBBAC1B>

A copy is to be furnished to the Certifier and to the NPWS Perisher Team.

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

B.19. Materials and finishes

The approved materials and finishes shall be in accordance with Condition A.2, or as otherwise approved by the Secretary or nominee.

B.20. 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.21. 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.22. 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 (reference 44 in Condition A.2).

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, following consultation with NPWS REST Team. 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, including the endorsed APZ plan;
- (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. 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.25. 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.26. 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.27. Public Health

The commercial kitchen design and construction shall comply with the *Food Act 2003* and the Australia New Zealand Food Standards Code. Additional guidance is also provided by Australian Standard 'AS4674-2004 *Design, construction and fit-out of food premises*'.

The Applicant is to submit details of compliance to the Certifier prior to the issue of the construction certificate. If the Department is not the certifier, a copy of the documentation relied on shall be submitted to the Department with the construction certificate.

B.28. Traffic management and standards of construction

Prior to the construction certificate being issued, discussions are to be held with the Manager of the NPWS Perisher Team about the timing for completion of the works, the implementation of traffic management arrangements that would allow continued access to North Perisher and any specific standards for reinstatement of the road.

If the Department is not the Certifier, a copy of the discussion and agreements shall be submitted to the Department with the construction certificate.

B.29. Access road standards of construction

Prior to the issue of the construction certificate, design details meeting NPWS and Rural Fire Service requirements (Condition A.2) shall be submitted to the Secretary for approval, following consultation with NPWS REST Team.

B.30. Gas storage tank

Prior to the issue of the construction certificate, the tank location and supporting structures is to be confirmed by Elgas (or the relevant commercial gas supplier) or a suitably qualified professional as meeting the requirements of Australian Standard / New Zealand Standard 1596:2014 *The storage and handling of LP Gas*. This is to address the tank location, blast wall design and location and required distances of the tank to adjoining land uses (new building and the adjoining Alpine Church).

If the Department is not the Certifier, a copy of the discussion and agreements shall be submitted to the Department with the construction certificate.

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. 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.4. 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.5. 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 Senior Engineer) 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-protectedareas/parkmanagement/alpine-resort-management/our-services/plumbing-and-drainage>

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

C.6. 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.7. Traffic and pedestrian management plan

Prior to the commencement of works, a Traffic and Pedestrian Management Plan shall be submitted to the satisfaction of Principal Certifier, in consultation with the NPWS Perisher Team. The Plan shall address, but not be limited to, the following matters:

- (a) access along Burramys Road for neighbouring buildings 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 mobile 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 NPWS Perisher Team;
- (h) procedures and personnel responsible for full and partial road closures; and
- (i) any road closures must be approved and co-ordinated with the NPWS Perisher Team.

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.8. Construction management plan (CMP)

Prior to the commencement of works which are part of the Development, the CMP shall be amended and updated to include, 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; and

- (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.

Works may not commence until a CMP has been approved by the Principal Certifier.

The Applicant must comply with any CMP 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.9. Implementation of 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 CMP required by Condition C.8 shall be in place and in good working order, and shall be inspected and approved as being satisfactory by the Principal Certifier.

C.10. Implementation of approved Asset Protection Zone (APZ) plan

Prior to commencement of building works, the vegetation management of the site in accordance with the approved APZ plan (Condition A.2 prepared by Eco Logical Australia, 2022) 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.11. “No Go” areas

Prior to any works which are part of the Development commencing:

- (a) “No Go” areas must be appropriately marked so as to clearly delineate environmentally sensitive areas to be avoided by vehicles, machinery and personnel;
- (b) The “No Go” areas to be identified by paragraph (a) are to include the native vegetation adjacent (as illustrated on the approved APZ plan prepared by Eco Logical Australia, 2022) as well as any areas of vegetation that comprise EEC, Alpine Bog, Subalpine Riparian Scrub, Subalpine Heath and Montane Wet Tussock Grassland vegetation communities.

C.12. Wombat and burrow management plan

- (a) Prior to the commencement of works which are part of the Development, the Applicant must prepare a wombat and burrow management plan:
 - (i) in consultation with the NPWS REST Team; and
 - (ii) for submission to, and approval by, the Secretary.
- (b) The plan required by paragraph (a) must provide for the following:
 - (i) record and mark the location of all existing burrows;
 - (ii) monitor of the burrows to determine if the burrow is active. Monitoring is to include a fauna camera and other methods of detection (small sticks across the opening) for at least 7 days;
 - (iii) if burrow is deemed to be inactive then it can be blocked or removed immediately;
 - (iv) identify management actions for existing burrows with consideration being to retain burrows where possible;
 - (v) if the burrow is active, to determine whether the development can occur without disturbance to the burrow (including with fencing or other measures to redirect access and egress from the burrow); and
 - (vi) if the burrow will be destroyed or adversely impacted, to develop and implement a plan for relocation of the wombat in consultation with NPWS.

C.13. Treatment of weeds

- (a) Prior to the commencement of works which are part of the Development comprising the development corridor and associated stockpile sites are to be treated to ensure these weeds are not spread further at the Subject site or throughout the Park.
- (b) For the purposes of paragraph (a), the term “relevant weed species” refers to target pest or weed flora species identified in the regional pest management strategy for the NSW Southern Ranges Region most recently published by the Department. At the date of this consent the current publication is the Regional Pest Management Strategy 2012-17 Southern Ranges Region, a copy of which is available at: <https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Parks-reserves-and-protected-areas/Pest-management-strategies/regional-pest-management-strategy-southern-ranges-region-120374.pdf>
- (c) This condition (Condition C.13) may be satisfied for the whole Development or progressively for various project stages which are part of the Development. In the latter case, paragraphs (a) and (b) of this condition shall reapply for each project stage.
- (d) If an area of excavation and trenching includes any relevant weed species then the vegetation component must first be treated and removed completely from the Subject site and not spread out on site with excavated material or included with excess excavated material to be stockpiled offsite for reuse.

C.14. Access Routes

Access to the site works must be clearly marked prior to works commencing in accordance with the approved plans, or as otherwise approved by the Secretary.

C.15 Water and sewer services (NPWS Perisher Team)

- (a) A hydraulic assessment is to be undertaken by a suitably qualified person to determine the adequacy of the water and sewer services available at the premises location and any new connections required, in consultation with NPWS Perisher Team. This may include a Statement of Pressure and Flow obtained from NPWS confirming adequacy of existing water and sewer to the premises.
- (b) The Applicant is to accurately locate existing water and sewer infrastructure and ensure that no services are built on or covered with hard stand areas, unless agreed by NPWS Perisher Team.
- (c) Any costs associated with installing new services or relocating any services as part of this proposal shall be borne by the Applicant.
- (d) An application is to be made to NPWS Perisher Team for approval prior to the installation of any new sewer or water connections.
- (e) Prior to backfilling of water, sewer and fire hydrant infrastructure at the site, the NPWS Perisher Team must be contacted to arrange a site inspection to ensure all services are intact.
- (f) Any damage to any service including road infrastructure shall be immediately rectified by the Applicant at their expense.

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 Rehabilitation and Landscaping Plan (B.23)
- (d) the Traffic and Pedestrian Management Plan (Condition C.7);
- (e) the Construction Management Plan (Condition C.8);
- (f) the Wombat and Burrow Management Plan (Condition C.12); and
- (g) the Construction Certificate and associated plans.

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 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 (f) 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 and not obstruct Burramys Road.

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

D.5. SafeWork NSW

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

D.6. Site notice

The Applicant must ensure that site 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.7. Storage of materials

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

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

D.8. Prohibition of hazardous materials

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

D.9. Dirt and dust control measures

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.10. Safety demarcation

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

D.11. Noise and vibration management

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

D.12. Recycled Material

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

D.13. Litter and building waste

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

D.14. Loading and unloading of construction vehicles

All loading and unloading associated with construction work which is part of the Development must be restricted to those areas approved in the CMP (Condition C.8) and these conditions.

D.15. 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.16. 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.17. 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.18. 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.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, seeded with *Poa* species and

maintained with weed free straw (i.e. straw which does not contain viable seed or other vegetative propagules) until an erosion resistant ground condition is achieved. All erosion prevention and sediment control measures must remain in place until all exposed areas of soil are stabilised and/or revegetated.

- (b) Rehabilitation must be undertaken by the Applicant in accordance with:
 - (i) the Rehabilitation Guide; and
 - (ii) these conditions of consent.

D.20. Asbestos or other hazardous material

- (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. Geotechnical requirements

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

- (a) the Department's Geotechnical Policy; and
- (b) the Geotechnical Investigation undertaken by Douglas Partners Pty Ltd dated June 2020.

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.23. 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 Subject site in accordance with the Rehabilitation Guide and Stockpile Guide; or
 - (ii) stockpiled, at a location authorised by NPWS, and managed for future use in accordance with the Rehabilitation Guide and Stockpile Guide; or
 - (iii) disposed of at an authorised waste facility.
- (c) Any contaminated material (i.e. containing chemical contaminants or weeds) must not be stockpiled at the Subject site or within the Park and is to be disposed of at an authorised waste facility.
- (d) Imported fill material and gravel must only be obtained from an NPWS authorised source and in accordance with the Stockpile Guide.

- (e) Excess imported fill material must be stockpiled for reuse within the Perisher Range Alpine Resort at a location authorised by NPWS and in accordance with the Stockpile Guide.

D.24. 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.25. 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.

D.26. Vegetation removal

- (a) All vegetation proposed for removal must be clearly marked.
- (b) All vegetation should not be felled / removed in a manner which damages other surrounding vegetation.
- (c) All vegetation removed must either be cut into smaller pieces to be used for rehabilitation, placed into adjoining native vegetation without damage or it must be removed from site completely.
- (d) All vegetation must be checked for fauna habitats and fauna immediately prior to felling / removal. Trees with active nests should not be removed until the young have left the nest. If fauna is present, then the Applicant must contact NPWS to assist with mitigation actions.

D.27. Re-fuelling

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

D.23 Burramys Road access

Burramys Road is required to remain clear at all times. Short term road closures may be permitted for periods less than eight hours if the Applicant obtains approval from the NPWS Perisher Team after giving at least three working days' notice.

PART E – PRIOR TO COMMENCEMENT OF USE

E.1. Occupation certificate

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

E.2. Site Clean Up

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

E.3. Removal of site notice

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

E.4. 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.5. 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.6. 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 Senior Engineer) 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.7. 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.8. 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.9. 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.7. A copy of the documentation is to be submitted to the Secretary or nominee with the occupation certificate documentation.

E.10. 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.19).

E.11. 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.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. 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.14. 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.15. 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.6.

E.16. Termite protection certification

If termite protection is installed, 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.17. 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.18. 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.19. 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.20. 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.12), prior to issue of the occupation certificate. A copy of the documentation shall be submitted to the Department with the occupation certificate.

E.21. 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.22. 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.23. 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.24. 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.25. 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.

E.26. Public Health

Prior to the issue of the relevant occupation certificate for the commercial kitchen area (Condition B.27) approved under this consent:

- (a) The Applicant shall arrange for an inspection of the completed works by the NPWS Environmental Health Officer.
 - (b) Following the inspection, the Applicant shall obtain written confirmation that the works have been completed to the satisfaction of the NPWS Environmental Health Officer.
 - (c) A copy of the written confirmation, as required in (b), must be submitted to the Principal Certifier prior to the issue of the relevant Occupation Certificate. If the Department is not the Principal Certifier, a copy of the written confirmation shall be submitted to the Department along with the Occupation Certificate.
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PART F – POST OCCUPATION

F.1 Annual fire safety statement

An annual fire safety statement conforming to the 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 pools

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

F.4 Spa pools access

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

F.5 Spa pools operating requirements

The operation of the spa pools is to be in accordance with the *Public Health Act 2010*, *Public Health Regulation 2012*, and *National Parks and Wildlife Regulation 2009*.

F.6 Spa pools operation

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*.

The spa pools must operate in compliance with the *Smoke-free Environment Act 2000*.

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, 2000* (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*.