

# Development consent

## Section 80 of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I grant development consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts including economic and social 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 and Environment

Jindabyne

1 June 2015 + ~~21 September 2016~~

***The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.***

***The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the approval holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all approval obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.***

## SCHEDULE 1

<b>Application No.:</b>	DA No. 6877 + <del>MOD 7732 (MOD 1)</del>
<b>Applicant:</b>	Kosciuszko Thredbo Pty Ltd
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	Village Green <u>(Lot 876 DP 1243112), 2 Friday Drive,</u> Thredbo <u>Alpine Resort</u> , Kosciuszko National Park
<b>Type of Development:</b>	Advertised Development / Integrated Development
<b>Approved Development:</b>	<p>Works including:</p> <ul style="list-style-type: none"><li>• construction of two tennis courts, lighting and screen fencing at the western end of the Village Green;</li><li>• relocation of the existing pump track located at the north-east corner with a new pump track;</li><li>• construction of a new skate park at the current location of the pump track;</li><li>• construction of a new playground;</li><li>• construction of a new amenities block; and</li><li>• installation of new paths, tables, benches and landscaping.</li></ul> <p><del>MOD 1 — Relocation of the amenities building, skate park and playground</del></p>

## SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
MOD 7732 (DA No. 6877 MOD 1)	21 September 2016	Team Leader	Relocation of the amenities building, skate park and playground
MOD 24/14675 (DA No. 6877 MOD 2)	19 June 2025	Team Leader	<p>Works including:</p> <ul style="list-style-type: none"> <li>• <u>replace existing playground equipment with new, including fencing, drainage and associated works</u></li> <li>• <u>replace existing pump track with new pump track, including installation of drainage and asphalt surface</u></li> <li>• <u>relocate existing emergency access road adjacent to pump track</u></li> <li>• <u>replacement of water main infrastructure</u></li> <li>• <u>installation of paving within plaza area</u></li> <li>• <u>landscaping and rehabilitation.</u></li> </ul>

## DEFINITIONS

Act	means the <i>Environmental Planning and Assessment Act, 1979</i> (as amended).
Applicant	means Kosciuszko Thredbo Pty Ltd.
Approval Body	has the same meaning as within Division 5 of Part 4 of the Act.
BCA	means the edition of the Building Code of Australia in force at the time of lodgement of an application for a Construction Certificate.
Certifier	has the same meaning as in Part 6 of the Act.
Certifying Authority	has the same meaning as Part 4A of the Act.
DA No 6877	means the development application and supporting documentation submitted by the applicant on 16 December 2014.
Department	means the Department of Planning and Environment, or its successors.
Director	means the Director of Key Site Assessments or a delegate of the Key Site Assessments within the Department.
Minister	means the Minister for Planning, or nominee.
<u>MOD 24/14675 (DA No. 6877 MOD 2)</u>	<u>means the modification application lodged by the Applicant on 21 October 2024.</u>
<u>MOD 7732 (DA No. 6877 MOD 1)</u>	<u>means the modification application lodged by the Applicant on 24 June 2016.</u>
<u>Non-Compliance</u>	<u>means an occurrence, set of circumstances or development that is a breach of this consent.</u>
<u>NPWS</u>	<u>means the National Parks and Wildlife Service, or its successors.</u>
OEH	means the NSW Office of Environment and Heritage, or its successors.
PCA	means the principal certifying authority and has the same meaning as Part 4A of the Act.
<u>Principal Certifier</u>	<u>means the principal certifier and has the same meaning as Part 6 of the Act.</u>
Regulation	means the <i>Environmental Planning and Assessment Regulations, 2000</i> (as amended).
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 Schedule 1 of this document.
Team Leader	means the Team Leader of the Alpine Resorts Team within the Key Site Assessments division (or its successors) or a delegate of the Team Leader of the Alpine Resorts Team within the Department.

## SCHEDULE 2

On 19 June 2025, Schedule 2 was amended by the insertion of the **bold** and **underlined** words and deletion of the ~~struck-out~~ words as follows:

### PART A – ADMINISTRATIVE CONDITIONS

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

In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction or operation of the development.

On 21 September 2016, Condition A.2 was amended by the insertion of the **bold** and **underlined** words and deletion of the ~~struck-out~~ words as follows:

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

The development shall be in accordance with the Development Application No. DA 6877 submitted by Kosciuszko Thredbo Pty Ltd on 16 December 2014, **as amended by the Section 96(1A) application submitted by Kosciuszko Thredbo Pty Ltd on 24 June 2016 and additional information received 17 August 2016, as amended by the Section 4.55 (1A) application submitted by Kosciuszko Thredbo Pty Ltd on 21 October 2024 and additional information received 20 February 2025** and in accordance with the supporting documentation submitted with that application including, but not limited to, the following:

Ref No.	Document	Title/Description	Author/Prepared by	Date	Document Reference
1	Statement of Environmental Effects (SEE)	Village Green Precinct Enhancement Project, Thredbo Alpine Resort Kosciuszko National Park	Dabyne Planning	November 2014	34-14
2	Secretary Guidelines	Reference Table and Attached A	Dabyne Planning	16 December 2014	-
3	Site Environmental Management Plan	Village Green Precinct Enhancement Project, Thredbo	Kosciuszko Thredbo Pty Ltd	-	-
4	Response to Submissions	-	Dabyne Planning	24 March 2014	-
5	Geotechnical Assessment	Report to Kosciuszko Thredbo Pty Ltd on Geotechnical Assessment for Proposed Village Green Precinct Enhancement Project at Thredbo Alpine Resort, Thredbo, NSW	JK Geotechnics	13 February 2015	28056RHrpt
6	Form 4	Geotechnical Policy – Kosciuszko Alpine Resorts Form 4 – Minimal Impact Certification	Signed by Paul Roberts	13 February 2015	-

7	Architectural Plan	Village Green Landscaped Concept Plan - Final	<u>Indyk Artchitects</u>	<del>19 November 2014</del> <u>07.06.16</u>	<del>VG_RB_DA_4001_I</del> <u>VG RB DA 4001 J</u>
8	Architectural Plan	Site Plan	Ezzy Architects Pty Ltd	23 October 2014	KT-VILLAGEGREEN-TENNIS-DA Sheet 1, Issue C
9	Architectural Plan	Plan	Ezzy Architects Pty Ltd	23 October 2014	KT-VILLAGEGREEN-TENNIS-DA Sheet 2, Issue C
10	Architectural Plan	Elevations	Ezzy Architects Pty Ltd	23 October 2014	KT-VILLAGEGREEN-TENNIS-DA Sheet 3, Issue C
11	Architectural Plan	-	Trinity Skateparks	October 2014	TSP-THREDBO_VG_DA_[SD]
12	Architectural Plan	Cover Sheet	Kaunitz Yeung Architecture	21 November 2014	A00, Revision A
13	Architectural Plan	Floor Plan	Kaunitz Yeung Architecture	21 November 2014	A01, Revision A
14	Architectural Plan	Elevations	Kaunitz Yeung Architecture	21 November 2014	A02, Revision A
15	Architectural Plan	Section A-A	Kaunitz Yeung Architecture	21 November 2014	A03, Revision A
16	Architectural Plan	Roof Plan	Kaunitz Yeung Architecture	21 November 2014	A04, Revision A
17	Architectural Plan	Photomontage	Kaunitz Yeung Architecture	21 November 2014	A05
<del>18</del>	<del>Architectural Plan</del>	<del>Proposed pump track</del>	-	-	-
19	General Terms of Approval	General Terms of Approval for works requiring a controlled activity approval under s91 of the Water Management Act 2000	Department of Primary Industries – Office of Water	11 March 2015	Ref: 10 ERM2015/0219
<u>20</u>	<u>Report</u>	<u>Development Application Modification Report</u>	<u>Kosciuszko Thredbo Pty Ltd</u>	<u>-</u>	<u>DA 6877 Modification Report</u>
<u>21</u>	<u>Letter</u>	<u>Goetech Assessment of Modification</u>	<u>JK Geotechnics</u>	<u>15 August 2016</u>	<u>28056ZH Let</u>

<u>22</u>	<u>General Terms of Approval</u>	<u>General Terms of Approval for works requiring a controlled activity approval under s91 of the Water Management Act 2000</u>	<u>Department of Primary Industries – Water</u>	<u>29 June 2016</u>	<u>Ref: 10 ERM2015/0219</u>
<u>23</u>	<u>Modification Report</u>	<u>Modification Application Supporting Report</u> <u>DA 6877 Village Green Enhancement Project, Thredbo Village</u> <u>MOD 2</u>	<u>Kosciuszko Thredbo Pty Ltd</u>	<u>23 September 2024</u>	<u>24003ES</u> <u>Rev. 0</u>
<u>24</u>	<u>Site Environmental Management Plan (SEMP)</u>	<u>Site Environmental Management Plan</u> <u>Village Green Infrastructure Upgrades (DA 6877 MOD 2)</u> <u>Thredbo Alpine Resort, Kosciuszko National Park</u>	<u>Kosciuszko Thredbo Pty Ltd</u>	<u>16 September 2024</u>	<u>24003ES</u> <u>Rev. 0</u>
<u>25</u>	<u>Report</u>	<u>Proposed Playground Upgrade, Thredbo Village</u> <u>NSW Geotechnical Assessment</u>	<u>Asset Geotechnical Engineering Pty Ltd</u>	<u>13 February 2025</u>	<u>7471-R1</u> <u>Rev. 3</u>
<u>26</u>	<u>Form 4</u>	<u>Form 4 – Minimal Impact Certification</u>	<u>Asset Geotechnical Engineering Pty Ltd</u>	<u>13 February 2025</u>	<u>:</u>
<u>27</u>	<u>Letter</u>	<u>IDAS-2024-10746 - Referral under SEPP (Biodiversity and Conservation) 2021</u>	<u>Department of Planning and Environment – Water</u>	<u>24 October 2024</u>	<u>IDAS-2024-10746</u>
<u>28</u>	<u>Report</u>	<u>MOD 24/14675 (DA 6877 MOD 2)</u> <u>Request for Additional Information Response,</u> <u>Village Green Enhancement Project</u>	<u>Kosciuszko Thredbo Pty Ltd</u>	<u>19 February 2025</u>	<u>MOD 24/14675 (DA 6877 MOD 2) – RFI 1</u>
<u>29</u>	<u>Report</u>	<u>Arborist Site Inspection Impact Assessment</u>	<u>Jindabyne Landscaping</u>	<u>28 January 2025</u> <u>(date of inspection)</u>	<u>:</u>
<u>30</u>	<u>Plan</u>	<u>Site Plan</u>	<u>Kosciuszko Thredbo Pty Ltd</u>	<u>18 July 2024</u>	<u>Rev. B</u>
<u>31</u>	<u>Plan</u>	<u>Site Demolition plan</u>	<u>Kosciuszko Thredbo Pty Ltd</u>	<u>30 June 2024</u>	<u>Rev. 0</u>
<u>32</u>	<u>Plan</u>	<u>Pavement Plan</u>	<u>Kosciuszko Thredbo Pty Ltd</u>	<u>18 February</u>	<u>Rev. B</u>

				<u>2025</u>	
<u>33</u>	<u>Plan</u>	<u>Play Equipment Plan</u>	<u>Edible Kids Gardens</u>	<u>January 2025</u>	<u>Ver. 3</u>
<u>34</u>	<u>Plan</u>	<u>Play Equipment Section</u>	<u>Edible Kids Gardens</u>	<u>January 2025</u>	<u>Ver. 3</u>
<u>35</u>	<u>Plan</u>	<u>Log Slalom Detail</u>	<u>Edible Kids Gardens</u>	<u>January 2025</u>	<u>Ver. 3</u>
<u>36</u>	<u>Plan</u>	<u>Pump Track Concept Plan</u>	<u>Kosciuszko Thredbo Pty Ltd</u>	<u>2024</u>	<u>-</u>
<u>37</u>	<u>Plan</u>	<u>Water Main Replacement Trench Cross Section</u>	<u>Kosciuszko Thredbo Pty Ltd</u>	<u>12 July 2024</u>	<u>Rev. 0</u>
<u>38</u>	<u>Plan</u>	<u>Playground Fence Footing</u>	<u>Kosciuszko Thredbo Pty Ltd</u>	<u>16 January 2025</u>	<u>Rev. 0</u>

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

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

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

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

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

All works shall comply with the prescribed conditions of development consent as set out in Part 6, Division 8A of the Regulation. In particular, your attention is drawn to:

- (a) clause 98, Compliance with Building Code of Australia;
- (b) clause 98A Erection of signs during building and demolition works; and
- (c) clause 98E Condition relating to shoring and adequacy of adjoining property.

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

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

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

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

### **A.8 Geotechnical**

At all times works associated with the development shall comply with:

- (a) the Department's Geotechnical Policy; ~~and~~
- (b) the Geotechnical Assessment prepared by JK Geotechnics and dated 13 February 2015 (Condition A.2.); ~~and~~
- (c) the Geotechnical Assessment prepared by Asset Geotechnical Engineering Pty Ltd and dated 13 February 2025 (Condition A.2.)

### **A.9 Use of tennis courts and lighting**



- (a) The tennis courts and associated lighting are approved to operate between the hours of 7.00am and 10.00pm, seven days a week or as otherwise approved by the Secretary or nominee.
- (b) Ball machines are not be used on the tennis court at any stage or as otherwise approved by the Secretary or nominee.
- (c) At no time shall lighting from the towers adversely impact upon the amenity of premises in the locality. This means:
  - (i) the lights are orientated so as not to cause glare for premises within the locality; and
  - (ii) the lighting complies with Australian Standard (AS) 4282-1997: 'Control of Obtrusive Effects of Outdoor Lighting' at all times.

#### **A.10 Future development applications**

The following shall be subject of separate Development Application/s under Part 4 of the Act, except where exempt development applies):

- (a) use of the Village Green for events, not including free community events.

#### **A.11 Playground**

Detailed plans of the playground illustrating the use of soft fall or similar materials consistent with relevant codes of practice and Australian Standards are to be provided to the certifying authority and a copy forwarded to the Department.

#### **A.12 Works not included**

This development consent does not include any of the following work:

- (a) use of the redundant playground area other than for landscaping; and
- (b) decommissioning or undertake works to the existing tennis courts at the Valley Terminal.

#### **A.13 Non-Compliance condition**

**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.**

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

### B.1 Construction certificate

Prior to the commencement of any work (including demolition, excavation, clearing, construction, subdivision or associated activities), a relevant construction certificate for the development must be obtained. Prior to the issue of the relevant 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 Payment of the Long Service Levy

Prior to the issue of any construction certificate, evidence shall be provided to the certifying authority, 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 Construction Industry Payments Act 1986*.

### B.3 Structural detail and compliance with the BCA

Prior to the issue of any the relevant construction certificate, the following information shall be submitted to, and be to the satisfaction of the certifying authority:

- (a) Structural drawings and design statement - Prepared and signed by an appropriately qualified practising Structural Engineer that comply with:
  - (i) the BCA;
  - (ii) development consent DA 6877, as modified by MOD 7732 and MOD 24/14675;
  - (iii) drawings and specifications comprising the construction certificate;
  - (iv) current and relevant Australian Standards; and
  - (v) the Department's geotechnical policy and all the recommendations from the Geotechnical Engineer.
- (b) Compliance with the BCA – sufficient details to demonstrate that the proposal complies with the relevant provisions of the BCA.

### B.4 Utility services

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

### B.5 Controlled activity approval under the Water Management Act 2000

Prior to the issue of a construction certificate over any part of the site requiring a controlled activity approval under the *Water Management Act 2000*, the certifying authority is to be satisfied that a controlled activity approval has been obtained. A copy of the approval shall be provided to the Department.

### B.6 Access for People with Disabilities

The building and paths must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. The Certifying Authority must ensure that

evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on the relevant Construction Certificate drawings.

#### **B.7 Civil drawings and design statement**

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

- (a) submit civil drawings, hydraulics plan and a design statement, prepared and signed by an appropriately qualified and practising Civil Engineer who is registered as a design practitioner (*Design and Building Practitioners Act 2020*), to the Certifier;**
- (b) include confirmation of the incorporation of the recommendations in the Geotechnical Assessment Report prepared by Asset Geotechnical Engineering Pty Ltd (Condition A.2) into the design of the development utilised for the construction certificate; and**
- (c) the design statement referred to in paragraph (a) above is required to demonstrate that the earthworks and trenching required to install the water infrastructure will be situated outside structures and footings zone of influence of any existing onsite structures. Alternatively, details shall be included from the engineer for any works proposed to be carried out within any zone of influence.**

#### **B.8 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.9 Bushfire standard for water supply**

**Any exposed above ground water supply pipes shall be metal in accordance with AS 3959 *Construction of Buildings in Bushfire Prone Areas*.**

#### **B.10 Playground Equipment**

**Playground equipment shall be designed and installed in accordance with the requirements of AS 4685.**

#### **B.11 Hydraulic Engineer confirmation**

**Prior to issue of the relevant construction certificate, provide certification from a qualified and practicing Hydraulic Engineer that the works will not result in a permanent reduction in fire protection and are in accordance with Section 78(4)(b) and (c) of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.**

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## PART C – PRIOR TO THE COMMENCEMENT OF WORKS

### C.1 Notification to Department of the date of commencement of works

- (a) Both the PCA Principal Certifier and the Secretary or nominee shall be given written notice, at least 2 days prior to works commencing on site, of the date that works are proposed to commence.
- (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 Temporary fencing

Prior to works commencing, the construction works area shall be fenced with temporary fencing. 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.

### C.3 Implementation of site environmental management measures

- (a) Prior to any construction works commencing;
  - (i) all site environmental management measures in accordance with the approved documentation (Condition A.2) and these conditions of consent, shall be in place and in good working order, and shall be inspected and approved as being satisfactory by the PCA Principal Certifier; and
  - (ii) all site environmental management measures must be contained within the construction corridor; and
  - (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.

### C.4 Protection of adjacent vegetation areas

Site management shall ensure that appropriate measures are in place to ensure that vehicles and machinery do not enter into areas of vegetation that are not part the proposed development.

### C.6 Community consultation and engagement plan

A community consultation and engagement plan shall be prepared prior to commencement of works and shall include how notification of sub-lessees and feedback associated with the works will be managed.

### C.7 Plumbing and Drainage Notice of Work

Prior to the commencement of works which are subject to the Plumbing and Drainage Act 2011, a notice of work must be pre-notified to the plumbing regulator (NPWS Perisher Team) 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-protected-areas/park-management/alpine-resort-management/our-services/plumbing-and-drainage>

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

#### C.8 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.9 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.10 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

#### C.11 Demolition

Prior to the commencement of demolition works, a demolition work plan shall be provided in accordance with AS 2601 – 2001 The demolition of structures, detailing the method of demolition and how waste materials will be disposed. The demolition work plan must be submitted to the Principal Certifier and the Department.

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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 [PCA 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 6.00pm on Monday to Friday inclusive, and 7:00am to 1.00pm on Saturdays, with no work allowed on Sunday or Public Holidays, 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 shall ensure that the 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) demolition and construction materials are removed from around the building and are stored within the building or contained within designated areas;
  - (iv) the subject site is fenced with para-webbing or other suitable visible protection fencing around the perimeter of the site to limit access to and from the site;
  - (v) appropriate signage shall be erected outlining that unauthorised access to the site is prohibited and that the site is a construction zone;
  - (vi) any external scaffolding shall be dismantled and removed from the site;
  - (vii) all external plumbing and drainage works are to be completed;
  - (viii) all disturbed ground is stabilised and made erosion resistant;
  - (ix) any excavations are made safe and secure; and
  - (x) any other specific matters related to making the site safe and secure raised by the [PCA Principal Certifier](#) or the Secretary or nominee.

### D.4 ~~Work Cover~~ [SafeWork NSW](#)

All works shall be carried out in accordance with current ~~Work Cover~~ [SafeWork NSW](#) guidelines.

### D.5 Site notice

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details. The notice(s) is 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 complaint are to be displayed on the site notice;
- (c) The notice(s) is 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 [PCA Principal Certifier](#) is to be identified on the site signage.

### D.6 Storage of materials

The applicant shall ensure that at all times during the construction period that:

- (a) No storage or disposal of materials shall take place beneath the canopy of any trees or on native heath vegetation;
- (b) The Subject site environmental management measures are complied with;
- (c) All stockpiling of material is undertaken in accordance with the Stockpile Guide.

#### **D.7 Prohibition of hazardous materials**

Hazardous or toxic materials or dangerous goods shall not be stored or processed on any site at any time.

#### **D.8 Noise and vibration management**

Excavation and construction shall be managed in accordance with AS 2436 *Guide to noise and vibration control on construction, demolition and maintenance sites* and to ensure that there is not an adverse impact for any neighbouring/affected tourist accommodation buildings during the construction period.

#### **D.9 Litter and building waste**

Building waste shall be minimised and shall be contained in receptacles and covered daily, or removed from site each day, so as not to escape by wind or water. 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.10 Loading and unloading of construction vehicles**

All loading and unloading associated with demolition and construction shall be restricted to those areas approved in the SEMP and conditions.

#### **D.11 Aboriginal heritage**

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 as per Section 90 of the *National Parks and Wildlife Act 1974*. The applicant must immediately contact the OEH to arrange for representatives to inspect the site. All workers on the site are to be made aware of this condition.

#### **D.12 External lighting**

External lighting shall comply with Australian Standard AS 4282-1997: 'Control of Obtrusive Effects of Outdoor Lighting'.

#### **D.13 Electrical works**

All electrical works shall be carried out by a qualified and licensed Electrical contractor and installed in accordance with the relevant Australian Standards.

#### **D.14 Excavations and backfilling**

- (a) All excavating and backfilling shall comply with the following:
  - (i) shall be executed in a safe manner and in accordance with appropriate professional standards;
  - (ii) where excavations are to be left open overnight, provision shall be made so that any fauna entering these excavations can escape;
  - (iii) all excavated material is to be moved off-site for storage or disposal;
  - (iv) adequate provision shall be made for drainage; and
  - (v) all excavations shall 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 may be:
  - (i) temporarily stock piled at the site compound prior to its removal off 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) disposal at an authorised waste facility.
- (c) Any clean excess fill shall be reused on site or disposed of at an authorised land fill site.
- (d) any contaminated spoil shall not be stockpiled at the Subject site or within the Park and is to be disposed of at an authorised waste facility.
- (e) Imported fill material and gravel must only be obtained from the following sources:
  - (i) The McMahons Earthmoving quarry, located on Alpine Way, Crackenback NSW;
  - (ii) The Kraft Earthmoving / Snowy Mountains Sand and Gravel quarry located on Kosciuszko Road, Jindabyne NSW; or
  - (iii) Any other source authorised by NPWS under the regulations it administers.

#### **D.15 Water in excavations**

In the event that water needs to be pumped out of any excavations a temporary dam filter shall be installed within the construction zone and shall function in such a way that it captures sediment and pollutants and prevents them leaving the filter dam. Only appropriately treated water from the filter dam shall be disposed of via the existing storm water system. All pump-out equipment shall be wholly contained within the construction zone.

#### **D.16 Dirt and Dust Control Measures**

- (a) Adequate measures shall 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 site shall 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.17 Rehabilitation and site stabilisation**

- (a) Site stabilisation and rehabilitation works shall commence, as soon as possible, following the completion of each section of work to minimise exposed areas.
- (b) Rehabilitation shall be undertaken in accordance with:
  - (i) the Rehabilitation Guidelines for the Resorts Areas, Kosciuszko National Park (NPWS 2007);
  - (ii) the SEE and the approved documentation in Condition A.2, and
  - (iii) these conditions of consent.

#### **D.18 Plumbing and drainage**

All plumbing and drainage works shall comply with AS/NZS 3500 Plumbing and drainage and shall be carried out by an appropriately licensed plumber.

#### **D.19 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) and (b) inclusive of Condition D.1;



- (b) all construction activities in connection with the Development are confined to the construction corridor;
- (c) no disturbance or other adverse environmental impacts occur outside the construction corridor;
- (d) all equipment, materials, stockpiles, vehicles, machinery and the like are be confined to the construction corridor; 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.20 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.21 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 SEMP (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.22 Tree protection measures

Excavation, backfilling and rehabilitation works in the location of the vegetation shall be carried out in accordance with the Arborist Site Inspection Impact Assessment prepared by Jindabyne Landscaping dated 28 January 2025

#### D.23 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 (b) inclusive of Condition D.1;
- (b) all Subject site environmental management measures are in place and adequately functioning throughout the entire construction phase of the Development; and
- (c) that Subject site stabilisation and rehabilitation occurs in accordance with the SEMP, the Rehabilitation Guide, and the Stockpile Guide.

#### D.24 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.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 Asbestos

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

#### D.27 Demolition

Demolition of the existing playground and pump track must comply with the requirements outlined in the SEMP and Condition C.12

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## PART E – PRIOR TO COMMENCEMENT OF USE

### E.1 Occupation certificate

Prior to the occupation of the building or the commencement of use of part of the development, an a relevant occupation certificate must be obtained from the PCA Principal Certifier. A copy of the occupation certificate must be furnished to the Secretary or nominee prior to the occupation of the building or commencement of the use.

### E.2 Site Clean Up

Prior to commencement of use, the subject site shall be cleaned up to the satisfaction of the PCA Principal Certifier.

### E.3 Removal of site notice

Any site notices or other site information signs shall be removed upon completion of the site works and prior to the commencement of use.

### E.4 Structural certification

A structural engineer's certificate shall be submitted to the PCA Principal Certifier prior to issue of any the relevant occupation certificate. This certificate is to verify that structural works have been completed in accordance with approved plans and specifications and comply with the provisions of the BCA and relevant standards.

### E.5 Electrical Certification

Prior to the issue of any the relevant occupation certificate, certification prepared and signed by an appropriately qualified electrician shall be submitted to the PCA 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.6 Rehabilitation

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

### E.7 As built survey plan

Prior to 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.8 Plumbing and drainage works

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 Plumbing and Drainage Act 2011. A copy of the documentation must be submitted to the Secretary or nominee.

### E.9 Hydraulic certification

Prior to the issue of the relevant occupation certificate, hydraulic certification is to be provided to the Secretary or nominee. 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 National Construction Code and relevant standards.

#### E.10 Reinstatement of existing road

Prior to the issue of the occupation certificate, the Thyne Reid Drive pavement impacted by excavation / trenching works as part of the approved development shall be reinstated to prior condition.

#### E.11 Environmental Officer statement

Prior to the issue of the relevant occupation certificate, the appointed Environmental Officer is to be satisfied that rehabilitation has been carried out in accordance with Condition E.6 of this consent, and any roads or other infrastructure damaged as a result of the construction works associated with the development have been adequately repaired in accordance with Condition E.10 of this consent.

The Environmental Officer shall provide a statement to the Principal Certifier prior to the issue of the occupation certificate verifying the works have been completed in accordance with the Conditions E.6 and E.10 of this consent.

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## **PART F – POST OCCUPATION**

### **F.1 Noise**

At no time shall the development give rise to 'offensive noise' under the *Protection of the Environment Operations Act 1997*.

### **F.2 Lighting**

At no time shall lighting from the towers adversely impact upon the amenity of premises in the locality. This means:

- (a) the affected footprint of the lighting shall be restricted to the Village Green and its immediate surrounds;
- (b) the lights are orientated so as not to cause glare for premises within the locality; and
- (c) the lighting complies with Australian Standard (AS) 4282-1997: 'Control of Obtrusive Effects of Outdoor Lighting' at all times.

### **F.3 Community consultation and engagement plan**

The community consultation and engagement plan is to be maintained to ensure compliance with the conditions of this consent and as a register for feedback handling.

### **F.4 Rehabilitation and monitoring**

**All disturbed areas shall be monitored, and necessary action undertaken to ensure that any seeding of the site has established and has become erosion resistant.**

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## PART G – GENERAL TERMS OF APPROVAL

*On 21 September 2016, Condition G.1 was amended by the insertion of the **bold and underlined** words and deletion of the ~~struck-out~~ words as follows:*

### G.1 Work requiring a controlled activity approval under the Water Management Act 2000

Prior to the commencement of a controlled activity on waterfront land, it will be necessary to obtain a controlled activity approval from the ~~Office of Water~~ **Department of Primary Industries – Water** under the *Water Management Act 2000*.

These conditions form the general terms of approval for the development issued by the ~~Office of Water~~ **Department of Primary Industries – Water** on 11 March 2015 **and 29 June 2016**.

1. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA No: 6877 (Ref: 14/20916) and provided by the Department of Environment and Planning to the NSW Office of Water on 19 December 2014 **and MOD 7732 to the DPI Water on 28 June 2016:**
  - Village Green Precinct Enhancement Project, Thredbo, Statement of Environmental Effects, November 2014 prepared by Dabyne Planning Pty Ltd.
  - **Village Green Precinct Enhancement Project DA 6877, Development Application Modification Report by Kosciuszko Thredbo Pty Ltd, dated 22 June 2016.**
  - Relevant Plans:
    - (i) Skate Park Plans – Ref: TSP-Thredbo\_VG\_DA\_[SD] dated October 2014
    - (ii) Thredbo Amenities Block Drwgs 00-05 by Kaunitz Yeung Architecture dated 21.11.2014
    - (iii) Village Green Landscape Concept Plan – Final, ~~Dwg VG\_RB\_DA\_4001\_1 dated 19.11.14~~ **Drawing No: VG RB DA 4001 J and dated 07.06.16**

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the ~~Office of Water~~ **Department of Primary Industries – Water** must be notified to determine if any variations to these GTA will be required.

2. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the *Water Management Act* from the ~~Office of Water~~ **Department of Primary Industries – Water**.

Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.

3. The consent holder must prepare or commission the preparation of:
  - (i) Design specifications / details for the proposed Skate Park and associated works.
  - (ii) Design specifications / details for the proposed Amenities Block foundations and associated works (eg trenching to connect services).
  - (iii) A Construction Works Schedule.
  - (iv) An Erosion and Sediment Control Plan.
4. The consent holder must
  - (i) carry out any controlled activity in accordance with approved plans; and

- (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional; and
  - (iii) when required, provide a certificate of completion to the ~~Office of Water~~ **Department of Primary Industries – Water**.
5. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the ~~Office of Water~~ **Department of Primary Industries – Water**.
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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, 2000* (as amended).

### AN.2 Other approvals and permits

The Applicant shall apply to the relevant authority for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the *Local Government Act, 1993* or Section 138 of the *Roads Act, 1993*.

### AN.3 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.4 Disability Discrimination Act

The applicant has been assessed in accordance with the *Environmental Planning and Assessment Act, 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Applicant is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 – Design for Access and Mobility. AS 1428 Parts 2, 3 and 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

### AN.5 Dial before you dig

Underground assets may exist in the area that is the Subject site. In the interests of health and safety and in order to prevent damage to third party assets please contact the Dial Before You Dig service at or telephone on 1100 before excavating or erecting structures (this is the law in NSW).

If alterations are required to the configuration, size, form or design of the Development upon contacting the Dial Before You Dig service, an amendment to this consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

### AN. 6 Long Service Levy

The Applicant and Certifier must ensure that any long service levy payable in accordance with Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is paid prior to the issue of a construction certificate. Payment of the Long Service Levy is to be made to the Long Service Payments Corporation.

Information about when the long service levy applies and how to pay the levy can be found at the Long Service Payments Corporation website by following this link.