

# Development consent

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

As delegate of the Minister for Planning, under delegation executed on 9 March 2022, 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, Housing and Infrastructure**

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10 May 2024

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### SCHEDULE 1

<b>Application No.:</b>	DA No. 24/1858
<b>Applicant:</b>	Frostbite Catering Pty Limited
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	Avalanche Cafe (Lot 862 DP 1128686), Friday Drive, Thredbo Village, Thredbo Alpine Resort, Kosciuszko National Park
<b>Type of Development:</b>	Integrated Development
<b>Integrated Bodies:</b>	NSW Rural Fire Service
<b>Approved Development:</b>	Construction of a new commercial premises on upper concourse and cool room on lower concourse, as outlined in Condition A.2

## DEFINITIONS

<b>Act</b>	means the <i>Environmental Planning and Assessment Act, 1979</i> (as amended).
<b>Applicant</b>	means Frostbite Catering Pty Limited, or any person carrying out any development to which this consent applies.
<b>Approval Body</b>	has the same meaning as within Division 4.8 of Part 4 of the Act.
<b>BCA</b>	means the edition of the Building Code of Australia in force at the time of lodgement of an application for a Construction Certificate.
<b>Certifier</b>	has the same meaning as in Part 6 of the Act.
<b>DA No 24/1858</b>	means the development application lodged by the Applicant on 4 March 2024.
<b>Department</b>	means the Department of Planning , Housing and Infrastructure, or its successors.
<b>Development</b>	means the development approved pursuant to this consent, as defined in Condition A.2 and as modified by the conditions of this consent.
<b>Director</b>	means the Director of Regional Assessments or a delegate of the Director of within the Department.
<b>EP&amp;A Regulation</b>	means the <i>Environmental Planning and Assessment Regulation, 2021</i> (as amended).
<b>EP&amp;A Regulation (DCFS)</b>	means the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation, 2021</i> (as amended).
<b>Minister</b>	means the Minister for Planning, or nominee.
<b>NPWS</b>	means the National Parks and Wildlife Service, or its successors.
<b>Non-compliance</b>	means an occurrence, set of circumstances or development that is a breach of this consent.
<b>Park</b>	means the Kosciuszko National Park reserved under the <i>National Parks and Wildlife Act 1974</i> .
<b>Precincts - Regional SEPP</b>	means the <i>State Environmental Planning Policy (Precincts – Regional) 2021</i> (as amended), that includes Chapter 4 – Kosciuszko National Park and alpine resorts.
<b>Principal Certifier</b>	means the principal certifier and has the same meaning as Part 6 of the Act.
<b>Principal Planning Officer</b>	means the Principal Planning Officer 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.
<b>Rehabilitation Guide</b>	means the NPWS document entitled: <i>Rehabilitation Guidelines for the Resorts Areas of Kosciuszko National Park</i> (2007) a copy of which is available at: <a href="#">Rehabilitation guidelines for the resort areas of Kosciuszko National Park   NSW Environment and Heritage</a>
<b>RFS</b>	means the NSW Rural Fire Service, or its successors.
<b>Secretary</b>	means the Secretary of the Department, or nominee/delegate.
<b>Secretary's approval, agreement or satisfaction</b>	means a written approval from the Secretary or nominee/delegate.
<b>Site Environmental Management Plan or SEMP</b>	means a site environmental management plan for the Subject site, prepared by the Applicant as part of Condition A.2.
<b>Stockpile Guide</b>	means the NPWS document entitled: ' <i>Soil Stockpile Guidelines for the Resort Areas of Kosciuszko National Park, October 2017</i> ', a copy of which can be obtained from the NPWS Resorts Environmental Services Team.
<b>Subject site</b>	has the same meaning as the land identified in Part A of this schedule.

**Team Leader**

means the Team Leader of the Alpine Resorts Team within the Regional Assessments division (or its successors) or a delegate of the Team Leader of the Alpine Resorts Team within the Department.

## SCHEDULE 2

### PART A – ADMINISTRATIVE CONDITIONS

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

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

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

The development shall be in accordance with the:

- (a) Development Application No. DA 24/1858 and supporting documentation first lodged on 4 March 2024;
- (b) conditions of this consent; and
- (c) approved documents in the table below (except where modified by conditions of this consent):

Ref No.	Document	Title/Description	Author / Prepared by	Dated / Received	Document Reference
1	Statement of Environmental Effects	Installation of Container Kiosk and Upgrade of Storeroom / Coolroom for Avalanche Cafe	Accent Town Planning Pty Ltd	January 2024	23018DA Rev. 02
2	Section 7.0 of SEE	Site Environmental Management Plan	Accent Town Planning Pty Ltd	January 2024	23018DA Rev. 02
3	Report	Bushfire Hazard Assessment Report	Accent Town Planning Pty Ltd	January 2024	23122 Rev. 01
4	Plan	Cover Sheet	DJRD Architects	13 December 2023	A0.100 Rev. E
5	Plan	Floor Plan	DJRD Architects	12 January 2024	A0.101 Rev. G
6	Plan	Site Plan	DJRD Architects	12 January 2024	A0.102 Rev. B
7	Plan	Elevations 1	DJRD Architects	12 January 2024	A2.101 Rev. F
8	Plan	Elevations 2	DJRD Architects	12 January 2024	A2.102 Rev. C
9	Test Report	AWTA Product Testing	Australian Wool Testing Authority Ltd	5 November 2020	20-005673

10	Plan	General Notes Sheet 1	Structa Consulting	29 January 2024	S01
11	Plan	Framing Plan	Structa Consulting	29 January 2024	S02
12	Report	Structural Engineering Certificate	Structa Consulting	30 January 2024	-
13	Plan	Cool Room Plan	Structa Consulting	29 January 2024	A01
14	Form 4	Geotechnical Policy – Kosciuszko Alpine Resorts Form 4- Minimal Impact Certification	Alliance Geotechnical Pty Ltd	9 May 2024	-
15	Plan	General Notes	Omega Project Services	7 July 2022	765-DR-SR-1 01 of 03
16	Plan	Container House Column and Roof Framing Plan	Omega Project Services	7 July 2022	765-DR-SR-1 02 of 03
17	Plan	Container House Elevation and Section Details	Omega Project Services	7 July 2022	765-DR-SR-1 03 of 03
18	Plan	Title Page	Modulate	29 January 2024	A.0
19	Plan	Floor Plan	Modulate	29 January 2024	A.01
20	Plan	Electrical and RCP Plan	Modulate	29 January 2024	A.02
21	Plan	Plumbing Plan	Modulate	29 January 2024	A.03
22	Plan	External Elevations	Modulate	29 January 2024	A.04
23	Plan	External Elevations	Modulate	29 January 2024	A.05
24	Plan	Roof Framing Plan	Modulate	29 January 2024	A.06
25	Plan	Roof Detail	Modulate	29 January 2024	A.07
26	Plan	Cutting List	Modulate	29 January 2024	A.09
27	Plan	Sales Schedule	Modulate	29 January 2024	A.10
28	Plan	Structural Adequacy Check	Grounded	4 May 2023	S01 Rev. A

29	Email	Kiosk Structural	-	31 January 2024	-
30	Bushfire Safety Authority	s100B – SFPP – Other Tourist Accommodation Friday Drive, Thredbo NSW 2625 862//DP1128686	NSW Rural Fire Service	12 March 2024	DA202403010 00839- Original-1

Note: In accordance with section 24(3)(a) of the Regulation, a Development Application is lodged on the day on which the fees payable for the Development Application under this Regulation are paid, including the integrated development fees, or as otherwise amended and advised in accordance with section 38(2)(b) of the EP&A Regulation.

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

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

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

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

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

All works shall comply with the prescribed conditions of development consent as set out in Part 4 of the EP&A Regulation.

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

All works which are part of the Development must 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. Non-Compliance Notification**

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

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

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

## **PART B – PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **B.1. Construction certificate**

Building and demolition works must not commence until a relevant construction certificate has been issued. Prior to the issue of the construction certificate, the Certifier must be satisfied that the documentation for the construction certificate demonstrates compliance with the conditions in Part B of this consent.

If the Department is not appointed as the Certifier, the Applicant must provide a copy of the construction certificate to the Department within 2 days of it being issued by the Certifier.

### **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;
  - (ii) is shown to be at least equivalent to the deemed to satisfy provision; or
  - (iii) a combination of (i) and (ii).

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

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

### **B.4. Building works plans and specifications**

Appropriate building work plans and specifications shall be submitted to the certifier that include the following:

- (a) detailed building work plans, drawn to a suitable scale and consisting of a block plan and a general plan, that show the following:
  - (i) a plan of each floor section;
  - (ii) a plan of each elevation of the building;
  - (iii) the levels of the lowest floor, an unbuilt yard or area that belongs to the lowest floor and the adjacent ground; and
  - (iv) the height, design, construction and provision for fire safety and fire resistance, if any; and
- (b) building work specifications that:
  - (i) describe the construction and the materials to be used to construct the building; and
  - (ii) describe the method of drainage, sewerage and water supply; and
  - (iii) state whether the materials to be used are new or second-hand and contain details of any second-hand materials to be used; and
- (c) a description of an accredited building product or system sought to be relied on for the purposes of the Act, section 4.15(4); and
- (d) a copy of a compliance certificate to be relied on; and
- (e) if the development involves building work to alter, expand or rebuild an existing building—a scaled plan of the existing building.

## **B.5. Building Code of Australia**

- (a) All building work must be carried out in accordance with the requirements of the National Construction Code - Building Code of Australia.
- (b) Prior to the issue of the construction certificate, the Applicant must submit to the Certifier detailed plans, specifications and supporting information detailing how the proposed building work achieves compliance with the National Construction Code - Building Code of Australia.

## **B.6. Building Code Requirements and Upgrades**

Unless alternative provisions are made in a performance solution pursuant to section A2 of the National Construction Code with documentation included in an application for a Construction Certificate, the proposed food shop shall be provided with a manually operated fire alarm system with call points complying with AS 1670.1 (Ref: G4 of the NCC).

Where the existing AS 1670.1 fire alarm system situated in the ground floor of the building is extended or modified to incorporate the food shop, the existing system shall also include manual call points.

Prior to the issue of the relevant construction certificate, the Applicant must submit to the Certifier either:

- (a) A performance solution justifying that no manually operated fire alarm system complying with AS 1670.1 (Ref. G4 of the NCC) is required; or
- (b) Drawings and a design statement, prepared and signed by an appropriately qualified practising consultant that demonstrates compliance with G4D7 of Volume 1 of the BCA; or
- (c) A performance solution, drawings and a design statement, prepared and signed by an appropriately qualified practising consultant that demonstrates compliance with the relevant performance provisions applicable to G4D7 of Volume 1 of the BCA.

## **B.7. Materials and finishes**

The approved materials and finishes shall be in accordance with Condition A.2, or as otherwise approved in writing by the Secretary or nominee.

## **B.8. 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 30 in Condition A.2).

*Note: Where existing vegetation is to be trimmed or removed in order to comply with this consent, Condition C.7 must be adhered to.*

## **B.9. Existing and proposed fire safety measures**

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

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

Section 14(3) of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* provides that a Certifier must not issue a construction certificate for alteration building work unless, on completion of the building work, the fire protection and structural capacity of the building will not be reduced.



As a result, any existing fire safety measures are to remain and be included in the fire safety schedule.

#### **B.10. Public Health**

The commercial kitchen design and construction shall comply with the *Food Act 2003* and the Australia New Zealand Food Standards Code. Additional guidance is also provided by Australian Standard 'AS4674-2004 *Design, construction and fit-out of food premises*'.

The Applicant is to submit details of compliance to the Certifier prior to the issue of the construction certificate. If the Department is not the certifier, a copy of the documentation relied on shall be submitted to the Department with the construction certificate.

#### **B.11. Stormwater drainage plan**

Prior to the issue of the construction certificate, a stormwater drainage plan and design statement prepared and signed by an appropriately suitably experienced person shall be submitted to the satisfaction of the Certifier.

The plan shall address the following:

- (a) 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
- (b) how the new roof areas will connect into the existing system.

Details of each of the above shall be submitted with the application for the construction certificate.

A copy of the documentation relied on shall be submitted to the Department with the construction certificate.

#### **B.12. 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.

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

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

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

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

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

### **C.3. Erection of construction sign**

- (a) A sign must be erected at eye level in a prominent position on any site on which any approved work is being carried out:
  - (i) Showing the name, address and telephone number of the principal certifying authority for the work;
  - (ii) Showing the name of the principal contractor (if any) for any demolition or building work and a telephone number on which that person may be contacted outside working hours; and
  - (iii) Stating that unauthorised entry to the work site is prohibited.
- (b) The sign is to be maintained while the approved work is being carried out and must be removed when the work has been completed.
- (c) The sign shall be durable and weatherproof with minimum dimensions 841mm x 594mm with text minimum 30 point.

### **C.4. Implementation of site environmental management measures**

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

### **C.5. Demolition work**

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

A copy shall be forwarded to the Department within 7 days of it being submitted to the principal certifier.

No demolition is to occur without the issue of a construction certificate.

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

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

## **C.7. Vegetation management**

Where existing vegetation is to be trimmed or removed in order to comply with this consent, discussions involving an onsite inspection are to occur between the Applicant and the NPWS (Environment Liaison Officer) prior to vegetation works being carried out. Details demonstrating compliance with the above are to be provided to the Principal Certifier.

## **C.8. Plumbing and drainage works**

Prior to the commencement of works which are part of the Development, a notice of work must be pre-notified to the plumbing regulator (NPWS Senior Engineer) in accordance with *Plumbing and Drainage Act 2011*. For more information please refer to the NPWS website:

<https://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/park-management/alpine-resort-management/our-services/plumbing-and-drainage>

A copy of the notice of works must also be provided to the Department.

## **C.9. Pre-commencement compliance report**

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

## **C.10. 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.

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## **PART D – DURING CONSTRUCTION**

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

A copy of the approved plans and documentation must be kept by the Applicant on the Subject site at all times and be readily available for perusal by the Principal Certifier, any person associated with the construction works, or an officer of the Department or NPWS. Without limitation, this condition applies to the following approved documentation:

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

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

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

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

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

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

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

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

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

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

#### **D.5. SafeWork NSW**

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

#### **D.6. Site notice**

The Applicant must ensure that site notices are prominently displayed at the boundaries of the Subject site in accordance with Condition C.3 for the duration of works.

#### **D.7. Storage of materials**

During the construction phase of the Development, the Applicant must ensure that:

- (a) the Subject site environmental management measures are complied with;
- (b) no storage or disposal of materials takes place beneath the canopy of any trees or on native heath vegetation; and
- (c) all stockpiling of material is undertaken in accordance with the Stockpile Guide.

#### **D.8. Prohibition of hazardous materials**

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

#### **D.9. Dirt and dust control measures**

- (a) The Applicant must ensure that adequate measures are taken to prevent dirt and dust from affecting the amenity or environment of the adjoining areas during the construction phase of the Development.
- (b) Without limiting paragraph (a), the Applicant must ensure that the following measures are adopted while undertaking works:
  - (i) all vehicles carrying spoil or rubble to or from the Subject site must 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 must be closed between vehicle movements;
  - (vi) gates must be fitted with shade cloth; and
  - (vii) the Subject site is to be hosed down when there is a risk of works creating airborne dust.

#### **D.10. Safety fencing**

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

#### **D.11. Noise and vibration management**

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

#### **D.12. Recycled Material**

In undertaking works which are part of the Development, the Applicant must wherever possible, salvage building material for reuse during the construction phase of the Development (subject to Condition B.4(b) or ensure that it is sent to a recycling facility in order to reduce landfill.

#### **D.13. Litter and building waste**

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

#### **D.14. Demolitions work**

Demolition work must comply with the provisions of Australian Standard AS 2601-2001 *Demolition of Structures* and be in accordance with the documentation submitted to the Department as required by Condition C.5.

#### **D.15. Loading and unloading of construction vehicles**

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

#### **D.16. Aboriginal heritage**

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

#### **D.17. Erosion and sediment control measures**

During the construction phase of the Development, the Applicant must ensure that all erosion and sediment control measures (e.g. silt curtains, sediment fences, booms etc.) are:

- (a) installed and maintained in accordance with *"Managing Urban Stormwater: Soils and Construction"* (4th Edition Landcom, 2004, aka the Blue Book); and
- (b) checked regularly, and in any case after each precipitation event, to ensure they remain in good working order at all times.

#### **D.18. Rehabilitation and site establishment**

If ground disturbance occurs:

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

#### **D.19. 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.20. Electrical works**

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

#### **D.21. Plumbing and drainage works**

All plumbing and drainage work which are part of the Development must comply with the Plumbing Code of Australia and Australian Standard AS/NZS 3500 *Plumbing and drainage* and must be carried out by an appropriately licensed plumber.

#### **D.22. Gas installations**

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

#### **D.23. Environmental Health**

Bins, hoppers, and other containers used for storing garbage or recyclable material, must be constructed in accordance with the following requirements:

- (a) constructed with impervious materials, such as metal or plastic;
- (b) have tight fitting lids; and
- (c) bins that cannot be lifted for draining after cleaning, must have drainage bungs at the base.

#### **D.24. Oversight by Engineer – Structural Adequacy of Existing Structure**

During construction and placement of the proposed shop structure, an appropriately qualified practising structural engineer shall be engaged and shall oversee and inspect the works to ensure placement is in accordance with the engineering design.

If any deficiencies are identified during the inspection, the engineer shall provide recommendations for remedial works. Any works associated with the remedial recommendations shall be undertaken prior to the installation of the new cladding and structural elements.

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

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

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

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

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

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

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

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

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

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

Prior to the issue of any occupancy certificate, a certificate of structural adequacy (following inspection as required by Condition D.24) prepared by a suitably qualified professional engineer confirming the suitability of the building to meet BCA Volume One performance requirement BP1.1 shall be submitted to the Principal Certifier.

A copy of the structural certificate shall be submitted to the Department with the copy of the occupation certificate.

The engineer shall verify if further annual inspections are necessary to ensure the adequacy of the existing concrete slab and supporting substructure including structural beams and posts.

### **E.6. Structural certification**

A structural engineer's certificate must be submitted to the Principal Certifier prior to issue of the relevant occupation certificate. Where structural works have been carried out, this certificate is to verify that those works have been completed in accordance with approved plans and specifications and comply with the provisions of the NCC - BCA and relevant standards. A copy of the certificate is to be submitted to the Secretary or nominee with the occupation certificate documentation.

### **E.7. Rehabilitation**

If ground disturbance occurs, 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.18).



#### **E.8. Bush fire safety authority**

Prior to the issue of the relevant occupation certificate, the Applicant must submit documentation to the Principal Certifier to demonstrate that the works have been undertaken in accordance with the Bush Fire Safety Authority (reference item 30 in Condition A.2). A copy of the documentation is to be submitted to the Secretary or nominee with the occupation certificate documentation.

#### **E.9. Electrical certification**

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

#### **E.10. Plumbing and drainage works**

Prior to the issue of the relevant occupation certificate, a 'Certificate of Compliance' and 'Sewer Service Diagram' must be provided to the plumbing regulator (NPWS Perisher Team) in accordance with *Plumbing and Drainage Act 2011*. A copy of the documentation must be submitted to the Secretary or nominee with the copy of the occupation certificate.

#### **E.11. Gas installations certification**

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

#### **E.12. Public Health**

Prior to the issue of the relevant occupation certificate for the commercial kitchen area (Condition B.10) approved under this consent:

- (a) The Applicant shall arrange for an inspection of the completed works by the NPWS Environmental Health Officer.
- (b) Following the inspection, the Applicant shall obtain written confirmation that the works have been completed to the satisfaction of the NPWS Environmental Health Officer.
- (c) A copy of the written confirmation, as required in (b), must be submitted to the Principal Certifier prior to the issue of the relevant Occupation Certificate. If the Department is not the Principal Certifier, a copy of the written confirmation shall be submitted to the Department along with the Occupation Certificate.

#### **E.13. Stormwater drainage system certification**

An appropriately suitably experienced person must provide certification to the principal certifier that the stormwater drainage system has been installed in accordance with the approved detailed stormwater drainage plan (Condition B.11), prior to issue of the occupation certificate. A copy of the documentation shall be submitted to the Department with the occupation certificate.

## **PART F – POST OCCUPATION**

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

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

### **F.2. Ongoing Engineering Inspection**

Annual inspections of the existing supporting slab and structural elements shall be carried out with recommendations given to the leaseholder Koscisuzko Thredbo with any maintenance requirements.

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## **ADVISORY NOTES**

### **AN.1 Appeals**

The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2021* (as amended).

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

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

### **AN.3 Notification of significant fire safety issues**

Where the appointed Certifier or Principal Certifier becomes aware of a significant fire safety issue during assessment of the construction certificate, carrying out inspections or assessment of an occupation certificate, the Certifier or Principal Certifier is to provide written notice to the Department describing the fire safety issue and the parts of the building affected by the issue within two days of being made aware.

### **AN.4 Other approvals and permits**

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

### **AN.5 Utility services**

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

### **AN.6 Dial before you dig**

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

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

## **AN.7 Disability Discrimination Act**

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