

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.



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

Jindabyne

15 July 2025

SCHEDULE 1

Application No.:	DA No 24/14995
Applicant:	Kosciuszko Thredbo Pty Ltd
Consent Authority:	Minister for Planning
Land:	Kareela Hutte and adjoining ski slope Lot 852 DP 1119757 Lot 876 DP 1243112 Thredbo Alpine Resort, Kosciuszko National Park
Type of Development:	General Development
Approved Development:	Construction of access tracks, as outlined in Condition A.2

DEFINITIONS

Act	means the <i>Environmental Planning and Assessment Act, 1979</i> (as amended).
Applicant	means Kosciuszko Thredbo Pty Ltd, or any person carrying out any development to which this consent applies.
Approval Body	has the same meaning as within Division 4.8 of Part 4 of the Act.
DA No 24/14995	means the development application submitted by the Applicant on 21 October 2024.
Department	means the Department of Planning, Housing and Infrastructure, or its successors.
Development	means the development approved pursuant to this consent, as defined in Condition A.2 and as modified by the conditions of this consent.
Director	means the Director of Regional Assessments or a delegate of the Director of within the Department.
EEC	endangered ecological communities, as listed for the purposes of the <i>Biodiversity Conservation Act 2016</i> .
Environmental Officer	means the person appointed by the Applicant in accordance with Condition B.2.
EP&A Regulation	means the <i>Environmental Planning and Assessment Regulation, 2021</i> (as amended).
Minister	means the Minister for Planning, or nominee.
NPWS	means the National Parks and Wildlife Service, or its successors.
Non-compliance	means an occurrence, set of circumstances or development that is a breach of this consent.
Park	means the Kosciuszko National Park reserved under the <i>National Parks and Wildlife Act 1974</i> .
Precincts - Regional SEPP	means the <i>State Environmental Planning Policy (Precincts – Regional) 2021</i> (as amended), that includes Chapter 4 – Kosciuszko National Park and alpine resorts.
Rehabilitation Guide	means the NPWS document entitled: <i>Rehabilitation Guidelines for the Resorts Areas of Kosciuszko National Park</i> (2007) a copy of which is available at: Rehabilitation guidelines for the resort areas of Kosciuszko National Park NSW Environment and Heritage
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.
Site Environmental Management Plan (SEMP)	means a site environmental management plan for the Subject site, prepared by the Applicant as part of Condition A.2.
Stockpile Guide	means the NPWS document entitled: ' <i>Soil Stockpile Guidelines for the Resort Areas of Kosciuszko National Park, October 2017</i> ', a copy of which can be obtained from the NPWS Resorts Environmental Services Team.
Subject site	means that area of the Thredbo Alpine Resort within the Park described in the documentation listed in Condition A.2.
Team Leader	means the Team Leader, Assessments, of the Alpine Resorts Team, (or its successors) or a delegate of the Team Leader, Assessments of the Alpine Resorts Team within the Department.

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. 24/14995 submitted 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) (excluding Appendix B)	Kareela Hutte Access Tracks Thredbo Alpine Resort, Kosciuszko National Park	Kosciuszko Thredbo Pty Ltd	26 September 2024	Rev. 0
2	Report	Site Environmental Management Plan (SEMP) Kareela Hutte Access Tracks	Kosciuszko Thredbo Pty Ltd	23 September 2024	Rev. 0
3	Report	Ecological Assessment – Kareela Hutte Access – Thredbo Alpine Resort	Eco Logical Australia Pty Ltd	19 September 2024	Ref: 6835
4	Report	Geotechnical Assessment for Kareela Hutte Access Road, Thredbo NSW	Asset Geotechnical Engineering Pty Ltd (AssetGeoEnviro)	13 June 2025	Ref: 7480-3-R1 Rev 4
5	Form 4	Geotechnical Policy – Kosciuszko Alpine Resorts Form 4 – Minimal Impact Certification	Asset Geotechnical Engineering Pty Ltd (AssetGeoEnviro)	13 June 2025	-

6	Report	Applicant response to request for additional information	Kosciuszko Thredbo Pty Ltd	13 January 2025	-
7	Plan	Cover Sheet, Drawing List and Locality Plan	CLM CiVil Engineering	13 January 2025	V-333 Sheet 1 of 5 Rev D
8	Plan	Site Plan and Access Track Long Section	CLM CiVil Engineering	13 January 2025	V-333 Sheet 2 of 5 Rev D
9	Plan	Access Track Cross Sections	CLM CiVil Engineering	13 January 2025	V-333 Sheet 3 of 5 Rev D
10	Plan	Erosion and Sediment Control Plan	CLM CiVil Engineering	13 January 2025	V-333 Sheet 4 of 5 Rev D
11	Plan	Erosion and Sediment Control Details	CLM CiVil Engineering	13 January 2025	V-333 Sheet 5 of 5 Rev D

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 6, Division 8A 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. International Mountain Bicycling Association (IMBA)

Unless otherwise approved in this consent, the design and construction of the mountain bike trails which are part of the Development must be carried out in accordance with the IMBA design guidelines.

A.9. Non-Compliance Notification

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

The 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 COMMENCEMENT OF WORKS

B.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.

B.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).

B.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 vegetation that are not necessary for the purposes of the Development.

B.4. Access Track alignment

Prior to the commencement of construction on the tracks which is part of the Development:

- (a) the alignment of the access tracks are to avoid:
 - (i) removal of mature trees and their major roots, large boulders and rock outcrops where reasonably practicable;
 - (ii) "No go" areas as per Condition B.6.
- (b) the Environmental Officer is to provide written confirmation (including a GPS plotted plan) to the Department that he/she has inspected the proposed access tracks and is satisfied that the alignment is in accordance with this consent;
- (c) if the Environmental Officer identifies any inconsistencies between the consent and the proposed access track alignment and design, the Environmental Officer must provide recommendations or instruction to rectify the issues or inconsistencies to ensure compliance is achieved by the Applicant, with copies of the recommendations or instructions to be provided to the Applicant (for implementation) and to the Department (for information/record-keeping); and
- (d) representatives from the NPWS and the Department must be provided the opportunity to inspect the alignment prior to construction commencing.

B.5. Drainage, geotech and civil design

Prior to the commencement of works, and so that surface water does not affect the proposed access road, drainage, geotechnical and civil design details including a drainage plan prepared by a civil engineer is required to be submitted to, and approval by, the Secretary or nominee.

The design is to include the recommendations of the Geotechnical Assessment Report prepared by Asset Geotechnical Engineering Pty Ltd (Condition A.2) into the design of the development.

B.6. “No Go” areas

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

- (a) “No Go” areas, being specimens of Mountain Plum Pine (*Podocarpus lawrencei*) or Anemone Buttercup, (*Ranunculus Anemoneous*) and any environmentally sensitive areas of EEC, Subalpine Riparian Scrub, Subalpine Heath and Montane Wet Tussock Grassland vegetation communities, or any areas mapped as having high biodiversity values under the BC Act must be appropriately marked so as to clearly delineate sensitive areas to be avoided, unless otherwise endorsed by the Secretary or nominee; and
- (b) the Environmental Officer must provide written and signed certification to the Secretary or nominee confirming that he/she has appropriately marked the “No Go” areas accurately as described in (a) above.

This condition can be complied with for the whole trail or for sections of the trail.

B.7. 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 Subject site (see Condition A.2);
 - (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.

B.8. Machinery, equipment and materials

- (a) Prior to Subject site mobilisation, all equipment, machinery and vehicles used during 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. at the stockpile and staging areas proposed on ski slopes) and not be stored on native vegetation.

B.9. Exotic species management

- (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 pest 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 being 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 B.9 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 vegetation proposed for removal includes any relevant weed species, then the vegetation must be removed completely from site and not spread out within the existing vegetation.

B.10. Sediment and Erosion Controls

Prior to the commencement of works, sediment and erosion controls shall be installed to the site in accordance with the prepared CLM Civil Erosion and Sediment Control plan project Number V-333 dated 13 January 2025.

B.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.

PART C – DURING WORKS

C.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); and
- (c) the SEMP (Condition A.2).

C.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.

C.3. Inspections and reporting during works

During the works, the civil works contractor must document, with supporting inspection reports and photographic evidence, the below stages of works on the access track, drainage and retaining structures that are approved in Condition A.2 and Condition B.5.

- (a) After excavation for the track, drainage and retaining structures and prior to placement of any fill.
- (b) After the placement of each 0.2m fill layer and prior to the placement of the next layer.
- (c) After the subgrade preparation for rock retaining walls and prior to the installation of the walls to ensure a bearing pressure of at least 200kPa.
- (d) After the installation of surface or subsurface drainage (if installed).
- (e) Final inspection of the completed works.

A copy of each inspection report and photographs must be provided to the Department within 7 days of the inspection.

C.4. 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 (can occur until 30 May if required); and
 - (v) any other specific matters related to making the Subject site safe and secure raised by the Secretary or nominee.

C.5. 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 (c) inclusive of Condition C.1; and
- (b) all Subject site environmental management measures are in place and adequately functioning throughout the entire construction phase of the Development.

C.6. 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 (c) inclusive of Condition C.1;
- (b) all construction activities in connection with the Development are confined to the Subject site;
- (c) no disturbance or other adverse environmental impacts occur outside the Subject site;
- (d) all equipment, materials, stockpiles, vehicles, machinery and the like are be confined to the Subject site; and
- (e) all measures to minimise, mitigate and manage adverse environmental impacts of the Development are adhered to.

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.

C.7. Tree removal and rock removal

Prior to the removal of approved tree species and rocks:

- (i) Trees to be removed must be clearly marked;
- (ii) Any trees required to be removed must not be felled in a manner which damages surrounding vegetation. All vegetation (trees and understory) removed must either be cut into smaller pieces to be used for rehabilitation, discreetly dispersed amongst adjoining native vegetation without damaging existing native vegetation or removed from site completely if it contains any exotic vegetation species.
- (iii) All clearing must occur solely within the approved Subject site and to be clearly identified with flagging tape to mark no-go/no clearing zones prior to construction.
- (iv) All vegetation must be checked for fauna habitats and fauna by the proponent's Environmental Officer immediately prior to felling/removal. Vegetation with active nests must not be removed until the young have left the nest. If fauna is present, then the proponent must contact NPWS to assist with mitigation actions.
- (v) The proponent's staff and contractors undertaking native vegetation clearance for the development must be able to accurately identify *Podocarpus lawrencei* (Mountain Plum Pine) and *Ranunculus anemoneus* (Anemone Buttercup). These species of conservation significance must be avoided when creating the access tracks, and protected from trampling by foot, equipment or the placement of construction material. The SEMP is to be updated to include this.
- (vi) All rocks removed during the works must be placed in the surrounding landscape without damaging existing native vegetation, used in the trail construction (e.g. rock armouring) or removed from site completely.

C.8. 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).

C.9. Vegetation removal and disposal

Excepting exotic vegetation (which must be removed from the Subject site) all vegetation removed for the Development:

- (a) must be used to assist in stabilisation or rehabilitation of the Subject site;
- (b) may be cut, chipped or shredded for reuse as native brush matting in rehabilitation; or
- (c) if it cannot be used for the purposes in paragraphs (a) or (b) then it may be stockpiled at an appropriate location in Thredbo Alpine Resort, for re-use on other landscaping or rehabilitation projects, or for firewood or similar.

C.10. Top soil removal and disposal

- (a) All top soil removed from the Subject site during works which are part of the Development must be reused directly in the further construction of the Development.
- (b) No top soil may be stockpiled except at approved stockpiling sites in accordance with the Stockpile Guide.
- (c) If top soil needs to be stockpiled for later use, then it must be categorised (for appropriate future use e.g. topsoil for rehabilitation) and stored in accordance with the Stockpile Guide at a location in the Thredbo Alpine Resort that is approved by the Secretary or nominee.
- (d) If further top soil is required for use in the Development, the Applicant must ensure:
 - (i) the top soil is brought in from other stockpile sites in the Thredbo Alpine Resort or sources otherwise authorised by NPWS;
 - (ii) the top soil is free of contaminants, weeds and other vegetative propagules; and
 - (iii) prior to stockpiling, the top soil originated from a source with altitude and ecosystem attributes similar to those of the Subject site.

C.11. Excavations and backfilling

- (a) All excavating 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 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) or excess imported material may be:
 - (i) temporarily stockpiled at the Subject site in accordance with the Rehabilitation Guide and Stockpile Guide;
 - (ii) stockpiled and stored in accordance with the Stockpile Guide at a location in the Thredbo Alpine Resort that is approved by the Secretary or nominee; 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 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.

C.12. 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.

C.13. Waste

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

C.14. Blasting

No explosives may be used, or blasting occur, as part of the Development without prior notice to SafeWork NSW. A copy of each such notice must be submitted to the Secretary or nominee and NPWS.

C.15. 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.

C.16. 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.

C.17. 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.

C.18. 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.

C.19. 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.

C.20. Signage

The installation of signage, which is part of the Development, being decision point signs and waymarkers, must be done in a way that minimises loss of native vegetation and be located in the existing disturbed areas or areas disturbed for construction of the trail. The location of the signage is to be endorsed by the Environmental Officer.

C.21. Management and monitoring

During construction of the development, regular inspections of the works are to be undertaken by the Environmental Officer (see Condition B.2). Details demonstrating compliance with the inspection requirements are to be forwarded monthly to the Secretary or nominee.

C.22. Erosion and sediment control measures

- (a) All erosion prevention and sediment control measures must be checked and maintained in good working order at all times, particularly after precipitation events. All exposed earth must be kept stabilised and revegetation must commence as soon as practicable. All straw bales used for sediment and erosion control must be certified as weed free.
- (b) The erosion and sediment controls must also ensure that:
 - (i) grading, excavation, and construction does not take place during or immediately after significant rainfall or snowfall events;
 - (ii) sediment traps are designed, installed, and maintained to maximise the volume of sediment trapped from the Subject site during construction; and
 - (iii) disturbed areas that are not required for further construction access are to be stabilised and revegetated during trail construction.

C.23. Flora and fauna recommendations

The Environmental Officer is to ensure works comply with the recommendations within the Ecological Assessment, prepared by Eco Logical Australia Pty Ltd and dated 19 September 2024 (see Condition A.2).

C.24. 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.

C.25. Geotechnical requirements

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

- (a) the Department's Geotechnical Policy; and
- (b) the Geotechnical Assessment undertaken by AssetGeoEnvro dated 13 June 2025 (Condition A.2).

Works at variance to recommendations contained in the geotechnical investigation 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.

PART D – PRIOR TO COMMENCEMENT OF USE

D.1. Statement of completion

On completion of the access track, the consent authority is to be satisfied that the works have been carried out in accordance with the consent:

- (a) Prior to use, a statement of completion must be obtained from the Department.
- (b) The request for a statement of completion must be accompanied by:
 - (i) a statement outlining compliance with the conditions of consent;
 - (ii) a compaction certificate from the civil works contractor identifying that the fill has been appropriately compacted, stabilised and is fit for use;
 - (iii) if plumbing drainage works are carried out, works as executed plan and completion of statutory plumbing installation certificate;
 - (iv) certification verifying the works have been completed in accordance with the recommendations of the Geotechnical Assessment (see Condition A.2);
 - (v) a statement outlining compliance with the recommendations of the Ecological Assessment, prepared by Eco Logical Australia Pty Ltd dated 19 September 2024 (see Condition A.2); and
 - (vi) a photographic report of the completed works and rehabilitation areas.
- (c) Department staff may elect to complete a site inspection of the completed works and rehabilitation measures after receipt of the photographic record required in (b) above prior to a statement of completion being issued.

D.2. Works as executed final plan

A 'works as executed' plan must be submitted to the Secretary or nominee, which includes GPS coordinates of the access track and trail alignment and details of the construction.

D.3. International Mountain Bicycling Association (IMBA)

Prior to the use of the trail, which is part of the Development, certification that the trail is constructed in accordance with Condition A.8 must be submitted to the Secretary or nominee.

D.4. 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.

D.5. 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.

D.6. Rehabilitation

- (a) Prior to the issue of a statement of completion (Condition D.1), the appointed Environmental Officer must provide the Secretary or nominee 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 Secretary or nominee shall not issue any Statement of Completion unless satisfied that all disturbed ground has been rendered erosion resistant and rehabilitated in accordance with the approved documentation and these conditions of consent.

D.7. Signs

Decision point signs are to be in existing disturbed areas. Waymarkers should be in existing disturbed areas where possible.

PART E – POST OCCUPATION

E.1. Rehabilitation

Up until the date 5 years after the issue of the statement of completion (Condition D.1) for 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 groundcover is being established;
- (b) all areas planted with native species (including seeding), are surviving; and
- (c) all components of the detailed rehabilitation and monitoring and maintenance plan have been implemented and reported on.

E.2. Tree roots

Where any tree roots are exposed during ongoing use of the access track or trail, the tree roots must be protected from damage (following discussions and direction from the Environmental Officer) by rock armouring, grade reversals, laying of imported material or other construction techniques.

E.3. Ongoing track maintenance

Periodic track maintenance is to be undertaken to ensure the track and drainage is maintained as approved by this consent.

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. No condition of this consent removes any obligation to obtain, renew or comply with such additional approvals, licenses, consents and agreements.

AN.3 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.