

Development Consent

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

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

Jindabyne

14 May 2024

The Department has prepared a consolidated version of the approval which is intended to include all modifications to the original determination instrument.

The consolidated version of the approval has been prepared by the Department with all due care. This consolidated version is intended to aid the approval holder by combining all approvals relating to the original determination instrument but it does not relieve an approval holder of its obligation to be aware of and fully comply with all approval obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

CONSOLIDATED APPROVAL

SCHEDULE 1

Application No.:	DA No 9373
Applicant:	John Moran
Consent Authority:	Minister for Planning and Public Spaces
Land:	Melaleuca 1, Lot 774 Diggings Terrace, Thredbo Alpine Resort, Kosciuszko National Park
Development:	Alterations and additions to an existing tourist accommodation building
Approved Development:	<p>MOD 23/16950 (DA No. 9373 MOD 2): Modifications to approved development including:</p> <ul style="list-style-type: none">• Installation of an external staircase with steel supporting columns and colorbond roofing• Extension of the second-floor balcony with new timber decking and privacy screen• Installation of new timber decking and steel balustrade on the first-floor balcony• Reconstruction of the internal stairway to ensure minimum headroom clearance• Installation of new third floor sliding door• Installation of new first floor external service room enclosure

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SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
MOD 21/10108 (DA No. 9373 MOD 1) MOD 1 to DA 9373	15 January 2021	Team Leader	MOD 21/10108 (DA No. 9373 MOD 1): Modifications to approved development including: <ul style="list-style-type: none"> • Extension of an existing deck and privacy screen on Level 2 • Installation of external stairs to access the basement level • Installation of a roof structure to cover proposed external stairs • Retention of stone cladding and relocation of entry door to basement level • Installation of metal cladding to screen basement undercroft area
MOD 22/8121 (DA No. 10064 MOD 2) MOD 2 to DA 9373	14 May 2024	Team Leader	MOD 23/16950 (DA No. 9373 MOD 2): Modifications to approved development including: <ul style="list-style-type: none"> • Installation of an external staircase with steel supporting columns and colorbond roofing • Extension of the second-floor balcony with new timber decking and privacy screen • Installation of new timber decking and steel balustrade on the first-floor balcony • Reconstruction of the internal stairway to ensure minimum headroom clearance • Installation of new third floor sliding door • Instalation of new first floor external service room enclosure

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DEFINITIONS

Act	means the <i>Environmental Planning and Assessment Act, 1979</i> (as amended).
Applicant	means John Moran, or any person carrying out any development to which this consent applies.
Approval Body	has the same meaning as within Division 4.8 of Part 4 of the Act
BCA	means the edition of the Building Code of Australia in force at the time of lodgement of an application for a Construction Certificate.
Certifier	has the same meaning as in Part 6 of the Act.
Consultation	means consultation in accordance with Condition A.12.
DA No 9373	means the development application submitted by the applicant on 24 May 2018.
Department	means the Department of Planning, Industry and Environment, or its successors.
Development	means the works as described in DA No. DA 9373 submitted by John Moran on 24 May 2018, as amended by the amended information submitted 5 July 2018 (and described in Condition A.2 of this consent)
MOD 21/10108 (DA No. 9373 MOD 1 MOD 1 to DA 9373	means the modification application lodged by the Applicant on 15 January 2021
MOD 22/8121 (DA No. 10064 MOD 2) MOD 2 to DA 9373	means the modification application lodged by the Applicant on 18 December 2023
Minister	means the Minister for Planning and Public Spaces
NPWS	means the National Parks and Wildlife Service.
Non-compliance	means an occurrence, set of circumstances or development that is a breach of this consent.
Principal Certifier	means the principal certifier and has the same meaning as Part 6 of the Act.
Regulation	means the Environmental Planning and Assessment Regulations, 2000 (as amended).
RFS	means the NSW Rural Fire Service.
Secretary	means the Secretary of the Department, or nominee/delegate.
Secretary's approval, agreement or satisfaction	means a written approval from the Secretary or nominee/delegate.
Subject site	has the same meaning as the land identified in Part A of this schedule.

SCHEDULE 2

PART A – ADMINISTRATIVE CONDITIONS

A.1 Obligation to minimise harm to environment

In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction or operation of the development.

A.2 Development in accordance with approved documentation and plans

The development shall be in accordance with:

- (a) DA No. 9373 submitted by John Moran on 24 May 2018
- (b) supporting documentation submitted with the application (DA 9373)
- (c) additional information and amended plans received from Dezignteam Pty Ltd on 5 July 2018
- (d) the conditions of this consent
- (e) **as amended by the Section 4.55(1A) application submitted by John Moran on 4 December 2019 and supporting documentation submitted with the application (MOD 10108) and amended information received on 1 June 2020, 26 November 2020 and 16 December 2020; and**
- (f) **as amended by the Section 4.55(1a) modification application (MOD 23/16950 (DA 9373 MOD 2)) lodged on 18 December 2023**

including, but not limited to, the following:

Ref No.	Document	Title/Description	Author/Prepared by	Date	Document Reference
1	Statement of Environmental Effects	Additions and Alterations 'Melaleuca 1' Lot 774, Diggings Terrace, Thredbo Alpine Resort	Dabyne Planning Pty Ltd	May 2018	01-18
2	Appendix A of SEE	Site Environmental Management Plan	Dabyne Planning Pty Ltd	May 2018	-
3	Bushfire Assessment Report	Additions and Alterations 'Melaleuca 1' Lot 774, Diggings Terrace, Thredbo Alpine Resort	Dabyne Planning Pty Ltd	January 2018	68-17
3A	Report	S.4.55 (1A) Modification Bushfire Assessment	Dabyne Planning Pty Ltd	21 October 2019	-
3B	Report	S.4.55 (1A) Modification Bushfire Assessment	Archispectrum	27 October 2023	-

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4	Report	Alterations and Additions, Lot 774 Diggings Terrace, Thredbo NSW Geotechnical Assessment	Asset Geotechnical Engineering Pty Ltd	2 December 2019	4793-L1-Rev 1
4A	Report	Alterations and Additions, Lot 774 Diggings Terrace, Thredbo NSW Geotechnical Assessment	Asset Geotechnical Engineering Pty Ltd	29 November 2023	7250-R1 REV 5
5	Form 4	Geotechnical Policy - Kosciuszko Alpine Resorts Form 4 - Minimal Impact Certification	Asset Geotechnical Engineering Pty Ltd	30 January 2018	-
5A	Form 4	Geotechnical Policy - Kosciuszko Alpine Resorts Form 4 - Minimal Impact Certification	Asset Geotechnical Engineering Pty Ltd	29 November 2023	
6	Letter	Update and Request for Information	Dezignteam Pty Ltd	5 July 2018	-
7	Plan	Amended Site Plan	Dezignteam Pty Ltd	January 2018 20 November 2020	DA001 Rev. 9.1 DA001 MOD 001 DWG-964-THR-PREL-00 (9)
8	Plan	Basement Floor Plan	Dezignteam Pty Ltd	January 2018	DA002 Rev. 9
9	Plan	Level 1 Floor Plan	Dezignteam Pty Ltd	January 2018	DA003 Rev. 9
10	Plan	Level 2 Floor Plan	Dezignteam Pty Ltd	January 2018	DA004 Rev. 9
11	Plan	Level 3 Floor Plan	Dezignteam Pty Ltd	January 2018	DA005 Rev. 9
12	Plan	North / South / West Elevation	Dezignteam Pty Ltd	January 2018 20 November 2020	DA0010 Rev. 9.1 DA010 MOD 010 DWG-964-THR-PREL-00 (9.1)

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13	Plan	Section A and B	Dezignteam Pty Ltd	January 2018	DA0011 Rev. 9.1
14	Plan	Materials and Finishes	Dezignteam Pty Ltd	January 2018	DA0012 Rev. 9
15	Bushfire Safety Authority	Integrated Development Application - 774//1119757 - Diggins Terrace, Thredbo	NSW Rural Fire Service	17 June 2018	D18/5757
16	Report	S.4.55 Modification Report	Dabyne Planning Pty Ltd	November 2019	68-17
17	Plan	Amended External Works to Basement	Dezignteam Pty Ltd	11 October 2019	-
18	Plan	Proposed External Stairway and Balcony Extension Design Diagrams	Dezignteam Pty Ltd	20 November 2020	-
19	Email	Geotechnical review	Asset Geotechnical Engineering Pty Ltd	16 December 2020	-
20	Report	Fire Engineering Report	AED Group	27 March 2024	F2744 FER Rev 06
21	Plan	Waste Management Plan	Archispectrum	November 2023	Issue A
22	Bushfire Safety Authority	Integrated Development Application	NSW Rural Fire Service	22 December 2023	DA-2018-01997-S4.55-3
23	Report	Statement of Environmental Effects S.4.55	Archispectrum	November 2023	Issue A

And as amended by the modification MOD 23/16950 (DA 9373 MOD 2) works shown in Red on the following architectural plans (Note: works shown in Green or Blue are not approved as part of this modification)

Ref No.	Document	Title/Description	Author/Prepared by	Date	Document Reference
24	Plan	Proposed Ground & First Floor Plan	Archispectrum	27 November 2023	DA10 Rev a
25	Plan	Proposed Second & Third Floor Plan	Archispectrum	27 November 2023	DA11 Rev a
26	Plan	Site and roof plan	Archispectrum	27 November 2023	DA12 Rev a

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27	Plan	Proposed South & North Elevation	Archispectrum	27 November 2023	DA13 Rev a
28	Plan	Proposed West Elevation	Archispectrum	27 November 2023	DA14 Rev a
29	Plan	Proposed East Elevation	Archispectrum	27 November 2023	DA15 Rev a
30	Plan	Proposed Section A-A	Archispectrum	27 November 2023	DA16 Rev a
31	Plan	Proposed Section B-B	Archispectrum	27 November 2023	DA17 Rev a
32	Plan	Proposed Section C-C & D-D	Archispectrum	27 November 2023	A.04 Rev a
33	Plan	Proposed Section E-E	Archispectrum	27 November 2023	DA18 Rev a

A.3 Inconsistency between documents

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

A.4 Lapsing of consent

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

A.5 Prescribed conditions

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

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

A.6 Australian standards

All works shall be carried out in accordance with current Australian Standards.

A.7 Legal notices

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

A.8 Excluded development

Any references on plans or documents for the use of the external partly covered platform for car parking are excluded from this consent. No consent is provided for the use of the space for car parking.

Any works shown in green or blue on the Amended Plans prepared by Archispectrum dated 27 November 2023, including any works to the basement level, are excluded from this consent.

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PART B – PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

B.1 Construction certificate

Work must not commence until a relevant construction certificate has been issued.

B.2 Documentation for the construction certificate

Prior to the issue of the construction certificate, the following information shall be submitted to, the certifying authority:

- (a) Structural drawings and design statement - prepared and signed by an appropriately qualified practising Structural Engineer that comply with:
 - (i) the BCA;
 - (ii) the development consent (DA 9373), **as modified by MOD10108 and MOD 23/16950**
 - (iii) drawings and specifications comprising the construction certificate; and
 - (iv) current and relevant Australian Standards.
 - (v) **Where appropriate, performance solutions inclusive of the proposed stairs and deck that are situated within 900mm of the allotment boundary; and**
- (b) Geotechnical recommendations.
- (c) Plans and specifications demonstrating compliance with BCA.

B.3 Upgrading of building

~~In accordance with Clause 94 of the Regulation, the existing building shall be brought into conformity with the BCA. The Applicant is to upgrade the building to achieve compliance with BCA Volume Two performance requirement P2.3.1 (Protection from the spread of fire), as the measures contained in the building are considered inadequate to protect persons using the building, in the event of fire, or to restrict the spread of fire from the building to other buildings nearby.~~

~~Prior to the issue of any construction certificate, details of the method (deemed to satisfy provision or performance solution) to meet the performance requirement nominated above shall be submitted to the certifying authority. If the Department is not the certifying authority, full details including specification and justification of the methods utilised shall be submitted to the Department with the construction certificate.~~

In accordance with Clause 64 of the Regulation, the existing building shall be brought into partial conformity with the BCA. The Applicant shall upgrade the building in the following fashion:

- i. Timber members that penetrate the fire wall and span between the two apartments Melaleuca 1 and Melaleuca 2 shall be treated with intumescent paint in accordance with the recommendations of AED fire engineering report dated 27th March 2024.**
- ii. An enhanced smoke detection and building occupant warning system shall be installed throughout the apartment in accordance with the recommendations of AED fire engineering report dated 27th March 2024.**
- iii. Unless otherwise stated in a performance solution, a non-combustible vertical lining shall be installed in the common eaves of the veranda in accordance with BCA Part H3P1 and section 9.3.1 provisions so that the separating wall is continuous.**

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Prior to the issue of any construction certificate, details of the method (deemed to satisfy provision or performance solution) to meet the performance requirements shall be submitted to the certifying authority. If the Department is not the certifying authority, full details including specification and justification of the methods utilised shall be submitted to the Department with the construction certificate.

Details of the endorsed fire engineering report and installed fire safety measures shall be incorporated into the fire safety schedule issued with the Construction Certificate with details provided to the department at time of issue of the Construction Certificate.

~~B.3A Fire separation between Apartment 1 and Apartment 2 northwest facing balconies~~

~~The existing fire separation between Apartment 1 and Apartment 2 northwest facing balconies must be investigated to determine compliance with BCA Volume Two performance requirement P2.3.1 (Protection from the spread of fire). If any deficiencies are identified the method of rectification must be documented as part of the construction certificate.~~

B.3A Existing and proposed fire safety measures

Prior to the issue of the relevant 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 including any relevant measures required by AED fire engineering report dated 27th March 2024.
- (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.

B.4 Payment of the Long Service Levy

Prior to the issue of any construction certificate, evidence shall be provided to the certifying authority, 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.5 Bush fire safety authority

Prior to the issue of any construction certificate, the certifying authority must be satisfied that the documentation for the construction certificate demonstrates compliance with the relevant conditions of the bush fire safety authority.

B.6 External walls and cladding (new metal cladding to basement)

The external walls of all buildings, including additions to existing buildings, must comply with the relevant requirements of the BCA.

Before the issue of the relevant construction certificate, the Applicant must provide the certifier with documented evidence that the products and systems proposed for use 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 or nominee within seven days after the certifying authority accepts it.

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PART C – PRIOR TO THE COMMENCEMENT OF WORKS

C.1 Notification to Department of the date of commencement of works

Both the PCA and the Secretary or nominee shall be given written notice, at least 2 days prior to works commencing on site, of the date that works are proposed to commence.

C.2 Temporary fencing

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

C.3 Implementation of site environmental management measures

Prior to any construction works 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, excluding any obstruction in the fire stairs.

C.4 Plumbing and drainage works

Prior to the commencement of works, a Notice of Work must be pre-notified to the plumbing regulator (NPWS Perisher Team) in accordance with *Plumbing and Drainage Act 2011*. For more information please refer to the OEH website:

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

C.5 Vegetation management

Where existing vegetation is to be trimmed or removed in order to comply with G.1 Asset Protection Zones, discussions involving an onsite inspection are to occur between the Applicant and the OEH (NPWS Assessment Coordinator on 02 6450 5543) prior to vegetation works being carried out. Details demonstrating compliance with the above are to be provided to the PCA.

C.6 Environmental performance (water and energy efficiency)

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

Details are to be submitted to the satisfaction of the PCA prior to the commencement of works.

C.7 Traffic & pedestrian management plan

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

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- (a) access to the car parking areas for neighbouring buildings along Diggings Terrace shall be maintained throughout the construction period;
- (b) the predicted traffic volumes, types and routes shall be provided;
- (c) nomination of parking areas for construction and contractor vehicles where this is off-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) a temporary road closure approval has been obtained from Kosciuszko Thredbo Pty Ltd and in this case, the machinery must be confined to the existing road corridor only;
- (h) procedures and personnel responsible for full and partial road closures; and
- (i) any road closures must be approved and co-ordinated by Kosciuszko Thredbo Pty Ltd.

C.8 Pre-commencement compliance report

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

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PART D – DURING CONSTRUCTION

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

A copy of the approved plans and documentation shall be kept on site at all times and shall be readily available for perusal by the PCA, any person associated with construction works, or an officer of the Department.

D.2 Construction hours

All work in connection with the proposed development shall be carried out between the hours of 7.00am and 6.00pm on Monday to Friday inclusive, and 7:00am to 1.00pm on Saturdays, with no work allowed on Sunday or Public Holidays, or as otherwise approved by the Secretary or nominee.

D.3 Construction period

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

D.4 Construction activities

- (a) At all times, construction activities shall be undertaken in accordance with the approved documentation.
- (b) All construction activities shall be confined to within the construction zone.
- (c) No disturbance is permitted outside the construction zone unless otherwise agreed by the Secretary or nominee.

D.5 SafeWork NSW

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

D.6 Site notice

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

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

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

D.7 Storage of materials

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

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

D.8 Prohibition of hazardous materials

Hazardous or toxic materials or dangerous goods shall not be stored or processed on any site at any time.

D.9 Noise and vibration management

Excavation and construction shall be managed in accordance with Australian Standard AS 2436-2010 *Guide to noise and vibration control on construction, demolition and maintenance sites* and to ensure that there is not an adverse impact for any neighbouring/affected tourist accommodation buildings during the construction period.

D.10 Litter and building waste

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

D.11 Demolitions work

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

D.12 Recycled Material

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

D.13 Loading and unloading of construction vehicles

All loading and unloading associated with demolition and construction shall be restricted to those areas approved in the SEMP and conditions.

D.14 Electrical works

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

D.15 External lighting

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

D.16 Plumbing and drainage

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

D.17 Maintenance of services

The Applicant and/or the lessee are responsible for costs associated with relocating any services. Any damage to any service including road infrastructure shall be immediately rectified by the applicant and/or the lessee.

D.18 Aboriginal heritage

Should any material suspected of being an Aboriginal relic or artefact become unearthed in the course of works, all works impacting the objects or artefacts shall cease immediately as per Section 90 of the *National Parks and Wildlife Act 1974*. The applicant must immediately contact the OEH to arrange for representatives to inspect the site. All workers on the site are to be made aware of this condition.

D.19 Erosion and sediment control measures

All erosion prevention and sediment control measures in place shall be checked regularly and maintained in good working order at all times. All exposed earth must be kept stabilised and re-vegetation must commence as soon as practicable. All straw bales used for sediment and erosion control or for mulching must be 'weed free'.

D.20 Excavations and backfilling

- (a) Unless otherwise agreed by the Secretary or nominee, 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 excavations are to be left open overnight, provision shall be made so that any fauna entering these excavations can escape;
 - (iii) all excavated material is to be moved off-site for storage or disposal;
 - (iv) adequate provision shall be made for drainage; and
 - (v) all excavations shall be properly guarded and protected to prevent them from being dangerous;
- (b) Any clean excavated material may be temporarily stockpiled at the site compound prior to its removal off-site.
- (c) Any clean excess fill shall be disposed of at an authorised land fill site, and any contaminated spoil shall be disposed of at an authorised waste facility.
- (d) Under no circumstances shall fill material be imported from outside of Kosciuszko National Park (KNP). If fill material is required, OEH should be contacted in relation to available sources within KNP.

D.21 Site rehabilitation

Any disturbed area shall be rehabilitated in accordance with the *Rehabilitation Guidelines for the Resorts Areas, Kosciuszko National Park* (NPWS, 2007).

D.22 Scaffolding

All scaffolding is to be located within the lot boundaries and shall comply with Australian Standard AS/NZS 1576 Scaffolding and AS/NZS 4576 'Guidelines for Scaffolding'.

D.23 Dirt and Dust Control Measures

- (a) Adequate measures shall be taken to prevent dirt and dust from affecting the amenity of the neighbourhood during construction.
- (b) In particular, the following measures must be adopted:
 - (i) all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material;
 - (ii) covers are to be adequately secured;
 - (iii) cleaning of footpaths must be carried out regularly;

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- (iv) roadways must be kept clean;
- (v) gates are closed between vehicle movements;
- (vi) gates are fitted with shade cloth; and
- (vii) the site is hosed down when necessary.

D.24 Asbestos

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

D.25 Geotechnical

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

- (a) the Department's Geotechnical Policy; and
- (b) the Geotechnical Assessment in Condition A.2 (including those provided for MOD 10108 and MOD 23/16950).

Works at variance to recommendations contained in the geotechnical assessment report shall not be undertaken without prior notification to the geotechnical engineer. Written advice of the variation shall be provided to the Department within 48 hours.

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PART E – PRIOR TO COMMENCEMENT OF USE

E.1 Occupation certificate

Prior to the occupation of the building or the commencement of use, an occupation certificate must be obtained from the PCA. A copy of the occupation certificate must be furnished to the Secretary or nominee prior to the occupation of the building or commencement of the use.

E.2 Site Clean Up

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

E.3 Removal of site notice

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

E.4 Plumbing and drainage works

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

E.5 Structural certification

A structural engineer's certificate shall be submitted to the PCA prior to issue of any occupation certificate. This certificate is to verify that structural 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 certificate is to be submitted to the Secretary with the Occupation Certificate documentation.

E.6 Electrical certification

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

E.7 Fire safety certificate

Prior to the issue of any occupation certificate, a fire safety certificate conforming to the Regulations shall be submitted to and be to the satisfaction of the PCA. A copy of the fire safety certificate shall be submitted to the Department with the copy of the occupation certificate.

E.8 Rehabilitation

Prior to the issue of any occupation certificate, any disturbed ground shall be rendered erosion resistant and rehabilitated in accordance with the approved documentation and these conditions of consent.

E.9 Environmental performance

Prior to the issue of a final occupation certificate, the PCA is to be satisfied that the development complies with all requirements of Condition C.6.

E.10 Fire safety upgrades

Prior to the issue of any occupation certificate, the following documentation shall be submitted to the satisfaction of the certifying authority:

CONSOLIDATED APPROVAL

- (a) written notice that the relevant upgrade works have been completed in accordance with Condition B.3 of this consent; and
- (b) certificates of installation from tradespersons responsible for carrying out the upgrade works.

~~E.11 Fire separation rectification works~~

~~If any rectification works are identified in Condition B.3A, certification of the completed works shall be submitted to the Principle Certifier prior to the issue of any occupation certificate.~~

E.12 External walls and cladding (new metal cladding to basement)

Before the issue of the relevant occupation certificate, the Applicant must provide the certifying authority 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 certifying authority to the Secretary or nominee within seven days after the certifying authority accepts it.

E.13 Windows Safety and Compliance

Prior to the occupation of the building or the commencement of use, the Applicant must obtain written confirmation from the Secretary or nominee that the windows W04, W05 (bathroom windows), W10 (kitchen window) and W13 (loft window) have been regularised.

The Applicant must provide the written confirmation to the Principal Certifier prior to the issue of any occupation certificate.

PART F – POST OCCUPATION

F.1 Annual fire safety statement

An annual fire safety statement conforming to the Regulations shall be provided to the Department and the NSW Fire Brigade every 12 months commencing within 12 months after the date on which the Department received the initial Fire Safety Certificate.

PART G – BUSHFIRE SAFETY AUTHORITY

G.1 Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the commencement of building works, and in perpetuity, all land within the subject leasehold area shall be managed as an Inner Protection Area (IPA) as outlined within section 4.1.3 and Appendix 5 of *'Planning for Bush Fire Protection, 2006'* and the NSW Rural Fire Service's document *'Standards for asset protection zones'*.

G.2 Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

2. The provision of all new water, electricity and gas services shall comply with section 4.1.3 of *'Planning for Bush Fire Protection, 2006'*.

G.3 Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

3. Arrangements for emergency and evacuation are to comply with section 4.2.7 of *'Planning for Bush Fire Protection, 2006'*.
 - An Emergency / Evacuation Plan is to be prepared in accordance with the NSW Rural Fire Service Guidelines for the Preparation of Emergency / Evacuation Plan and comply with Australian Standard AS 3745:2010 *'Planning for Emergencies in Facilities'*.
 - Detailed plans of all Emergency Assembly Areas including "on site" and "off site" arrangements as stated in Australian Standard AS 3745:2010 *'Planning for Emergencies in Facilities'* are clearly displayed, and an annual (as a minimum) trial emergency evacuation is conducted.

G.4 Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

4. New construction shall comply with Sections 3 and 6 (BAL 19) Australian Standard AS3959-2009 *'Construction of buildings in bush fire-prone areas'* or NASH Standard (1.7.14 updated) *'National Standard Steel Framed Construction in Bushfire Areas – 2014'* as appropriate and section A3.7 Addendum Appendix 3 of *'Planning for Bush Fire Protection, 2006'*.
5. The existing building is required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

G.5 Landscaping

6. Landscaping to the site is to comply with the principles of Appendix 5 of *'Planning for Bush Fire Protection, 2006'*.
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ADVISORY NOTES

AN.1 Responsibility for other consents / agreements

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

AN.2 Premises Standard

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