

# Development consent

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

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

These conditions are required to:

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



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

Jindabyne

3 June 2022

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### SCHEDULE 1

<b>Application No.:</b>	DA No. 8637
<b>Applicant:</b>	Perisher Blue Pty Ltd
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	Smiggin Holes, Perisher Range Alpine Resort, Kosciuszko National Park
<b>Type of Development:</b>	General Development
<b>Approved Development:</b>	Works including: <ul style="list-style-type: none"><li>• alterations to the existing Kaaten Triple Chair top station</li><li>• construction of a snowmaking factory</li><li>• installation of an electricity transformer</li><li>• other associated works as outlined in Condition A.2</li></ul>

## DEFINITIONS

Act	means the <i>Environmental Planning and Assessment Act, 1979</i> (as amended).
Applicant	means Perisher Blue Pty Ltd, or any person carrying out any development to which this consent applies.
Approval Body	has the same meaning as within Division 4.8 of Part 4 of the Act.
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 Part 6 of the Act.
DA No 8637	means the development application lodged on 17 July 2017.
Department	means the Department of Planning and Environment, or its successors.
Development	means the development approved pursuant to this consent, as defined in Condition A.2 and as modified by the conditions of this consent.
Director	means the Director of Regional Assessments or a delegate of the Director within the Department.
Environmental Officer	means the person appointed by the Applicant in accordance with Condition C.2.
EP&A Regulation	means the <i>Environmental Planning and Assessment Regulation, 2021</i> (as amended).
EP&A (DCFS) Regulation	means the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation, 2021</i> (as amended).
Geotechnical Policy	means the Department's Geotechnical Policy – Kosciuszko Alpine Resorts a copy of which is available at: <a href="https://www.planning.nsw.gov.au/-/media/Files/DPE/Plans-and-policies/geotechnical-policy-kosciuszko-alpine-resorts-2003-11.pdf">https://www.planning.nsw.gov.au/-/media/Files/DPE/Plans-and-policies/geotechnical-policy-kosciuszko-alpine-resorts-2003-11.pdf</a>
Minister	means the Minister for Planning, or nominee.
NPWS	means the National Parks and Wildlife Service, or its successors.
Non-compliance	means an occurrence, set of circumstances or development that is a breach of this consent.
Park	means the Kosciuszko National Park reserved under the <i>National Parks and Wildlife Act 1974</i> .
Precincts-Regional SEPP	means the State Environmental Planning Policy (Precincts - Regional) 2021 (as amended).
Principal Certifier	means the Principal Certifier and has the same meaning as Part 6 of the Act.
Rehabilitation Guide	means the NPWS document entitled: Rehabilitation Guidelines for the Resorts Areas of Kosciuszko National Park (2007) 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> .
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.
Site Environmental Management Plan or SEMP	means a site environmental management plan for the Subject site, prepared by the Applicant as part of the development application and updated in accordance with Condition A.2.
Stockpile Guide	means the NPWS document entitled: 'Soil Stockpile Guidelines for the Resort Areas of Kosciuszko National Park, October 2017', 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 must be in accordance with:

- (a) the Development Application No. DA 8637 and supporting documentation lodged on 17 July 2017;
- (b) the additional information received during the assessment of the application; and
- (c) the conditions of this consent; and
- (d) the approved documents in the table below (except where modified by conditions of this consent):

Ref No.	Document	Title/Description	Author / Prepared by	Date	Document Reference
1	Statement of Environmental Effects (SEE)	Installation of a Snowfactory & Associated Works, Smiggin Holes, Perisher Ski Resort, Kosciuszko National Park	Dabyne Planning Pty Ltd	July 2017	28-17
2	Appendix A of SEE	Location and Existing Features Plan	Steve Gibb	6 July 2017	672017-1 Page 1 of 2
3	Appendix A of SEE	Floor Plan and Elevation Plan	Steve Gibb	6 July 2017	672017-1 Page 1 of 2
4	Appendix A of SEE	Pad Mount Substation	Essential Energy	7 April 2014	CEOM7203.81 1 of 2
5	Appendix A of SEE	Pad Mount Substation	Essential Energy	7 April 2014	CEOM7203.81 2 of 2
6	Appendix C of SEE	Fauna and Flora Assessment	Eco Logical Australia Pty Ltd	10 July 2017	17HNG_7591
7	Appendix D of SEE	Site Environmental Management Plan	Dabyne Planning Pty Ltd	July 2017	-

8	Report	Snowmaking System - Snowfactory	Techno Alpin	13 June 2017	AU0006-17-03A
9	Form 4	Geotechnical Policy - Kosciuszko Alpine Resorts Form 4 - Minimal Impact Certification	Asset Geotechnical Engineering Pty Ltd	18 July 2017	-
10	Geotechnical Assessment	Proposed Modification to Smiggins Stage 1 Snowmaking, Perisher Ski Resort	Asset Geotechnical Engineering Pty Ltd	19 July 2017	4428-L1 Rev.1
11	Geotechnical	Additional information from Asset Geotechnical Engineering Pty Ltd	Asset Geotechnical Engineering Pty Ltd	17 August 2017	-
12	Letter	Supplementary Information	Dabyne Planning Pty Ltd	17 October 2017	-
13	Email	Smiggins Snowfactory	Perisher Blue Pty Ltd	17 October 2017	-
14	Plan	Snow push areas	Perisher Blue Pty Ltd	15 December 2017	
15	Letter	DA 8637 – Installation of TechnoAlpin Snowmaking Machine	Perisher Blue Pty Ltd	15 September 2020	
16	Letter	DA 8637 Installation of Snow Factory	NPWS	11 June 2021	DOC21/468419

### **A.3. Inconsistency between documents**

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

### **A.4. Lapsing of consent**

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

### **A.5. Prescribed conditions**

In undertaking the Development, the Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

#### **A.6. Australian standards**

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

#### **A.7. Legal notices**

Any advice or notice to the consent authority must be served on the 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. Relationship with DA 6918 – Smiggins Snowmaking – Stage 1**

Construction of the snowmaking factory structure cannot commence unless the essential components in conjunction with the works approved under DA 6918 – Smiggins Snowmaking – Stage 1 have been installed and an Occupation Certificate obtained.

Note: This does not prevent the construction of the slab or works to the top station to occur prior to the structure being installed.

#### **A.10. Additive usage**

The use of additives into any part of the system which is part of the Development is not permitted without prior consent of the Secretary or nominee in consultation with the NPWS.

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## **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. Prior to the issue of the construction certificate, the certifier must be satisfied that the documentation for the construction certificate demonstrates compliance with the conditions in Part B of this consent.

If the Department is not appointed as the certifier, the Applicant must provide a copy of the construction certificate to the Department within 2 days of it being issued by the certifier.

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

(Note: a separate construction certificate is required for the trenching works approved under DA 6918 – Smiggins Snowmaking – Stage 1)

### **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;
  - (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 drawings and design statement**

Prior to the issue of the relevant construction certificate, the Applicant must submit structural drawings and a design statement, prepared and signed by an appropriately qualified practising structural engineer, to the Certifier.

### **B.4. Building works plan**

Prior to the issue of a construction certificate, the Applicant must submit to the Certifier building work plans that demonstrates compliance with:

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

### **B.5. Specifications**

Prior to the issue of the relevant construction certificate, the Applicant must 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 and manner of use.

## **B.6. Colours**

Prior to the issue of any construction certificate, a colours schedule of all structures is to be provided be to Certifier. Colours are to be Woodland Grey or a similar tone to the existing environment and structures adjoining the site.

## **B.7. Payment of the Long Service Levy**

Prior to the issue of any construction certificate, evidence must 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*.

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

### **C.1. Notification of commencement**

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

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

- (a) Prior to the commencement of any works which are part of the Development, an appropriately qualified Environmental Officer must be appointed by the Applicant, and both the Principal Certifier and the Secretary or nominee must be notified of the identity and contact details for this person. The Environmental Officer is to have experience with management of construction within, and rehabilitation of, sensitive environments.
- (b) In the event that the Environmental Officer needs replacing, the replacement is to be similarly qualified and the Principal Certifier and Secretary or nominee must be notified of the replacement (including of the replacement person's identity and contact details).

### **C.3. Protection of adjacent vegetation areas**

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

### **C.4. “No Go” areas**

Prior to any works which are part of the Development commencing:

- (a) “No Go” areas must be appropriately marked so as to clearly delineate environmentally sensitive areas to be avoided by vehicles, machinery and personnel;
- (b) The “No Go” areas to be identified by paragraph (a) are to include any areas of vegetation that comprise EEC, Alpine Bog, Subalpine Riparian Scrub, Subalpine Heath and Montane Wet Tussock Grassland vegetation communities.
- (c) The Environmental Officer must provide written and signed certification to the Secretary or nominee outlining the location of the “No Go” areas referred to in paragraph (a), confirming that the Environmental Officer has appropriately marked the areas accurately as described in (a) above.

Note: this does not impact the approved Stage 1 Snowmaking DA 6918 construction corridor.

### **C.5. Implementation of site environmental management measures**

- (a) Prior to any works which are part of the Development commencing:
  - (i) all site environmental management measures relevant to that section of work, in accordance with the approved documentation and plans (Condition A.2) and these conditions of consent and the various approved plans required by them, must be in place and in good working order, or management actions carried out (such as weed management), as applicable;
  - (ii) all site environmental management measures must be contained within the construction corridor (see Condition C.9);
  - (iii) the site environmental management measures must be inspected and approved by the Environmental Officer; and

- (iv) the Environmental Officer must provide written and signed certification to the Secretary or nominee confirming that sub-paragraphs (i), (ii) and (iii) above have been satisfied.
- (b) Prior to commencing each stage of work (if required), all proposed erosion and sediment control measures must be put in place.

Details demonstrating compliance with this condition from the Environmental Officer is to be forwarded to the Secretary or nominee prior to commencement of works.

#### **C.6. Detailed rehabilitation and monitoring plan**

- (a) Prior to the commencement of works which are part of the Development, the Applicant must prepare a rehabilitation and monitoring plan:
  - (i) in consultation with the NPWS; and
  - (ii) for submission to, and approval by, the Secretary.
- (b) The plan required by paragraph (a) must provide for the following:
  - (i) initial establishment of rehabilitation measures, including planting, mulching and stabilisation, to be completed progressively as soon as reasonably practicable after completion of works or activities as part of the development which have caused site disturbance, and in any case be completed within the same summer period (per Condition D.3);
  - (ii) monitoring, maintenance and replacement of rehabilitation planting to occur at least every 12 months until established or for a minimum period of 5 years (see Condition F.1) with results recorded against photo points identified in the plan;
  - (iii) all rehabilitation measures must be consistent with the Rehabilitation Guide;
  - (iv) all straw bales used for rehabilitation must be certified as weed free;
  - (v) include information on species, planting ratios and schedule, weed management, rehabilitation methods, monitoring regimes, maintenance schedules and methods; and
  - (vi) identify that areas which are predominantly exotic grass may be reseeded using a 50:50 native Poa (locally occurring) and Chewings Fescue mix.

#### **C.7. Machinery and storage**

- (a) All machinery used during construction must be cleaned prior to entry into the Park and prior to Subject site mobilisation to ensure the machinery is free of mud and vegetative propagules.
- (b) 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 within the construction corridor (see Condition C.9).

#### **C.8. Treatment of weeds**

- (a) Prior to the commencement of works which are part of the Development, all relevant weed species that occur within the construction corridor (see Condition C.9) are to be treated to ensure these weeds are not spread further at the Subject site or throughout the Park.
- (b) For the purposes of paragraph (a), the term 'relevant weed species' refers to pest flora species identified in the regional pest management strategy for the NSW Southern Ranges Region most recently published by the Department, at the date of this consent being the *Regional Pest Management Strategy 2012-17 Southern Ranges Region*, a copy of which is available at: <https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Parks-reserves-and-protected-areas/Pest-management-strategies/regional-pest-management-strategy-southern-ranges-region-120374.pdf>
- (c) This Condition C.8 may be satisfied for the whole Development or progressively for various project stages which are part of the Development. In the latter case, paragraphs (a) and (b) of this condition shall reapply for each project stage.

### **C.9. Construction corridor**

- (a) Prior to any works which are part of the Development commencing:
  - (i) the construction corridor must be temporarily fenced / roped / flagged so as to clearly delineate the construction areas and the “No Go” areas;
  - (ii) the fenced construction corridor must be inspected and approved by the Environmental Officer;
  - (iii) the Environmental Officer must provide written and signed certification to the Principal Certifier confirming that the fenced construction corridor is in place in accordance with the approved documentation (Condition A.2) and these conditions of consent and is satisfactory; and
- (b) The construction corridor shall comprise the following:
  - (i) a 6-metre-wide corridor encompassing the snowmaking infrastructure trench lines and manual hydrant locations;
  - (ii) the immediate area adjacent to the pit locations, where the subject works area must be restricted to the minimum area necessary to enable construction;
  - (iii) any stockpiling and storage areas shall be located within the fenced corridor; and
  - (iv) shall exclude any areas identified as “No Go” areas (see Condition C.4).

### **C.10. Lease boundary**

The location of the existing lease boundary located close to the site is to be identified on site to ensure that works do not go outside of the lease boundary. Separate approval is required where the works occur outside of the lease boundary.

### **C.11. Demolition**

Demolition works for the Development 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 Principal Certifier before the commencement of works.

A copy shall be forwarded to the Department within 7 days of it being submitted to the principal certifier.

No demolition is to occur without the issue of a construction certificate.

### **C.12. Waste receptacles**

Prior to the commencement of works, the Applicant must provide to the Certifier details of appropriate waste receptacles for the storage and disposal of waste associated with the construction of the Development (providing waste and/or recycling bins). If the Department is not the Certifier, a copy of the documentation must be submitted to the Department.

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

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

#### **C.14. 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.

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## **PART D – DURING CONSTRUCTION**

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

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

- (a) this consent and its schedule of conditions;
- (b) the approved documentation and plans (Condition A.2); and
- (c) the rehabilitation and monitoring plan (Condition C.6).

### **D.2. Construction hours**

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

### **D.3. Construction period**

- (a) All works are limited to the “summer period” and are not to commence when snow is located on the Subject site. For the purposes of this condition, the summer period means the period of time commencing after the October long weekend (subject to no snow being on the Subject site) and ending no later than 30 April the following year in each year works are required to complete the Development, with finishing of rehabilitation and stabilisation works up until 30 May, or as otherwise approved by the Secretary or nominee.
- (b) By 30 April in each year works are required to complete the Development, the Applicant must ensure that the Subject site is made safe and secure (having regard to the use of the area) by undertaking the following:
  - (i) removal of all materials, vehicles, machinery, equipment and the like;
  - (ii) removal and/or securing of all stockpiles of soil and gravel;
  - (iii) protecting and fencing off any areas that are unsafe, for instance due to incomplete works;
  - (iv) stabilisation and rehabilitation works in accordance with these conditions of consent and the approved documentation; and
  - (v) 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 which are part of the Development on behalf of the Applicant to ensure:

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

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

The appointed environmental officer shall oversee all works to ensure:

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

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

At all times during the construction phase of the Development and unless agreed otherwise by the Secretary or nominee in writing, the Applicant must ensure that:

- (a) all construction activities in connection with the Development are undertaken in accordance with the approved documentation, including (without limitation) the documentation specified in paragraphs (a) to (c) inclusive of Condition D.1;
- (b) all construction activities in connection with the Development are confined to the construction corridor as referenced in Condition C.9;
- (c) no disturbance or other adverse environmental impacts occur outside the construction corridor as referenced in Condition C.9;
- (d) all materials, stockpiles, vehicles, machinery and the like are be confined to the construction corridor as referenced in Condition C.9; and
- (e) construction must not commence when snow is located on the development corridor, and machinery must not be used to remove snow from areas containing native vegetation.

*Note to Applicant: The damage or removal of any native vegetation that is not the subject of this consent requires further authorisation under the National Parks and Wildlife Act 1974 or the Environmental Planning and Assessment Act 1979. Failure to obtain authorisation may result in compliance action under that legislation.*

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

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

## **D.7. Site notice**

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

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

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

During the construction phase of the Development, the Applicant must ensure that:

- (a) the Subject site environmental management measures are complied with;
- (b) no storage or disposal of materials takes place beneath the canopy of any trees or on native heath vegetation; and
- (c) all stockpiling of material is undertaken in accordance with the Stockpile Guide.

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

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

#### **D.10. Dirt and dust control measures**

- (a) The Applicant must ensure that adequate measures are taken to prevent dirt and dust from affecting the amenity or environment of the adjoining areas during the construction phase of the Development.
- (b) Without limiting paragraph (a), the Applicant must ensure that the following measures are adopted while undertaking works:
  - (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) roadways must be kept clean;
  - (iv) gates must be closed between vehicle movements;
  - (v) the Subject site is to be hosed down when there is a risk of works creating airborne dust.

#### **D.11. Safety fencing**

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

#### **D.12. 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.13. 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 receptacles must be cleaned regularly.

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

All loading and unloading associated with demolition and construction work which is part of the Development must be restricted to those areas approved in the SEMP (Condition A.2) and these conditions.

#### **D.15. Aboriginal heritage**

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

#### **D.16. Vegetation removal and disposal**

All vegetation removed from the Subject site during the construction phase of the Development:

- (a) must be used to assist in stabilisation or rehabilitation of the site; or
- (b) may be cut, chipped or shredded for reuse as native brush matting in rehabilitation; or
- (c) if it cannot be used for the purposes in paragraphs (a) or (b) then it may be stockpiled at an appropriate location in Perisher Range Alpine Resort, for re-use on other landscaping or rehabilitation projects, or for firewood or similar.

#### **D.17. Excavations and backfilling**

- (a) All excavating and backfilling work which is part of the Development must comply with the following:
  - (i) be executed in a safe manner and in accordance with appropriate professional standards;
  - (ii) where trenches or excavations are to be left open overnight, provision must be made so that any fauna entering these excavations can escape;
  - (iii) adequate provision must be made for drainage; and
  - (iv) all excavations must be properly guarded and protected to prevent them from being dangerous;unless otherwise agreed in writing by the Secretary or nominee.
- (b) Any clean excavated material (i.e. containing no contaminants or weeds) may be:
  - (i) temporarily stockpiled at the Subject 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 waste facility.
- (c) Any contaminated material (i.e. containing chemical contaminants or weeds) must not be stockpiled at the Subject site or within the Park and is to be disposed of at an authorised waste facility.
- (d) Imported fill material and gravel must only be obtained from an NPWS authorised source and in accordance with the Stockpile Guide.
- (e) Excess imported fill material must be stockpiled for reuse within the Perisher Range Alpine Resort at a location authorised by NPWS and in accordance with the Stockpile Guide.

#### **D.18. 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.19. Erosion and sediment control measures**

During the construction phase of the Development, the Applicant must ensure that all erosion and sediment control measures (e.g. silt curtains, sediment fences, booms etc.) are:

- (a) installed and maintained in accordance with “*Managing Urban Stormwater: Soils and Construction*” (4th Edition Landcom, 2004, aka the Blue Book); and
- (b) checked regularly, and in any case after each precipitation event, to ensure they remain in good working order at all times.

#### **D.20. 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 Asset Geotechnical Engineering Ltd (reference 10 and 11 in Condition A.2).

Works at variance to recommendations contained in the geotechnical assessment report must 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.21. Re-fuelling**

Appropriate controls must be put in place to ensure no spillage when re-fuelling all vehicles and machinery associated with works for the Development. Re-fuelling of vehicles and machinery



must be performed on hard-stand areas or with appropriate spill kit and temporary bunding arrangements in place.

#### **D.22. Tree removal**

- (a) All trees proposed for removal must be clearly marked.
- (b) All trees should not be felled / removed in a manner which damages other surrounding vegetation or trees.
- (c) All trees 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 site completely.
- (d) All trees must be checked for fauna habitats and fauna by the 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 Applicant must contact NPWS to assist with mitigation actions.
- (e) Machinery should not be used to remove snow from areas containing native vegetation in order to commence construction.

#### **D.23. Rehabilitation and site establishment**

- (a) Site stabilisation and rehabilitation works must commence, as soon as possible, following the completion of each stage of work which is part of the Development to minimise exposed areas. Disturbed areas must be adequately mulched and maintained with weed free straw (i.e. straw which does not contain viable seed or other vegetative propagules) until an erosion resistant ground condition is achieved. All erosion prevention and sediment control measures must remain in place until all exposed areas of soil are stabilised and/or revegetated.
- (b) Rehabilitation must be undertaken by the Applicant in accordance with:
  - (i) the Rehabilitation Guide;
  - (ii) the detailed rehabilitation and monitoring plan prepared and approved in accordance with Condition C.6; and
  - (iii) these conditions of consent.

#### **D.24. Plumbing and drainage**

All plumbing and drainage works shall comply with AS/NZS 3500 Plumbing and drainage and shall be carried out by an appropriately licensed plumber.

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## **PART E – PRIOR TO COMMENCEMENT OF USE**

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

Prior to the occupation of buildings which are part of the Development 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 prior to the occupation of the relevant buildings or commencement of the use.

(Note: No occupation certificate is to be issued without an occupation certificate being issued for works carried out under DA 6918 – Smiggins Snowmaking – Stage 1).

### **E.2. Rehabilitation**

- (a) Prior to the issue of an occupation certificate, any disturbed ground from the associated construction activities must be rendered erosion resistant and rehabilitated in accordance with the detailed rehabilitation and monitoring plan (Condition C.6) 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 C.6) 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.3. Site Clean Up**

Prior to commencement of use, the Subject site must be cleaned and made good to the satisfaction of the Principal Certifier.

### **E.4. Removal of site notice**

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

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

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

### **E.6. 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 which are part of the Development 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.7. Fire safety certificate**

Prior to the issue of the relevant occupation certificate, a fire safety certificate conforming to the EP&A (DCFS) 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.8. 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 must to be furnished to the Secretary or nominee.

#### **E.9. Progress report**

- (a) On 1 June each year, until an occupation certificate has been issued for the whole Development, the appointed Environmental Officer must submit to the Department on behalf of the Applicant a progress report for implementation of the detailed rehabilitation and monitoring plan (Condition C.6).
  - (b) The progress report required by paragraph (a) must outline for all rehabilitation and monitoring works:
    - (i) whether the works have been commenced, are 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 regards to rehabilitation and monitoring as a result of a progress report (or failure to submit one), these directions must be complied with.
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## **PART F – POST OCCUPATION**

### **F.1. Rehabilitation**

Up until the date 5 years after the issue of a final occupation certificate for the Development, all disturbed areas on and around the Subject site must be monitored and necessary action undertaken to ensure that:

- (a) the ground remains erosion resistant and groundcover is being established;
- (b) all areas planted with native species (including sod replacement and seeding), are surviving; and
- (c) all components of the detailed rehabilitation and monitoring plan (Condition C.6) have been implemented and reported on.

### **F.2. Annual fire safety statement**

An annual fire safety statement conforming to the EP&A (DCFS) 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.

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## ADVISORY NOTES

### AN.1 Appeals

The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2021* (as amended).

### AN.2 Responsibility for other consents / agreements

The Applicant is solely responsible for ensuring that all additional approvals, licenses, consents and agreements are obtained from other authorities, as relevant. No condition of this consent removes any obligation to obtain, renew or comply with such additional approvals, licenses, consents and agreements.

### AN.3 Other approvals and permits

The Applicant must 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 Utility services

- (a) The Applicant must liaise with the relevant utility authorities for electricity, gas (if relevant), water, sewage and 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 is responsible for costs associated with relocating any services.

### AN.5 Dial before you dig

Underground assets may exist in the area that is the Subject site. In the interests of health and safety and in order to prevent damage to third party assets please contact the Dial Before You Dig service at [www.1100.com.au](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 this consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

### AN.7 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* (Cth). The Applicant is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* (Cth) 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* (Cth) currently available in Australia.