

Development consent

Section 4.16 of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, under delegation executed on 9 March 2022, I approve the Development Application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.



Keiran Thomas
Director
Regional Assessments
Department of Planning and Environment

Jindabyne

28 March 2023

SCHEDULE 1

Application No.:	DA No. 22/14835
Applicant:	Selwyn Snow Resort Pty Ltd
Consent Authority:	Minister for Planning
Land:	Lot 36 DP 46316, 213A Kings Cross Road, Kiandra NSW, Kosciuszko National Park
Type of Development:	General Development
Integrated Bodies:	Nil
Approved Development:	Installation of water pipeline only (no use).

DEFINITIONS

Act	means the <i>Environmental Planning and Assessment Act, 1979</i> (as amended).
Applicant	means Selwyn 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.
Certifier	has the same meaning as in Part 6 of the Act.
Construction Environmental Management Plan or CEMP	means a construction environmental management plan for the works prepared by the Applicant and approved by the Principal Certifier in accordance with Condition C.5.
DA No 22/14835	means the development application lodged on 22 November 2022.
Department	means the Department of Planning and Environment, or its successors.
Director	means the Director of Regional Assessments or a delegate of the Director within the Department.
Environmental Officer	means the person appointed by the Applicant in accordance with Condition C.2.
EP&A Regulation	means the <i>Environmental Planning and Assessment Regulation, 2021</i> (as amended).
EP&A Regulation (DCFS)	means the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation, 2021</i> (as amended).
Non-compliance	means an occurrence, set of circumstances or development that is a breach of this consent.
NPWS	means the NSW National Parks and Wildlife Service established under the <i>National Parks and Wildlife Act 1974</i> .
Park	means the Kosciuszko National Park reserved under the <i>National Parks and Wildlife Act 1974</i> .
Principal Certifier	means the principal certifier and has the same meaning as Part 6 of the Act.
Rehabilitation Guide	means the NPWS document entitled: <i>Rehabilitation Guidelines for the Resorts Areas of Kosciuszko National Park</i> (2007) a copy of which is available at: https://www.environment.nsw.gov.au/research-and-publications/publications-search/rehabilitation-guidelines-for-the-resort-areas-of-kosciuszko-national-park .
RFS	means the NSW Rural Fire Service.
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.
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.

SCHEDULE 2

PART A – ADMINISTRATIVE CONDITIONS

A.1. Obligation to minimise harm to environment

In addition to meeting the specific performance measures and criteria established in this consent, all reasonable and feasible measures to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development.

A.2. Development in accordance with approved documentation and plans

The development shall be in accordance with:

- (a) DA No. 22/14835 from Selwyn Snow Resort Pty Ltd lodged on 22 November 2022;
- (b) supporting documentation submitted with that application; and
- (c) the conditions of this consent,

including, but not limited to, the following:

Ref No.	Document	Title/Description	Author / Prepared by	Date	Document Reference
1	Report	Statement of Environmental Effects Installation of Water Pipe between Wastewater Treatment Plant and Selwyn Water Storage Quarry, 213 Kings Cross Road, Kiandra NSW	Selwyn Snow Resort Pty Ltd	1 November 2022	-
2	Report	Flora and Fauna Assessment – Proposed Redevelopment for Selwyn Snow Resort	David Woods	25 October 2020	-
3	Report	Biodiversity and Aboriginal Heritage Assessment Report	Complete Town Planning	November 2020	Rev. 02
4	Report	Supplemental Aboriginal Due Diligence Heritage Advice – Mt Selwyn Snow Resort	Past Traces	16/11/2020	-
5	Report	Geotechnical Investigation and Slope Stability Risk Assessment	ACT Geotechnical Engineers Pty Ltd	24 July 2020	JM/C10872
6	Form	Geotechnical Policy - Kosciuszko Alpine Resorts Form 1 – Declaration and certification made by a geotechnical engineer or engineering geologist in a geotechnical report	ACT Geotechnical Engineers Pty Ltd	24 July 2020	-
7	Report	Geotechnical Investigation and Slope Stability Risk Assessment – Supplementary Report	ACT Geotechnical Engineers Pty Ltd	30 September 2020	JM/C10872

8	Form	Geotechnical Policy - Kosciuszko Alpine Resorts Form 1 – Declaration and certification made by a geotechnical engineer or engineering geologist in a geotechnical report	ACT Geotechnical Engineers Pty Ltd	29 September 2020	-
9	Letter	Selwyn Response to Department of Planning Letter dated 15th December 2022	-	-	-
10	Plan	Site Works Plan – Water Treatment Plan	TTW	06.03.23	C245 Rev O
11	Plan	STP Reticulation Plan	TTW	06.03.23	C342 Rev D
12	Plan	Sections	TTW	24.02.23	C343 Rev B
13	Email	Subject: Re: TTW_209064_Selwyn Snow Resort Redevelopment	ACT Geotechnical Engineers Pty Ltd	27 February 2023	-

A.3. Inconsistency between documents

If there is any inconsistency between the plans and documentation referred to above, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this approval prevail to the extent of any inconsistency.

A.4. Lapsing of consent

This development consent will lapse five years from the date of consent, unless the building, engineering or construction work relating to the development is physically commenced on the land to which this consent applies before the date on which the consent would otherwise lapse.

A.5. Prescribed conditions

All works shall comply with the prescribed conditions of development consent as set out in Part 4, Division 2 of the EP&A Regulation. In particular, your attention is drawn to:

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

A.6. Australian standards

All works shall be carried out in accordance with current Australian Standards.

A.7. Legal notices

Any advice or notice to the consent authority shall be served on the Secretary.

A.8. Non-Compliance Notification

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

compliance@planning.nsw.gov.au and alpineresorts@planning.nsw.gov.au within seven days after they identify any non-compliance.

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

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

A.9. Excluded development

The following development is excluded from this consent:

- (a) The use of the water pipeline.
- (b) The transfer of any liquid in the pipeline.
- (c) Any recycling or reuse of treated effluent.
- (d) The discharge of treated or untreated effluent to the environment other than at an appropriately licensed and authorised facility.

Note: This condition ceases to have effect on an item above if separate development consent is obtained for that item.

PART B – PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

B.1. Construction certificate

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

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

B.2. Documentation for the construction certificate

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

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

B.3. Structural drawings and design statement

Prior to the issue of the relevant construction certificate, the Applicant shall submit structural drawings and a design statement, prepared and signed by an appropriately qualified practising Structural Engineer, to the certifier.

B.4. Specifications

Prior to the issue of the relevant construction certificate, the Applicant shall provide to the Certifier specifications for the development:

- (a) that describe the construction and materials of which the buildings, services and infrastructure are to be built, and
- (b) that state whether the materials to be used are new or second-hand and (in the case of second-hand materials) give particulars of the materials to be used.

B.5. Payment of the Long Service Levy

Prior to the issue of any construction certificate, evidence shall 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.6. Geotechnical declaration and certification

Prior to the issue of any construction certificate, a completed and signed Form 2 from the Department's Geotechnical Policy – Kosciuszko Alpine Resorts (2003) shall be submitted to the Certifier. All sections of the Form 2 must be completed and signed by the appropriate person/s. If the Department is not the Certifier, the appointed Certifier is to provide a copy of the completed and signed Form 2 to the Department with the copy of the construction certificate.

A Form 2 must be submitted with each construction certificate unless otherwise approved in writing by the Secretary or nominee following receipt of advice from a geotechnical engineer.

B.7. Hydraulics plan

Prior to the issue of the relevant construction certificate, a hydraulics plan in accordance with the relevant and current Australian Standards and design statement, prepared by an appropriately qualified and practising professional, 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.

B.8. Rehabilitation and monitoring

- (a) Prior to the issue of any construction certificate, a detailed rehabilitation and monitoring plan must be prepared in consultation with the NPWS; and be submitted to and approved by the Secretary or nominee. Once approved, the Applicant must implement all actions set out in the rehabilitation and monitoring plan.
- (b) The plan must include Subject site specific details for the implementation, maintenance, monitoring and reporting on the rehabilitation of the area.
- (c) The following requirements must be reflected in the rehabilitation and monitoring plan:
 - (i) a program for initial establishment of rehabilitation (of all areas disturbed during construction), including all planting, mulching and stabilisation, with rehabilitation to commence as soon as possible during the works;
 - (ii) compliance with asset protection zone requirements (if any) of the RFS;
 - (iii) monitoring, maintenance and replacement planting must occur at least every 12 months with results recorded including photo points;
 - (iv) regular weed control within the Subject site;
 - (v) rehabilitation must be in accordance with the Rehabilitation Guide; and
 - (vi) all straw bales used for rehabilitation must be certified as 'weed free', i.e. not contain viable seed or other vegetative propagules.

B.9. Contamination management strategy

- (a) Prior to the issue of any construction certificate, a contamination management strategy must be prepared in consultation with the NPWS; and be submitted to and approved by the Secretary or nominee. Once approved, the Applicant must implement all actions set out in the rehabilitation and monitoring plan.
- (b) The strategy must include:
 - (i) a plan of the location of trenching that may be affected by the historic effluent disposal system and the methodology for works in this location;
 - (ii) a plan of the location of the trenching in the context of the hydrocarbon contamination plume and the methodology for works in this location;
 - (iii) a plan of the location of the trenching in the context of the ground water monitoring wells and the methodology for works in this location;
 - (iv) The May 2022 and November 2022 monitoring data as required by the Remedial Action Plan (2020-GD003-RP3-FINAL dated 6 September 2021) approved by the Secretary's nominee on 12 November 2021; and
 - (v) Written endorsement, by an appropriately qualified and practicing environmental consultant, of any methodology for works in the location of the hydrocarbon contamination plume and ground water monitoring wells.

PART C – PRIOR TO THE COMMENCEMENT OF WORKS

C.1. Notification of commencement

The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.

If the construction or operation of the development is to be staged, the Department must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

C.2. Environmental Officer

- (a) Prior to the commencement of any works, an appropriately qualified Environmental Officer must be appointed, and both the Principal Certifier and the Secretary or nominee must be notified of this person. The Environmental Officer is to have experience with construction and rehabilitation of sensitive environments.
- (b) In the event that the Environmental Officer needs replacing, the replacement is to be appropriately qualified and the Principal Certifier and Secretary or nominee must be notified of the replacement.

C.3. Protection of adjacent vegetation areas

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

C.4. Implementation of site environmental management measures

- (a) Prior to any works which are part of the Development commencing:
 - (i) all site environmental management measures relevant to that section of work, in accordance with the approved documentation and plans (Condition A.2) and these conditions of consent and the various approved plans required by them, must be in place and in good working order, or management actions carried out (such as weed management), as applicable;
 - (ii) all site environmental management measures must be contained within the construction corridor (see Condition C.8);
 - (iii) the site environmental management measures must be inspected and approved by the Environmental Officer; and
 - (iv) the Environmental Officer must provide written and signed certification to the Secretary or nominee confirming that sub-paragraphs (i), (ii) and (iii) above have been satisfied.
- (b) Prior to commencing each stage of work (if required), all proposed erosion and sediment control measures must be put in place.

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

C.5. Construction Environmental Management Plan (CEMP)

Prior to the commencement of works, a Construction Environmental Management Plan must be submitted to the satisfaction of the Principal Certifier. The plan must address, but not be limited to the following and conform to these conditions of consent where applicable:

- (a) the date of commencement of works;
- (b) hours of works;
- (c) contact details of site manager;

- (d) traffic and pedestrian management including details on:
 - (i) ingress and egress of vehicles to the Subject site,
 - (ii) loading and unloading, including construction zones,
 - (iii) the location of storage areas,
 - (iv) parking of construction and contractor vehicles,
 - (v) turning areas of construction and contractor vehicles, and
 - (vi) pedestrian and traffic management methods;
- (e) waste and recycling management including details on:
 - (i) the location for recycling of building materials,
 - (ii) the identification of any asbestos or other hazardous material,
 - (iii) the location for disposal of building waste, and
 - (iv) the location for disposal of excess spoil;
- (f) temporary structures including site offices, toilets, hoarding and the like;
- (g) portable or temporary crane facilities;
- (h) site environment management measures including:
 - (i) erosion and sediment control;
 - (ii) flora and fauna management;
 - (iii) wet weather contingencies noting that construction works must be limited in wet weather and should not occur if access or works will cause additional environmental impacts;
 - (iv) suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters;
- (i) emergency procedures; and
- (j) any relevant recommendations of the NPWS document reference DOC22/1123127 dated 19 December 2022.

If the Department is not the Principal Certifier, a copy of the documentation must be submitted to the Department prior to the commencement of the relevant section of works. This condition can be satisfied for the whole project or progressively for various sections of the project.

C.6. Plumbing and drainage works

If plumbing and drainage work is 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.

C.7. Temporary construction works area security fencing

Prior to works commencing, the construction works area must be fenced with temporary site security fencing. This fencing is to clearly delineate the construction works area and be designed and located in order to keep the disturbance corridor associated with the works to a minimum. This is to restrict access, prevent unauthorised persons entering the construction works area and protect areas of the Subject site from unnecessary disturbance.

C.8. Construction zone and disturbance corridor

Prior to works commencing:

- (a) the construction zone and disturbance corridor must be temporarily fenced/roped so as to clearly delineate the construction areas and the “no go” areas;

- (b) the temporary fencing/roping must be inspected and approved by the Environmental Officer; and
- (c) the Environmental Officer must provide written and signed certification to the Principal Certifier confirming that the temporary fencing/roping is in place in accordance with the approved documentation (Condition A.2) and these conditions of consent and is satisfactory.

C.9. Implementation of site environmental management measures

Prior to any construction works commencing, all site environmental management measures in accordance with the approved documentation (Condition A.2), the CEMP (Condition C.5) and these conditions of consent, must be in place and in good working order.

C.10. Machinery and storage

To minimise weed vectors and other biosecurity issues, all machinery used during construction must be cleaned prior to entry into the Park and prior to site mobilisation to ensure the machinery is free of mud and vegetative propagules.

Machinery must be regularly maintained and manoeuvred to prevent the spread of exotic vegetation. Storage of machinery and material is to be restricted to the designated disturbed areas.

C.11. Treatment of weeds

Prior to the commencement of works, weeds occurring within the disturbance area are to be treated to ensure these weeds are not spread further at the Subject site or throughout the Park.

C.12. Pre-commencement compliance report

Prior to the commencement of works, 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.13. 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 shall be kept on site at all times and shall be readily available for perusal by the Principal Certifier, any person associated with construction works, or an officer of the Department.

D.2. Construction hours

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

D.3. Construction period

- (a) All construction activities are limited to the “summer” period. For this development this period means commencing after the October long weekend and ceases no later than 31 May or as otherwise approved by the Secretary or nominee.
- (b) By 31 May the Applicant must ensure that the Subject site is made safe and secure by undertaking the following:
 - (i) removal of all waste materials;
 - (ii) removal and/or securing of all stockpiles of soil and gravel;
 - (iii) construction materials are removed from around the above ground structures which are part of the development and are stored within the building or contained within designated areas;
 - (iv) appropriate signage shall be erected outlining that unauthorised access to the Subject site is prohibited and that the site is a construction zone;
 - (v) any external scaffolding shall be dismantled and removed from the Subject site;
 - (vi) all external plumbing and drainage works are to be completed;
 - (vii) all disturbed ground is stabilised and made erosion resistant;
 - (viii) any excavations are made safe, secure and include provision for fauna egress; and
 - (ix) any other specific matters related to making the Subject site safe and secure raised by the Principal Certifier or the Secretary or nominee.

D.4. Role of the Environmental Officer

The appointed Environmental Officer must oversee all works to ensure:

- (a) compliance with all environmental protection measures in the approved documentation and plans (Condition A.2), these conditions of consent and the CEMP (Condition C.5);
- (b) all Subject site environmental management measures are in place and adequately functioning throughout the entire construction phase; and
- (c) that Subject site stabilisation and rehabilitation occurs as soon as practicable.

D.5. Construction activities

- (a) At all times, construction activities must be undertaken in accordance with the approved documentation.
- (b) All construction activities must be confined to within the construction zone and disturbance corridor.
- (c) No disturbance is permitted outside the construction zone or disturbance corridor unless otherwise agreed by the Secretary or nominee.

D.6. SafeWork NSW

All works must be carried out in accordance with current SafeWork NSW guidelines.

D.7. Site notice

A site notice(s) must be prominently displayed at the boundaries of the Subject site for the purposes of informing the public of project 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 works period.
- (b) The approved hours of work, the name of the principal contractor for the work (if any), and 24 hour contact phone number for any inquiries, including construction/noise complaints are to be displayed on the site notice.
- (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 site signage.

D.8. Storage of materials

The Applicant must ensure that the Subject site environmental management measures are complied with and that during the construction period no storage or disposal of materials shall take place beneath the canopy of any trees or on native heath vegetation.

All stockpiling is to be in accordance with the Stockpile Guide.

D.9. Prohibition of hazardous materials

No hazardous or toxic materials or dangerous goods shall be stored or processed on the Subject site at any time unless otherwise agreed by the Secretary or nominee.

D.10. Noise and vibration management

Excavation and construction 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 buildings during the construction period.

D.11. 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 receptacle must be cleaned regularly.

D.12. Recycled material

Wherever possible, building material should be salvaged for reuse during the redevelopment of the building or sent to a recycling facility to reduce landfill.

D.13. Aboriginal heritage

- (a) The 40 metre buffer zone for a known past item site located near the Subject site must be adhered to and must be clearly marked/defined as a “no go zone” to ensure no accidental encroachment during the construction works.
- (b) The site induction must include advising all site workers of this buffer zone.
- (c) Should any material suspected of being an Aboriginal relic or artefact become unearthed in the course of works, all works impacting the objects or artefacts shall cease immediately. The Applicant must immediately contact the NPWS to arrange for representatives to inspect the Subject site. All workers on the Subject site are to be made aware of this condition.

D.14. Loading and unloading of construction vehicles

All loading and unloading associated with construction shall be restricted to those areas approved in the CEMP (Condition C.5) and these conditions.

D.15. Erosion and sediment control measures

All erosion and sediment control measures must be checked regularly, and in any case after each precipitation event, and maintained in good working order at all times. All exposed earth must be kept stabilised and re-vegetation must commence as soon as practicable. All straw bales used for sediment and erosion control or for mulching must be 'weed free', i.e. not contain viable seed or other vegetative propagules.

D.16. Rehabilitation and site establishment

- (a) Site stabilisation and rehabilitation works must commence, as soon as possible, following the completion of each section of work to minimise exposed areas. Disturbed areas must be adequately mulched and maintained with weed free straw 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 in accordance with:
 - (i) the Rehabilitation Guide;
 - (ii) the detailed rehabilitation and monitoring plan prepared and approved in accordance with Condition B.8; and
 - (iii) these conditions of consent.

D.17. Dirt and dust control measures

- (a) Adequate measures must be taken to prevent dirt and dust from affecting the amenity of the neighbourhood during construction.
- (b) In particular, the following measures must be adopted:
 - (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) cleaning of footpaths must be carried out regularly;
 - (iv) roadways must be kept clean;
 - (v) gates are closed between vehicle movements;
 - (vi) gates are fitted with shade cloth; and
 - (vii) the site is hosed down when necessary.

D.18. Excavations and backfilling

- (a) All excavating and backfilling 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 land fill site.

- (c) Any contaminated material (i.e. containing 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 must only be obtained from an NPWS authorised source.
- (e) Excess imported fill material must be stockpiled for reuse within Selwyn Snow Resort at a location authorised by NPWS and in accordance with the Stockpile Guide.

D.19. 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.

D.20. Geotechnical requirements

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

- (a) the Department's Geotechnical Policy; and
- (b) the documentation by ACT Geotechnical Engineers Pty Ltd (Condition A.2).

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

D.21. Vegetation and rock removal

- (a) All vegetation and rocks required for removal must be clearly marked.
- (b) All vegetation and rocks must be checked for fauna habitats and fauna by the nominated project Environmental Officer immediately prior to felling/removal. Trees with active nests should not be removed until the young have left the nest. If fauna is present, then the proponent must contact NPWS to assist with mitigation actions.
- (c) The disturbance corridor must be clearly marked prior to works commencing and regularly checked and maintained.
- (d) All vegetation and rocks must not be felled/removed in a manner which damages other surrounding vegetation.
- (e) All vegetation removed must either be cut into smaller pieces to be used for rehabilitation, placed into adjoining native vegetation without damage or it must be removed from the Subject site completely.
- (f) All rocks removed during the works should be reused for landscaping onsite or stockpiled in accordance with the Stockpile Guide, at a location authorised by NPWS, and managed for future use.

D.22. Trenching

- (a) Sod replacement is to be utilised where possible. If sod replacement does not achieve rapid stabilisation and revegetation in some areas, or is not suitable for an area, then follow up rehabilitation of that area of the Subject site with native species is required to achieve an erosion resistant state.
- (b) If trenches are left open overnight then fauna egress provisions must be included.
- (c) The revegetation of all trench lines must be monitored and maintained until they are stabilised.

D.23. Maintenance of services

The Applicant is responsible for costs associated with relocating any services.

D.24. Use of treated timber

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

D.25. Blasting

- (a) No explosives or blasting shall be used without prior notice to SafeWork NSW. A copy of the notice must be submitted to the Secretary or nominee.
- (b) Where blasting is proposed, notice should be provided to the immediate key stakeholders.

D.26. Re-fuelling

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

D.27. Excavation and disposal of contaminated soil

- (a) All contaminated excavated material must be immediately placed into a truck and disposed of at an appropriately licensed and authorised facility.
 - (b) Receipts must be obtained for evidence of appropriate disposal.
 - (c) No stockpiling or temporary storage of contaminated material is permitted anywhere within the lease area or the Park.
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PART E – UPON COMPLETION OF INSTALLATION

Note: This development consent does not allow for the use of the water pipeline. However, an occupation certificate is still required in connection with any construction certificate.

E.1. Occupation certificate

An occupation certificate must be obtained from the Principal Certifier. A copy of the occupation certificate must be furnished to the Secretary or nominee.

E.2. Site Clean Up

Prior to the occupation certificate, the Subject site must be cleaned up 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 site works and prior to the occupation certificate.

E.4. Structural certification

A structural engineer's certificate must be submitted to the Principal Certifier prior to the issue of any occupancy certificate. The certificate is to verify that structural works have been completed in accordance with the 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. 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 B.8) 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 B.8) 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.6. Plumbing and drainage works

If plumbing and drainage works are required, prior to the issue of the relevant occupation certificate, a Certificate of Compliance 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.

E.7. Hydraulic certification

Prior to issue of an occupation certificate, hydraulic certification is to be provided to the Principal Certifier. This certificate is to verify that hydraulic works 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.8. Geotechnical certification

- (a) Prior to the issue of any occupation certificate:
 - (i) a completed and signed Form 3 from the Department's Geotechnical Policy – Kosciuszko Alpine Resorts (2003) must be submitted to the Principal Certifier. All sections of the Form 3 must be completed and signed by the appropriate person/s; or
 - (ii) if alternative advice is provided by the geotechnical engineer (Condition D.20), that the works have been undertaken in accordance with the advice.
- (b) If the Department is not the Principal Certifier, the appointed Principal Certifier shall provide a copy of the completed and signed Form 3 to the Department with the copy of the occupation certificate.

E.9. Works as executed or as-built plans

Within 12 months of the issue of the relevant occupation certificate, works as executed and/or as built survey plans of the constructed development, prepared by a suitably qualified surveyor, must to be furnished to the Secretary or nominee.

E.10. Progress report

- (a) On 1 June each year, until an occupation certificate has been issued for the whole of the development, the appointed Environmental Officer must submit to the Department a progress report for the detailed rehabilitation and monitoring plan (Condition B.8).
 - (b) The progress report must outline for all rehabilitation and monitoring works:
 - (i) whether the works have been commenced, in progress, or completed;
 - (ii) if completed, whether they comply with the 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.
 - (a) 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.
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PART F – POST OCCUPATION

F.1. Rehabilitation

Up until the date 5 years after the issue of an occupation certificate for the whole of the development, all disturbed areas shall be monitored, and maintained to ensure that:

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

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

AN.4 Dial before you dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at 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 the development 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 WaterNSW

Water may only be supplied to Selwyn Snow Resort if it is specifically in accordance with the water access licence from WaterNSW.

A detailed logbook must be kept of each pumping event and must record what the water is used for. If a water meter is installed on the water supply work authorised by this approval, the meter reading must be recorded in the logbook before taking water. This reading must be recorded every time water is to be taken.

AN.7 Stabilising agents

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

AN.8 Other approvals and permits

The Applicant shall 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*.