

Development consent

Section 4.16 of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, under delegation executed on 9 March 2020, I approve the Development Application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.



Daniel James
Team Leader
Alpine Resorts Team
Department of Planning, Industry and Environment

Jindabyne

4 February 2021

SCHEDULE 1

Application No.:	DA No. 10114
Applicant:	Bernti's Mountain Inn
Consent Authority:	Minister for Planning and Public Spaces
Land:	Bernti's Mountain Inn, Lot 817 DP 1119757, 4 Mowamba Place, Thredbo Village, Thredbo Alpine Resort, Kosciuszko National Park
Type of Development:	Integrated Development
Integrated Bodies:	NSW Rural Fire Service
Approved Development:	Major external alterations and additions to an existing tourist accommodation and restaurant building

DEFINITIONS

Act	means the <i>Environmental Planning and Assessment Act, 1979</i> (as amended).
Applicant	means Bernti's Mountain Inn, or any person carrying out any development to which this consent applies.
Approval Body	has the same meaning as within Division 4.8 of Part 4 of the Act.
BCA	means the edition of the Building Code of Australia in force at the time of lodgement of an application for a Construction Certificate.
Certifier	has the same meaning as in Part 6 of the Act.
DA No 10114	means the development application submitted by the applicant on 17 December 2019.
Department	means the Department of Planning, Industry and Environment, or its successors.
Director	means the Director of Regional Assessments or a delegate of the Director of within the Department.
Minister	means the Minister for Planning and Public Spaces, or nominee.
NPWS	means the National Parks and Wildlife Service.
Non-compliance	means an occurrence, set of circumstances or development that is a breach of this consent.
Principal Certifier	means the principal certifier and has the same meaning as Part 6 of the Act.
Regulation	means the <i>Environmental Planning and Assessment Regulations, 2000</i> (as amended).
RFS	means the NSW Rural Fire Service.
Secretary	means the Secretary of the Department, or nominee/delegate.
Secretary's approval, agreement or satisfaction	means a written approval from the Secretary or nominee/delegate.
Subject site	has the same meaning as the land identified in Part A of this schedule.
Team Leader	means the Team Leader of the Alpine Resorts Team within the Regional Assessments division (or its successors) or a delegate of the Team Leader of the Alpine Resorts Team within the Department.

SCHEDULE 2

PART A – ADMINISTRATIVE CONDITIONS

A.1 Obligation to minimise harm to environment

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

A.2 Development in accordance with approved documentation and plans

The development shall be in accordance with the:

- (a) DA No. DA 10114 submitted by Berniti's Mountain Inn on 17 December 2020
- (b) supporting documentation submitted with that application (DA 10114)
- (c) response to submissions by Complete Town Planning Pty Ltd on 25 February 2020
- (d) additional information received 17 February 2020, 21 April 2020, 19 May 2020, 12 June 2020, 11 August 2020 and 13 December 2020
- (e) conditions of this consent

including, but not limited to, the following:

Ref No.	Document	Title/Description	Author / Prepared by	Date	Document Reference
1	Statement of Environmental Effects	Alterations and Additions to Existing Inn and Restaurant 4 Mowamba Place, Thredbo NSW	Complete Town Planning Pty Ltd	December 2019	-
2	Report	Site Environmental Mangement Plan	Complete Town Planning Pty Ltd	December 2019	-
3	Report	Bushfire Hazard Assessment Report	Complete Bushfire Reports	December 2019	19124 Rev. A
4	Report	Biodiversity and Aboriginal Heritage Assessment Report	Complete	December 2019	Rev. A
5	Report	Access / Compliance / Design Statement	PSE Access Consulting	21 November 2019	-
6	Report	Car Park and Manoeuvring Assessment	Traffic Solutions Pty Ltd	13 December 2019	19.20.040
7	Report	Submissions Response	Complete Town Planning Pty Ltd	-	-
8	Report	Geotechnical Investigation	Asset Geotechnical Engineering Pty Ltd	16 April 2020	5892-G1-Rev2

9	Form 1	Geotechnical Policy - Kosciuszko Alpine Resorts Form 1 – Declaration and certification made by a geotechnical engineer or engineering geologist in a geotechnical report	Asset Geotechnical Engineering Pty Ltd	16 April 2020	-
10	Report	BCA Assessemnt Report for Development Application Approval	Complete Certification Pty Ltd	-	20001
11	Plan	Perspective View	Michael Wiegmann Design Service	2 November 2020	1212-1
12	Plan	Site Plan	Michael Wiegmann Design Service	2 November 2020	1212-2
13	Plan	Level 1 – Plan	Michael Wiegmann Design Service	2 November 2020	1212-3A
14	Plan	Level 2 – Plan	Michael Wiegmann Design Service	2 November 2020	1212-4A
15	Plan	Level 3 – Plan	Michael Wiegmann Design Service	2 November 2020	1212-5A
16	Plan	Level 4 – Plan (existing)	Michael Wiegmann Design Service	2 November 2020	1212-6A
17	Plan	Level 5 – Plan (existing)	Michael Wiegmann Design Service	2 November 2020	1212-7A
18	Plan	Level 6 – Plan (Existing)	Michael Wiegmann Design Service	2 November 2020	1212-8A
19	Plan	Roof Plan	Michael Wiegmann Design Service	2 November 2020	1212-9
20	Plan	Front Elevation – Mowamba Place	Michael Wiegmann Design Service	2 November 2020	1212-10
21	Plan	North Elevation	Michael Wiegmann Design Service	2 November 2020	1212-11
22	Plan	West Elevation	Michael Wiegmann Design Service	2 November 2020	1212-12

23	Plan	East Elevation	Michael Wiegmann Design Service	2 November 2020	1212-13A
24	Plan	South Elevation and Colour Scheme	Michael Wiegmann Design Service	2 November 2020	1212-14
25	Plan	Section A-A	Michael Wiegmann Design Service	2 November 2020	1212-15
26	Plan	Section B-B	Michael Wiegmann Design Service	2 November 2020	1212-16A
27	Plan	Section C-C	Michael Wiegmann Design Service	2 November 2020	1212-17
28	Plan	Perspective View 1	Michael Wiegmann Design Service	17 February 2020	-
29	Plan	Perspective View 2	Michael Wiegmann Design Service	17 February 2020	-
30	Plan	Perspective View 3	Michael Wiegmann Design Service	17 February 2020	-
31	Plan	Perspective View 4	Michael Wiegmann Design Service	17 February 2020	-
32	Plan	Setbacks to Mowamba Apartments	Michael Wiegmann Design Service	11 August 2020	-
33	Bushfire Safety Authority	s100B – SFPP – Other Tourist Accommodation 4 Mowamba Place THREDBO NSW 2627 AUS 817//DP1119757	NSW Rural Fire Service	23 March 2020	DA202001160 00157- Original-1

A.3 Inconsistency between documents

If there is any inconsistency between the plans and documentation referred to above, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this approval prevail to the extent of any inconsistency.

A.4 Lapsing of consent

This development consent will lapse five years from the date of consent, unless the building, engineering or construction work relating to the development is physically commenced on the land to which this consent applies before the date on which the consent would otherwise lapse.

A.5 Prescribed conditions

All works shall comply with the prescribed conditions of development consent as set out in Part 6, Division 8A of the Regulation. In particular, your attention is drawn to:

- (a) clause 98, Compliance with Building Code of Australia;
- (b) clause 98A, Erection of signs during building and demolition works; and
- (c) clause 98E, Condition relating to shoring and adequacy of adjoining property.

A.6 Australian standards

All works shall be carried out in accordance with current Australian Standards.

A.7 Legal notices

Any advice or notice to the consent authority shall be served on the Secretary.

A.8 Excluded development

Any work outside of Lot 817 DP 1119757 is excluded from this consent. If any peripheral works, including works on Lot 847 DP 1119757, need to be undertaken that don't not meet exempt development under the *State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007* then a separate development application would be required.

A.9 Temporary access

No consent is provided for temporary access arrangements into the premises during construction. Should temporary access arrangements be required, a separate application would be required and determined prior to commencement of works.

A.10 Non-Compliance Notification

The Department must be notified in writing to compliance@planning.nsw.gov.au and alpineresorts@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The Principal Certifier must also notify the Department in writing to compliance@planning.nsw.gov.au and alpineresorts@planning.nsw.gov.au within seven days after they identify any non-compliance.

The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

PART B – PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

B.1 Construction certificate

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

B.2 Documentation for the construction certificate

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

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

B.3 Structural drawings and design statement

Prior to the issue of the relevant construction certificate, the Applicant shall submit structural drawings and a design statement, prepared and signed by an appropriately qualified practising Structural Engineer, to the certifier.

B.4 Specifications

Prior to the issue of the relevant construction certificate, the Applicant shall provide to the certifier specifications for the development:

- (a) that describe the construction and materials of which the building is to be built, and
- (b) that state whether the materials to be used are new or second-hand and (in the case of second-hand materials) give particulars of the materials to be used.

B.5 Existing and proposed fire safety measures

Prior to the issue of the relevant construction certificate, the Applicant shall provide to the certifier:

- (a) a list of any existing fire safety measures provided in relation to the land or any existing building on the land, and
- (b) a list of the proposed fire safety measures to be provided in relation to the land and any building on the land as a consequence of the building work.

B.6 Upgrading of building

In accordance with Clause 94 of the Regulation, the existing building shall be brought into partial conformity with the BCA. The Applicant is to partially upgrade the building:

- (a) staff accommodation located on the uppermost floor to achieve compliance with BCA Volume One Performance Requirements CP1 – Structural stability during a fire, CP2 – Spread of fire, CP4 – Safe conditions for evacuation, DP2 – Safe movement to and within a building and DP3 – Fall prevention barriers
- (b) discharge of exits and egress paths / stairs to the roadway as identified in Fire Engineering Report No. 402/10 Rev 08
- (c) internal non-fire isolated main stairway to achieve compliance with DP5 – Fire isolated exits

as the measures contained in the building are considered inadequate to protect persons using the building, in the event of fire, or to restrict the spread of fire from the building to other buildings nearby.

Prior to the issue of any construction certificate, plans are to be annotated and details of the method (deemed to satisfy provision or performance solution) to meet the performance requirement nominated above shall be submitted to the certifier. If the Department is not the

certifier, full details including specification and justification of the methods utilised shall be submitted to the Department with the construction certificate.

B.7 Payment of the Long Service Levy

Prior to the issue of any construction certificate, evidence shall be provided to the certifier, in the form of a receipt, confirming payment of the Long Service Levy to the Long Service Payments Corporation in accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*.

B.8 Geotechnical – further investigation

Prior to the issue of a construction certificate, further geotechnical investigations are to occur as described in the Asset Geotechnical Engineering Pty Ltd report dated 16 April 2020 (reference 8 in Condition A.2). Results from the further investigations are to be considered as part of the overall structural design of the approved structures and as part of Condition B.9. If the Department is not the certifier, a copy of the documentation shall be submitted to the Department with the construction certificate.

Note: if investigation results in design changes, then a modification of consent may be required

B.9 Geotechnical declaration and certification

Prior to the issue of any construction certificate, a completed and signed Form 2 from the Department's Geotechnical Policy – Kosciuszko Alpine Resorts (2003) shall be submitted to the certifier. All sections of the Form 2 must be completed and signed by the appropriate person/s. If the Department is not the certifier, the appointed certifier is to provide a copy of the completed and signed Form 2 to the Department with the copy of the construction certificate.

Unless otherwise approved in writing by the Secretary or nominee following receipt of advice from a geotechnical engineer.

B.10 Hydraulics plan

Prior to the issue of a construction certificate, a hydraulics plan in accordance with the relevant and current Australian Standards, prepared by an appropriately qualified and practising professional, shall be submitted to the certifier. If the Department is not the certifier a copy of the documentation shall be submitted to the Department with the construction certificate.

B.11 Stormwater plan

- (a) Prior to the issue of a construction certificate, a stormwater drainage plan and design statement prepared and signed by an appropriately qualified and practising stormwater or civil engineer, shall be submitted to the certifier following endorsement from Kosciuszko Thredbo Pty Ltd.
- (b) The stormwater drainage plan and design statement shall address the following:
 - (i) the stormwater system shall be designed in consultation with Kosciuszko Thredbo Pty Ltd and evidence of consultation shall be provided;
 - (ii) Kosciuszko Thredbo Pty Ltd shall provide confirmation that the drainage system that the development is to connect to is capable of handling the stormwater generated by the development and the discharge points are appropriate; and
 - (iii) volume calculations of the stormwater system shall be provided.
- (c) Details of each of the above shall be submitted with the application for the construction certificate. If the Department is not the certifier, copies of the above information shall be submitted to the Department with the construction certificate.

B.12 Disabled access

Access and facilities for people with disabilities must be designed in accordance with the relevant provisions of the BCA. Prior to the issue of the relevant Construction Certificate, a certificate

certifying compliance with this condition from an appropriately qualified person must be provided to the certifier.

B.13 Extension of existing services

Prior to the issue of any construction certificate requiring the extension of existing services including electricity, water, sewer, gas and communication, plans are to be prepared identifying the existing and proposed services to be upgraded or extended in order to carry out the development. The plans are to be prepared by appropriately qualified and practising professionals.

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

B.14 External lighting plan

Prior to the issue of any construction certificate for external lighting, an external lighting plan and a design statement prepared by an appropriately qualified professional, shall be submitted to the certifier. The lighting (including any illuminated signage) shall comply with *Australian Standard AS 4282-1997: 'Control of Obtrusive Effects of Outdoor Lighting'*.

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

B.15 Appointment of engineer - structural adequacy of existing structure

An appropriately qualified practising Structural Engineer shall be engaged to carry out the inspection required by Condition D.26. The name and contact details of the engineer shall be provided to the certifier prior to the issue of the construction certificate. If the Department is not the certifier, the certifier is to provide a copy of the information to the Department with the copy of the construction certificate.

B.16 Food Act 2003

Prior to the issue of the relevant construction certificate, the Applicant shall submit plans and a design statement demonstrating that the design and construction of the food preparation areas comply with the *Australian Standard AS4674-2004 (Design Construction and Fit-out of Food Premises)* and the *Food Act 2003*, to the certifier.

B.17 Mechanical ventilation of kitchen heating and dishwashing appliances

Prior to the issue of the relevant construction certificate, the certifier must be satisfied that the documentation for the construction certificate demonstrates compliance that:

- (a) the mechanical ventilation systems in the kitchen comply with *Australian Standard / New Zealand Standard 1668.2 – 2012 (The use of ventilation and airconditioning in buildings – Mechanical ventilation in buildings)*
- (b) identify the location of the discharge vent, air flow measurements and the noise rating of the fan(s) and motor(s)
- (c) a mechanical ventilation engineer or other suitably qualified professional is required to design the system and the installation is to be carried out by a suitably qualified trade person.

B.18 Energy efficiency

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

B.19 Car parking and pedestrian access

Prior to the issue of a construction certificate:

- (a) design details for the car parking, demonstrating compliance with *Australian Standard / New Zealand Standard 2890 Parking facilities*, shall be submitted to the certifier.
- (b) a pedestrian access plan shall be submitted to the certifier, which defines the pedestrian access from Mowamba Place and adjoining paths to the lift and airlock located within the car parking area. The plan is to identify treatments to be provided within the car parking area to differentiate between pedestrian and vehicle areas and include such items as different surface material, different colour, lighting, signage, other architectural features.

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

B.20 Solar panels

Prior to the issue of the construction certificate, the details of the solar panel system, plans, specifications and a design statement from an appropriately qualified consultant or accredited installer is to be provided to the certifier.

B.21 Materials, colours and windows

Prior to the issue of the construction certificate, the Applicant shall submit a full set of coloured elevation plans that identify the material (name and product) and colours depicted on the approved schedule of materials and finishes listed in reference 25 in Condition A.2 to the certifier.

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

B.22 Bush fire safety authority

Prior to the issue of the relevant construction certificate, the certifier must be satisfied that the documentation for the construction certificate demonstrates compliance with the relevant conditions of the bush fire safety authority (reference 33 in Condition A.2).

PART C – PRIOR TO THE COMMENCEMENT OF WORKS

C.1 Notification of commencement

The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.

If the construction or operation of the development is to be staged, the Department must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

C.2 Temporary fencing

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

C.3 Implementation of site environmental management measures

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

C.4 Demolitions work

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

C.5 Demolition of unauthorised pergola and pool fencing

- (a) The existing pergola provided over the sun deck off the existing bar area is to be removed prior to the commencement of construction works within the immediate locality under this consent. Confirmation of the removal is to be provided to the Principal Certifier, with a copy forwarded to the Department if not the Principal Certifier.
- (b) The pool fencing provided along the Happy Jack path (private courtyard area off the managers residence) is to be removed, unless utilised as part of construction fencing, prior to the commencement of construction works within the immediate locality under this consent. Confirmation of the removal is to be provided to the Principal Certifier, with a copy forwarded to the Department if not the Principal Certifier.

C.6 Machinery and storage

Machinery used during construction must be cleaned prior to site mobilisation, be regularly maintained and manoeuvred to prevent the spread of exotic vegetation. Storage of machinery and material is to be restricted to the designated disturbed areas.

C.7 Plumbing and drainage works

Prior to the commencement of works, a Notice of Work must be pre-notified to the plumbing regulator (NPWS Perisher Team) in accordance with *Plumbing and Drainage Act 2011*. For more information please refer to the NPWS website:

<http://www.environment.nsw.gov.au/alpineresorts/plumbing-and-drainage.htm>

C.8 Termite protection

The building shall be protected from attack from subterranean termites in accordance with AS 3660 *Termite management*. Details are to be submitted to the Principal Certifier prior to the commencement of works.

C.9 Dilapidation report

Prior to the commencement of any works (including demolition) on the subject site the Applicant is to engage a qualified structural/civil or geotechnical engineer to prepare dilapidation report/s detailing the current structural condition of all nearby buildings, pedestrian paths, infrastructure and roads. The dilapidation report/s shall be submitted to the Principal Certifier and a copy of the dilapidation report/s shall be provided to the Department.

C.10 Environmental performance

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

C.11 Traffic & pedestrian management plan

Prior to the commencement of works, a Traffic and Pedestrian Management Plan shall be submitted to the satisfaction of Kosciuszko Thredbo Pty Ltd and the Principal Certifier. The Plan shall address, but not be limited to, the following matters:

- (a) access to the car parking areas for neighbouring buildings along Mowamba Place shall be maintained throughout the construction period;
- (b) the predicted traffic volumes, types and routes shall be provided;
- (c) nomination of parking areas for construction and contractor vehicles and where this is off-site, details of how workers will access the construction site;
- (d) nomination of ingress and egress points for vehicles needing to access the site;
- (e) nomination of loading and unloading zones;
- (f) identification of construction machinery required for various stages of the project;
- (g) use of cranes, excavators and other construction machinery which must be confined to within the construction zone unless a temporary road closure approval has been obtained from Kosciuszko Thredbo Pty Ltd and in this case, the machinery must be confined to the existing road corridor only;
- (h) procedures and personnel responsible for full and partial road closures; and
- (i) any road closures must be approved and co-ordinated by Kosciuszko Thredbo Pty Ltd.

C.12 Pre-commencement compliance report

Prior to the commencement of works, the Applicant shall submit to the Principal Certifier a report addressing compliance with all conditions contained in sections B and C of this consent pertaining to those works. A copy of this compliance report shall be submitted to the Department within 7 days of it being submitted to the Principal Certifier.

C.13 Compliance

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

PART D – DURING CONSTRUCTION

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

A copy of the approved plans and documentation shall be kept on site at all times and shall be readily available for perusal by the Principal Certifier, any person associated with construction works, or an officer of the Department.

D.2 Construction hours

All work in connection with the proposed development shall be carried out between the hours of 7.00am and 6.00pm on Monday to Friday inclusive, and 7:00am to 1.00pm on Saturdays, with no work allowed on Sunday or Public Holidays, or as otherwise approved by the Secretary or nominee.

D.3 Construction period

- (a) All construction activities are limited to the “summer” period. For this development this period means commencing after the October long weekend and ceases no later than 31 May or as otherwise approved by the Secretary or nominee.
- (b) By 31 May the applicant shall ensure that the site is made safe and secure by undertaking the following:
 - (i) removal of all waste materials;
 - (ii) removal and/or securing of all stockpiles of soil and gravel;
 - (iii) demolition and construction materials are removed from around the building and are stored within the building or contained within designated areas;
 - (iv) the subject site is fenced with para-webbing or other suitable visible protection fencing around the perimeter of the site to limit access to and from the site;
 - (v) appropriate signage shall be erected outlining that unauthorised access to the site is prohibited and that the site is a construction zone;
 - (vi) any external scaffolding shall be dismantled and removed from the site;
 - (vii) all external plumbing and drainage works are to be completed;
 - (viii) all disturbed ground is stabilised and made erosion resistant;
 - (ix) any excavations are made safe and secure; and
 - (x) any other specific matters related to making the site safe and secure raised by the Principal Certifier or the Secretary or nominee.

D.4 Construction activities

- (a) At all times, construction activities shall be undertaken in accordance with the approved documentation.
- (b) All construction activities shall be confined to within the construction zone.
- (c) No disturbance is permitted outside the construction zone unless otherwise agreed by the Secretary or nominee.

D.5 SafeWork NSW

All works shall be carried out in accordance with current SafeWork NSW guidelines.

D.6 Site notice

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details. The notice(s) is to satisfy all but not be limited to, the following requirements:

- (a) The notice is to be durable and weatherproof and is to be displayed throughout the works period.
- (b) The approved hours of work, the name of the principal contractor for the work (if any), and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice.

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

D.7 Storage of materials

The Applicant shall ensure that the site environmental management measures are complied with and that during the construction period that no storage or disposal of materials shall take place beneath the canopy of any trees or on native heath vegetation.

All stockpiling is to be in accordance with the *'Soil Stockpile Guidelines for the Resort Areas of Kosciuszko National Park, October 2017'*.

D.8 Prohibition of hazardous materials

No hazardous or toxic materials or dangerous goods shall be stored or processed on the site at any time.

D.9 Noise and vibration management

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

D.10 Litter and building waste

Building waste shall be minimised and shall be contained in receptacles and covered daily, or removed from site each day, so as not to escape by wind or water. These receptacles must only be located in previously disturbed areas and not beneath the canopy or over roots of any trees. The receptacle must be cleaned regularly.

D.11 Demolitions work

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

D.12 Recycled Material

Wherever possible, building material should be salvaged for reuse during the redevelopment of the building or sent to a recycling facility to reduce landfill.

D.13 Loading and unloading of construction vehicles

All loading and unloading associated with demolition and construction shall be restricted to those areas approved in the SEMP and conditions.

D.14 Aboriginal heritage

Should any material suspected of being an Aboriginal relic or artefact become unearthed in the course of works, all works impacting the objects or artefacts shall cease immediately. The applicant must immediately contact the NPWS to arrange for representatives to inspect the site. All workers on the site are to be made aware of this condition.

D.15 Erosion and sediment control measures

All erosion and sediment control measures must be checked regularly and maintained in good working order at all times. All exposed earth must be kept stabilised and re-vegetation must commence as soon as practicable. All straw bales used for sediment and erosion control or for mulching must be 'weed free'.

D.16 Rehabilitation and site establishment

- (a) Site stabilisation and rehabilitation works shall commence, as soon as possible, following the completion of each section of work to minimise exposed areas. Disturbed areas shall be adequately mulched and maintained with weed free straw until an erosion resistant ground condition is achieved. All erosion prevention and sediment control measures shall remain in place until all exposed areas of soil are stabilised and/or revegetated.
- (b) Rehabilitation shall be undertaken in accordance with:
 - (i) the *Rehabilitation Guidelines for the Resorts Areas, Kosciuszko National Park (NPWS 2007)*; and
 - (ii) these conditions of consent.

D.17 Scaffolding

All scaffolding is to be located within the lot boundaries and shall comply with AS/NZS 1576 *Scaffolding* and AS/NZS 4576 *Guidelines for Scaffolding*.

D.18 Dirt and Dust Control Measures

- (a) Adequate measures shall be taken to prevent dirt and dust from affecting the amenity of the neighbourhood during construction.
- (b) In particular, the following measures must be adopted:
 - (i) all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material;
 - (ii) covers are to be adequately secured;
 - (iii) cleaning of footpaths must be carried out regularly;
 - (iv) roadways must be kept clean;
 - (v) gates are closed between vehicle movements;
 - (vi) gates are fitted with shade cloth; and
 - (vii) the site is hosed down when necessary.

D.19 Excavations and backfilling

- (a) All excavating and backfilling shall comply with the following:
 - (i) shall be executed in a safe manner and in accordance with appropriate professional standards;
 - (ii) where trenches or excavations are to be left open overnight, provision shall be made so that any fauna entering these excavations can escape;
 - (iii) adequate provision shall be made for drainage; and
 - (iv) all excavations shall be properly guarded and protected to prevent them from being dangerous;unless otherwise agreed in writing by the Secretary or nominee.
- (b) Any clean excavated material (i.e. containing no contaminants or weeds) may be:
 - (i) temporarily stockpiled at the site in accordance with the *Rehabilitation Guidelines for the Resort Areas of Kosciuszko National Park* prior to reuse on site; or
 - (ii) stockpiled and managed at an approved Kosciuszko Thredbo Pty Ltd (KT) facility for future use in accordance with the *Rehabilitation Guidelines for the Resort Areas of Kosciuszko National Park*; or
 - (iii) disposed of at an authorised land fill site.
- (c) Any contaminated material (i.e. containing contaminants or weeds) shall not be stockpiled at the site or in Thredbo and is to be disposed of at an authorised waste facility.
- (d) Imported fill material shall only be obtained from a National Parks and Wildlife Service recommended source.
- (e) Excess imported fill material shall be stockpiled in Thredbo for reuse.

D.20 Electrical works

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

D.21 Plumbing and drainage

All plumbing and drainage works shall comply with the Plumbing Code of Australia and Australian Standard AS/NZS 3500 *Plumbing and drainage* and shall be carried out by an appropriately licensed plumber.

D.22 Asbestos

- (a) 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.
- (b) Any asbestos or other hazardous materials shall be disposed of at an authorised waste facility. Receipts shall be provided to the Principal Certifier as evidence of appropriate disposal

D.23 Geotechnical requirements

At all times, works associated with the development shall comply with:

- (a) the Department's Geotechnical Policy; and
- (b) the Geotechnical Assessment undertaken by Asset Geotechnical Engineering Pty Ltd dated 16 April 2020, as amended by the investigations at Condition B.8.

Works at variance to recommendations contained in the geotechnical assessment report shall not be undertaken without prior written endorsement from the geotechnical engineer. Any written advice of the variation shall be provided to the Principal Certifier and the Department within 48 hours.

D.24 Maintenance of services

The Applicant shall be responsible for costs associated with relocating any services.

D.25 Termite protection

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

D.26 Inspection by engineer - structural adequacy of existing structure

Prior to the installation of proposed roof mounted solar energy system an appropriately qualified practising structural engineer shall carry out an inspection to determine the structural adequacy of the existing structure and its compliance with BCA Volume One performance requirement BP1.1. If any deficiencies are identified during the inspection, the engineer shall provide upgrade recommendations. Any works associated with the upgrade recommendations shall be undertaken prior to the installation of the solar system.

D.27 Installation of solar panels

The roof mounted solar energy system is to be installed in accordance with the manufacturer's specifications or by a person who is accredited by the Clean Energy Council for the installation of photovoltaic electricity generating systems.

PART E – PRIOR TO COMMENCEMENT OF USE

E.1 Occupation certificate

Prior to the occupation of the building or the commencement of use, an occupation certificate must be obtained from the Principal Certifier. A copy of the occupation certificate must be furnished to the Secretary or nominee prior to the occupation of the building or commencement of the use.

E.2 Site Clean Up

Prior to commencement of use, the subject site shall be cleaned up to the satisfaction of the Principal Certifier.

E.3 Removal of site notice

Any site notices or other site information signs shall be removed upon completion of the site works and prior to the commencement of use.

E.4 Fire safety certificate

Prior to the issue of any occupation certificate, a fire safety certificate conforming to the Regulations shall be submitted to the Principal Certifier. A copy of the fire safety certificate shall be submitted to the Department with the copy of the occupation certificate.

E.5 Structural certification

A structural engineer's certificate shall be submitted to the Principal Certifier prior to the issue of any occupancy certificate. The certificate is to verify that structural works have been completed in accordance with the approved plans and specifications and comply with the provisions of the BCA and relevant standards. A copy of the certificate is to be submitted to the Secretary or nominee with the occupation certificate documentation.

E.6 Rehabilitation

Prior to the issue of any occupation certificate, any disturbed ground shall be rendered erosion resistant and rehabilitated in accordance with the approved documentation and these conditions of consent (including Condition D.16).

E.7 Fire safety upgrades

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

- (a) written notice that the relevant upgrade works have been completed in accordance with Condition B.6 of this consent; and
- (b) certificates of installation from tradespersons responsible for carrying out the upgrade works.

E.8 Plumbing and drainage works

Prior to the issue of the relevant occupation certificate, a Certificate of Compliance and Sewer Service Diagram (SSD) shall be provided to the plumbing regulator (NPWS Perisher Team) in accordance with *Plumbing and Drainage Act 2011*.

E.9 Structural certification

A structural engineer's certificate shall be submitted to the Principal Certifier prior to issue of the relevant occupation certificate. This certificate is to verify that structural works have been completed in accordance with approved plans and specifications and comply with the provisions

of the BCA and relevant standards. A copy of the certificate shall be submitted to the Department with the copy of the occupation certificate.

E.10 Electrical certification

Prior to the issue of the relevant occupation certificate, certification prepared and signed by an appropriately qualified electrician shall be submitted to the Principal Certifier. The certificate shall indicate that all electrical works have been installed by a qualified and licensed electrician and installed in accordance with the relevant Australian Standards.

E.11 Mechanical ventilation certification

Following completion and installation, the mechanical ventilation system/s in the new building shall be tested and prior to the issue of any relevant occupation certificate, certification from an appropriately qualified person confirming that the mechanical ventilation system/s installed in the new building comply with the BCA and any relevant and current Australian Standards shall be submitted to the Principal Certifier.

E.12 Stormwater drainage system certification

An appropriately qualified and practising stormwater engineer shall provide certification to the Principal Certifier that the stormwater drainage system has been installed in accordance with the approved detailed drainage plan (Condition B.11), prior to issue of the relevant occupation certificate.

E.13 Hydraulic certification

Prior to issue of any occupation certificate, hydraulic certification is to be provided to the Principal Certifier. This certificate is to verify that hydraulic works have been completed in accordance with approved plans and specifications and comply with the provisions of the BCA and relevant standards.

E.14 Geotechnical certification

- (a) Prior to the issue of any occupation certificate:
 - (i) a completed and signed Form 3 from the Department's Geotechnical Policy – Kosciuszko Alpine Resorts (2003) must be submitted to the Principal Certifier. All sections of the Form 3 must be completed and signed by the appropriate person/s; or
 - (ii) if alternative advice is provided by the geotech and approved by the Secretary or nominee in Condition B.8 and 9, confirmation that the works have been undertaken in accordance with the advice.
- (b) If the Department is not the Principal Certifier, the appointed Principal Certifier shall provide a copy of the completed and signed Form 3 to the Department with the copy of the occupation certificate.

E.15 Food compliance

Prior to the issue of the relevant occupation certificate:

- (a) the Applicant shall arrange an inspection of the completed works by the NPWS Environmental Health Officer;
- (b) the Applicant shall obtain written confirmation that the works have been completed to the satisfaction of the NPWS Environmental Health Officer; and
- (c) written confirmation as in (b) is to be provided to the Principal Certifier. A copy of the confirmation is to be submitted to the Secretary with the Occupation Certificate documentation.

E.16 Building identification survey

Prior to the issue of the relevant occupation certificate, a building identification survey of the constructed development is to be furnished to the Principal Certifier, with a copy provided to the Department if not the Principal Certifier.

E.17 Dilapidation reports

- (a) Within 30 days of the completion of the construction works on the subject site, and prior to any occupation certificate being issued:
 - (i) the applicant shall engage a suitably qualified person to prepare post-construction dilapidation report/s;
 - (ii) the post-construction dilapidation report/s shall compare the state of the condition of all nearby buildings, infrastructure and roads;
 - (iii) the post-construction dilapidation report/s shall be submitted to the Principal Certifier; and
 - (iv) a copy of the dilapidation report/s shall be provided to the Department;
- (b) If it is determined that impacts have occurred as a result of the construction works, then the structural engineer shall make recommendations as to the remediation works that should be undertaken to rectify any impacts detected. These recommendations shall be implemented to the satisfaction of the Principal Certifier unless they are outside the scope of this development consent, in which case the Department shall be contacted as a matter of urgency to determine the course of action required.

If the Department is not the Principal Certifier, the Principal Certifier is to provide a copy of these reports to the Department within 30 days of being approved by the Principal Certifier and to any occupation certificate being issued.

E.18 Environmental performance

Prior to the issue of the occupation certificate, the Principal Certifier is to be satisfied that the development complies with all requirements in Condition C.10.

E.19 Solar panels

Following completion and installation, certificates of the installation to comply with Condition D.27 shall be submitted to the Principal Certifier.

E.20 Bush fire safety authority

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 33 in Condition A.2).

PART F – POST OCCUPATION

F.1 Annual fire safety statement

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

PART G – PRIOR TO USE OF THE BUILDING AND OTHER OPERATION REQUIREMENTS

G.1 Hours of operation for internal areas

The hours of operation for the use of the premises is limited to, except as otherwise approved by the Secretary or nominee, the restrictions identified in the Liquor Licence:

- (a) Monday to Saturday – 5.00am to 12.00 midnight
- (b) Sunday – 10.00am to 10.00pm
- (c) Good Friday and Christmas Day – 12.00 noon to 10.00pm (liquor can only be served with or ancillary to a meal in a dining area)
- (d) December 31st – normal opening time until 2.00am on New Years Day

G.2 Use of sun deck areas

- (a) Use of the sundeck areas are limited to operation of the adjoining internal areas.
- (b) Separate approval is required for entertainment events, including live music, except where exempt development or provided under a different development consent.

G.4 Number of people

The maximum number of people permitted within the premises shall be managed in accordance with the requirements of the BCA.

G.5 Operational noise

At no time shall the development give rise to 'offensive noise' under the *Protection of the Environment Operations Act 1997*.

G.6 Noise complaints registration and management

The applicant is responsible for implementing a system to register and manage noise complaints. The Department shall be notified of all complaints and how the complaints were dealt with.

G.7 Responsible service of alcohol

The applicant and liquor license holders are responsible for the compliance of the Liquor Act.

G.8 Loading / unloading

All loading and unloading of service vehicles in connection with the use of the premises shall be carried out so that it does not impede pedestrian access or block Mowamba Place.

ADVISORY NOTES

AN.1 Responsibility for other consents / agreements

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

AN.2 Premises Standard

The persons responsible for ensuring compliance with the Premises Standard (Access to Premises – Buildings) are the building certifier, building developer, and building manager. The Standard's applicability should be reasonably investigated by these persons.

AN.3 Utility services

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

AN.4 Dial before you dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW).

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

AN.5 External lighting

External lighting shall comply with Australian Standard AS 4282-1997: '*Control of Obtrusive Effects of Outdoor Lighting*'.

AN.6 Scaffolding and hoardings

No approval is given for any scaffolding or hoarding outside of Lot 817 DP 1119757. If additional scaffolding or hoarding is required, separate approval must be obtain prior to installation and after consultation with Kosciuszko Thredbo Pty Ltd and adjoining sub-lessees.