

## 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.

Ben Lusher  
**Director**  
**Key Sites Assessments**  
**Department of Planning and Environment**

Jindabyne

8 December 2015

***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.***

## CONSOLIDATED CONSENT

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### SCHEDULE 1

<b>Application No.:</b>	DA No. 6571
<b>Applicant:</b>	Kosciuszko Thredbo Pty Ltd
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	<b>Stage 1B Mountain Bike Trails, Lot 876 DP 1243112,</b> Thredbo Alpine Resort, Kosciuszko National Park
<b>Type of Development:</b>	Advertised Development / Integrated Development
<b>Integrated Bodies:</b>	<b>Department of Primary Industries – Office of Water</b>
<b>Approved Development:</b>	Construction of Mountain Bike Trails – Stage 1B

# CONSOLIDATED CONSENT

## SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
MOD 7493 (DA No. 6571 MOD 1)	3 March 2016	Team Leader	MOD 7493 (DA 6571 MOD 1): Modification to the approved mountain bike trail including: <ul style="list-style-type: none"> <li>an amendment to the alignment of Trail 13 – Section1 between Antons Access Road and Gunbarrel Chairlift.</li> </ul>
MOD 7675 (DA No. 6571 MOD 2)	29 June 2016	Team Leader	MOD 7675 (DA 6571 MOD 2): Modification to the approved mountain bike trail including: <ul style="list-style-type: none"> <li>realignment of Trail 12.</li> </ul>
MOD 24/19241 (DA No. 6571 MOD 3)	4 November 2025	Team Leader	MOD 24/19241 (DA 6571 MOD 3): Modification to the approved mountain bike trail including: <ul style="list-style-type: none"> <li>modification to the approved offset plan</li> </ul>

## DEFINITIONS

Act		means the <i>Environmental Planning and Assessment Act, 1979</i> (as amended).
Advisory Notes		means advisory information relating to the consent but do not form a part of this consent.
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.
Certifying Authority		has the same meaning as Part 4A of the Act.
DA No 6571		means the development application and supporting documentation submitted by the Applicant on 13 June 2014.
Department		means the Department of Planning and Environment, or its successors.
Director		means the Director of Key Sites Assessments or a delegate of the Director of Key Sites Assessments within the Department.
Minister		means the Minister for Planning, or nominee.
<b>MOD 7493 (DA No. 6571 MOD 1)</b>		<b>means the modification application lodged by the Applicant on 3 February 2016.</b>
<b>MOD 7675 (DA No. 6571 MOD 2)</b>		<b>means the modification application lodged by the Applicant on 17 May 2016.</b>
<b>MOD 24/19241 (DA No. 6571 MOD 3)</b>		<b>means the modification application lodged by the Applicant on 9 January 2025.</b>
NOW		means the NSW Office of Water, or its successors.
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.
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 agreement satisfaction	approval, or	means a written approval from the Secretary or nominee/delegate.
Subject site		has the same meaning as the land identified in Part A of this schedule.
Team Leader		means the Team Leader of the Alpine Resorts Team within the Key Sites Assessment 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 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.

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

The development shall be in accordance with the Development Application No. DA 6571 submitted by Kosciuszko Thredbo Pty Ltd on 13 June 2014 and additional information dated 9 September 2014 prepared by Kosciuszko Thredbo Pty Ltd and 8 December 2014 prepared by Dabyne Planning, as amended by the Section 96(1A) application submitted by Kosciuszko Thredbo Pty Ltd on 3 February 2016, as amended by the Section 96(1A) application submitted by Kosciuszko Thredbo Pty Ltd on 17 May 2016, as amended by the Section 4.55(1A) application submitted by Kosciuszko Thredbo Pty Ltd on 09 January 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)	Stage 1B – Thredbo Mountain Bike Trails Trail 12 & Section 1 of Trail 13	Dabyne Planning	13 June 2014	18-13
2	Appendix A of SEE	Attachment 1 Proposed Plan Stage 1B Trail	World Trail	12 July 2013	-
3	Appendix A of SEE	Attachment 4 Background Reference Site Analysis Plan	World Trail	5 April 2013	-
4	Appendix A of SEE	Attachment 5 Standard Signage & Platform Modular Plans	Dabyne Planning	June 2014	-
5	Appendix A of SEE	Attachment 5 Standard Signage & Platform Modular Plans	G.O. Engineering Consultants Pty Ltd	7 January 2014	20131211-SKC-001 Rev. 1
6	Appendix F of SEE	Stage 1 – Thredbo Mountain Bike Trails Geotechnical Assessment	Asset Geotechnical	23 May 2013	2146-A
7	Appendix F of SEE	Geotechnical Policy - Kosciuszko Alpine Resorts Form 4 - Minimal Impact Certification	Signed by Mark Bartel	23 May 2013	-

8	General Terms of Approval	General Terms of Approval for work requiring a controlled activity approval under s91 of the Water Management Act 2000	Department of Primary Industries – Office of water	8 September 2014	10 ERM 2014/0715
<u>9</u>	<u>Plan</u>	<u>Section 96(1A) Application</u>	<u>Eco Logical Australia</u>	<u>18 January 2016</u>	
<u>10</u>	<u>Plan</u>	<u>Section 96(1A) Application</u>	<u>Eco Logical Australia</u>	<u>13 May 2016</u>	-
<u>11</u>	<u>Report</u>	<u>DA 6571 Stage 1B – Thredbo Mountain Bike Trails</u> <u>Section 4.55 (1A) Modification Supporting Report</u>	<u>Kosciuszko Thredbo Pty Ltd</u>	<u>07 January 2025</u>	<u>24021MO Rev. 1</u>
<u>12</u>	<u>Letter</u>	<u>IDAS-2025-10018 (IDAS-2024-10149) - Section 4.55 Modification Referral – General Terms of Approval</u>	<u>Department of Planning and Environment – Water</u>	<u>14 January 2025</u>	<u>IDAS-2025-10018 (IDAS-2024-10149)</u>
<u>13</u>	<u>Plan</u>	<u>Site Overview</u>	<u>Kosciuszko Thredbo Pty Ltd</u>	<u>06 January 2025</u>	<u>Rev. A</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; and
- (b) clause 98A, Erection of signs during building and demolition works.

### 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 Trail crossings over wet areas, sensitive vegetation and Endangered Ecological Communities (EEC)

- (a) Trail crossings (bridges, platforms or the like) shall be constructed over:

- (i) Endangered Ecological Communities;
  - (ii) Short Alpine Herbfield;
  - (iii) Alpine Stream Complex; and
  - (iv) areas of Snowpatch, if so directed by the Secretary or nominee.
- (b) In determining the extent of trail crossings over Snowpatch, operational matters such as snow sports activities and snow grooming may be considered.
- (c) Trail crossings shall be:
  - (i) constructed in a way that does not cause habitat loss, soil erosion or alteration to drainage patterns;
  - (ii) extensive enough to span the entire area and allow for a buffer either side of at least 1 metre;
  - (iii) limited to the minimum extent of disturbance possible for the placement of footings; and
  - (iv) neutral coloured slip-resistant Fibreglass Reinforced Plastic mesh with minimum 30 gauge (holes) to allow sunlight penetration and continued growth of vegetation below.

unless otherwise approved by the Secretary or nominee.

Note: Areas identified as Snowpatch are to be marked during the trail alignment inspection by the environmental officer and qualified ecologist for consultation with the OEH and Department to determine whether these areas should be bridged.

#### **A.9 International Mountain Bike Association (IMBA)**

Unless otherwise approved in this consent, the design and construction of the mountain bike trails shall be carried out in accordance with the IMBA design guidelines.

#### **A.10 Flexible construction corridor of 20 metres**

The mountain bike trails shall be constructed within a flexible construction corridor of 20 metres (10 metres either side of the ground-truthed alignment). The corridor will provide flexibility for the builders to respond to any unforeseen circumstances that may occur on site particularly in relation to environmental constraints where it may be more appropriate to go around an object rather than remove it.

#### **A.11 Construction period**

If construction takes place over more than one summer season, delineation and micro siting of the construction alignment and disturbance corridor is to take place before works recommence each summer. Details providing information on the extent of the remaining trail construction are to be forwarded to the Secretary or nominee for endorsement.

#### **A.12 Trail corridor**

- (a) At all times during construction, the disturbance corridor must be limited to the minimum width required to construct the trails and in any event, the width of the disturbance corridor must not exceed 2.5 metres at any location, with an average disturbance width not exceeding 1.7 metres.
- (b) Appropriate plant and equipment set down areas must be nominated by the environmental officer, in consultation with the Department, to enable short term placement of machinery and material adjacent to the disturbance corridor. Any such set down areas must avoid EECs.
- (c) During construction, all works and machinery must be contained within the disturbance corridor and nominated set down areas.
- (d) If vegetation is damaged as a result of the works occurring outside of the disturbance corridor or set down areas during construction, all works are to cease and the matter is to be rectified. No works shall recommence until written authorisation is obtained from the Secretary or nominee.

### **A.13 Trail 12 separation to adjacent boulder field**

The Trail 12 alignment is to be located a suitable distance up slope from the identified boulder field area as discussed by Eco Logical Australia Pty Ltd, 13 May 2016. Final details of the alignment are to be satisfied during the trail inspection as required by Condition C.9.

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## **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 or associated activities) a construction certificate for the development must be obtained.

### **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 Documentation for the construction certificate**

Prior to the issue of any construction certificate, all of 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) Development Consent DA 6571;
    - (ii) drawings and specifications comprising the construction certificate;
    - (iii) current and relevant Australian Standards;
    - (iv) the geotechnical assessment in Condition A.2; and
    - (v) the Controlled Activity Approval to be issued by the NSW Office of Water.
  - (b) Compliance with the BCA - sufficient details to demonstrate that the proposal complies with the relevant provisions of the BCA.
  - (c) A construction certificate must be obtained for any bridges, platforms or the like as a result of Condition A.8.
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## **PART C – PRIOR TO THE COMMENCEMENT OF WORKS**

### Administration component

#### **C.1 Environmental Officer**

- (a) Prior to the commencement of any works, an appropriately qualified environmental officer shall be appointed and both the PCA and the Secretary or nominee shall be notified of this person. The environmental officer is to have experience with construction and rehabilitation in alpine and sub-alpine areas.
- (b) In the event that the environmental officer needs replacing, the replacement is to be appropriately qualified and the PCA and Secretary be notified of the replacement.

#### **C.2 Qualified Ecologist**

- (a) Prior to the commencement of any works, an appropriately qualified ecologist shall be appointed. The ecologist is to have a Bachelor's degree in ecology (essential), experience in trail construction (desired), rehabilitation (essential) and the alpine and sub-alpine ecology (essential). Details, including resume of the ecologist are to be submitted by the Applicant to the PCA and Secretary or nominee.
- (b) The applicant shall arrange for an introductory meeting to be held between the qualified ecologist and the Department prior to flagging of the alignment.
- (c) In the event that the qualified ecologist needs replacing, the Applicant is to submit replacement details consistent with the same requirements as part (a).

#### **C.3 Inspection and monitoring plan**

Prior to any construction works commencing, the Applicant shall prepare a detailed Inspection and Monitoring Plan (IMP) to be approved by the Secretary or nominee, after consultation with the OEH. The plan is to:

- (a) outline critical inspection times (such as particular stages of construction);
- (b) representatives who will attend the inspections (e.g. environmental ecologist, environmental officer, the OEH, the Department and PCA); and
- (c) outline criteria to be assessed against to determine when construction is to cease and matters be rectified prior to proceeding further.

#### **C.4 Site Environmental Management Plan**

- (a) Prior to the commencement of any works the Site Environmental Management Plan (SEMP) shall be updated to the satisfaction of the PCA.
- (b) The SEMP shall include but not necessarily be limited to:
  - (i) sufficient details to address the requirements of "Guideline for Preparation of Environmental Management Plans" DIPNR 2004;
  - (ii) a precise description of the construction techniques and activities particularly if there are any changes as a result of these conditions;
  - (iii) environmental risk assessments for each of the project stages;
  - (iv) details of environmental monitoring to inform the implementation of environmental management measures and site rehabilitation; and
  - (v) wet weather/adverse weather (including high winds) contingencies including:
    - i. how and when the weather will be monitored during construction;
    - ii. how the site will be prepared and managed prior to and during wet weather conditions; and
    - iii. in what conditions construction will cease and when it will recommence.
  - (vi) any other matters as a result of the conditions of consent.
- (c) A copy of the SEMP shall be submitted to the Secretary or nominee.

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

## **C.5 Detailed rehabilitation and environmental offsets plan**

A detailed rehabilitation and offsets plan including implementation, maintenance, monitoring and reporting shall be developed in accordance with the following:

- (a) The plan shall be developed by an appropriately qualified person, in consultation with the OEH. Prior to the commencement of any works, the detailed rehabilitation and offsets plan shall be:
  - (i) endorsed in writing by the OEH (unless agreed otherwise in writing by the Secretary or nominee); and
  - (ii) submitted to and approved by the Secretary or nominee.
- (b) The purpose of this plan shall be:
  - (i) to detail the rehabilitation for all disturbed areas;
  - (ii) to detail methods used to achieve environmental offset outcomes; and
  - (iii) to demonstrate how improvements to biodiversity will be achieved for each of the environmental offset areas.
- (c) The plan must be generally consistent with the following:
  - (i) the approved documentation in Condition A.2;
  - (ii) it shall be in accordance with the 'Rehabilitation Guidelines for the Resorts Areas, Kosciuszko National Park' (NPWS 2007);
  - (iii) disturbed topsoil shall be stockpiled for re-use as part of the rehabilitation works; and
  - (iv) the environmental offset areas are to be set aside and maintained.
- (d) The detailed rehabilitation and environmental offsets plan shall include the following:
  - (i) baseline data for offset areas – To enable measurement of trending changes over time, the baseline condition of the environmental offset areas shall be recorded. This shall include:
    - mapping of all offset sites;
    - photographs (from points established to enable repeat photographs over time) including at least two photograph points (from the top and bottom of each site that together clearly show all of the site);
    - estimations of the species already planted, naturally regenerating and proposed to be planted;
    - estimations of the percentage cover of native heath/grass vegetation in the environmental offset areas;
    - weed species and densities (as per NPWS weed density categories); and
    - any evidence of fauna usage.
  - (ii) schedule (time line) – A schedule for all environmental offset areas including seeding/cutting collection, propagation, site preparation, planting, monitoring, and maintenance.
  - (iii) weed and predator control – Details of methods and programs for weed and predator control.
  - (iv) monitoring plan – The offset areas shall be monitored to document changes over time with the aim to increase species diversity and native plant species cover. Annual monitoring shall include:
    - photographs from the established photograph points;
    - the percentage survival of plant species;
    - weed species and densities; and
    - any evidence of fauna usage.
  - (v) action plan – The plan is to include the actions to be undertaken if the monitoring reveals that species diversity and native plant cover is not being improved in the environmental offset areas. In which case, the Applicant shall liaise with the OEH to determine the appropriate intervention required.

## **C.6 Ancillary Works Guideline**

Prior to commencement of works, the Applicant shall submit a draft 'Mountain Bike Trail Ancillary Works Guideline', to the satisfaction of the Secretary or nominee. The guideline shall incorporate parameters to allow for ancillary works, including ancillary structures to be undertaken as part of

the subject development consent for the Stage 1B Trails (therefore without separate development consent).

A final 'Mountain Bike Trail Ancillary Works Guideline' shall be submitted to the satisfaction of, and for approval by, the Secretary or nominee, prior to the issue of any occupation certificate.

The guideline shall include, but not be limited to, the following:

- new bridges or upgrading of existing bridges;
- temporary structures for event or for a change in user experience and also structures that require removal for winter purposes;
- over or under passes for other infrastructure including walking tracks;
- platforms, jumps, ramps and the like;
- track diversions for maintenance purposes or for a change in user experience; and
- signage for events or additional signage for operational changes.

The guidelines shall identify parameters for such ancillary works and structures including, but not be limited to, the following:

- extent of disturbance;
- maximum dimensions of structures;
- timing of submission of information;
- plans and/or specifications to be submitted;
- geotechnical certification;
- construction certificate requirements and/or installation certification;
- removal and rehabilitation; and
- ability to vary the guideline with written agreement.

The guidelines shall also specify the parameters that would trigger the lodgement of a separate development application. This may include:

- specific vegetation types;
- riparian land;
- depth of excavation; and
- areas of Aboriginal significance.

The guideline could be amended or adopted as part of future development consents for future Mountain Bike Trail stages.

### **C.7 Controlled activity approval under the Water Management Act 2000**

Prior to the commencement of works for any part of the development requiring a controlled activity approval under the *Water Management Act 2000*, a copy of the controlled activity approval shall be submitted to the PCA and the Secretary or nominee.

#### **Preparation works component**

Prior to proceeding to the following conditions, Conditions C.1 to C.7 are to be satisfied. Details are to be provided to the Secretary or nominee outlining how the Applicant has addressed the conditions.

### **C.8 Notification to Department of the Date of Commencement of Works**

Both the PCA 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.

### **C.9 Trail alignment**

Prior to the commencement of construction on the trails:

- (a) the alignment of the trail within the 20 metre corridor (see Condition A.10) is to be appropriately flagged (including GPS coordinates) by the environmental officer and the trail builders. Areas of Endangered Ecological Communities, Short Alpine Herbfield, Alpine Stream Complex and Snowpatch (in accordance with Condition A.8) are to be avoided, except for the placement of bridging platform footings and platforms thereon;
- (b) the qualified ecologist is to provide written confirmation to the PCA and the Department that he/she has inspected the trail alignment and is satisfied that the alignment is in accordance with the development consent;
- (c) if the qualified ecologist identifies any inconsistencies between the consent and the trail, recommendations or instruction to rectify to ensure compliance must be obtained by the Applicant and copies must be provided to the PCA and the Department;
- (d) plans detailing the alignment of the trails (including the GPS coordinates), areas of Endangered Ecological Communities, Short Alpine Herbfield, Alpine Stream Complex, Snowpatch (in accordance with Condition A.8) and bridge locations are to be provided to the PCA, with a copy forwarded to the OEH and the Secretary or nominee; and
- (e) representatives from the OEH and the Department must be provided the opportunity to inspect the alignment prior to construction commencing.

Following (a) to (d) being satisfied, the Applicant shall submit the final alignment and bridge locations to the Secretary or nominee for approval. No works are to commence until written approval has been obtained.

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

#### **C.10 “No Go” areas**

Prior to any works commencing:

- (a) “No Go” areas, such as EEC, must be appropriately marked so as to clearly delineate sensitive areas to be avoided; and
- (b) the environmental officer shall provide written and signed certification to the PCA 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.

#### **C.11 Implementation of site environmental management measures**

- (a) Prior to works commencing:
  - (i) all site environmental management measures relevant to that section work, in accordance with the approved documentation and plans (Condition A.2), these conditions of consent and the SEMP, shall be in place and in good working order;
  - (ii) all site environmental management measures shall be contained within the construction corridor (see Condition A.12);
  - (iii) the site environmental management measures shall be inspected and approved by the environmental officer; and
  - (iv) the environmental officer shall provide written and signed certification to the qualified ecologist, the Department and the PCA confirming that (i), (ii) and (iii) above have been satisfied.
- (b) Prior to commencing, erosion and sediment control measures shall be put in place.

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

#### **C.12 Machinery**

Machinery used during construction must be cleaned prior to site mobilisation, to ensure the machinery is free of mud and vegetative propagules.

#### **C.13 Pre-commencement compliance report**

Prior to the commencement of works, the qualified ecologist (see Condition C.2) shall submit to the PCA a report addressing compliance with all conditions contained in Part B and C of this consent pertaining to those works.

A copy of this compliance report shall be submitted to the Department within 7 days, for endorsement by the Secretary or nominee, of it being submitted to the PCA.

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## **PART D – DURING CONSTRUCTION**

### **D.1 Approved plans and documentation to be on-site**

A copy of the following shall be kept on site at all times and shall be readily available for perusal by any person associated with construction works, or an officer of the Department:

- (a) the approved plans and documentation at Condition A.2; and
- (b) the SEMP (as amended) at Condition C.4.

### **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 seven days week, with no work allowed on 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 and is not to commence when snow is located on the trail alignment. For this development this period means commencing after the October long weekend (subject to no snow being on the trail alignment) and ceasing no later than 30 April, with finishing of rehabilitation works up until 30 May, or as otherwise approved by the Secretary or nominee.
- (b) By 30 April the Applicant shall ensure that the 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 sites safe and secure raised by the Secretary or nominee.
- (c) Within 14 days of the construction period ending, the appointed environmental officer is to submit to the Department a written statement outlining how the site has been made safe and secure in accordance with these conditions of consent.

### **D.4 Role of the environmental officer**

The appointed environmental officer shall oversee all works to ensure:

- (a) compliance with all environmental protection measures in the approved documentation and plans (Condition A.2), these conditions of consent and the SEMP;
- (b) that site environmental management measures are in place and adequately functioning throughout the entire construction phase; and
- (c) that site stabilisation and rehabilitation occurs as soon as practicable.

### **D.5 Construction activities and management**

At all times, construction activities shall be undertaken and comply with the approved documentation (Condition A.2), the SEMP (Condition C.4) and any requirements stipulated in conditions of consent. All site environmental management measures in place shall be checked regularly and maintained in good working order at all times.

All contractors working on the site must be provided with a copy of the endorsed SEMP and must retain a copy of the SEMP on-site at all times during the works period.

All work crews and construction contractors must be properly briefed on all conditions of approval and SEMP requirements applying to the project.

Where this condition is not complied with, works are to cease and the matter rectified. No works shall recommence until written authorisation is obtained from the Secretary or nominee.

#### **D.6 Area of disturbance**

The area of disturbance shall be kept to the minimum necessary and shall comply with the following:

- (a) all works associated with construction of the development shall be confined to the construction zone;
- (b) no encroachment or works are permitted outside of the construction zone unless associated with the environmental offset areas; and
- (c) all materials, stockpiles, vehicles, machinery and the like shall be confined to the approved construction zone.

unless otherwise approved by the Secretary or nominee.

Where this condition is not complied with, works are to cease and the matter rectified. No works shall recommence until written authorisation is obtained from the Secretary or nominee.

Note: The damage or removal of any native vegetation that is not part of this consent may warrant further action to be undertaken in accordance with the *National Parks and Wildlife Act 1974* or the *Environmental Planning and Assessment Act 1979*.

#### **D.7 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 of the proposed development.

#### **D.8 Rehabilitation, site stabilisation and environmental offsets**

- (a) Rehabilitation and offsets shall be undertaken in accordance with the approved detailed rehabilitation and environmental offsets plan (Condition C.5) and these conditions of consent.
- (b) Site stabilisation and rehabilitation works shall commence, as soon as possible, following the completion of each section of work to minimise exposed areas. Disturbed areas shall be adequately mulched and maintained with weed free straw until an erosion resistant ground condition is achieved. Corresponding erosion prevention and sediment control measures shall remain in place until all exposed areas of soil are stabilised and/or revegetated.
- (c) Rehabilitation must be undertaken using site-indigenous plant species, propagated from sods, seed and/or cuttings sourced from the vicinity of the construction corridor.
- (d) Jute mesh, made from an organic biodegradable fibre, must be used on any cutting embankment or batter:
  - (i) greater than 500mm height; or
  - (ii) with a slope length of 500mm or greater that has an angle of 45 degree or more; or
  - (iii) additional locations as directed by the environmental officer.Jute mesh must be free of weeds, insulated with mulch material and planted with an appropriate density and selection of site-indigenous plant species. Jute mesh must be maintained in place until the embankment / batter has attained an erosion resistant condition and site-indigenous plants have established. If a large weave mesh is used it must be insulated with mulch.
- (e) Mulch material must be:
  - (i) either native brush matting or rice straw; and
  - (ii) free of weeds and weed propagules.

#### **D.9 Tree removal and rock removal**

- (a) All tree removal shall comply with the following:
  - (i) the environmental officer shall submit a tree removal inspection report to the Secretary or nominee for approval prior to any trees being removed.



- (ii) trees may only be removed if they pose a risk or cannot be avoided and have been inspected and recommended for removal by the environmental officer;
  - (iii) trees shall be checked for nests, hollows or any fauna and if any fauna are present the OEH shall be contacted for advice on suitable procedures to be followed;
  - (iv) trees shall be felled by hand using chainsaws only;
  - (v) trees shall be felled in a manner that minimises any impacts on adjoining vegetation and adjacent heath;
  - (vi) trees removed for the works may be cut into pieces small enough to enable them to be placed into adjoining native vegetation without damaging it where practical or taken away from the site; and
  - (vii) trees removed for the works may be used appropriately for batter stabilisation.
- (b) All above ground rock removal shall comply with the following:
- (i) any habitat or potential habitat rocks identified during the trail alignment marking (Condition C.9), shall be reinspected immediately prior to any works by the environmental officer. Representatives from the OEH and the Department being given the opportunity to attend these reinspections;
  - (ii) if any endangered or threatened reptiles or fauna burrows are found beneath rocks then these rocks must remain in situ and an alternate trail route must be identified by the proponent and endorsed by OEH;
  - (iii) rocks removed shall be used for rock armouring or track construction; and
  - (iv) if they are unable to be used on the trail then they can be stockpiled at a location within the Thredbo Alpine Resort and used on track maintenance or other rehabilitation or landscaping projects.

unless otherwise approved by the Secretary or nominee.

Note: The condition does not apply to sub-surface rocks.

#### **D.10 Aboriginal heritage**

If any material suspected of being an Aboriginal relic or artefact becomes unearthed in the course of works:

- (a) all works impacting the objects or artefacts shall cease immediately as pursuant to Part 6 of the *National Parks and Wildlife Act 1974*;
- (b) the Applicant must immediately contact the OEH to arrange for representatives to inspect the site; and
- (c) upon request by the Secretary or nominee and/or OEH, the Applicant is to provide the Secretary or nominee and OEH personnel safe access to the construction site for the purposes of undertaking further cultural heritage related assessments as considered appropriate by OEH.

All workers on the site are to be made aware of this condition.

#### **D.11 Vegetation removal and disposal**

All vegetation removed:

- (a) shall be used to assist in stabilisation or rehabilitation on site; or
- (b) may be chipped or shredded for reuse as native brush matting in trail edge rehabilitation and/or some offset areas; or
- (c) if it can't be used for (a) or (b) then it may be stockpiled at an appropriate location in Thredbo Alpine Resort, for re-use on other landscaping / rehabilitation project or for firewood or similar.

#### **D.12 Soil removal and disposal**

- (a) All soil removed to make the trail should be reused directly in the further construction of the trail.

- (b) No soil shall be stockpiled along the trail except at approved stockpiling sites.
- (c) If soil needs to be stockpiled for later use then it shall be categorised (for appropriate future use e.g. topsoil for rehabilitation) and stored at a location in the Thredbo Alpine Resort for re-use on the trails.

#### **D.13 Excavations and backfilling**

- (a) Unless otherwise agreed in writing by the Secretary or nominee, all excavating and backfilling shall comply with the following:
  - (i) no excavations are to be left open for more than seven consecutive days;
  - (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 placed on the up-slope side of the trench and not disposed of beside the trail;
  - (iv) all clean excavated material shall be stockpiled at the site compound, or one of the temporary staging areas only, prior to its use in another part of the project;
  - (v) any excess fill shall be removed from the site and transported to an appropriate stockpile site;
  - (vi) shall be executed in a safe manner and in accordance with appropriate professional standards;
  - (vii) adequate provision shall be made for drainage; and
  - (viii) all excavations shall be properly guarded and protected to prevent them from being dangerous.
- (b) Any contaminated spoil shall be disposed of at an authorised waste facility.

#### **D.14 Work Cover**

All works shall be carried out in accordance with current Work Cover guidelines.

#### **D.15 Construction waste**

All waste shall be contained so as not to escape by wind or water, and must only be located outside of areas of native vegetation, not on trails and not beneath the canopy or over roots of any trees.

#### **D.16 Protection of native vegetation**

The environmental officer and site management shall ensure that appropriate measures are in place to ensure that vehicles, machinery or persons do not damage or remove any native vegetation that is not part of this consent. The damage or removal of any native vegetation that is not part of this consent may warrant further action to be undertaken in accordance with the *National Parks and Wildlife Act 1974* or the *Environmental Planning and Assessment Act 1979*.

Where the condition is not complied with, works are to cease and the matter rectified. No works shall recommence until written authorisation is obtained from the Secretary or nominee.

#### **D.17 Blasting**

No explosives or blasting shall be used without prior approval of the Secretary or nominee.

#### **D.18 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) minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (b) the notice is to be durable and weatherproof and is to be displayed throughout the works period;

- (c) the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice;
- (d) 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.
- (e) if the PCA is not the Department then the name and contact details of the PCA are to be identified on the site signage.

#### **D.19 Storage of materials**

The Applicant shall ensure that at all times during the construction period that no storage or disposal of materials shall take place beneath the canopy of any trees or on native heath vegetation.

Materials (including excavated materials) must not be stockpiled for extended periods along any part of the trails. Materials must only be stockpiled at the following designated staging locations (unless otherwise agreed in writing by the Secretary or nominee):

- (a) at Eagles Nest near the start of Trail 12;
- (b) on existing disturbed vegetation beside the Antons-Sponars Access Road;
- (c) at the top of Gunbarrel Chairlift near the end of Section 1 of Trail 13; and
- (d) any agreed set down areas in accordance with Condition A.12.

#### **D.20 Prohibition of hazardous materials**

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

#### **D.21 Dirt and Dust Control Measures**

Adequate measures shall be taken to prevent construction dirt and dust from adversely affecting the surrounding vegetation and the amenity of the neighbourhood during construction.

#### **D.22 Safety fencing**

During the course of works the site shall be clearly delineated to prevent access by unauthorised persons.

#### **D.23 Walking tracks and other public areas**

The Applicant shall ensure that all necessary safety measures are in place at all times during the course of works to ensure that the safety of users of the walking tracks and that the general public are not put at risk.

Where necessary, walking tracks can be diverted during the course of works and then reinstated after that section of the walking track is appropriate of use again.

#### **D.24 Signage**

The installation of signage must be done in a way that minimises loss of native vegetation (except where unavoidable) and shall not be sited in Endangered Ecological Communities, Short Alpine Herbfield and Alpine Stream Complex. The location of the signage is to be endorsed by the environmental officer.

#### **D.25 Machinery**

On-ground machinery (excavator, motorised wheelbarrow or other machinery) used in vegetation removal and trail construction must adhere to the following:

- (a) the tread width of on-ground machinery used in trail construction must not exceed 1500 millimetres;

- (b) activities of the on-ground machinery must be entirely contained within the 2.5 metre disturbance corridor; and
- (c) machinery must not cross ecologically sensitive areas (Short Alpine Herbfield, Alpine Stream Complex and Upland Bog) except via the elevated bridging platforms that are constructed as part of the trail.

If machinery does not adhere to the above, construction must be by hand.

#### **D.26 Anemone buttercup (*Ranunculus anemoneus*)**

- (a) Prior to works occurring in likely Anemone buttercup areas, an inspection is to be carried out by the environmental officer (a maximum of three days prior) to mark and identify any visible Anemone buttercup.
- (b) The environmental officer shall consider the following in order of priority :
  - (i) first priority - avoid Anemone buttercups;
  - (ii) second priority – relocate Anemone buttercups to an area in the immediate locality;
  - (iii) third priority – disturb the Anemone buttercups with the minimum possible disturbance footprint to allow construction of the trail.
- (c) The environmental officer shall submit an inspection report to the Secretary or nominee for approval prior to relocating or disturbing any Anemone buttercups.

#### **D.27 Track hardening**

Alpine humus and peat soils that are extremely sensitive to disturbance and must be protected. Hardening of the finished trail surface will reduce the risks of erosion and therefore the following hardening requirements shall be implemented during the initial construction of the trails:

- (a) Those areas not comprising bridges / platforms or the like as a result of Condition A.8 and Condition C.9:
  - (i) Any areas of trail in decomposed granite above RL 1800 that result in a suitable naturally hard surface do not require any additional hardening; and
  - (ii) Any areas of trail in Alpine humus and peat soils above RL 1800 must be hardened.
- (b) Trail surface hardening can be achieved by:
  - (i) rock armouring; or
  - (ii) surplus decomposed granite from trail construction; or
  - (iii) imported gravel that is free from weeds and pathogens which has been approved in writing by the Secretary or nominee, after consultation with the OEH ; or
  - (iv) another surface hardening material or product which has been approved in writing by the Secretary or nominee, after consultation with the OEH.
- (c) Any areas of trail that experience adverse erosion impacts post construction shall be hardened as part of the ongoing routine maintenance of the trails.

#### **D.28 Materials and stabilising agents**

The use of toxic substances (such as paint, cement and adhesives) must be limited to the minimum amount possible. The use of soil stabilising agents is not permitted without prior consent of the Secretary or nominee in consultation with the OEH.

#### **D.29 Rock armouring**

Rock armouring is to be designed so as to keep riders on the track alignment. If appropriate, measures are to be put in place to ensure riders “stay on track” and do not go around the rock armouring.

#### **D.30 Management and monitoring**

During construction, regular inspections of the Stage 1B trails are to be undertaken by the environmental officer in accordance with the agreed times, as required by the IMP (see Condition C.3). Details demonstrating compliance with the inspection requirements are to be forwarded monthly to the PCA and Secretary or nominee.

The Department and the OEH are to be given 48 hours notice for inspections at key intervals, as identified in the IMP.

#### **D.31 Erosion and sediment control measures**

- (a) All erosion prevention and sediment control measures in place shall be checked regularly and maintained in good working order at all times. 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 shall 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 site during construction; and
    - (iii) disturbed areas that are not required for further construction access are to be stabilised and revegetated during trail construction.
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## **PART E – PRIOR TO COMMENCEMENT OF USE**

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

Prior to the occupation or the commencement of use, an occupation certificate must be obtained from the PCA. A copy of the occupation certificate must be furnished to the Secretary or nominee prior to the commencement of use.

### **E.2 Works as executed interim / final plan**

Prior to the issue of any occupation certificate a 'works as executed' interim plan shall be submitted to the satisfaction of the PCA, which includes a GPS coordinates of the trail alignment. A copy of the plan shall be provided to the Secretary or nominee.

Prior to the issue of a final occupation certificate a 'works as executed' final plan shall be submitted to the satisfaction of the PCA, which includes a GPS coordinates of the trail alignment and details of the construction of the trail. A copy of the plan shall be provided to the Secretary or nominee.

### **E.3 International Mountain Bike Association (IMBA)**

Prior to the issue of any occupation certificate (interim or final), certification that the trails have been constructed in accordance with Condition A.9, shall be submitted to the satisfaction of the PCA. A copy of the certification shall be provided Secretary or nominee.

### **E.4 Structural certification**

Prior to the issue of any occupation certificate (interim or final), structural certification prepared and signed by an appropriately qualified structural engineer shall be submitted to the PCA. The certificate shall indicate that all structural elements have been installed in accordance with the structural design and the relevant Australian Standards.

### **E.5 Rehabilitation and offsets**

- (a) The PCA shall not issue any occupation certificate (interim or final) unless the environmental officer, following receipt of certification by the qualified ecologist, has provided the PCA with written certification confirming that all disturbed ground has been rendered erosion resistant, and the initial rehabilitation and environmental offsets relating to the work the subject of the corresponding construction certificate has been undertaken in accordance with the approved documentation, the approved detailed rehabilitation and offsets plan (Condition C.5) and these conditions of consent, and are considered satisfactory.
- (b) The PCA shall not issue a final occupation certificate unless all of the following are satisfied:
  - (i) all environmental offsets are established and protected as offset areas; and
  - (ii) the environmental officer has provided the PCA with a written statement confirming that stabilisation and rehabilitation works have been undertaken.

### **E.6 Progress report**

- (a) On 1 June each year, until a final occupation certificate has been issued for the development, the appointed environmental officer shall submit to the Department a progress report for the detailed rehabilitation and environmental offsets plan (Condition C.5).
- (b) The progress report shall outline for all rehabilitation and environmental offset works:
  - (i) whether the works have been commenced, in progress, or completed;
  - (ii) if completed, whether they comply with the detailed rehabilitation and environmental offsets plan;
  - (iii) if not completed, the expected timeframe for commencement and completion; and
  - (iv) if in progress or completed, what monitoring and maintenance is being undertaken.

- (c) If the Secretary or nominee gives directions to the Applicant to take further action in respect of rehabilitation and environmental offsets as a result of a progress report (or failure to submit one), these directions must be complied with.

#### **E.7 Post-construction report**

Prior to the issue of any occupation certificate (interim or final), the Applicant is to provide the OEH and the Secretary or nominee with a post-construction report to the satisfaction of the Department within three months of completion of the trails. This report must describe the vegetation and soil disturbance that has occurred during construction of trails and the progress of rehabilitation.

#### **E.8 Site Clean Up**

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

#### **E.9 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.10 Baseline data for ongoing trail monitoring**

- (a) The applicant must arrange for a baseline monitoring data set for the mountain bike trail to be established at the completion of the trail construction and prior to any trail use.
  - (b) The baseline monitoring data set will provide a starting point to measure changes in trail condition and monitor potential impact to surrounding areas. This information should be captured as geo-spatial data which can be displayed in a Geographic Information System.
  - (c) The baseline monitoring data set must be approved by the Secretary or nominee, after consultation with the OEH.
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## **PART F – POST OCCUPATION**

### **F.1 Rehabilitation and environmental offsets**

Up until the date 5 years after the issue of a final occupation certificate, all:

- (a) disturbed areas;
- (b) construction access roads and tracks; and
- (c) rehabilitation and environmental offsets area.

shall be monitored and necessary action undertaken to ensure that the ground remains erosion resistant and groundcover is being established and maintained.

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## **PART G – OPERATIONAL REQUIREMENTS**

### **G.1 Removal of ancillary structures for ski season**

Where required, ancillary structures can be removed prior to the commencement of the ski season and then reinstated for the following mountain bike season.

### **G.2 Waste management**

The trail shall be kept clean and tidy at all times. Where rubbish is identified, measures are to be implemented to rectify the issue.

### **G.3 Offensive Noise**

The use of the mountain bike trails and any associated events must not give rise to the emission of an “offensive noise” as defined under the *Protection of the Environment Operations Act, 1997* to adjoining properties.

### **G.4 Hygiene stations**

- (a) Wet hygiene stations are to be in working order and located at Valley Terminal for use by the rider of the trails.
- (b) The trails are not to be used until the wet hygiene stations are operational.
- (c) The mountain biking induction program is to be updated and include references to the use of wet hygiene stations.
- (d) Training on appropriate use of the hygiene stations is to be incorporated into the induction program.
- (e) The Applicant is to encourage the use of hygiene stations through signage located at the beginning and end of the Stage 1B trails and through education (e.g. marking the hygiene stations on maps).

### **G.5 Trail Management Plan**

- (a) The applicant shall prepare a detailed Trail Management Plan (TMP) within 30 days of the first commencement of use of the trails.
- (b) The plan shall be approved by the Secretary or nominee, after consultation with the OEH.
- (c) The plan shall include but not be limited to the following:
  - (i) details of the Applicant’s operational and environmental structures and or key staff responsible for the day to day management of the trail network;
  - (ii) staff skills, knowledge and training programs;
  - (iii) seasonal opening and closing parameters – times of year and weather and or environmental conditions which would trigger trail closure including snow and rain contingencies;
  - (iv) compliance with IMBA management guidelines;
  - (v) risk and environmental procedures;
  - (vi) operational details outlining the control measures to minimise risk and environmental impacts including but not limited to:
    - monitoring of drainage;
    - erosion and sediment control measures;
    - triggers for additional hardening or ongoing maintenance;
    - map showing environmentally sensitive areas, rehabilitating areas and monitoring sites;
    - ongoing protection of sensitive ecological communities including Bogs, Alpine Herbfield, Snowpatch or riparian zones;
    - weed and pest management;
    - maintenance and management of structures; and
    - emergency response including quad bike access and helicopter access;
  - (vii) inspection and monitoring regime and reporting;

- (viii) procedures for rectification, remediation and rehabilitation works; and
- (ix) environmental trail closure parameters and protocols.
- (d) Reporting against the requirements of the TMP shall be in accordance with Condition G.8.
- (e) The requirements of the TMP shall be monitored and implemented throughout the life of the trails.

#### **G.6 Opening of trails**

A minimum of seven days prior to the opening of the trails each year, the applicant must provide written notification to the Secretary or nominee that the remedial and maintenance works have been undertaken to ensure that the use of the trail does not pose a significant risk to the public or the potential for environmental damage as a result of the previous winter season.

#### **G.7 Snow on trails**

The trails are not to be opened for use if there is still snow on any part of the trails. Machinery is not to be used to clear snow off the trails.

#### **G.8 Reporting to the Department and the OEH**

A reporting system shall be developed to ensure that all environmental monitoring and management actions that are carried out in accordance with the TMP are appropriately report to the Department and the OEH. The reporting system must be approved by the Secretary or nominee, after consultation with the OEH.

#### **G.9 Bump in and bump out for mountain bike associated events**

Bump in time for mountain bike associated events shall commence no earlier than five (5) days prior to the event. Bump out time shall be completed within three (3) days of the event.

#### **G.10 Hours of operation for mountain bike associated events**

The events shall open to the public no earlier than 8:00 am and close no later than 11:00 pm of each day of an event unless otherwise agreed in writing by the Secretary or nominee.

#### **G.11 Additional approvals or licences**

It is the Applicant's responsibility to obtain any additional approvals or licences required in order to undertake the event.

#### **G.12 Ancillary structures**

Ancillary structures can be erected and dismantled in accordance with the approved 'Mountain Bike Trail Ancillary Works Guideline' (Condition C.6). Details are to be provided to the Secretary or nominee for endorsement prior to the works being undertaken.

## PART H – GENERAL TERMS OF APPROVAL

### H.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 under the *Water Management Act 2000*.

These conditions form the general terms of approval for the development issued by the Office of Water on 8 September 2014.

1. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to Department of Planning and Environment Ref: 14/09946 for DA No: 6571 and provided by the Department of Planning and Environment:
  - (i) Statement of Environmental Effects for Stage 1B – Thredbo Mountain Bike Trails, Trail 12 and Section 1 of Trail 13, Thredbo Alpine Resort, Kosciuszko National Park prepared by dabyneplanning and dated June 2014.

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of 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 NSW Office of Water.

Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the banks of the watercourses described in the SEE.

3. The consent holder must prepare or commission the preparation of:
  - (i) Complete crossing / bridge design details for each watercourse crossing and adjoining works on waterfront land;
  - (ii) A Works Schedule for each watercourse crossing and associated works on adjoining waterfront land;
  - (ii) A Soil and Water Management Plan for each watercourse crossing and associated works on adjoining waterfront land.
4. All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The plans must be prepared in accordance with the NSW Office of Water's guidelines located at [www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx](http://www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx):
  - (i) Guidelines for watercourse crossings.
5. 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 NSW Office of Water.
6. The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.
7. The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.

8. The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.
  9. The consent holder must provide a security deposit (bank guarantee or cash bond) - equal to the sum of the cost of complying with the obligations under any approval - to the NSW Office of Water as and when required.
  10. The consent holder must ensure that the construction of any bridge, causeway, culvert or crossing does not result in erosion, obstruction of flow, destabilisation or damage to the bed or banks of the or waterfront land, other than in accordance with a plan approved by the NSW Office of Water.
  11. The consent holder must ensure that any bridge, causeway, culvert or crossing does not obstruct water flow and direction, is the same width as the river or sufficiently wide to maintain water circulation, with no significant water level difference between either side of the structure other than in accordance with a plan approved by the NSW Office of Water.
  12. The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
  13. The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
  14. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of 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 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.

The Applicant shall apply to the relevant authority for any other necessary permits.

### **AN.3 Disability Discrimination Act**

The application 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.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) The applicant and/or the lessee are responsible for costs associated with relocating any services.