

Development consent

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

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

These conditions are required to:

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



Daniel James
Team Leader
Alpine Resorts Team
Department of Planning and Environment

Jindabyne

16/11/ 2017

SCHEDULE 1

Application No.:	DA No. 8405
Applicant:	Kosciuszko Thredbo Pty Ltd
Consent Authority:	Minister for Planning
Land:	Thredbo Alpine Resort, Kosciuszko National Park
Type of Development:	General Development
Approved Development:	Construction of Mountain Bike Trails, including: <ul style="list-style-type: none">• Alterations to sections of the existing Flow and Downhill Trail; and• Construction of an overpass structure.

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 8405		means the development application and supporting documentation submitted by the Applicant on 21 April 2017.
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.
DPI Water		means the NSW Department of Primary Industries - Water, or its successors.
Minister		means the Minister for Planning, or nominee.
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 approval, agreement or 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 8405 submitted by Kosciuszko Thredbo Pty Ltd on 21 April 2017 and additional information dated 8 August 2017 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)	Upgrade of the Kosciuszko Flow Trail Thredbo Alpine Resort, Kosciuszko National Park	Dabyne Planning Pty Ltd	April 2017	03-17
2	Plan	Kosciuszko Flow Trail Upgrade	Kosciuszko Thredbo Pty Ltd	16 November 2017	-
3	Appendix B of SEE	Attachment 2 Environmental Offsets Plans	Dabyne Planning Pty Ltd	-	-
4	Appendix B of SEE	Attachment 3 Over-pass Structure	Grounded Structural Engineering and Drafting Services	12 March 2017	S01 Sheet 1 of 2
5	Appendix B of SEE	Attachment 3 Over-pass Structure	Grounded Structural Engineering and Drafting Services	12 March 2017	S01 Sheet 2 of 2
6	Appendix C of SEE	Flora and Fauna Assessment	Eco Logical Australia Pty Ltd	18 April 2017	17NAR_6636
7	Appendix D of SEE	Site Environmental Management Plan	Kosciuszko Thredbo Pty Ltd	-	-
8	Geotechnical Assessment	Flow Trail Realignment, Thredbo, NSW	Asset Geotechnical Engineering Pty Ltd	9 April 2017	4284-2 L1
9	Form 4	Geotechnical Policy - Kosciuszko Alpine Resorts	Asset Geotechnical Engineering Pty Ltd	9 April 2017	-

		Form 4 - Minimal Impact Certification			
10	Letter	Response to OEH comments	Dabyne Planning Pty Ltd	8 August 2017	-
11	Report	Thredbo MTB (Draft) Mountain Bike Trail Management Plan	Kosciuszko Thredbo Pty Ltd	15 November 2017	V4 Draft

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 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.9 Flexible construction corridor of 10 metres

The mountain bike trails shall be constructed within a flexible construction corridor of 10 metres (5 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.10 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.11 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 native 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.

PART B – PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

B.1 Construction certificate

Work must not commence on the overpass structure until a relevant construction certificate has been issued.

B.2 Payment of the long service levy

Prior to the issue of any construction certificate for the overpass structure, 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 for the overpass structure, 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 8405;
 - (ii) drawings and specifications comprising the construction certificate;
 - (iii) current and relevant Australian Standards; and
 - (iv) the geotechnical assessment in Condition A.2;
- (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.

PART C – PRIOR TO THE COMMENCEMENT OF WORKS

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 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.3 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.

If work commences on the trail alignments prior to the issue of a construction certificate for the overpass, no notice to the PCA is necessary.

C.4 Trail alignment

Prior to the commencement of construction on the trails:

- (a) the alignment of the trail within the 10-metre corridor (see Condition A.9) is to be appropriately flagged (including GPS coordinates) by the environmental officer and the trail builders. Areas of Endangered Ecological Communities are to be avoided, except for the placement of bridging platform footings and platforms thereon;
- (b) the environmental officer 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 environmental officer 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; and
- (d) representatives from the OEH and the Department must be provided the opportunity to inspect the alignment prior to construction commencing.

Following (a) to (c) being satisfied, the Applicant shall submit the final alignment 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 trails or for sections of the trails.

C.5 “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.6 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.9); and
 - (iii) the site environmental management measures shall be inspected and approved by the environmental officer.
- (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.7 Machinery

Machinery used during the works must be cleaned prior to site mobilisation, be regularly maintained and manoeuvred to prevent the spread of exotic vegetation.

PART D – DURING CONSTRUCTION

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

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

D.2 Construction hours

All work in connection with the proposed development shall be carried out between the hours of 7.00am and 6.00pm 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 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.2) 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 Tree removal and rock removal

- (a) All tree removal shall comply with the following:
- (i) 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;
 - (ii) trees shall be felled by hand using chainsaws only;
 - (iii) trees shall be felled in a manner that minimises any impacts on adjoining vegetation and adjacent heath;
 - (iv) 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
 - (v) 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.4), shall be inspected immediately prior to any works by the environmental officer. Representatives from the OEH and the Department being given the opportunity to attend these inspections;
 - (ii) if any endangered or threatened reptiles or fauna burrows are found beneath rocks than 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.9 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.

Any works carried out outside of the assessment area is to be subject to an Aboriginal heritage assessment.

D.10 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.11 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 in accordance with the 'Soil Stockpile Guidelines for the Resort Areas of Kosciuszko National Park, October 2017'.
- (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) If soil is required to be brought in from other Thredbo stockpile sites, then this soil should be from the similar altitude and ecosystem.

D.12 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.13 Work Cover

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

D.14 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.15 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.16 Blasting

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

D.17 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.18 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.

All stockpiling is to be in accordance with the 'Soil Stockpile Guidelines for the Resort Areas of Kosciuszko National Park, October 2017'.

D.19 Prohibition of hazardous materials

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

D.20 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.21 Safety fencing

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

D.22 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.23 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.24 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).

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

D.25 Stabilising agents

The use of soil stabilising agents is not permitted without prior consent of the Secretary or nominee in consultation with the OEH.

D.26 Rock armouring

Rock armouring, where required, 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.27 Tree roots

Tree roots exposed during construction and ongoing use / maintenance of the trail are to be protected from damage, by rock armouring or another suitable method, endorsed by the Secretary or nominee, in consultation with the OEH.

D.28 Management and monitoring

During construction, regular inspections of the works are to be undertaken by the environmental officer (see Condition C.1). Details demonstrating compliance with the inspection requirements are to be forwarded monthly to the PCA and Secretary or nominee.

D.29 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.

D.30 Rehabilitation

All disturbed areas, including the redundant tracks, shall be rehabilitated in accordance with the 'Rehabilitation Guidelines for the Resorts Areas, Kosciuszko National Park' (NPWS 2007).

PART E – PRIOR TO COMMENCEMENT OF USE

E.1 Statement of completion

- (a) A Statement of completion is to be obtained from the Department, within 30 days of the completion of the trail component.
- (b) The request for a statement of completion shall be accompanied by:
 - (i) A statement from the appointed environmental officer confirming whether the soil exposure, stabilisation and rehabilitation of the trail alignment is satisfactory and have been undertaken in accordance with the conditions of consent; and
 - (ii) A statement outlining compliance with all relevant conditions of consent.

E.2 Occupation certificate

Prior to the occupation or the commencement of use of the overpass structure, 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.3 Works as executed final plan

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

E.4 International Mountain Bike Association (IMBA)

Prior to the use of the trail, certification that the trails have been constructed in accordance with Condition A.8, shall be submitted to the Secretary or nominee.

E.5 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.6 Site Clean Up

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

E.7 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.8 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.

E.9 Trail Management Plan

- (a) The Applicant shall prepare a Final Trail Management Plan (TMP) within 6 months of the determination of this application, which 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 requirements of the TMP:
 - (i) shall be monitored and implemented throughout the life of the trails;
 - (ii) shall be reviewed annually; and
 - (iii) can be amended with in accordance with (a) above.

E.10 Signs

Decision point signs at the start of each trail are to be in existing disturbed areas. Waymarkers should be in existing disturbed areas where possible.

E.11 Detailed environmental offsets plan

Within 12 months of first use, a detailed 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 and 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 methods used to achieve environmental offset outcomes; and
 - (ii) 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 environmental offsets plan shall include the following:
 - (i) Baseline data – To enable measurement of trending changes over time, the baseline condition shall be recorded. This shall include, but not limited to:
 - when mapping of all offset sites would occur;
 - location of photograph points (established to enable repeat photographs over time) including at least four points (that together clearly show all of the site);
 - estimations of the species already planted, naturally regenerating and proposed to be planted;
 - native vegetation species proposed to be planted and ratios;
 - weed species and densities (as per NPWS weed density categories) that occur in the area prior to disturbance.
 - (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 environmental 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.

E.12 Implementation of offsets

Within 12 months of the approval of environmental offsets plan in Condition E.11, environmental offsets are to be implemented.

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.

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 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 any required remedial and maintenance works have been undertaken to ensure that:

- (a) the use of the trail does not pose a significant risk to the public; and
- (b) the potential for environmental damage as a result of the previous winter season has been appropriately mitigated.

G.5 Snow on trails

The trails are not to be opened for use if there is snow on any part of the trails. Machinery is not to be used to clear snow off the trails, where they adjoin native vegetation.

G.6 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.7 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.8 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.9 Additional approvals or licences

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

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.