

Modification of Development consent

Section 4.55 (1A) of the *Environmental Planning and 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.



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Department of Planning, Industry and Environment

Jindabyne

16 August 2024

SCHEDULE 1

Application No.:	MOD 24/6689 (DA No. 10670 MOD 1)
Applicant:	Lachlan Maclean
Consent Authority:	Minister for Planning and Public Spaces
Land:	Smiggins Hotel, Smiggin Holes, Perisher Range Alpine Resorts, Kosciuszko National Park
Type of Development:	Integrated Development
Integrated Bodies:	NSW Rural Fire Service
Approved Development:	Alterations and additions to an existing tourist accommodation building including new airlock, ramp, garbage and storage room, and replacement stairs.
Modification:	Amendment to the approved design and layout of the access ramp located at the southern entrance to the Smiggins Hotel.

SCHEDULE 1

Schedule 1 of Development Application No. 10670 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 Smiggins Hotel and Chalet Apartments <u>Lachlan Maclean</u> 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 Part 6 of the Act.
DA No 10670	means the development application and supporting documentation submitted by the Applicant on 24 February 2021.
<u>MOD 24/6689 (DA No. 10670 MOD 1) MOD 1 to DA. 10670</u>	<u>means the modification application lodged by the Applicant on 22 May 2024.</u>
Department	means the Department of Planning, Industry and Environment, or its successors.
Director	means the Director of Regional Assessments or a delegate of the Director within the Department.
Minister	means the Minister for Planning and Public Spaces, or nominee.
NPWS	means the National Parks and Wildlife Services, 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> .
Principal Certifier	means the principal certifier and has the same meaning as Part 6 of the Act.
Regulation	means the <i>Environmental Planning and Assessment Regulations, 2000</i> (as amended).
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-and-publications/publications-search/rehabilitation-guidelines-for-the-resort-areas-of-kosciuszko-national-park .
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.

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

SCHEDULE 2

Schedule 2 of Development Application No. 10670 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 the:

- (a) DA No. DA 10670 submitted by Smiggins Hotel on 24 February 2021
- (b) supporting documentation submitted with the application (DA 10670)
- (c) additional information submitted by Smiggins Hotel on 13 and 21 April 2021
- (d) conditions of this consent
- (e) **the Section 4.55(1A) Modification Application (MOD 24/6689) lodged by the Applicant on 22 May 2024 and additional information submitted 21 June 2024**
- (f) **the approved documents in the table below (except where modified by conditions of this consent):**

including, but not limited to, the following:

Ref No.	Document	Title/Description	Author / Prepared by	Dated / Received	Document Reference
1	Statement of Environmental Effects (SEE)	Alterations & Additions, Smiggins Hotel Smiggin Holes, Kosciuszko National Park (including: Site Environmental Management Plan, and Perisher Range Resorts Master Plan Assessment Table,	Dabyne Planning Pty Ltd	February 2021	06-20
2	Report	Bushfire Assessment Report Additions and Alterations Smiggins Hotel, Smiggin Holes	Dabyne Planning Pty Ltd	February 2021	06-20
3	Structural Drawings	Proposed new store & garbage room & fire egress stairs – engineering design at Smiggins Hotel, Smiggin Holes	Practical Engineering Solutions Pty Ltd	15 January 2021	S01, S02, S03, S04
4	Form 4	Geotechnical Policy - Kosciuszko Alpine Resorts Form 4 – Minimal Impact Certification	Pointe Engineering Pty Ltd	10 April 2021	-

5	Plan	Proposed alterations & additions (Overall site plan including internal toilet works)	Allan McFarland Designs	(Amended) 12/20	Sheet 1/9
6	Plan	Proposed new store & garbage room (Site plan including drainage)	Allan McFarland Designs	(Amended) 24 March 2021	Sheet 5/9
7	Plan	Proposed new store & garbage room (Site plan, South Elevation, East Elevation, Section A-A)	Allan McFarland Designs	(Amended) 20 February 2020	Sheet 6/9
8	Plan	Proposed new air lock (Plan, North-East Elevation, North-West Elevation, Section B-B)	Allan McFarland Designs	(Amended) 24 March 2021	Sheet 7/9
9	Plan	Proposed alterations & additions (New stairs – Plan, Elevation, Section D-D)	Allan McFarland Designs	(Amended) 24 March 2021	Sheet 8/9
10	Plan	Proposed alterations & additions (Plan – ramp detail, Section E-E, circulation spaces at doorways)	Allan McFarland Designs	(Amended) 24 March 2021	Sheet 9/9
11	Bushfire Safety Authority	Integrated Development Application 1//1175034, Smiggins Hotel, 18 Corroboree Rd, Smiggin Holes Ref: DA20210312000944-original-4 DA20210312000944-S4.55-1	NSW Rural Fire Service	29 April 2021 13 June 2024	-
12	Statement of Environmental Effects (SEE)	S4.55 Modification Report S.4.55 MOD to DA 10670 Smiggins Hotel, Smiggin Holes Kosciuszko National Park	Dabyne Planning Pty Ltd	November 2023	06-20
13	Plan	Smiggins Hotel Proposed Ramp (Cover sheet including site location)	Torren Bell Building Design	4 March 2024	2133-DA00 Issue C
14	Plan	Site layout	Torren Bell Building Design	4 March 2024	2133-DA01 Issue C
15	Plan	Proposed ramp plan (Plan, Elevation AA)	Torren Bell Building Design	4 March 2024	2133-DA02 Issue C
16	Plan	Proposed ramp detail plan	Torren Bell Building Design	4 March 2024	2133-DA03 Issue C

<u>17</u>	<u>Plan</u>	<u>Proposed ramp plan (Plan, Valet parking – car arrivals parking area, Elevation AA)</u>	<u>Torren Bell Building Design</u>	<u>4 March 2024</u>	<u>2133-DA02 Issue C</u>
<u>18</u>	<u>Report</u>	<u>BCA Statement Access Ramp Smiggins Hotel Lot 1 DP 1175034 18 Corroboree Road, Smiggin Holes, NSW 2624</u>	<u>Complete Certification Pty Ltd</u>	<u>5 September 2023</u>	<u>23007 Revision A</u>
<u>19</u>	<u>Report</u>	<u>Revised Design Bushfire Letter</u>	<u>Dabyne Planning Pty Ltd</u>	<u>10 November 2023</u>	<u>-</u>
<u>20</u>	<u>Report</u>	<u>Geotechnical Assessment Supporting Letter Form 4 – Minimal Impact Certification</u>	<u>Fulcrum Thinking Pty Ltd</u>	<u>7 May 2024</u>	<u>-</u>

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.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; and
- (b) clause 98A 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 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

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

B.2. Building Code of Australia Compliance

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; or
 - (ii) Is shown to be at least equivalent to the deemed to satisfy provisions; or
 - (iii) A combination of (a) and (b)

B.3. Bunding of floor waste drainage

Prior to the issue of the relevant construction certificate, the following shall be submitted to the certifier:

- (a) a drainage plan demonstrating that the new garbage and storage rooms is bunded with the floor waste drains plumbed to sewer to capture and contain any spills.
- (b) Documentation demonstrating new drainage must be in accordance with the relevant and current Australian Standards and design statement, prepared by an appropriately qualified and practising professional.

If the Department is not the certifier a copy of the documentation shall be submitted to the Department with the construction certificate.

B.4. Disabled access

Prior to the issue of the construction certificate, appropriate plans and specification details are to be provided to the certifier from an appropriately qualified person, to demonstrate that the entrance ramp and landing complies with the relevant provisions of the BCA, AS1428.1 and Disability (Access to Premises — Buildings) Standards 2010. If the Department is not the certifier, a copy of the documentation shall be submitted to the Department with the construction certificate.

B.5. Structural Details

Prior to the commencement of the relevant works, the Applicant shall submit to 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; and
- (b) the development consent.

B.6. Payment of the Long Service Levy

Prior to the issue of a 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.7. External walls and cladding

- (a) The external walls of all buildings must comply with the relevant requirements of the BCA.
- (b) 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.8. Bush fire safety authority

Prior to the issue of the relevant construction certificate, the certifier must be satisfied that the documentation for the construction certificate demonstrates compliance with the relevant conditions of the bush fire safety authority (reference 11, RFS, in Condition A.2).

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 construction works area security fencing

Prior to works commencing, the construction works area must be fenced with temporary site security fencing. This fencing is to clearly delineate the construction works area and be designed and located in order to keep the disturbance corridor associated with the works to a minimum. This is to restrict access, prevent unauthorised persons entering the construction works area and protect areas of the subject site from unnecessary disturbance.

C.3. Implementation of site environmental management measures

Prior to works commencing, all site environmental management measures/plan in accordance with the approved documentation and plans (Condition A.2) and these conditions of consent, shall be in place and in good working order.

C.4. Protection of adjacent vegetation areas

The Applicant shall ensure that appropriate measures are in place to ensure that vehicles and machinery do not enter into areas of vegetation that are not part of the proposed development.

C.5. Protection of native vegetation, fauna and habitats

- (a) If vegetation management and/or clearing is required to meet RFS standards for APZs according to *Planning for Bushfire Protection 2019* then NPWS must be consulted, including through an onsite inspection, prior to any works occurring.
- (b) An APZ plan for the implementation and ongoing management of the lease area if an IPA is required shall be endorsed by NPWS prior to works commencing.

C.6. Plumbing and drainage work

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:

<https://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/park-management/alpine-resort-management/our-services/plumbing-and-drainage>

A copy of the Notice of Works must also be provided to the Department.

C.7. Termite protection

The buildings must be protected from attack from subterranean termites in accordance with AS 3660 *Termite management*. Details are to be submitted to the certifier prior to the commencement of works. If the Department is not the certifier, a copy of the documentation must be submitted to the Department prior to the commencement of the relevant section of works.

C.8. Demolitions 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 certifier before the commencement of works.

C.9. Location of existing services and infrastructure

Prior to the commencement of external work that extends the footprint of the building or deck, the location of existing services (i.e. electricity, sewer, water and gas) and infrastructure (i.e. snowmaking pipes, power and optical fibre) within the works area is to be identified in consultation with the NPWS Perisher Team and Perisher Blue Pty Ltd, in addition to any Dial Before You Dig provisions.

C.10. Machinery and storage

To minimise weed vectors and other biosecurity issues, all machinery used during construction must be cleaned prior to entry into the Park and prior to site mobilisation to ensure the machinery is free of mud and vegetative propagules.

Machinery must be regularly maintained and manoeuvred to prevent the spread of exotic vegetation. Storage of machinery and material is to be restricted to the designated disturbed areas.

C.11. Environmental performance (water and energy efficiency)

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

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

C.12. Compliance

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

PART D – DURING CONSTRUCTION

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

A copy of the approved plans and documentation 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.

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.
- (b) By 31 May the Applicant must ensure that that the subject 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 subject site is prohibited and that the site is a construction zone;
 - (vi) any external scaffolding shall be dismantled and removed from the subject 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 include provision for fauna egress; and
 - (x) 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

- (a) At all times, construction activities shall be undertaken in accordance with the approved documentation, site environmental management measures/plan and the requirements of Condition C.3.
- (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.

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/are to satisfy all but not be limited to, the following requirements:

- (a) The notice is to be durable and weatherproof and is to be displayed throughout the 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/are to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.
- (d) The name, address and phone number of the Principal Certifier is to be identified on the site signage.

D.7. Storage of materials

The Applicant ~~shall~~ must ensure that the subject site environmental management measures/plan are complied with and that during the construction period that storage, stockpiles, parking or waste management (skip bins) or disposal of materials must no impact on native vegetation and shall not take place beneath the canopy of any trees or on native heath vegetation.

All stockpiling is to be in accordance with the *Stockpile Guide*.

D.8. Prohibition of hazardous materials

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

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 there is no adverse impact on 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 and covered daily, or removed from the subject site each day, so as not to escape by wind, or 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 receptacle must be cleaned regularly.

D.11. Demolitions work

During construction, 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 site environmental management measures/plan (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

Any new temporary or permanent 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 NSW licensed plumber, qualified supervisor certificate or tradesperson certificate.

D.17. 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. The Applicant must immediately contact the NPWS to arrange for representatives to inspect the subject site. All workers on the subject site are to be made aware of this condition.

D.18. Erosion and sediment control measures

All erosion and sediment control measures must be checked regularly, and in any case after each precipitation event, 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', i.e. not contain viable seed or other vegetative propagules.

D.19. Site rehabilitation

Any disturbed area shall be rehabilitated in accordance with the *Rehabilitation Guide*.

D.20. 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.21. Asbestos

- (a) The removal of any asbestos or other hazardous materials found on the site shall be carried out in accordance with the 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.

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 subject 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. Excavations and backfilling

- (a) All excavating and backfilling must 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, provisions shall be made so that any fauna entering these excavations can escape;
 - (iii) All excavated material is to be moved off-site for storage and disposal;
 - (iv) Adequate provisions shall be made for drainage; and
 - (v) All excavations shall be properly guarded and protected to prevent them from being dangerous;Unless otherwise agreed in writing by the Secretary.
- (b) Any clean excavated material (i.e. containing no contaminants or weeds) may be temporarily stockpiled at the site compound prior to its removal off-site
- (c) Any clean excess fill shall be reused on site or disposed of at an authorised land fill site.
- (d) Any contaminated material (i.e. containing contaminants or weeds) must not be stockpiled at the subject site or within the Park and is to be disposed of at an authorised waste facility.
- (e) Imported fill material (including gravel) must be free from weed and pathogens, and only be obtained from an NPWS authorised source.

D.24. Maintenance of services

The Applicant and/or lessee is/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.25. Termite protection

Upon completion of the installation of the barrier, the Principal Certifier must be furnished with a certificate from the person responsible, stating that the barrier complies with AS 3660 *Termite management* and durable notice in accordance with this standard must be erected.

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 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 work

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

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

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. Rehabilitation

Prior to the issue of an occupation certificate, any disturbed ground shall be rendered erosion resistant and rehabilitated in accordance with the approved documentation and these conditions of consent (including condition D.19).

E.8. Structural certification

A structural engineer's certificate must be submitted to the Principal Certifier prior to the issue of any occupancy certificate. The certificate is to verify that structural works have been completed in accordance with the 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.9. 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.10. Environmental performance

Prior to the issue of the occupation certificate, the Principal Certifier is to be satisfied that the development complies with all requirements in Condition C.11.

E.11. External lighting

Any new external lighting installed in accordance with condition D.15 shall have certification provided to the Principal Certifier from an appropriately qualified person, that the lighting complies with Australian Standard AS 4282-1997: *'Control of Obtrusive Effects of Outdoor Lighting'*.

E.12. Works as executed or as-built plans

Within 12 months of the issue of the relevant occupation certificate, works as executed and/or as built survey plans of the constructed development, prepared by a suitably qualified surveyor, must be furnished to the Secretary.

E.13. Bush fire safety authority

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 the relevant conditions of the bush fire safety authority (reference 11, RFS, in Condition A.2). If the Department is not the Principal Certifier, a copy of the documentation must be submitted to the Department with the 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.

ADVISORY NOTES

AN.1 Responsibility for other approvals, licenses, consents or agreements

The Applicant is solely responsible for ensuring that all additional approvals, licenses, 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 Utility services

- (a) The Applicant shall 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 and/or the lessee are responsible for costs associated with relocating any services.

AN.4 Dial before you dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig 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 the development 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.