

Modification of Development Consent

Section 4.55(1A) of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, I hereby modify the development consent referred to in Schedule 1, in the manner outlined in Schedule 2.



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

Jindabyne

6/11/2019

SCHEDULE 1

Application No.:	MOD 10059 (DA No. 9130)
Applicant:	Kosciuszko Thredbo Pty Ltd
Consent Authority:	Minister for Planning and Public Spaces
Land:	Merritts double chairlift, Thredbo Alpine Resort, Kosciuszko National Park
Development:	Works including: <ul style="list-style-type: none">• removal of existing Merritts double chairlift and associated infrastructure;• construction of a new gondola chairlift and associated infrastructure, including top, middle and bottom station and carrier shed;• construction of a new ski patrol hut;• refurbishment of existing utilities building at top station;• installation of snowmaking infrastructure;• new car parking and access driveway; and• trenching, rock removal, vegetation removal, rehabilitation works and offsets planting.
Approved Development:	MOD 10059 (DA No. 9130 MOD 1): Modifications to approved development including: <ul style="list-style-type: none">• alterations to top, middle, bottom stations and towers• alterations to ski patrol building and services• additional clearing of vegetation and ski slope works• use of excess soil for reprofiling of Werners Way and Giddy Up ski run• alterations to construction methods

Schedule 2 of Development Application No. 9130 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words as follows

SCHEDULE 2

PART A – ADMINISTRATIVE CONDITIONS

A.1 Obligation to minimise harm to environment

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

A.2 Development in accordance with approved documentation and plans

The development shall be in accordance with:

- (a) the Development Application No. DA 9130 submitted by Kosciuszko Thredbo Pty Ltd on 22 February 2018
- (b) the additional information received 13 July 2018 and 3 September 2018;
- (c) the conditions of this consent;
- (d) the supporting documentation submitted with that application (DA 9130);
- (e) **as amended by the Section 4.55(1A) application submitted by Kosciuszko Thredbo Pty Ltd on 20 August 2019 and additional information received on 30 August 2019, 20 September 2019, 3 October 2019 and 18 October 2019**

including, but not limited to, the following:

Ref No.	Document	Title/Description	Author/Prepared by	Date	Document Reference
1	Statement of Environmental Effects (SEE)	Replacement of the Merritts Double Chairlift with a Gondola Lift and associated works	Dabyne Planning Pty Ltd	February 2018	01-18
2	Appendix B of SEE	Fauna and Flora Assessment Report	Eco Logical Australia Pty Ltd	22 February 2018	17HNG-8645
3	Appendix C of SEE	<u>Detailed</u> Site Environmental Management Plan	Dabyne Planning Pty Ltd	<u>February 2018</u> <u>8 August 2019</u>	-
4	Appendix D of SEE	Aboriginal Cultural Heritage Due Diligence Assessment	Past Traces Pty Ltd	19 February 2018	Project No. 6643
5	Appendix E of SEE	Water Resources Assessment	Eco Logical Australia Pty Ltd	22 February 2018	17HNG-8645

6	Appendix F of SEE	Geotechnical Policy - Kosciuszko Alpine Resorts Form 1 – Declaration and certification made by geotechnical engineer or engineering geologist in a geotech report	JK Geotechnics	20 February 2018	-
7	Appendix F of SEE	Geotechnical Assessment - Proposed Lift at Thredbo, NSW	JK Geotechnics	20 February 2018	31163ZHrpt
8	Appendix I of SEE	Colours and Materials Schedule	Dabyne Planning Pty Ltd	February 2018	-
9	Plan	Mid-Station Detail Site Plan	Dabyne Planning Pty Ltd	21 February 2018	Rev. A
10	Plan	Proposed Merritts Patrol Room	DJRD Architects	15 January 2018	-
11	Plan	Profile 8-MGD Merritts Gondola	Doppelmayr Australia Pty Ltd	9 February 2018 <u>8 April 2019</u>	WAA0004672 Rev. A <u>20008132P500100 Rev. B</u>
12	Plan	Intermediate Station	Doppelmayr Australia Pty Ltd	21 February 2018	20198103E009001 Rev. A
13	Plan	Top Drive Fixed	Doppelmayr Australia Pty Ltd	19 February 2018	20198093E009001
14	Plan	Bottom Return Tension	Doppelmayr Australia Pty Ltd	21 February 2018	20198052E009001 Rev. A
15	Plan	Bottom Station Site Plan	DJRD Architects	6 July 2018 <u>9 April 2019</u>	SKO.11 Rev. A <u>A1.100 Rev. B</u>
16	Plan	Top Station Site Plan	DJRD Architects	6 July 2018 <u>19 August 2019</u>	SKO.13 Rev. A <u>Rev. G</u>
17	Plan	Environmental Offset Program for Merritts Gondola Lift	Dabyne Planning Pty Ltd	4 June 2018	-
18	Plan	Additional Vegetation Impacts at Bottom Station	Eco Logical Australia Pty Ltd	13 July 2018	17HNG_8645
19	Plan	Mid-Station – Electrical Detail Site Plan	Dabyne Planning Pty Ltd	12 July 2018	-

20	General Terms of Approval	General Terms of Approval for work requiring a controlled activity approval under s91 of the Water Management Act 2000	Natural Resources Access Regulator	24 December 2018 <u>17 October 2019</u>	IDAS-1108766 <u>S96 1120340</u>
<u>21</u>	<u>Report</u>	<u>S.4.55 Modification Report</u>	<u>Dabyne Planning Pty Ltd</u>	<u>August 2019</u>	<u>01-18</u>
<u>22</u>	<u>Report</u>	<u>Additional Impacts at Mid-Station</u>	<u>Eco Logical Australia Pty Ltd</u>	<u>9 August 2019</u>	<u>17HNG8645</u>
<u>23</u>	<u>Plan</u>	<u>Top Station Layout</u>	<u>Doppelmayr</u>	<u>14 May 2019</u>	<u>20219466E001101 Rev. A</u>
<u>24</u>	<u>Plan</u>	<u>Parking System Layout W/ Conn. Forces</u>	<u>Doppelmayr</u>	<u>27 June 2019</u>	<u>20219869E001101</u>
<u>25</u>	<u>Plan</u>	<u>Mid Station Layout W. Conn. Forces</u>	<u>Doppelmayr</u>	<u>24 May 2019</u>	<u>20218321E001101 Rev. B</u>
<u>26</u>	<u>Plan</u>	<u>Mid Station Layout</u>	<u>Doppelmayr Australia Pty Ltd</u>	<u>7 August 2019</u>	<u>2018-07-C-001 Rev. B</u>
<u>27</u>	<u>Plan</u>	<u>Mid Station Cut / Fill</u>	<u>Doppelmayr Australia Pty Ltd</u>	<u>7 August 2019</u>	<u>2018-07-C-002 Rev. D</u>
<u>28</u>	<u>Plan</u>	<u>Mid Station Finished Surfaces</u>	<u>Doppelmayr Australia Pty Ltd</u>	<u>7 August 2019</u>	<u>2018-07-C-003 Rev. D</u>
<u>29</u>	<u>Plan</u>	<u>Mid Station Cut / Fill Sections</u>	<u>Doppelmayr Australia Pty Ltd</u>	<u>8 August 2019</u>	<u>2018-07-C-006 Rev. B</u>
<u>30</u>	<u>Plan</u>	<u>Mid Station Soil Reinforcement</u>	<u>Doppelmayr Australia Pty Ltd</u>	<u>7 August 2019</u>	<u>2018-07-C-011 Rev. C</u>
<u>31</u>	<u>Plan</u>	<u>Proposed Fill Area – Werners Way and Giddy Up</u>	<u>Kosciusko Thredbo Pty Ltd</u>	<u>:</u>	<u>:</u>
<u>32</u>	<u>Plan</u>	<u>Cross Section</u>	<u>Kosciusko Thredbo Pty Ltd</u>	<u>:</u>	<u>:</u>
<u>33</u>	<u>Plan</u>	<u>Bottom Station Layout</u>	<u>Doppelmayr</u>	<u>25 April 2019</u>	<u>20217987E001101 Rev. A</u>
<u>34</u>	<u>Plan</u>	<u>Level 1 General Arrangement Plan</u>	<u>DJRD Architects</u>	<u>15 April 2019</u>	<u>A1.101 Rev. B</u>
<u>35</u>	<u>Plan</u>	<u>Sections – Sheet 1</u>	<u>DJRD Architects</u>	<u>15 April 2019</u>	<u>A2500.1 Rev. A</u>

<u>36</u>	<u>Plan</u>	<u>Sections – Sheet 2</u>	<u>DJRD Architects</u>	<u>15 April 2019</u>	<u>A2500.2 Rev. A</u>
<u>37</u>	<u>Plan</u>	<u>Sections – Sheet 3</u>	<u>DJRD Architects</u>	<u>15 April 2019</u>	<u>A2500.3 Rev. A</u>
<u>38</u>	<u>Plan</u>	<u>Operator Hut - 4500 x 2435 - Left Door, General Assembly</u>	<u>Doppelmayr Australia Pty Ltd</u>	<u>30 May 2019</u>	<u>2018-07-S-1001 Rev. B</u>
<u>39</u>	<u>Form 1</u>	<u>Geotechnical Policy - Kosciuszko Alpine Resorts</u> <u>Form 1 – Declaration and certification made by geotechnical engineer or engineering geologist in a geotech report</u>	<u>Asset Geotechnical Engineering Pty Ltd</u>	<u>22 August 2019</u>	<u>=</u>
<u>40</u>	<u>Geotechnical Assessment</u>	<u>Proposed Merritts Gondola, Thredbo, NSW</u>	<u>Asset Geotechnical Engineering Pty Ltd</u>	<u>22 August 2019</u>	<u>4474-R1 Rev 1</u>
<u>41</u>	<u>Email</u>	<u>FW: 4744-1: Fwd: MOD 10059 – Merritts Gondola – Draft conditions for review</u>	<u>Peter Fleming, Mountain Manager Kosciuszko Thredbo Pty Ltd</u>	<u>4 November 2019 1:21 PM</u>	
<u>42</u>	<u>Report</u>	<u>MOD Response Letter</u>	<u>Dabyne Planning Pty Ltd</u>	<u>20 September 2019</u>	<u>=</u>
<u>43</u>	<u>Report</u>	<u>Additional Impacts at Mid-Station</u>	<u>Eco Logical Australia Pty Ltd</u>	<u>16 September 2019</u>	<u>17HNG8645</u>
<u>44</u>	<u>Report</u>	<u>Aboriginal Cultural Heritage Additional Advice Letter</u>	<u>Past Traces Pty Ltd</u>	<u>18 September 2019</u>	<u>=</u>
<u>45</u>	<u>Report</u>	<u>MOD Response Letter</u>	<u>Dabyne Planning Pty Ltd</u>	<u>3 October 2019</u>	<u>=</u>
<u>46</u>	<u>Plan</u>	<u>Mid-Station – Modified Additional Clearance</u>	<u>Dabyne Planning Pty Ltd</u>	<u>October 2019</u>	<u>=</u>
<u>47</u>	<u>Plan</u>	<u>Mid Station Elevations</u>	<u>Doppelmayr</u>	<u>01 August 2019</u>	<u>WAA0004672</u>
<u>48</u>	<u>Plan</u>	<u>Operator Hut - 4500 x 2435 - Right Door, General Assembly</u>	<u>Doppelmayr Australia Pty Ltd</u>	<u>3 June 2019</u>	<u>2018-07-S-1002 Rev. A</u>
<u>49</u>	<u>Plan</u>	<u>Operator Hut - 6000 + 4500 x 2435 -Left Doors, General Assembly</u>	<u>Doppelmayr Australia Pty Ltd</u>	<u>18 June 2019</u>	<u>2018-07-S-1005 Rev. A</u>

<u>50</u>	<u>Plan</u>	<u>Snowmaking Installation Hydraulics Plan</u>	<u>Kosciuszko Thredbo Pty Ltd</u>	<u>10 October 2019</u>	<u>SM-907 Rev. 0</u>
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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;
- (b) clause 98A, Erection of signs during building and demolition works; and
- (c) clause 98E, Condition relating to shoring and adequacy of adjoining property.

A.6 Australian standards

All works shall be carried out in accordance with relevant Australian Standards.

A.7 Legal notices

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

A.8 Excluded from proposal

The following works are not included in this consent:

- (a) Changes to any MTB or walking track.
- (b) Works to Merritts restaurant and deck **(excluding areas outside of the temporary deck as approved under MOD 10059).**
- ~~(c) Earth or rock batters associated with the perimeter walls of the carrier shed and service area.~~

PART B – PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

B.1 Construction certificate

Work must not commence until a relevant construction certificate has been issued.

B.2 Building Code of Australia Compliance

The proposed works must comply with the applicable performance requirements of the BCA to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:

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

B.3 Structural Details

Prior to the commencement of the relevant works, the Applicant shall submit to ~~the satisfaction of~~ the Certifying Authority structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:

- (a) the relevant clauses of the BCA; and
- (b) the development consent.

B.4 Australia Standard 4722 – Passenger ropeways and passenger conveyors.

Prior to the issue of the relevant construction certificate for the gondola lift or associated stations, structural drawings and a design statement prepared by an appropriately qualified and practising engineer, shall be submitted to the certifying authority to demonstrate that the proposal complies with the intent of Australia Standard 4722 – Passenger ropeways and passenger conveyors. If the Department is not the certifying authority, a copy of the documentation shall be submitted to the Department with the construction certificate.

B.5 Payment of the Long Service Levy

Prior to the issue of a 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 and Construction Industry Long Service Payments Act 1986*.

~~B.6 Geotechnical – further investigation~~

~~Prior to the issue of the relevant construction certificate for the bottom station:~~

- ~~(a) further geotechnical investigations are to occur around the bottom station. Results from the further investigations are to be considered as part of the overall structural design of the approved structures and as part of Condition B.7; or~~
- ~~(b) the geotechnical engineer shall provide reasons for not requiring further geotechnical investigations in writing.~~

~~If the Department is not the certifying authority, a copy of the documentation shall be submitted to the Department with the construction certificate.~~

B.7 Geotechnical declaration and certification

Prior to the issue of any construction certificate, a completed and signed Form 2 from the Department's Geotechnical Policy – Kosciuszko Alpine Resorts (2003) shall be submitted to ~~and be to the satisfaction of~~ the certifying authority. All sections of the Form 2 must be completed

and signed by the appropriate person/s. If the Department is not the certifying authority, the appointed certifying authority is to provide a copy of the completed and signed Form 2 to the Department with the copy of the construction certificate.

Unless otherwise approved in writing by the Secretary or nominee following receipt of advice from a geotechnical engineer.

B.8 Hydraulics plan for snowmaking

Prior to the issue of the relevant construction certificate, a hydraulics plan in accordance with the relevant and current Australian Standards, prepared and signed by an appropriately qualified and practising professional, shall be submitted to ~~and be to the satisfaction of~~ the certifying authority. Snow making guns shall be a maximum height of 6 metres.

If the Department is not the certifying authority, a copy of the plan shall be submitted to the Department with the construction certificate.

B.9 Carrier shed at mid station

Prior to the issue of the relevant construction certificate, detailed design plans of the final carrier shed, and supports are to be provided to the certifying authority.

The design of the carrier shed shall adhere to the following parameters:

- ~~(a) maximum distance off the centreline of the lift to the outside of the western wall of the carrier shed shall not exceed 13 metres;~~
- ~~(b) the internal wall dimensions shall not exceed 14 metres by 38 metres for the shed and 3.5 metres x 5 metres for the service area;~~
- (c) the perimeter walls of the shed and service area must be constructed on piers or with vertical walls (within 5 degrees);
- ~~(d) minor earth or rock batters shall only be utilised to form benches within the building envelop to support excavators and the like; and~~
- (e) a maximum vegetation clearance of up to 2.2 metres from the outside face of the walls (building envelop);

unless otherwise approved in writing by the Secretary or nominee.

If the Department is not the certifying authority, a copy of the plan shall be submitted to the Department with the construction certificate.

B.10 Stormwater plan

Prior to the issue of the relevant construction certificate, a stormwater plan and a design statement prepared by an appropriately qualified and practising engineer, shall be submitted to the certifying authority. If the Department is not the certifying authority, a copy of the documentation shall be submitted to

The plan is to identify stormwater considerations for:

- (a) re-piping of the existing pipe below proposed Tower 7 are to be prepared incorporating pipe sizing, calculations, rip rap drains and head walls design;
- (b) driplines of all buildings;
- (c) rubble trench collections and/or pits and pipes, and
- (d) surface water from the new car parking and associated access driveway.

The locations of discharge points for storm water disposal shall be undertaken in consultation with the OEH, where discharged into native vegetation, unless otherwise approved in writing by the Secretary or nominee.

B.11 Disabled access

Prior to the issue of the relevant construction certificate, sufficient details demonstrating that the approved development provides access for ~~skiers~~ persons with a disability, shall be submitted to ~~and be to the satisfaction of~~ the Certifying Authority.

B.12 Materials and finishes

Prior to the issue of the relevant construction certificate, the Applicant shall submit a final materials and colours schedule for all structures to the certifying authority. The final materials and colours schedules shall be in accordance with the colours and materials schedule as referenced in Appendix I of the SEE (reference 8 in Condition A.2) unless otherwise approved in writing by the Secretary or nominee.

If the Department is not the certifying authority, copies of the above information shall be submitted to the Department with the construction certificate.

B.13 RFID gates

Prior to the issue of the relevant construction certificate (where the RFID gates contain a footing / foundation or bolted to the ground), the Applicant shall submit plans and specifications of the RFID gates that clearly show the locations, elevations and numbers of RFID gates, for approval in writing by the Secretary or nominee.

B.14 Existing utilities building

Prior to the issue of the relevant construction certificate for the utilities building, the following information shall be submitted to the certifying authority:

- (a) floor plans;
- (b) elevation plans; and
- (c) external materials and colour.

If the Department is not the certifying authority, a copy of the documentation shall be submitted to the Department with the construction certificate.

B.15 Car parking

Prior to the issue of the relevant construction certificate, the design of new car parking and access driveway associated with the proposal shall be in accordance with *AS 2890.1-2004 Parking Facilities Part 1: Off-street Car Parking*.

Details are to be submitted to ~~and be to the satisfaction of~~ the certifying authority and be prepared by a suitably qualified engineer and include the following:

- (a) details demonstrating compliance with the Australian Standards;
- (b) certification by an appropriately qualified and practising engineer that the existing tennis court pavement is suitable for car parking;
- (c) kerb and gutter installation;
- (d) collection of run-off water;
- (e) designed snow push areas; and
- (f) pit and pipe system connection.

The locations of discharge points for storm water disposal shall be undertaken in consultation with the OEH, where discharged into native vegetation, unless otherwise approved in writing by the Secretary or nominee.

B.16 Extension of existing services

Prior to the issue of the relevant construction certificate requiring the extension of existing services including electricity, water, sewer, gas and communication, plans are to be prepared identifying the existing and proposed services to be upgraded or extended in order to carry out the

development. The plans are to be prepared by appropriately qualified and practising professionals.

If the Department is not the certifying authority, a copy of the documentation shall be submitted to the Department with the construction certificate.

B.17 Signage parameters

Prior to the relevant construction certificate for signage that is not exempt development under the Alpine SEPP, the Applicant shall submit to the Secretary or nominee for approval signage parameters providing details of the signage associated with the approved development including:

- (a) any sign that will be attached to an approved structure;
- (b) any free-standing signs (i.e. signs that require posts and/or footings or foundations);
- (c) advertising, sponsors, safety, directional or identification;
- (d) details of how any illuminated signage would be designed and installed to comply with *AS4282-1997 Control of Obtrusive Effects of Outdoor Lighting*; and
- (e) how the signage forms part of a cohesive and coordinated strategy for provision of wayfinding throughout the Thredbo Alpine Resort.

B.18 Snow fences or permanent barriers parameters

Prior to the relevant construction certificate for snow fences or permanent barriers that is not exempt development under the Alpine SEPP, the Applicant shall submit to the Secretary or nominee for approval snow fences or permanent barriers parameters providing details of the works associated with the approved development.

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 **must** 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 and include the following:
 - ~~(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 how the site will be prepared and managed prior to and during wet weather conditions;~~
 - ~~(vi) any other matters as a result of the conditions of consent.~~~~
- ~~(b) A copy of the SEMP shall be submitted to the Secretary or nominee.~~

C.3 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.

C.4 Notification of commencement

The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.

If the construction or operation of the development is to be staged, the Department must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

C.5 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.

C.6 Implementation of site environmental management measures

- (a) Prior to any works 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 (**as modified by MOD 10059**), shall be in place and in good working order;
 - (ii) all site environmental management measures shall be contained within the construction corridor (see Condition C.11);
 - (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 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.

C.7 Tree and rock removal

Any trees or exposed rocks proposed to be removed, or partly removed, shall be clearly identified (i.e. may include flagging of large areas), inspected and approved by the environmental officer prior to their removal, or partial removal.

C.8 Machinery and storage

Machinery used during construction must be cleaned prior to site mobilisation, be regularly maintained and manoeuvred to prevent the spread of exotic vegetation. Storage of machinery and material is to be restricted to the designated disturbed areas (i.e. existing lift disturbance areas or existing disturbed ski slopes).

C.9 Detailed rehabilitation and environmental offsets plan

Prior to the commencement of any works, a detailed rehabilitation and environmental 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 the rehabilitation for all disturbed areas; and
 - (ii) to detail methods used to achieve environmental offset outcomes.
- (c) The plan must be generally consistent with the following:
 - (i) the approved documentation in Condition A.2;
 - (ii) the *'Rehabilitation Guidelines for the Resorts Areas, Kosciuszko National Park'* (NPWS 2007); and
 - (iii) 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 – 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 rehabilitation and 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);
 - native vegetation species proposed to be planted and ratios; and
 - 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 rehabilitation and 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 rehabilitation and 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

rehabilitation and environmental offset areas. In which case, the Applicant shall liaise with the OEH to determine the appropriate intervention required.

C.10 Wombat plan

Prior to the commencement of any works, a detailed wombat plan 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 to minimise impacts on wombats during construction.
- (c) The wombat plan shall address:
 - (i) All vegetation removal for the mid-station and carrier shed must be conducted so that any wombat burrows that do occur within this vegetation are not impacted during the vegetation removal process
 - (ii) Once the vegetation has been removed and burrows can be easily detected then monitoring of the burrows must occur to determine if the burrow is active. Monitoring is to include a fauna camera and other methods of detection (small sticks across the opening) for at least 7 days.
 - (iii) If the burrow is deemed inactive then it can be blocked or removed immediately.
 - (iv) If the burrow is deemed active then a relocation plan must be prepared and implemented in conjunction with OEH.
 - (v) Excavation works must not commence until the burrow is deemed inactive or the wombat has been relocated.

Note: The plan should identify management actions for existing burrows (i.e. located adjoining existing Tower 12) with consideration being to retain burrows where possible.

C.11 Construction corridor

- (a) Prior to any works commencing:
 - (i) the construction corridor shall be temporarily fenced / roped / flagged so as to clearly delineate the construction areas and the "no go" areas;
 - (ii) the construction corridor shall be inspected and approved by the environmental officer; and
 - (iii) the environmental officer shall provide written and signed certification to the PCA confirming that the construction corridor is in place in accordance with the approved documentation (Condition A.2) and these conditions of consent, and is satisfactory.
- (b) Any stockpiling and storage areas which shall be located within the disturbed areas and outside of any intact native vegetation areas.

"no go" being areas, such as an Endangered Ecological Community, to clearly delineate sensitive areas to be avoided.

C.12 Photographic record

A photographic record of the Merritts double chair shall be undertaken and provided to the PCA and the Secretary or nominee prior to commencement of demolition works. The photographic record should be carried out in accordance with the following:

- (a) The photographer should have previous experience and skills to undertake this task.
- (b) The photographer should:
 - (i) photograph at the highest quality;
 - (ii) catalogue each image;
- (c) The photos should be of a quality and size that allows for large, quality enlargements if required.

- (d) Three copies of CD or DVD containing electronic images files, and cross-referenced to catalogue sheets. One copy provided to the Department, one copy to the NPWS and one copy retained by the Applicant.

C.13 Traffic & pedestrian management plan

Prior to the commencement of works, a Traffic and Pedestrian Management Plan shall be prepared and submitted to ~~the satisfaction of~~ the PCA for works surrounding the proposed bottom station, workshops and adjoining Valley Terminal. The Plan shall address, but not be limited to, the following matters:

- (a) access to the car parking areas during the construction period;
- (b) the predicted traffic volumes, types and routes shall be provided;
- (c) nomination of parking areas for construction and contractor vehicles where this is off-site;
- (d) nomination of ingress and egress points for vehicles needing to access the site;
- (e) nomination of loading and unloading zones;
- (f) identification of construction machinery required for various stages of the project;
- (g) procedures and personnel responsible for full and partial road closures; and
- (h) any road closures.

C.14 Opportunity to inspect work at mid station

Prior to the commencement of excavation or construction works at or adjoining the new mid station:

- (a) the works areas are to be appropriately flagged (including GPS coordinates) by the environmental officer and written confirmation provided to the PCA and the Department. Areas of sensitive vegetation are to be avoided;
- (b) the mid station and carrier shed must be set-out; and
- (c) representatives from the OEH and the Department must be provided the opportunity to inspect the construction / works prior to commencing the development.

This condition can be satisfied in stages with an opportunity to inspect each stage.

C.15 Recycling and reuse strategy

Prior to the commencement of demolition works, a recycling and reuse strategy is to be prepared, and submitted to the Secretary or nominee for approval. The strategy is to:

- (a) analyse all structures to be demolished; and
- (b) identify recycling and reuse opportunities
 - (i) if reuse within Thredbo, the location where this would occur; or
 - (ii) otherwise offsite and out of Thredbo.

C.16 Demolition

Demolition work must comply with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001). The work plans required by AS 2601-2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the PCA before the commencement of works.

C.17 ~~Ski slope plan~~

- ~~(a) Prior to the commencement of any vegetation removal or excavation works associated with the construction of the new ski run:
 - ~~(i) a detailed ski slope plan for that ski run shall be submitted to and approved in writing by the certifying authority; and~~
 - ~~(ii) a copy of this plan must be submitted to the Department.~~~~
- ~~(b) This plan shall clearly show:
 - ~~(i) cut and fill proposed to achieve the appropriate ski slope grade;~~
 - ~~(ii) the locations and methods of batter stabilisation;~~~~

- ~~(iii) compliance with the Geotechnical Assessment / geotechnical advice;~~
- ~~(iv) proposed drainage infrastructure and flow dissipation measures;~~
- ~~(v) snow fences or permanent barriers associated with the new ski slope; and~~
- ~~(vi) that all works (including any batters and drainage infrastructure) can be contained within the construction corridors.~~

C.18 Reshaping of ski slopes (excluding Mid-Station)

Prior to the commencement of works for reshaping of ski slopes at:

- (a) Top station
- (b) Near the new ski patrol hut
- (c) At any approaches to the bottom station

that is not exempt development under the Alpine SEPP, the Applicant shall submit to the Secretary or nominee for approval cut and fill parameters providing details of the works associated with the approved development.

C.19 Pre-commencement compliance report

Prior to the commencement of works, the Applicant shall submit to the PCA a report addressing compliance with all conditions contained in sections B and C of this consent pertaining to those works. A copy of this compliance report shall be submitted to the Department within 7 days of it being submitted to the PCA.

C.20 Compliance

The Applicant must ensure that all ~~of its~~ 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.

C.21 Temporary deck

Prior to commencement of works on the temporary deck, a plan is to be submitted to the certifying authority illustrating which parts are considered temporary and would need to be removed for the construction of the Merritts Restaurant development (DA 9757). A copy of the plan is to be provided to the Secretary or nominee.

C.22 Plumbing and drainage works

Prior to the commencement of works, a Notice of Work must be pre-notified to the plumbing regulator (NPWS Perisher Team) in accordance with *Plumbing and Drainage Act 2011*. For more information please refer to the OEH website:

<http://www.environment.nsw.gov.au/alpineresorts/plumbing-and-drainage.htm>

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 the PCA, 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, 7 days a week, or as otherwise approved by the Secretary.

D.3 Construction period

- (a) All construction activities are limited to the "summer" period. For this development this period means commencing after the October long weekend and ceases no later than 31 May, or as otherwise approved by the Secretary or nominee.
- (b) By 31 May 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 31 May if required);
 - (v) appropriate signage shall be erected outlining that unauthorised access to the site is prohibited and that the site is a construction zone;
 - (vi) any external scaffolding shall be dismantled and removed from the site;
 - (vii) all external plumbing and drainage works are to be completed;
 - (viii) all disturbed ground is stabilised and made erosion resistant;
 - (ix) any excavations are made safe and secure; and
 - (x) any other specific matters related to making the site safe and secure raised by the PCA or 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~~ **all** 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

- (a) At all times, construction activities shall be undertaken in accordance with the approved SEMP and the requirements of Condition C.2.
- (b) All construction activities shall be confined to within the construction zone.
- (c) No disturbance is permitted outside the construction zone unless otherwise agreed by 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 (previously disturbed areas within the construction corridor as referenced in Condition C.11);
- (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.

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 Environmental offsets

The environmental offsets shall commence, as soon as possible, following the completion of each section of works, and shall comply with:

- (a) the approved documentation (Condition A.2) and these conditions of consent; and
- (b) the recommendations of the Flora and Fauna Assessment (as amended) contained with the Statement of Environmental Effects in Condition A.2.

D.8 Rehabilitation and site establishment

- (a) 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 All** erosion prevention and sediment control measures shall remain in place until all exposed areas of soil are stabilised and/or revegetated.
- (b) Revegetation of all trench lines are to be monitored and maintained until they are stabilised.
- (c) Rehabilitation shall be undertaken in accordance with:
 - (i) the *Rehabilitation Guidelines for the Resorts Areas, Kosciuszko National Park (NPWS 2007)*;
 - (ii) the approved rehabilitation and environmental offsets plan; and
 - (iii) these conditions of consent.

D.9 Tree and rock removal

- (a) All tree removal shall comply with the following:
 - (i) only trees marked shall be removed;
 - (ii) trees shall be checked by the environmental officer for nests, hollows or any fauna prior to felling. Trees with active nests should not be removed until the young have left the nest. If any native fauna are present the OEH shall be contacted for advice on suitable procedures to be followed;
 - (iii) trees shall be felled by hand using chainsaws only and either cut into small pieces to be used for rehabilitation, placed into adjoining native vegetation without damage or it must be removed from the site (i.e. the vegetation removal for the mid-station and carrier shed should be removed from the site);
 - (iv) trees shall be felled in a manner that minimises any impacts on adjoining vegetation and adjacent heath; and
 - (v) any hollow bearing trees are to be 'soft felled' incorporating either gently lowering the tree to the ground or providing a vegetation cushion at the base of the tree.
- (b) All exposed rock removal shall comply with the following:
 - (i) only exposed rocks marked shall be removed;
 - (ii) rocks removed shall be used within Thredbo Alpine Resort; and

- (iii) if they are unable to be used then they can be stockpiled at a location within the Thredbo Alpine Resort and used for other rehabilitation or landscaping projects.

unless otherwise approved by the Secretary or nominee.

D.10 Aboriginal heritage

Should any material suspected of being an Aboriginal relic or artefact become unearthed in the course of works, all works impacting the objects or artefacts shall cease immediately as per Section 90 of the *National Parks and Wildlife Act 1974*. The Applicant must immediately contact the OEH to arrange for representatives to inspect the site. All workers on the site are to be made aware of this condition.

Recommendations provided in the Aboriginal Cultural Heritage Due Diligence Assessment provided in the SEE are to be implemented during the construction of the development.

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 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 should be reused directly in the further construction of the development.
- (b) No soil shall be stockpiled 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 that is approved by the Secretary or nominee.
- (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.13 Excavations and backfilling

- (a) All excavating and backfilling shall comply with the following:
 - (i) shall be executed in a safe manner and in accordance with appropriate professional standards;
 - (ii) where excavations are to be left open overnight, provision shall be made so that any fauna entering these excavations can escape;
 - (iii) adequate provision shall be made for drainage; and
 - (iv) all excavations shall be properly guarded and protected to prevent them from being dangerous;

~~unless otherwise agreed in writing by the Secretary or nominee.~~
- (b) Any clean excavated material (i.e. containing no contaminants or weeds) may be:
 - (i) temporarily stockpiled at the site in accordance with the Rehabilitation Guidelines for the Resort Areas of Kosciuszko National Park prior to reuse on site; or
 - (ii) stockpiled and managed at an approved Kosciuszko Thredbo Pty Ltd (KT) facility for future use in accordance with the *Rehabilitation Guidelines for the Resort Areas of Kosciuszko National Park*; or
 - (iii) disposed of at an authorised land fill site.
- (c) Any contaminated material (i.e. containing contaminants or weeds) shall not be stockpiled at the site or in Thredbo and is to be disposed of at an authorised waste facility.
- (d) Imported fill material shall only be obtained from an Office of Environment and Heritage recommended source.

(e) Excess imported fill material shall be stockpiled in Thredbo for reuse.

D.14 SafeWork NSW

All works shall be carried out in accordance with current SafeWork NSW guidelines.

D.15 Litter and building waste

Building waste shall be minimised and shall be contained in receptacles so as not to escape by wind or water. These receptacles must only be located in previously disturbed areas and not beneath the canopy or over roots of any trees. The receptacle must be cleaned regularly.

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 notice to SafeWork NSW. A copy of the notice shall be submitted to 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.

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

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.~~

No hazardous or toxic materials or dangerous goods shall be stored or processed on the 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 Erosion and sediment control measures

- (a) All erosion ~~prevention~~ and sediment control measures ~~in place shall~~ **must** 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 construction.

D.25 Noise and vibration management

Excavation and construction shall be managed in accordance with AS 2436 *Guide to noise and vibration control on construction, demolition and maintenance sites* and to ensure ~~that~~ there is ~~not an~~ adverse impact ~~for on~~ any neighbouring/affected tourist accommodation buildings during the construction period.

D.26 Demolition

~~During construction,~~ Demolition work must comply with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001).

D.27 Recycled Material

Wherever possible, building material should be salvaged for reuse during the redevelopment of the building or sent to a recycling facility to reduce landfill.

D.28 Loading and unloading of construction vehicles

All loading and unloading associated with demolition and construction shall be restricted to those areas approved in the SEMP and conditions.

D.29 Re-fuelling

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

D.30 Electrical works

All electrical works shall be carried out by a qualified and licensed Electrical contractor and installed in accordance with the relevant Australian Standards.

D.31 Geotechnical requirements

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

- (a) the Department's Geotechnical Policy; and
- (b) the Geotechnical Assessment in Condition A.2 (**as modified by MOD 10059, including inspections by a suitably qualified and experienced geotechnical engineer during construction at the following stages (to ensure that the requirements of the geotechnical report are followed):**
 - (i) **footing excavations shall be inspected prior to pouring concrete;**
 - (ii) **all cut batters shall be inspected immediately after cutting and remedial works carried out as directed by the Geotechnical Engineer;**
 - (iii) **filling shall be tested for compaction and material quality suitably in accordance with the earthworks methodology to be developed for the construction certificate.**

D.32 Plumbing and drainage

All plumbing and drainage works shall comply with the Plumbing Code of Australia and Australian Standard AS/NZS 3500 *Plumbing and drainage* and shall be carried out by an appropriately licensed plumber.

D.33 Asbestos

- (a) The removal of any asbestos or other hazardous material found on the site shall be carried out in accordance with current Work Cover guidelines by an appropriately qualified contractor.
- (b) Any asbestos or other hazardous materials shall be disposed of at an authorised waste facility. Receipts shall be provided to the PCA as evidence of appropriate disposal

D.34 Imported gravel

Imported gravel or material that is to be used is to be free from weeds or pathogens and in accordance with the *'Soil Stockpile Guidelines for the Resort Areas of Kosciuszko National Park, October 2017'*.

D.35 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.36 Sod replacement

Sod replacement techniques is to utilised where possible. If sod replacement does not achieve rapid stabilisation and revegetation in some areas, or is not suitable for an area, then follow up rehabilitation of the site is required to achieve an erosion resistant state. Chewings Fescue is acceptable for the proposed sites that are already on disturbed ski slope or will form part of a new ski run / access route.

D.37 Water in excavations

- (a) In the event that water needs to be pumped out of any excavations, a temporary filter dam shall be constructed, and water pumped into the filter dam.
- (b) The filter dam shall be constructed of hay bales and/or geofabric material, and shall be inspected by and approved by the environmental officer prior to being used.
- (c) All pump out equipment and any temporary filter dams shall be wholly contained within the construction corridor unless otherwise agreed by the Secretary or nominee.

D.38 Structural certification of existing structure (utilities building at top station)

- (a) Upon completion of demolition works and prior to the commencement of any new works, a certificate prepared and signed by an appropriately qualified practising Structural Engineer indicating that the existing footings and structure which are to remain are capable of supporting the new loads imposed by the proposed development shall be submitted to ~~the satisfaction of~~ the PCA.
- (b) If the Department is not the PCA, the appointed PCA shall provide a copy of the certificate to the Department within 30 days of the date of the certificate.

D.39 Plumbing and drainage works

All plumbing and drainage works shall comply with the Plumbing Code of Australia and Australian Standard AS/NZS 3500 *Plumbing and drainage* and shall be carried out by an appropriately licensed plumber.

PART E – PRIOR TO COMMENCEMENT OF USE

E.1 Occupation certificate

Prior to the occupation of the building 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 prior to the occupation of the building or commencement of the use.

E.2 Site Clean Up

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

E.3 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.4 Geotechnical certification

- (a) Prior to the issue of any occupation certificate:
- (i) a completed and signed Form 3 from the Department's Geotechnical Policy – Kosciuszko Alpine Resorts (2003) must be submitted to, ~~and be to the satisfaction of~~ the PCA. All sections of the Form 3 must be completed and signed by the appropriate person/s; or
 - (ii) if alternative advice is provided by the geotech and approved by the Secretary or nominee in Condition B.7, confirmation that the works have been undertaken in accordance with the advice.
- (b) If the Department is not the PCA, the appointed PCA shall provide a copy of the completed and signed Form 3 to the Department with the copy of the occupation certificate.

E.5 Rehabilitation

- (a) Prior to the issue of the relevant occupation certificate, the appointed environmental officer shall provide the PCA with a statement confirming:
- (i) **whether** the initial rehabilitation has been undertaken in accordance with the approved documentation and these conditions of consent; and
 - (ii) **whether** the rehabilitation is considered satisfactory.
- (b) The PCA shall not issue an occupation certificate unless **it is** satisfied that all disturbed ground has been rendered erosion resistant and rehabilitated in accordance with the approved documentation and these conditions of consent.

This report must describe the vegetation and soil disturbance that has occurred during construction and the progress of rehabilitation.

E.6 Environmental offsets and fauna crossing/s

- (a) Prior to the issue of a final occupation certificate, the appointed environmental officer shall provide the PCA, with a copy forwarded to the Department, with a statement confirming:
- (i) whether the environmental offsets have been planted and implemented in accordance with the approved documentation and these conditions of consent; **and**
 - (ii) whether the environmental offsets are considered satisfactory; **and**
 - (iii) **the installation of the fauna crossing/s is satisfactory and was undertaken in accordance with the approved documentation and these conditions of consent.**
- (b) The PCA shall not issue a final occupation certificate unless satisfied that all environmental offsets have been established and undertaken in accordance with the approved documentation and these conditions of consent.

E.7 Structural certification

A structural engineer's certificate shall be submitted to the PCA prior to issue of the relevant occupation certificate. This certificate is to verify that structural works have been completed in accordance with approved plans and specifications and comply with the provisions of the BCA and relevant standards.

E.8 Electrical certification

Prior to the issue of the relevant occupation certificate, certification prepared and signed by an appropriately qualified electrician shall be submitted to the PCA. The certificate shall indicate that all electrical works have been installed by a qualified and licensed electrician and installed in accordance with the relevant Australian Standards.

E.9 Fire safety certification

Prior to the issue of the relevant occupation certificate, a fire safety certificate conforming to the Regulations shall be submitted to ~~and be to the satisfaction of~~ the PCA. A copy of the fire safety certificate shall be submitted to the Department with the copy of the occupation certificate.

E.10 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.11 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.9).
- (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.12 Stormwater drainage system certification

An appropriately qualified and practising engineer shall provide the certification to the PCA that the stormwater drainage system has been installed in accordance with the approved detailed stormwater plan (Condition B.10), prior to the issue of any occupation certificate.

E.13 Hydraulic certification

Prior to issue of the relevant occupation certificate, hydraulic certification is to be provided to ~~the satisfaction of~~ the PCA. This certificate is to verify that hydraulic works have been completed in accordance with approved plans and specifications and comply with the provisions of the BCA and relevant standards.

E.14 Plumbing and drainage works

Prior to the issue of the relevant occupation certificate, a Certificate of Compliance and Sewer Service Diagram (SSD) shall be provided to the plumbing regulator (NPWS Perisher Team) in accordance with *Plumbing and Drainage Act 2011*.

E.15 Fauna crossings

Prior to the issue of any occupation certificate, following consultation and endorsement from the NPWS, details and timing of proposed fauna crossings are to be provided to the PCA and a copy to the Secretary or nominee.

Fauna crossings are to be provided as follows:

- (a) retain existing and add one extra crossing; or**
- (b) if can't retain, then two new crossings are to be provided.**

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 disturbed areas and offset areas shall be monitored, and ~~necessary action undertaken~~ maintained to ensure that:

- (a) the ground remains erosion resistant and groundcover is being established; and
- (b) all areas planted with native species (including seeding), are surviving.

F.2 Temporary deck

Prior to any works associated with DA 9757 for the Merritts Restaurant redevelopment, the temporary deck as illustrated in reference 16 in Condition A.2 must be removed.

ADVISORY NOTES

AN.1 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.

AN.2 Premises Standard

The persons responsible for ensuring compliance with the Premises Standard (Access to Premises – Buildings) are the building certifier, building developer, and building manager. The Standard's applicability should be reasonably investigated by these persons.

AN.3 Other approvals and permits

The Applicant shall apply to the relevant authority for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.

AN.4 Disability Discrimination Act

The Applicant 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.5 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.

Separate applications for the installation of the kiosk substations under *National Parks and Wildlife Act 1974* or the *Environmental Planning and Assessment Act 1979* may be necessary.

AN.6 Subdivision boundaries

The Applicant shall review the existing subdivision boundaries of **Lot 874 DP 1232149** **Lot 876 DP 1243112** and Lot 862 DP 1128686 and **Lot 855 DP 1119757** to determine if any amendments are necessary to facilitate the development.

AN.7 Lighting

The lighting (including illuminated signage **and for emergency evacuation**) shall comply with *Australian Standard AS 4282-1997: 'Control of Obtrusive Effects of Outdoor Lighting'*

AN.8 — Plumbing and drainage works

~~If water supply, sewer/sanitary plumbing or drainage works are required, prior to the commencement of works, a Notice of Work must be pre-notified to the plumbing regulator (NPWS Perisher Team) in accordance with *Plumbing and Drainage Act 2011*. For more information please refer to the OEH website:~~

~~<http://www.environment.nsw.gov.au/alpineresorts/plumbing-and-drainage.htm>~~

AN.9 — Plumbing and drainage works

~~If water supply, sewer/sanitary plumbing or drainage works are undertaken, prior to the issue of the relevant occupation certificate, a Certificate of Compliance and Sewer Service Diagram (SSD) shall be provided to the plumbing regulator (NPWS Perisher Team) in accordance with *Plumbing and Drainage Act 2011*.~~