

# Modification of Development Consent

## Section 4.55(1A) of the *Environmental Planning & Assessment Act 1979*

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



Daniel James  
**Team Leader**  
**Alpine Resorts Team**  
**Department of Planning and Environment**

Jindabyne

19 May 2022

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### SCHEDULE 1

<b>Application No.:</b>	MOD 10113 (DA No. 42-8-2006 MOD 3)
<b>Applicant:</b>	South Perisher Co-Operative Alpine Club
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	South Perisher Alpine Club, Duncan Place, Perisher Range Alpine Resort, Kosciuszko National Park
<b>Development:</b>	Works including: <ul style="list-style-type: none"><li>• partial demolition of existing ski lodge,</li><li>• additions and alterations to existing ski lodge,</li><li>• landscaping and drainage,</li><li>• two car parking spaces, and</li><li>• other associated works.</li></ul>
<b>Approved Development:</b>	MOD 10113 (DA No. 42-8-2006 MOD 3): Modifications to approved development including: <ul style="list-style-type: none"><li>• replacement of the hardiplank cladding on the lower half of the southern elevation, installed as part of the original approved works, with Stramit Monopanel</li><li>• demolition of an unauthorised awning constructed over the external BBQ area and reconstruction of the awning to meet construction standards</li></ul>

Schedule 2 of Development Application No. 42-8-2006 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words as follows

## SCHEDULE 2

### PART A – ADMINISTRATIVE CONDITIONS

#### ***A1 Development Description***

Development consent is granted only to carrying out the development described in detail below:

- 1) partial demolition of existing ski lodge,
- 2) additions and alterations to existing ski lodge,
- 3) landscaping and drainage,
- 4) two car parking spaces, and
- 5) other associated works.

Note: This consent does not allow for any construction or excavation works to commence on site other than those listed above and/or as required by the conditions of this consent. Prior to any additional works being carried out, the appropriate consent must be obtained.

#### ***A2 Development in Accordance with Plans***

The development shall be in accordance with the following:

- 1) Development Application No. DA 42-8-2006 submitted by Mr Sean Lee, Director of South Perisher Co-operative Alpine Club on 1 August 2006;
- 2) Modification Application MOD 9-3-2008 (MOD 1) submitted by Mr Sean Lee, Director of South Perisher Co-operative Alpine Club on 10 March 2008;
- 3) Modification Application DA 42-08-2006 (MOD 2) submitted by Mr Sean Lee, Director of South Perisher Co-operative Alpine Club on 9 February 2011; **and**
- 4) **Modification Application (MOD 10113 (DA 42-08-2006 MOD 3)) submitted by South Perisher Co-Operative Alpine Club on 17 December 2019; and**
- 5) in accordance with the supporting documentation submitted with that application including, but not limited to, the following:
  - Architectural Drawings and Plans by John R Lane Pty Ltd titled 'Alterations to South Perisher Lodge', labelled as follows:

Ref. No.	Drawing No.	Plan Title	Date
1	SP01	Existing Basement Floor Plan and Site Plan	<del>10 July 2007</del> 6 March 2008
2	SP02	Existing Plans, Ground Floor and First Floor	<del>10 July 2007</del> 13 December 2007
3	SP03	New Basement Floor Plan	<del>10 July 2007</del> 13 December 2007
4	SP04	New Plans, Ground Floor and First Floor	<del>10 July 2007</del> 22 January 2008 3 December 2010
5	SP05	Sections AA and BB	<del>10 July 2007</del>

			13 December 2007
6	SP06	Sections CC, DD and EE	<del>10 July 2007</del> 13 December 2007
7	SP07	Elevations North and East	<del>10 July 2007</del> <del>22 January 2008</del> 3 December 2010
8	SP08	Elevations South and West  <b><u>(as amended by the marked plan attached to this consent – MOD 10133)</u></b>	<del>10 July 2007</del> <del>13 December 2007</del> 3 December 2010
9	SP09	Site Environmental and Stormwater Management Plan	<del>10 July 2007</del> 13 December 2007
10	SP10	Colours and Use of Material	<del>21 June 2007</del> 13 December 2007
11	SP11	Concrete Plan	13 December 2007
12	SP12	Structural Details 1 to 6	13 December 2007
13	SP13	Notes	13 December 2007
14	SP14	Car Parking Plan	<del>10 July 2007</del> 13 December 2007
15	SP15	Landscape and Rehabilitation Plan	<del>10 July 2007</del> 13 December 2007
16	SP16	Essential Services Plan	13 December 2007
17	SP17	Essential Services Plan	13 December 2007
<b>18</b>	<b>:</b>	<b><u>Bush Fire Safety Authority, NSW Rural Fire Service</u></b>	<b><u>12 May 2021</u></b>

- Geotechnical Investigations by Brian Mattick of Douglas Partners Pty Ltd titled 'South Perisher Lodge' referenced 46058 dated November 2006.
- A Form 1 has been signed by Brian Mattick CPEng of Douglas Partners Pty Ltd and is dated 7 November 2006.
- Statement of Environmental Effects by Greenloaning Biostudies Pty Ltd and John R Lane Pty Ltd dated July 2007.
- Section 5A Assessment by Greenloaning Biostudies Pty Ltd dated April 2007.

**Note 1 Development Description (MOD 2)**

The works are identified as **Item 4 and Item 6** on the plan referenced Plan No SP04 titled 'New Plans, Ground Floor and First Floor' dated 3 December 2010 are included in this modified consent.

The works are identified as **Item 7** on the plan referenced Plan No SP07 titled 'Elevations North & East' dated 3 December 2010 are included in this modified consent.

The works are identified as **Item 8, Item 9 and Item 10** on the plan referenced Plan No SP08 titled 'Elevations South & West' dated 3 December 2010 are included in this modified consent.

**Note 2 Excluded Development (MOD 2)**

The modified consent does not include the works identified as **Item 1, Item 2, Item 3 and Item 5** on the plan referenced Plan No SP04 titled 'New Plans, Ground Floor and First Floor' dated 3 December 2010.

### ***A3 Inconsistency between documents***

In the event of any inconsistency between conditions of this approval and the drawings/plans/documents referred to above, the conditions of this approval prevail.

### ***A4 Prescribed Conditions***

The Applicant shall comply with the prescribed conditions of approval under clause 98 of the Regulation.

### ***A5 Lapsing of Consent***

The development consent shall lapse 5 years after the determination date in Part A of Schedule 1 of this consent.

### ***A6 Geotechnical Works***

All works for the development are to comply with the Geotechnical Investigation prepared by Brian Mattick of Douglas Partners Pty Ltd identified in Condition A2.

### ***A7 Compliance with the Building Code of Australia (BCA)***

All works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

## **MOD 1 Notes**

- Location of Tank  
The tank shall be erected in the location shown on plans SP01 dated 6 March 2008.
  - Size of Concrete Pad  
The size of the concrete pad for the tank shall be 1.2 metres by 1.8 metres as shown on plan SP01 dated 6 March 2008.
  - Marker Posts  
Two marker posts shall be placed on the road side of the tank to ensure that during snow clearing / grooming the tank is not hit.
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## **PART B      PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### **B1    Commencement of Works**

Demolition, excavation, clearing, construction, subdivision or associated activities must not commence until a Construction Certificate has been issued for the proposed development pursuant to the *Environmental Planning and Assessment Act, 1979*.

ADVISORY NOTE: Separate construction certificates can be lodged for each section/stage of the works.

### **B2    Structural Details**

The applicant shall submit the following details to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate:

- 1) Structural drawings prepared and signed by an appropriately qualified practising Structural Engineer that comply with:
  - (i) the relevant clauses of the Building Code of Australia;
  - (ii) relevant conditions of the development consent;
  - (iii) drawings and specifications comprising the Construction Certificate;
  - (iv) the relevant Australian Standards listed in the BCA (Specification A1.3);
  - (v) Geotechnical Investigations by Brian Mattick of Douglas Partners Pty Ltd titled 'South Perisher Lodge' referenced 46058 dated November 2006.
- 2) A signed Design Certification Certificate from the appropriately qualified Structural Engineer or Civil Engineer.

### **B3    Fire Safety Upgrade**

- 1) All floors materials and curtains within the building are to either comply with or be replaced with materials that comply with Specification C1.10a of the Building Code of Australia.
- 2) Fire Hose Reels complying with E1.4, G4.8 of the BCA and AS 2441 are to be installed to cover all sole-occupancy units of the building.
- 3) Emergency lighting and exits signs are to be upgraded to comply with Part E4 and G4.4 of the BCA, AS/NZS 2293.1.
- 4) Fire extinguishers and fire blankets are to be installed in accordance with E1.6 of the BCA and AS 2444 to cover all areas of the building.
- 5) All bounding construction of internal walls, floors and ceilings are to be upgraded to comply with Part C "Fire Resistance" and F5 "Sound Transmission and Insulation" of the BCA. This includes any penetrations through walls, ceilings or floors required to have an FRL for these elements.
- 6) All enclosures of spaces under stairs are to comply with D2.8 of the BCA.
- 7) Fire Orders are to be installed in the building in accordance with G4.9 of the BCA. These Orders must be displayed in suitable locations near the main entrance and on each storey.
- 8) All external doorways are to comply with G4.3 of the BCA.
- 9) The existing Smoke Detection and Alarm System is to be upgraded to comply with Specification E2.2a and G4.8 of the BCA.
- 10) All doors to fully enclosed sanitary compartments are to comply with F2.5 of the BCA.
- 11) All stairways both internal and external are to comply with D2.13 "Goings and risers" of the BCA.
- 12) The manual operated child restraint gate is to be removed.
- 13) All exit doors or doors forming part of a required exit or in the path of travel to a required exit are to comply with D2.21 "Operation of latch" of the BCA.

- 14) All sole-occupancy doors are to be constructed in accordance with C3.11 “Bounding construction: Class 2, 3 and 4 buildings” of the BCA.
- 15) All habitable rooms, sanitary compartments, bathrooms, shower rooms and laundry areas are to comply with F4.5 “Ventilation of rooms” of the BCA.
- 16) Natural lighting must be provided to all habitable rooms in accordance with F4.1 “Provision of natural light” of the BCA.
- 17) The ceiling of Under Floor Area A and B is to achieve an FRL of at least 30/30/30 or have a fire protective covering on the underside of the floor including beams incorporated in it and around these columns. Any penetrations in this ceiling are to be protected in accordance with C3.15 “Opening for service installations” of the BCA.
- 18) The building is to be upgraded to comply with G4.3 and G4.4 of the BCA.

#### **B4 Essential Services**

An Essential Services Plan prepared by a professional that is appropriately qualified in identifying the location of the essential fire safety measures (including those items required by condition B3 of this consent) is required to be submitted to the satisfaction of Certifying Authority prior to the issue of the Construction Certificate.

#### **B5 Compliance with the Building Code of Australia (BCA)**

Details are to be provided to the satisfaction of the Certifying Authority, with the application for a Construction Certificate, which demonstrate that the proposal complies with the requirements of the BCA. Compliance with the requirements can only be achieved by:

- (a) complying with the Deemed to Satisfy Provisions, or
- (b) formulating an alternative 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
- (c) a combination of (a) and (b).

#### **B6 Final Stormwater Plan**

The ‘Stormwater Strategy’ by John Skurr Consulting Engineers Pty Ltd and the ‘Stormwater Management Plan’ by John R Lane Pty Ltd is approved with the following adjustment:

- The drainage adjacent the proposed reversing area (that is not approved) is to be relocated to the north west to avoid damage to the tree on the north western side of the building. The tree shall be trimmed in accordance with *conditions C1 and G1* but not removed.

This information shall be reflected on the plans, to the satisfaction of the Certifying Authority, prior to the issue of the Construction Certificate.

#### **B7 Hydraulics Plan**

A hydraulics plan incorporating hot & cold water supply, sanitary drainage & plumbing shall be prepared by an appropriately qualified Hydraulics Engineer. The Hydraulic Engineer shall certify that the design of the systems complies with AS 3500, AS 1221, AS 2419 and where relevant AS 2118. This plan shall also detail the location of all fire hose reels, fire hydrants both internal and external, fire brigade booster connection points and any proposed sprinkler locations. The plan and certification shall be submitted to the satisfaction of the Certifying Authority and approved prior to the issue of the Construction Certificate.

## **B8 Car Parking Spaces**

Prior to the issue of the Construction Certificate the applicant shall provide a design of the car parking spaces, to the satisfaction of the Certifying Authority that addresses the following:

- The car parking space gradients shall comply with AS 2890.1:2004.
- The car parking shall be constructed of 40 MPa concrete that contains a black colouring compound so that it is darker than the Road.
- The reversing area identified on plan SP09 shall not be constructed.
- A temporary gravel driveway shall be constructed.
- The plan shall be endorsed by the Civil Engineer.

ADVISORY NOTE: The temporary gravel driveway shall remain in place until such times as the Department of Environment and Climate Change (DECC) provide a design of the concrete road and requirements for connection to the road. Any connection shall be designed in consultation with DECC.

## **B9 Mechanical Ventilation**

All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 Microbial Control of Air Handling and Water Systems of Building, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

## **B10 Long Service Levy**

Prior to the issue of the Construction Certificate, receipt of payment to the Long Service Payments Corporation in accordance with Section 34 of the Building Construction Industry Payments Act 1986 must be presented to the Certifying Authority.

## **B11 Structural Engineer & Geotechnical Report Declaration and/or Verification**

Form 2 of the Department of Planning Geotechnical Policy – Kosciuszko Alpine Resorts is required to be completed and submitted to the satisfaction of the certifying authority prior to the issue of the Construction Certificate. If the Department is not the PCA, the appointed PCA is to provide a copy of the signed Form 2 of the Department of Planning Geotechnical Policy to the Department with the copy of the Construction Certificate.

## **B12 Bush fire safety authority**

**Prior to the issue of the relevant construction certificate for works relating to MOD 3, 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 18 in Condition A.2).**

**A separate Asset Protection Zone plan is to be prepared in consultation and endorsement by NPWS and submitted to the Secretary or nominee prior to works being carried out. The plan is to be prepared having regard to *Planning for Bushfire Protection 2006*.**

**B13 External awning over BBQ area**

**Prior to the issue of the relevant construction certificate for works relating to MOD 3, the Certifier must be satisfied that the documentation for the construction certificate to construct the external awning over the BBQ area demonstrates compliance with the relevant conditions of the Bush Fire Safety Authority.**

**B14 Amendment to southern elevation**

**Prior to the issue of the relevant construction certificate for works relating to MOD 3, the Applicant is to provide an updated plan (SP08 – Elevations South & West) to the Certifier altering the use of 'Horizontal Rusticated Hardiplank to Existing Wall Framing' to Horizontal Colorbond Stramit Monopanel in the same profile and colour as the existing Hardiplank (Condition A.2), except as otherwise approved by the Secretary or nominee.**

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

### ***C1 Notification to Department of the Date of Commencement of Works***

The Department shall be given written notice, at least 2 days prior to works commencing on site, of the date work is proposed to commence. A Site Environmental Management Inspection will be undertaken by the Department in accordance with Condition D1. The following items will be checked, discussed or undertaken at the inspection:

- Tagging of the branches to be trimmed from the tree on the north western side of the building.
- Tagging of the vegetation for trimming and removal on the southern side of the building.
- Marking of the extent of rock cutting for the large rock at the western corner of the lodge.
- The final location of the concrete slab for the LPG Tank to avoid removal of native vegetation.
- The final location of the parrawebbing on the southern side of the lodge which is likely to be 1.2 metres from the proposed extension.

### ***C2 Construction Management Plan***

Prior to the commencement of works, a Construction Management Plan shall be submitted to the satisfaction of the PCA. The Plan shall address, but not be limited to, the following:

- 1) contact details of site manager,
- 2) traffic management including,
  - a. loading and unloading, including construction zones,
  - b. the location of storage areas (see *Condition D8*),
  - c. parking of construction and contractor vehicles,
- 3) waste and recycling management,
- 4) erosion and sediment control (see *Condition C3*),
- 5) flora and fauna management (see *Condition C4*), and
- 6) any relevant recommendations of the demolition 'works plan' (see *Condition C6*).

Any occupation / use of adjacent land or road reserve (i.e. land outside of the lease area) for construction activities or storage will require the approval by DECC prior to that occupation / use occurring.

### ***C3 Erosion and Sedimentation Control***

Temporary erosion control, sediment containment and controls to manage the dispersion of any concentrated runoff shall be installed in accordance with the approved plans prior to the commencement of works. Finalisation of the erosion sediment control for the site development will be considered at the 'Site Environmental Management Inspection' (see Condition D1) and must be to the satisfaction of the Director General or nominee prior to the commencement of works.

### ***C4 Protection of adjacent vegetation areas***

Site management 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.

### **C5 Licensed Demolition Contractor**

All demolition works shall be undertaken by a Licensed Demolition Contractor. The name and contact number of the contractor shall be provided to the PCA at least 2 days prior to demolition work commencing on site.

### **C6 Statement of Compliance with Australian Standard 2601-1991: Demolition Structures**

The demolition work shall comply with the provisions of Australian Standard AS 2601-1991 the Demolition of Structures. The work plans required by AS 2601-1991 shall be accompanied by a written statement from a competent person, to the effect that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plan is to include details of the method of identification, methods of handling and disposal of asbestos products and compliance with Workcover Authority requirements. These plans and statement of compliance shall be submitted to the satisfaction of the PCA prior to the commencement of works.

**Note: The awning constructed over the BBQ area is to be removed prior to the commencement of the cladding works approved under MOD 10113.**

### **C7 Consultation with Department of Environment and Climate Change, Municipal Services Unit.**

In accordance with Condition D13, DECC MSU shall be contacted at least 2 days prior to work commencing on site.

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## **PART D DURING CONSTRUCTION**

### ***D1 Inspections to be undertaken by the Department of Planning as the PCA***

Where the Department has been appointed as PCA for the development, the following inspections are required to be carried out. At least 24 hours' notice shall be given prior to any inspection being undertaken:

- (i) Site Environmental Management Inspection (Prior to works commencing on site).
- (ii) Footing inspections.
- (iii) Slab inspections.
- (iv) Pre-sheet inspections.
- (v) Water proofing of wet areas prior to lining of walls.
- (vi) Plumbing and Drainage inspections.
- (vii) Hot and cold water rough-in.
- (viii) Stormwater rough-in and connection.
- (ix) Final Occupancy of completed works.

If the Department has not been appointed as PCA, the Department will still be required to carry out the following inspections;

- (a) Site Environmental Management Inspection (Prior to works commencing on site)
- (b) Plumbing and Drainage inspections.
- (c) Hot and Cold Water Rough-In Inspections.
- (d) Plumbing and drainage Final Inspection.

At least 24 hours' notice shall be given prior to any inspection being undertaken.

### ***D2 Approved Plans to be On-Site.***

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, or the PCA.

### ***D3 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) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (b) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
- (c) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice;
- (d) 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.
- (e) If the PCA is not the Department then the name and contact details of the PCA are to be identified on the site signage.

#### **D4 Protection of Trees**

All trees within and adjacent the site, other than those trees identified elsewhere in this approval, shall be protected at all times during construction. The damage or removal of trees may warrant action to be undertaken in accordance with the *National Parks and Wildlife Act 1974* or the *Environmental Planning and Assessment Act 1979*. The tree on the north western side of the building shall be trimmed in accordance with conditions C1 and G1 but not removed.

#### **D5 Dirt and Dust Control Measures**

Adequate measures shall be taken to prevent dirt and dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:

- (a) 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;
- (b) Covers are to be adequately secured;
- (c) Cleaning of footpaths must be carried out regularly;
- (d) Roadways must be kept clean;
- (e) Gates are closed between vehicle movements;
- (f) Gates are fitted with shade cloth; and,
- (g) The site is hosed down when necessary.

#### **D6 Loading and Unloading of Construction Vehicles**

All loading and unloading associated with demolition and construction shall be restricted to those areas approved in the Traffic Management Plan (see Condition C4).

#### **D7 Hours of Work & Construction Activities**

The following requirements apply to the hours of demolition, excavation and construction work on the development:

- (a) All work, including building/demolition and excavation work in connection with the proposed development must only be carried out between the hours of 7.00am and 5.00pm on Monday to Friday inclusive, and 8:00am to 5.00pm on Saturdays, with no work allowed on Sunday or Public Holidays, or as otherwise approved by the Director General or nominee;
- (b) 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 30 May or as otherwise approved by the Director General or nominee. By 30 May the applicant must ensure that the site is made safe and secure by undertaking the following:
  - Removal of all waste materials;
  - Removal and/or securing of all stockpiles of soil and gravel;
  - Construction materials are removed from around the building and stored within the building or contained within designated areas;
  - The construction 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;
  - Ensure appropriate signage is erected outlining that unauthorised access to the site is prohibited and that the site is a construction zone;
  - External scaffolding to be dismantled and removed from the site;
  - All external plumbing and drainage works are to be completed; and
  - Any other specific matters raised by Departmental staff during the course of construction.
- (c) Prior to the commencement of the works the applicant shall forward to the Department a 24 hour telephone number and shall ensure that the number is continually attended by a person with authority over the works for the duration of the development.

- (d) This development consent does not extend to the use of appliances, which emit noise of a highly intrusive nature (such as pile drivers and hydraulic hammers). A separate application for approval to use any of these appliances must be made to the Department.

#### ***D8 Storage of Materials***

The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any trees other than those approved by the Construction Management Plan (see Condition C2).

#### ***D9 Geotechnical Requirements***

At all times during demolition, excavation and construction, the contractor shall adhere to the recommendations contained with the Geotechnical Investigation prepared by Brian Mattick of Douglas Partners Pty Ltd identified in Condition A2.

#### ***D10 Work Cover***

All demolition and construction works shall be carried out in accordance with current Work Cover guidelines.

#### ***D11 Plumbing and Drainage Works***

All plumbing and drainage works undertaken as part of this approval shall comply with AS 3500 and are to be carried out by an appropriately licensed plumber in accordance with the approved plans.

#### ***D12 Construction Site Fencing.***

The construction site shall be clearly delineated with suitable safety fencing to limit access to authorised personnel only.

#### ***D13 Maintenance of Municipal Services***

The applicant shall consult with DECC MSU at least 2 days prior to works commencing on site, to arrange an inspection to identify and peg the location of water, sewer and fire hydrant infrastructure at the site. Following excavation and prior to backfilling, the site shall be inspected by DECC MSU to ensure that all services are intact.

All costs associated with relocating any services shall be borne by the applicant.

Any damage to any service including road infrastructure shall be immediately rectified by the applicant at their expense.

#### ***D14 Flora and Fauna***

Any excavations left open at night shall be left with ramps or openings such that any fauna entering these excavations have a means of escape during the night.

#### ***D15 Site Rehabilitation***

Landscape and rehabilitation works must be commenced as soon as practicable following the completion of works to minimise exposed areas and shall be undertaken in accordance with the approved Landscape Plan. All disturbed areas are to be rehabilitated to the satisfaction of the Director General or nominee.

### ***D16 Aboriginal Heritage***

~~Should any material suspected of being an Aboriginal object become unearthed in the course of works associated with the proposed works, all work at that location shall cease immediately as per Section 90 of the National Parks and Wildlife Act, 1974. The proponent is required to immediately contact the Department and the Department of Environment and Climate Change DECC to arrange for representatives to inspect the site. All workers on the site are to be made aware of this condition.~~

~~Upon the request of the Department and/or the DECC, the applicant is to provide the Department and DECC personnel safe access to the construction site for the purposes of undertaking further cultural heritage related assessments as considered appropriate by the DECC.~~

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 site. All workers on the site are to be made aware of this condition.

### ***D17 Re-Fuelling***

Appropriate controls shall be put in place for ensuring no spillage when re-fuelling all vehicles and machinery associated with the works.

### ***D18 Disposal of Excess Spoil***

All clean excess spoil shall be disposed of at an authorised land fill site. Any contaminated spoil shall be disposed of at an authorised waste facility.

### ***D19 Fill Material***

Under no circumstances shall fill material be imported from outside of Kosciuszko National Park (KNP). If fill material is required, DECC should be contacted in relation to available sources from within KNP.

### ***D20 Reflectivity***

The visible light reflectivity from building materials used on the facades of the building shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place.

### ***D21 Water Ratings***

All water fixtures installed within the premises are to have a AAA water rating or more. The Applicant shall submit to the PCA a statement demonstrating compliance with the requirements of this condition.

### ***D22 Water Conservation***

Water saving showerheads shall be fitted to all showers within the development to reduce water consumption and promote energy efficiency.

### **D23 Energy Efficiency**

Energy efficiency is to be maximised within the development including but not limited to the following:

- (a) energy efficient options for lighting are to be installed in all cases where possible,
  - (b) 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 natural gas water heaters which are to have a rating of 5 stars or more),
  - (c) all baths, hot water pipes and ceiling spaces are to be insulated,
  - (d) air conditioners to be installed 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,
  - (e) doors and windows are to be fitted with draught seals and weather stripping,
  - (f) energy efficient water heaters are to be installed e.g. solar, heat pump or gas, and
  - (g) where washing machines are to be installed they are to be front loading machines.
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## **PART E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

### ***E1 Occupation Certificate***

An Occupation Certificate must be obtained from the PCA and a copy furnished to the Department prior to the occupation of the building or commencement of the use.

### ***E2 Fire Safety Certificate***

A Fire Safety Certificate shall be submitted to the PCA for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of an Occupation Certificate. A copy of the Fire Safety certificate must be submitted to the Department by the PCA.

### ***E3 Structural Certification***

Where the Department has been appointed as PCA for the development, a Structural Engineer's certificate is required to be submitted to the PCA prior to issue of an Occupancy Certificate. This certificate is to verify that structural works have been completed in accordance with approved plans and specifications. In all cases the structural certification is to comply with the provisions of the BCA and relevant standards.

### ***E4 Electrical Installation Certification***

Certification that all electrical works have been installed by a qualified and licensed Electrician and installed in accordance with the relevant Australian Standards must be submitted to the satisfaction of the PCA prior to the issue of an Occupation Certificate.

### ***E5 Removal of Temporary Structures – Builder's Signs***

Any temporary builder's signs or other site information signs are to be removed upon completion of the site works and prior to the occupation of the building(s) or commencement of the use.

### ***E6 Site Clean Up***

Prior to the issue of the Occupation Certificate, the subject site is to be cleaned up and appropriately rehabilitated to its original condition, subject to any changes as part of the approval to the satisfaction of the Director General or nominee. The site clean-up includes but is not limited to the removal of any waste generated from the works and the like.

### ***E7 Termite Protection***

The building shall be protected from attack from subterranean termites in accordance with Australian Standard AS 3660.1-1995: Protection of Building From Subterranean Termites – New Buildings.

On completion of the installation of the barrier, the PCA shall be furnished with a certificate from the person responsible, stating that the barrier complies with AS 3660.1.

A durable notice shall be permanently fixed to the building in a prominent location, such as the meter box or the like indicating:

- i) the method of protection;
- ii) the date of installation of the system;
- iii) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and



- iv) the need to maintain and inspect the system on a regular system.

**E8 Landscape Works**

The landscape works identified in the approved Landscape Plan shall be completed to the satisfaction of the PCA prior to the issue of an Occupation Certificate.

**E9 Stormwater Drainage System**

The Stormwater Engineer shall provide the certification to the PCA that the stormwater drainage system has been installed in accordance with the approved stormwater plan, prior to the issue of the occupation certificate.

**E10 Geotechnical Certification**

Form 3 of the Department of Planning Geotechnical Policy – Kosciuszko Alpine Resorts is required to be completed and submitted to the satisfaction of the PCA prior to occupation. A report should accompany this form from a licensed plumber and drainer certifying that the installation and integrity of the existing upslope drainage system below the drip line has been checked, maintained, repaired or upgraded whichever is relevant.

**E11 Bush fire safety authority (MOD 10113)**

**Prior to the issue of the relevant occupation certificate, the Applicant shall 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 (reference 18 in Condition A.2).**

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## **PART F      POST OCCUPATION**

### ***F1    Prohibition of Hazardous Materials***

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

### ***F2    Annual Fire Safety Statement***

An Annual Fire Safety Statement 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 has received the initial Fire Safety Certificate.

### ***F3    Requirements of Public Authorities for Connection to Services***

The applicant shall comply with the requirements of any public authorities (e.g. Country Energy, Telstra NPWS, ELGAS, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the applicant.

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## **PART G      GENERAL TERMS OF APPROVAL**

### ***G1    NSW Rural Fire Service***

The NSW Rural Fire Service is prepared to grant a Bush Fire Safety Authority subject to the following conditions:

1. Provide and maintain a 5 metre litter free zone about the building.
2. Prune any tree branches overhanging within 1 metre of the building.
3. Construction of the proposed additions shall, as a minimum, comply with AS3959-1999 Level 3 'Construction of Buildings in bushfire prone areas'.
4. There shall be no exposed timber.
5. Walls on the Southern and Western facades shall be stone or masonry to a height of no less than 2 metres from the ground.
6. Glazing to the southern and western facades shall withstand a radiant heat flux rating of 40kW/m<sup>2</sup>.
7. All glazing to the ground floor level of the southern and western facades shall be protected by shutters.
8. Roofing shall be gutterless or guttering and valleys shall be screened to prevent the build-up of flammable material.
9. All openings for existing windows shall be screened with non-corrosive mesh to prevent entry of windblown embers. If screens cannot be fitted to the outside of the windows an alternate solution may be used that has the same performance outcome (i.e. screens on the inside that will prevent the entry of embers)
10. The existing building shall be fitted with draught excluders or weather strips.
11. Gas bottles shall be relocated to be shielded from the impacts of bushfire. Relief valves shall be orientated to vent away from the building.

### **G2    NSW Rural Fire Service (MOD 10113)**

**The Bush Fire Safety Authority dated 12 May 2021 applies to the MOD 3 works only.**

**Any works associated with the DA, MOD 1 or MOD 2 must comply with the original Bush Fire Safety Authority dated 15 March 2007 and the G1 conditions above.**