

Development consent

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

As delegate of the Minister for Planning, under delegation executed on 9 March 2022, I approve the Development Application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.



Erin Murphy
Team Leader
Alpine Resorts Team
Department of Planning, Housing and Infrastructure

Jindabyne

15 March 2024

SCHEDULE 1

Application No.:	DA No. 23/14870
Applicant:	Perisher Blue Pty Ltd
Consent Authority:	Minister for Planning
Land:	Lift Operator's Headquarters Building (Lot 256 DP721845) Smiggins Holes, Perisher Range Alpine Resort, Kosciuszko National Park
Type of Development:	General Development
Approved Development:	Removal of existing shed and alterations and additions to an existing building outlined in Condition A.2

DEFINITIONS

Act	means the <i>Environmental Planning and Assessment Act, 1979</i> (as amended).
Applicant	means Perisher Blue 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.
DA No 23/14870	means the development application lodged by the Applicant on 2 November 2023
Department	means the Department of Planning, Housing and Infrastructure, 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.
EEC	endangered ecological communities, as listed for the purposes of the <i>Biodiversity Conservation Act 2016</i> .
EP&A (DCFS) Regulation	means the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation, 2021</i> (as amended).
Geotechnical Policy	means the Department's Geotechnical Policy – Kosciuszko Alpine Resorts a copy of which is available at: https://www.planning.nsw.gov.au/-/media/Files/DPE/Plans-and-policies/geotechnical-policy-kosciuszko-alpine-resorts-2003-11.pdf
Minister	means the Minister for Planning, or nominee.
NPWS	means the National Parks and Wildlife Service, or its successors.
Non-compliance	means an occurrence, set of circumstances or development that is a breach of this consent.
Park	means the Kosciuszko National Park reserved under the <i>National Parks and Wildlife Act 1974</i> .
Precincts-Regional SEPP	means the <i>State Environmental Planning Policy (Precincts - Regional) 2021</i> (as amended).
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.
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	means that area of the Smiggins Holes, Perisher Range Alpine Resort within the Park described in the documentation listed in Condition A.2.
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 23/14870 and supporting documentation first lodged on 2 November 2023;
- (b) additional information received during the assessment of the application;
- (c) conditions of this consent; and
- (d) approved documents in the table below (except where modified by conditions of this consent):

Ref No.	Document	Title/Description	Author / Prepared by	Date	Document Reference
1	Report	Statement of Environmental Effects Project: Extension to Smiggins Holes Lift Operators HQ Building lot 246 DP721845 Smiggins Holes NSW	Sophie Ballinger	October 2023	-
2	Report	Addendum to Statement of Environmental Effects Extension to Smiggin Holes Lift Operators' HQ Building	-	18 December 2023	-
3	Report	Site Environmental Management & Rehabilitation Plan	Sophie Ballinger	30 September 23	v0.2
4	Report	Flora and Fauna Assessment	Ryan Smithers	25 January 2023	-
5	Report	Structural Design Report	Camstruct Consulting	8 September 2023	23023 Cert
6	Plan	Cover Sheet, Drawing list, and Locality	CLM Civil Engineering	29 August 2023	U-214 -1- D
7	Plan	Site Plan	CLM Civil Engineering	29 August 2023	U-214 -2- D
8	Plan	Plan View and Section	CLM Civil Engineering	29 August 2023	U-214 -3- D
9	Plan	Elevations	CLM Civil	29 August	U-214 -4- D

			Engineering	2023	
10	Plan	Existing Shed - Removal	Perisher SB	29 November 2023	1-A3-SB
11	Plan	Stormwater Drainage Plan	Perisher SB	10 January 2024	1-revision B - SB
12	Plan	Cover Sheet	MM	11 August 2023	A00 Issue B
13	Plan	Site Plan	MM	11 August 2023	A01 Issue D
14	Plan	Ground Floor Plan	MM	11 August 2023	A02 Issue B
15	Plan	Elevations North & South	MM	11 August 2023	A03 Issue D
16	Plan	Elevations East & West	MM	11 August 2023	A04 Issue D
17	Plan	Sections 1 & 2	MM	11 August 2023	A05 issue B
18	Plan	Schedules	MM	11 August 2023	A06 Issue B
19	Form 4	Minimal Impact Certification	Mark Bartel	14 September 2023	-

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

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 and demolition works must not commence until a relevant construction certificate has been issued. Prior to the issue of the construction certificate, the Certifier must be satisfied that the documentation for the construction certificate demonstrates compliance with the conditions in Part B of this consent.

If the Department is not appointed as the Certifier, the Applicant must provide a copy of the construction certificate to the Department within 2 days of it being issued by the Certifier.

B.2. Documentation for the construction certificate

The proposed works must comply with the applicable performance requirements of the BCA to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:

- (a) complying with the deemed to satisfy provisions; or
- (b) formulating a performance solution which:
 - (i) complies with the performance requirements;
 - (ii) is shown to be at least equivalent to the deemed to satisfy provision; or
 - (iii) a combination of (i) and (ii).

B.3. Structural drawings and design statement

Prior to the issue of the relevant construction certificate, the Applicant must submit structural drawings and a design statement, prepared and signed by an appropriately qualified practising structural engineer, to the Certifier.

B.4. Building works plans and specifications

Appropriate building work plans and specifications are required to be submitted to the certifier to form part of the development, including the following:

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

B.5. Building Code of Australia

Detailed plans, specifications and supporting information is required to be submitted to the certifying authority detailing how the proposed building work achieves compliance with the *National Construction Code - Building Code of Australia*. All building work must be carried out in accordance with the requirements of the *National Construction Code - Building Code of Australia*.

B.6. Termite protection

Structural building elements susceptible to the attack of subterranean termites must be protected in accordance with AS 3660 Termite management. Details are to be submitted to the Certifier prior to the issue of the construction certificate.

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

B.7. Fire and Life Safety Upgrades

Appropriate building work plans and specifications shall be submitted to the Certifier that details how the existing building shall be upgraded to include the following fire safety measures:

- (a) A manually operated fire alarm system with call-points complying with AS 1670.1 and BCA G4D7.
- (b) Fire Orders in accordance with BCA G4D8 in suitable locations near the main entrance, explaining:
 - (i) The method of operation of the fire alarm system and location of all call-points; and
 - (ii) The location and methods of operation of all fire fighting equipment; and
 - (iii) The location of all exits; and
 - (iv) The procedure for evacuation of the building.
- (c) Exit signs in accordance with AS 2293.1 and BCA E4D5.
- (d) Exit door hardware latches in accordance with BCA D3D26.
- (e) Open inwards signage shall be installed to the exit doorway in accordance with BCA G4D3.
- (f) Handrails and balustrades to existing external stairways shall achieve compliance with BCA section D2D19 and D3D22.
- (g) The front external entry stair shall be reconstructed with expanded mesh to allow for a landing outside of the door in accordance with BCA section D3D16 and G4D5.
- (h) The fire hose reel shall be positioned with appropriate clearances in accordance with AS 2441 and BCA E1D3.
- (i) Portable fire extinguishers shall be kept free from obstructions and positioned in accordance with AS 244 and BCA E1D14.

B.8. Existing and proposed fire safety measures – fire safety schedule

Prior to the issue of the construction certificate, the Applicant shall provide to the certifier:

- (a) a list of any existing fire safety measures provided in relation to the land or any existing building on the land, and
- (b) a list of the proposed fire safety measures to be provided in relation to the land and any building on the land as a consequence of the building work.

Section 14(3) of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* provides that a Certifier must not issue a construction certificate for alteration building work unless, on completion of the building work, the fire protection and structural capacity of the building will not be reduced.

As a result, any existing fire safety measures are to remain and be included in the fire safety schedule.

B.9. Appointment of engineer – structural adequacy of existing structure

An appropriately qualified practising Structural Engineer shall be engaged to carry out the inspection required by Condition D.23 and E.6. The name and contact details of the engineer shall be provided to the Certifier prior to the issue of the construction certificate.

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

B.10. Energy Efficiency

All works shall comply with Section J of the BCA. Details indicating compliance with these requirements and a Design Statement are to be submitted to the Certifier prior to the issue of a construction certificate.

B.11. External walls and cladding (combustible cladding)

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

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

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

B.12. Updated plans for consistency with site survey

Prior to the issue of a construction certificate, the stormwater plan and site plan (reference 11 and 14 at Condition A.2) is to be updated to accurately reflect the existing building and boundaries identified on the survey plan dated 5 December 2023 by Peter W Burns Pty Limited provided with the application.

PART C – PRIOR TO THE COMMENCEMENT OF WORKS

C.1. Notification of commencement

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

C.2. Temporary fencing

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

C.3. Erection of Construction Sign

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

C.4. Demolition work

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

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

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

C.5. Implementation of site environmental management measures

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

C.6. Machinery and storage

- (a) All machinery and equipment must be stored on existing disturbed areas and must not be stored on native vegetation.
- (b) Vehicles and machinery must only be fuelled at designated hard stand fuelling stations or with spill kits and temporary bunding in place.
- (c) 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.
- (d) Equipment, machinery and vehicles must be regularly maintained and manoeuvred to prevent the spread of exotic vegetation. Storage of equipment, machinery, vehicles and material is to be restricted to existing disturbed areas and not be stored on native vegetation.

C.7. 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.8. Compliance

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

C.9. Set out of rear boundary to works

Prior to the commencement of works which are part of the Development, the Applicant shall ensure that existing lot layout is clearly pegged and marked to ensure that the works are carried out wholly within the site.

C.10. Environmental Officer

- (a) Prior to the commencement of any works which are part of the Development, an appropriately qualified Environmental Officer must be appointed, and the Secretary or nominee must be notified of the identity and contact details of this person. The Environmental Officer is to have experience with management of construction within, and rehabilitation of, sensitive environments.
- (b) In the event that the Environmental Officer needs replacing, the replacement is to be similarly qualified and the Secretary must be notified of the replacement (including of the replacement person's identity and contact details).

C.11. "No Go" areas

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

- (a) "No Go" areas must be appropriately marked and fenced off 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) is to include the patch of remnant bog / wet heath immediately adjacent the footprint to the south in the updated SEMP (Condition C.12).
- (c) The Environmental Officer (Condition C.10) must provide written and signed certification to the Principal Certifier outlining the location of the "No Go" areas referred to in paragraph (a), confirming that the Environmental Officer has appropriately marked the areas accurately as described in (a) above.

C.12. Site environmental management and rehabilitation plan (SEMRP)

Prior to any works commencing which are part of the Development, the Site Environmental Management and Rehabilitation Plan (SEMRP) is to be updated to include:

- (a) Identification of the patch of remnant bog / wet heath immediately adjacent the footprint to the south as a “No Go” zone with mapping to support the location.
- (b) Monitoring and mulching and re-seeding of any bare areas must occur at least every 12 months for a minimum period of 5 years.
- (c) Rehabilitation must be in accordance with the Rehabilitation Guide; and.
- (d) All straw bales or other mulch used for rehabilitation must be weed free.

The amended SEMRP must be submitted to the Principal Certifier and Secretary or nominee.

Once the SEMRP is prepared, the Environmental Officer (Condition C.10) is to ensure the staff and contractors attending the Site have been made aware of the SEMRP, and have access to, and are instructed to follow, the SEMRP.

PART D – DURING CONSTRUCTION

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

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

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

D.2. Construction work hours

All work in connection with the proposed Development must be carried out between the hours of 7.00am and 6.00pm, 7 days a week, or as otherwise approved by the Secretary or nominee.

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) Excavation and construction works must cease by 30 April, with rehabilitation and stabilisation works able to continue until 31 May. These timeframes are able to be extended on an adhoc basis where weather and site conditions allow, e.g. where:
 - (i) Initial rehabilitation and stabilisation works can occur prior to snow accumulation; and
 - (ii) Development related machinery and equipment traffic will not disturb wet ground.
- (c) By 31 May in each year works are required to complete the Development, the Applicant must ensure that the Subject site is made safe and secure by undertaking the following:
 - (i) removal of all materials, vehicles, machinery, equipment, and the like;
 - (ii) removal and/or securing of all stockpiles of soil and gravel;
 - (iii) ensuring the Subject site is fenced with para-webbing or other suitable visible protection fencing around the perimeter of the site to limit access to and from the site;
 - (iv) appropriate signage must be erected outlining that unauthorised access to the Subject site is prohibited and that the site is a construction zone;
 - (v) all external plumbing and drainage works are to be completed;
 - (vi) any excavations are to be made safe and secure;
 - (vii) stabilisation and rehabilitation works must be implemented in accordance with these conditions of consent and the approved documentation; and
 - (viii) any other specific matters related to making the Subject site safe and secure raised by the Principal Certifier or the Secretary.

D.4. Construction activities

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

- (a) all construction activities in connection with the Development are undertaken in accordance with the approved documentation, including (without limitation) the documentation specified in paragraphs (a) and (b) inclusive of Condition D.1.
- (b) all construction activities in connection with the Development are confined to the Subject site;

- (c) no disturbance or other adverse environmental impacts occur outside the Subject site; and
- (d) all materials, stockpiles, vehicles, machinery and the like are be confined to the Subject site.

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

D.5. SafeWork NSW

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

D.6. Site notice

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

D.7. Storage of materials

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

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

D.8. Prohibition of hazardous materials

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

D.9. Dirt and dust control measures

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

D.10. Safety fencing

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

D.11. Noise and vibration management

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

D.12. Recycled Material

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

D.13. Litter and building waste

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

D.14. Stockpiling of materials

All stockpiling is to be in accordance with the *Soil Stockpile Guidelines for the Resort Areas of Kosciuszko National Park* (OEH, 2017), a copy of which can be provided by the NPWS Assessment Coordinator.

Proposed stockpil sites, including materials storage areas, parking and waste management receptors (e.g skip bins) and storage of soils and sods must not impact on native vegetation. Materials removed during construction must be stockpiled within the designated stockpile areas of cleared vegetation only.

D.15. Demolition work

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

D.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) and these conditions.

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

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

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

D.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

- (a) The removal of any asbestos or other hazardous material found on the Subject site must be carried out in accordance with current SafeWork NSW guidelines and only by an appropriately qualified and licensed contractor in accordance with the *Work Health and Safety Regulation 2017* and be appropriately transported and disposed of in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014*,
- (b) Any asbestos or other hazardous materials must be disposed of at an authorised waste facility. Receipts must be provided to the Principal Certifier by the Applicant as evidence of appropriate disposal.
- (c) On construction sites where any building contain asbestos material, a standard commercially manufactured sign containing the words ‘DANGER ASBESTOS REMOVAL IN PROGRESS’ and measuring not less than 400mm x 300mm must be displayed in a prominent position visible from the street.

D.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. Electrical works

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

D.23. Inspection by Engineer – Structural Adequacy of Existing Structure

Prior to the installation of the new cladding and structural elements, an appropriately qualified practising structural engineer shall carry out an inspection to determine the structural adequacy of the existing structure and its compliance with BCA Volume One performance requirement BP1.1.

If any deficiencies are identified during the inspection, the engineer shall provide upgrade recommendations. Any works associated with the upgrade recommendations shall be undertaken prior to the installation of the new cladding and structural elements.

D.24. Plumbing and drainage works

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

PART E – PRIOR TO COMMENCEMENT OF USE

E.1. Occupation certificate

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

E.2. Site Clean Up

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

E.3. Removal of site notice

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

E.4. Plumbing and drainage works

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

E.5. Structural certification of new work

A structural engineer's certificate must be submitted to the Principal Certifier prior to issue of the relevant occupation certificate. This certificate is to verify that structural works which are part of the Development have been completed in accordance with approved plans and specifications and comply with the provisions of the BCA and relevant standards. A copy of the certificate is to be submitted to the Secretary or nominee with the occupation certificate documentation.

E.6. Structural adequacy of existing structure

Prior to the issue of any occupancy certificate, a certificate of structural adequacy (following inspection as required by Condition D.23) prepared by a suitably qualified professional engineer confirming the suitability of the building to meet BCA Volume One performance requirement BP1.1 shall be submitted to the Principal Certifier. A copy of the structural certificate shall be submitted to the Department with the copy of the occupation certificate.

E.7. Rehabilitation

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

E.8. 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.9. Termite protection certification

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

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

E.10. 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.11. Stormwater drainage system certification

Certification shall be provided to the Principal Certifier that the stormwater drainage system has been installed in accordance with the stormwater drainage plan (Condition A.2), prior to issue of the relevant occupation certificate. A copy of the certificate is to be submitted to the Secretary or nominee with the occupation certificate documentation.

E.12. Final Fire Safety Certificate

Prior to the issue of any occupation certificate, a final fire safety certificate shall be obtained and submitted to the satisfaction of the principal certifier. A copy of the final fire safety certificate shall be submitted to the Department along with a copy of the occupation certificate and occupation certificate documentation in accordance with the regulations.

E.13. Fire and Life Safety Upgrades

Prior to the issue of any occupation certificate, the following documentation must be submitted to the Principal Certifier:

- (a) written notice that the relevant upgrade works have been completed in accordance with the schedule in Condition B.7; and
 - (b) certificates of installation from tradespersons responsible for carrying out upgrade works.
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PART F – POST OCCUPATION AND OPERATIONAL REQUIREMENTS

F.1 Annual fire safety statement

An annual fire safety statement conforming to the 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 Fire egress

The BBQ and gas bottles located in the fire egress path of travel must be removed.

- (a) Gas bottles must be stored and handled in accordance with AS 4332-2004.
- (b) The BBQ must not be operated from within the building and must not interfere with any egress path from the building.

F.2 Use of premises

This consent does not approve any operation or use of the existing workshop other than those activities carried out in accordance with a previous approval or authorisation from NPWS.

ADVISORY NOTES

AN.1 Appeals

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

AN.2 Responsibility for other consents / agreements

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

AN.3 Notification of significant fire safety issues

Where an appointed certifier becomes aware of a significant fire safety issue during assessment of the construction certificate, the certifier will provide written notice to the Department describing the fire safety issue and the parts of the building affected by the issue within two days of being made aware.

AN.4 Other approvals and permits

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

AN.5 Utility services

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

AN.6 Dial before you dig

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

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

AN.7 Disability Discrimination Act

The application has been assessed in accordance with the *Environmental Planning and Assessment Act, 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992* (Cth). The Applicant is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* (Cth) covers

disabilities not catered for in the minimum standards called up in the Building Code of Australia which references *AS 1428.1 - Design for Access and Mobility*. AS 1428 Parts 2, 3 and 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* (Cth) currently available in Australia.