

# 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, and/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.



Keiran Thomas  
**Director**  
**Regional Assessment**  
**Department of Planning, Housing and Infrastructure**

Jindabyne

29 February 2024

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### SCHEDULE 1

<b>Application No.:</b>	DA 22/12013
<b>Applicant:</b>	Charlotte Pass Snow Resort Pty Ltd
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	Lot 100 and Lot 116 in DP 1242013 and Lot 101 in DP 1067727, Charlotte Way and Kosciuszko Road, Charlotte Pass, Kosciuszko National Park
<b>Type of Development:</b>	Nominated Integrated Development and Integrated Development
<b>Integrated Bodies:</b>	Department of Planning and Environment – Water and Transport for NSW
<b>Approved Development:</b>	Replacement of Guthries poma ski lift with double chairlift and associated works as outlined in Condition A.2.

## DEFINITIONS

Act	means the <i>Environmental Planning and Assessment Act, 1979</i> (as amended).
Applicant	means Charlotte Pass Snow Resort 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.
BDAR	means biodiversity development assessment report.
Certifier	has the same meaning as Part 6 of the Act.
DA No 22/12013	means the development application submitted by the Applicant on 12 October 2022.
Department	means the Department of Planning, Housing and Infrastructure, or its successors.
DPE Water	means the Department of Planning and Environment – Water, 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 within the Department.
EEC	endangered ecological communities, as listed for the purposes of the <i>Biodiversity Conservation Act 2016</i> .
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 (DCFS) Regulation	means the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation, 2021</i> (as amended).
Geotechnical Policy	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>
Minister	means the Minister for Planning and Public Spaces, 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 <i>State Environmental Planning Policy (Precincts – Regional) 2021</i> (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.
Qualified Ecologist	means the person appointed by the Applicant in accordance with Condition C.1.
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-and-publications/publications-search/rehabilitation-guidelines-for-the-resort-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 Plan or SEMP	means a site environmental management plan for the Subject site, prepared by the Applicant as part of the development application and updated in accordance with 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	has the same meaning as the land identified in Part A of this schedule.
Team Leader	means the Team Leader of the Alpine Resorts Team within the Regional Assessments division (or its successors) or a delegate of the Team Leader of the Alpine Resorts Team within the Department.
TfNSW	means Transport for NSW, or its successors.

## 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 DA No 22/12013 and supporting documentation lodged on 12 October 2022;
- (b) additional information and amended plans submitted by Charlotte Pass Snow Resort Pty Ltd;
- (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	Date / Received	Document Reference
1	Statement of Environmental Effects (SEE)	Replacement of the Guthries Highspeed Poma with a Double (two-person) Chairlift	Accent Town Planning Pty Ltd	September 2023	Rev 5
2	Biodiversity Development Assessment Report (BDAR)	Proposed Guthries Chairlift, Charlotte Pass Ski Resort	Eco Logical Australia Pty Ltd	2 August 2023	16821 Version 3
3	Aboriginal Cultural Heritage Assessment	Generic Due Diligence Process, Guthries Lift Replacement DA	-	-	-
4	Geotechnical Investigation Report	Guthrie's Double Chair Lift Charlotte Pass Snow Resort	ACT Geotechnical Engineers Pty Ltd	May 2021	JM/C11763
5	Form 4	Minimal Impact Certification	ACT Geotechnical Engineers Pty Ltd	4 September 2023	-
6	Demolition Plan	Guthries Charlotte Pass NSW Demolition Plan	Doppelmayr Australia Pty Ltd	24 May 2023	2020-15 Rev B
7	Construction Environment Management Plan	Replacement of Guthries High Speed Poma with Double Chairlift	Charlotte Pass Snow Resort Pty Ltd	1 September 2023	Rev 1

8	Site Environmental Management Plans (SEMP)	Guthries Lift Replacement	Charlotte Pass Snow Resort Pty Ltd	1 September 2023	Ver 1
9	Access Track Report	Site Access Track Current Conditions, Proposed Improvements, Guthries Lift Replacement DA	Charlotte Pass Snow Resort Pty Ltd	Submitted in Planning Portal 3 November 2023	-
10	Heritage Significance Report	Guthries Hight Speed Poma	Charlotte Pass Snow Resort Pty Ltd	October 2023	-
11	Report	Overhead control cable	Doppelmayr Australia Pty Ltd	26 August 2022	2020-15
12	Plan	Profile 2-CLF Guthries	Doppelmayr Australia Pty Ltd	15 March 2021	2020-15-P-001 Index A
13	Plan	Layout bottom station	Doppelmayr Australia Pty Ltd	1 October 2020	20020469D005001
14	Plan	Pilzdrive fix GPW 190	Doppelmayr Australia Pty Ltd	21 February 2003	20020457D001000 Index A
15	Plan	Operator Hut Assembly General Arrangement	Doppelmayr Australia Pty Ltd	14 October 2020	2020-19-M-001 Rev A
16	Plan	Drive Bullwheel Complete	Doppelmayr Australia Pty Ltd	23 October 2002	20020296D000502
17	Plan	Emerg. Drive Cummins B 3.9-C130	Doppelmayr Australia Pty Ltd	8 November 2002	20004490B139002
18	Plan	Hydraulic Diagram	Doppelmayr Australia Pty Ltd	8 November 2002	20004489B131003
19	Plan	Hydraulic Diagram	Doppelmayr Australia Pty Ltd	8 November 2002	20004488B011003
20	Plan	Bullwheel Bear. Assembly Type M	Doppelmayr Australia Pty Ltd	4 June 2003	20019679D000701 Index B
21	Plan	Bullwheel Coupling	Doppelmayr Australia Pty Ltd	16 December 2002	20005864D000801 Index A
22	Plan	Emergency brake 50kN	Doppelmayr Australia Pty Ltd	19 October 1999	29003D012010 Index A
23	Plan	Disk Brake Type D L-25	Doppelmayr Australia Pty Ltd	30 July 2002	20011000D002201 Index A

24	Plan	Tacho Drive	Doppelmayr Australia Pty Ltd	22 September 2005	20003300D000301 Index C
25	Plan	Guthries 2CLF Top Station Layout	Doppelmayr Australia Pty Ltd	18 March 2021	2020-15-M-021 Rev B
26	Plan	Operator Hut – Right – Assembly General Arrangement	Doppelmayr Australia Pty Ltd	22 October 2020	2020-23-M-002 Rev A
27	Plan	Hydraulic Diagram	Doppelmayr Australia Pty Ltd	24 June 2020	2020-15-H-001
28	Plan	Double Chair Model E	Doppelmayr Australia Pty Ltd	-	1831J204
29	Plan	Rope Clamp 32mm DS7	Doppelmayr Australia Pty Ltd	17 March 1986	S-41294
30	Plan	Wartungsgehege (Maintenance hanger)	Doppelmayr Australia Pty Ltd	14 September 2004	20008270J113100 Index B
31	Plan	Tower Shaft 20in. DIA	Doppelmayr Australia Pty Ltd	5 December 1983	13407D051500 Index 1
32	Plan	Tower Shaft DCL TCL 20in. dia	Doppelmayr Australia Pty Ltd	3 December 1985	S-24318-2
33	Plan	Tower Shaft DCL TCL 24in. dia	Doppelmayr Australia Pty Ltd	3 December 1985	S-26045-2
34	Plan	Tower Yoke	Doppelmayr Australia Pty Ltd	7 September 1989	17968D051500 Index A
35	Plan	Tower Yoke for Chairlift	Doppelmayr Australia Pty Ltd	4 December 1985	S-35.376
36	Plan	Tower Yoke	Doppelmayr Australia Pty Ltd	4 December 1985	S-35.384
37	Plan	Tubular Tower Foundation No. 1	Doppelmayr Australia Pty Ltd	27 October 2020	2020-15-C-005 Index A
38	Plan	Tubular Tower Foundation No. 2	Doppelmayr Australia Pty Ltd	7 December 2020	2020-15-C-006 Index B
39	Plan	Tubular Tower Foundation No. 3	Doppelmayr Australia Pty Ltd	24 September 2020	2020-15-C-007 Index A

40	Plan	Tubular Tower Foundation No. 4	Doppelmayr Australia Pty Ltd	24 September 2020	2020-15-C-008 Index A
41	Plan	Tubular Tower Foundation No. 5	Doppelmayr Australia Pty Ltd	24 September 2020	2020-15-C-009 Index A
42	Plan	Tubular Tower Foundation No. 6	Doppelmayr Australia Pty Ltd	15 March 2020	2020-15-C-010 Index B
43	Plan	Tubular Tower Foundation No. 7	Doppelmayr Australia Pty Ltd	24 September 2020	2020-15-C-011
44	Plan	Bottom Foundation Layout – Formwork Drawing	Doppelmayr Australia Pty Ltd	23 September 2020	2020-15-C-001
45	Plan	Bottom Foundation Layout – Reinforcement Drawing	Doppelmayr Australia Pty Ltd	23 September 2020	2020-15-C-002
46	Plan	Top Station Foundation Formwork Guthries	Doppelmayr Australia Pty Ltd	30 September 2020	2020-15-C-003
47	Plan	Top Station Foundation Reinforcement Guthries	Doppelmayr Australia Pty Ltd	1 October 2020	2020-15-C-004
48	Plan	Operator Room Foundation	Doppelmayr Australia Pty Ltd	28 October 2020	2020-15-C-012 Index A
49	Plan	Guthries Layout	Doppelmayr Australia Pty Ltd	26 August 2022	2020-15-C-013 Rev D
50	Plan	Rock Retaining Wall Standard Notes	Doppelmayr Australia Pty Ltd	16 March 2021	2020-15-C-014 Rev A
51	Plan	Guthries Staging Plan	Doppelmayr Australia Pty Ltd	21 November 2022	2020-15C-015 Rev B
52	Plan	Guthries Layout Bottom	Doppelmayr Australia Pty Ltd	26 August 2022	2020-15-C-016 Rev B
53	Plan	Guthries Layout Top	Doppelmayr Australia Pty Ltd	7 August 2023	2020-15-C-017 Rev C
54	Plan	Guthries Layout Lot 116	Doppelmayr Australia Pty Ltd	25 November 2022	2020-15-C-018 Rev A
55	Plan	Environmental Control General Details & Notes	Doppelmayr Australia Pty Ltd	25 November 2022	2020-15-C-019 Rev A

56	Plan	Guthries Layout Clean	Doppelmayr Australia Pty Ltd	7 August 2023	2020-15-C-020 Rev A
57	Plan	General Structural-Civil Notes	Doppelmayr Australia Pty Ltd	1 September 2023	2020-15-C-021 Rev A
58	Plan	Excavation Layout	Doppelmayr Australia Pty Ltd	1 September 2023	2020-15-C-022 Rev A
59	General Terms of Approval	DA 22/12013 – Replacement of Guthries Poma with a Double Seater Chairlift – LOT: 100 DP: 1242013 – Charlotte Way CHARLOTTE PASS	Transport for NSW	23 February 2024	STH24/00097/001
60	General Terms of Approval	General Terms of Approval for work requiring a controlled activity approval under the Water Management Act 2000	DPE Water	23 February 2023	IDAS-2022-10601

Note: In accordance with section 24(3)(a) of the Regulation, a Development Application is lodged on the day on which the fees payable for the Development Application under this Regulation are paid, including the integrated development fees.

### **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 which are part of the Development must comply with the prescribed conditions of development consent as set out in Part 4, Division 2 of the Regulation. In particular, the Applicant's 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 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 Principal Certifier must also notify the Department in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) and [alpineresorts@planning.nsw.gov.au](mailto:alpineresorts@planning.nsw.gov.au) within seven days after they identify any non-compliance.

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

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

## **A.9. Excluded development**

The following works are excluded from this consent:

- (a) electrical sub-station works or Essential Energy related works;
- (b) works outside the BDAR development footprint (Figure 2, reference 2 in Condition A.2) unless expressly referenced in a condition of consent;
- (c) rock removal (surface or sub surface) unless expressly referenced in a condition of consent;
- (d) tree trimming or removal unless expressly referenced in a condition of consent;
- (e) demolition or removal of existing tower footings other than Tower 8;
- (f) other than at the existing bottom station, the use of any wheeled or tracked vehicles or machines in any part of the demolition phases for the existing Guthries Poma;
- (g) any existing or proposed snow making;
- (h) permanent snow fences;
- (i) underground cabling other than the cabling that runs between the Bottom Operator Hut and the Drive Station;
- (j) signage unless expressly referenced in a condition of consent; and
- (k) any visitor or tourist chairlift operating hours outside of normal winter operating hours.

## **A.10. Included development**

The following works are included in this consent:

### Demolition / Removal

- (a) existing Guthries Poma Towers 1 to 9 (above ground components only) must only be removed from their current location via helicopter;
- (b) existing Guthries Poma top station, top hut, bull wheel, counterweight and associated equipment (above ground components only) must only be removed from their current location via helicopter;

### Construction

- (c) excavator access to the location of Tower 1 of the Guthries Chairlift must be achieved directly from Charlotte Way only;
- (d) excavator access to the location of Tower 2 and Tower 3 of the Guthries Chairlift must be;
  - (i) achieved directly from Kosciuszko Road (temporary access); and
  - (ii) in the same trip with only two excavator movements (one in and one out);
- (e) excavator access to the location of Tower 4 of the Guthries Chairlift must be;
  - (i) achieved directly from Kosciuszko Road (temporary access); and

- (ii) in the same trip with only two excavator movements (one in and one out);
- (f) excavator access to the location of Tower 5 of the Guthries Chairlift must be;
  - (i) achieved via the access track;
  - (ii) in the same trip with only two excavator movements (one in and one out); and
  - (iii) can only occur after completion of Tower 6;
- (g) excavator access to the location of Tower 6 of the Guthries Chairlift must be;
  - (i) achieved via the access track;
  - (ii) in the same trip with only two excavator movements (one in and one out); and
  - (iii) can only occur after completion of Tower 7;
- (h) excavator access to the location of Tower 7 of the Guthries Chairlift must be;
  - (i) achieved via the access track; and
  - (ii) in the same trip with only two excavator movements (one in and one out);
- (i) no excavator, vehicles or machinery are permitted to pass between Tower 1 and Tower 2;
- (j) no excavator, vehicles or machinery are permitted to pass between Tower 4 and Tower 5;
- (k) all equipment, materials and infrastructure associated with the installation of Towers 2 to 7 of the Guthries Chairlift must only be delivered to the site via helicopter;
- (l) all equipment, materials and infrastructure associated with the installation of the top station and top hut of the Guthries Chairlift must only be delivered to the site via helicopter;
- (m) excess soil and / or subsurface rocks from the new tower location excavations must be removed via helicopter and taken to the construction laydown area (Lot 116 DP 1242013) or the top station for use in the unloading ramp;

Other

- (n) all loading and unloading of concrete trucks must occur from within Lot 116 DP 1242013 unless expressly referenced in a condition of consent or management plan approved by the Secretary or nominee; and
- (o) an above ground cable between lift towers for the communications and safety lines, as documented by Doppelmayr.

Works must be undertaken in accordance with (a) to (o) above unless otherwise agreed in writing by the Secretary or nominee.

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

### **B.1. NSW Biodiversity Offset Scheme**

Prior to the issue of any construction certificate, the class and number of ecosystem credits and species credits in Appendix F of the BDAR – BAM Biodiversity Credit Report (reference 2 in Condition A.2) must be retired to offset the residual biodiversity impacts of the Development.

The requirements to retire credits must be satisfied by payment into the applicable fund or trust, as per the *Biodiversity Conservation Act 2016*, of an amount equivalent to the class and number of ecosystem credits and species credits, as calculated by the Biodiversity Offsets Payment Calculator.

Evidence of the retirement of credits or payment to the applicable fund or trust must be provided to the Secretary prior to the issue of the construction certificate.

### **B.2. Construction certificate**

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

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

### **B.3. Building Code of Australia compliance**

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), and 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.4. Structural drawings and design statement**

Prior to the issue of the relevant-a 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.5. Building work plans and specifications**

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

- (a) detailed building work plans, drawn to a suitable scale and consisting of a block plan and a general plan, that show the following -
  - (i) a plan of each floor section,
  - (ii) a plan of each elevation of the building,
  - (iii) the levels of the lowest floor, an unbuilt yard or area that belongs to the lowest floor and the adjacent ground, and
  - (iv) the height, design, construction and provision for fire safety and fire resistance, if any; and

- (b) building work specifications that -
  - (i) describe the construction and the materials to be used to construct the building, and
  - (ii) describe the method of drainage, sewerage and water supply, and
  - (iii) state whether the materials to be used are new or second-hand and contain details of any second-hand materials to be used, and
- (c) a description of an accredited building product or system sought to be relied on for the purposes of the Act, section 4.15(4), and
- (d) a copy of a compliance certificate to be relied on; and
- (e) if the development involves building work to alter, expand or rebuild an existing building—a scaled plan of the existing building.

#### **B.6. Building Code of Australia**

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

#### **B.7. Surface and Groundwater Management Plan (Construction phase)**

Prior to the issue of any construction certificate, a surface and groundwater management plan and design statement, prepared and signed by an appropriately qualified and practising hydraulic, civil or stormwater engineer, shall be submitted to the Certifier. If the Department is not the Certifier a copy of the documentation shall be submitted to the Department with the construction certificate.

- (a) The plan must be prepared in consultation with the NPWS; and be submitted to and approved by the Secretary or nominee;
- (b) The plan is to address the following:
  - (i) construction works and site access must not adversely impact on the natural ecological processes associated with surface water and ground water particularly in areas of 'endangered ecological community' (as defined in the *Biodiversity Conservation Act 2016*, including alpine bog and fen complex (montane peatlands and swamps of the Australian Alps bioregion));
    - a. natural surface water and ground water flows must be maintained; and
    - b. erosion and sedimentation impacts must be mitigated;
  - (ii) the location, capacity and design of drainage measures and / or mitigation measures; and
  - (iii) the timeline of the construction, use, infill and rehabilitation of drainage measures and / or mitigation measures within the phasing of site works.

No ground disturbing activities can commence until this condition has been satisfied.

#### **B.8. Stormwater Management Plan (Post construction phase)**

Prior to the issue of a relevant construction certificate, a stormwater drainage plan and design statement, prepared and signed by an appropriately qualified and practising hydraulic, civil or stormwater engineer, shall be submitted to the Certifier. If the Department is not the Certifier a copy of the documentation shall be submitted to the Department with the construction certificate.

- (a) The plan must be prepared in consultation with the NPWS and be submitted to and approved by the Secretary or nominee;
- (b) The plan is to address the following:
  - (i) capture run-off water from roofed buildings and structures via a drain, dish drain, rubble drain or the like;
  - (ii) runoff from the roof must not cause surface flow down the slope in an uncontrolled manner;

- (iii) how discharge points will be treated with 'rip rap' scour protection works or the like to avoid erosion or interference with any other infrastructure;
- (iv) volume calculations of the stormwater system shall be provided to demonstrate that the system is capable of handling the stormwater (and snow melt) generated by the catchment and the discharge points are appropriate.

#### **B.9. Australian Standard 4722 – Passenger ropeways and passenger conveyors.**

Prior to the issue of a construction certificate for the lift or associated stations which are part of the Development, structural drawings and a design statement prepared by an appropriately qualified and practising engineer, must be submitted to the Certifier to demonstrate that the proposal complies with the intent of *Australian Standard AS4722 – Passenger ropeways and passenger conveyors*. If the Department is not the Certifier, a copy of the documentation must be submitted to the Department with the construction certificate.

#### **B.10. Payment of the Long Service Levy**

Prior to the issue of any construction certificate, evidence must be provided to the Certifier, in the form of a receipt, confirming payment of the 'Long Service Levy' to the Long Service Payments Corporation in accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*.

#### **B.11. Geotechnical declaration and certification**

Prior to the issue of a construction certificate, the design plans must be reviewed and endorsed by the Geotechnical Engineer, and must be submitted to the Certifier. If the Department is not the Certifier, the appointed Certifier is to provide a copy of the Geotechnical Engineers endorsement to the Department with the copy of the construction certificate.

#### **B.12. Controlled activity approval under the Water Management Act 2000**

Prior to the issue of a construction certificate for any part of the Development requiring a controlled activity approval under the *Water Management Act 2000*, a copy of the controlled activity approval shall be submitted to the Certifier and the Secretary or nominee.

#### **B.13. General terms of approval (TfNSW)**

Prior to the issue of any construction certificate, the Certifier must be satisfied that the documentation for the construction certificate demonstrates compliance with the general terms of approval from TfNSW (reference 59 in Condition A.2) including:

- (a) obtaining Section 138 consent under the Roads Act 1993; and
- (b) obtaining a Road Occupancy Licence (ROL).

No demolition activities can commence until this condition has been satisfied unless otherwise agreed in writing by the Secretary or nominee.

#### **B.14. Accessibility – Building standards**

The following instruments describe building standards relevant to promoting accessibility for persons with a disability:

- (a) the *Disability Discrimination Act 1992* (Cth);
- (b) the *Disability (Access to Premises – Buildings) Standards 2010*; and
- (c) the BCA,

(together, the 'relevant provisions')

Prior to the determination of any construction certificate, the Applicant must provide the Certifier with sufficient information demonstrating that the works proposed as part of the Development will achieve compliance with the relevant accessibility provisions. Where the Department is not the Certifier, a copy of the documentation incorporating the information required by this condition must be submitted to the Department with the approved construction certificate.

#### **B.15. Materials and colours**

The approved materials and finishes shall be in accordance with the following, except as otherwise approved in writing by the Secretary or nominee:

<b>Location</b>	<b>Material</b>	<b>Colour</b>
<b>Top Station</b>	Concrete / Steel	Monument / Grey
<b>Bottom Station</b>	Concrete / Steel	Monument / Grey
<b>Top Hut</b>	Custom Orb roof cladding	Monument
	Custom Orb wall cladding	Monument
<b>Bottom Hut</b>	Custom Orb roof cladding	Monument
	Custom Orb wall cladding	Monument
<b>Towers</b>	Steel	Galvanised (Low reflectivity)

#### **B.16. Proposed fire safety measures and essential services**

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.

#### **B.17. Diesel generator details including fuel handling and storage (Bottom station)**

Prior to the issue of the relevant construction certificate, detailed plans and a design statement, prepared and signed by an appropriately qualified and practising dangerous goods consultant, must be prepared in consultation with the NPWS; and be submitted to and approved by the Secretary or nominee.

The plan and design statement required by this condition must address:

- (a) AS 1940:2004 – The storage and handling of flammable and combustible liquids;
- (b) generator details, plans and specifications;
- (c) fuel tank product details, plans and specifications (including volumes); and
- (d) internal bunding and storage containment details, plans and specifications (including volumes and disposal arrangements).

#### **B.18. Termite protection**

Any new building work which are part of the Development must be protected from attack from subterranean termites in accordance with AS 3660 Termite management. Details are to be submitted to the Certifier prior to the issue of the relevant construction certificate. If the

Department is not the Certifier, the Certifier is to provide a copy of the information to the Department with the copy of the construction certificate.

#### **B.19. Fauna crossing design**

- (a) Prior to the issue of any construction certificate, the Applicant must prepare a fauna crossing design:
  - (i) in consultation with the NPWS; and
  - (ii) for submission to, and approval by, the Secretary.
- (b) The design required by paragraph (a) must provide for the following:
  - (i) The locations and numbers of crossings must be commensurate to the extent of disturbance and disruption to habitat connectivity.
  - (ii) Design considerations appropriate to the target species (e.g. rock filled trench for Guthega skinks and Mountain Pygmy Possum with appropriately sized boulders to create sufficient gaps / holes to enable passage of the target species while excluding predators).
  - (iii) Integrating / blending the entrances / exits of the crossings into the adjacent vegetation through rock outfalls to ensure adequate protection for the target species from predators.
  - (iv) Drainage measures to protect the fauna crossings from excess water and sediment build up.
  - (v) Appropriate siting of the crossings to enable use by the target species and ensure connectivity of habitat.
  - (vi) Incorporating post construction monitoring measures in the design (e.g. location for the installation of hair tubes / Elliot traps / remote cameras)
  - (vii) Ensuring post-construction rehabilitation and supplementary planting along edges and rock outfall exits of fauna crossings.

#### **B.20. Access entry design**

- (a) Prior to the issue of any construction certificate, the Applicant must prepare an access entry design:
  - (i) in consultation with the NPWS; and
  - (ii) for submission to, and approval by, the Secretary.
- (b) The design required by paragraph (a) must provide for the following:
  - (i) The TfNSW road corridor must be overlayed to show the context of the proposed works within the corridor relative to the boundary of Lot 100 DP 1242013.
    - The TfNSW road corridor is generally 40 metres wide and variable. It cannot be assumed that it is 20 metres either side of the road centre line.
  - (ii) The BDAR development footprint (Figure 2, reference 2 in Condition A.2) overlayed to show the location of the proposed works within the footprint.
  - (iii) All works and land within the road corridor at this location of Koscisuzko Road must be shown. The access entry design must clearly distinguish between:
    - Proposed bitumen surface
    - Proposed gravel surface
    - Existing natural surface to remain.
  - (iv) Design measures to prevent unauthorised access to the track. This should include signage and gate/bollards.
    - These can be temporary (i.e. removable) for summer only so that winter operations are not affected.
  - (v) Surface drainage along the edge of the track must extend at least 6 metres beyond the bitumen seal.
  - (vi) Curve design for the right hand bend in the track after leaving Koscisuzko Road. The design must be appropriate for the maximum size vehicle that will enter the site.
  - (vii) The plan(s) must include:
    - Width dimensions
    - Radius / curve details

- Chainages starting at the centreline of Kosciuszko Road
- Gradients
- Cross falls
- Cut / fill batters.

A Section 138 consent under the Roads Act 1993 and / or a Road Occupancy Licence must not be obtained from TfNSW for an access entry design that is inconsistent with the design approved in (a)(ii) above.

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

### **C.1. Qualified Ecologist**

- (a) Prior to the commencement of any works, an appropriately Qualified Ecologist shall be appointed. The ecologist is to have a Bachelor degree in ecology (essential), experience in rehabilitation (essential) and in alpine and sub-alpine ecology (essential). Details, including the resume of the ecologist and contact details, are to be submitted by the Applicant to the Principal Certifier and Secretary or nominee.
- (b) The Qualified Ecologist is responsible for ensuring compliance with Condition C.4, Condition C.8, Condition C.15 and Condition C.19 of this consent.
- (c) In the event that the Qualified Ecologist needs to be replaced during the development, the Applicant is to submit replacement details consistent with the same requirements as part (a).

### **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 by the Applicant, and both the Principal Certifier and the Secretary or nominee must be notified of the identity and contact details for 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 Principal Certifier and Secretary or nominee 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. “No Go” areas**

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

- (a) “No Go” areas must be appropriately marked and fenced off 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 vegetation adjacent to the development site that is specified as a ‘No-Go’ area in the updated SEMP (Condition C.5.).
- (c) The biodiversity values mapped area must be identified as an area where there is to be “No Trimming / No Removal” of native vegetation.
- (d) The Qualified Ecologist and the Environmental Officer (Condition C1 and Condition C.2.) must provide written and signed certification to the Principal Certifier outlining the location of the “No Go” areas referred to in paragraph (a), confirming that the Qualified Ecologist and the Environmental Officer have appropriately marked the areas accurately as described in (a) above.

### **C.5. Site Environmental Management Plan**

- (a) Prior to the commencement of any works which are part of the Development, the Applicant must prepare an amended SEMP:
  - (i) in consultation with the NPWS; and
  - (ii) for submission to, and approval by, the Secretary.
- (b) For the purposes of paragraph (a), the CEMP and SEMP (reference 7 and reference 8 listed in Condition A.2) must be combined and updated by the Applicant to include the following:

- (i) the hours during which those works will be undertaken;
- (ii) contact details of the Applicant's site manager;
- (iii) temporary structures including site offices, toilets, hoarding and the like;
- (iv) waste receptacles (Condition C.21);
- (v) sufficient details to address the requirements of "*Guideline for Preparation of Environmental Management Plans*" DIPNR 2004;
- (vi) a precise description of the construction techniques and activities for the works, particularly if there are any changes as a result of these conditions;
- (vii) environmental risk assessments for each of the project stages which are part of the Development;
- (viii) No Go areas (Condition C.4);
- (ix) Guthega Skink exclusion zones (Condition C.19);
- (x) additional controls for concrete boom pumps;
- (xi) details of environmental monitoring to inform the implementation of environmental management measures and Subject site rehabilitation;
- (xii) wet weather / adverse weather (including high winds) contingencies including how the site will be prepared and managed prior to and during wet weather conditions;
- (xiii) traffic management and access arrangements;
- (xiv) excavator re-fuelling protocols include details of fuel deliveries when excavator is on slope or at a tower;
- (xv) portable or temporary crane facilities;
- (xvi) use of helicopters during the demolition and construction phases which are part of the Development;
- (xvii) emergency procedures;
- (xviii) hygiene protocols, including measures to be implemented to address potential spread of weeds, pathogens and communicable diseases; and
- (xix) any other matters required as a result of these conditions of consent.
- (c) The SEMP must be a single document containing the environmental management measures which the Applicant's project manager, construction manager and Environmental Officer will implement throughout the Development.
- (d) This Condition C.5 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.

#### **C.6. Detailed rehabilitation and monitoring plan(s)**

- (a) Prior to the commencement of any works which are part of the Development, the Applicant must prepare a rehabilitation and monitoring plan(s):
  - (i) in consultation with the NPWS; and
  - (ii) for submission to, and approval by, the Secretary.
- (b) The plan required by paragraph (a) must provide for the following:
  - (i) Baseline data – To enable measurement of trending changes over time, the baseline condition shall be recorded. This shall include, but not limited to:
    - mapping of all rehabilitation and offset sites;
    - location of photograph points (established to enable repeat photographs over time) including at least two points at each rehabilitation site (that together clearly show all of each of the sites);
    - native vegetation species proposed to be planted and ratios;
    - weed species and densities (as per NPWS weed density categories) that occur in the area prior to disturbance; and
    - baseline monitoring data for the Alpine bog and fen EEC adjacent to the access track.
  - (ii) Schedule (time line) – A schedule for all rehabilitation and environmental offset areas including seeding/cutting collection, propagation, site preparation, planting, monitoring, and maintenance.
  - (iii) initial establishment of rehabilitation measures, including all planting, mulching and stabilisation, to commence as soon as reasonably practicable after completion of

- each of the project stages which are part of the Development, and in any case be completed within the same construction period;
- (iv) rehabilitation of disturbed areas must include low heath and native Poa only due to the proximity to and potential for these areas to be Guthega Skink (*Liopholis Guthega*) habitat. Exotic grass species such as Chewings Fescue are not suitable for the rehabilitation of areas containing, previously containing, or surrounded by, native species and are only suitable for high-traffic disturbed areas such as the offload ramp from the top station of the new chairlift which is part of the Development;
  - (v) monitoring, maintenance and replacement of rehabilitation planting to occur at least every 12 months until established or for a period of 5 years (Condition F.1) with results recorded against photo points identified in the plan;
  - (vi) all rehabilitation measures must be consistent with the Rehabilitation Guide;
  - (vii) all straw bales used for rehabilitation must be certified as weed free;
  - (viii) the plan must include baseline data (including proposed photo points), species, planting ratios, schedule, weed management, rehabilitation methods, monitoring regimes, and maintenance schedules and methods as well as addressing potential negative environmental issues such as increased predator activity as a result of disturbance;
  - (ix) species planted as part of rehabilitation measures must include suitable heath species for Guthega Skink including *Acrothamnus montanus*, which is a food source;
  - (x) monitoring of endangered ecological community areas adjacent to the access track which is part of the Development to ensure surface and ground drainage to this area has not been impacted;
  - (xi) submission of annual reports detailing monitoring activity and results in the prior period, and associated commentary, including recommendations for further or modified measures the Applicant will implement to ameliorate adverse environmental impacts; and
  - (xii) information such as location and construction methods for the new fauna crossings as part of the Development and how they will link with other suitable fauna habitats.
  - (xiii) Site contouring and surface drainage within the approved disturbance footprint to mitigate erosion and sedimentation impacts including:
    - capturing run-off water from cut / fill batter slopes, retaining structures / boulder wall, tower diversions and tracks via ag drain, dish drain, rubble drain or the like;
  - (xiv) Weed and predator control – Details of methods and programs for weed and predator control.
  - (xv) Monitoring plan – The rehabilitation and environmental offset areas shall be monitored to document changes over time with the aim to increase species diversity and native plant species cover. Annual monitoring shall include:
    - photographs from the established photograph points;
    - the percentage survival of plant species;
    - weed species and densities; and
    - any evidence of fauna usage.
  - (xvi) Action plan – The plan is to include the actions to be undertaken if the monitoring reveals that species diversity and native plant cover is not being improved in the rehabilitation and environmental offset areas. This plan must also include actions to be undertaken if the monitoring reveals that there is disruption to the hydrological regime within and between the Alpine bog and fen complex EEC adjacent to the access track. In both cases, the Applicant shall liaise with the NPWS to determine the appropriate intervention required.
- (c) Any variation to this Condition C.6 must be agreed in writing by the Secretary or nominee.

Note: This condition can be satisfied as a whole or in part based on type of work or species.

### **C.7. Guthega Skink monitoring plan**

- (a) Prior to the commencement of any works which are part of the Development, the Applicant must prepare a Guthega Skink monitoring plan:
  - (i) in consultation with the NPWS; and
  - (ii) for submission to, and approval by, the Secretary.
- (b) The plan required by paragraph (a) must provide for the following:
  - (i) monitoring measures for Guthega Skink in and around the Subject site both pre and post disturbance, during construction, and for a minimum period of 5 years (see Condition F.1);
  - (ii) monitoring measures for Guthega Skink at an undisturbed control site in the Park similar to the Subject site for a period and at times equivalent to those required in and around the Subject site (Condition F.1);
  - (iii) monitoring measures to include, record and mark the location of all suspected Guthega Skink burrows, primary capture techniques (active searching) and secondary monitoring/capture techniques (cameras and funnel traps) to be implemented during optimal weather with all captured individuals to have particulars recorded and be implanted with microchip or elastomer (according to animal size), measures to be approved and overseen by an appropriately qualified and experienced ecologist;
  - (iv) commencement of monitoring measures including capture and tagging in the spring-summer period prior to the commencement of works which are part of the Development and continue annually in each summer-autumn period in accordance with sub-paragraphs (i) and (ii); and
  - (v) arrangements for implementation of the Guthega Skink exclusion zone proposed as part of the Development and managing the movement of traffic in order to preserve this zone for use by Guthega Skink.

### **C.8. Rock removal and reduction plan**

- (a) Rock removal and reduction must only be undertaken as described in the BDAR (reference 2 in Condition A.2) and can only occur within the footprint of the new top station, new bottom station and new towers. No other rock removal or reduction is approved under this consent.
- (b) Prior to the commencement of any rock removal and reduction works which are part of the Development, the Applicant must prepare a rock removal and reduction plan:
  - (i) in consultation with the NPWS; and
  - (ii) for submission to, and approved by, the Secretary.
- (c) The plan required by paragraph (a) must provide for the following:
  - (i) details of the methodology to be used for the removal or reduction of the rocks;
  - (ii) proposed timing for when the rock removal and reduction works are to be undertaken;
  - (iii) location of the rocks to be removed or reduced; and
  - (iv) identification of the Guthega Skink exclusion zone proposed as part of the Development and details of how rock removal and reduction works will be managed so as to preserve the intent of that zone.
- (d) Any rocks proposed to be removed or reduced in the rock removal and reduction plan must be clearly identified on the Subject site (e.g. through flagging of rocks, outcrops, and large areas as applicable), inspected and approved by the Qualified Ecologist and the Environmental Officer prior to any rock removal or reduction works occurring.

### **C.9. Traffic & pedestrian management plan**

- (a) Prior to the commencement of any works which are part of the Development, the Applicant must prepare a Traffic and Pedestrian Management Plan:
  - (i) in consultation with the NPWS; and
  - (ii) for submission to, and approval by, the Secretary.
- (b) The plan required by paragraph (a) must provide for the following:
  - (i) the requirements of the TfNSW general terms of approval;

- (ii) access to the car parking areas along Kosciuszko Road and Charlotte Way during the demolition and construction period;
- (iii) pedestrian movements along walking tracks (within proximity to the site), Kosciuszko Road and Charlotte Way during the demolition and construction period;
- (iv) all construction activities associated with the installation of Tower 4;
- (v) the predicted traffic volumes, types and routes shall be provided;
- (vi) nomination of parking areas for construction and contractor vehicles where this is off-site;
- (vii) nomination of ingress and egress points for vehicles needing to access the site;
- (viii) nomination of loading and unloading zones;
- (ix) identification of construction machinery required for various stages of the project;
- (x) procedures and personnel responsible for full and partial road closures; and
- (xi) any road closures.

No demolition or ground disturbing activities can commence until this condition has been satisfied.

#### **C.10. Helicopter management plan**

- (a) Prior to the commencement of any works which are part of the Development, the Applicant must prepare a Helicopter Management Plan:
  - (i) in consultation with the NPWS; and
  - (ii) for submission to, and approval by, the Secretary.
- (b) The plan required by paragraph (a) must provide for the following:
  - (i) Details of the helicopter(s) to be utilised during demolition and construction.
  - (ii) All helicopter movements during demolition and construction activities that interact with key public areas including:
    - Construction laydown area (Lot 116 in DP 1242013) and the adjacent Kosciuszko Chalet Hotel.
    - Helicopter flight path over walking tracks and Charlotte Way.
    - Helicopter flight path over Kosciuszko Road.
  - (iii) Identify risks and hazards.
  - (iv) Identify control measures to mitigate risks and hazards.

No demolition or ground disturbing activities can commence until this condition has been satisfied.

#### **C.11. 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, the commencement date and extent of works to be carried out for the Development in that stage.

#### **C.12. Implementation of site environmental management measures**

- (a) Prior to the commencement of any works which are part of the Development:
  - (i) all site environmental management measures relevant to that stage of work, in accordance with the approved documentation and plans (Condition A.2), these conditions of consent and the various approved plans required by them (including, but not limited to Conditions B.7; B.8; B.20; C.5; C.6; C.7; C.8; C.9; and C.10), must be in place and in good working order;
  - (ii) all site environmental management measures must be contained within the construction corridor (Condition C.15);
  - (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 Principal Certifier confirming that sub-paragraphs (i), (ii) and (iii) above have been satisfied.

- (b) Prior to commencing each stage of work, all proposed erosion and sediment control measures must be put in place.

#### **C.13. 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.14. Treatment of weeds**

- (a) Prior to the commencement of any works which are part of the Development, all relevant weed species that occur within the construction corridor (Condition C.15) 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 pest 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 being 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 C.14 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.

#### **C.15. Construction corridor**

- (a) The construction corridor for the is to comprise the following areas only:
  - (i) the BDAR development footprint (Figure 2, reference 2 in Condition A.2) unless expressly referenced in a condition of consent;
  - (ii) a maximum 4 metres width along access routes;
  - (iii) a maximum of 8 metres by 8 metres at tower locations; and
  - (iv) the lay down area (Lot 116 DP 1242013).
- (b) Prior to any works which are part of the Development commencing:
  - (i) the construction corridor must be temporarily fenced / roped / flagged so as to clearly delineate the construction areas and the "No Go" areas;
  - (ii) the construction corridor must be inspected and approved by the Qualified Ecologist and Environmental Officer;
  - (iii) the Qualified Ecologist and 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; and
  - (iv) representatives from the NPWS and the Department must be provided the opportunity to inspect the construction corridor prior to construction commencing.
- (c) The construction corridor to be fenced / roped / flagged in accordance with this Condition C.15 must:
  - (i) exclude all areas of 'endangered ecological community' (as defined in the *Biodiversity Conservation Act 2016*, including alpine bog and fen complex (montane peatlands and swamps of the Australian Alps bioregion) unless the disturbance is described in the the BDAR (Figure 2, reference 2 in Condition A.2);
  - (ii) exclude the Guthega Skink exclusion zone proposed as part of the Development; and

- (iii) incorporate signage and fence/rope measures to clearly delineate that the sensitive areas identified in sub-paragraphs (i) and (ii) are to be avoided.

#### **C.16. Recycling and reuse strategy**

Prior to the commencement of demolition works for the Development, the Applicant must prepare a recycling and reuse strategy and submit the strategy to the Principal Certifier. The strategy required by this condition is to:

- (a) analyse all structures to be demolished; and
- (b) identify and maximise recycling and reuse opportunities including:
  - (i) within the Charlotte Pass Alpine Resort, in which case the strategy must include the location and details of where this would occur; and
  - (ii) otherwise offsite and out of Charlotte Pass.

#### **C.17. Demolition**

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

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

No demolition is to occur prior to the issue of a construction certificate of part or all of the Development.

#### **C.18. Historical and photographic record**

- (a) Prior to the commencement of any works, the Applicant must prepare an historical and photographic record of the existing Guthries Poma:
  - (i) in consultation with the NPWS; and
  - (ii) for submission to, and approval by, the Secretary.
- (b) The historical and photographic record required by paragraph (a) must address the following:
  - (i) the cultural significance of the ski lift;
  - (ii) contribution of ski lift to the skiing industry and the development of the ski resort;
  - (iii) the historical, aesthetic, technical, social and the like attributes of the ski lift
  - (iv) consideration of the use of any of the existing materials or components of the Guthries Poma that could be adapted in a memorial commemorating its historic significance and its contribution to the skiing industry.
  - (v) a search for historical plans and photos of the ski lift;
  - (vi) oral records (if available);
  - (vii) include images of the whole of the infrastructure and representative component parts captured in the best resolution reasonably achievable by a commercial photographer and camera system. The photographs should be of a quality and size that allows for large, quality enlargements if required; and
  - (viii) be accompanied by an image catalogue describing each image, including time and date of capture, location and nature of the infrastructure depicted.
- (c) The Applicant must prepare at least three copies of the photographic record and associated catalogue required by this condition on CD, DVD, USB or other universally accessible medium. One copy of the record and catalogue must be provided to the Department, one copy must be provided to the NPWS and the final copy may be retained by the Applicant for its records.

- (d) The Applicant must ensure that the Department and NPWS are granted sufficient intellectual property rights in the photographic images which are part of the record so as to allow them to use, reproduce and modify the images on a perpetual, royalty free and worldwide basis for non-commercial purposes, subject to compliance with any moral right of attribution held by the individual photographer.
- (e) Upon obtaining the approval in (a)(ii) above, the information must be made available to the public (for example, in libraries, on the internet, other public places).

#### **C.19. Opportunity to inspect work at top station or within Guthega Skink exclusion zone**

- (a) Prior to the commencement of excavation or construction works at or adjoining the proposed new chairlift top station, or within or adjoining the proposed Guthega Skink exclusion zone:
  - (i) the proposed works areas are to be flagged and recorded (including with GPS coordinates) by the Qualified Ecologist and Environmental Officer and written confirmation provided to the Principal Certifier and the Department; and
  - (ii) the records must be provided by the Applicant to the Department and NPWS, representatives of which must then be provided the opportunity to inspect the flagged and recorded areas prior to the relevant excavation or construction works commencing.
- (b) Once paragraph (a) is satisfied, the Applicant must incorporate any reasonable feedback from NPWS and the Department aimed at mitigating impacts to sensitive vegetation or threatened species and submit details of the final top station disturbance area and Guthega Skink exclusion zone to the Secretary or nominee for approval. No works are to commence until written approval has been obtained.
- (c) This Condition C.19 may be satisfied by the Applicant in stages, in which case paragraphs (a) and (b) will reapply for each stage of excavation or construction works to which the condition applies.

#### **C.20. Anemone Buttercup identification**

Staff (or contractors) undertaking the vegetation works are to be able to accurately identify *Ranunculus anemoneus* (Anemone Buttercup) to enable this threatened species of conservation significance to be avoided, and protected from trampling by foot, equipment or the placement of construction material. Where found within the construction corridor, the species is to be transplanted, following discussions between the Environmental Officer and NPWS.

#### **C.21. Waste receptacles**

Prior to the commencement of works, the Applicant must provide to the Principal Certifier details of appropriate waste receptacles for the storage and disposal of waste associated with the construction of the Development (providing waste and/or recycling bins). If the Department is not the Principal Certifier, a copy of the documentation must be submitted to the Department.

#### **C.22. Pre-commencement compliance report**

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

#### **C.23. 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 the Principal Certifier, any person associated with the construction works, or an officer of the Department or NPWS. Without limitation, this condition applies to the following approved documentation:

- (a) this consent and its schedule of conditions;
- (b) the approved documentation and plans (Condition A.2);
- (c) Surface and Groundwater Management Plan (Construction phase) (Condition B.7);
- (d) Stormwater Management Plan (Post construction phase) (Condition B.8);
- (e) Diesel generator details including fuel handling and storage (Bottom station) (Condition B.17);
- (f) Fauna crossing design (Condition B.19);
- (g) Access entry design (Condition B.20);
- (h) SEMP (Condition C.5);
- (i) Detailed rehabilitation and monitoring plan (Condition C.6);
- (j) Guthega Skink monitoring plan (Condition C.7);
- (k) Rock removal and reduction plan (Condition C.8);
- (l) Traffic & pedestrian management plan (Condition C.9);
- (m) Helicopter management plan (Condition C.10); and
- (n) Demolition (Condition C.17).

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

All work in connection with the proposed development shall be carried out between the hours of 7.00am and 6.00pm, 7 days a week, unless different hours are specified in an approved management plan or as otherwise approved by the Secretary.

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

- (a) All demolition, civil and construction works which are part of the Development may only occur in the 'summer period'. For the purposes of this condition, the summer period means the period of time commencing after the October long weekend and ending no later than 30 April the following year in each year works are required to complete the Development, or as otherwise approved by the Secretary or nominee.
- (b) By 31 May in each year works are required to complete the Development, the Applicant must ensure that the Subject site is made safe and secure by undertaking the following:
  - (i) removal of all materials, vehicles, machinery, equipment, and the like;
  - (ii) removal and/or securing of all stockpiles of soil and gravel;
  - (iii) ensuring the Subject site is fenced with para-webbing or other suitable visible protection fencing around the perimeter of the site to limit access to and from the site;
  - (iv) appropriate signage must be erected outlining that unauthorised access to the Subject site is prohibited and that the site is a construction zone;
  - (v) all external plumbing and drainage works are to be completed;
  - (vi) any excavations are to be made safe and secure;
  - (vii) stabilisation and rehabilitation works must be implemented in accordance with these conditions of consent and the approved documentation; and
  - (viii) any other specific matters related to making the Subject site safe and secure raised by the Principal Certifier or the Secretary.

#### **D.4. 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 documentation specified in paragraphs (a) to (n) inclusive of Condition D.1;
- (b) all environmental management measures for the Subject site are in place and adequately functioning throughout the entire construction phase of the Development; and
- (c) that Subject site stabilisation and rehabilitation occurs as soon as practicable.

#### **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 (n) 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.15;
- (c) no disturbance or other adverse environmental impacts occur outside the construction corridor as referenced in Condition C.15;
- (d) all materials, stockpiles, vehicles, machinery and the like are be confined to the construction corridor as referenced in Condition C.15; and
- (e) all measures to minimise, mitigate and manage adverse environmental impacts of the Development as outlined in Table 25 of the BDAR (reference 2 in Condition A.2) are adhered to.

*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. Sod replacement techniques for native flora species where trenching is proposed**

Where construction of the Development involves trenching work through undisturbed areas comprising of native vegetation, sod replacement is to be utilised as a rehabilitation technique 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 relevant area of the Subject site is required to achieve an erosion resistant state.

#### **D.7. 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.

All pump out equipment and any temporary filter dams must be wholly contained within the construction corridor as referenced in Condition C.15 unless otherwise agreed by the Secretary or nominee.

#### **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 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.10. 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) storage is confined to the lay down area (Lot 116 in DP 1242013);
- (c) no storage or disposal of materials takes place beneath the canopy of any trees or on native heath vegetation; and
- (d) all stockpiling of material is undertaken in accordance with the Stockpile Guide.

#### **D.11. 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.12. Dirt and dust control measures**

- (a) The Applicant must ensure that adequate measures are taken to prevent dirt and dust from affecting the amenity or environment of the Charlotte Pass Alpine Resort areas during the construction phase of the Development.
- (b) Without limiting paragraph (a), the Applicant must ensure that the following measures are adopted while undertaking works:
  - (i) all vehicles carrying spoil or rubble to or from the Subject site must at all times be covered to prevent the escape of dust or other material;
  - (ii) covers are to be adequately secured;
  - (iii) roadways must be kept clean;
  - (iv) gates must be closed between vehicle movements;
  - (v) the Subject site is to be hosed down when there is a risk of works creating airborne dust.

#### **D.13. Safety fencing**

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

#### **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. Recycled material**

In undertaking works which are part of the Development, the Applicant must:

- (a) implement the approved recycling and reuse strategy (Condition C.16); and
- (b) wherever possible, salvage building material for reuse during the construction phase of the Development (subject to Condition B.5(b)(ii)) or ensure that it is sent to a recycling facility in order to reduce landfill.

#### **D.16. 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.17. 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 amended SEMP (Condition C.5) and these conditions.

#### **D.18. 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.19. Vegetation removal and disposal**

All vegetation removed from the Subject site during the construction phase of the Development:

- (a) must only be undertaken as described in the BDAR (reference 2 in Condition A.2)
- (b) must be used to assist in stabilisation or rehabilitation of the site; and
- (c) may be chipped or shredded for reuse as native brush matting in rehabilitation on site; or
- (d) if it cannot be used for the purposes in paragraphs (a) or (b) then it may be stockpiled at an appropriate location in the Charlotte Pass Alpine Resort, for re-use on other landscaping or rehabilitation projects, or for firewood or similar.

#### **D.20. Top soil removal and disposal**

- (a) Top soil must only be undertaken as described in the BDAR (reference 2 in Condition A.2)
- (b) All top soil removed from the Subject site during works which are part of the Development must be reused directly in the further construction of the Development.
- (c) No top soil may be stockpiled except at approved stockpiling sites in accordance with the Stockpile Guide.
- (d) If top soil needs to be stockpiled for later use, then it must be categorised (for appropriate future use e.g. topsoil for rehabilitation) and stored at a location in the Charlotte Pass Alpine Resort that is approved by the Secretary or nominee.

- (e) If further top soil is required for use in the Development, the Applicant must ensure:
  - (i) the top soil is brought in from other stockpile sites in the Charlotte Pass Alpine Resort or sources otherwise authorised by NPWS;
  - (ii) the top soil is free of contaminants, weeds and other vegetative propagules; and
  - (iii) prior to stockpiling, the top soil originated from a source with altitude and ecosystem attributes similar to those of the Subject site.

#### **D.21. 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) 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 Charlotte Pass Alpine Resort at a location authorised by NPWS and in accordance with the Stockpile Guide.

#### **D.22. Demolition work**

Demolition work must comply with the provisions of *Australian Standard AS 2601-2001 Demolition of Structures*.

#### **D.23. 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.24. 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.) meet the requirements of the amended SEMP (Condition C.5) and are:

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

#### **D.25. 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.26. Geotechnical requirements**

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

- (a) the Department's Geotechnical Policy; and
- (b) the Geotechnical Assessment undertaken by ACT Geotechnical Engineers Pty Ltd (reference 4 in Condition A.2).

#### **D.27. 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.28. Rock removal**

Prior to any rocks being removed in accordance with Condition C.8, all rocks must be checked and if any burrows or Guthega skinks are found then removal work in that area must cease and the Applicant must contact NPWS to assist with mitigation actions prior to works recommencing.

#### **D.29. 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 detailed rehabilitation and monitoring plan prepared and approved in accordance with Condition C.6; and
  - (iii) these conditions of consent.

#### **D.30. Asbestos**

- (a) The removal of any asbestos or other hazardous material found on the Subject site must be carried out in accordance with current SafeWork NSW guidelines and only by an appropriately qualified and licensed contractor.
- (b) Any asbestos or other hazardous materials must be disposed of at an authorised waste facility. Receipts must be provided to the Principal Certifier by the Applicant as evidence of appropriate disposal.

#### **D.31. 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.

**D.32. 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.33. Scaffolding**

All scaffolding is to be located within the construction corridor (Condition C.15) and must comply with AS/NZS 1576 *Scaffolding* and AS/NZS 4576 *Guidelines for Scaffolding*.

**D.34. Safety of recreationalists and workers**

The Applicant must ensure that all necessary safety measures are in place at all times during the course of works to ensure that the safety of recreationists, site workers and the general public are not put at risk.

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

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

Prior to the occupation of buildings which are part of the Development or the commencement of use, 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 the use.

### **E.2. Site clean up**

Prior to commencement of use, 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. Structural certification**

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 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.5. Geotechnical certification**

Prior to the issue of any occupation certificate, geotechnical certification of the completed works by the Geotechnical Engineer must be submitted to the Principal Certifier. A copy of the certificate is to be submitted to the Secretary or nominee with the occupation certificate documentation.

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

- (a) Prior to the issue of any occupation certificate, any disturbed ground must be rendered erosion resistant and rehabilitated in accordance with the detailed rehabilitation and monitoring plan (Condition C.6) and these conditions of consent.
- (b) Prior to the issue of an occupation certificate for the whole of the Development, all rehabilitation in accordance with the detailed rehabilitation and monitoring plan (Condition C.6) must be completed.

If the Department is not the Principal Certifier, a copy of the documentation must be submitted to the Department with the occupation certificate.

### **E.7. 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.8. Fire safety certificate**

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

#### **E.9. Stormwater drainage system certification**

The Applicant must ensure that an appropriately qualified and practising engineer provides certification to the Principal Certifier that the stormwater drainage system which is part of the Development has been installed in accordance with the approved detailed stormwater plan (Condition B.8), prior to the issue of the relevant occupation certificate.

#### **E.10. Accessibility - Building Standards**

Prior to the determination of any occupation certificate, the Principal Certifier must ensure the building work which is part of the Development as complete complies with the approved supporting information per Condition B.14.

#### **E.11. Dangerous goods consultant installation certification**

Once the diesel generator and fuel storage system which are part of the Development have been commissioned and prior to the issue of the relevant occupation certificate, certification from an appropriately qualified and practising dangerous goods consultant must be submitted to the Principal Certifier, confirming that the installation was carried out in accordance with Condition B.17. A copy of the certificate is to be submitted to the Secretary or nominee with the occupation certificate documentation.

#### **E.12. Plant design registration with SafeWork NSW**

Prior to the commencement of use, the Applicant shall submit to the Secretary or nominee a copy of the plant design registration with SafeWork NSW in accordance with the *Work Health and Safety Regulation 2017* and *Work Health and Safety Amendment Regulation 2022*.

#### **E.13. Works as executed or as-built plans**

Within 12 months of the issue of any occupation certificate, works as executed and/or as built survey plans of the constructed Development must be furnished to the Secretary or nominee.

#### **E.14. Progress report**

- (a) On 1 June each year, until an occupation certificate has been issued for the whole Development, the appointed Environmental Officer must submit to the Department on behalf of the Applicant a progress report for implementation of the detailed rehabilitation and monitoring plan (Condition C.6).
- (b) The progress report required by paragraph (a) must outline for all rehabilitation and monitoring works:
  - (i) whether the works have been commenced, are in progress, or completed;
  - (ii) if completed, whether they comply with the detailed rehabilitation and monitoring plan;
  - (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 regard to rehabilitation and monitoring as a result of a progress report (or failure to submit one), these directions must be complied with.

## **PART F – POST OCCUPATION**

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

Up until the date 5 years after the issue of a ~~final~~ complete occupation certificate for 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 groundcover is being established;
- (b) all areas planted with native species (including sod replacement and seeding), are surviving; and
- (c) all components of the detailed rehabilitation and monitoring plan(s) (Condition C.6) and Guthega Skink monitoring plan (Condition C.7) have been implemented and reported on.

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

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

### **F.3. Safety of area users**

The Applicant must implement measures to ensure that pedestrian and snow sports users do not enter the adjacent oversnow route with the implementation of groomed snow barricades, temporary fencing or the like along the oversnow route. Pedestrian and snow sports users safety around the oversnow route must be managed by Ski Patrol and Mountain Operation personnel.

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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.

### 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 and 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 Smoke-free environment legislation

The use and operation of the Subject site must, at all times, comply with the *Smoke-free Environment Act 2000* and the *Smoke-free Environment Regulation 2000*. Guidance may also be obtained from the NSW Health Department.

### AN.7 Disability Discrimination Act

The Application 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.

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

If plumbing and drainage works are required, prior to the commencement of works, a notice of work must be pre-notified to the plumbing regulator (NPWS Perisher Team) in accordance with the *Plumbing and Drainage Act 2011*. For more information please refer to the NPWS website:

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

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

#### **AN.9 Plumbing and drainage**

All plumbing and drainage works 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.

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

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