

# Development Consent

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

As delegate of the Minister for Planning, under delegation executed on 9 March 2022, I approved 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.



Erin Murphy  
**Team Leader**  
**Alpine Resorts Team**  
**Regional Assessments**  
**Department of Planning Housing and Infrastructure**

Jindabyne

20 May 2024

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### SCHEDULE 1

<b>Application No.:</b>	DA No 24/2122
<b>Applicant:</b>	Perisher Blue Pty Ltd
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	Car Park A, Skitube Terminal, Bullocks Flat, Kosciuszko National Park (Lot 500 DP 1171936)
<b>Type of Development:</b>	General Development
<b>Approved Development:</b>	Installation of light pole and associated works 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 Perisher Blue Pty Ltd, 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	means the Building Code of Australia, now superseded by the NCC.
<b>Certifier</b>	has the same meaning as in Part 6 of the Act.
<b>DA No 24/2122</b>	means the development application submitted by the Applicant on 29 February 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>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/sites/default/files/2023-03/geotechnical-policy-kosciuszko-alpine-resorts.pdf">https://www.planning.nsw.gov.au/sites/default/files/2023-03/geotechnical-policy-kosciuszko-alpine-resorts.pdf</a>
<b>Minister</b>	means the Minister for Planning, or nominee.
<b>NCC</b>	means the National Construction Code.
<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>OEH</b>	means the NSW Office of Environment and Heritage, or its successors.
<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 Principal Planning Officer 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>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 (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 Range (Bullocks Flat) within the Park described in the documentation listed in Condition A.2 (specifically the Statement of Environmental Effects at Item 1, and Site Plans in Items 5 and 7) showing the location of the proposed 'Installation of the Light Pole – Bullocks Flat Car park', and including the areas of the car park and Skitube terminal to be impacted by the proposed Cable Trenching Route.
<b>Team Leader</b>	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 must be in accordance with:

- (a) the Development Application No. 24/2122 and supporting documentation submitted by the Applicant on 29 February 2024,
- (b) Additional information submitted by the applicant on 11 March 2024, 13 March 2024 and 12 April 2024;
- (c) the conditions of this consent; and
- (d) the 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 (SEE)	Installation of Light Pole – Bullocks Flat Car park Bullocks Flat, Kosciuszko National Park	Sophie Ballinger	January 2024	-
2	Report	Site Environmental Management Plan (SEMP) Installation of Light Pole – Bullocks Flat	Sophie Ballinger	5 February 2024	-
3	Report	Archaeological Due Diligence	Sophie Ballinger	5 February 2024	-
4	Plan	Site Plan Installation of Light Pole – Bullocks Flat Car park	Sophie Ballinger	12 April 2024	-
5	Plan	Location Plan Installation of Light Pole – Bullocks Flat Car park	Sophie Ballinger	5 February 2024	-

6	Plan	Site Context Plan Installation of Light Pole – Bullocks Flat Car park	Sophie Ballinger	5 February 2024	-
7	Plan	Architectural Plans – Light Pole Elevation and Section Installation of Light Pole – Bullocks Flat Car park	Sophie Ballinger	12 April 2024	-
8	Plan	Cable Trenching Route	Perisher Ski Resort	11 March 2024	-
9	Geotechnical Assessment	Geotechnical Inspection Proposed 20m High Light Tower Bullocks Flat Car Park, Kosciuszko National Park, NSW	JK Geotechnics Pty Ltd	13 February 2020	32997RH SR
10	Geotechnical Policy Form 4	Geotechnical Policy – Kosciuszko Alpine Resorts Form 4 – Minimal Impact Certification	JK Geotechnics Pty Ltd	13 March 2024	-

Note: In accordance with section 24(3)(a) 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**

In undertaking the Development, the Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

#### **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 must 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 Excluded development**

No excavation / piers / piles greater than 3 metres in depth, as per the recommendations in the Geotechnical Assessment prepared by JK Geotechnics Pty Ltd (Condition A.2).

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

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

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

*Note: A construction certificate is required prior to commencing any physical activity involved in the erection of a building or other works associated with the Development. Some aspects of this development consent may not require a construction certificate.*

### **B.2. Documentation for the construction certificate**

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

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

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

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

### **B.4. Structural and Geotechnical Engineer Design**

Prior to the issue of the relevant construction certificate, structural details of the footings and piers, endorsed by a practicing geotechnical engineer, shall be provided to the certifier and include confirmation of the incorporation of the recommendations in the Geotechnical Assessment prepared by JK Geotechnics Pty Ltd (Condition A.2) into the design of the development.

### **B.5. Building works plans and specifications**

Detailed plans, specifications and supporting information is required to be submitted to the Certifier detailing how the proposed building work achieves compliance with the Building Code of Australia/National Construction Code (BCA/NCC). The appropriate building work plans and specifications (where relevant) must include the following:

- (a) Detailed building work plans, drawn to suitable scale and consisting of a block plan and a general plan, that show the following:
  - (i) footings and slabs;
  - (ii) a section and elevation of the works including the pole, piers and footings; and
  - (iii) the 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; and
  - (ii) describe the method of drainage; 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.

#### **B.6. Car Parking plans**

Prior to the issue of the relevant construction certificate, the Applicant must submit a car parking plan to the certifying authority that details:

- (a) Dimensioned plan of all adjacent retained car parking spaces showing compliance with the relevant Australian Standards for car parking
- (b) If any spaces no longer meet Australian Standards then they need to be identified as no parking (barriers or line marking to be installed to prevent parking)
- (c) Confirmation on if bollards are required to protect the pole from impact by vehicles, and if required, shown on the plans.

#### **B.7. Geotechnical declaration and certification**

Prior to the issue of any construction certificate;

- (a) the structural or civil engineer must provide a declaration that the structural or civil design documentation has been prepared in accordance with the geotechnical documentation (reference 9 Condition A.2); and
- (b) the geotechnical engineer must provide a declaration that they have reviewed the structural or civil design documents and that they are satisfied that the structural or civil design documentation is consistent with the geotechnical documentation.

The declarations must be submitted to the Certifier. If the Department is not the Certifier, the appointed Certifier must provide a copy of the declarations to the Department with the copy of the construction certificate.

#### **B.8. Materials and colours**

The approved materials and finishes of the monopole shall be powder coated woodland grey, except as approved in writing by the Secretary or nominee.

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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. Erection of construction sign**

- (a) A sign must be erected at eye level in 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 841 millimetres x 594 millimetres with text minimum 30 point.

### **C.3. Temporary fencing**

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

### **C.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) and these conditions of consent, shall be in place and in good working order.

### **C.5. 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 WORKS**

### **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. Hours of work**

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 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 (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; and
  - (v) any other specific matters related to making the Subject site safe and secure raised by the Secretary or nominee.

### **D.4. Construction activities and management**

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 (c) 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 Subject site;
- (d) all equipment, materials, stockpiles, vehicles, machinery and the like are confined to the Subject site;
- (e) all construction vehicles are to be parked only in existing driveways or car parks;
- (f) all stockpile sites, including material storage areas, parking and waste management receptors (e.g. skip bins) are placed so as not to impact on native vegetation; and
- (g) the subject site is to be left clean and tidy and free of loose building debris and materials at the conclusion of daily works.

*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. Aboriginal heritage**

- (a) Should any material suspected of being an Aboriginal object become unearthed in the course of works which are part of the Development, the Applicant must immediately:
  - (i) stop all works impacting the suspected relic or artefact and ensure the object is protected from harm; 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.6. Excavations and backfilling**

- (a) All excavating and backfilling work which is part of the Development must comply with the following:
  - (i) be executed in a safe manner and in accordance with appropriate professional standards;
  - (ii) where trenches or excavations are to be left open overnight, provision must be made so that any fauna entering these excavations can escape;
  - (iii) adequate provision must be made for drainage; and
  - (iv) all excavations must be properly guarded and protected to prevent them from being dangerous;

unless otherwise agreed in writing by the Secretary or nominee.

- (b) Any clean excavated material (i.e. containing no contaminants or weeds) or excess imported material may be:
  - (i) temporarily stockpiled at the Subject site in accordance with the Rehabilitation Guide and Stockpile Guide;
  - (ii) stockpiled and stored in accordance with the Stockpile Guide at a location in the Perisher Range Resort that is approved by the Secretary or nominee; or
  - (iii) disposed of at an authorised waste facility.
- (c) Any contaminated material (i.e. containing chemical contaminants or weeds) must not be stockpiled at the Subject site or within the Park and is to be disposed of at an authorised waste facility.
- (d) Imported fill material and gravel must only be obtained from the following sources:
  - (i) the McMahons Earthmoving quarry, located on Alpine Way, Crackenback NSW;
  - (ii) the Kraft Earthmoving / Snowy Mountains Sand and Gravel quarry located on Kosciuszko Road, Jindabyne NSW; or
  - (iii) any other source authorised by NPWS under the regulations it administers.

#### **D.7. 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.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. 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.10. 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.11. 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 trail construction.

#### **D.12. 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, 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.13. 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.14. 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.15. Blasting**

No explosives may be used, or blasting occur, as part of the Development without prior notice to SafeWork NSW. A copy of each such notice must be submitted to the Secretary or nominee and NPWS.

**D.16. Use of treated timber**

If any treated timber is required to be used for the Development, it must not be treated with copper chrome arsenic.

**D.17. Stabilising agents**

The use of soil stabilising agents is not permitted without prior consent of the Secretary or nominee in consultation with the OEH.

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

### **E.1. Occupation certificate for light pole structure**

Prior to the occupation or the commencement of use of the light pole structure, which is 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 or nominee prior to 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 of the Development, the Subject site shall be cleaned up to the satisfaction of the Secretary or nominee.

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

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

### **E.4. Rehabilitation**

- (a) 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.
- (b) Any planting works or rehabilitation carried out within the garden should be comprised of native plants only in accordance with the Rehabilitation Guidelines for the Resort Areas of Kosciuszko National Park (KNP).

### **E.5. 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.6. Structural certification of new work**

A structural engineer's certificate must be submitted to the Principal Certifier prior to issue of the relevant occupation certificate. This certificate is to verify that structural works which are part of the Development have been completed in accordance with approved plans and specifications, geotechnical engineers' recommendations and comply with the provisions of the BCA and relevant standards. A copy of the certificate is to be submitted to the Secretary or nominee with the occupation certificate documentation.

### **E.7. Geotechnical certification**

A geotechnical engineer's certificate must be submitted to the Principal Certifier prior to issue of the relevant occupation certificate. This certificate is to verify that the works have been completed in accordance with the geotechnical documentation (reference 9 Condition A.2). If the Department is not the Principal Certifier, the appointed Principal Certifier must provide a copy of the certificate to the Department with the copy of the occupation certificate.

#### **E.8. Car parking spaces certification**

Prior to the issue of the occupation certificate, certification shall be submitted to the principal certifier to demonstrate that all car parking spaces around the light pole meet and are appropriately line marked in accordance with the BCA/NCC and relevant Australian Standards. If the Department is not the principal certifier, a copy of the documentation shall be submitted to the Department with the occupation certificate.

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## **PART F – POST OCCUPATION**

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

All disturbed areas shall be monitored and necessary action undertaken to ensure that any seeding of the site has established and has become erosion resistant.

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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 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 Lighting

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