



**ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**  
**DETERMINATION OF DEVELOPMENT APPLICATION No. DA 035-04-2010**

I, Daniel James, Team Leader, Alpine Resorts Team as delegate for the Minister for Planning under Instrument of Delegation dated 25 January 2010 pursuant to Section 80 (1)(a) of the Environmental Planning and Assessment Act 1979 determine the Development Application referred to in Schedule 1 subject to the conditions referred in Schedule 2.

The reasons for the imposition of conditions are:

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

**Daniel James**  
Team Leader  
Alpine Resorts Team

25 / 5 / 2010

## SCHEDULE 1

### **PART A—TABLE**

<b>Application made by:</b>	Kosciuszko Thredbo Pty Ltd
<b>Application made to:</b>	Minister for Planning
<b>Development Application:</b>	DA No. 035-04-2010
<b>On land comprising:</b>	Shop 4 Mowamba Building, Thredbo, known as Thredbo Supermarket
<b>For the carrying out of:</b>	Reconfiguration of the store layout and the installation of a new coolroom and associated plant.
<b>Estimated Cost of Works</b>	\$10,000
<b>Type of development:</b>	Local
<b>S.119 Public inquiry held:</b>	No
<b>Approval Body / Bodies:</b>	Nil
<b>Determination made on:</b>	25 / 5 / 2010
<b>Determination:</b>	Development consent is granted subject to the conditions in the attached Schedule 2.
<b>Date of commencement of consent:</b>	This development consent commences on the date identified in the accompanying letter.
<b>Date consent is liable to lapse</b>	This consent will lapse 5 years from the date of commencement of consent, unless:  a shorter period of time is specified by the Regulations or a condition in Schedule 2.

### **PART B—NOTES RELATING TO THE DETERMINATION OF DA No. 035-04-2010**

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

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

#### *Appeals*

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

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

#### *Legal Notices*

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

## **PART C—DEFINITIONS**

In this consent,

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

**Applicant** means Kosciuszko Thredbo Pty Ltd.

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

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

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

**DA No 035-04-2010-2010** means the development application and supporting documentation submitted by the applicant on 9 April 2010.

**Department** means the Department of Planning.

**Director** means the Director of the Metropolitan Projects branch (or its successors) or a delegate of the Director of the Metropolitan Projects branch within the Department.

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

**Minister** means the Minister for Planning.

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

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

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

**Team Leader** means the Team Leader of the of the Metropolitan Projects branch (or its successors) or a delegate of the Team Leader of the Metropolitan Projects branch within the Department.



## SCHEDULE 2

### CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. DA 035-04-2010

#### RECONFIGURATION OF THE STORE LAYOUT AND INSTALLATION OF A NEW COOL ROOM WITH ASSOCIATED PLANT AT SHOP 4, MOWAMBA BUILDING, THREDBO.

This consent is granted subject to the following:

#### **PART A ADMINISTRATIVE CONDITIONS**

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##### ***A1 Development Description***

Development consent is granted only to the reconfiguration of the floor layout and the installation of a new cool room including associated plant within the Thredbo Supermarket, Thredbo.

##### ***A2 Development in Accordance with Plans***

The development shall be in accordance with Development Application No. DA 035-04-2010 submitted by Kosciuszko Thredbo Pty Ltd on 9 April 2010 and in accordance with the supporting documentation submitted with that application including, but not limited to, the following:

- Plan titled Site Plan and Lower Ground Floor Plan BY Anthony Cooper and Associates, numbered 835005/GA/1.
- Plan titled Thredbo Proposed Option 1 received with the application.
- Plan titled Site Management Plan by Lance Workshop dated 29.03.2010.
- Statement of Environmental Effects dated 8 April 2010.
- Site Environmental Management Plan by Lance Workshop dated 29 March 2020.

##### ***A3 Inconsistency between documents***

In the event of any inconsistency between conditions of this approval and the drawings/plans/documents referred to above, the conditions of this approval prevail.

##### ***A4 Prescribed Conditions***

The Applicant shall comply with the prescribed conditions of approval under clause 98 of the Regulation.

##### ***A5 Lapsing of Consent***

The development consent shall lapse 5 years after the determination date in Part A of Schedule 1 of this consent.

## **A6 Building Upgrade Requirements**

- i) Egress from the supermarket shall be provided in accordance with Section D of the BCA.
- ii) Access to and within the supermarket shall be provided for people with disabilities in accordance with Section D of the BCA.
- iii) Portable fire extinguishers shall be provided throughout the supermarket in accordance with Part E1 of the BCA
- iv) Emergency lighting shall be provided throughout the supermarket in accordance with Part E4 of the BCA
- v) Exit and direction signs shall be provided throughout the supermarket in accordance with Part E4 of the BCA

## **A7 Noise control**

Noise associated with the operation of the equipment used to cool the cool room shall not cause offensive noise as defined by the *Protection of the Environment Operations Act, 1997*.

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

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### **B1 Commencement of Works**

Demolition, excavation, clearing, construction, subdivision or associated activities must not commence until a Construction Certificate has been issued for the proposed development pursuant to the *Environmental Planning and Assessment Act, 1979*.

### **B2 Structural Details**

The applicant shall submit the following details to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate:

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

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

### **B3 Compliance with the Building Code of Australia (BCA)**

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

### **B4 Food Act 2003**

The food storage areas, including the cool room, are to be designed and constructed to 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*'.

Prior to the issue of a construction certificate, plans, including elevations, depicting compliance with above mentioned standards are to be provided to NPWS for endorsement that the premises is likely to comply with the requirements of the *Food Act 2003*.

## **B5 Air Intake**

To assist in minimizing noise, the air intake for the refrigeration plant shall be located within the eastern wall of the existing garage.

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

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### **C1 Notification to Department of the Date of Commencement of Works**

The Department shall be given written notice, at least 2 days prior to works commencing on site, of the date work is proposed to commence.

### **C2 Demolition**

The demolition work shall comply with the provisions of Australian Standard AS 2601-1991 'Demolition of Structures'.

## **PART D DURING CONSTRUCTION**

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### **D1 Approved Plans to be On-Site.**

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, or the PCA.

### **D2 Recycled Material**

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

### **D3 Site Notice**

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

- (a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (b) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
- (c) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice;
- (d) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.
- (e) If the PCA is not the Department then the name and contact details of the PCA are to be identified on the site signage.

### **D4 Dirt and Dust Control Measures**

Adequate measures shall be taken to prevent dirt and dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:

- (a) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material;
- (b) Covers are to be adequately secured;
- (c) Cleaning of footpaths must be carried out regularly;

- (d) Roadways must be kept clean;
- (e) Gates are closed between vehicle movements;
- (f) Gates are fitted with shade cloth; and,
- (g) The site is hosed down when necessary.

**D5 Hours of Work & Construction Activities**

The following requirements apply to the hours of demolition, excavation and construction work on the development:

- (a) All work, including building/demolition and excavation work in connection with the proposed development must only be carried out between the hours of 7.00am and 5.00pm on Monday to Friday inclusive, and 8:00am to 5.00pm on Saturdays, with no work allowed on Sunday or Public Holidays, or as otherwise approved by the Director General or nominee;
- (b) All construction activities are limited to the "summer" period. For this development this period means commencing after the October long weekend and ceases no later than 30 May or as otherwise approved by the Director General or nominee. By 30 May the applicant must ensure that the site is made safe and secure by undertaking the following:
  - Removal of all waste materials;
  - Removal and/or securing of all stockpiles of soil and gravel;
  - Construction materials are removed from around the building and stored within the building or contained within designated areas;
  - The construction site is fenced with para-webbing or other suitable visible protection fencing around the perimeter of the site to limit access to and from the site;
  - Ensure appropriate signage is erected outlining that unauthorised access to the site is prohibited and that the site is a construction zone;
  - External scaffolding to be dismantled and removed from the site;
  - All external plumbing and drainage works are to be completed; and
  - Any other specific matters raised by Departmental staff during the course of construction.
- (c) Prior to the commencement of the works the applicant shall forward to the Department a 24 hour telephone number and shall ensure that the number is continually attended by a person with authority over the works for the duration of the development.
- (d) This development consent does not extend to the use of appliances, which emit noise of a highly intrusive nature (such as pile drivers and hydraulic hammers). Prior to the use of any such appliances the applicant shall seek, in writing, authorisation from the PCA. The written information should include, but not be limited to, the following:
  - Details of the appliance.
  - Construction activity associated with the appliance.
  - Noise and vibration mitigation measures.
  - Length of time the appliance will be in use.

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

**D6 Storage of Materials**

The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any trees other than those areas approved in the Construction Management Plan.

**D7 Work Cover**

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

**D8 Construction Site Fencing.**

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

**D9 Maintenance of Services**

The applicant and/or the sub-lessee are responsible for costs associated with relocating any services. Any damage to any service including road infrastructure shall be immediately rectified by the applicant and/or the sub-lessee.

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

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**E1 Occupation Certificate**

An Occupation Certificate must be obtained from the PCA and a copy furnished to the Department prior to the occupation of the building or commencement of the use.

**E2 Environmental Health**

An inspection of the completed works shall be undertaken by the NPWS Senior Environmental Health Officer. Written confirmation from the NPWS Senior Environmental Health Officer that the inspection has been undertaken and works completed to the satisfaction of NPWS shall be submitted to the PCA prior to the issue of the occupation certificate.

**E3 Fire Safety Certificate**

A Fire Safety Certificate shall be submitted to the PCA for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of an Occupation Certificate. A copy of the Fire Safety certificate must be submitted to the Department by the PCA.

**E4 Removal of Temporary Structures – Builder's Signs**

Any temporary builder's signs or other site information signs are to be removed upon completion of the site works and prior to the occupation of the building(s) or commencement of the use.

**E5 Site Clean Up**

Prior to the issue of the Occupation Certificate, the subject site is to be cleaned up and appropriately rehabilitated to its original condition, subject to any changes as part of the approval to the satisfaction of the Director General or nominee. The site clean up includes but is not limited to the removal of any waste generated from the works and the like.

**PART F POST OCCUPATION**

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**F1 Prohibition of Hazardous Materials**

Hazardous or toxic materials or dangerous goods, in excess of normal domestic quantities, shall not be stored or processed on the site at any time.

**F2 Annual Fire Safety Statement**

An Annual Fire Safety Statement must be provided to the Department and the NSW Fire Brigade every 12 months commencing within 12 months after the date on which the Department has received the initial Fire Safety Certificate.