

# Development consent

## Section 4.16 of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, under delegation executed on 26 April 2021, I approve the Development Application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

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



Keiran Thomas  
**Director**  
**Regional Assessments**  
**Department of Planning, Industry and Environment**

Jindabyne

7 May 2021

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### SCHEDULE 1

<b>Application No.:</b>	DA No. 10647
<b>Applicant:</b>	Selwyn Snow Resort Pty Ltd
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Land:</b>	Lot 36 DP 46316, 213A Kings Cross Road, Kiandra NSW, Kosciuszko National Park
<b>Type of Development:</b>	Integrated Development
<b>Integrated Bodies:</b>	NSW Rural Fire Service
<b>Approved Development:</b>	Bushfire recovery rebuilding of the resort operations centre (ROC) and associated infrastructure, installation of a ski conveyor / ski carpet lift at the snow play area, and installation of an operators hut at the top of Boomerang Platter lift

## DEFINITIONS

Act	means the <i>Environmental Planning and Assessment Act, 1979</i> (as amended).
Applicant	means Selwyn Snow Resort Pty Ltd, or any person carrying out any development to which this consent applies.
Approval Body	has the same meaning as within Division 4.8 of Part 4 of the Act.
BCA	means the edition of the Building Code of Australia in force at the time of lodgement of an application for a Construction Certificate.
Certifier	has the same meaning as in Part 6 of the Act.
Construction Environmental Management Plan or CEMP	means a construction environmental management plan for the works prepared by the Applicant and approved by the Principal Certifier in accordance with Condition C.4.
DA No 10647	means the development application submitted by the applicant on 20 November 2020.
Department	means the Department of Planning, Industry and Environment, or its successors.
Director	means the Director of Regional Assessments or a delegate of the Director of within the Department.
Environmental Officer	means the person appointed by the Applicant in accordance with Condition C.2.
Minister	means the Minister for Planning and Public Spaces, or nominee.
NPWS	means the National Parks and Wildlife Service, or its successors.
Non-compliance	means an occurrence, set of circumstances or development that is a breach of this consent.
Park	means the Kosciuszko National Park reserved under the <i>National Parks and Wildlife Act 1974</i> .
Principal Certifier	means the principal certifier and has the same meaning as Part 6 of the Act.
Regulation	means the <i>Environmental Planning and Assessment Regulations, 2000</i> (as amended).
Rehabilitation Guide	means the NPWS document entitled: <i>Rehabilitation Guidelines for the Resorts Areas of Kosciuszko National Park (2007)</i> a copy of which is available at: <a href="https://www.environment.nsw.gov.au/research-and-publications/publications-search/rehabilitation-guidelines-for-the-resort-areas-of-kosciuszko-national-park">https://www.environment.nsw.gov.au/research-and-publications/publications-search/rehabilitation-guidelines-for-the-resort-areas-of-kosciuszko-national-park</a> .
RFS	means the NSW Rural Fire Service.
Secretary	means the Secretary of the Department, or nominee/delegate.
Secretary's approval, agreement or satisfaction	means a written approval from the Secretary or nominee/delegate.
Stockpile Guide	means the NPWS document entitled: <i>'Soil Stockpile Guidelines for the Resort Areas of Kosciuszko National Park, October 2017'</i> , a copy of which can be obtained from the NPWS Resorts Environmental Services Team.
Subject site	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 Regional Assessments 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 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 the:

- (a) DA No. 10647 submitted by Selwyn Snow Resort Pty Ltd. on 20 November 2020
- (b) supporting documentation submitted with that application (DA 10647)
- (c) conditions of this consent

including, but not limited to, the following:

Ref No.	Document	Title/Description	Author / Prepared by	Date	Document Reference
1	Statement of Environmental Effects	Resort Operations Centre 213A Kings Cross Road, Kiandra NSW, Lot 36 DP 46316	Complete Town Planning Pty Ltd	November 2020	Rev: 02
2	Report	Bushfire Hazard Assessment Report	Complete Bushfire Reports	November 2020	20115 Rev. 03
3	Report	Biodiversity and Aboriginal Heritage Assessment Report	Complete Town Planning	November 2020	Rev. 02
4	Report	Flora and Fauna Assessment – Proposed Redevelopment for Selwyn Snow Resort	David Woods	25 October 2020	-
5	Report	Supplemental Aboriginal Due Diligence Heritage Advice – Mt Selwyn Snow Resort	Past Traces	16/11/2020	
6	Report	Civil Traffic and Hydraulics DA Report – ROC	TTW	21 October 2020	209064
7	Report	Design guidance document: Fuel storage	Kleinfelder Australia Pty Ltd	19 October 2020	20212217.001 A
8	Report	Geotechnical Investigation and Slope Stability Risk Assessment	ACT Geotechnical Engineers Pty Ltd	24 July 2020	JM/C10872
9	Form 1	Geotechnical Policy - Kosciuszko Alpine Resorts Form 1 – Declaration and certification made by a geotechnical engineer or	ACT Geotechnical Engineers Pty Ltd	24 July 2020	

		engineering geologist in a geotechnical report			
10	Report	Geotechnical Investigation and Slope Stability Risk Assessment – Supplementary Report	ACT Geotechnical Engineers Pty Ltd	30 September 2020	JM/C10872
11	Form 1	Geotechnical Policy - Kosciuszko Alpine Resorts Form 1 – Declaration and certification made by a geotechnical engineer or engineering geologist in a geotechnical report	ACT Geotechnical Engineers Pty Ltd	29 September 2020	
12	Addendum Letter	Geotechnical Confirmation of Design Changes	ACT Geotechnical Engineers Pty Ltd	27 January 2021	JM/C10872
13	Report	BCA Assessment Report: DA Submission – Resort Operations Centre (ROC)	Complete Certification Pty Ltd	20/11/2020	20007 Rev 3
14	Report	UPSS Decommissioning Validation Report ~ Selwyn Snow Resort 213A Kings Cross Road Cabramurra, NSW	Ground Doctor Pty Ltd	27 November 2020	2020-GD003-RP2-FINAL
15	Letter	UPSS Decommissioning Validation Report, Former Selwyn Snow Field Workshop UPSS Area	Ground Doctor Pty Ltd	1 December 2020	2020-GD003-L1
16	Document	Cleanawater – Operations & Maintenance Manual (2 pages)			
17	Document	Cleanawater (9 pages)			
18	Document	Cleanawater TS5000 SS Oil Water Separator (6 pages)			
19	Plan	ROC – Cover Page	Sissons	19/11/20	PL3-00-01 Rev A
20	Plan	ROC – Overall Site Plan	Sissons	19/11/20	PL3-00-02 Rev A
21	Plan	ROC – Locality Plan – Pre-bushfire Conditions	Sissons	19/11/20	PL3-00-03 Rev A
22	Plan	ROC – Locality Plan – APZ	Sissons	19/11/20	PL3-00-04 Rev A
23	Plan	ROC – Locality Plan – 100M Overlay	Sissons	19/11/20	PL3-00-05 Rev A
24	Plan	ROC – Biodiversity Plan	Sissons	19/11/20	PL3-00-07 Rev A

25	Plan	ROC – Site Analysis Plan	Sissons	19/11/20	PL3-10-01 Rev A
26	Plan	ROC – Staging Plan	Sissons	22/03/21	PL3-10-03 Rev B
27	Plan	ROC – Shadow Analysis Plans	Sissons	19/11/20	PL3-10-05 Rev A
28	Plan	ROC – Ground Floor Plan	Sissons	22/03/21	PL3-11-01 Rev B
29	Plan	ROC – Level 1 Plan	Sissons	22/03/21	PL3-11-02 Rev B
30	Plan	ROC – Roof Plan	Sissons	19/11/20	PL3-11-03 Rev A
31	Plan	ROC – Elevations	Sissons	19/11/20	PL3-12-01 Rev A
32	Plan	ROC – Elevations	Sissons	19/11/20	PL3-12-02 Rev A
33	Plan	ROC – Sections	Sissons	19/11/20	PL3-13-01 Rev A
34	Plan	ROC – Sections	Sissons	19/11/20	PL3-13-02 Rev A
35	Plan	ROC – Materials Board	Sissons	19/11/20	PL3-14-01 Rev A
36	Plan	ROC – Notification Plan	Sissons	-	PL3-15-01 Rev A
37	Plan	ROC – Area Plans and Schedule	Sissons	19/11/20	PL3-16-01 Rev A
38	Plan	ROC – Renders	Sissons	19/11/20	PL3-17-01 Rev A
39	Plan	Cover Sheet, Locality, Plan, Notes & Legends	TTW	12.04.21	C101 Rev I
40	Plan	Erosion and Sediment Control Plan	TTW	12.04.21	C110 Rev L
41	Plan	General Arrangement Plan	TTW	12.04.21	C120 Rev J
42	Plan	Bulk Earthworks Plan	TTW	12.04.21	C130 Rev D
43	Plan	Site Works Plan	TTW	12.04.21	C140 Rev N
44	Plan	Building and Spill Management Plan	TTW	12.04.21	C141 Rev B
45	Plan	Site Works Details	TTW	12.04.21	C150 Rev J
46	Plan	Site Works Sections	TTW	12.04.21	C160 Rev F
47	Plan	Turning Vehicles Demonstration	TTW	12.04.21	C180 Rev I

48	Plan	Electrical Services External Electrical Services For Visitor Centre and ROC	JRA	03.02.21	JRA-FT-003 Rev B
49	Plan	Mechanical Services D&C – Ground Level	JRA	17.12.20	JRA-ROC-M- DC-002 Rev P1
50	Plan	Mechanical Services D&C – Level 1	JRA	17.12.20	JRA-ROC-M- DC-003 Rev P1
51	Plan	Mezzanine Marking Plan	Cook + Roe	19.11.20	S.030 Rev B
52	Plan	Steelwork Marking Plan	Cook + Roe	19.11.20	S.050 Rev B
53	Plan	Steelwork Elevations	Cook + Roe	19.11.20	S.051 Rev B
54	Plan	Operator Hut Foundation	Doppelmayr	10/02/2021	2021-01-C- 001-B
55	Plan	Prolife 1-SL Boomerang	Doppelmayr	2021-01-28	2021-03-P- 001
56	Plan	Boomerang Platter Operator Hut (North, South, East and West)			
57	Plan	Selwyn Snow Resort – Proposed Carpet Installations and Boomerang Platter Lift Changes			
58	Plan	Mt. Selwyn Australien (AUS) Length: 150m	Sunkid	25.01.2021	
59	Bushfire Safety Authority	s100B – SFPP – Other Tourist Accommodation Resort Operations Centre 213A KINGS CROSS RD KIANDRA NSW 2629, 36//DP46316	NSW Rural Fire Service	11 December 2020	DA202011260 04480- Original-1

### 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 Non-Compliance Notification**

The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) and [alpineresorts@planning.nsw.gov.au](mailto:alpineresorts@planning.nsw.gov.au) within seven days after the Applicant becomes aware of any non-compliance. The Principal Certifier must also notify the Department in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) and [alpineresorts@planning.nsw.gov.au](mailto:alpineresorts@planning.nsw.gov.au) within seven days after they identify any non-compliance.

The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

## **A.9 Excluded development**

The following works are excluded from this consent:

- (a) any reference in the plans and documents to a sewerage system or treatment plant;
  - (b) any reference in the plans and documents to an onsite wastewater system including disposal area;
  - (c) snowmaking infrastructure; and
  - (d) any reference in the plans and documents to works associated with the staff accommodation or visitor centre.
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## **PART B – PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **B.1 Construction certificate**

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

Note: A construction certificate is required prior to commencing any physical activity involved in the erection of a building. Some aspects of this development consent may not require a construction certificate.

### **B.2 Documentation for the construction certificate**

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 (a) and (b).

### **B.3 Structural drawings and design statement**

Prior to the issue of the relevant construction certificate, the Applicant shall submit structural drawings and a design statement, prepared and signed by an appropriately qualified practising Structural Engineer, to the certifier.

### **B.4 Specifications**

Prior to the issue of the relevant construction certificate, the Applicant shall provide to the certifier specifications for the development:

- (a) that describe the construction and materials of which the buildings, services and infrastructure are to be built, and
- (b) that state whether the materials to be used are new or second-hand and (in the case of second-hand materials) give particulars of the materials to be used.

### **B.5 Payment of the Long Service Levy**

Prior to the issue of any construction certificate, evidence shall be provided to the certifier, 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 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 the certifier. All sections of the Form 2 must be completed and signed by the appropriate person/s. If the Department is not the certifier, the appointed certifier is to provide a copy of the completed and signed Form 2 to the Department with the copy of the construction certificate.

A Form 2 must be submitted with each construction certificate unless otherwise approved in writing by the Secretary or nominee following receipt of advice from a geotechnical engineer.



## **B.7 Hydraulics plan**

Prior to the issue of the relevant construction certificate, a hydraulics plan in accordance with the relevant and current Australian Standards and design statement, prepared by an appropriately qualified and practising professional, shall be submitted to the certifier. If the Department is not the certifier a copy of the documentation shall be submitted to the Department with the construction certificate.

## **B.8 Stormwater drainage plan**

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

The plan required by this condition is to address details of the design and operation of the stormwater drainage system for the ROC building and surrounding subject site including:

- (a) capture of roof water immediately under 100% of the drip line of the ROC building via dish drain, rubble drain or the like;
  - (i) runoff from the roof must not surface flow down any batters to the north or south of the ROC building; and
  - (ii) runoff must be collected in swales and/or a pit/pipe system and discharged on northern side of NPWS gravel access road (known as the Selwyn Trail, located to the north of the subject site);
- (b) the capture of runoff water from the visitor centre that passes under the internal access road to the ROC building via dish drain, rubble drain or the like, including in a manner that ensures:
  - (i) runoff cannot surface flow down any batters to the north; and
  - (ii) runoff is collected in swales and/or a pit/pipe system and is directed to the west towards Kings Cross Road;
- (c) the discharge point for the system must be treated with rip rap or the like to avoid erosion;
- (d) the discharge point for the system must not interfere with any other infrastructure including the NPWS gravel access road referred to in paragraph (a); and
- (e) volume calculations of the stormwater drainage system shall be provided to demonstrate that the system is capable of handling the stormwater generated by the roof catchment and the discharge points are appropriate and consistent with the requirements of this condition.

Any variation to the above condition must be agreed in writing by the Secretary or nominee.

## **B.9 Storage and handling of flammable and combustible liquids**

Prior to the issue of the relevant construction certificate, detailed plans and a design statement, prepared and signed by an appropriately qualified and practising dangerous goods consultant, must be prepared in consultation with the NPWS; and be submitted to and approved by the Secretary or nominee.

The plan required by this condition is to address:

- (a) the recommendations of the report titled 'Design guidance document: Fuel storage' by Kleinfelder Australia Pty Ltd (reference 7 in Condition A.2);
- (b) AS 1940:2004 – The storage and handling of flammable and combustible liquids;
- (c) fuel tank product details, plans and specifications;
- (d) internal bunding and storage containment details, plans and specifications;
- (e) any specific details to satisfy the ongoing operational requirements of Condition in Part G; and
- (f) structural bollards must be installed in appropriate locations to reduce the risk of vehicles hitting the fuel tanks, pipework and other equipment for the storage and handling of flammable and combustible liquids.

## **B.10 Oil separator and associated collection well and equipment**

Prior to the issue of the relevant construction certificate, detailed plans and a design statement, prepared and signed by an appropriately qualified and practising consultant, must be prepared in consultation with the NPWS; and be submitted to and approved by the Secretary or nominee.

The plan required by this condition is to address details of the design and operation of pollutant capture and removal systems for the ROC building, including:

- (a) within the ROC building:
  - (i) a dedicated hand wash area must be provided within the workshop part of the building and adjacent to mechanical activities;
  - (ii) wastewater generated via workshop mechanical activities must pass through an oil separator or other agreed filtration device prior to being transferred and disposed of in a manner that avoids the discharge of pollutants into the environment;
  - (iii) internal plumbing plans and details; and
  - (iv) arrangements for the inspection, maintenance and replacement of consumable filters and similar for the separator or device referred to in paragraph (a)(ii); and
- (b) within the external bunded area:
  - (i) stormwater volume calculations for the external bunded area must be provided including reasoning for the specified rain event utilised in determining the design volume of the system;
  - (ii) the pits and other equipment relevant to the design volume of the system must be sized adequately for the specified rain event referred to in paragraph (b)(i);
  - (iii) plans and specifications of all pumps and equipment part of the system;
  - (iv) specific brand and model of the oil separator with performance details of the system;
  - (v) the oil separator must be associated with a collection well and have the following attributes / capacity (which are consistent with condition 27, Appendix E, Liquid Trade Waste Regulation Guidelines 2009):
    - i. all liquid waste from the bunded area to pass through a collection well (capacity to meet anticipated peak flow conditions, i.e. depending on size of bunded area and likely precipitation events etc, but at a minimum 750L);
    - ii. a non-emulsifying pump with suction inlet at least 300 mm above the bottom of the collection well to be installed to pump the waste to an approved oil separator (being a coalescing plate interceptor, vertical gravity separator or a hydrocyclone separation system with an oil collection container and sludge withdrawal system);
    - iii. oil separator to be sized according to influent flow rate with the nominal size of 1000L/h. This is to be a Class 1 oil separator designed to achieve a concentration of less than 5mg/L of oil under standard test conditions; and
    - iv. oil separator and associated equipment to be located within a bunded area enabling drain back to the collection well; and
  - (vi) discharge from the oil separator must not exceed a contaminant level higher than 5mg/L;
  - (vii) the collection well associated with the oil separator is to be cleaned before the thickness of the settled solids material exceeds 200 mm. That waste is to be disposed of off-site and outside the Park;
  - (viii) constructed must enable the recovery of released chemicals; and
  - (ix) arrangements for the inspection, maintenance and replacement of consumable filters and similar for the oil separator referred to in paragraphs (b)(iv) to (vi) and any other polisher or filtration device which is part of the system.

*Note: The Liquid Trade Waste Regulation Guidelines 2009 currently approve the following oil separators – coalescing plate interceptor/separator, hydrocyclone separation system and a vertical gravity separator.*

### **B.11 External walls and cladding**

- (a) The external walls of all buildings must comply with the relevant requirements of the BCA.
- (b) Prior to the issue of the relevant construction certificate, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels, comply with the requirements of the BCA. The Applicant must provide a copy of the documentation given to the Certifier to the Secretary within seven days after the Certifier accepts it.

### **B.12 Waste receptacles**

Prior to the issue of the relevant construction certificate, the Applicant must provide to the Certifier details of appropriate waste receptacles (providing waste and/or recycling bins). If the Department is not the Certifier, a copy of the documentation shall be submitted to the Department with the construction certificate.

### **B.13 Snow stoppers**

- (a) If not protected by an awning, snow stoppers must be installed on the ROC above paths of travel away from the building where people could be subjected to falling snow.
- (b) Prior to the issue of the relevant construction certificate, the Applicant must provide to the Certifier details of snow stopper designs, locations and a design statement, prepared and signed by an appropriately qualified practising structural engineer. If the Department is not the Certifier, a copy of the documentation shall be submitted to the Department with the construction certificate.

### **B.14 Materials and colours**

Prior to the issue of the relevant construction certificate, the Certifier must be satisfied that the documentation for the construction certificate demonstrates compliance with the approved materials and colours in Condition A.2. If the Department is not the Certifier, a copy of the documentation must be submitted to the Department with the construction certificate.

### **B.15 Australian Standard 4722 – Passenger ropeways and passenger conveyors.**

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

### **B.16 Disabled access**

Access and facilities for people with disabilities must be designed in accordance with the relevant provisions of the BCA. Prior to the issue of the relevant construction certificate, a certificate certifying compliance with this condition from an appropriately qualified person must be provided to the Certifier. If the Department is not the Certifier, a copy of the documentation must be submitted to the Department with the construction certificate.

### **B.17 External lighting plan**

Prior to the issue of the relevant construction certificate, an external lighting plan and a design statement prepared by an appropriately qualified professional, must be submitted to the Certifier. The lighting (including any illuminated signage) must comply with *Australian Standard AS 4282-1997: 'Control of Obtrusive Effects of Outdoor Lighting'*. If the Department is not the Certifier, a copy of the documentation must be submitted to the Department with the construction certificate.

### **B.18 Proposed fire safety measures and essential services**

Prior to the issue of the relevant construction certificate, the Applicant must provide to the Certifier a list and plans of the fire safety measures and essential fire services to be provided in relation to the land and any building on the land as a consequence of the building work. If the Department is not the Certifier, a copy of the documentation must be submitted to the Department with the construction certificate.

### **B.19 Mechanical ventilation**

Prior to the issue of the relevant construction certificate, drawings and a design statement prepared by an appropriately qualified and practising engineer, must be submitted to the Certifier to demonstrate that the proposal meets the following requirements:

- (a) identifies the location of the mechanical ventilation system, discharge vents (if applicable), air flow measurements and the noise rating of the fan(s) and motor(s);
- (b) the mechanical ventilation systems comply with *Australian Standard / New Zealand Standard 1668.2 – 2012 (The use of ventilation and airconditioning in buildings – Mechanical ventilation in buildings)*; and
- (c) a mechanical ventilation engineer or other suitably qualified professional is required to design the system and the installation is to be carried out by a suitably qualified trade person.

If the Department is not the Certifier, a copy of the documentation must be submitted to the Department with the construction certificate.

### **B.20 Energy efficiency**

All works shall comply with Section J of the BCA. Details indicating compliance with these requirements and a design statement must be submitted the Certifier prior to the issue of the relevant construction certificate. If the Department is not the Certifier, a copy of the documentation must be submitted to the Department with the construction certificate.

### **B.21 Bush fire safety authority**

Prior to the issue of the relevant construction certificate, the Certifier must be satisfied that the documentation for the construction certificate demonstrates compliance with the relevant conditions of the bush fire safety authority (reference 59 in Condition A.2).

### **B.22 Signage parameters**

Prior to the relevant construction certificate for signage, the Applicant must submit to the Secretary or nominee for approval, details of the signage including:

- (a) visual representation of the signage within the approved zones;
- (b) fixing details;
- (c) the type of signage e.g. advertising, sponsors, safety, directional or identification; and
- (d) if applicable, details of how any illuminated signage would be designed and installed to comply with *AS4282-1997 Control of Obtrusive Effects of Outdoor Lighting*.

### **B.23 Environmental performance (water and energy efficiency)**

- (a) All water associated fixtures, fittings and appliances installed in the building shall have a minimum three (3) star Water Efficiency Labelling and Standards (WELS) rating.
- (b) Energy efficiency shall be maximised within the development including, but not limited to the following:
  - (i) energy efficient options for lighting are to be installed in all cases where possible;
  - (ii) all classes of appliances that are available with an energy label or a Minimum Energy Performance Standard to be installed within the premises are to have an energy star rating of 4 stars or more (excluding clothes dryers which are to have a rating of 2.5 stars or more and gas water heaters which are to have a rating of 5 stars or more);
  - (iii) all baths, hot water pipes and ceiling spaces are to be insulated;

- (iv) if air conditioners are installed, they are to have a variable speed compressor or inverter drive and their outdoor components are to be positioned out of direct sunlight while still allowing access to outside air;
- (v) doors and windows are to be fitted with draught seals and weather stripping; and
- (vi) energy efficient water heaters are to be installed e.g. solar, heat pump or gas.

Details are to be submitted to the Certifier prior to the issue of a construction certificate. If the Department is not the Certifier, a copy of the documentation must be submitted to the Department with the construction certificate.

#### **B.24 Monocrane**

Prior to the issue of the relevant construction certificate, the Applicant must submit monocrane structural drawings and a design statement, prepared and signed by an appropriately qualified practising structural engineer, to the Certifier. If the Department is not the Certifier, a copy of the documentation must be submitted to the Department with the construction certificate.

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## **PART C – PRIOR TO THE COMMENCEMENT OF WORKS**

### **C.1 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.2 Environmental Officer**

- (a) Prior to the commencement of any works, an appropriately qualified Environmental Officer must be appointed, and both the Principal Certifier and the Secretary or nominee must be notified of this person. The Environmental Officer is to have experience with construction and rehabilitation of sensitive environments.
- (b) In the event that the Environmental Officer needs replacing, the replacement is to be appropriately qualified and the Principal Certifier and Secretary or nominee must be notified of the replacement.

### **C.3 Traffic management plan**

Prior to the commencement of works, a traffic management plan must be prepared and submitted to the Principal Certifier. The plan must 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;
- (h) if required, Transport NSW requirements for transport and delivery of machinery, equipment and materials; and
- (i) any road closures.

If the Department is not the Principal Certifier, a copy of the documentation must be submitted to the Department prior to the commencement of works.

### **C.4 Construction Environmental Management Plan (CEMP)**

Prior to the commencement of works, a Construction Environmental Management Plan must be submitted to the satisfaction of the Principal Certifier. The plan must address, but not be limited to the following and conform to these conditions of consent where applicable:

- (a) the date of commencement of works;
- (b) hours of works;
- (c) contact details of site manager;
- (d) traffic and pedestrian management including details on:
  - (i) ingress and egress of vehicles to the site,
  - (ii) loading and unloading, including construction zones,
  - (iii) the location of storage areas,
  - (iv) parking of construction and contractor vehicles,
  - (v) turning areas of construction and contractor vehicles, and
  - (vi) pedestrian and traffic management methods;
- (e) waste and recycling management including details on:
  - (i) the location for recycling of building materials,
  - (ii) the identification of any asbestos or other hazardous material,
  - (iii) the location for disposal of building waste, and

- (iv) the location for disposal of excess spoil;
- (f) temporary structures including site offices, toilets, hoarding and the like;
- (g) portable or temporary crane facilities;
- (h) site environment management measures including:
  - (i) erosion and sediment control;
  - (ii) flora and fauna management;
  - (iii) wet weather contingencies noting that construction works must be limited in wet weather and should not occur if access or works will cause additional environmental impacts;
  - (iv) suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters;
- (i) emergency procedures; and
- (j) any relevant recommendations of the NPWS document reference DOC20/1037021 dated 17 December 2020.

<https://majorprojects.accelo.com/public/cb19ac3d7b1c85be4097b3474d21fcc1/2020%2012%2017%20Comments%20from%20NPWS-2.pdf>

If the Department is not the Principal Certifier, a copy of the documentation must be submitted to the Department prior to the commencement of the relevant section of works. This condition can be satisfied for the whole project or progressively for various sections of the project.

### **C.5 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 the *Plumbing and Drainage Act 2011*. For more information please refer to the NPWS website:

<https://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/park-management/alpine-resort-management/our-services/plumbing-and-drainage>

A copy of the notice of work must also be provided to the Department.

### **C.6 Termite protection**

The buildings must be protected from attack from subterranean termites in accordance with AS 3660 *Termite management*. Details are to be submitted to the Principal Certifier prior to the commencement of works. If the Department is not the Principal Certifier, a copy of the documentation must be submitted to the Department prior to the commencement of the relevant section of works.

### **C.7 Temporary construction works area security fencing**

Prior to works commencing, the construction works area must be fenced with temporary site security fencing. This fencing is to clearly delineate the construction works area and be designed and located in order to keep the disturbance corridor associated with the works to a minimum. This is to restrict access, prevent unauthorised persons entering the construction works area and protect areas of the Subject site from unnecessary disturbance.

### **C.8 Construction zone and disturbance corridor**

Prior to works commencing:

- (a) the construction zone and disturbance corridor must be temporarily fenced/roped so as to clearly delineate the construction areas and the “no go” areas;
- (b) the temporary fencing/roping must be inspected and approved by the Environmental Officer; and
- (c) the Environmental Officer must provide written and signed certification to the Principal Certifier confirming that the temporary fencing/roping is in place in accordance with the

approved documentation (Condition A.2) and these conditions of consent and is satisfactory.

### **C.9 Implementation of site environmental management measures**

Prior to any construction works commencing, all site environmental management measures in accordance with the approved documentation (Condition A.2), the CEMP (Condition C.4) and these conditions of consent, must be in place and in good working order.

### **C.10 Machinery and storage**

To minimise weed vectors and other biosecurity issues, all machinery used during construction must be cleaned prior to entry into the Park and prior to site mobilisation to ensure the machinery is free of mud and vegetative propagules.

Machinery must 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.

### **C.11 Compliance report for quarry water supply**

Prior to the commencement of works on any component of the hydraulic fire safety systems, a compliance report for the quarry water supply, prepared by an appropriately qualified and practising hydraulic engineer, must be submitted to the Certifier. If the Department is not the Certifier a copy of the documentation shall be submitted to the Department with the construction certificate.

The compliance report required by this condition is to address:

- (a) supply and delivery of water from the quarry in accordance with the relevant provisions of the BCA and AS 2419;
- (b) how the quarry is filled or the adequacy of the existing infrastructure that is currently connected to the quarry;
- (c) an assessment to determine if the quarry is:
  - (i) an acceptable source of water supply;
  - (ii) adequate and reliable; and
  - (iii) capable of being replenished (make-up water);
- (d) other factors that need to be considered for the quarry are:
  - (i) the dual use (i.e. firefighting and snow making) and how competing priorities would be managed in an emergency;
  - (ii) adequacy of pump and/or additional pumps (reserve or emergency pumps); and
  - (iii) pressure and flow.

### **C.12 Geotechnical declaration and certification (if no construction certificate)**

Prior to the commencement of works on any part of the project that does not require a construction certificate, a completed and signed Form 2 from the Department's Geotechnical Policy – Kosciuszko Alpine Resorts (2003) must be submitted to the Department. All sections of the Form 2 must be completed and signed by the appropriate person/s.

Any variation to the above condition must be agreed in writing by the Secretary or nominee.

### **C.13 Treatment of weeds**

Prior to the commencement of works, weeds occurring within the disturbance area are to be treated to ensure these weeds are not spread further at the Subject site or throughout the Park.



#### **C.14 Stormwater drainage discharge inspections**

Prior to the commencement of works on any component of the stormwater drainage systems, the Applicant must arrange an inspection with NPWS to determine and agree with NPWS:

- (a) the adequacy of the existing drainage along Kings Cross Road from the Subject site towards the north and whether any maintenance or upgrades are required;
- (b) the location of the discharge point for stormwater drainage proposed to be located on the northern side of the NPWS access road referred to in Condition B.8; and
- (c) whether the design of the stormwater drainage system under and adjacent to the road should incorporate:
  - (i) the capture of runoff from the swale on the southern side of that road, and runoff from the ROC building, in a pit prior to piping under the road; or
  - (ii) a closed / underground system from the pit at the ROC building to the northern side of the road without capturing runoff from the swale on the southern side of that road,

with the appropriateness of these options to be addressed in the stormwater drainage plan required by Condition B.8 and informed by the volume calculations in that plan.

Any directions, approvals or authorisations of work by NPWS must be undertaken in accordance with any requirements or timeframes of NPWS.

The Applicant must submit written confirmation and the results of the inspection (including any agreements reached with NPWS) to the Certifier. If the Department is not the Certifier a copy of the documentation must be submitted to the Department with the construction certificate.

#### **C.15 Pre-commencement compliance report**

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

#### **C.16 Compliance**

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

## **PART D – DURING CONSTRUCTION**

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

A copy of the approved plans and documentation shall be kept on site at all times and shall be readily available for perusal by the Principal Certifier, 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 7.00pm, 7 days a week, or as otherwise approved by the Secretary or nominee.

### **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 must ensure that the Subject site is made safe and secure by undertaking the following:
  - (i) removal of all waste materials;
  - (ii) removal and/or securing of all stockpiles of soil and gravel;
  - (iii) demolition and construction materials are removed from around the ROC building and are stored within the building or contained within designated areas;
  - (iv) the Subject site is fenced with para-webbing or other suitable visible protection fencing around the perimeter of the site to limit access to and from the site;
  - (v) appropriate signage shall be erected outlining that unauthorised access to the Subject site is prohibited and that the site is a construction zone;
  - (vi) any external scaffolding shall be dismantled and removed from the Subject 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, secure and include provision for fauna egress; and
  - (x) any other specific matters related to making the Subject site safe and secure raised by the Principal Certifier or the Secretary or nominee.

### **D.4 Role of the Environmental Officer**

The appointed Environmental Officer must 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 CEMP (Condition C.4);
- (b) all Subject site environmental management measures are in place and adequately functioning throughout the entire construction phase; and
- (c) that Subject site stabilisation and rehabilitation occurs as soon as practicable.

### **D.5 Construction activities**

- (a) At all times, construction activities must be undertaken in accordance with the approved documentation.
- (b) All construction activities must be confined to within the construction zone and disturbance corridor.
- (c) No disturbance is permitted outside the construction zone or disturbance corridor unless otherwise agreed by the Secretary or nominee.

### **D.6 SafeWork NSW**

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

## **D.7 Site notice**

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

- (a) The notice is to be durable and weatherproof and is to be displayed throughout the works period.
- (b) The approved hours of work, the name of the principal contractor for the work (if any), and 24 hour contact phone number for any inquiries, including construction/noise complaints are to be displayed on the site notice.
- (c) The notice(s) is/are to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.
- (d) The name, address and phone number of the Principal Certifier is to be identified on the site signage.

## **D.8 Storage of materials**

The Applicant must ensure that the Subject site environmental management measures are complied with and that during the construction period no storage or disposal of materials shall take place beneath the canopy of any trees or on native heath vegetation.

All stockpiling is to be in accordance with the Stockpile Guide.

## **D.9 Prohibition of hazardous materials**

No hazardous or toxic materials or dangerous goods shall be stored or processed on the Subject site at any time unless otherwise agreed by the Secretary or nominee.

## **D.10 Noise and vibration management**

Excavation and construction must be managed in accordance with Australian Standard AS 2436-2010 *Guide to noise and vibration control on construction, demolition and maintenance sites* and to ensure there is no adverse impact on any neighbouring/affected tourist accommodation buildings during the construction period.

## **D.11 Litter and building waste**

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

## **D.12 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.13 Aboriginal heritage**

- (a) The 40 metre buffer zone for a known past item site located near the Subject site must be adhered to and must be clearly marked/defined as a “no go zone” to ensure no accidental encroachment during the construction works.
- (b) The site induction must include advising all site workers of this buffer zone.
- (c) 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. The Applicant must immediately contact the NPWS to arrange for representatives to inspect the Subject site. All workers on the Subject site are to be made aware of this condition.

#### **D.14 Loading and unloading of construction vehicles**

All loading and unloading associated with demolition and construction shall be restricted to those areas approved in the CEMP (Condition C.4) and these conditions.

#### **D.15 Erosion and sediment control measures**

All erosion and sediment control measures must be checked regularly, and in any case after each precipitation event, and maintained in good working order at all times. All exposed earth must be kept stabilised and re-vegetation must commence as soon as practicable. All straw bales used for sediment and erosion control or for mulching must be 'weed free', i.e. not contain viable seed or other vegetative propagules.

#### **D.16 Rehabilitation and site establishment**

- (a) Site stabilisation and rehabilitation works must commence, as soon as possible, following the completion of each section of work to minimise exposed areas. Disturbed areas must be adequately mulched and maintained with weed free straw until an erosion resistant ground condition is achieved. All erosion prevention and sediment control measures must remain in place until all exposed areas of soil are stabilised and/or revegetated.
- (b) Rehabilitation must be undertaken in accordance with:
  - (i) the Rehabilitation Guide;
  - (ii) the detailed rehabilitation and monitoring plan prepared and approved in accordance with Condition D.29; and
  - (iii) these conditions of consent.

#### **D.17 Scaffolding**

All scaffolding is to be located within the lot boundaries and shall comply with AS/NZS 1576 *Scaffolding* and AS/NZS 4576 *Guidelines for Scaffolding*.

#### **D.18 Dirt and dust control measures**

- (a) Adequate measures must be taken to prevent dirt and dust from affecting the amenity of the neighbourhood during construction.
- (b) In particular, the following measures must be adopted:
  - (i) all vehicles carrying spoil or rubble to or from the Subject site must at all times be covered to prevent the escape of dust or other material;
  - (ii) covers are to be adequately secured;
  - (iii) cleaning of footpaths must be carried out regularly;
  - (iv) roadways must be kept clean;
  - (v) gates are closed between vehicle movements;
  - (vi) gates are fitted with shade cloth; and
  - (vii) the site is hosed down when necessary.

#### **D.19 Excavations and backfilling**

- (a) All excavating and backfilling must comply with the following:
  - (i) be executed in a safe manner and in accordance with appropriate professional standards;
  - (ii) where trenches or excavations are to be left open overnight, provision must be made so that any fauna entering these excavations can escape;
  - (iii) adequate provision must be made for drainage; and
  - (iv) all excavations must be properly guarded and protected to prevent them from being dangerous;unless otherwise agreed in writing by the Secretary or nominee.
- (b) Any clean excavated material (i.e. containing no contaminants or weeds) may be:
  - (i) temporarily stockpiled at the site in accordance with the Rehabilitation Guide and Stockpile Guide; or

- (ii) stockpiled, at a location authorised by NPWS, and managed for future use in accordance with the Rehabilitation Guide and Stockpile Guide; or
- (iii) disposed of at an authorised land fill site.
- (c) Any contaminated material (i.e. containing contaminants or weeds) must not be stockpiled at the Subject site or within the Park and is to be disposed of at an authorised waste facility.
- (d) Imported fill material must only be obtained from an NPWS authorised source.
- (e) Excess imported fill material must be stockpiled for reuse within Selwyn Snow Resort at a location authorised by NPWS and in accordance with the Stockpile Guide.

#### **D.20 Electrical works**

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

#### **D.21 Plumbing and drainage**

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

#### **D.22 Geotechnical requirements**

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

- (a) the Department's Geotechnical Policy; and
- (b) the Geotechnical Assessment undertaken by ACT Geotechnical Engineers Pty Ltd (reference 8, 9, 10, 11 and 12 in Condition A.2).

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

#### **D.23 Vegetation and rock removal**

- (a) All vegetation and rocks required for removal must be clearly marked.
- (b) All vegetation and rocks must be checked for fauna habitats and fauna by the nominated project Environmental Officer immediately prior to felling/removal. Trees with active nests should not be removed until the young have left the nest. If fauna is present, then the proponent must contact NPWS to assist with mitigation actions.
- (c) The disturbance corridor must be clearly marked prior to works commencing and regularly checked and maintained.
- (d) All vegetation and rocks must not be felled/removed in a manner which damages other surrounding vegetation.
- (e) All vegetation removed must either be cut into smaller pieces to be used for rehabilitation, placed into adjoining native vegetation without damage or it must be removed from the Subject site completely.
- (f) All rocks removed during the works should be reused for landscaping onsite or stockpiled in accordance with the Stockpile Guide, at a location authorised by NPWS, and managed for future use.

#### **D.24 Trenching**

- (a) Sod replacement is to be 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 that area of the Subject site with native species is required to achieve an erosion resistant state.
- (b) If trenches are left open overnight then fauna egress provisions must be included.
- (c) The revegetation of all trench lines must be monitored and maintained until they are stabilised.

#### **D.25 Termite protection**

Upon completion of the installation of the barrier, the Principal Certifier must be furnished with a certificate from the person responsible, stating that the barrier complies with AS 3660 *Termite management* and durable notice in accordance with this standard must be erected.

#### **D.26 Maintenance of services**

The Applicant is responsible for costs associated with relocating any services.

#### **D.27 Use of treated timber**

If any treated timber is required to be used it must not be treated with copper chrome arsenic.

#### **D.28 Blasting**

- (a) No explosives or blasting shall be used without prior notice to SafeWork NSW. A copy of the notice must be submitted to the Secretary or nominee.
- (b) Where blasting is proposed, notice should be provided to the immediate key stakeholders.

#### **D.29 Rehabilitation and monitoring**

- (a) A detailed rehabilitation and monitoring plan must be prepared in consultation with the NPWS; and be submitted to and approved by the Secretary or nominee, within 3 months of the date of determination. Once approved, the Applicant must implement all actions set out in the rehabilitation and monitoring plan.
- (b) The plan must include Subject site specific details for the implementation, maintenance, monitoring and reporting on the rehabilitation of the area.
- (c) The following requirements must be reflected in the rehabilitation and monitoring plan:
  - (i) a program for initial establishment of rehabilitation (of all areas disturbed during construction), including all planting, mulching and stabilisation, with rehabilitation to commence as soon as possible during the works;
  - (ii) compliance with asset protection zone requirements (if any) of the RFS;
  - (iii) monitoring, maintenance and replacement planting must occur at least every 12 months with results recorded including photo points;
  - (iv) regular weed control within the Subject site;
  - (v) rehabilitation must be in accordance with the Rehabilitation Guide; and
  - (vi) all straw bales used for rehabilitation must be certified as 'weed free', i.e. not contain viable seed or other vegetative propagules.

#### **D.30 Asset Protection Zone (APZ) plan**

An APZ plan must be prepared in consultation with the NPWS; and be submitted to and approved by the Secretary or nominee, prior to the start of the 2022 NSW bushfire season.

#### **D.31 Re-fuelling**

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

#### **D.32 Gas installations**

All gas installation works must be carried out by a qualified plumber who holds the appropriate gas fitters licence and installed in accordance with the relevant Australian Standards.

### **D.33 Monitored natural attenuation (MNA) of contamination**

Within 60 days of the date of determination, a detailed remedial strategy for ground and water contamination at the Subject site must be prepared in consultation with the NPWS; and be submitted to and approved by the Secretary or nominee.

The remedial strategy required by this condition must be prepared in accordance with the NSW Environment Protection Authority document entitled *Guidelines for the Assessment and Management of Groundwater Contamination* (2007) available at: <https://www.epa.nsw.gov.au/publications/contaminatedland/groundwaterguidelines07144> and address, but not be limited to, the following matters:

- (a) the provision of explicit remediation goals for the MNA remedial strategy and how success or failure will be objectively measured;
- (b) set out the scope, frequency and expected duration of the monitoring required to demonstrate that natural attenuation has been effective, and the goals have been met (in any case, with monitoring to occur for at least two years from approval of the remedial strategy by the Secretary or nominee);
- (c) set out the threshold of “significant changes” that would indicate the need to revise the remedial strategy;
- (d) specify the months during which sampling of all nine (9) ground water monitoring wells at the Subject site will occur; and
- (e) reporting requirements to NPWS and the Secretary or nominee, which are to be not less than annually.

Once approved, the Applicant must implement the remedial strategy and included actions, and use all reasonable endeavours to achieve the goals set out in that strategy to the satisfaction of the Secretary or nominee (acting reasonably).

Any variation to the above condition must be agreed in writing by the Secretary or nominee.

### **D.34 First round of sampling and protection of groundwater monitoring wells**

Within 60 days of the date of determination:

- (a) the first round of sampling of all nine (9) ground water monitoring wells at the Subject site must occur and the results must be submitted as required by the remedial plan (Condition d.33) within 30 days of sampling;
- (b) the Environmental Officer must temporarily fence/rope the groundwater monitoring wells so as to clearly delineate them as “no go” areas; and
- (d) the Environmental Officer must provide written and signed certification to the Principal Certifier confirming that the temporary fencing/roping is in place in accordance with the approved documentation (Condition A.2) and these conditions of consent and is satisfactory.

If the Department is not the Principal Certifier, a copy of the documentation must be submitted to the Department.

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## **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 Principal Certifier. A copy of the occupation certificate must be furnished to the Secretary or nominee 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 must be cleaned up to the satisfaction of the Principal Certifier.

### **E.3 Removal of site notice**

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

### **E.4 Fire safety certificate**

Prior to the issue of any occupation certificate, a fire safety certificate conforming to the Regulations must be submitted to the Principal Certifier. A copy of the fire safety certificate must be submitted to the Secretary or nominee with the copy of the occupation certificate.

### **E.5 Structural certification**

A structural engineer's certificate must be submitted to the Principal Certifier prior to the issue of any occupancy certificate. The certificate is to verify that structural works have been completed in accordance with the approved plans and specifications and comply with the provisions of the BCA and relevant standards. A copy of the certificate is to be submitted to the Secretary or nominee with the occupation certificate documentation.

### **E.6 Rehabilitation**

- (a) Prior to the issue of any occupation certificate, any disturbed ground must be rendered erosion resistant and rehabilitated in accordance with the detailed rehabilitation and monitoring plan (Condition D.29) and these conditions of consent.
- (b) Prior to the issue of an occupation certificate for the whole of the development, all rehabilitation in accordance with the detailed rehabilitation and monitoring plan (Condition D.29) must be completed.

If the Department is not the Principal Certifier, a copy of the documentation must be submitted to the Department with the occupation certificate.

### **E.7 Plumbing and drainage works**

Prior to the issue of the relevant occupation certificate, a Certificate of Compliance and Sewer Service Diagram must be provided to the plumbing regulator (NPWS Perisher Team) in accordance with the *Plumbing and Drainage Act 2011*. A copy of the documentation must also be submitted to the Secretary or nominee.

### **E.8 Electrical certification**

Prior to the issue of the relevant occupation certificate, certification prepared and signed by an appropriately qualified electrician must be submitted to the Principal Certifier. The certificate must indicate that all electrical works have been installed by a qualified and licensed electrician and installed in accordance with the relevant Australian Standards. A copy of the certificate is to be submitted to the Secretary or nominee with the occupation certificate documentation.



## **E.9 Stormwater drainage system certification**

An appropriately qualified and practising stormwater engineer shall provide certification to the Principal Certifier that the stormwater drainage system has been installed in accordance with the stormwater drainage plan approved in accordance with Condition B.8 and any arrangements agreed with NPWS in accordance with Condition C.16, prior to issue of the relevant occupation certificate. A copy of the certificate is to be submitted to the Secretary or nominee with the occupation certificate documentation.

## **E.10 Hydraulic certification**

Prior to issue of an occupation certificate, hydraulic certification is to be provided to the Principal Certifier. 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. A copy of the certificate is to be submitted to the Secretary or nominee with the occupation certificate documentation.

## **E.11 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 the Principal Certifier. 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 geotechnical engineer (Condition D.22), that the works have been undertaken in accordance with the advice.
- (b) If the Department is not the Principal Certifier, the appointed Principal Certifier shall provide a copy of the completed and signed Form 3 to the Department with the copy of the occupation certificate.

## **E.12 Gas installations certification**

Prior to the issue of the relevant occupation certificate, certification prepared and signed by an appropriately qualified gas fitter must be submitted to the Principal Certifier. The certificate must indicate that all gas installation have been installed by a qualified and licensed gas fitter and installed in accordance with the relevant Australian Standards.

## **E.13 Environmental performance**

Prior to the issue of the occupation certificate, the Principal Certifier is to be satisfied that the development complies with all requirements in Condition B.23.

## **E.14 Bush fire safety authority**

Prior to the issue of the relevant occupation certificate, the Applicant must submit documentation to the Principal Certifier to demonstrate that the works have been undertaken in accordance with the relevant conditions of the bush fire safety authority (reference 59 in Condition A.2). If the Department is not the Principal Certifier, a copy of the documentation must be submitted to the Department with the occupation certificate.

## **E.15 External walls and cladding**

Prior to the issue of an Occupation Certificate, the Applicant must provide the Certifier with documented evidence that the products and systems used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

### **E.16 Termite protection certification**

Prior to the issue of the occupation certificate, the Principal Certifier is to be provided with a certificate from the person responsible, stating that the barrier complies with AS 3660 *Termite management* and durable notice in accordance with this standard shall be erected. A copy of the certificate is to be submitted to the Secretary or nominee with the occupation certificate documentation.

### **E.17 Quality Assurance Program (QAP).**

- (a) The *Public Health Act 2010* and *Public Health Regulation 2012* require a supplier of drinking water to establish and adhere to a QAP. The QAP must address the Framework for Management of Drinking Water Quality as set out in the Australian Drinking Water Guidelines (ADWG 2011) and demonstrate compliance to the NSW Private Water Supply Guidelines.
- (b) Prior to the issue of an occupation certificate that includes the ROC, the Principal Certifier and the NPWS are to be provided with a QAP. If the Department is not the Principal Certifier, a copy of the documentation shall be submitted to the Department with the occupation certificate.

### **E.18 Mechanical ventilation certification**

Following completion and installation, the mechanical ventilation system/s in the new building must be tested and prior to the issue of any relevant occupation certificate, certification from an appropriately qualified person confirming that the mechanical ventilation system/s installed in the new building comply with the BCA and any relevant and current Australian Standards must be submitted to the Principal Certifier. A copy of the certificate is to be submitted to the Secretary or nominee with the occupation certificate documentation.

### **E.19 Dangerous goods consultant installation certification**

Once the above ground fuel storage tanks and associated fuel delivery system have been commissioned and prior to the issue of the relevant occupation certificate, certification from an appropriately qualified and practising dangerous goods consultant must be submitted to the Principal Certifier, confirming the installation was carried out in accordance with Condition B.9. A copy of the certificate is to be submitted to the Secretary or nominee with the occupation certificate documentation.

### **E.20 Oil separator installation certification**

Once the oil separator and associated collection well and equipment has been commissioned and prior to the issue of the relevant occupation certificate, certification from an appropriately qualified and practising consultant must be submitted to the Principal Certifier, confirming the installation was carried out in accordance with Condition B.10. A copy of the certificate is to be submitted to the Secretary or nominee with the occupation certificate documentation.

### **E.21 Statement of completion (for works where no CC was required)**

- (a) A statement of completion is to be obtained from the Department, prior to the use of any part of the development that did not require a construction certificate.
- (b) The request for a statement of completion must be accompanied by:
  - (i) a statement from the appointed Environmental Officer confirming whether the soil exposure, stabilisation and rehabilitation is satisfactory and has been undertaken in accordance with the conditions of consent; and
  - (ii) a statement outlining compliance with all relevant conditions of consent.

## **E.22 Works as executed or as-built plans**

Within 12 months of the issue of the relevant occupation certificate, works as executed and/or as built survey plans of the constructed development, prepared by a suitably qualified surveyor, must be furnished to the Secretary or nominee.

## **E.23 Sewerage treatment system**

Prior to the occupation or the commencement of use of the ROC building, an approved temporary effluent management arrangement or a permanent sewerage treatment plant must be operating at the site.

## **E.24 Quarry water supply**

Prior to the occupation or the commencement of use of the ROC building, water supply to the quarry must be operating at the site.

## **E.25 Management plans**

Prior to the occupation or the commencement of use of the ROC building, the following management plans must be submitted to the Secretary or nominee for endorsement:

- (a) a waste and recycling management plan;
- (b) an evacuation and emergency management plan, including:
  - (i) a comprehensive plan and detailed emergency procedures for the whole ROC operation;
  - (ii) procedures for the safety of all people outside of the Subject site who may be at risk from incidents at the ROC building or associated with ROC operations; and
  - (iii) consistency with the Department's Hazardous Industry Planning Advisory Paper No. 1, 'Industry Emergency Planning Guidelines';
- (c) an incident management manual; and
- (d) a manual for the operation of the above ground fuel storage tanks and associated fuel delivery system. The manual must:
  - (i) detail standard operating procedures aimed at minimising the risk of spillage or other incidents that might result in harm to persons or contamination of the environment;
  - (ii) document the response systems and associated equipment that will be provided by the Applicant and implemented in the event of an incident at the Subject site; and
- (e) a maintenance and servicing schedule (including provision for replacement of consumable items) for the oil separator and any other polisher or filtration devices installed as part of the works in accordance with Condition B.10.

## **E.26 Progress report**

- (a) On 1 June each year, until an occupation certificate has been issued for the whole of the development, the appointed Environmental Officer must submit to the Department a progress report for the detailed rehabilitation and monitoring plan (Condition D.29).
- (b) The progress report must outline for all rehabilitation and monitoring works:
  - (i) whether the works have been commenced, in progress, or completed;
  - (ii) if completed, whether they comply with the detailed rehabilitation and monitoring 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 regard to rehabilitation and monitoring as a result of a progress report (or failure to submit one), these directions must be complied with.

## **PART F – POST OCCUPATION**

### **F.1 Annual fire safety statement**

An annual fire safety statement conforming to the Regulations must be provided to the Department and the Fire and Rescue NSW every 12 months commencing within 12 months after the date on which the Department received the initial Fire Safety Certificate.

### **F.2 Rehabilitation**

Up until the date 5 years after the issue of an occupation certificate for the whole of the development, all disturbed areas shall be monitored, and maintained to ensure that:

- (a) the ground remains erosion resistant and the groundcover is being established; and
  - (b) all areas planted with native species (including sod replacement and seeding), are surviving.
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## PART G – OPERATIONAL REQUIREMENTS

### G.1 Number of people

The maximum number of people permitted within the premises shall be managed in accordance with the requirements of the BCA.

### G.2 Operational noise

At no time shall the development give rise to 'offensive noise' under the *Protection of the Environment Operations Act 1997*.

### G.3 Noise complaints registration and management

The Applicant is responsible for implementing a system to register and manage noise complaints. The Department must be notified of all complaints and how the complaints were dealt with.

### G.4 Temporary structures

No indoor or outdoor temporary structures are permitted without approval, unless they meet the exempt provisions of the *State Environmental Planning Policy (Kosciuszko National Park - Alpine Resorts) 2007*.

### G.5 Workshop activities

Workshop activities should be carried out generally in accordance with the guideline "Environmental Action for Automotive Services and Repairs"

[https://www.epa.nsw.gov.au/~media/EPA/Corporate%20Site/resources/clm/200877\\_Auto\\_ServiceRepair.ashx](https://www.epa.nsw.gov.au/~media/EPA/Corporate%20Site/resources/clm/200877_Auto_ServiceRepair.ashx)

### G.6 No sleeping

The ROC building is not permitted to be used for any form of sleeping accommodation.

### G.7 Ongoing maintenance of internal access road

- (a) The internal gravel access road to the ROC building must be maintained and adequately stabilised with heavy compaction, in order to prevent additional environmental impacts from runoff.
- (b) If imported gravel is required for maintenance of the road it must be free from weeds and pathogens and sourced from a stockpile site authorised by NPWS.
- (c) The use of stabilising agents on the road are not permitted without prior consent of the Secretary or nominee in consultation with the NPWS.

### G.8 Ongoing monitored natural attenuation (MNA) of contamination

Ongoing monitoring in accordance with the detailed remedial strategy (Condition C.13) must continue until written approval is received from the Secretary or nominee that monitoring may cease.

### G.9 Ongoing compliance audit report

- (a) Prior to commencement of operations of the proposed development and every five years thereafter, or at such intervals as the Secretary or nominee may agree, the Applicant must carry out an audit on the fuel storage tanks for petrol and diesel and the infrastructure associated with them and within one month of each audit, shall submit a report to the Secretary or nominee for approval.
- (b) The audits must be carried out by a member of the Australian Institute of Dangerous Goods Consultants and must report on the compliance with the current edition of AS 1940:2017 – The storage and handling of flammable and combustible liquids. The audit must be

accompanied by a program for the implementation of all recommendations made in the audit report.

**G.10 Environmentally hazardous materials, including all chemicals, fuels and oils**

- (a) Each environmentally hazardous material, including chemicals, fuels and oils, must be stored in accordance with the 'Code of practice for managing risks of hazardous chemicals in the workplace' and stored within bunded areas or spill trays.
  - (b) Any storage facility must be contained within a spill collection bund of a net capacity of whichever is greater of the following:
    - (i) at least 110% of the combined volume of any interconnected vessels within that bund;  
or
    - (ii) at least 110% of the volume of the largest storage vessel.
  - (c) All internal and external activities that involve a significant risk of spillages, including the loading and unloading of bulk materials, must take place in a bunded containment area.
  - (d) Bunded containment areas must be:
    - (i) be made of materials that are impervious to any environmentally hazardous material stored within that bund;
    - (ii) be designed and managed such that any leakage or spillage is contained within the bunded area;
    - (iii) be designed such that chemicals which may react dangerously if they come into contact have measures in place to prevent mixing; and
    - (iv) be managed such that the capacity of the bund is maintained at all times (for example, by regular inspections and removal of obstructions).
  - (e) Spill kits appropriate for the types and volumes of materials handled must be kept in appropriate locations to assist with the containment of spilt environmentally hazardous materials.
  - (f) Standard operating procedures must be developed and employed for the storage, handling, recovery and disposal of environmentally hazardous materials containing chemicals, fuels and oils. Standard operating procedures must be provided to an authorised officer upon request.
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## ADVISORY NOTES

### AN.1 Responsibility for other approvals, licenses, consents or agreements

The Applicant is solely responsible for ensuring that all additional approvals, licenses, 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 Utility services

- (a) The Applicant shall liaise with the relevant utility authorities for electricity, gas (if relevant), water, sewage, telecommunications on the Subject site:
  - (i) to locate all service infrastructure on the Subject site; and
  - (ii) 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.

### AN.4 Dial before you dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (this is the law in NSW).

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

### AN.5 External lighting

External lighting shall comply with Australian Standard AS 4282-1997: '*Control of Obtrusive Effects of Outdoor Lighting*'.

### AN.6 Building signage

A separate development application is required where any signage is to be installed is not within the approved signage zone or that does not meet the exempt provisions of *State Environmental Planning Policy (Kosciuszko National Park - Alpine Resorts) 2007*.

### AN.7 WaterNSW

Water associated with this development may only be supplied to the ROC building if it is specifically in accordance with the water access licence from WaterNSW.

A detailed logbook must be kept of each pumping event and must record what the water is used for. If a water meter is installed on the water supply work authorised by this approval, the meter reading must be recorded in the logbook before taking water. This reading must be recorded every time water is to be taken.

**AN.8 Stabilising agents**

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

**AN.9 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.10 Smoke-free environment legislation**

The use and operation of the Subject site shall, at all times, comply with the *Smoke-free Environment Act 2000* and the *Smoke-free Environment Regulation 2000*. Guidance may also be obtained from the NSW Health Department.