

# Development Consent

## Section 4.16 of the *Environmental Planning & 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.



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

Jindabyne

11 March 2025

### SCHEDULE 1

<b>Application No.:</b>	DA No 24/14728
<b>Applicant:</b>	Kosciuszko Thredbo Pty Ltd
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	Road reserve and multiple parcels adjoining Diggings Terrace, Thredbo Alpine Resort, Kosciuszko National Park (Lots 792, 793, 794, 795, 818, 843 and 846 of Deposited Plan 1119757)
<b>Type of Development:</b>	General Development
<b>Approved Development:</b>	Infrastructure facilities relating to the connection of sewer and water infrastructure, including the reinstatement and rehabilitation of impacted areas, as outlined in Condition A.2.

## 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>BCA</b>	means the edition of the Building Code of Australia in force at the time of lodgement of an application for a Construction Certificate.
<b>Certifier</b>	has the same meaning as in Part 6 of the Act.
<b>DA 24/14728</b>	means the development application lodged by the Applicant on 21 October 2024.
<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>	means 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.3.
<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="#">Geotechnical Policy – Kosciuszko Alpine Resorts</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), that includes Chapter 4 – Kosciuszko National Park and Alpine Resorts.
<b>Principal Certifier</b>	means the principal certifier and has the same meaning as Part 6 of the Act.
<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="#">Rehabilitation guidelines for the resort areas of Kosciuszko National Park   NSW Environment and Heritage</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 (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 Reference 1) showing the location of the

installation of the water and sewer infrastructure and the construction corridor within Thredbo Alpine Village.

**Team Leader**

means a Team Leader within 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 the:

- (a) Development Application No. 24/14728 and supporting documentation lodged by the Applicant on 21 October 2024;
- (b) additional information received during the assessment of the application;
- (c) conditions of this consent; and
- (d) 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)	Sewer and Water Services, Diggings Terrace, Thredbo Alpine Resort Kosciuszko National Park, NSW	Kosciuszko Thredbo Pty Ltd	10 March 2025	24005ES Version 3
2	Site Environmental Management Plan (SEMP)	Sewer and Water Supply, Diggings Terrace Thredbo Alpine Resort Kosciuszko National Park, NSW	Kosciuszko Thredbo Pty Ltd	10 March 2025	Project 24005ES Version 3
3	Plan	Site Plan GIS2418 Blackbear Sewer & Water Supply Upgrades	Kosciuszko Thredbo Pty Ltd	7 March 2025	Revision H
4	Plan	Hydraulic Services, Cover Sheet Specification Notes Detail Sheet 1	Scott Harris & Associates Pty Ltd	7 March 2025	2023048, H0-01 Revision C

5	Plan	Hydraulic Services, Services Location, Layout Plan	Scott Harris & Associates Pty Ltd	7 March 2025	2023048, H1-01 Revision E
6	Plan	Hydraulic Services, Services Location, Detail Sheet 2	Scott Harris & Associates Pty Ltd	9 July 2024	2023048, H1-02 Revision B
7	Plan	Hydraulic Services, Services Location, Detail Sheet 3 - Sewer Long Section	Scott Harris & Associates Pty Ltd	7 March 2025	2023048, H1-03 Revision A
8	Geotechnical Assessment	Proposed New Water and Sewer Services Installation, Lots 793, 794 & 795  Diggings Terrace, Thredbo Village NSW  Geotechnical Assessment	Asset Geotechnical Engineering Pty Ltd (AssetGeoEnviro)	8 March 2025	7407_R1 Revision 2
9	Geotechnical Policy Form 4	Geotechnical Policy – Kosciuszko Alpine Resorts  Form 4 – Minimal Impact Certification	Asset Geotechnical Engineering Pty Ltd (AssetGeoEnviro)	8 March 2025	-

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 under Part 4, Division 2 of the EP&A 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 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.

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

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

Work must not commence until a relevant construction certificate has been issued. 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 National Construction Code (BCA and Plumbing Code) 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 (i) and (ii).

### **B.3. 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 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 sewer and 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.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 Civil Engineer who is registered as a design practitioner (*Design and Building Practitioners Act 2020*), 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. Hydraulic Engineer confirmation**

Prior to issue of the 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*.

**B.7. 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*.

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## **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. Plumbing and Drainage Notice of Work**

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 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.3. 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.4. Protection of adjacent vegetation areas**

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

### **C.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;
  - (ii) all site environmental management measures must be contained within the construction corridor;
  - (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.6. Machinery, equipment and materials**

- (a) Prior to Subject site mobilisation, all equipment, machinery and vehicles used during demolition and construction of the Development must be cleaned prior to entry into the Park, or if already within Thredbo Alpine Resort cleaned prior to redeployment to the site, 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. nominated material storage area, stockpile sites, formed roads, established car parking areas and within the construction corridor) and not be stored on native vegetation.

#### **C.7. Erection of construction sign**

- (a) A sign must be erected at eye level in a prominent position on any site on which any approved work is being carried out:
  - (i) Showing the name, address and telephone number of the principal certifying authority for the work;
  - (ii) Showing the name of the principal contractor (if any) for any construction work and a telephone number on which that person may be contacted outside working hours; and
  - (iii) Stating that unauthorised entry to the work site is prohibited.
- (b) The sign is to be maintained while the approved work is being carried out and must be removed when the work has been completed.
- (c) The sign shall be durable and weatherproof with minimum dimensions 841mm x 594mm with text minimum 30 point.

#### **C.8. Pre-commencement dilapidation report**

Prior to the commencement of any works (including demolition) on the subject site the Applicant is to engage a qualified and practicing structural/civil or geotechnical engineer to prepare a dilapidation report detailing the current structural condition of the buildings on Lots 792, 793, 794 and 795, retaining walls, pedestrian and vehicular pavements adjoining works, and nearby infrastructure.

The dilapidation report shall be submitted to the Principal Certifier and a copy of the dilapidation report shall be provided to the Department within 7 days of it being submitted to the Principal Certifier.

#### **C.9. Notice of Commencement**

- (a) A minimum of five (5) days prior to works commencing on the site, the Applicant must notify the affected properties of Lot 792, Lot 793, Lot 794 and Lot 795 with details of the timing of the commencement of works, the scope of construction activities and works to be carried out on the affected allotment, management arrangements and contacts for any complaints.
- (b) A copy of the notifications required in Part (a) above is to be forwarded to the Department prior to works commencing.
- (c) Details of compliance with Part (a) and (b) of this condition are to be provided to the Principal Certifier.

#### **C.10. 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.11. 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; and
- (b) the approved documentation and plans (Condition A.2).

### **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. 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.5. 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.6. Site notice**

The Applicant must ensure that site notices are prominently displayed at the boundaries of the Subject site for the duration of the works.

#### **D.7. 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.8. 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.9. 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.10. 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.11. 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.12. 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.13. 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
- (v) 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.14. 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.15. 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.16. 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.

#### **D.17. 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 8 March 2025 (Condition A.2).

Works at variance to recommendations contained in the geotechnical assessment report and Form 4 certification 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.18. Tree protection measures**

Excavation, backfilling and rehabilitation works in the location of the vegetation on Lot 793 (Silver Birch and Cottonester) and on Lot 795 (Conifer) shall be carried out in a way to protect the vegetation, except where minor pruning of vegetation on Lot 793 is permitted.

#### **D.19. 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.20. Aboriginal heritage**

- (a) Should any material suspected of being an Aboriginal object 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.21. 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.22. 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.23. 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.

## **PART E – PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

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

Prior to the occupation or 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. 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.3. 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.4. Geotechnical certification**

The Applicant shall provide certification from an appropriately qualified geotechnical engineer to the Principal Certifier prior to the issue of the occupation certificate verifying the works have been completed in accordance with the Geotechnical Policy Form 4 (Condition A.2) and recommendations in the associated Geotechnical Assessment report (Condition A.2).

### **E.5. Plumbing and drainage works**

Prior to the issue of an occupation certificate, a Certificate of Compliance and Sewer Service Diagram 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.6. Hydraulic certification**

Prior to the issue of an 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.7. As built survey plan**

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

### **E.8. 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.9. Reinstatement of existing road**

Prior to the issue of the occupation certificate, the Diggings Terrace and Banjo Drive pavements impacted by excavation /trenching works as part of the approved development shall be reinstated to prior condition.



#### **E.10. Environmental Officer statement**

Prior to the issue of an occupation certificate, the appointed Environmental Officer is to be satisfied that rehabilitation has been carried out in accordance with Condition E.8 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.9 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.8 and E.9 of this consent.

#### **E.11. Dilapidation report**

Within 30 days of the completion of the construction works on the subject site, and prior to the occupation certificate being issued:

- (a) the Applicant shall engage a suitably qualified person to prepare a post-construction dilapidation report;
- (b) the post-construction dilapidation report shall compare the state of the condition of the buildings, pavements, retaining walls and infrastructure required to be inspected in the pre-commencement dilapidation report (Condition C.8) with those at the completion of works;
- (c) a copy of the post-construction dilapidation report shall be provided to the Principal Certifier (and to the Department if the Department is not the Principal Certifier); and
- (d) if it is determined that impacts have occurred as a result of the construction works, then the structural engineer shall make recommendations as to the remediation works that should be undertaken to rectify any impacts detected.

If the Department is not the Principal Certifier, the Principal Certifier is to provide a copy of these reports to the Department within 30 days of being approved by the Principal Certifier and prior to any occupation certificate being issued.

Note: Depending on the recommendations, this may require a new Construction Certificate or amended Development Consent.

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## **PART F – POST OCCUPATION**

### **F.1. 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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## **ADVISORY NOTES**

### **AN.1 Appeals**

The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2021* (as amended).

### **AN.2 Responsibility for other consents / agreements**

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

### **AN.3 Utility services**

- (a) The Applicant shall liaise with the relevant utility authorities for (where relevant) electricity, gas, water, sewage, telecommunications 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.

### **AN.5 Dial before you dig**

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

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

### **AN.6 Use of treated timber**

If any treated timber is required to be used for the Development it must not be treated with copper, chromium or arsenic.