


# 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

13 May 2025

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## SCHEDULE 1

<b>Application No.:</b>	MOD 25/294 (DA 22/7811 MOD 1)
<b>Applicant:</b>	<del>Lisa Schweitzer</del> <b><u>Snow Accommodation Pty Ltd</u></b>
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Land:</b>	Altitude Ski Lodge, 13 Plum Pine Road, (Lot 1 DP 1195135), Smiggin Holes, Perisher Range Alpine Resort, Kosciuszko National Park
<b>Type of Development:</b>	Integrated Development
<b>Integrated Bodies:</b>	NSW Rural Fire Service
<b>Approved Development:</b>	External alterations to an existing tourist accommodation building and ground works
<b>Modification:</b>	The replacement of the northern fire exit stair and rear exit ramp

Schedule 2 of Development Application No. 22/7811 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>Lisa Schweitzer</del> <b><u>Snow Accommodation Pty Ltd</u></b> 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.
DA No 22/7811	means the development application lodged by the Applicant on 17 June 2022.
Department	means the Department of Planning and Environment, or its successors.
Development	means the development approved pursuant to this consent, as defined in Condition A.2 and as modified by the conditions of this consent.
Director	means the Director of Regional Assessments or a delegate of the Director of within the Department.
EP&A Regulation	means the <i>Environmental Planning and Assessment Regulation, 2021</i> (as amended).
NPWS	means the National Parks and Wildlife Service, or its successors.
Non-compliance	means an occurrence, set of circumstances or development that is a breach of this consent.
Park	means the Kosciuszko National Park reserved under the <i>National Parks and Wildlife Act 1974</i> .
Precincts - Regional SEPP	means the State Environmental Planning Policy (Precincts – Regional) 2021 (as amended), that includes Chapter 4 – Kosciuszko National Park and alpine resorts.
Principal Certifier	means the principal certifier and has the same meaning as Part 6 of the Act.
Rehabilitation Guide	means the NPWS document entitled: <i>Rehabilitation Guidelines for the Resorts Areas of Kosciuszko National Park</i> (2007) a copy of which is available at: <a href="https://www.environment.nsw.gov.au/research-and-publications/publications-search/rehabilitation-guidelines-for-the-resort-areas-of-kosciuszko-national-park">https://www.environment.nsw.gov.au/research-and-publications/publications-search/rehabilitation-guidelines-for-the-resort-areas-of-kosciuszko-national-park</a>
RFS	means the NSW Rural Fire Service, or its successors.
Secretary	means the Secretary of the Department, or nominee/delegate.
Secretary's approval, agreement or satisfaction	means a written approval from the Secretary or nominee/delegate.
Site Environmental Management Plan SEMP	means a site environmental management plan for the Subject site, prepared by the Applicant as part of Condition A.2.
Stockpile Guide	means the NPWS document entitled: ' <i>Soil Stockpile Guidelines for the Resort Areas of Kosciuszko National Park, October 2017</i> ', a copy of which can be obtained from the NPWS Resorts Environmental Services Team.
Subject site	has the same meaning as the land identified in Part A of this Schedule.
Team Leader	means the Team Leader of the Alpine Resorts Team within the Regional Assessments division (or its successors) or a delegate of the Team Leader of the Alpine Resorts Team within the Department.

## SCHEDULE 2

### PART A – ADMINISTRATIVE CONDITIONS

#### A.1. Obligation to minimise harm to environment

In addition to meeting the specific performance measures and criteria established in this consent, all reasonable and feasible measures to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development.

#### A.2. Development in accordance with approved documentation and plans

The development shall be in accordance with the:

- (a) Development Application No. DA 22/7811 and supporting documentation lodged on 17 June 2022, as amended by the additional information received during the assessment of the application;
- (b) **Section 4.55(1A) Modification Application (MOD 25/294) lodged by the Applicant on 15 January 2025, as amended;**
- (c) conditions of this consent; and
- (d) approved documents in the table below (except where modified by conditions of this consent):

Ref No.	Document	Title/Description	Author / Prepared by	Dated / Received	Document Reference
1	Report	Statement of Environmental Effects SEE	Applicant	3 June 2022	-
2	Report	Site Environmental Management Plan SEMP	Applicant	<del>3 June 2022</del> <b><u>8 January 2025</u></b>	-
3	Report	Appendix to Statement of Environmental Effects	Applicant	3 June 2022	-
4	Report	SEMP Diagram Notes	Applicant	3 June 2022	-
5	Report	SEE Carpark Addendum	Applicant	29 August 2022	-
6	Plan	SEMP Plan	Applicant	3 June 2022	-
7	Plan	Cover Sheet	MM	16 July 2021	A00
8	Plan	Site Plan	MM	16 July 2021	A01
9	Plan	Ground Floor Plan	MM	16 July 2021	A02
10	Plan	First Floor Plan	MM	16 July 2021	A03
11	Plan	Elevations South and West	MM	16 July 2021	A04
12	Plan	Elevations North and East	MM	16 July 2021	A05

13	Plan	Roof Plan	MM	16 July 2021	A06
14	Plan	Proposed Carparking	MM	16 July 2021	A07
15	Plan	Details 1 - 8	MM	16 July 2021	A08
<u>16</u>	<u>Plan</u>	<u>Replacement Fire stair 1</u>	<u>MM</u>	<u>24 August 2024</u>	<u>A12</u>
<u>17</u>	<u>Plan</u>	<u>Replacement Fire stair 2</u>	<u>MM</u>	<u>24 August 2024</u>	<u>A13</u>
<u>18</u>	<u>Plan</u>	<u>Proposed Deck and Stairs at Altitude Lodge Smiggins Hole NSW – Structural Design</u>	<u>O Boaru / A Sferle</u>	<u>8 November 2024</u>	<u>S01 of 4</u>
<u>19</u>	<u>Plan</u>	<u>Proposed Deck and Stairs at Altitude Lodge Smiggins Hole NSW – Structural Design</u>	<u>O Boaru / A Sferle</u>	<u>8 November 2024</u>	<u>S02 of 4</u>
<u>20</u>	<u>Plan</u>	<u>Proposed Deck and Stairs at Altitude Lodge Smiggins Hole NSW – Structural Design</u>	<u>O Boaru / A Sferle</u>	<u>8 November 2024</u>	<u>S03 of 4</u>
<u>21</u>	<u>Plan</u>	<u>Proposed Deck and Stairs at Altitude Lodge Smiggins Hole NSW – Structural Design</u>	<u>O Boaru / A Sferle</u>	<u>8 November 2024</u>	<u>S04 of 4</u>
<u>22</u>	<u>Plan</u>	<u>3D Stair</u>	<u>JM</u>	<u>6 March 2024</u>	<u>24-1-GA01 Rev A</u>
<u>23</u>	<u>Plan</u>	<u>Altitude Steel Stair</u>	<u>JM</u>	<u>6 March 2024</u>	<u>24-1-GA02 Rev A</u>
<u>24</u>	<u>Plan</u>	<u>Plan + 3D</u>	<u>JM</u>	<u>27 March 2024</u>	<u>24-3-GA01 Rev 1</u>
46 <u>25</u>	Report	Geotechnical Recommendations for Altitude Lodge minor alterations and Form 4 Minimal Impact Certification	Pointe Engineering Pty Ltd	10 May 2022	Ref: PE-1934-02
<u>26</u>	<u>Report</u>	<u>Geotechnical Investigation – Proposed Fire Access Stair Replacements, The Lodge Smiggins, No. 13 Plum Pine Road, Smiggins Hole, NSW</u>	<u>Aitken Rowe Geotechnical Engineers</u>	<u>23 October 2024</u>	<u>Reg. No.: S24-315</u>

<b><u>27</u></b>	<b><u>Report</u></b>	<b><u>Form 4 Minimal Impact Certification</u></b>	<b><u>Aitken Rowe Geotechnical Engineers</u></b>	<b><u>4 February 2025</u></b>	<b><u>:</u></b>
<b><u>47</u></b> <b><u>28</u></b>	Plan	Site Plan of Existing Carpark Layout	Applicant	29 August 2022	-
<b><u>48</u></b> <b><u>29</u></b>	Plan	Asset Protection Zone Plan – Altitude–The Lodge, Smiggin Holes	NPWS	6 September 2021	DOC21/31 6270 EF20/3133 8-07
<b><u>49</u></b> <b><u>30</u></b>	Report	Bushfire Hazard Assessment Report - Project: Establish APZ Plan for Existing Tourist Accommodation Lodge and Alterations and Additions  13 Plum Pine Road, Smiggin Holes, Kosciuszko National Park Lot 1 DP 1195135	Accent Town Planning	August 2021	Report No. 21104 Rev 03
<b><u>20</u></b> <b><u>31</u></b>	Bush Fire Safety Authority	s100B - SFPP – Other Tourist Accommodation  The Lodge 13 Plum Pine Rd Smiggin Holes NSW 2624 1//DP1195135	NSW Rural Fire Service	<del>15 December 2022</del> <b><u>24 January 2025</u></b>	<del>DA202206 19008610-Original-1</del> <b><u>DA202206 19008610-S4.55-1</u></b>

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

### **A.3. Inconsistency between documents**

The conditions of this consent prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in Condition A.2. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Condition A.2, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

### **A.4. Lapsing of consent**

This consent lapses five years after the date of consent unless work for the purposes of the Development is physically commenced.

### **A.5. Prescribed conditions**

All works shall comply with the prescribed conditions of development consent as set out in Part 4, Division 2 of the EP&A Regulation. In particular, your attention is drawn to:

- (a) section 69, Compliance with Building Code of Australia; and

(b) section 70, Erection of signs during building and demolition works.

#### **A.6. Australian standards**

All works which are part of the Development must be carried out in accordance with relevant 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.

#### **A.9. Excluded development**

The following works and plans are excluded from this consent:

- (a) any reference in a plan or document to the six (6) decks associated with the first floor bedrooms; or
  - (b) any approval to use the six decks referred to in paragraph (a) above, or
  - (c) any authorisation of retrospective building works in paragraph (a) above.
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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. 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.*

### B.2. Documentation for the construction certificate

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

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

### B.3. Structural drawings and design statement

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

### B.4. Building works plan

Prior to the issue of a construction certificate, the Applicant shall submit to the Certifier building work plans that demonstrate compliance with:

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

### B.5. Specifications

Prior to the issue of the relevant construction certificate, the Applicant shall provide to the Certifier specifications for the development demonstrating compliance with the BCA:

- (a) that describe the construction and materials of which the buildings, services and infrastructure are to be built; ~~and~~
- (b) that state whether the materials to be used are new or second-hand and (in the case of second-hand materials) give particulars of the materials to be used and manner of use; and
- (c) that accurately describe the size of the termination of handrails for the development proposed under MOD 25/294 (DA 22/7811 MOD 1).

### B.6. Appointment of engineer – structural adequacy of existing structure

An appropriately qualified practising Structural Engineer shall be engaged to carry out the inspection required by Condition D.24 and E.5. The name and contact details of the engineer shall be provided to the Certifier prior to the issue of the construction certificate.

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

#### **B.7. 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.8. NPWS and Plan of Management (car parking)**

Prior to the issue of any construction certificate, the Applicant must obtain written confirmation from NPWS that any relevant lessor's consent and Plan of Management matters in relation to the car parking rearrangements have either been addressed or are progressing to the point where there is certainty that the development can proceed. The written confirmation must be submitted to the Certifier and a copy sent to the Department with the copy of the construction certificate.

#### **B.9. Termite protection**

Any new building work which are part of the Development must be protected from attack from subterranean termites in accordance with AS 3660 *Termite management*. Details are to be submitted to the Certifier prior to the issue of the construction certificate.

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

#### **B.10. 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 (Condition A.2 Item 29 **31**).

#### **B.11. 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.12. External walls and cladding**

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

Prior to the issue of the relevant construction certificate, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the



construction of external walls including finishes and claddings such as synthetic or aluminium composite panels, comply with the requirements of the BCA.

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

### **B.13. Building upgrades**

Prior to the determination of the relevant construction certificate, a Structural Engineer must nominate the required upgrades necessary in order to determine compliance with Section B of the BCA for a building of Type A construction.

A copy of the documentation given to the Certifier must be provided by the Applicant to the Secretary within seven days after the Certifier accepts it.

### **B.14. External wall system (re-cladding)**

- (a) Prior to the issue of a construction certificate the following must be submitted to the satisfaction of the Certifier:
  - (i) a report relating to the external wall system and the internal face of the external wall prepared by a BCA consultant or Fire Engineer assessing compliance with the relevant parts of Section C of Volume 1 of the Building Code of Australia (BCA);
  - (ii) if the above report has identified deficiencies an upgrade strategy or performance solution shall be prepared; and
  - (iii) any upgrade strategy shall include a schedule of works must be undertaken as part of the development;
- (b) Plans, specifications and details demonstrating compliance with these conditions must be submitted to the Certifier prior to the issue of any construction certificate.

### **B.15. Energy efficiency**

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

### **B.16. Materials and finishes**

The approved materials and finishes shall be in accordance with the following, except as otherwise approved in writing by the Secretary or nominee:

<b>Location</b>	<b>Material</b>	<b>Colour</b>
Replacement of timber Cladding and window surrounds	Lysaght Easyclad Colorbond Steel - weatherboard look	Dark Grey in Colorbond 'Ironstone'
Timber deck, <u>and</u> balustrade <del>and stairs</del>	Fire resistant material as specified or required	To match existing
Boxing in eaves	Colorbond steel custom orb	Beige colour in Colorbond 'Dune'
Fire exit doors	Compliant double-glazed fire exit doors	To match existing

<b><u>North fire exit stair</u></b>	<b><u>Steel</u></b>	<b><u>Balustrade “Dune”; stair and support bare silver steel</u></b>
<b><u>Rear exit ramp</u></b>	<b><u>Steel</u></b>	<b><u>Balustrade “Dune”; stair and support bare silver steel</u></b>

Prior to the issue of the construction certificate, the Applicant shall submit a full set of coloured elevation plans to the Certifier depicting the above. If the Department is not the Certifier, a copy of the documentation shall be submitted to the Department with the construction certificate.

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

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

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

### **C.2. Temporary fencing**

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

### **C.3. Protection of adjacent vegetation areas**

The Applicant must manage the Subject site appropriately and ensure that measures are in place to ensure that vehicles and machinery do not enter into areas of vegetation that are not necessary for the purposes of the Development.

### **C.4. Site environmental management measures**

Prior to any works commencing which are part of the Development, the Site Environmental Management Plan (SEMP) (Condition A.2.) shall be amended and updated to include:

- (a) areas of high biodiversity value (consistent with the APZ Plan referred to in Condition A.2 Item 48 **29**) are to be identified in the SEMP and cordoned off as a no-go zone. Signage is to be erected to clearly delineate the perimeters of the no-go zones; and
- (b) an Erosion and Sediment Control Management Plan (ESCMP) shall be included in the SEMP that identifies the no-go areas and identifies that all construction activities (including the stockpile areas and the drop off area) will be located on disturbed areas and excluded from environmentally sensitive areas identified in accordance with paragraph (a) above; and
- (c) no vehicles or machinery are to leave the formed area of the Road, driveway, hardstand parking areas or enter into areas of vegetation for the purposes of the Development; and
- (d) temporary storage of equipment, componentry, waste receptacles, tools and the like are only to be placed on disturbed areas of the site, avoiding ground disturbance, compaction and the disturbance of native vegetation; and
- (e) sedimentation and erosion control measures shall be installed on site prior to works commencing. Should any ground disturbance occur as a result of the Development, additional sedimentation and erosion control measures shall be installed and maintained until the disturbed area is suitably rehabilitated in accordance with the Rehabilitation Guide.

The amended SEMP shall be submitted to the Principal Certifier and Secretary or nominee prior to the commencement of works.

### **C.5. Implementation of site environmental management measures**

Prior to any relevant works which are part of the Development commencing, all site environmental management measures in accordance with the approved documentation (Condition A.2), the SEMP (Condition A.2, as amended by Condition C.5) and these conditions of consent, shall be in place and in good working order.

Any person/s in charge of the construction works shall ensure all staff and contractors attending the Site have been made aware of the SEMP, and have access to, and are instructed to follow, the SEMP.

#### **C.6. Machinery and storage**

- (a) All equipment, machinery and vehicles used during construction of the Development must be cleaned prior to entry into the Park and prior to Subject site mobilisation to ensure they are free of mud and vegetative propagules.
- (b) Equipment, machinery and vehicles must be regularly maintained and manoeuvred to prevent the spread of exotic vegetation. Storage of equipment, machinery, vehicles and material is to be restricted to existing disturbed areas and not be stored on native vegetation.

#### **C.7. Termite protection**

Any new building work which is part of the Development must be protected from attack from subterranean termites in accordance with AS 3660 *Termite management*. Details are to be submitted to the Certifier prior to the commencement of works.

#### **C.8. Implementation of approved Asset Protection Zone (APZ) plan**

Prior to commencement of building works, the vegetation management of the site in accordance with the approved APZ plan (Condition A.2 Item 48 **29**) is to be carried out. Following completion of the vegetation management, advice must be submitted to the Department and NPWS within seven days of it being submitted to the Certifier.

#### **C.9. Demolition work**

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

A copy shall be forwarded to the Department within seven days of it being submitted to the principal certifier.

#### **C.10. Pre-commencement compliance report**

Prior to the commencement of works which are part of the Development, the Applicant must submit to the Principal Certifier a report addressing compliance with all conditions contained in sections B and C of this consent pertaining to those works. A copy of this compliance report must be submitted to the Department within seven days of it being submitted to the Principal Certifier.

#### **C.11. Compliance**

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

#### **C.12. Erection of Construction Sign**

- (a) **A sign must be erected at eye level in a prominent position on any site on which any approved work is being carried out:**
  - (i) **Showing the name, address and telephone number of the principal certifying authority for the work;**

- (ii) Showing the name of the principal contractor (if any) for any demolition or building work and a telephone number on which that person may be contacted outside working hours; and
  - (iii) Stating that unauthorised entry to the work site is prohibited.
  - (b) The sign is to be maintained while the approved work is being carried out and must be removed when the work has been completed.
  - (c) The sign shall be durable and weatherproof with minimum dimensions 841mm x 594mm with text minimum 30 point.
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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 must be kept by the Applicant on the Subject site at all times and be readily available for perusal by the Principal Certifier, any person associated with the construction works, or an officer of the Department or NPWS. Without limitation, this condition applies to the following approved documentation:

- (a) this consent and its schedule of conditions; and
- (b) the approved documentation and plans (Condition A.2.); and
- (c) the amended SEMP (Condition A.2. and C.4.).

### **D.2. Construction hours**

All work in connection with the proposed Development may only be carried out between the hours of 7.00am and 6.00pm on Monday to Friday inclusive, and 7:00am to 1.00pm on Saturdays, with no work allowed on Sunday or gazetted public holidays in New South Wales, or as otherwise approved by the Secretary.

### **D.3. Construction period**

- (a) All demolition, civil and construction works which are part of the Development may only occur in the 'summer period'. For the purposes of this condition, the summer period means the period of time commencing after the October long weekend and ending no later than 31 May the following year in each year works are required to complete the Development, or as otherwise approved by the Secretary or nominee.
- (b) By 31 May in each year works are required to complete the Development, the Applicant must ensure that the Subject site is made safe and secure by undertaking the following:
  - (i) removal of all materials, vehicles, machinery, equipment, and the like;
  - (ii) removal and/or securing of all stockpiles of soil and gravel;
  - (iii) ensuring the Subject site is fenced with para-webbing or other suitable visible protection fencing around the perimeter of the site to limit access to and from the site;
  - (iv) appropriate signage must be erected outlining that unauthorised access to the Subject site is prohibited and that the site is a construction zone;
  - (v) all external plumbing and drainage works are to be completed;
  - (vi) any excavations are to be made safe and secure;
  - (vii) stabilisation and rehabilitation works must be implemented in accordance with these conditions of consent and the approved documentation; and
  - (viii) any other specific matters related to making the Subject site safe and secure raised by the Principal Certifier or the Secretary.

### **D.4. Construction activities**

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

- (a) all construction activities in connection with the Development are undertaken in accordance with the approved documentation, including (without limitation) the documentation specified in paragraphs (a) to (c) inclusive of Condition D.1.
- (b) all construction activities in connection with the Development are confined to the Subject site;
- (c) no disturbance or other adverse environmental impacts occur outside the Subject site; and
- (d) all materials, stockpiles, rubbish receptacles and the like are to be confined to the Subject site.

*Note to Applicant: The damage or removal of any native vegetation that is not the subject of this consent requires further authorisation under the National Parks and Wildlife Act 1974 or the*

*Environmental Planning and Assessment Act 1979. Failure to obtain authorisation may result in compliance action under that legislation.*

#### **D.5. Aboriginal heritage**

- (a) Should any material suspected of being an Aboriginal relic or artefact become unearthed in the course of works which are part of the Development, the Applicant must immediately:
  - (i) cease all works impacting the suspected relic or artefact; and
  - (ii) contact the NPWS to arrange for representatives to inspect the Subject site.
- (b) The Applicant must ensure that all workers on the Subject site are made aware of the requirements of paragraph (a).

#### **D.6. Waste**

All waste must be contained in receptacles and covered daily, or removed from the Subject site each day, so as not to escape by wind, water or scavenging fauna. These receptacles must only be located in previously disturbed areas and not beneath the canopy or over roots of any trees, and be maintained clear of the no-go zones identified in the amended SEMP (Condition C.4.). The receptacles must be cleaned regularly.

#### **D.7. SafeWork NSW**

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

#### **D.8. Site notice**

The Applicant must ensure that site notice(s) are prominently displayed at the boundaries of the Subject site for the purposes of informing the public of Development details. The notice(s) is/are to satisfy all but not be limited to, the following requirements:

- (a) The notice is to be durable and weatherproof and is to be displayed throughout the construction phase of the Development.
- (b) The notice(s) must list the approved hours of work, the name of the principal contractor for the work (if any), and include a 24 hour contact phone number for any inquiries, including construction/noise complaints.
- (c) The notice(s) is/are to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.
- (d) The name, address and phone number of the Principal Certifier is to be identified on the notice(s).

#### **D.9. Prohibition of hazardous materials**

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

#### **D.10. Dirt and dust control measures**

The Applicant must ensure that adequate measures are taken to prevent dirt and dust from affecting the amenity or environment of the adjoining areas during the construction phase of the Development.

#### **D.11. Safety demarcation**

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

#### **D.12. Erosion and sediment control measures**

- (a) All erosion prevention and sediment control measures must be checked and maintained in good working order at all times, particularly after precipitation events. All exposed earth must be kept stabilised and revegetation must commence as soon as practicable. All straw bales or much material used for sediment and erosion control must be certified as weed free.
- (b) The erosion and sediment controls must also ensure that:
  - (i) excavation and construction does not take place during or immediately after significant rainfall or snowfall events;
  - (ii) sediment traps are designed, installed, and maintained to maximise the volume of sediment trapped from the Subject site during construction; and
  - (iii) disturbed areas that are not required for further construction access are to be stabilised and revegetated during trail construction.
- (c) **During the construction phase of the Development, the Applicant must ensure that all erosion and sediment control measures (e.g. silt curtains, sediment fences, booms etc.) are:**
  - (i) **installed and maintained in accordance with “Managing Urban Stormwater: Soils and Construction” (4th Edition Landcom, 2004, known as the Blue Book), and the ESCP; and**
  - (ii) **checked regularly, and in any case after each precipitation event, to ensure they remain in good working order at all times.**

#### **D.13. Noise and vibration management**

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

#### **D.14. Recycled Material**

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

#### **D.15. Demolition work**

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

#### **D.16. Loading and unloading of construction vehicles**

All loading and unloading associated with demolition and construction work which is part of the Development must be restricted to those areas approved in the SEMP (Condition A.2. and D.4) and these conditions.

#### **D.17. Electrical works**

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

#### **D.18. Plumbing and drainage works**

If plumbing and drainage works are undertaken, all plumbing and drainage work which are part of the Development must comply with the Plumbing Code of Australia and Australian Standard



AS/NZS 3500 *Plumbing and drainage* and must be carried out by an appropriately licensed plumber.

#### **D.19. Gas installations**

If gas installation works are undertaken, all gas installation works must be carried out by a qualified plumber who holds the appropriate gas fitters licence and installed in accordance with the relevant Australian Standards.

#### **D.20. Rehabilitation and site establishment**

- (a) Site stabilisation and rehabilitation works must commence, as soon as possible, following the completion of each stage of work which is part of the Development to minimise exposed areas. Disturbed areas must be adequately mulched and maintained with weed free straw (i.e. straw which does not contain viable seed or other vegetative propagules) until an erosion resistant ground condition is achieved. All erosion prevention and sediment control measures must remain in place until all exposed areas of soil are stabilised and/or revegetated.
- (b) Rehabilitation must be undertaken by the Applicant in accordance with:
  - (i) the Rehabilitation Guide; and
  - (ii) these conditions of consent.

#### **D.21. Asbestos**

- (a) The removal of any asbestos or other hazardous material found on the Subject site must be carried out in accordance with current SafeWork NSW guidelines and only by an appropriately qualified and licensed contractor.
- (b) Any asbestos or other hazardous materials must be disposed of at an authorised waste facility. Receipts must be provided to the Principal Certifier by the Applicant as evidence of appropriate disposal.

#### **D.22. 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.23. 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 Australian Standard AS 3660 *Termite management* and durable notice in accordance with this standard shall be erected.

#### **D.24. Inspection by engineer – structural adequacy of existing structure**

Prior to the installation of the new cladding and structural elements, an appropriately qualified practising structural engineer shall carry out an inspection to determine the structural adequacy of the existing balcony structures and their compliance with the BCA.

If any deficiencies are identified during the inspection, the engineer shall provide upgrade recommendations. Any works associated with the upgrade recommendations shall be undertaken prior to use of the balconies.

## **PART E – PRIOR TO COMMENCEMENT OF USE**

### **E.1. Occupation certificate**

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

### **E.2. Site Clean Up**

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

### **E.3. Removal of site notice**

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

### **E.4. Fire safety certificate**

Prior to the issue of the relevant occupation certificate, a fire safety certificate conforming to the Regulations must be submitted to the Principal Certifier. A copy of the fire safety certificate must be submitted to the Secretary or nominee with the copy of the occupation certificate.

### **E.5. Structural adequacy certificate of existing structure**

Prior to the issue of any occupancy certificate, a certificate of structural adequacy (following inspection as required by Condition D.24) prepared by a suitably qualified professional engineer confirming the suitability of the building to meet BCA performance requirements shall be submitted to the Principal Certifier. A copy of the structural certificate shall be submitted to the Department with the copy of the occupation certificate.

### **E.6. Structural certification of new work**

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

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

### **E.7. 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.8. External walls and cladding**

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

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

#### **E.9. Termite protection certification**

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

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

#### **E.10. Electrical certification**

Prior to the issue of the relevant occupation certificate, certification prepared and signed by an appropriately qualified electrician must be submitted to the Principal Certifier. The certificate must indicate that all electrical works which are part of the Development have been installed by a qualified and licensed electrician and installed in accordance with the relevant Australian Standards. A copy of the certificate is to be submitted to the Secretary or nominee with the occupation certificate documentation.

#### **E.11. Plumbing and drainage works**

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

#### **E.12. Gas installations certification**

If gas installation works are undertaken, prior to the issue of the occupation certificate, certification prepared and signed by an appropriately qualified gas fitter shall be submitted to the Principal Certifier. The certificate shall indicate that all gas installations have been installed by a qualified and licensed gas fitter and installed in accordance with the relevant Australian Standards.

#### **E.13. Bush fire safety authority**

Prior to the issue of the relevant occupation certificate, the Applicant must submit documentation to be Principal Certifier to demonstrate that the works have been undertaken in accordance with the relevant conditions of the bush fire safety authority (Condition A.2 Item 20 **31**). A copy of the documentation is to be submitted to the Secretary or nominee with the occupation certificate documentation.

#### **E.14. External wall system (re-cladding)**

Prior to the issue of any occupation certificate, the following documentation shall be submitted to the satisfaction of the Principal Certifier;

- (a) written notice that the works have been completed in accordance with Condition B.14; and
- (b) certificates of installation from tradespersons responsible for carrying out the works; and
- (c) certification from a BCA Consultant and/or Fire Engineer that the required works have been completed in accordance with Condition B.14.

#### **E.15. Relinquish parking space**

Prior to the issue of any occupation certificate, the Applicant shall provide written notice to the Property and Leasing Management Unit of the Jindabyne Office of the NPWS advising that the

construction of the additional on-lease parking space has been completed, and the single off-lease parking space previously approved for use by Altitude Lodge is relinquished back to the NPWS. A copy of the documentation shall be provided to the Principal Certifier and is to be submitted to the Secretary or nominee with the occupation certificate documentation.

*Note: A total of eight car spaces are permissible under the NPWS Lease to Altitude Lodge.*

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## **PART F – POST OCCUPATION**

### **F.1 Annual fire safety statement**

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

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## ADVISORY NOTES

### AN.1 Appeals

The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000* (as amended).

### AN.2 Responsibility for other consents / agreements

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

### AN.3 Other approvals and permits

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

### AN.4 Utility services

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

### AN.5 Dial before you dig

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

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

### AN.6 Disability Discrimination Act

The Applicant has been assessed in accordance with the *Environmental Planning and Assessment Act, 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992* (Cth). The Applicant is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* (Cth) covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - *Design for Access and Mobility*. AS 1428 Parts 2, 3 and 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* (Cth) currently available in Australia.