

# 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.



Mark Brown  
**Team Leader, Assessments**  
**Alpine Resorts Team**  
**Department of Planning, Housing and Infrastructure**

Jindabyne

27 February 2025

### SCHEDULE 1

<b>Application No.:</b>	DA No. 24/16458
<b>Applicant:</b>	Perisher Blue Pty Ltd
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	Land including the Quad Express Chairlift, Lot 177 DP 756697, Perisher Range Alpine Resort, Kosciuszko National Park
<b>Type of Development:</b>	General Development
<b>Integrated Bodies:</b>	Nil
<b>Approved Development:</b>	Works including: <ul style="list-style-type: none"><li>• removal of existing operators hut, and</li><li>• installation of a new operators hut, as outlined in Condition A.2</li></ul>

## DEFINITIONS

<b>Act</b>	means the <i>Environmental Planning and Assessment Act, 1979</i> (as amended).
<b>Applicant</b>	means Perisher Blue Pty Ltd, or any person carrying out any development to which this consent applies.
<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 24/16458</b>	means the development application lodged by the Applicant on 8 November 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>EEC</b>	means endangered ecological communities, as listed for the purposes of the <i>Biodiversity Conservation Act 2016</i> .
<b>Environmental Officer</b>	means the person appointed by the Applicant in accordance with Condition C.2.
<b>EP&amp;A Regulation</b>	means the <i>Environmental Planning and Assessment Regulation, 2021</i> (as amended).
<b>EP&amp;A (DCFS) Regulation</b>	means the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation, 2021</i> (as amended).
<b>Geotechnical Policy</b>	means the Department's Geotechnical Policy – Kosciuszko Alpine Resorts a copy of which is available at: <a href="https://www.planning.nsw.gov.au/-/media/Files/DPE/Plans-and-policies/geotechnical-policy-kosciuszko-alpine-resorts-2003-11.pdf">https://www.planning.nsw.gov.au/-/media/Files/DPE/Plans-and-policies/geotechnical-policy-kosciuszko-alpine-resorts-2003-11.pdf</a>
<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> , 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>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>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>	means that area of the Perisher Alpine Resort within the Park described in the documentation listed in Condition A.2 (specifically the Statement of Environmental Effects at reference No. 1).

## 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 24/16458 and supporting documentation lodged by the Applicant on 8 November 2024, as amended by the additional information received during the assessment of the application;
- (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	Date	Document Reference
1	Statement of Environmental Effects (Pages 1 to 30 inclusive only)	Replacement of Lift Hut – Perisher Quad Express Top Station,  Lot 177 DP 756697, Top Station Quad Express, Perisher Valley	Sophie Ballinger Perisher Resort	23 October 2024	
2	SEMP Appendix B	Site Environmental Management Plan - Replacement of Lift Hut, top of Quad Express Chair, Centre Valley	Perisher Blue Pty Ltd	January 2025	V.5
3	Geotechnical Assessment	Perisher Express Quad Chair Top Station Lift Operators Hut, Perisher NSW Geotechnical Assessment	Mark Bartel, AssetGeo-Enviro	31 October 2024	7406-4-R1 Rev 1
4	Geotechnical Certification	Form 4 Minimal Impact Certification	Mark Bartel, AssetGeo-Enviro	31 October 2024	-
5	SEE Appendix D	Aboriginal Due Diligence Updated	Sophie Ballinger Perisher Resort	21 November 2024	-

6	Document	Test of Significance Replacement Top Station Lift Hut Quad Express	-	10 December 2024	-
7	Document	Additional information request (RFI 3) Email 15/01/2025 DA24/16458 (PAN-481631) Replacement Lift Hut Quad Express	Sophie Ballinger Perisher Resort	17 January 2025	-
8	Document	Generator Specifications	Genelite	Undated	DHY22KSE -3
9	Document	Rorstrom Industries Generator Installation Compliance Report	Connexion Engineering Pty Ltd	19 February 2025	25001- REP-001 Rev No 00
10	Plan	Ground Floor Plan Perisher Express Top Hut	MM	4 September 2024	A02
11	Plan	Elevations South & West Perisher Express Top Hut	MM	16 January 2025	A03
12	Plan	Elevations North & East Perisher Express Top Hut	MM	16 January 2025	A04
13	Plan	Roof Plan & Sections 1 & 2 Perisher Express Top Hut	MM	16 January 2025	A05

Note: In accordance with section 24(3) of the EP&A Regulation, a development application is lodged on the day on which the fees payable for the development application under the EP&A Regulation are paid.

### **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, Division 2 of the EP&A Regulation. In particular, your attention is drawn to:

- (a) section 69, Compliance with Building Code of Australia; and
- (b) section 70, Erection of signs during building and demolition works.

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

All works which are part of the Development must be carried out in accordance with relevant 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 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.

#### **A.9. Extent of works**

This consent does not allow for any ground disturbance beyond minor excavation and reforming of the existing mound on which the existing hut is constructed and whereupon the replacement operator hut will be installed.

---

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

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

Building 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**

The appropriate building work plans and specifications must 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. Geotechnical recommendations**

Prior to the issue of the construction certificate, the Applicant is to demonstrate to the Principal Certifier, with a copy provided to the Secretary, compliance with the recommendations within the

Geotechnical Assessment report prepared by AssetGeoEnviro dated 31 October 2024 (reference 3 in Condition A.2.).

#### **B.6. Proposed fire safety measures and essential services**

Where fire safety measures are required, prior to the issue of the relevant construction certificate, the Applicant must provide to the Certifier a list and plans of the fire safety measures and essential fire services to be provided in relation to the land and any building on the land which is part of the Development. If the Department is not the Certifier, a copy of the list and plans must be submitted to the Department with the construction certificate.

---



## **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. Environmental Officer**

- (a) Prior to the commencement of any works which are part of the Development, an appropriately qualified Environmental Officer must be appointed, and the Secretary or nominee must be notified of the identity and contact details of this person. The Environmental Officer is to have experience with management of construction within, and rehabilitation of, sensitive environments.
- (b) In the event that the Environmental Officer needs replacing, the replacement is to be appropriately qualified and the Secretary must be notified of the replacement (including of the replacement person's identity and contact details).

### **C.3. Protection of adjacent vegetation areas**

The Applicant must manage the Subject site appropriately and ensure that measures are in place to ensure that vehicles and machinery do not enter into areas of vegetation that are not necessary for the purposes of the Development.

### **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 (Condition A.2) and these conditions of consent, shall be in place and in good working order.

### **C.5. 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, vegetative propagules and pathogens.
- (b) All equipment, machinery and vehicles must also be checked for oil, hydraulic and other fluid leaks prior to site mobilisation and during construction.
- (c) 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 (i.e. at the stockpile and staging areas proposed on ski slopes) and not be stored on native vegetation.

### **C.6. 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 must be kept by the Applicant on the Subject site at all times and be readily available for perusal by 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;
- (b) the approved documentation and plans (Condition A.2); and
- (c) the SEMP (Condition A.2).

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

All work in connection with the proposed Development must be carried out between the hours of 7.00am and 6.00pm, 7 days a week, or as otherwise approved by the Secretary or nominee.

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

- (a) All works are limited to the “summer period” and are not to commence when snow is located on the Subject site. For the purposes of this condition, the summer period means the period of time commencing after the October long weekend (subject to no snow being on the Subject site) and ending no later than 30 April the following year in each year works are required to complete the Development, with finishing of rehabilitation and stabilisation works up until 30 May, or as otherwise approved by the Secretary or nominee.
- (b) By 30 April in each year works are required to complete the Development, the Applicant must ensure that the Subject site is made safe and secure (having regard to the use of the area) 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) protecting and fencing off any areas that are unsafe, for instance due to incomplete works;
  - (iv) stabilisation and rehabilitation works in accordance with these conditions of consent and the approved documentation (can occur until 30 May if required); and
  - (v) any other specific matters related to making the Subject site safe and secure raised by the Secretary or nominee.

### **D.4. Role of the Environmental Officer**

The appointed Environmental Officer must oversee all works which are part of the Development on behalf of the Applicant to ensure:

- (a) compliance with all environmental protection measures in the approved documentation, including (without limitation) the documents specified in paragraphs (a) to (c) inclusive of Condition D.1;
- (b) all Subject site environmental management measures are in place and adequately functioning throughout the entire construction phase of the Development; and
- (c) that Subject site stabilisation and rehabilitation occurs in accordance with the approved plans (Condition A.2).

### **D.5. Construction activities and management**

- (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.

#### **D.6. 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.7. Waste**

All waste 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.8. 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.9. Site notice**

The Applicant must ensure that site notice(s) are prominently displayed at the boundaries of the Subject site for the purposes of informing the public of Development details. The notice(s) is/are 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 construction phase of the Development.
- (b) The notice(s) must list the approved hours of work, the name of the Applicant or other principal contractor for the work (if any), and include a 24 hour contact phone number for any inquiries, including construction/noise complaints.
- (c) The notice(s) is/are 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.10. 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.11. Dirt and dust control measures**

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.

#### **D.12. Safety demarcation**

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

#### **D.13. Erosion and sediment control measures**

- (a) All erosion prevention and sediment control measures must be checked and maintained in good working order at all times, particularly after precipitation events. All exposed earth must be kept stabilised and revegetation must commence as soon as practicable. All straw bales used for sediment and erosion control must be certified as weed free.
- (b) The erosion and sediment controls must also ensure that:

- (i) grading, excavation, and construction does not take place during or immediately after significant rainfall or snowfall events;
- (ii) sediment traps are designed, installed, and maintained to maximise the volume of sediment trapped from the Subject site during construction; and
- (iii) disturbed areas that are not required for further construction access are to be stabilised and revegetated during construction.

#### **D.14. 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) stockpiles are located within the site construction material and equipment storage area identified in the SEMP (Condition A.2); and
- (d) all stockpiling of material is undertaken in accordance with the Stockpile Guide.

#### **D.15. 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.16. Loading and unloading of construction vehicles**

All loading and unloading associated with 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.17. Rehabilitation and site establishment**

- (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 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;
  - (ii) the SEMP (Condition A.2); and
  - (iii) these conditions of consent.

#### **D.18. Re-fuelling**

Appropriate controls must be put in place to ensure no spillage when re-fuelling all vehicles and machinery associated with works for the Development. Re-fuelling of vehicles and machinery must be performed on hard-stand areas or off site, with appropriate spill kit and temporary bunding arrangements in place.

#### **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 excavations are to be left open overnight, provision shall be made so that any fauna entering these excavations can escape;

- (iii) any excess excavated material is to be moved off-site for storage or disposal;
- (iv) adequate provision shall be made for drainage; and
- (v) all excavations shall be properly guarded and protected to prevent them from being dangerous;
- (b) Any clean excavated material may be temporarily stockpiled at the site in the site construction material and equipment storage area specified in the SEMP (Condition A.2) prior to its removal off-site.
- (c) Any clean excess fill shall be reused on site or disposed of at an authorised land fill site, and any contaminated spoil shall be disposed of at an authorised waste facility.
- (d) Imported fill material shall only be obtained from an NPWS recommended source.

#### **D.20. Geotechnical requirements**

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

- (a) the Department's Geotechnical Policy; and
- (b) the Geotechnical Assessment in undertaken by AssetGeoEnviro dated 31 October 2024 (reference 3 and 4 in Condition A.2).

Works at variance to recommendations contained in the geotechnical assessment report shall not be undertaken without prior notification to the geotechnical engineer. Written advice of the variation shall be provided to the Department within 48 hours.

---

## **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. 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.5. Geotechnical certification**

The Applicant shall provide certification to the Principal Certifier prior to the issue of the final occupation certificate verifying the works have been completed in accordance with the Geotech Form 4 and recommendations of the associated geotech assessment report.

### **E.6. Rehabilitation**

- (a) Prior to the issue of any occupation certificate, the appointed environmental officer shall provide the Principal Certifier with a statement confirming:
  - (i) whether the initial rehabilitation has been undertaken in accordance with the approved documentation and these conditions of consent; and
  - (ii) whether the rehabilitation is considered satisfactory.
- (b) The Principal Certifier shall not issue an occupation certificate unless satisfied that all disturbed ground has been rendered erosion resistant and rehabilitated in accordance with the approved documentation and these conditions of consent.

### **E.7. Fire safety certificate**

Where fire safety measures are installed, prior to the issue of the relevant occupation certificate, a fire safety certificate conforming to the EP&A (DCFS) 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.

## **PART F – POST OCCUPATION**

### **F.1. Rehabilitation**

Up until the date 12 months after the issue of a final occupation certificate, all disturbed areas shall be monitored and necessary action undertaken to ensure that:

- (a) the ground remains erosion resistant and groundcover is being established; and
- (b) all areas planted with native species (including sod replacement and seeding), are surviving.

### **F.2. Annual fire safety statement**

Where fire safety measures are installed, 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.

---

## 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 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.4 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.5 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.6 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.