

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 Resort
Department of Planning and Environment

Jindabyne

11 May 2022

SCHEDULE 1

Application No.:	DA No. 22/4318
Applicant:	Perisher Blue Pty Ltd
Consent Authority:	Minister for Planning
Land:	Front Valley, Perisher Range Alpine Resort, Kosciuszko National Park
Type of Development:	General Development
Approved Development:	Works including: <ul style="list-style-type: none">• removal of existing snowmaking infrastructure• installation of new snowmaking infrastructure• trenching and rehabilitation works

DEFINITIONS

Act	means the <i>Environmental Planning and Assessment Act, 1979</i> (as amended).
Applicant	means Andrew Kennedy (on behalf of the Perisher Blue Pty Ltd), or any person carrying out any development to which this consent applies.
Approval Body	has the same meaning as within Division 4.8 of Part 4 of the Act.
BCA	means the edition of the Building Code of Australia in force at the time of lodgement of an application for a Construction Certificate.
Certifier	has the same meaning as in Part 6 of the Act.
DA No. 22/4318	means the development application lodged on 24 March 2022.
Department	means the Department of Planning and Environment, or its successors.
Development	means the development approved pursuant to this consent, as defined in Condition A.2 and as modified by the conditions of this consent.
Director	means the Director of Regional Assessments or a delegate of the Director of within the Department.
Environmental Officer	means the person appointed by the Applicant in accordance with Condition C.2.
EP&A Regulation	means the <i>Environmental Planning and Assessment Regulation, 2021</i> (as amended).
EP&A Regulation (DCFS)	means the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> .
Geotechnical Policy	means the Department's Geotechnical Policy – Kosciuszko Alpine Resorts a copy of which is available at: https://www.planning.nsw.gov.au/-/media/Files/DPE/Plans-and-policies/geotechnical-policy-kosciuszko-alpine-resorts-2003-11.pdf
Minister	means the Minister for Planning, or nominee.
NPWS	means the National Parks and Wildlife Service, or its successors.
Non-compliance	means an occurrence, set of circumstances or development that is a breach of this consent.
Park	means the Kosciuszko National Park reserved under the <i>National Parks and Wildlife Act 1974</i> .
Precincts - Regional SEPP	means the State Environmental Planning Policy (Precincts – Regional) 2021 (as amended), that includes Chapter 4 – Kosciuszko National Park and alpine resorts.
Principal Certifier	means the principal certifier and has the same meaning as Part 6 of the Act.
Rehabilitation Guide	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: https://www.environment.nsw.gov.au/research-andpublications/publications-search/rehabilitation-guidelines-for-theresort-areas-of-kosciuszko-national-park
Secretary	means the Secretary of the Department, or nominee/delegate.
Secretary's approval, agreement or satisfaction	means a written approval from the Secretary or nominee/delegate.
Site Environmental Management and Rehabilitation Plan or SEMRP	means the updated Site Environmental Management and Rehabilitation Plan for the Subject site, prepared by the Applicant as part of Condition C.5.
Stockpile Guide	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.
Subject site	means that area of the Perisher Range Alpine Resort within the Park described in the documentation listed in Condition A.2 (specifically the Statement of Environmental Effects at Item 1).
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 22/4318 and supporting documentation lodged on 24 March 2022;
- (b) the conditions of this consent; and
- (c) 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)	Relocation of Snowmaking Infrastructure, Front Valley, Perisher Ski Resort	Perisher Blue Pty Ltd	March 2022	
2	Plan (within SEE)	Site Plan Location Map, Front Valley Snowmaking Relocation	Perisher Blue Pty Ltd	March 2022	Figure 2
3	Plan	Cover Sheet, Drawing List and Locality Plan	CLM CiViL Engineering	28 February 2022	U248, R.B 1/3
4	Plan	Plan View and Details	CLM CiViL Engineering	28 February 2022	U248, R.B 2/3
5	Plan	Fan Gun Pit Details	CLM CiViL Engineering	28 February 2022	U248, R.B 3/3
6	Form 4	Geotechnical Policy - Kosciuszko Alpine Resorts Form 4 – Minimal Impact Certification	Asset Geotechnical Engineering Pty Ltd	4 March 2022	-

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 this 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 4, Division 2 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 shall be served on the Secretary.

A.8. Non-Compliance Notification

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

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

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

PART B – PRIOR TO THE ISSUE OF 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 BCA to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:

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

B.3. Structural drawings and design statement

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

- (a) submit structural drawings and a design statement, prepared and signed by an appropriately qualified practising Structural Engineer, to the Certifier; and
- (b) include confirmation of the incorporation of the recommendations in the Geotechnical Assessment Report, included in the submitted Form 4, prepared by Asset Geotechnical Engineering Pty Ltd (Condition A.2 Item 4) into the design of the development utilised for the construction certificate.

B.4. Hydraulics plan

Prior to the issue of the relevant construction certificate, a hydraulics design plan and specification in accordance with the relevant and current Australian Standards, prepared and signed by an appropriately qualified and practising professional engineer, shall be submitted to the Certifier. If the Department is not the Certifier, a copy of the approved plan shall 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 similarly 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 native vegetation that are not necessary for the purposes of the Development.

C.4. “No Go” areas

Prior to any works which are part of the Development commencing:

- (a) “No Go” areas must be appropriately marked so as to clearly delineate environmentally sensitive areas to be avoided by vehicles, machinery and personnel;
- (b) the “No Go” areas to be identified by paragraph (a) are to include the patch of native vegetation adjacent to the development corridor; and
- (c) the Environmental Officer must provide written and signed certification to the Secretary or nominee outlining the location of the “No Go” areas referred to in paragraph (a), confirming that the Environmental Officer has appropriately marked the areas accurately as described in (a) above.

C.5. Site environmental management and rehabilitation plan (SEMRP)

Prior to any works commencing which are part of the Development, the Site Environmental Management and Rehabilitation Plan (SEMRP) is to be updated to include:

- (a) Exotic grass species such as Chewings Fescue are not suitable for the rehabilitation of areas containing predominantly native species. Areas which are predominantly exotic grass may be reseeded using a 50:50 native Poa (locally occurring) and Fescue mix.
- (b) Monitoring and mulching and re-seeding of any bare areas must occur at least every 12 months for a minimum period of 5 years.
- (c) Rehabilitation must be in accordance with the Rehabilitation Guide; and.
- (d) All straw bales or other mulch used for rehabilitation must be weed free.

The amended SEMRP must be submitted to the Principal Certifier and Secretary or nominee.

Once the SEMRP is prepared, the Environmental Officer (Condition C.2) is to ensure the staff and contractors attending the Site have been made aware of the SEMP, and have access to, and are instructed to follow, the SEMP.

C.6. Implementation of site environmental management measures

- (a) Prior to any works which are part of the Development commencing:
 - (i) all site environmental management measures relevant to that section of work, in accordance with the approved documentation and plans (Condition A.2) and these conditions of consent and the various approved plans required by them, must be in place and in good working order, or management actions carried out (such as weed management), as applicable;
 - (ii) all site environmental management measures must be contained within the construction corridor (see Condition C.9);
 - (iii) the site environmental management measures must be inspected and approved by the Environmental Officer; and
 - (iv) the Environmental Officer must provide written and signed certification to the Secretary or nominee confirming that sub-paragraphs (i), (ii) and (iii) above have been satisfied.
- (b) Prior to commencing each stage of work (if required), all proposed erosion and sediment control measures must be put in place.

Details demonstrating compliance with this condition from the Environmental Officer is to be forwarded to the Secretary or nominee prior to commencement of works.

C.7. 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 (i.e. at the stockpile, formed roads and within the construction corridors) and avoid undisturbed areas.

C.8. Treatment of weeds

- (a) Prior to the commencement of works which are part of the Development comprising the development corridor and associated stockpile sites are to be treated to ensure these weeds are not spread further at the Subject site or throughout the Park.
- (b) For the purposes of paragraph (a), the term “relevant weed species” refers to target pest or weed flora species identified in the regional pest management strategy for the NSW Southern Ranges Region most recently published by the Department. At the date of this consent the current publication is the *Regional Pest Management Strategy 2012-17 Southern Ranges Region*, a copy of which is available at: <https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Parks-reserves-and-protected-areas/Pest-management-strategies/regional-pest-management-strategy-southern-ranges-region-120374.pdf>
- (c) This condition (Condition C.8) may be satisfied for the whole Development or progressively for various project stages which are part of the Development. In the latter case, paragraphs (a) and (b) of this condition shall reapply for each project stage.
- (d) If an area of excavation and trenching includes any relevant weed species then the vegetation component must first be treated and removed completely from the Subject site and not spread out on site with excavated material or included with excess excavated material to be stockpiled offsite for reuse.

C.9. Construction corridor

- (a) Prior to any works commencing which are part of the Development:
 - (i) the construction corridor shall be temporarily fenced/roped so as to clearly delineate the construction areas and the “No Go” areas (see Condition C.4);
 - (ii) the fenced construction corridor shall be inspected and approved by the Environmental Officer (Condition C.2); and
 - (iii) the Environmental Officer must provide written and signed certification to the Principal Certifier confirming that the fenced construction corridor is in place in accordance with the approved documentation (Condition A.2) and these conditions of consent and is satisfactory.
- (b) The construction corridor shall comprise of the following:
 - (i) a 6-metre-wide corridor encompassing the snowmaking infrastructure trench lines and existing and relocated fan gun pit locations;
 - (ii) the immediate area adjacent to the pit locations, where the subject works area must be restricted to the minimum area necessary to enable construction;
 - (iii) any stockpiling and storage areas shall be located within the fenced corridor; and
 - (iv) shall exclude any areas identified as “no Go” areas (see Condition C.4).

C.10. Access Routes

Access to the site works must be clearly marked prior to works commencing in accordance with the approved plans, or as otherwise approved by the Secretary.

C.11. Pre-commencement compliance report

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

C.12. 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 SEMRP (Condition C.5).

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 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; and
 - (v) any other specific matters related to making the Subject site safe and secure raised by the Principal Certifier or 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 (d) inclusive of Condition D.1;
- (b) all Subject site environmental management measures are in place and adequately monitored, maintained and functioning throughout the entire construction phase of the Development; and
- (c) that Subject site stabilisation and rehabilitation occurs in accordance with the SEMRP (Condition C.5).

D.5. 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 (d) inclusive of Condition D.1;
- (b) all construction activities in connection with the Development are confined to the construction corridor as referenced in Condition C.9;
- (c) no disturbance or other adverse environmental impacts occur outside the construction corridor as referenced in Condition C.9;
- (d) all equipment, materials, stockpiles, vehicles, machinery and the like are be confined to the construction corridor as referenced in Condition C.9; and
- (e) construction must not commence when snow is located on the development corridor, and machinery must not be used to remove snow from areas containing native vegetation.

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.6. Water in excavations

- (a) In the event that water needs to be pumped out of any excavations required for the Development, a temporary filter dam must be constructed by the Applicant, and water pumped into the filter dam.
- (b) A filter dam for the purposes of paragraph (a) must be constructed of hay bales and/or geofabric material and must be inspected and approved by the Environmental Officer prior to being used.
- (c) All pump out equipment and any temporary filter dams must be wholly contained within the construction corridor as referenced in Condition C.9 unless otherwise agreed by the Secretary or nominee.
- (d) Excavation work as part of the development must not proceed during precipitation events.

D.7. 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.8. 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) The name, address and phone number of the Principal Certifier is to be identified on the notice(s).

D.9. 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.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. 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.14. Waste

All waste must be contained in receptacles and covered overnight, 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.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. Excavations and backfilling

- (a) All excavation 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 for fauna egress 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) may be:
 - (i) temporarily stockpiled at the Subject site in accordance with the Rehabilitation Guide and Stockpile Guide; or
 - (ii) stockpiled, at a location authorised by NPWS, and managed for future use in accordance with the Rehabilitation Guide and Stockpile Guide; 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 an NPWS authorised source and in accordance with the Stockpile Guide.
- (e) Excess imported fill material must be stockpiled for reuse within the Perisher Range Alpine Resort at a location authorised by NPWS and in accordance with the Stockpile Guide.

D.18. Sod replacement techniques of native flora species where trenching is proposed

Sod replacement is to be utilised where possible. If sod replacement does not achieve rapid stabilisation and revegetation in some areas, or is not suitable for an area, then follow up rehabilitation of the site is required to achieve an erosion resistant state.

D.19. 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, known as 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.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. 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; and
 - (ii) the approved SEMRP (Condition C.5); and
 - (iii) these conditions of consent.

D.23. Geotechnical requirements

At all times works associated with the Development must comply with:

- (a) the Department's Geotechnical Policy; and
- (b) the Geotechnical Assessment and Form 4 undertaken by Asset Geotechnical Engineering Pty Ltd dated 4 March 2022 (Condition A.2).

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

D.24. 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 with appropriate spill kit and temporary bunding arrangements in place.

D.25. Stabilising agents

The use of soil stabilising agents for work or rehabilitation which is part of the Development is not permitted without prior consent of the Secretary or nominee in consultation with the NPWS.

PART E – PRIOR TO COMMENCEMENT OF USE

E.1. Occupation certificate

Prior to the occupation or the commencement of use, 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 or the commencement of use.

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 an occupation certificate, the appointed Environmental Officer must 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 it is satisfied that all disturbed ground, including trenchlines, has been rendered erosion resistant and rehabilitated in accordance with the approved documentation and these conditions of consent.

E.5. Geotechnical certification

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

E.6. Electrical certification

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

E.7. Progress report

- (a) On 1 June each year, until an occupation certificate has been issued for the whole of the development, the appointed Environmental Officer shall submit to the Department a progress report for the SEMRP (Condition C.5).
- (b) The progress report shall outline for all rehabilitation and monitoring works:
 - (i) whether the works have been commenced, in progress, or completed;
 - (ii) if completed, whether they comply with the SEMRP (Condition C.5);
 - (iii) if not completed, the expected timeframe for commencement and completion; and
 - (iv) if in progress or completed, what monitoring, and maintenance is being undertaken.

- (c) If the Secretary or nominee gives directions to the Applicant to take further action in respect of rehabilitation and monitoring as a result of a progress report (or failure to submit one), these directions must be complied with.

E.8. Snowmaking infrastructure certification

Prior to issue of a relevant occupation certificate, certification prepared and signed by an appropriately qualified and practising professional engineer shall be submitted to the Principal Certifier. The certificate shall indicate that the snowmaking infrastructure installation works have been installed in accordance with the relevant Australian Standards and design documentation.

E.9. As built survey plan

Within 12 months of the issue of any occupation certificate, an 'as built' survey plan of the constructed development is to be furnished to the Secretary or nominee.

PART F – POST OCCUPATION

F.1 Rehabilitation

Up until a minimum period of five (5) years from the date after the issue of an occupation certificate for the whole of the Development, all disturbed areas on and around the Subject site must be monitored and necessary action undertaken to ensure that:

- (a) the ground remains erosion resistant and the groundcover is being established; and
 - (b) all areas planted with native species (including sod replacement and seeding), are surviving, where replacement plantings will otherwise be carried out at least once within every twelve (12) month period within the five (5) year period until successful site establishment in accordance with the approved revegetation requirements; and
 - (a) all components of the SEMRP (Condition C.5) have been implemented and reported on.
-

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 consents and agreements are obtained from other authorities, as relevant.

AN.3 Utility services

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

AN.4 Plumbing and drainage

If plumbing and drainage works are required, these shall comply with the Plumbing Code of Australia and AS/NZS 3500 *Plumbing and drainage* and shall be carried out by an appropriately licensed plumber.

AN.5 Temporary fencing and signage

Prior to works commencing, the construction works area shall be fenced with temporary fencing in accordance with current SafeWork NSW guidelines. This fencing is to clearly delineate the construction area and shall keep the disturbance area to a minimum. Signage should be provided to advise this is an active work site. This is to restrict access and also prevent unauthorised persons entering the work area.