

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, Housing and Infrastructure

Jindabyne

11 April 2024

SCHEDULE 1

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| Application No.: | DA No. 23/2747 |
| 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: | Nominated Integrated Development |
| Integrated Bodies: | NSW Environment Protection Authority |
| Approved Development: | <p>Separation of potable water supply catchment from the catchment where recycled water discharge is occurring.</p> <p>New connecting water pipe between the existing line from Three Mile Dam and the existing line to the water tank adjacent to the staff accommodation (i.e. without going through the Quarry).</p> <p>Reuse of recycled water from the sewage treatment plant for toilet flushing within the Visitor Centre and for the snowmaking system (trial only).</p> |

DEFINITIONS

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|-------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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. |
| DA No 23/2747 | means the development application lodged on 6 March 2023. |
| Department | means the Department of Planning, Housing and Infrastructure or its successors. |
| Development | means the recycled water scheme at the Subject site which is the subject of DA No 23/2747. |
| Director | means the Director of Regional Assessments or a delegate of the Director within the Department. |
| EPA | means the NSW Environment Protection Authority established under the <i>Protection of the Environment Administration Act 1991</i> . |
| EPA general terms of approval | means the EPA general terms of approval referred to in Condition A.2 Item 11. |
| EP&A Regulation | means the <i>Environmental Planning and Assessment 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> . |
| NSW Health | means the group of NSW Government entities known as 'NSW Health' including the NSW Ministry of Health and the Health Administration Corporation established under the <i>Health Administration Act 1982</i> . |
| Park | means the Kosciuszko National Park reserved under the <i>National Parks and Wildlife Act 1974</i> . |
| Quarry Dam | means the primary snowmaking reservoir for the Selwyn Snow Resort, as shown in light blue in the Snowmaking System Masterplan referred to in Condition A.2 Item 8. |
| 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. |
| 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, the Applicant must take 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) DA No. 23/2747 from Selwyn Snow Resort Pty Ltd lodged on 6 March 2023;
- (b) supporting documentation submitted with that application; and
- (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 | Document Reference |
|---------|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|------------------|--------------------|
| 1 | Report | Statement of Environmental Effects – Responsible water management by beneficial re-use of recycled water from Selwyn Wastewater Treatment Plant | Precise Planning | February 2023 | File: 100154 |
| 2 | Report | Flora and Fauna Assessment – Responsible water management by beneficially reusing recycled water from the Selwyn Wastewater Treatment Plant | David Woods | 16 February 2023 | - |
| 3 | Report | Amendment – Flora and Fauna Assessment | David Wood | 17 December 2023 | |
| 4 | Report | Recycled Water Management Plan | Selwyn Snow Resort | 10 February 2023 | Rev 3 |
| 5 | Spreadsheet | Human Health and Environmental Risk Assessment | - | - | Rev 3 |
| 6 | Spreadsheet | Environmental Risk Assessment | - | - | - |
| 7 | Report | Selwyn Snow Resort, STP Dilution Study | Advisian | 14 April 2023 | 311012-01613 |
| 8 | Plan | Snowmaking System Masterplan | Selwyn Snow Resort and Techno Alpin | 20.12.2021 | 00-V0-B Rev B |

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|----|--------|-------------------------------------------------------------------|-----|----------------------------------------------|--------------|
| 9 | Letter | Selwyn Snow Resort response to request for additional information | SSR | 21 April 2023 | - |
| 10 | Letter | Additional Information DA 23-2747 | SSR | Received via email 25 October 2023 at 3:02pm | |
| 11 | Letter | General terms of approval | EPA | 24 January 2024 | DOC24/531 35 |

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. Time limited consent for trial only

- (a) This development consent is time limited and lapses on 31 October 2025. Despite any reference in a plan or document to the contrary in Condition A.2, this development consent is for winter 2024 and winter 2025 seasons trial of the development only.
- (b) Paragraph (a) does not affect any reporting requirements to NSW Government agencies associated with the development, including for the approved plans required by Conditions C.10, C.11, C.12 and C.13 or the Verification Report required by Condition G.2.

Note: Nothing in this consent prevents the removal of treated or untreated effluent from the sewage treatment plant by tanker trucks in accordance with DA 22/5248, during the trial or on completion of the trial.

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 and alpineresorts@planning.nsw.gov.au within seven days after the Applicant becomes aware of any

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

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

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

PART B – PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

B.1. Construction certificate

- (a) Work must not commence until a construction certificate has been issued for the new connecting water pipe between the existing line from Three Mile Dam and the existing line to the water tank adjacent to the staff accommodation, unless otherwise agreed in writing by the Secretary or nominee.
- (b) Any request for work to commencement without a construction certificate must be supported by the document in Conditions B.2, B.3 and B.4.

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. 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), 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. Specifications

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

- (a) that describe the construction and materials associated with the infrastructure 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.4. Hydraulics plan

Prior to the issue of the 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.

PART C – PRIOR TO THE COMMENCEMENT OF WORKS AND / OR THE COMMENCEMENT OF THE TRIAL

Physical work

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) the site environmental management measures must be inspected and approved by the Environmental Officer; and
 - (iii) the Environmental Officer must provide written and signed certification to the Secretary or nominee confirming that sub-paragraphs (i) and (ii) 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. 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:

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

C.6. 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.7. 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.

Recycled water reuse trial

C.8. Secretary or nominee written endorsement to commence trial

Treated effluent must not be released into the Quarry Dam until the Applicant has obtained written endorsement from the Secretary or nominee. A request for written endorsement will only be considered once the following Part C conditions have been appropriately satisfied.

C.9. Three Mile Dam alternative potable water source

Prior to any release of treated effluent into the Quarry Dam, the Three Mile Dam alternative potable water source for the Subject site must be operational and certified.

C.10. Treated effluent management plan

- (a) Prior to any release of treated effluent into the Quarry Dam, a treated effluent management plan must be prepared by suitably qualified environmental consultants and wastewater engineers in consultation with the NPWS, EPA and NSW Health; and be submitted to and approved by the Secretary or nominee. Once approved, the Applicant must implement all actions set out in the treated effluent management plan.
- (b) The plan must include the matters referred to in the EPA general terms of approval under the heading 'Treated Effluent Management Plan'.
- (c) The plan must also address recycled water that is intended to be utilised for flush toilets within the Visitor Centre in accordance with relevant NSW Health (Public Health Unit) requirements.

C.11. Snowmaking management plan

- (a) Prior to any release of treated effluent into the Quarry Dam, a snowmaking management plan must be prepared by suitably qualified environmental consultants and wastewater engineers in consultation with the NPWS, EPA and NSW Health; and be submitted to and approved by the Secretary or nominee. Once approved, the Applicant must implement all actions set out in the snowmaking management plan.
- (b) The plan must include:
 - (i) Operational details of the snowmaking system, including the ability to isolate certain locations or lines.

- (ii) A scaled plan showing all areas that may be affected by snow drift, snow-push or snowmelt containing treated effluent within the resort area.
- (iii) Details of the soil monitoring that will be carried out to inform the verification study and catchment specific guidelines referred to in the Selwyn Snow Resort, STP Dilution Study listed in Condition A.2, Item 7.
- (iv) The matters referred to in the EPA general terms of approval under the heading 'Snowmaking Management Plan'.

C.12. Surface water quality monitoring program

- (a) Prior to any release of treated effluent into the Quarry Dam, a surface water quality monitoring plan must be prepared by a suitably qualified environmental consultant in consultation with the NPWS, EPA and NSW Health; and be submitted to and approved by the Secretary or nominee. Once approved, the Applicant must implement all actions set out in the surface water quality monitoring plan.
- (b) The plan must include:
 - (i) Details of the surface water monitoring that will be carried out to inform the verification study and catchment specific guidelines referred to in the Selwyn Snow Resort, STP Dilution Study listed in Condition A.2(c), Item 6.
 - (ii) The matters referred to in the EPA general terms of approval under the heading 'Surface Water Quality Monitoring Program'.

C.13. Groundwater quality monitoring program

- (a) Prior to any release of treated effluent into the Quarry Dam, a groundwater quality monitoring plan must be prepared by a suitably qualified environmental or hydrogeological consultant in consultation with the NPWS, EPA and NSW Health; and be submitted to and approved by the Secretary or nominee. Once approved, the Applicant must implement all actions set out in the groundwater quality monitoring plan.
- (b) The plan must include:
 - (i) Details of the groundwater monitoring that will be carried out to inform the verification study and catchment specific guidelines referred to in the Selwyn Snow Resort, STP Dilution Study listed in Condition A.2(c), Item 6.
 - (ii) The matters referred to in the EPA general terms of approval under the heading 'Groundwater Quality Monitoring Program'.

C.14. Vegetation monitoring program

- (a) Prior to any release of treated effluent into the Quarry Dam, a vegetation monitoring program must be prepared by a suitably qualified and experienced ecologist 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 vegetation monitoring program.
- (b) The program must include:
 - (i) Monitoring of any potential impacts to the Alpine She-oak Sink and the Broad-toothed Rat as a result of the recycled water scheme.
 - (ii) Measures to mitigate impacts to these species resulting from increases in non-native vegetation cover, increased weed density and spread of new weed species due to increased nutrients.
 - (iii) Other elements to be addressed in the program include:
 - Monitoring to be undertaken yearly.
 - Three transects located in representative areas on the lower slopes encompassing ski slope and native vegetation.
 - Timing of monitoring.
 - Monitoring to determine.
 - Percentage of native vs exotic vegetation.
 - Percentage of weeds.

- Any new weed species present.
- All exotic species detected.
- A qualified and suitably experienced ecologist should carry out the monitoring on behalf of Selwyn Snow Resort.
- Baseline data to be collected before the scheme becomes operational.
- Reporting to be submitted to NPWS annually before winter application commences.

C.15. Quality Assurance Plan (QAP)

- (a) Prior to any release of treated effluent into the Quarry Dam, a QAP must be prepared in consultation with the NPWS and NSW Health; and be submitted to and approved by the Secretary or nominee. Once approved, the Applicant must implement all actions set out in the QAP.
- (b) The QAP must include:
 - (i) The risks of the effluent recycling scheme to the Selwyn Snow Resort drinking water system.
 - (ii) The Framework for Management of Drinking Water Quality as set out in the Australian Drinking Water Guidelines (ADWG 2011) and demonstrate compliance with the NSW Private Water Supply Guidelines.
 - (iii) A thorough description and diagram of the components of the water supply system including water sources, extraction points, treatment, distribution, and uses.
 - (iv) A detailed description of all the water quality and supply system risks and associated monitoring and control measures.
 - (v) A water supply system inspection and maintenance program with appropriate records management processes.
 - (vi) The details of manufacturers, suppliers and repairers for component parts of the system. The manufacturer's written instructions must be attached to the QAP.
 - (vii) A potable water quality monitoring program, as per the NSW Private Water Supply Guidelines, including:
 - sample collection in line with the document 'Guide for Submitting Water Samples to DAL for Analysis';
 - analysis of water quality samples taken by a NATA accredited laboratory;
 - cyclic testing of water in accordance with the NSW Private Water Supply Guidelines and against values detailed in the ADWG; and
 - an exceedances protocol that follows guidance from NSW Health on managing pathogen risks in drinking water, i.e: <https://www.health.nsw.gov.au/environment/water/Pages/nswhrp-microbiological.aspx>;
 - (viii) A water carting protocol or similar system for the supply of water where the water source becomes unusable or the treatment system fails.
 - (ix) A contingency and emergency plan developed in accordance with the document 'NSW Guidance for Recycled Water Management Systems', i.e: https://www.industry.nsw.gov.au/_data/assets/pdf_file/0010/180478/Section-60-NSW-Guideines-for-Recycled-Water-Management-Systems.pdf
 - (x) Meet the requirements of DA 10647 (Resort Operations Infrastructure), DA 10637 (Staff Accommodation & Associated Infrastructure) and DA 10644 (Visitor Facility and Other Resort Works).

C.16. Signage and educational strategy

- (a) Prior to any release of treated effluent into the Quarry Dam, a signage and educational strategy must be prepared in consultation with the NPWS, EPA and NSW Health; and be submitted to and approved by the Secretary or nominee. Once approved, the Applicant must implement all actions set out in the signage and educational strategy.
- (b) The strategy must include:

- (i) Induction processes for staff about the use of recycled water at Selwyn Snow Resort for toilets and snowmaking.
- (ii) Information and signage for visitors and staff about the use of recycled water at Selwyn Snow Resort for toilets and snowmaking.
- (iii) Signage consistent with NSW Health 'Private Water Supply Guidelines' within the Visitor Centre toilets that clearly indicate the use of recycled water.

C.17. End of season land application distribution plan

- (a) Prior to any release of treated effluent into the Quarry Dam, a land application distribution plan must be prepared by a suitably qualified environmental consultant 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 plan where irrigating treated effluent from the Quarry Dam for purposes other than artificial snowmaking as part of normal ski resort operations at the Subject site (Treated Effluent Irrigation).
- (b) The plan must include:
 - (i) A scaled plan of the location of proposed Treated Effluent Irrigation that clearly identifies the number of snow guns required for the discharge event.
 - (ii) Operational details of the snowmaking system, including the ability to isolate certain locations or lines for the purposes of Treated Effluent Irrigation.
 - (iii) The time period during which Treated Effluent Irrigation will occur.
 - (iv) The management arrangements that will apply to Treated Effluent Irrigation to mitigate the risk of environmental harm.
 - (v) A flora and fauna assessment to address the impacts of Treated Effluent Irrigation, including potential direct contact with threatened species such as the Alpine Tree Frog (*Litoria verreauxii alpina*) and the Alpine She-oak Skink (*Cyclodomorphus praealtus*).

C.18. Baseline data report

- (a) Prior to any release of treated effluent into the Quarry Dam, a baseline data report must be prepared by a suitably qualified environmental consultant in consultation with the NPWS, EPA and NSW Health; and be submitted to and approved by the Secretary or nominee.
- (b) The report must include baseline data for each of the monitoring programs associated with the plans referred to in Conditions B.2, B.3, B.4, B.5 and B.6.

C.19. Disconnection of Clear Creek water supply

Prior to any release of treated effluent into the Quarry Dam, the Clear Creek potable water intake at the Subject site must be disconnected and rendered inoperable. The Applicant must provide a description of the works undertaken, certification of completion and photographic evidence to the Secretary or nominee for approval.

C.20. Independent audit

- (a) An independent audit must be conducted prior to supply of recycled water to the Visitor Centre or Quarry Dam to ensure that the treatment process and cross-connection risks associated with recycled water lines meets the requirements of the document entitled 'Australian Guidelines for Water Recycling: Managing Health and Environmental Risks (Phase 1)' published by Water Quality Australia.
- (b) Prior to any release of treated effluent into the Quarry Dam, the independent audit must be prepared by a suitably qualified consultant in consultation with NSW Health; and be submitted to and approved by the Secretary or nominee.

C.21. Incident plan

- (a) An incident plan must be prepared that includes the new end uses, event triggers, contingencies considering human health risk if the quality of recycled water is not met and contact details for relevant stakeholders.
- (b) Prior to any release of treated effluent into the Quarry Dam, the incident plan must be prepared by a suitably qualified consultant in consultation with NSW Health; and be submitted to and approved by the Secretary or nominee.

C.22. General terms of approval

- (a) The Applicant must satisfy the EPA general terms of approval prior to any release of treated effluent into the Quarry Dam.
 - (b) Once completed, the Applicant must provide written confirmation to the Secretary or nominee.
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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) and these conditions of consent;
- (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 previously disturbed area 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; and
 - (ii) 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. 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.21. 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.22. Maintenance of services

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

D.23. 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.24. 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.

PART E – UPON COMPLETION OF INSTALLATION

E.1. Occupation certificate

An occupation certificate must be obtained from the Principal Certifier unless the Secretary or nominee agreed in writing that no construction certificate was required. 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. Statement of completion (for works where no CC was required)

- (a) A Statement of completion is to be obtained from the Department, prior to the use of any part of the development that did not require a construction certificate.
- (b) The request for a statement of completion shall be accompanied by:
 - (i) A statement from the appointed environmental officer confirming whether the soil exposure, stabilisation and rehabilitation is satisfactory and have been undertaken in accordance with the conditions of consent;
 - (ii) The documentation required by Conditions E.5, E.6, E.7, E.8 and E.9.
 - (iii) A statement outlining compliance with all relevant conditions of consent.

E.5. Certification of the Three Mile Dam alternative potable water source

Prior to issue of an occupation certificate, Three Mile Dam alternative potable water source certification is to be provided to the Principal Certifier. This certificate is to verify that the Three Mile Dam alternative potable water source has been completed in accordance with approved plans and specifications and comply with the provisions of the BCA and relevant standards. The certification must include evidence that the following works have been completed:

- (a) New connecting water pipe between the existing line from Three Mile Dam and the existing line to the water tank adjacent to the staff accommodation (i.e. without going through the Quarry).
- (b) Installation of switching valve to direct water to Quarry or divert it to the water tank via the new line
- (c) Installation of a non-return valve.
- (d) Part of the existing line from quarry to water tank must be capped and decommissioned.
- (e) The Powerline Pump shed must be disconnected and equipment removed to allow water to be diverted.

A copy of the certificate is to be submitted to the Secretary or nominee with the occupation certificate documentation.

E.6. Rehabilitation

Prior to the issue of any occupation certificate, any disturbed ground must be rendered erosion resistant and rehabilitated in accordance with these conditions of consent.

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. 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.8. 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.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.

PART F – DURING TRIAL

F.1. Operation of trial

At all times during the trial, the recycled water operations which are part of the development must be undertaken in accordance with the plans and documents in Condition A.2 except as varied by these conditions of consent.

F.2. No potable water from Clear Creek

Water must not be extracted from Clear Creek and used at the Subject site for any purpose other than snowmaking, firefighting or toilet flushing.

F.3. Treatment process and storage capacity

If at any time during the trial the treatment process at the sewerage treatment plant does not meet the relevant specifications for release from the recycled water tank and the plant reaches its storage capacity, treated effluent must be tankered away to a facility licensed by the EPA to accept the waste.

F.4. Contamination of Quarry Dam

- (a) If at any stage during the trial the water quality parameters in the Quarry Dam exceed those listed in scenario A3 in table 5-3 of the Selwyn Snow Resort, STP Dilution Study listed in Condition A.2, Item 7, all snowmaking activities must cease and the Applicant must prepare a rectification plan in consultation with NPWS, EPA and NSW Health.
- (b) Snowmaking must not recommence until written endorsement is provided by the Secretary or nominee.

F.5. No snowmaking during public access

Consistent with Table 6-1 of the Selwyn Snow Resort, STP Dilution Study listed in Condition A.2, Item 7, snowmaking operations are not to occur at times when ski and toboggan slopes at the Subject site are open to the public.

PART G – POST TRIAL

G.1. End of trial

Prior to the end of the trial on 31 October 2024 and 31 October 2025:

- (a) The final discharge event from the sewage treatment plant to the Quarry Dam must occur;
- (b) A final snowmaking or Treated Effluent Irrigation (as defined in Condition C.17) event from the snow making system must occur in order to:
 - (i) remove residual treated effluent from the Quarry Dam; and
 - (ii) refill the Quarry Dam with raw water from Clear Creek to levels required to be maintained for fire-fighting purposes.

G.2. First year verification report

Within 60 days of the completion of the first year of the trial:

- (a) A verification report must be prepared by a qualified and experienced consultant addressing:
 - (i) the matters referred to in the EPA general terms of approval under the heading 'Verification Report'; and
 - (ii) final reporting for the purposes of the approved plans referred to in Conditions C.10, C.11, C.12 and C.13.
- (b) The verification report must be prepared in consultation with NPWS, EPA and NSW Health, and be submitted to and approved by the Secretary or nominee.

G.3. General terms of approval

Within 60 days of the completion of the first and / or second year of the trial:

- (a) the Applicant must satisfy all of the relevant EPA general terms of approval; and
 - (b) written confirmation of satisfaction of the EPA general terms of approval must be obtained from the EPA and submitted to the Secretary or nominee.
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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, licences, consents or agreements

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

AN.3 WaterNSW

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