

Development Consent

Section 4.16 of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning, under delegation executed on 9 March 2022, I approved the Development Application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

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



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

Jindabyne

28 August 2025

SCHEDULE 1

Application No.:	DA No 25/944
Applicant:	Perisher Blue Pty Ltd
Consent Authority:	Minister for Planning
Land:	Guthega Home Trail, Guthega, Lot 535 DP 1171976 and Lot 536 DP 1171976 Perisher Range Alpine Resort, Kosciuszko National Park
Type of Development:	General Development
Integrated Bodies:	Nil
Approved Development:	Ski slope works to widen the Guthega Home Trail, including earthworks and construction of a rock retaining wall, as outlined in Condition A.2.

DEFINITIONS

Applicant	means Perisher Blue 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 25/944	means the development application submitted by the Applicant on 24 January 2025.
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 C.2.
EP&A Act	means the <i>Environmental Planning and Assessment Act, 1979</i> .
EP&A Regulation	means the <i>Environmental Planning and Assessment Regulation, 2021</i> .
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
Planning Secretary	means the Planning Secretary of the Department, or nominee.
Planning Secretary's approval, agreement or satisfaction	means a written approval from the Planning Secretary or nominee.
Site Environmental Management Plan (SEMP)	means a site environmental management plan for the Subject site, prepared by the Applicant as part of Condition C.5.
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 Perisher Range Alpine Resort within the Park described in the documentation listed in Condition A.2 (specifically the Statement of Environmental Effects at Item 1)
Team Leader	means the Team Leader of the Alpine Resorts Team within the Regional Assessments division (or its successors) or a delegate of the Team Leader of the Alpine Resorts Team within the Department.

PART A – ADMINISTRATIVE CONDITIONS

A.1. Obligation to minimise harm to environment

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

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

The Development must be in accordance with:

- (a) the Development Application No. 25/944 and supporting documentation submitted by the Applicant on 24 January 2025;
- (b) the conditions of this consent; and
- (c) the approved documents in the table below (except where modified by conditions of this consent):

Ref No.	Document	Title/Description	Author/Prepared by	Dated / Received	Document Reference
1	Statement of Environmental Effects (SEE)	Ski Slope Works Guthega Home Trail Perisher Ski Resort Kosciuszko National Park	Dabyne Planning Pty Ltd	19 December 2024	38-24 Rev. Final
2	Biodiversity Development Assessment Report (BDAR)	Guthega Home Trail Widening, Perisher Ski Resort Biodiversity Development Assessment Report	Eco Logical Australia Pty Ltd	8 January 2025	9834 Version 2
3	Site Environmental Management Plan (SEMP)	Guthega Home Trail Earthworks Perisher Valley Resort Area Site Environmental Management & Rehabilitation Plan	Perisher Blue Pty Ltd	January 2025	Version 1.0
4	Report	Ski Slope above Guthega Nordic Centre, Guthega NSW Geotechnical Assessment	Asset Geotechnical Engineering Pty Ltd	11 June 2025	7237-G1 Rev. 1
5	Form 4	Form 4 – Minimal Impact Certification	Asset Geotechnical	11 June 2025	-

			Engineering Pty Ltd		
6	Plan	Site Plan – Proposed Works	CLM Civil Engineering	17 April 2024	V-317 Rev. A
7	Plan	Environmental Construction Notes and Typical Cross Section	CLM Civil Engineering	17 April 2024	V-317 Rev. A
8	Plan	Groomer Track Longitudinal Section	CLM Civil Engineering	17 April 2024	V-317 Rev. A
9	Plan	Groomer Trail Cross Sections – Sheet 1	CLM Civil Engineering	17 April 2024	V-317 Rev. A
10	Plan	Groomer Trail Cross Sections – Sheet 2	CLM Civil Engineering	17 April 2024	V-317 Rev. A
11	Plan	Erosion and Sediment Control Plan	CLM Civil Engineering	17 April 2024	V-317 Rev. A
12	Plan	Erosion and Sediment Control Details	CLM Civil Engineering	17 April 2024	V-317 Rev. A

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

A.3. Inconsistency between documents

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

A.4. Lapsing of consent

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

A.5. Prescribed conditions

In undertaking the Development, the Applicant must comply with all relevant prescribed conditions of development consent under Part 4, Division 2 of the EP&A Regulation.

A.6. Australian standards

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

A.7. Legal notices

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

A.8. 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 ISSUE OF CONSTRUCTION CERTIFICATE

B.1. NSW Biodiversity Offset Scheme

Prior to the issue of the relevant construction certificate, the class and number of ecosystem credits and species credits in Appendix F of the BDAR – BAM Biodiversity Credit Report (Condition A.2) must be retired to offset the residual biodiversity impacts of the Development.

The requirements to retire credits may be satisfied by the payment into the applicable fund or trust, as per the *Biodiversity Conservation Act 2016*, of an amount equivalent to the class and number of ecosystem credits and species credits, as calculated by the Biodiversity Offsets Payment Calculator.

Evidence of the retirements of credits or payment to the applicable fund or trust must be provided to the Secretary prior to the issue of the construction certificate.

B.2. Construction certificate

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

B.3. Documentation for the construction certificate

Prior to the issue of the construction certificate, documentation must be provided demonstrating that the proposed works comply with the applicable performance requirements of the BCA and associated Australian Standards to achieve and maintain acceptable standards of structural sufficiency and safety for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:

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

B.4. Structural design – retaining wall and access track

Structural design drawings and design certification prepared and signed by an appropriately qualified and regulated (where required) practising Structural Engineer for the construction of the retaining wall and gravel pavement, are to be submitted to the Certifier.

Design details for the gravel pavement must address:

- (a) details of the engineered sub-base layer for the proposed pavement for the driveway;
- (b) the technical reference/s used to provide the detail in (a.) above;
- (c) indicate the service life of the pavement;
- (d) compaction rate necessary for the service life referred to in paragraph (c.) above.

The structural drawings and design certification must confirm the recommendations of the Geotechnical Assessment Report prepared by Asset Geotechnical Engineering Pty Ltd and dated 11 June 2025 (Condition A.2) have been incorporated into the structural design of the proposal and construction certificate documentation.

B.5. Stormwater design

Prior to the issue of the relevant construction certificate, a stormwater drainage plan for control of surface and subsurface water to the proposed structures and design statement, prepared and

signed by an appropriately qualified and practising stormwater or civil engineer, must be submitted to the Certifier. Stormwater drainage details are to be in accordance with AS 3500.3.

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. Building work plans and specifications

Appropriate building work plans and specifications are required to be submitted to the Certifier to form part of the development, including the following:

- (a) Detailed building work plans, drawn to a suitable scale and consisting of a block plan and general plan.

Building work specifications that:

- (i) describe the construction and the materials to be used to construct the building; and
 - (ii) describe the method of drainage, and
 - (iii) state whether the materials to be used are new or second-hand and contain details of any second-hand materials to be used; and
- (b) A description of an accredited building product or system sought to be relied on for the purposes of the Act, section 4.15(4); and:
- (c) A copy of a compliance certificate to be relied on.

If a catch drain is proposed, detail design plans and certification

PART C – PRIOR TO THE COMMENCEMENT OF WORKS

C.1. Notification of commencement

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

C.2. Environmental Officer

- (a) Prior to the commencement of any works which are part of the Development, an appropriately qualified Environmental Officer must be appointed, and the Planning 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 Planning Secretary must be notified of the replacement (including of the replacement person's identity and contact details).

C.3. Protection of adjacent vegetation areas

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

C.4. “No Go” areas

- (a) Prior to any works which are part of the Development commencing, ‘No Go’ areas must be appropriately marked so as to clearly delineate environmentally sensitive areas to be avoided by vehicles, machinery and personnel.
- (b) “No Go” areas, being areas comprising:
 - (i) Mountain Plum Pine (*Podocarpus lawrencei*);
 - (ii) areas of vegetation mapped as containing high biodiversity values that are not subject to the development;
 - (iii) areas comprising, or within 10 metres of, any environmentally sensitive areas being any EEC or Subalpine Riparian Scrub;
- (c) the Environmental Officer must provide written and signed certification, confirming that they have appropriately marked the “No Go” areas accurately on site and provide a plan that depicts this as described in (a) and (b) above to the Planning Secretary or nominee for endorsement.

C.5. Site Environmental Management Plan

Prior to the implementation of site environmental management measures and prior to any works which are part of the Development commencing, the Site Environmental Management Plan (SEMP) must be updated to include the following environmental protection measures:

- (a) all measures as proposed by the ecologist in Table 21 of the Biodiversity Development Assessment Report need to be included in the SEMP.
- (b) all trees to be removed must be flagged and inspected by the Environmental Officer for fauna prior to removal.

- (c) the Environmental Officer needs to be able to identify Guthega Skink (*Liopholis Guthega*) and potential Guthega Skink burrows. If Guthega Skink is identified on the site prior to or during works, works must stop and NPWS must be notified.
- (d) all stockpiling is to be in accordance with the Soil Stockpile Guidelines for the Resort Areas of Kosciuszko National Park (OEH, 2017), a copy of which can be provided by the NPWS Assessment Coordinator.
- (e) proposed stockpile sites, including materials storage areas, parking and waste management receptors (e.g. skip bins) and storage of soils and sods must not impact on native vegetation. Materials removed during construction must be stockpiled within the designated stockpile areas or areas of cleared vegetation only.
- (f) vehicle and machinery must only be fuelled at designated hard stand fuelling stations or with spill kits and temporary bunding in place.
- (g) all stockpile sites, including materials storage areas, parking and waste management receptors (e.g. skip bins) must be placed so as not to impact on native vegetation.
- (h) all waste management receptors must be covered daily, or be emptied or removed from site each day, to ensure that waste cannot blow away or be disturbed by scavenging fauna.
- (i) the subject site is to be left clean and tidy and free of building debris and materials at the conclusion of daily works.
- (j) if excavations are to be left open overnight, then temporary fauna egress measures must be installed.
- (k) when backfilling trenches or excavation through previously grassed areas of the site, rehabilitation measures must be implemented immediately to achieve an erosion resistant state. This includes soil stabilisation of bare areas with weed free straw or jute matting and reseeding with locally occurring *Poa* sp. seed.
- (l) the subject site must be temporarily fenced, roped or flagged to clearly define the construction area from no-go zones. All areas of native vegetation to the south of the Guthega Home Trail that are not in the development should be flagged as a “no-go” zone. A map of the “no-go” zones must be included in the SEMP.
- (m) erosion and sediment control measures must be implemented in accordance with the current edition of the ‘Blue Book’ published by DPHI (see: <https://www.environment.nsw.gov.au/publications/managing-urban-stormwater-soils-and-construction-volume-1>). Once implemented, these measures must be regularly checked and maintained, particularly immediately following precipitation events.
- (n) all straw bales used for sediment and erosion control or rehabilitation must be weed free.
- (o) rehabilitation must be in accordance with the document entitled ‘Rehabilitation Guidelines for the Resort Areas of Kosciuszko National Park’, a copy of which is available at: <https://www.environment.nsw.gov.au/publications/rehabilitation-guidelines-resort-areas-kosciuszko-national-park>

C.6. 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, must be in place and in good working order;
 - (ii) all site environmental management measures must be contained within the Development area;
 - (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 Planning Secretary or nominee confirming that sub-paragraphs (i), (ii) and (iii) above have been satisfied.
- (b) Prior to commencing each stage of work (if required), all proposed erosion and sediment control measures must be put in place.

C.7. 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 Perisher Range 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.

C.8. 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 C.8 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.

C.9. Sediment and erosion control

Prior to the commencement of works, sediment and erosion control shall be installed in accordance with the SEMP (Condition C.5) and the Erosion and Sediment Control plans prepared by CLM Civil Engineers and dated 17 April 2024 (Condition A.2)

C.10. Pre-commencement compliance report

Prior to the commencement of works which are part of the Development, the Applicant and/or the Environmental Officer must submit to the Principal Certifier a report addressing compliance with all conditions contained in sections B and C of this consent pertaining to those works.

C.11. Compliance

The Applicant must ensure that all employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the Development.

PART D – DURING CONSTRUCTION

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

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

- (a) this consent and its schedule of conditions; and
- (b) the approved documentation and plans (Condition A.2).

D.2. Hours of work

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

D.3. Construction period

- (a) All works are limited to the “summer period” and are not to commence when snow is located on the Subject site. For the purposes of this condition, the summer period means the period of time commencing after the October long weekend (subject to no snow being on the Subject site) and ending no later than 30 April the following year in each year works are required to complete the Development, with finishing of rehabilitation and stabilisation works up until 30 May, or as otherwise approved by the Planning 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 work 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 Planning Secretary or nominee.

D.4. Role of the Environmental Officer

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

- (a) compliance with all environmental protection measures in the approved documentation, including (without limitation) the documents specified in paragraphs (a) to (b) inclusive of Condition D.1;
- (b) all Subject site environmental management measures are in place and adequately functioning throughout the entire construction phase of the Development; and
- (c) that Subject site stabilisation and rehabilitation occurs in accordance with the SEMP (Condition A.2).

D.5. Construction activities and management

At all times during the construction phase of the Development and unless agreed otherwise by the Planning 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 (b) inclusive of Condition D.1;

- (b) all construction activities in connection with the Development are confined to the Development area as referenced in Condition A.2;
- (c) no disturbance or other adverse environmental impacts occur outside the Development area as referenced in Condition A.2;
- (d) all equipment, materials, stockpiles, vehicles, machinery and the like are be confined to the Development area as referenced in Conditions A.2;
- (e) construction must not commence when snow is located on the Development area, and machinery must not be used to remove snow from areas containing native vegetation; and
- (f) all measures to minimise, mitigate and manage adverse environmental impacts of the development as outlined in the BDAR (Condition A.2) 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.

D.6. Vegetation removal and rock removal

Prior to the removal of approved tree species or vegetation and rocks:

- (a) trees to be removed must be clearly marked;
- (b) to the extent reasonably practicable, trail alignment must be adjusted to avoid the removal of mature trees, large boulders and rock outcrops. Mature trees and rocks required to be removed must be clearly marked.
- (c) any trees or vegetation required to be removed:
 - (i) must not be felled in a manner which damages surrounding vegetation
 - (ii) must either be cut into smaller pieces to be used for rehabilitation, discretely dispersed amongst adjoining native vegetation without damaging existing native vegetation or removed from site completely if it contains any exotic vegetation species.
 - (iii) if it cannot be used for the purposes in paragraphs (i) or (ii) then it may be stockpiled at an appropriate location in Perisher Range Alpine Resort, for re-use on other landscaping or rehabilitation projects, or for firewood or similar.
- (d) all clearing must occur solely within approved development corridors and to be clearly identified with flagging tape to mark no-go/no clearing zones prior to construction.
- (e) all vegetation must be checked for fauna habitats and fauna by the Applicant's Environmental Officer immediately prior to felling/removal. All trees with the potential to provide hollows and habitat for the Eastern Pygmy Possum (*Cercartetus nanus*) must be inspected by the Environmental Officer prior to felling. A tree with a diameter at breast height of less than 200 mm can effectively provide hollows and habitat for the Eastern Pygmy Possum as they utilise hollows as small as 5cm diameter. Vegetation with active nests must not be removed until the young have left the nest. If fauna is present, then the Applicant must contact NPWS to assist with mitigation actions.
- (f) all rocks removed during the works must be placed in the surrounding landscape without damaging existing native vegetation or removed from site completely.
- (g) to the extent reasonably practicable, any live tree roots must be protected (and not removed) within the Development area.

D.7. Aboriginal heritage

- (a) Should any material suspected of being an Aboriginal object become unearthed in the course of works which are part of the Development, the Applicant must immediately:
 - (i) cease all works impacting the suspected relic or artefact; and
 - (ii) contact the NPWS to arrange for representatives to inspect the Subject site.
- (b) The Applicant must ensure that all workers on the Subject site are made aware of the requirements of paragraph (a).

D.8. 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 Perisher Range Alpine Resort that is approved by the Planning 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 Perisher Range 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.

D.9. 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 Planning 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 Perisher Range Alpine Resort that is approved by the Planning 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.

D.10. 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 Planning Secretary or nominee in consultation with the NPWS.

D.11. 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.

D.12. 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 Planning Secretary or nominee and NPWS.

D.13. SafeWork NSW

The Applicant must ensure that all works which are part of the Development are carried out in accordance with current SafeWork NSW guidelines.

D.14. Site notice

The Applicant must ensure that site notice(s) are prominently displayed at the boundaries of the Subject site for the purposes of informing the public of Development details. The notice(s) is/are to satisfy all but not be limited to, the following requirements:

- (a) The notice is to be durable and weatherproof and is to be displayed throughout the construction phase of the Development.
- (b) The notice(s) must list the approved hours of work, the name of the Applicant or other principal contractor for the work (if any), and include a 24-hour contact phone number for any inquiries, including construction/noise complaints.
- (c) The notice(s) is/are to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

D.15. 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 Planning Secretary or nominee.

D.16. Dirt and dust control measures

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

D.17. Safety demarcation

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

D.18. Signage

The installation of signage (where relevant), 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.

D.19. 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 construction.

D.20. Biodiversity Development Assessment Report recommendations

The Environmental officer and construction staff are to ensure works comply with the recommendations within the BDAR prepared by Eco Logical Australia and dated 8 January 2025 (Condition A.2), except as amended by the conditions of consent.

D.21. Re-fuelling

Appropriate controls must be put in place to ensure no spillage when re-fuelling all vehicles and machinery associated with works for the Development. Re-fuelling of vehicles and machinery must be performed on hard-stand areas or with appropriate spill kit and temporary bunding arrangements in place.

D.22. Geotechnical requirements

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

- (a) the Department's Geotechnical Policy; and
- (b) the Geotechnical Assessment undertaken by Asset Geotechnical Engineers Pty Ltd dated 11 June 2025, including the requirement for a Geotechnical Engineer to inspect the footing excavations to verify the founding conditions.

Works at variance to recommendations contained in the geotechnical assessment and Form 4 certification shall not be undertaken without prior written endorsement from the geotechnical engineer. Any written advice of the variation shall be provided to the Principal Certifier and the Department within 48 hours.

D.23. Inspection 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, Condition B.4 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 Certifier within 7 days of the inspection.

D.24. Rehabilitation and site establishment

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

E.1. Occupation Certificate

Prior to the occupation or the commencement of use, which is part of the Development, an occupation certificate must be obtained from the Principal Certifier.

E.2. Site Clean Up

Prior to the issue of a construction certificate, the Subject site shall be cleaned up to the satisfaction of the Principal Certifier.

E.3. Removal of site notice

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

E.4. Rehabilitation

Prior to the issue of a construction certificate (Condition D.1), the appointed Environmental Officer must provide the Principal Certifier with a statement confirming:

- (a) whether the initial rehabilitation has been undertaken in accordance with the approved documentation and these conditions of consent; and
- (b) whether the rehabilitation is considered satisfactory.

E.5. Geotechnical certification

The Applicant shall provide certification from an appropriately qualified geotechnical engineer to the Principal Certifier prior to the issue of the occupation certificate verifying the works have been completed in accordance with the Geotechnical Policy Form 4 (Condition A.2) and recommendations in the Report on Geotechnical Assessments prepared by Asset Geotechnical Engineering and dated 11 June 2025 (Condition A.2)

E.6. As-Built Survey Plan

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

E.7. Stormwater drainage system certification

An appropriately qualified and practising stormwater engineer shall provide certification to the Principal Certifier that the stormwater drainage system has been installed in accordance with the approved detailed stormwater drainage plan (Condition B.5.), prior to the issue of the occupation certificate.

E.8. Structural certification

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

PART F – POST OCCUPATION AND OPERATIONAL REQUIREMENTS

F.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 plan (Condition A.2) have been implemented and reported on.

F.2 Ongoing weed management

Ongoing weed management is required on the Subject site to ensure weed coverage does not increase in area or number.

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.5 Dial before you dig

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

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