

# Modification of Development Consent

Section 4.55(1A) 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.



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

Jindabyne

24 June 2024

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## SCHEDULE 1

<b>Application No.:</b>	MOD 24/1299 (DA No. 9602 MOD 2)
<b>Applicant:</b>	Sean Gartner
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Land:</b>	Boali Lodge, Lot 867 DP 1192567, 16A Diggings Terrace, Thredbo Village, Thredbo Alpine Resort, Kosciuszko National Park
<b>Type of Development:</b>	Integrated Development
<b>Integrated Bodies:</b>	NSW Rural Fire Service
<b>Approved Development:</b>	Internal and external alterations to an existing tourist accommodation building
<b>Modification:</b>	Amendment to the approved development for internal and external alterations to an existing tourist accommodation building

## SCHEDULE 1

*Schedule 1 of Development Application No. 9602 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck out~~ words as follows*

### DEFINITIONS

Act	means the <i>Environmental Planning and Assessment Act, 1979</i> (as amended).
Applicant	means <del>Gartner Trovato Architects</del> <b><u>Sean Gartner or any person carrying out any development to which this consent applies.</u></b>
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.
Certifying Authority	has the same meaning as in Part 4A <u>6</u> of the Act.
DA No. 9602	means the development application and supporting documentation submitted by the applicant <b><u>Gartner Trovato Architects</u></b> on 3 September 2018.
Department	means the Department of Planning and Environment, or its successors.
Director	means the Director of <del>Regional</del> <b><u>Key Sites Assessments</u></b> or a Delegate of the Director within the Department.
Minister	means the minister for Planning, or nominee.
<b><u>MOD 23/3688 (DA No. 9602 MOD 1)</u></b> <b><u>MOD 1 to DA No.9602</u></b>	<b><u>means the modification application lodged by the Applicant on 11 April 2023 and additional information submitted 16 May 2023</u></b>
<b><u>MOD 24/1299 (DA No. 9602 MOD 2)</u></b> <b><u>MOD 2 to DA No. 9602</u></b>	<b><u>means the modification application lodged by the Applicant on 2 February 2024.</u></b>
<b><u>NPWS</u></b>	<b><u>means the National Parks and Wildlife Service, or its successors.</u></b>
OEH	means the NSW Office of Environment and Heritage, or its successors.
PCA	means the principal certifying authority and has the same meaning as Part 4A <u>6</u> of the Act.
Regulation	means the <i>Environmental Planning and Assessment Regulations, 2000</i> (as amended).
<b><u>Rehabilitation Guide</u></b>	<b><u>means the NPWS document entitled: <i>Rehabilitation Guidelines for the Resorts Areas of Kosciuszko National Park (2007)</i> a copy of which is available at: <a href="#">Rehabilitation guidelines for the resort areas of Kosciuszko National Park   NSW Environment and Heritage</a></u></b>
<b><u>RFS</u></b>	<b><u>means the NSW Rural Fire Service, or its successors.</u></b>
Secretary's approval, agreement or satisfaction	means a written approval from the Secretary or nominee/delegate.
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

Schedule 2 of Development Application No. 9602 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck out~~ words as follows

### 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:

- (a) the Development Application No. DA 9602 submitted by Gartner Trovato Architects on 3 September 2018
- (b) the additional information received from Gartner Trovato Architects on 16 November 2018
- (c) the supporting documentation submitted with the application (DA 9602)
- (d) the Section 4.55(1A) Modification Application (MOD 23/3688) lodged by the Applicant on 11 April 2023 and additional information submitted 16 May 2023
- ~~(e) the approved documents in the table below (except where modified by conditions of this consent):~~
- (e) the Section 4.55 (1A) Modification Application (MOD 24/1299) lodged by the Applicant on 2 February 2024**
- (f) the approved documents in the table below (except where modified by conditions of this consent):**

Ref No.	Document	Title/Description	Author/Prepared by	Date	Document Reference
1	Statement of Environmental Effects	Alterations and Additions to Boali Lodge, Mowamba Place, Thredbo	Gartner Trovato Architects Pty Ltd	August 2018	1824 Issue A
2	Report	Bush Fire Assessment Report	-	-	-
3	Plan	Location and Site Plan	Gartner Trovato Architects Pty Ltd	<del>11 May 2023</del> <b><u>1 February 2024</u></b>	A.01 Rev. <del>B</del> <b><u>E</u></b>
4	Plan	Level 2	Gartner Trovato Architects Pty Ltd	<del>13 June 2023</del> <b><u>1 February 2024</u></b>	A.04 Rev. <del>C</del> <b><u>E</u></b>
5	Plan	Level 3	Gartner Trovato Architects Pty Ltd	<del>28 August 2018</del>	A.05 Rev. <del>A</del> <b><u>E</u></b>

				<b><u>1 February 2024</u></b>	
6	Plan	North Elevation	Gartner Trovato Architects Pty Ltd	<b><u>11 May 2023</u></b> <b><u>1 February 2024</u></b>	A.07 Rev. <b><u>B E</u></b>
7	Plan	East Elevation	Gartner Trovato Architects Pty Ltd	<b><u>11 May 2023</u></b> <b><u>1 February 2024</u></b>	A.08 Rev. <b><u>B E</u></b>
8	Plan	West Elevation	Gartner Trovato Architects Pty Ltd	<b><u>11 May 2023</u></b> <b><u>1 February 2024</u></b>	A.09 Rev. <b><u>B E</u></b>
9	Plan	Section	Gartner Trovato Architects Pty Ltd	<b><u>13 June 2023</u></b> <b><u>1 February 2024</u></b>	A.10 Rev. <b><u>C E</u></b>
10	Deleted Under MOD 1				
11	Bushfire Safety Authority	Integrated Development Application – Boali Lodge – 867//1192567 – 16a Diggings Terrace, Thredbo	NSW Rural Fire Service	17 April 2023 <b><u>23 February 2024</u></b>	DA-2018-03565-S4.55-1 <b><u>DA-2018-03565-S4.55-2</u></b>
12	Report	Statement of Environmental Effects S4.55(1A) Application	Gartner Trovato Architects Pty Ltd	March 2023	Project No 1824/ Issue B
13	Plan	Level 1	Gartner Trovato Architects Pty Ltd	<b><u>13 June 2023</u></b> <b><u>1 February 2024</u></b>	A.03 Rev. <b><u>C E</u></b>
<b><u>14</u></b>	<b><u>Report</u></b>	<b><u>Statement of Environmental Effects S4.55(1A) Application</u></b>	<b><u>Gartner Trovato Architects Pty Ltd</u></b>	<b><u>January 2024</u></b>	<b><u>Project No 1824 Issue D</u></b>
<b><u>15</u></b>	<b><u>Plan</u></b>	<b><u>Section</u></b>	<b><u>Gartner Trovato Architects Pty Ltd</u></b>	<b><u>1 February 2024</u></b>	<b><u>A.11 Rev. E</u></b>
<b><u>16</u></b>	<b><u>Report</u></b>	<b><u>Bush Fire Assessment Report</u></b>	<b><u>-</u></b>	<b><u>(as lodged) 1 February 2024</u></b>	<b><u>-</u></b>

### 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.

Note: In accordance with section 4.53 of the EP&A Act, the lapsing date for some development consents has been extended due to the Covid pandemic.

#### **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 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 Non-Compliance Notification**

The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) and [alpineresorts@planning.nsw.gov.au](mailto: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](mailto:compliance@planning.nsw.gov.au) and [alpineresorts@planning.nsw.gov.au](mailto: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**

Work 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.

*Note: A construction certificate is required prior to commencing any physical activity involved in the erection of a building or other works associated with the Development. Some aspects of this development consent may not require a construction certificate.*

*Where works are to be staged, separate construction certificates would need to be obtained.*

### **B.2 Building Code of Australia Compliance**

The proposed works must comply with the applicable performance requirements of the BCA/NCC 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; or
  - (ii) is shown to be at least equivalent to the deemed to satisfy provision; or
  - (iii) a combination of (a) and (b).

### **B.3 Structural Details**

Prior to the issue of the relevant construction certificate, the Applicant shall submit to the satisfaction of the certifier structural drawings prepared and signed by a suitably qualified practising structural engineer that demonstrates compliance with:

- (a) the relevant clauses of the BCA/NCC; and
- (b) the development consent.

### **B.4 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.5 Site environmental management**

Prior to the issue of any construction certificate, a SEMP must be provided to, and be to the satisfaction of the certifier. The plan should include details for site management, such as the following where relevant:

- (a) erosion and sedimentation control management detail;
- (b) management of native vegetation;
- (c) waste management;
- (d) noise and vibration pollution;
- (e) air pollution;
- (f) fuels and chemicals;
- (g) vehicle parking, machinery access and material storage; and
- (h) emergency procedures.

## B.6 Bush fire safety authority

Prior to the issue of any 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 11 in Condition A.2).

## B.7 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.8 Environmental health

The food storage room with a refrigeration area **and commercial food preparation areas** must comply with the *Food Act 2003* and **Chapter 3.2.3 of** the Australia New Zealand Food Standards Code. Additional guidance **for specific fit-out options** is also provided by Australian Standard 'AS4674-2004 *Design, construction and fit-out of food premises*' **and the Food Act 2003**.

Prior to the issue of the relevant construction certificate, the Applicant must submit detailed plans and specifications to the National Parks and Wildlife Service and obtain written endorsement from the Environmental Health Officer.

A copy of the written endorsement must be submitted to the certifier prior to the issue of the relevant construction certificate. If the Department is not the certifier, a copy of the written endorsement shall be submitted to the Department with the construction certificate.

**Note: The Environmental Health Officer is available to discuss any queries related to these conditions -Aaron Clifford, Environmental Health Officer**  
**([Aaron.Clifford@environment.nsw.gov.au](mailto:Aaron.Clifford@environment.nsw.gov.au))**.

## B.9 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, 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.10 Energy efficiency**

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

#### **B.11 Rooms height**

The use of the bedroom is approved subject to room height compliance being demonstrated.

Prior to the issue of the relevant construction certificate, the Applicant shall provide to the certifier plans and/or a performance solution demonstrating compliance with ~~Part F3 Room Height~~ **Part F5 Room heights** of Volume One of the BCA/NCC.

A copy of the plans and / or a performance solution must be submitted to the Department with the construction certificate.

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## **PART C – PRIOR TO THE COMMENCEMENT OF WORKS**

### **C.1 Notification of commencement**

The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.

If the construction or operation of the development is to be staged, the Department must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

### **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 (including Condition B.5), 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 NPWS website:

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

### **C.5 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 principal certifier prior to the commencement of works.

### **C.6 Demolition work**

Demolition work 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.

#### **C.7 Vegetation management**

Where existing vegetation is to be trimmed or removed in order to comply with this consent, discussions involving an onsite inspection are to occur between the Applicant and the NPWS (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 principal certifier.

#### **C.8 Compliance**

The Applicant must ensure that all of its 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.

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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 principal certifier, 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 principal certifier 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.

- (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 principal certifier 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**

During construction, all demolition work must comply with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001).

#### **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 NPWS 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 Site rehabilitation**

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

#### **D.21 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.22 Dirt and Dust Control Measures**

- (a) Adequate measures shall be taken to prevent dirt and dust from affecting the amenity of the neighbourhood during construction.
- (b) In particular, the following measures must be adopted:
  - (i) all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material;
  - (ii) covers are to be adequately secured;
  - (iii) cleaning of footpaths must be carried out regularly;
  - (iv) roadways must be kept clean;
  - (v) gates are closed between vehicle movements;
  - (vi) gates are fitted with shade cloth; and
  - (vii) the site is hosed down when necessary.

#### **D.23 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 principal certifier as evidence of appropriate disposal.
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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 principal certifier. 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 principal certifier.

### 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 Electrical certification

Prior to the issue of any occupation certificate, certification prepared and signed by an appropriately qualified electrician shall be submitted to the principal certifier. 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.6 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 principal certifier. A copy of the fire safety certificate shall be submitted to the Department with the copy of the occupation certificate.

### E.7 Environmental performance

Prior to the issue of a final occupation certificate, the principal certifier is to be satisfied that the development complies with all requirements of Condition C.5.

### E.8 Environmental health

To ensure compliance with the *Food Act 2003* and **Chapter 3.2.3 of** the Australia New Zealand Food Standards Code, the Applicant shall arrange for an inspection of the completed works by the NPWS Environmental Health Officer.

The Applicant shall obtain written confirmation that the works have been completed to the satisfaction of the NPWS Environmental Health Officer **and register the relevant food business with NPWS** prior to the issue of the relevant occupation certificate.

A copy of the written confirmation shall 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 with the occupation certificate.

## **E.9 Bush fire requirements**

Prior to the issue of the relevant occupation certificate, the Applicant must submit documentation to the principal certifier to demonstrate that the works have been undertaken in accordance with Condition B.6. A copy of the documentation is to be submitted to the Secretary or nominee with the occupation certificate documentation.

## **E.10 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 /**NCC** and relevant standards. A copy of the certificate is to be submitted to the Secretary or nominee with the occupation certificate documentation.

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## **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.

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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.

### **AN.3 Maximum occupancy**

The use of the new staff accommodation created by converting the sauna/spa room to a bedroom on Level 2 of Boali Lodge must not result in the maximum occupancy of the building, as defined in Schedule 8 of the Kosciuszko National Park Plan of Management, to be exceeded.

### **AN.4 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).