



**ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**


**DETERMINATION OF DEVELOPMENT APPLICATION NO. DA 33-7-2007**

**(FILE NO. J0700080)**

I, Michael Woodland, Director, Urban Assessment as delegate for the Minister for Planning under Instrument of Delegation dated (9 July, 2008) pursuant to Section 80 (1)(a) of the Environmental Planning and Assessment Act 1979 determine the Development Application referred to in Schedule 1 subject to the conditions referred in Schedule 2.

The reasons for the imposition of conditions are:

- (1) To protect the environment and amenity of the locality;
- (2) To preserve the visual amenity of the area;
- (3) To ensure public health and safety; and
- (4) Ensure the proposed works are carried out in accordance with the relevant Australian standards, provisions of the Building Code of Australia and are completed in a satisfactory manner.



**Michael Woodland**  
Director  
Urban Assessment

**23 / 07 / 2008**

## SCHEDULE 1

### PART A—TABLE

Application made by:	Kosciuszko Thredbo Pty Ltd
Application made to:	Minister for Planning
Development Application:	DA No. 33-7-2007
On land comprising:	Lot 49 'Black Bear Inn' Diggings Terrace, Thredbo
For the carrying out of:	of an existing building and construction of 18 apartments and a caretaker's residence
Estimated Cost of Works	\$3.8M
Type of development:	Integrated
S.119 Public inquiry held:	No
Approval Body / Bodies:	NSW Rural Fire Service
Determination made on:	23 / 7 / 2008
Determination:	Development consent is granted subject to the conditions in the attached Schedule 2.
Date of commencement of consent:	This development consent commences on the date identified in the accompanying letter.
Date consent is liable to lapse	This consent will lapse 5 years from the date of commencement of consent, unless:  a shorter period of time is specified by the Regulations or a condition in Schedule 2.

### PART B—NOTES RELATING TO THE DETERMINATION OF DA No. 33-7-2007

#### **Responsibility for Other Approvals / Agreements**

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

#### **Appeals**

The applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid:

- (1) for a development application, within 12 months after the date on which the applicant received this notice, or
- (2) for a modification to the consent, within 3 months after the date on which the application received this notice.

#### **Legal Notices**

Any advice or notice to the consent authority shall be served on the Director-General.

## **PART C—DEFINITIONS**

In this consent,

**Act** means the *Environmental Planning and Assessment Act, 1979* (as amended).

**Applicant** means Kosciuszko Thredbo Pty Ltd.

**Approval Body** has the same meaning as within Division 5 of Part 4 of the Act.

**BCA** means the edition of the Building Code of Australia in force at the time of lodgement of an application for a Construction Certificate.

**Certifying Authority** has the same meaning as Part 4A of the Act.

**DA No 33-7-2007** means the development application and supporting documentation submitted by the applicant on 11 July 2007.

**Department** means the Department of Planning.

**Director** means the Director of the Urban Assessments Unit (or its successors) or a delegate of the Director of the Urban Assessments Unit within the Department.

**Director-General** means the Director-General of the Department.

**Minister** means the Minister for Planning.

**PCA** means the Principal Certifying Authority as prescribed in Part 4A of the Act.

**Regulations** means the *Environmental Planning and Assessment Regulations, 2000* (as amended).

**Subject Site** has the same meaning as the land identified in Part A of this schedule.

**Team Leader** means the Team Leader of the Urban Assessments Unit (or its successors) or a delegate of the Team Leader of the Urban Assessments Unit within the Department.



**SCHEDULE 2**

**CONDITIONS OF CONSENT**

**DEVELOPMENT APPLICATION NO. DA 33-7-2007**

**DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF 18 APARTMENTS AND A CARETAKER'S RESIDENCE AT LOT 49 BLACK BEAR INN, THREDBO.**

This consent is granted subject to the following:

**PART A ADMINISTRATIVE CONDITIONS**

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**A1 Development Description**

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

- 1) Demolition of Existing Ski Lodge,
- 2) Construction of New Ski Lodge,
- 3) Landscaping,
- 4) Drainage, and
- 5) 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 Development Application No. DA 33-7-2007 submitted by Kosciuszko Thredbo Pty Ltd on 11 July 2007 and in accordance with the supporting documentation submitted with that application including, but not limited to, the following:

- Architectural Drawings and Plans by APA Architects/Planners titled 'Black Bear Apartments', labelled as follows:

<b>DRAWING No.</b>	<b>PLAN TITLE</b>	<b>ISSUE</b>	<b>DATE</b>
0277 – DA 000	Drawing List (Not Stamped)	L	30/05/2007
0277 – DA 001	Location Plan and Development Data (Not Stamped)	L	30/05/2007
0277 – DA 003	Level 1 Plan	O	13/12/2007
0277 – DA 004	Level 2 Plan	O	13/12/2007
0277 – DA 005	Level 3 Plan	O	13/12/2007
0277 – DA 006	Level 4 Plan	O	13/12/2007
0277 – DA 007	Level 5 Plan	O	13/12/2007
0277 – DA 008	Level 6 Plan	O	13/12/2007
0277 – DA 009	Roof Plan	O	13/12/2007
0277 – DA 010	North Elevation	O	13/12/2007
0277 – DA 011	South Elevation	O	13/12/2007
0277 – DA 012	East Elevation	O	13/12/2007
0277 – DA 013	West Elevation	O	13/12/2007

0277 – DA 014	Section 1	O	13/12/2007
0277 – DA 015	Section 2	O	13/12/2007
0277 – DA 016	Section 3	O	13/12/2007
0277 – DA 017	Section 4	O	13/12/2007
0227 – DA 017	Exterior Perspective Views (Not Stamped)	L	30/05/2007
0227 – DA 018	Interior Perspective Views (Not Stamped)	L	30/05/2007
0227 – DA 019	Proposed Materials	L	30/05/2007
0227 – DA 020	Shadow Diagrams (Not Stamped)	L	30/05/2007
0227 – DA 021	View from Highnoon (Not Stamped)	L	30/05/2007
0227 – DA 022	Existing Services and Concept Stormwater Plan	L	30/05/2007

- Landscape Drawings and Plans by Jane Coleman Landscape Architect Pty Ltd, labelled Black Bear Inn Lot 49 Diggings Tce Thredbo, dated May 2007 (Note condition D19 & D20 requirements).
- Geotechnical Investigations prepared by Paran Moyes of Coffey Geotechnics Pty Ltd titled 'Black Bear Inn' referenced GEOTLCOV23158AA-AB Revision 1 dated 14 May 2007.
- Form 1 signed by Peter Volk RPGeo dated 14 May 2007.
- Supplementary Geotechnical Advice prepared by Paran Moyes of Coffey Geotechnics Pty Ltd referenced GEOTLCOV23158AB-AA dated 31 January 2008.
- Site Environmental Management Plan by NGH Environmental dated May 2007.
- Statement of Environmental Effects by NGH Environmental dated May 2007.
- Accessibility Review by Morris-Goding Accessibility Consulting dated 22 August 2007.
- Letter from Sellick Consultants (Stormwater Engineers) dated 28 August 2007.

### **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 Departments Geotechnical Policy and the recommendations of the Geotechnical Investigation prepared by Coffey Geotechnics 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).

## **PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

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### **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*.

### **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:

Structural Drawings and a Design Statement prepared and signed by an appropriately qualified practising Structural Engineer that comply with:

- (i) Section B of the BCA;
- (ii) the relevant development consent;
- (iii) drawings and specifications comprising the Construction Certificate;
- (iv) the Departments Geotechnical Policy and all the recommendations from the Geotechnical Engineer.

Details of the proposed shoring support system are to be submitted to the Certifying Authority from a structural or civil engineer which are to be prepared in accordance with the recommendations of the above mentioned geotechnical report. This system is to take into account the staged demolition and investigation for possible contamination of the site.

### **B3 Structural Engineer & Geotechnical Report Declaration and/or Verification**

A Form 2 of the Departments Geotechnical Policy – Kosciuszko Alpine Resorts shall 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 Certifying Authority, the appointed Certifying Authority is to provide a copy of the signed Form 2 to the Department with the copy of the Construction Certificate.

### **B4 Compliance with the Building Code of Australia (BCA)**

Details shall be provided to the satisfaction of the Certifying Authority, with the application for a Construction Certificate, which demonstrate that the proposal complies with the relevant provisions of the BCA.

### **B5 Final Stormwater Plan**

Prior to the issue of the Construction Certificate the applicant shall provide a Final Stormwater Plan and a Design Statement prepared and signed by an appropriately qualified and practising Stormwater Engineer, to the satisfaction of the Certifying Authority that addresses the following:

- The plan shall be designed in accordance with the Departments Geotechnical policy and all recommendations of the Geotechnical Engineer.
- Volume calculations of the stormwater system shall be provided.
- Kosciuszko Thredbo Pty Ltd and/or the Stormwater Engineer shall provide certification that the existing street drainage system and Village drainage system is capable of handling the stormwater generated by the development.

### **B6 Hydraulics Plan**

Hydraulic Drawings and a Design Statement prepared and signed by an appropriately qualified practising Hydraulic Engineer are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate. The plans and Design Statement shall indicate all plumbing & drainage, incorporating

hot & cold water supply, sanitary drainage & plumbing in accordance with AS 3500, AS/NZS 1221. Where relevant the plans and Design Statement shall indicate all sprinkler details in accordance with AS 2118, fire hose reels in accordance with AS 2441 and fire hydrant and fire brigade booster connections in accordance with AS 2419.1.

### **B7 Electrical Services**

Electrical Services details and a Design Statement prepared and signed by an appropriately qualified practising Electrical Engineer are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate. The plans and Design Statement shall indicate that the design is in accordance with

AS/NZS-3000 (Electrical installations), AS/NZS-1680 (interior lighting) and, where relevant, the plans and Design Statement shall indicate compliance with automatic smoke detection and alarm system (Specification E2.2a of the BCA), emergency lighting and exit signage (AS/2293.1).

### **B8 Disabled Access**

Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the BCA.

#### Note Regarding Discrimination Laws:

The applicant's 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.

Prior to the issue of the Construction Certificate, a certificate certifying compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority along with a Design Statement indicating compliance with the report dated 22 August 2007, prepared by Morris-Goding Accessibility Consultants and the BCA (with the exception of the car bay and access to the main entrance).

### **B9 Mechanical Ventilation**

Mechanical Ventilation details and a Design Statement prepared and signed by an appropriately qualified practising Mechanical Engineer are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate. The plans and Design Statement shall indicate that the design is in accordance with Section F 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.

### **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 Spa Pool**

The applicant shall submit to the Certifying Authority full details for construction of the spa pool and associated amenities in accordance with the requirements of the NSW Health Department Public Swimming Pool and Spa Pool Guidelines prior to the issue of a Construction Certificate. The applicant shall also include details of the proposed disinfection processes and filter systems.

## **B12 Surrender of Development Consent No. DA 375-8-2003**

Prior to the issue of the Construction Certificate, the applicant shall submit a notice of surrender of a development consent to the Department for the surrender of development consent DA 375-8-2003 which was approved by the Minister for Planning on 29 September 2003. In accordance with clause 97(1) of the *EP&A Regs*, a notice of surrender of a development consent must include the following information:

- a) the name and address of the person by whom the notice is given,
- b) the address, and formal particulars of title, of the land to which the consent or right relates,
- c) a description of the development consent or existing use right to be modified or surrendered,
- d) particulars as to whether the consent or right is to be modified (including details of the modification) or surrendered,
- e) if the applicant is not the owner of the land, a statement signed by the owner of the land to the effect that the owner consents to the modification or surrender of the consent or right.

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

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### **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. If the Department is appointed as the PCA, a Site Environmental Management Inspection will be undertaken in accordance with *Condition D1*.

### **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) The date of commencement of works,
- 2) hours of works (*see Condition D12*),
- 3) contact details of site manager,
- 4) traffic and pedestrian management (*see Condition C3*),
- 5) noise and vibration management (*see Condition C4*),
- 6) waste and recycling management (*see Condition C5*),
- 7) erosion and sediment control (*see Condition C6*),
- 8) flora and fauna management (*see Condition C7*),
- 9) suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters, and
- 10) any relevant recommendations of the demolition 'works plan' (*see Condition C10*).

### **C3 Traffic & Pedestrian Management Plan**

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

- 1) ingress and egress of vehicles to the site,
- 2) loading and unloading, including construction zones,
- 3) the location of storage areas (*see Condition D13*),
- 4) predicted traffic volumes, types and routes,
- 5) parking of construction and contractor vehicles,
- 6) turning areas of construction and contractor vehicles, and
- 7) pedestrian and traffic management methods.



#### **C4 Noise and Vibration Management Plan**

Prior to the commencement of works, a Noise and Vibration Management Plan shall be submitted to the satisfaction of the PCA. The Plan shall identify the specific activities that will be carried out and associated noise sources and how they will be managed.

#### **C5 Waste and Recycling Management Plan**

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

- 1) the location for recycling of building materials,
- 2) the location for disposal of the disused heating oil tank (see *Condition D25*),
- 3) the identification of any asbestos or other hazardous material,
- 4) the location for disposal of building waste, and
- 5) the location for disposal of excess spoil (see *Condition D23*).

#### **C6 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 'Site Environmental Management Plan' prepared by NGH Environmental prior to the commencement of works.

If the Department is appointed as the PCA, 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.

#### **C7 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.

#### **C8 Termite Protection**

The building shall be protected from attack from subterranean termites in accordance with Australian Standard AS 3660.1-2000: Protection of Building Form Subterranean Termites – New Buildings. Details are to be submitted to the PCA prior to the commencement of works.

#### **C9 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.

#### **C10 Statement of Compliance with Australian Standard 2601-1991: 'Demolition of Structures'**

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

#### **C11 Heritage Report**

In accordance with *Condition D29*, a Heritage Report, "before" removal, shall be submitted to the PCA prior to commencement of demolition.

### **C12 Hoarding**

Hoardings shall be installed in accordance with section 1.5.1.5 of Australian Standard AS 2601-1991 'Demolition of Structures' prior to the commencement of demolition works.

### **C13 Security Fencing**

Security fencing shall be installed in accordance with section 1.5.1.4 of Australian Standard AS 2601-1991 'Demolition of Structures' prior to the commencement of demolition works.

### **C14 Dilapidation Reports**

A Dilapidation Report detailing the current structural condition of the existing buildings at Lot 5 (Candlelight Lodge), Lot 98 (Sasha's Apartments) and Lot 100 (Mowamba Apartments) shall be prepared by a qualified structural engineer and shall be submitted to the satisfaction of the PCA prior to the commencement of demolition works. If the Department is not the PCA, the appointed PCA is to provide a copy of the Dilapidation Report to the Department.

A second Dilapidation Report shall be prepared within thirty (30) days of all demolition works being completed (see *condition D6*) and a third Dilapidation Report shall be prepared after the completion of construction and prior to the issue of any occupation certificate (see *condition E11*).

## **PART D DURING CONSTRUCTION**

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### **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. An inspection of the bearing capacity of the soils will need to be made by a Geotechnical Engineer in accordance with the Departments Geotechnical Policy for the Alpine Resorts at the time of the footing excavations.
- (iii) Pier hole inspections.
- (iv) Slab inspections.
- (v) Pre-sheet inspections.
- (vi) Water proofing of wet areas prior to lining of walls.
- (vii) Plumbing and Drainage inspections.
- (viii) Hot and cold water rough-in.
- (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) Plumbing and Drainage inspections.
- (b) Hot and Cold Water Rough-In Inspections.
- (c) 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 Asbestos or other hazardous material**

The removal of any asbestos or other hazardous material found on the site shall be carried out in accordance with current Work Cover guidelines by an appropriately qualified contractor. Any asbestos or other hazardous materials shall be disposed of at an authorised waste facility. Receipts shall be provided to the PCA as evidence of appropriate disposal.

**D4 Recycled Material**

Wherever possible, building material from the demolition should be salvaged and stored securely within the remaining building for reuse during the redevelopment of the building.

**D5 Disconnection of Services Certification**

Disconnection of services to the building shall be carried out by an appropriately qualified and licensed contractor in accordance with the relevant Australian Standards.

**D6 Second Dilapidation Reports**

Within thirty (30) days of all demolition works being completed, a second Dilapidation Report shall be prepared by a qualified structural engineer. The structural engineer shall compare the results of the second Dilapidation Report with the first Dilapidation Report to determine if the demolition works have had any impacts on the adjoining properties. If impacts have occurred as a result of the demolition, the structural engineer shall recommend remediation works to be undertaken to rectify the problems. All reports and supporting documentation shall be submitted to the satisfaction of the PCA. If the Department is not the PCA, the appointed PCA is to provide a copy of the second Dilapidation Report to the Department.

**D7 Ongoing Termite Protection**

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 3660.1-2000.

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.

**D8 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*.

**D9 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.

**D10 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.

**D11 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 C3*).

**D12 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 waster 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). Prior to the use of any such appliances the applicant shall seek, in writing, authorisation from the PCA. The written information should include, but not be limited to, the following:

- Details of the appliance.
- Construction activity associated with the appliance.
- Noise and vibration mitigation measures.
- Length of time the appliance will be in use.

If authorisation is given, the PCA shall provide a copy to the Department.

#### **D13 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*).

#### **D14 Geotechnical Requirements**

At all times during demolition, excavation and construction, the contractor shall adhere to the Departments Geotechnical policy and the recommendations contained with the Geotechnical Investigations prepared by Coffey Geotechnics identified in *Condition A2*.

#### **D15 Work Cover**

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

#### **D16 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.

#### **D17 Construction Site Fencing.**

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

#### **D18 Maintenance of Services**

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

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

#### **D19 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 PCA.

#### **D20 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.

Native trees shall be retained and protected during from damage.

Rehabilitation should use only native endemic species except for grasses which may use a mix of Chewings fescue and native Poa sp.

### **D21 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.

### **D22 Re-Fuelling**

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

### **D23 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.

### **D24 Removal of Underground Storage Tanks (UST)**

- a) The UST decommissioning and removal work shall be undertaken by an experienced and approved contractor.
- b) The UST decommissioning and removal work shall be completed in accordance with the document, Australian Institute of Petroleum, Code of Practice – The Removal and Disposal of Underground Petroleum Storage Tanks 1994.
- c) After the UST has been removed and prior to backfilling, assessment and validation of the soil below (and around) the UST excavation shall be completed by a consultant experienced in contaminated land assessment. The results of the assessment and validation shall be submitted to the PCA within seven (7) days of the UST being removed. If the Department is not the PCA, the appointed PCA is to provide a copy of the assessment and validation to the Department.
- d) If contaminated soil is present on site, works shall cease and contingencies shall be made to address the contaminated soil, as it is not feasible to temporarily stockpile the excavated soil on-site, any contaminated excavated material must be disposed at an EPA Approved Landfill and Contaminated Waste Remediation site.
- e) If contaminated soil is present on site, all works shall cease and a remediation plan shall be prepared in accordance with the Contaminated Land Planning Guidelines and submitted to the Department for approval, prior to remediation action being undertaken. Should additional excavation works be required as part of the remediation, these works will need to be certified by a suitably qualified geotechnical engineer in accordance with the Department's Geotechnical Policy.
- f) Following remediation, a validation report is to be submitted to the PCA in accordance with the Contaminated Land Planning Guidelines and the EPA guidelines for Consultants Reporting on Contaminated Sites. If the Department is not the PCA, the appointed PCA is to provide a copy of the validation report to the Department.
- g) If there is no contamination present on site, works may continue.

### **D25 Disposal of Redundant Tanks**

The redundant tank shall be disposed of at an authorised waste facility. Receipts shall be provided to the PCA as evidence of appropriate disposal.

### **D26 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.

### **D27 Finished Materials and Colours**

The finished materials and colour scheme for the new Black Bear Apartments shall comply with the plan by APA Architects / Planners referenced 0227 – DA 019 'Proposed Materials'.

### **D28 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.

### **D29 Heritage**

The applicant shall compile and submit a report comprising photographic and written record of the details of the Black Bear Inn before, during and after removal. The report is to be prepared by a competent person in accordance with the principles outlined in the Burra Charter, and is to address the following:-

- the significance of the existing Black Bear Inn to the development of the skiing industry and the development of the ski resorts; and
- the historical, aesthetic, technical/research and social/associational attributes of the Black Bear Inn

The first stage of the Heritage Report, "before" removal, shall be submitted to the PCA prior to commencement of demolition. The remaining components of the report which documents "during" and "after" removal shall be submitted to the PCA prior to issue of final occupation certificate.

Upon completion of all three stages of the Heritage Report, a copy of the full report is to be made available to the public (for example, in libraries, in the new lodge, on the internet, other public places).

In addition to the Heritage Report, consideration should be given to the use of any of the existing building materials or components/items within the building that could be adapted in a memorial commemorating the historic significance of the Black Bear Inn and its contribution to the skiing industry.

If the Department is not the PCA, the appointed PCA is to provide copies of each heritage report to the Department.

### **D30 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 water efficient washing machines such as front loading machines.

### **D31 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.

### **D32 Water Conservation**

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

## **PART E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

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### **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 shall 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**

Where the Department has been appointed as PCA for the development, certification that all electrical works have been installed by a qualified and licensed Electrician and installed in accordance with the relevant Australian Standards shall 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 Geotechnical Certification**

A Form 3 of the Departments Geotechnical Policy – Kosciuszko Alpine Resorts is required to be completed and submitted to the satisfaction of the PCA prior to occupation. If the Department is not the PCA, the appointed PCA is to provide a copy of the signed Form 3 of the Departments Geotechnical Policy to the Department with the copy of the Occupation Certificate.

### **E8 Landscape Works**

Prior to the issue of an Occupation Certificate, the landscape works identified in the approved Landscape Plan shall be completed and the Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan.

### **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 (see *Condition B5*), prior to the issue of the occupation certificate.

### **E10 Heritage Report**

In accordance with *Condition D29*, a Heritage Report, which documents “during” and “after” removal, shall be submitted to the PCA prior to issue of a final occupation certificate.

### **E11 Third Dilapidation Reports**

Prior to the issue of an Occupation Certificate, a third Dilapidation Report shall be prepared by a qualified structural engineer. The structural engineer shall compare the results of the third Dilapidation Report with the second Dilapidation Report to determine if the construction works have had any impacts on the adjoining properties. If impacts have occurred as a result of the construction, the structural engineer shall recommend remediation works to be undertaken to rectify the problems. All reports and supporting documentation shall be submitted to the satisfaction of the PCA. If the Department is not the PCA, the appointed PCA is to provide a copy of the third Dilapidation Report to the Department.

## **PART F POST OCCUPATION**

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### **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.

#### **F4 Landscaping**

All landscaping shall be permanently maintained in good condition in accordance with the approved Landscape Plan.

Within five (5) years of the issue of the occupation certificate and thereafter, landscaped areas shall have a minimum 70% native species cover with all shrubs established in accordance with the approved Landscape Plan

The site shall be landscaped with all disturbed ground being rendered erosion resistant at all times.

#### **F5 Signage**

Any signage for the new lodge shall comply with the exempt development provision of the SEPP applying to the area or alternatively a separate development application is required.

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

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

The NSW Rural Fire Service is prepared to grant a Bush Fire Safety Authority without conditions.

### **PART H BCA ADVISORY NOTES**

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- i) Construction to be in accordance with Table 3 of Specification C1.1.
- ii) Separation of openings in external walls (spandrels) do not comply with Clause C2.6 of the BCA. See also Clause 2.4 of Spec C1.1.
- iii) The proposal includes timber clad external walls, balustrades and privacy screens which will provide a means for fire to spread. This does not meet Spec C1.1 requirements for Type A construction.
- iv) The timber columns shown on the southern and western elevations appear to be structural. If so these columns need to be fire rated in accordance with Spec C1.1 and Clause 2.2 of Spec C1.1 – Fire protection for support of another part.
- v) The fire-isolated stair and lift shafts are to be enclosed in accordance with Clause 2.7 of Spec C1.1 – Enclosure of shafts.
- vi) Egress from the lower levels involves a vertical rise > 1.5m. Two exits must be provided in these circumstances. Egress via the fire-isolated stair to and the corridor on Level 1 does not comply with DTS provisions of the code.
- vii) Openings (windows) in the external walls and located above ground level within 3m of the side and rear boundaries and 6m from the boundary on the far side of the road on the front elevation of the building are required to be protected. Protection with external sprinklers presents problems if natural ventilation to these rooms is to be relied upon as windows protected in this manner must be fixed in the closed position. An alternative solution could provide a means of achieving compliance.
- viii) The fire-isolated stair presents as a rising and descending stair and does not comply with Clause D2.4 of the BCA.
- ix) The discharge doors on the northern elevation of Level 1 and the southern elevation of Level 4 must swing inwards in accordance with Clause G4.3.
- x) The pathway leading from the discharge point exits to the roadway must have a clear width of not less than 1m and must comply with Clause D1.10.
- xi) Balustrades on balconies shall not have any opening which permits a 125 mm sphere to pass through it.
- xii) Balustrades must not contain climbable elements where the distance from the finished floor level to the level of the surface below exceeds 4m.

- xiii) Way finding signage in fire-isolated stairs on Levels 1 to 3 would be prudent to indicate that the Level of egress is up.
- xiv) Tactile indicators required on external stairs.
- xv) Warning and operational signs required in accordance with Clauses D2.23, E3.3, G4.3 and G4.9 of the BCA.
- xvi) Hydrants, hose reels and extinguishers to be provided in accordance with Part E1 and Clause G4.8 of the BCA.
- xvii) Smoke detection system in accordance with E2.2 and G4.8 of the BCA to be provided.
- xviii) Emergency lighting and exit signs to be provided in accordance with Part E4 and Clause G4.4 of the BCA.
- xix) Stretcher facility to be provided in the lift in accordance with Clause E3.2 of the BCA as the building has an effective height > than 12m.
- xx) Light and ventilation to be provided in accordance with Part F4 of the BCA. Light borrowed from adjoining rooms must comply with Clauses F4.1, F4.2 and F4.3 of the BCA. Details attached. Kitchen fitout may also affect light transmission. Note that the office in the managers flat is a habitable room and is required to be provided with natural light.
- xxi) Sound insulation properties of elements must restrict the transmission of airborne and impact generated sound in accordance with Part F5 of the BCA.
- xxii) Fire places, chimneys and flues to be in accordance with Part G2 of the BCA.
- xxiii) Doors leading from exits must comply with Clause G3.4 (Alpine requirement).
- xxiv) Exits to discharge in accordance with Clause G4.6 (Alpine requirement).
- xxv) External trafficable structures must comply with Clause G4.7 of the BCA.
- xxvi) The building is to comply with the energy efficiency requirements of Section J of the BCA.