

# 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 approved the Development Application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

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



Daniel James  
**Team Leader**  
**Alpine Resorts Team**  
**Department of Planning, Housing and Infrastructure**

Jindabyne

13 February 2024

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### SCHEDULE 1

<b>Application No.:</b>	DA No. 23/12342
<b>Applicant:</b>	Kosciuszko Thredbo Pty Ltd
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	Ski Slopes between Kareela Hutte to Black Sallees / Snowgums chairlift top station Lot 876 DP 1243112 Lot 853 DP 1116757 Lot 863 DP 1119757 Thredbo Alpine Resort, Kosciuszko National Park
<b>Type of Development:</b>	General Development
<b>Integrated Bodies:</b>	Nil
<b>Approved Development:</b>	Works including: <ul style="list-style-type: none"><li>• vegetation clearing and removal of existing snowmaking infrastructure</li><li>• installation of snowmaking infrastructure</li><li>• installation of new sewer and water main services and new electricity and telecommunication services</li><li>• trenching and excavation works</li><li>• rehabilitation works</li></ul>

## DEFINITIONS

<b>Act</b>	means the <i>Environmental Planning and Assessment Act, 1979</i> (as amended).
<b>Applicant</b>	means Kosciuszko Thredbo Pty Ltd, or any person carrying out any development to which this consent applies.
<b>Approval Body</b>	has the same meaning as within Division 4.8 of Part 4 of the Act.
<b>DA No 23/12343</b>	means the development application lodged by the Applicant on 12 September 2023
<b>Department</b>	means the Department of Planning, Housing and Infrastructure, or its successors.
<b>Development</b>	means the development approved pursuant to this consent, as defined in Condition A.2 and as modified by the conditions of this consent.
<b>Director</b>	means the Director of Regional Assessments or a delegate of the Director of within the Department.
<b>EEC</b>	endangered ecological communities, as listed for the purposes of the <i>Biodiversity Conservation Act 2016</i> .
<b>Environmental Officer</b>	means the person appointed by the Applicant in accordance with Condition C.2.
<b>EP&amp;A Regulation</b>	means the <i>Environmental Planning and Assessment Regulation 2021</i> (as amended).
<b>Geotechnical Policy</b>	means the Department's Geotechnical Policy – Kosciuszko Alpine Resorts a copy of which is available at: <a href="https://www.planning.nsw.gov.au/-/media/Files/DPE/Plans-and-policies/geotechnical-policy-kosciuszko-alpine-resorts-2003-11.pdf">https://www.planning.nsw.gov.au/-/media/Files/DPE/Plans-and-policies/geotechnical-policy-kosciuszko-alpine-resorts-2003-11.pdf</a>
<b>Minister</b>	means the Minister for Planning, or nominee.
<b>NPWS</b>	means the National Parks and Wildlife Service, or its successors.
<b>Non-compliance</b>	means an occurrence, set of circumstances or development that is a breach of this consent.
<b>Park</b>	means the Kosciuszko National Park reserved under the <i>National Parks and Wildlife Act 1974</i> .
<b>Precincts-Regional SEPP</b>	means the <i>State Environmental Planning Policy (Precincts - Regional) 2021</i> (as amended).
<b>Rehabilitation Guide</b>	means the NPWS document entitled: <i>Rehabilitation Guidelines for the Resorts Areas of Kosciuszko National Park</i> (2007) a copy of which is available at: <a href="https://www.environment.nsw.gov.au/research-andpublications/publications-search/rehabilitation-guidelines-for-theresort-areas-of-kosciuszko-national-park">https://www.environment.nsw.gov.au/research-andpublications/publications-search/rehabilitation-guidelines-for-theresort-areas-of-kosciuszko-national-park</a>
<b>Secretary</b>	means the Secretary of the Department, or nominee/delegate.
<b>Secretary's approval, agreement or satisfaction</b>	means a written approval from the Secretary or nominee/delegate.
<b>Site Environmental Management Plan or SEMP</b>	means a site environmental management plan for the Subject site, prepared by the Applicant as part of Condition A.2.
<b>Stockpile Guide</b>	means the NPWS document entitled: ' <i>Soil Stockpile Guidelines for the Resort Areas of Kosciuszko National Park, October 2017</i> ', a copy of which can be obtained from the NPWS Resorts Environmental Services Team.
<b>Subject site</b>	means that area of the Thredbo Alpine Resort within the Park described in the documentation listed in Condition A.2 (specifically the Statement of Environmental Effects at Item 1).

**Team Leader**

means the Team Leader of the Alpine Resorts Team within the Regional Assessments division (or its successors) or a delegate of the Team Leader of the Alpine Resorts Team within the Department.

## SCHEDULE 2

### PART A – ADMINISTRATIVE CONDITIONS

#### A.1. Obligation to minimise harm to environment

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

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

The Development must be in accordance with:

- (a) the Development Application No. DA 23/12343 and supporting documentation lodged by the Applicant on 12 September 2023;
- (b) additional information received during the assessment of the application;
- (c) the conditions of this consent; and
- (d) the approved documents in the table below (except where modified by conditions of this consent):

Ref No.	Document	Title/Description	Author / Prepared by	Dated / Received	Document Reference
1	Statement of Environmental Effects (SEE)	Upgrade Of Services, Including Snowmaking Kareela Hutte To Black Saltees – Snowgums Top Station Thredbo Alpine Resort Kosciuszko National Park	Dabyne Planning Pty Ltd	May 2023	08-23
2	Report	Site Environmental Management Plan (SEMP)	Kosciuszko Thredbo Pty Ltd	13.10.2023	Revision 1
3	Report	Erosion and Sediment Control Plan (ESCP) Appendix C of SEMP	Kosciuszko Thredbo Pty Ltd	13.10.2023	Revision 1
4	Report	EVT/Kosciuszko Pty Ltd Geotechnical Assessment Snowmaking and Services Corridor Snowgums to Kareela, Thredbo NSW	AssetGeoEnviro	09.08.2023	7228-G1 Rev 1
5	Form 4	Form 4 – Minimal Impact Certification	AssetGeoEnviro	09.08.2023	-

6	Report	Flora and Fauna Assessment Snowmaking and Services Corridor, Snowgums Top Station to Kareela Hutte, Thredbo	Ecological Australia Pty Ltd	19.05.2023	5157
7	Plan	Site Plan	Kosciuszko Thredbo Pty Ltd	24.05.2023	Revision F
8	Plan	Construction Corridor Appended to ESCP	Kosciuszko Thredbo Pty Ltd	16.10.2023	Revision A
9	Plan	Longsection Positions	Kosciuszko Thredbo Pty Ltd	31.05.2023	Revision D
10	Plan	Trench Cross Section Combined – Snowmaking and Services	Kosciuszko Thredbo Pty Ltd	20.04.2023	Revision 2
11	Plan	Trench Cross Section - Services	Kosciuszko Thredbo Pty Ltd	20.04.2023	Revision 1
12	Plan	Longsections Sheet 1/2	Kosciuszko Thredbo Pty Ltd	31.05.2023	Revision C
13	Plan	Longsections Sheet 2/2	Kosciuszko Thredbo Pty Ltd	31.05.2023	Revision C
14	Plan	Longsections B – Sewer Only	Kosciuszko Thredbo Pty Ltd	31.05.2023	Revision A
15	Plan	TechnoAlpin Steel Pit	TechnoAlpin	-	-
16	Plans	York Air/Water Snowmaking Guns – B6 Borax or DB6 Borax and B12 Borax	York Neige	-	-

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

### **A.3. Inconsistency between documents**

The conditions of this consent prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in Condition A.2. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Condition A.2, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

#### **A.4. Lapsing of consent**

This consent lapses five years after the date of consent unless work for the purposes of the Development is physically commenced.

#### **A.5. Prescribed conditions**

In undertaking the Development, the Applicant must comply with all relevant prescribed conditions of development consent pursuant to Part 4, Division 2 of the Regulation.

#### **A.6. Australian standards**

All works which are part of the Development must be carried out in accordance with relevant current Australian Standards.

#### **A.7. Legal notices**

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

#### **A.8. Non-Compliance Notification**

The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) and [alpineresorts@planning.nsw.gov.au](mailto:alpineresorts@planning.nsw.gov.au) within seven days after the Applicant becomes aware of any non-compliance. The 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) Any work on or in the existing Kareela Hutte and Black Sallees Restaurants.
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## **PART B – PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE**

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

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

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

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

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

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

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

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

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

### **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. Hydraulics plan**

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

### **B.6. 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*.

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

### **C.1. Notification of commencement**

- (a) The Applicant must notify the Department in writing, at least 48 hours prior, of the date of commencement of physical work for the Development.
- (b) If the construction of the Development is to be staged, the Applicant must notify the Department in writing at least 48 hours prior to each construction stage, of the commencement date and extent of works to be carried out for the Development in that stage.

### **C.2. Environmental Officer**

- (a) Prior to the commencement of any works which are part of the Development, an appropriately qualified Environmental Officer must be appointed, and the Secretary or nominee must be notified of the identity and contact details of this person. The Environmental Officer is to have experience with management of construction within, and rehabilitation of, sensitive environments.
- (b) In the event that the Environmental Officer needs replacing, the replacement is to be similarly qualified and the Secretary must be notified of the replacement (including of the replacement person's identity and contact details).

### **C.3. Protection of adjacent vegetation areas**

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

### **C.4. “No Go/No Clearing” areas**

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

- (a) “No Go/No Clearing” areas must be appropriately marked as per the SEMP referred to in item 2 of condition A2 so as to clearly delineate environmentally sensitive areas to be avoided by vehicles, machinery and personnel;
- (b) The “No Go/No Clearing” areas to be identified by paragraph (a) are to include biodiversity mapped land close to worksites, as well as any areas of vegetation that comprise EEC, Alpine Bog, Subalpine Riparian Scrub, Subalpine Heath and Montane Wet Tussock Grassland vegetation communities.
- (c) The Environmental Officer must provide written and signed certification to the Secretary or nominee outlining the location of the “No Go/No Clearing” areas referred to in paragraph (a), confirming that the Environmental Officer has appropriately marked the areas accurately as described in (a) above.

### **C.5. Implementation of site environmental management measures**

- (a) Prior to any works which are part of the Development commencing:
  - (i) all site environmental management measures relevant to that section of work, in accordance with the approved documentation and plans (Condition A.2) and these conditions of consent and the various approved plans required by them, must be in place and in good working order, or management actions carried out (such as weed management), as applicable;
  - (ii) all site environmental management measures must be contained within the construction corridor (see Condition C.9);
  - (iii) the site environmental management measures must be inspected and approved by the Environmental Officer; and



- (iv) the Environmental Officer must provide written and signed certification to the Secretary or nominee confirming that sub-paragraphs (i), (ii) and (iii) above have been satisfied.
- (b) Prior to commencing each stage of work (if required), all proposed erosion and sediment control measures must be put in place.

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

#### **C.6. Machinery etc 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.7. Treatment of weeds**

- (a) Prior to the commencement of works which are part of the Development, all relevant weed species (including Yarrow (*Achillea millefolium*) and Sweet Vernal Grass (*Anthoxanthum odoratum*) that occur within the Subject site are to be treated to ensure these weeds are not spread further at the Subject site or throughout the Park.
- (b) For the purposes of paragraph (a), the term “relevant weed species” refers to target pest or weed flora species identified in the regional pest management strategy for the NSW Southern Ranges Region most recently published by the Department. At the date of this consent the current publication is the *Regional Pest Management Strategy 2012-17 Southern Ranges Region*, a copy of which is available at: <https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Parks-reserves-and-protected-areas/Pest-management-strategies/regional-pest-management-strategy-southern-ranges-region-120374.pdf>
- (c) This condition (Condition C.7) may be satisfied for the whole Development or progressively for various project stages which are part of the Development. In the latter case, paragraphs (a) and (b) of this condition shall reapply for each project stage.
- (d) If an area of excavation and trenching includes any relevant weed species then the vegetation component must first be treated and removed completely from the Subject site and not spread out on site with excavated material or included with excess excavated material to be stockpiled offsite for reuse.

#### **C.8. Wombat and Burrow Management Plan**

- (a) Prior to the commencement of works which are part of the Development, the Applicant must prepare a Wombat and Burrow Management Plan for submission:
  - (i) to be endorsed in writing by the NPWS; and
  - (ii) for submission to, and approval by, the Secretary or their delegate.
- (b) The plan required by paragraph (a) must be prepared by a suitably qualified person and provide for the following:
  - (i) record and mark the location of all existing burrows within the area of the proposed development;
  - (ii) monitoring of the burrows to determine if the burrows are active. Monitoring is to include a fauna camera and other methods or detection (small sticks across the openings) for at least 7 days;
  - (iii) identify management actions for all identified burrows with consideration being to retain burrows where possible; and
  - (iv) outline protection measures (barriers) to be implemented and ensure the plan is

consistent with all recommendations within the Flora and Fauna Assessment undertaken by Eco Logical Australia Pty Ltd (item 6 in Condition A.2).

#### **C.9. Construction corridor**

- (a) Prior to any works commencing which are part of the Development:
  - (i) the construction corridor shall be temporarily fenced/roped so as to clearly delineate the construction areas and the “No Go/No Clearing” areas as per the SEMP referred to in item 2 of condition A2;
  - (ii) the fenced construction corridor shall be inspected and approved by the Environmental Officer (Condition C.2); and
  - (iii) the Environmental Officer must provide written and signed certification to the Principal Certifier confirming that the fenced construction corridor is in place in accordance with the approved documentation (Condition A.2) and these conditions of consent and is satisfactory.
- (b) The construction corridor shall be in accordance with the SEMP referred to in item 2 of condition A2 and the plan referred to in item 8 of condition A2, comprising the following:
  - (i) a 8-metre-wide corridor encompassing the common snowmaking mains and services infrastructure trench;
  - (ii) a 6-metre-wide corridor encompassing the common snowmaking mains and services infrastructure trench between hydrants 827 and 828, as per the plan referred to in item 8 of condition A2;
  - (iii) a 6-metre-wide corridor encompassing the lateral main trenches;
  - (iv) a 6-metre-wide corridor encompassing the water and/or sewer services trenches;
  - (v) the immediate area adjacent to the pit locations, where the subject works area must be restricted to the minimum area necessary to enable construction;
  - (vi) any stockpiling and storage areas shall be located within the fenced corridor; and
  - (vii) shall exclude any areas identified as “No Go/No Clearing” areas (see Condition C.4).

#### **C.10. Detailed rehabilitation, monitoring and maintenance plan**

- (a) Prior to the commencement of works which are part of the Development, the Applicant must prepare a rehabilitation, monitoring and maintenance plan and provide to the Principal Certifier and the Secretary.
- (b) The plan required by paragraph (a) must provide for the following:
  - (i) initial establishment of rehabilitation measures, including all planting, mulching and stabilisation, to be completed progressively as soon as reasonably practicable after completion of work, which is part of the Development, and in any case be completed within the same summer period (per Condition C.3);
  - (ii) monitoring, maintenance and replacement of rehabilitation planting to occur at least every 12 months until established or for a period of 5 years (see Condition E.1) with results recorded against photo points identified in the plan;
  - (iii) all rehabilitation measures must be consistent with the Rehabilitation Guide;
  - (iv) include information on species, planting ratios, schedule, weed management, rehabilitation methods, trail hardening, monitoring regimes, maintenance schedules and methods;
  - (v) identify that exotic grass species such as Chewing Fescue are not suitable for the rehabilitation of areas containing any native species

#### **C.11. Plumbing and drainage works**

Prior to the commencement of works which are part of the Development, a notice of work must be pre-notified to the plumbing regulator (NPWS Senior Engineer) in accordance with *Plumbing and Drainage Act 2011*. For more information please refer to the NPWS website:

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

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

#### **C.12. Pre-commencement compliance report**

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

#### **C.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.

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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 must be kept by the Applicant on the Subject site at all times and be readily available for perusal by any person associated with the construction works, or an officer of the Department or NPWS. Without limitation, this condition applies to the following approved documentation:

- (a) this consent and its schedule of conditions;
- (b) the approved documentation and plans (Condition A.2);
- (c) the SEMP (Condition A.2);
- (d) the Wombat burrow and management plan (Condition C.8); and
- (e) the detailed Rehabilitation, Monitoring and Maintenance plan (Condition C.10).

### **D.2. Hours of work**

All work in connection with the proposed Development must be carried out between the hours of 7.00am and 6.00pm, 7 days a week, or as otherwise approved by the Secretary or nominee.

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

- (a) All works are limited to the “summer period” and are not to commence when snow is located on the Subject site. For the purposes of this condition, the summer period means the period of time commencing after the October long weekend (subject to no snow being on the Subject site) and ending no later than 30 April the following year in each year works are required to complete the Development, with finishing of rehabilitation and stabilisation works up until 30 May, or as otherwise approved by the Secretary or nominee.
- (b) By 30 April in each year works are required to complete the Development, the Applicant must ensure that the Subject site is made safe and secure (having regard to the use of the area) by undertaking the following:
  - (i) removal of all materials, vehicles, machinery, equipment and the like;
  - (ii) removal and/or securing of all stockpiles of soil and gravel;
  - (iii) protecting and fencing off any areas that are unsafe, for instance due to incomplete works;
  - (iv) stabilisation and rehabilitation works in accordance with these conditions of consent and the approved documentation; and
  - (v) any other specific matters related to making the Subject site safe and secure raised by the Principal Certifier or the Secretary or nominee.

### **D.4. Role of the Environmental Officer**

The appointed Environmental Officer must oversee all works which are part of the Development on behalf of the Applicant to ensure:

- (a) compliance with all environmental protection measures in the approved documentation, including (without limitation) the documents specified in paragraphs (a) to (d) inclusive of Condition D.1; and
- (b) all Subject site environmental management measures are in place and adequately monitored, maintained and functioning throughout the entire construction phase of the Development.

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

*Note to Applicant: The damage or removal of any native vegetation that is not the subject of this consent requires further authorisation under the National Parks and Wildlife Act 1974 or the Environmental Planning and Assessment Act 1979. Failure to obtain authorisation may result in compliance action under that legislation.*

#### **D.6. Water in excavations**

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

#### **D.7. Surface Water Control**

- (a) Where trenching and excavation works impact drainage lines and areas, temporary surface water diversions downslope must be provided.
- (b) Temporary diversions must not impact on “No Go/No Clearing” areas as per condition C.4 and appropriate filter dams as per condition D.7(b) must be installed and utilised to prevent sediment entering areas of sensitive biodiversity.
- (c) Excavation work as part of the development must not proceed during precipitation events.
- (d) Drainage lines and areas impacted must be reinstated when trenches are backfilled and the development site is rehabilitated.

#### **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 Applicant or other principal contractor for the work (if any), and include a 24 hour contact phone number for any inquiries, including construction/noise complaints.

- (c) The notice(s) is/are to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.
- (d) The name, address and phone number of the Principal Certifier is to be identified on the notice(s).

#### **D.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) no storage or disposal of materials takes place beneath the canopy of any trees or on native heath vegetation; and
- (c) all stockpiling of material is undertaken in accordance with the Stockpile Guide.

#### **D.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**

The Applicant must ensure that adequate measures are taken to prevent dirt and dust from affecting the amenity or environment of the adjoining areas during the construction phase of the Development.

#### **D.13. Safety demarcation**

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

#### **D.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. Waste**

All waste must be contained in receptacles and covered overnight, or removed from the Subject site each day, so as not to escape by wind, water or scavenging fauna. These receptacles must only be located in previously disturbed areas and not beneath the canopy or over roots of any trees. The receptacles must be cleaned regularly.

#### **D.16. Loading and unloading of construction vehicles**

All loading and unloading associated with demolition and construction work which is part of the Development must be restricted to those areas approved in the SEMP (Condition A.2) and these conditions.

#### **D.17. 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.18. Excavations and backfilling**

- (a) All excavation and backfilling work which is part of the Development must comply with the following:
  - (i) be executed in a safe manner and in accordance with appropriate professional standards;
  - (ii) where trenches or excavations are to be left open overnight, provision must be made for fauna egress so that any fauna entering these excavations can escape;
  - (iii) adequate provision must be made for drainage; and
  - (iv) all excavations must be properly guarded and protected to prevent them from being dangerous;unless otherwise agreed in writing by the Secretary or nominee
- (b) Any clean excavated material (i.e. containing no contaminants or weeds) may be:
  - (i) temporarily stockpiled at the Subject site in accordance with the Rehabilitation Guide and Stockpile Guide; or
  - (ii) stockpiled, at a location authorised by NPWS, and managed for future use in accordance with the Rehabilitation Guide and Stockpile Guide; or
  - (iii) disposed of at an authorised waste facility.
- (c) Any contaminated material (i.e. containing chemical contaminants or weeds) must not be stockpiled at the Subject site or within the Park and is to be disposed of at an authorised waste facility.
- (d) Imported fill material and gravel must only be obtained from an NPWS authorised source and in accordance with the Stockpile Guide.
- (e) Excess imported fill material must be stockpiled for reuse within the Thredbo Alpine Resort at a location authorised by NPWS and in accordance with the Stockpile Guide.

#### **D.19. Sod replacement techniques of native flora species where trenching is proposed**

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

#### **D.20. Erosion and sediment control measures**

During the construction phase of the Development, the Applicant must ensure that all erosion and sediment control measures (e.g. silt curtains, sediment fences, booms etc.) are:

- (a) installed and maintained in accordance with “Managing Urban Stormwater: Soils and Construction” (4th Edition Landcom, 2004, known as the Blue Book), and the ESCP per item 3 in condition A.2; and
- (b) checked regularly, and in any case after each precipitation event, to ensure they remain in good working order at all times.

#### **D.21. 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.22. Plumbing and drainage works**

All plumbing and drainage work which are part of the Development must comply with the Plumbing Code of Australia and Australian Standard AS/NZS 3500 *Plumbing and drainage* and must be carried out by a qualified plumber holding a NSW licence, qualified supervisor certificate or tradesperson certificate.

### **D.23. Rehabilitation and site establishment**

- (a) Site stabilisation and rehabilitation works must commence as soon as possible following the completion of each stage of work which is part of the Development to minimise exposed areas. Disturbed areas must be adequately mulched and maintained with weed free straw (i.e. straw which does not contain viable seed or other vegetative propagules) until an erosion resistant ground condition is achieved. All erosion prevention and sediment control measures must remain in place until all exposed areas of soil are stabilised and/or revegetated.
- (b) Rehabilitation must be undertaken by the Applicant in accordance with:
  - (i) the Rehabilitation Guide; and
  - (ii) these conditions of consent, including the detailed Rehabilitation, Monitoring and Maintenance Plan (Condition C.10).

### **D.24. Geotechnical requirements**

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

- (a) the Department's Geotechnical Policy; and
- (b) the Geotechnical Investigation undertaken by AssetGeoEnviro dated 9 August 2023 (Item 4 in Condition A.2).

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

### **D.25. 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.26. 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.27. Safety of resort visitors or guests and workers**

- (a) Use of the areas/sections 'Kosciuszko Flow' and 'Cannonball Downhill' mountain bike (MTB) trails within the site shall cease during works which are part of this development when works are in proximity to the trails such that they may compromise the safety of trail users or workers.
- (b) The sections of closed trails must be clearly identified, delineated and signposted in readily conspicuous locations to ensure the safety of users and workers.
- (c) Use of the trails referred to in paragraph (a) shall not recommence until the disturbed areas of trail that have been impacted by works have been properly reinstated to a standard being generally consistent with the International Mountain Bicycling Association Trail Solutions (2004) IMBA design guidelines.
- (d) Written confirmation shall be provided by the Environmental Officer to the Department and to the NPWS confirming they have inspected the proposed trail alignment and the Environment Officer is satisfied that the re-established sections of trail are consistent with the standard indicated in paragraph (b) of this condition.
- (e) 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 users of mountain bike trails, site workers and the general public are not put at risk.



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

### **E.1. Occupation certificate (for works where CC was required)**

Prior to the occupation or the commencement of use, which is part of the Development, an occupation certificate must be obtained from the Principal Certifier. A copy of the occupation certificate must be furnished to the Secretary or nominee prior to occupation or the commencement of use.

### **E.2. 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 must be accompanied by:
  - (i) a statement from the appointed Environmental Officer confirming whether the soil exposure, stabilisation and rehabilitation is satisfactory and has been undertaken in accordance with these conditions of consent;
  - (ii) certification by a geotechnical engineer or engineering geologist that the completed works are consistent with the geotechnical documentation in Conditions A.2 and any requirements of Condition E.6; and
  - (iii) a statement outlining compliance with all relevant conditions of consent.

A statement of completion for the Development in accordance with this condition must be obtained from the Department within thirty (30) days of works where no construction certificate was required being completed.

### **E.3. Site Clean Up**

Prior to commencement of use of the Development, the Subject site shall be cleaned up to the satisfaction of the Secretary or nominee.

### **E.4. Removal of site notice**

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

### **E.5. Rehabilitation**

- (a) Prior to the issue of an occupation certificate, the appointed Environmental Officer must provide the Principal Certifier with a statement confirming:
  - (i) whether the initial rehabilitation has been undertaken in accordance with the approved documentation and these conditions of consent; and
  - (ii) whether the rehabilitation is considered satisfactory.
- (b) The Principal Certifier shall not issue an occupation certificate unless it is satisfied that all disturbed ground, including trenchlines, has been rendered erosion resistant and rehabilitated in accordance with the approved documentation and these conditions of consent.

### **E.6. Geotechnical certification**

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

#### **E.7. Hydraulic Certification**

Prior to the issue of an occupation certificate, hydraulic certification is to be provided to the principal certifier. The certificate is to verify that hydraulic works have been completed in accordance with approved plans and specifications and comply with the provisions of the National Construction Code and relevant standards.

#### **E.8. Electrical certification**

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

#### **E.9. Snowmaking infrastructure certification**

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

#### **E.10. As built survey plan**

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

#### **E.11. Plumbing and drainage works**

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 Senior Engineer) in accordance with *Plumbing and Drainage Act 2011*. A copy of the documentation must be submitted to the Department with the copy of the occupation certificate.

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## **PART F – POST OCCUPATION**

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

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

- (a) the ground remains erosion resistant and the groundcover is being established; and
  - (b) all areas planted with native species (including sod replacement and seeding), are surviving, where replacement plantings will otherwise be carried out at least once within every twelve (12) month period within the five (5) year period until successful site establishment in accordance with the approved revegetation requirements; and
  - (c) All components of the approved Site Environmental Management Plan (SEMP) have been implemented and reported on.
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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 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 (where relevant) electricity, gas, water, sewage, telecommunications, and the fire hydrant on the subject site:
  - (i) to locate all service infrastructure on the subject site;
  - (ii) arrange connection to these services for the development where relevant; and
  - (iii) negotiate relocation and/or adjustment of any infrastructure related to these services that will be affected by the construction of the development.
- (b) The applicant and/or the lessee are responsible for costs associated with relocating any services.

### AN.4 Temporary fencing

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

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