



SCHEDULE 2

CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. DA 2-1-2008

PLACE OF PUBLIC ENTERTAINMENT (POPE), 'HOUSE OF ULLR' MOWAMBA PLACE, THREDBO

This consent is granted subject to the following:

PART A ADMINISTRATIVE CONDITIONS

A1 Development Description

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

- The use of the part of existing building as a Place of Public Entertainment (POPE).

Note: This consent does not allow for any construction or excavation works.

A2 Development in Accordance with Plans

The development shall be in accordance with Development Application No. DA 2-1-2008 submitted by Kosciuszko Thredbo Pty Ltd on 10 January 2008 and in accordance with the supporting documentation submitted with that application including, but not limited to, the following:

- Plan of the POPE Area.

A3 Maximum Number of People

A maximum of 75 people are able occupy the restaurant and bar at any one time and a maximum of 50 people are able to occupy the outside paved area at any one time.

A4 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.

A5 Prescribed Conditions

The Applicant shall comply with the prescribed conditions of approval under clause 98C and Schedule 3A of the Regulations.

A6 Lapsing of Consent

The development consent shall lapse 5 years after the determination date in Part A of Schedule 1 of this consent unless the use of the existing building as a Place of Public Entertainment has commenced.

PART B OPERATIONAL CONDITIONS

B1 Place of Public Entertainment Signage

A sign must be displayed in a prominent position in the building that specifies the following:

- (a) the maximum number of persons, as specified in the development consent, that are permitted in any part of the building used as a place of public entertainment,
- (b) the name, address and telephone number of the Department of Planning Jindabyne Office (Shop 5A Snowy River Avenue Jindabyne, 6456 1733),
- (c) the name and business telephone number of an owner or manager of the part of the building used as a place of public entertainment.

B2 Noise

The L_{A10} noise level emitted while entertainment is being provided (as determined in accordance with Australian Standard AS 1055.1—1997, *Acoustics—Description and measurement of environmental noise, Part 1: General procedures*) must not exceed the ambient background noise level (L_{A90}) in any octave band centre frequency (31.5Hz to 8KHz inclusive) by more than 5dB at the boundary of the lot on which any tourist accommodation is located.

B3 Protection of Trees and Native Vegetation

All trees and native vegetation within and adjacent the site shall be protected at all times during the operations of the existing building as a Place of Public Entertainment. The damage or removal of trees or native vegetation may warrant action in accordance with the *National Parks and Wildlife Act 1974* or the *Environmental Planning and Assessment Act 1979*.

B4 Loading and Unloading of Vehicles

All loading and unloading of vehicles associated with the operations of the existing building as a Place of Public Entertainment shall be undertaken in such a manner so as to ensure the safety of the public.

B5 Hours of Operation

The following requirements apply to the hours of operation of the existing building as a Place of Public Entertainment:

- The existing building shall only be used as a place of public entertainment between the hours of 8.00am and midnight on any day.

Note: These hours of operation can be varied for individual circumstances by the Director General or nominee upon receipt of a request in writing from the applicant. The onus is on the applicant to demonstrate that varying the hours would not pose a risk to public safety and that the amenity of the neighbourhood would not be affected.

B6 Work Cover

All operations associated with the use of the existing building as a place of public entertainment shall be carried out in accordance with current Work Cover guidelines.

B7 Seating in Paths of Travel to Designated Exits.

The audience at a performance must not be seated, and seating must not be located, in aisles or other paths of travel to a designated exit.

B8 Locks

Any key-operated fastening fitted to an exit door or gate used by the public as a main entrance must be arranged so that, whenever the public is in attendance, the tongue or bolt is locked in the retracted position to enable the door or gate to yield to pressure from within.

B9 Emergency Evacuation Plans

An emergency evacuation plan must be prepared, maintained and implemented for any building (other than a temporary structure) used as a place of public entertainment. An emergency evacuation plan is a plan that specifies the following:

- (a) the location of all exits, and fire protection and safety equipment, for any part of the building used as a place of public entertainment,
- (b) the number of any fire safety officers that are to be present during performances,
- (c) how the audience are to be evacuated from the building in the event of a fire or other emergency.

Any fire safety officers appointed to be present during performances must have appropriate training in evacuating persons from the building in the event of a fire or other emergency.

B10 Upholstery, Curtains or Blinds

Any upholstery, curtains or blinds must, on installation (including replacement), comply with any relevant specifications set out in the following:

- (a) in the case of any upholstery, curtains or blinds installed in a temporary structure—NSW Part H102.7 in Volume One of the BCA.
- (b) in the case of any upholstery, curtains or blinds installed in any other kind of building—Specification C1.10a and NSW Specification C1.10 in Volume One of the BCA.

PART C BUILDING UPGRADE CONDITIONS

C1 Building Upgrade

The applicant shall carry out the following building upgrade works within the specified time-frame:

Prior to the 6 June 2008, the following matters must be complied with and certification indicating compliance is to be submitted to the Department:

- (i) Provide complete hydrants coverage throughout the building in accordance with the Verification Report, prepared by Trevor R. Howse and Associates, dated 28 August 2001 (Ref No J21287 HH/HJ).
- (ii) Any air handling system shall be shut down automatically by an automatic smoke detection system including building occupant warning system throughout the entire building, in accordance with the Verification Report, prepared by Trevor R. Howse and Associates, dated 28 August 2001 (Ref No J21287 HH/HJ).
- (iii) Provide smoke seals to all residential sole-occupancy units in accordance with the Verification Report, prepared by Trevor R. Howse and Associates, dated 28 August 2001 (Ref No J21287 HH/HJ).
- (iv) A smoke detection system must be installed throughout the building in accordance with AS 1670.1 and must activate a building occupant warning system in accordance with Clause 6 of Specification E2.2a of the BCA except in kitchens and other areas where the use of the area is likely to result in smoke detectors causing spurious signals, heat detectors may be installed in lieu of smoke detectors.
- (v) All fire doors which separate the POPE from the remainder of the building shall be tagged in accordance with AS 1905.1, 2005 Fire-resistant door sets.
- (vi) Location of all portable fire extinguishers between 900mm and 1200mm above floor level.
- (vii) Replacement of all non-complying door hardware with BCA compliant hardware. All “pad bolt” type locks on any approved exit door shall be locked in the open position when the premises are being used for public entertainment.
- (viii) Installation of self latching hold open devices on all external facing, inward swinging, exit doors.

PART D GENERAL ADVISORY NOTES

D1 Prohibition of Hazardous Materials

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

D2 Fire Safety Certificate

A Fire Safety Certificate shall be submitted to the Department for all the Essential Fire or Other Safety Measures forming part of this approval.

D3 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.

D4 Advertising Signage

Any advertising signage associated with the use of the existing building as a place of public entertainment shall comply with the exempt development provision of the SEPP or alternatively a separate development application is required.

D5 Other Legislation

Regardless of the conditions of this consent, the applicant is still responsible for adhering to the requirements of State Legislation including (but not limited to) the Protection of Environment Operations Act and Dangerous Goods Act.

D6 Accessibility

Discrimination Laws: The applicants attention is drawn to legislation regarding responsibility to provide an improved environment for disabled persons. The Disability Discrimination Act (DDA) is federal legislation and aims to increase the economic and social independence of people with a disability. The DDA applies to discrimination against any person on the grounds of disability in the areas of: accommodation; education; access to premises; provision of goods; services and facilities; the activities of clubs or sports; and the request for information. The applicant must satisfy themselves that they are familiar with the DDA and have considered it in the Development Application process. The Australian Standard 1428 Designs and Mobility Part 1 to 4 sets the present minimum standard.

D7 Approval Required For Any Changes

Should any future changes be proposed to the place of public entertainment including building works, changes to the area approved for entertainment or the like, development consent from the Department of Planning is required, prior to making those changes.