

# 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, 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, Industry and Environment**

Jindabyne

9 September 2021

### SCHEDULE 1

<b>Application No.:</b>	DA 10669
<b>Applicant:</b>	Kosciuszko Thredbo Pty Ltd
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Land:</b>	Easy Rider T-bar, Thredbo Alpine Resort, Kosciuszko National Park
<b>Type of Development:</b>	General Development
<b>Approved Development:</b>	Replacement of the existing 'Easy Rider T-bar', construction of new top and bottom station buildings, earthworks, temporary re-alignment of the 'All Mountain Trail' mountain bike trail and other associated works as outlined in Condition A.2

## DEFINITIONS

Act	means the <i>Environmental Planning and Assessment Act, 1979</i> (as amended).
Alpine SEPP	means the State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007 (as amended)
Applicant	means Kosciuszko Thredbo 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 10669	means the development application submitted by the Applicant on 26 February 2021.
Department	means the Department of Planning, Industry 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.1.
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 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</i> (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 C.3.
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 must be in accordance with:

- (a) the Development Application No. DA 10669 and supporting documentation submitted by Kosciuszko Thredbo Pty Ltd on 26 February 2021;
- (b) the additional information received on 14 April 2021 and 19 April 2021; 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)	Replacement of the easy rider T-Bar lift & associated works	Dabyne Planning Pty Ltd	February 2021	37-20
2	Appendix B of SEE	Easy Rider T-bar Replacement – Thredbo Alpine Resort – Flora and Fauna Assessment	Eco Logical Australia Pty Ltd	12 February 2021	17995 v1
3	Report	Response to NPWS letter	Dabyne Planning Pty Ltd	19 April 2021	-
4	Plans	Easy Rider T-Bar Bottom Station Floor Plan	DJRD Architects	7 December 2020	A1.100 Rev. D
5	Plans	Easy Rider T-Bar Bottom Station Roof and Reflected Ceiling Plans	DJRD Architects	7 December 2020	A1.101 Rev. D
6	Plans	Easy Rider T-Bar Bottom Station Elevations and Sections	DJRD Architects	7 December 2020	A2.000 Rev. D
7	Plans	T-Bar Plans and Specifications Drive Station	Dopplemayr	13 April 2015	Drawing No: 20015070C318008

8	Plans	T-Bar Plans and Specifications Grip relocation platform	Dopplemayr	5 June 2014	Drawing No: 20014069C018000
9	Plans	T-Bar Plans and Specifications Operator Hut – Left – Assembly General Arrangement	Dopplemayr	20 October 2020	Project No: 2020-23-M-001, Rev A.
10	Plans	T-Bar Plans and Specifications Return Station – Fixed	Dopplemayr	2 May 2017	Drawing No: 20016264C438060
11	Plans	T-Bar Plans and Specifications Bottom Station Views	Dopplemayr	19 November 2020	-
12	Plans	T-Bar Plans and Specifications Top Station Views	Dopplemayr	19 November 2020	-
13	Civil Plans	Easy Rider T-Bar Project Replacement T-Bar and Ancillary Works – Development Application Plans	CLM Civil	31 January 2021	U-165 Set A, Sheets 1-7
14	Lift Alignment Plan	Easy Rider 2-SL Plan View and Profile	Dopplemayr	8 December 2020	Drawing No. 191113
15	Geotechnical Investigation Report	Proposed Easy Rider T-bar Replacement Thredbo NSW Geotechnical Investigation	Asset Geotechnical Engineering Pty Ltd	13 April 2021	6338-G1
16	Form 1	Geotechnical Policy - Kosciuszko Alpine Resorts  Form 1 - Declaration and certification made by geotechnical engineer or engineering geologist in a geotechnical report	Asset Geotechnical Engineering Pty Ltd	13 April 2021	-

### 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 consent 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 which are part of the Development must comply with the prescribed conditions of development consent as set out in Part 6, Division 8A of the Regulation. In particular, the Applicant's 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 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. International Mountain Bike Association (IMBA)**

Unless otherwise approved in this consent, the design and construction of the temporary mountain bike trails which are part of the Development must be carried out in accordance with the IMBA design guidelines.

---

## **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.*

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

Prior to the issue of the relevant construction certificate for the lift or associated stations which are part of the Development, structural drawings and a design statement prepared by an appropriately qualified and practising engineer, must be submitted to the Certifier to demonstrate that the proposal complies with the intent of *Australian Standard AS4722 – 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.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*.

#### **B.8. Geotechnical declaration and certification**

Prior to the issue of the relevant construction certificate, a completed and signed Form 2 from the Department's *Geotechnical Policy – Kosciuszko Alpine Resorts* (2003) must 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.9. Accessibility – Building standards**

The following instruments describe building standards relevant to promoting accessibility for persons with a disability:

- (a) the *Disability Discrimination Act 1992* (Cth);
- (b) the *Disability (Access to Premises – Buildings) Standards 2010*; and
- (c) the BCA,

(together, the 'relevant provisions')

Prior to the determination of any construction certificate, the Applicant must provide the Certifier with sufficient information demonstrating that the works proposed as part of the Development will achieve compliance with the relevant provisions. Where the Department is not the Certifier, a copy of the documentation incorporating the information required by this condition must be submitted to the Department with the approved construction certificate.

#### **B.10. Materials and colours**

Prior to the issue of the relevant construction certificate, the Certifier must be satisfied that the documentation for the construction certificate is consistent with the approved materials and colours in Condition A.2 (reference No. 6). If the Department is not the Certifier, a copy of the documentation must be submitted to the Department with the construction certificate.

#### **B.11. Extension of existing services**

Prior to the issue of the relevant construction certificate requiring the extension of existing services including electricity, water, sewer, gas and communication, (and subject to separate approvals, licenses, consents and agreements in accordance with Condition AN.2), the Applicant must prepare plans identifying the existing and proposed services to be upgraded or extended in order to carry out the Development. The plans are to be prepared by appropriately qualified and practising professionals.

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



## **B.12. 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 which is part of the Development. If the Department is not the Certifier, a copy of the list and plans must be submitted to the Department with the construction certificate.

## **B.13. Signage parameters**

Prior to the issue of the relevant construction certificate for signage part of the Development that is not exempt development under the Alpine SEPP, the Applicant must submit to the Secretary or nominee for approval, a signage parameters document providing details of the signage associated with the Development including:

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

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

### **C.1. 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.2. 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.3. Site Environmental Management Plan**

- (a) Prior to the commencement of works which are part of the Development, the Applicant must prepare an amended SEMP:
  - (i) in consultation with the NPWS; and
  - (ii) for submission to, and approval by, the Secretary.
- (b) For the purposes of paragraph (a), the SEMP listed in Condition A.2 must be updated by the Applicant to include the following:
  - (i) the hours during which those works will be undertaken;
  - (ii) contact details of the Applicant's site manager;
  - (iii) temporary structures including site offices, toilets, hoarding and the like;
  - (iv) waste receptacles (Condition C.15);
  - (v) sufficient details to address the requirements of "Guideline for Preparation of Environmental Management Plans" DIPNR 2004;
  - (vi) a precise description of the construction techniques and activities for the works, particularly if there are any changes as a result of these conditions;
  - (vii) environmental risk assessments for each of the project stages which are part of the Development;
  - (viii) details of environmental monitoring to inform the implementation of environmental management measures and Subject site rehabilitation;
  - (i) implementation of the recommendations within the Flora and Fauna Assessment undertaken by Eco Logical Australia Pty Ltd (reference 2 in Condition A.2).
  - (ix) emergency procedures;
  - (x) hygiene protocols, including measures to be implemented to address potential spread of communicable diseases;
  - (xi) update reporting requirements if Aboriginal objects are uncovered during works; and
  - (xii) any other matters required as a result of these conditions of consent.
- (c) The SEMP must be a single document containing the environmental management measures which the Applicant's project manager, construction manager and environment officer will implement throughout the Development.
- (d) This Condition C.3 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.4. 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 all planting, mulching and stabilisation, to commence as soon as reasonably practicable after completion of each of the project stages which are part of the Development, and in any case be completed within the same construction period;
  - (ii) the rehabilitation arrangements for the temporary mountain bike trail diversions, is to include measures to address soil compaction and stabilisation, and revegetation with subalpine woodland species currently present;
  - (iii) the construction methodology proposed for the mountain bike trail diversions, (noting that the clearance of mature canopy vegetation must be avoided), including disturbance corridor, proposed earth works and stabilisation measures;
  - (iv) use of exotic grass species such as Chewings Fescue should be consistent with arrangements implemented for DA 9019 (Installation of snowmaking infrastructure adjacent to Easy Rider T-bar) and DA 9846 (Installation of snowmaking, Dream Run, Thredbo). Namely:
    - i. use of Chewings Fescue must not occur in previously undisturbed areas of native species. For example, when remediating mountain bike trail diversions;
    - ii. rehabilitation for works in previously disturbed areas should include a 50:50 ratio of Chewings Fescue and native poa (*Poa fawcettiae*); and
    - iii. if sod replacement does not achieve rapid stabilisation and revegetation in some areas, or is not suitable for an area, then follow up rehabilitation of the relevant area of the Subject site is required to achieve an erosion resistant state;
  - (v) monitoring, maintenance and replacement of rehabilitation planting to occur at least every 12 months until established or for a period of 5 years (see Condition F.1) with results recorded against photo points identified in the plan;
  - (vi) all rehabilitation measures must be consistent with the Rehabilitation Guide;
  - (vii) all straw bales used for rehabilitation must be certified as weed free;
  - (viii) the plan must include baseline data (including proposed photo points), species, planting ratios, schedule, weed management, rehabilitation methods, monitoring regimes, and maintenance schedules and methods as well as addressing potential negative environmental issues such as increased predator activity as a result of disturbance; and
  - (ix) submission of annual reports detailing monitoring activity and results in the prior period, and associated commentary, including recommendations for further or modified measures the Applicant will implement to ameliorate adverse environmental impacts.

#### **C.5. Wombat and burrow management plan**

- (a) Prior to the commencement of works which are part of the Development, the Applicant must prepare a wombat and burrow management 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:
  - (ii) record and mark the location of all existing burrows;
  - (iii) monitor of the burrows to determine if the burrow is active. Monitoring is to include a fauna camera and other methods of detection (small sticks across the opening) for at least 7 days;
  - (iv) if burrow is deemed to be inactive then it can be blocked or removed immediately;
  - (v) identify management actions for existing burrows with consideration being to retain burrows where possible; and

- (vi) outline protection measures (barriers) to be implemented consistent with the Flora and Fauna Assessment undertaken by Eco Logical Australia Pty Ltd (reference 2 in Condition A.2).

#### **C.6. 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.7. Geotechnical declaration and certification (if no construction certificate)**

- (a) Prior to the commencement of works on any part of the Development that does not require a construction certificate, the Applicant must submit endorsement by a geotechnical engineer or engineering geologist that the scope of works and / or design documentation is consistent with the geotechnical documentation in Condition A.2.
- (b) Any variation to the above condition must be agreed in writing by the Secretary or nominee.

#### **C.8. 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 stage of work, in accordance with the approved documentation and plans (Condition A.2), these conditions of consent and the various approved plans required by them (see e.g. Conditions C.3; C.4; and C.5), must be in place and in good working order;
  - (ii) all site environmental management measures must be contained within the construction corridor (see Condition C.11);
  - (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 Principal Certifier confirming that sub-paragraphs (i), (ii) and (iii) above have been satisfied.
- (b) Prior to commencing each stage of work, all proposed erosion and sediment control measures must be put in place.

#### **C.9. 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.11).

#### **C.10. 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.11) 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.13 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.11. 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) Subject to paragraph (c), the construction corridor is to comprise the following areas only:
- (i) the existing disturbed T-bar alignment and tower locations;
  - (ii) the existing footprint of the bottom station and operator's hut;
  - (iii) stockpiling and storage areas to be located within the fenced construction corridor.
- (c) The construction corridor to be fenced / roped / flagged in accordance with this Condition C.11 must:
- (i) exclude all areas of ‘endangered ecological community’ (as defined in the *Biodiversity Conservation Act 2016*, including alpine bog and fen complex (montane peatlands and swamps of the Australian Alps bioregion);
  - (ii) incorporate signage and fence/rope measures to clearly delineate that the sensitive areas identified in sub-paragraph (i) is to be avoided.

#### **C.12. Recycling and reuse strategy**

Prior to the commencement of demolition works for the Development, the Applicant must prepare a recycling and reuse strategy and submit the strategy to the Principal Certifier. The strategy required by this condition is to:

- (a) analyse all structures to be demolished; and
- (b) identify and maximise recycling and reuse opportunities including:
- (i) within the Thredbo Alpine Resort, in which case the strategy must include the location and details of where this would occur; and
  - (ii) otherwise offsite and out of the Thredbo Alpine Resort.

#### **C.13. 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.14. Mountain bike trail diversion alignment**

Prior to the commencement of construction on the trail diversion which is part of the Development:

- (a) the alignment of the trail is to be appropriately flagged (including GPS coordinates) by the Environmental Officer and the Applicant's trail builders;

- (b) the alignment and design of the trail is to avoid the clearance of mature canopy vegetation and be consistent with IMBA design guidelines (Condition A.9);
- (c) the Environmental Officer is to provide written confirmation to the Department that he/she has inspected the proposed trail alignment and is satisfied that the alignment and design is in accordance with this development consent; and
- (d) if the Environmental Officer identifies any inconsistencies between the consent and the proposed trail alignment and design, the Environmental Officer must provide recommendations or instructions to rectify the issues or inconsistencies to ensure compliance is achieved by the Applicant, with copies of the recommendations or instructions to be provided to the Applicant (for implementation) and to the Department (for information/record-keeping).

#### **C.15. 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.16. 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.17. Compliance**

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

---

## **PART D – DURING CONSTRUCTION**

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

A copy of the approved plans and documentation must be kept by the Applicant on the Subject site at all times and be readily available for perusal by 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);
- (c) the updated and approved SEMP (Condition C.3);
- (d) the rehabilitation and monitoring plan (Condition C.4); and
- (e) the wombat and burrow management plan (Condition C.5).

### **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 demolition, civil and construction works which are part of the Development may only occur in the 'summer period'. For the purposes of this condition, the summer period means the period of time commencing after the October long weekend and ending no later than 31 May the following year in each year works are required to complete the Development, or as otherwise approved by the Secretary or nominee.
- (b) By 31 May in each year works are required to complete the Development, the Applicant must ensure that the Subject site is made safe and secure 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) ensuring 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;
  - (iv) appropriate signage must be erected outlining that unauthorised access to the Subject site is prohibited and that the site is a construction zone;
  - (v) all external plumbing and drainage works are to be completed;
  - (vi) any excavations are to be made safe and secure;
  - (vii) stabilisation and rehabilitation works must be implemented in accordance with these conditions of consent and the approved documentation; and
  - (viii) any other specific matters related to making the Subject site safe and secure raised by the Principal Certifier or the Secretary.

### **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 (e) 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.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 (e) 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.11;
- (c) no disturbance or other adverse environmental impacts occur outside the construction corridor as referenced in Condition C.11; and
- (d) all materials, stockpiles, vehicles, machinery and the like are to be confined to the construction corridor as referenced in Condition C.11.

*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. Water in excavations**

- (a) In the event that water needs to be pumped out of any excavations required for the Development, a temporary filter dam must be constructed by the Applicant, and water pumped into the filter dam.
- (b) A filter dam for the purposes of paragraph (a) must be constructed of hay bales and/or geofabric material and must be inspected and approved by the Environmental Officer prior to being used.
- (c) All pump out equipment and any temporary filter dams must be wholly contained within the construction corridor as referenced in Condition C.11 unless otherwise agreed by the Secretary or nominee.

#### **D.7. 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.8. 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.9. 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.10. 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.11. 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.12. 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.13. 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.14. Recycled Material**

In undertaking works which are part of the Development, the Applicant must:

- (a) implement the approved recycling and reuse strategy (Condition C.12); and
- (b) wherever possible, salvage building material for reuse during the construction phase of the Development (subject to Condition B.5(b)) or ensure that it is sent to a recycling facility in order to reduce landfill.

#### **D.15. 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.16. 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 C.3) and these conditions.

#### **D.17. 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.18. 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 Thredbo Alpine Resort, for re-use on other landscaping or rehabilitation projects, or for firewood or similar.

#### **D.19. Top soil removal and disposal**

- (a) All top soil removed from the Subject site during works which are part of the Development must be reused directly in the further construction of the Development.
- (b) No top soil may be stockpiled except at approved stockpiling sites in accordance with the Stockpile Guide.
- (c) If top soil needs to be stockpiled for later use, then it must be categorised (for appropriate future use e.g. topsoil for rehabilitation) and stored at a location in the Thredbo Alpine Resort that is approved by the Secretary or nominee.
- (d) If further top soil is required for use in the Development, the Applicant must ensure:
  - (i) the top soil is brought in from other stockpile sites in the Thredbo Alpine Resort or sources otherwise authorised by NPWS;
  - (ii) the top soil is free of contaminants, weeds and other vegetative propagules; and
  - (iii) prior to stockpiling, the top soil originated from a source with altitude and ecosystem attributes similar to those of the Subject site.

#### **D.20. 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 Thredbo Alpine Resort at a location authorised by NPWS and in accordance with the Stockpile Guide.

#### **D.21. 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.22. 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.23. Blasting**

No explosives may be used, or blasting occur, as part of the Development without prior notice to SafeWork NSW. A copy of each such notice must be submitted to the Secretary or nominee and NPWS.

#### **D.24. 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 15 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.25. 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.26. 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.
- (f) Vegetation clearance and rock removal / other earth moving at the top and bottom of the lift line and in mountain bike trail diversions which are part of the Development must be limited to the minimum clearance required to meet safety standards and operational needs.

#### **D.27. 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.4; and
  - (iii) these conditions of consent.

#### **D.28. Asbestos**

- (a) The removal of any asbestos or other hazardous material found on the Subject site must be carried out in accordance with current SafeWork NSW guidelines and only by an appropriately qualified and licensed contractor.
- (b) Any asbestos or other hazardous materials must be disposed of at an authorised waste facility. Receipts must be provided to the Principal Certifier by the Applicant as evidence of appropriate disposal.

#### **D.29. Stabilising agents**

The use of soil stabilising agents for work or rehabilitation which is part of the Development is not permitted without prior consent of the Secretary or nominee in consultation with the NPWS.

#### **D.30. Use of treated timber**

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

#### **D.31. Scaffolding**

All scaffolding is to be located within the construction corridor (Condition C.11) and must comply with AS/NZS 1576 *Scaffolding* and AS/NZS 4576 *Guidelines for Scaffolding*.

#### **D.32. Drainage pipe above Tower 3**

- (a) The length of the drainage pipe proposed to be installed above Tower 3 of the lift which is part of the Development must be limited to the minimum distance required to meet safety standards.
- (b) To prevent erosion, the outlet of the pipe must include energy dissipation measures to control discharge into surrounding vegetation.

#### **D.33. Mountain bike trails and other public areas**

The Applicant must ensure that all necessary safety measures are in place at all times during the course of works for the Development to ensure that the safety of users of mountain bike trails and that the general public are not put at risk.

## **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.

### **E.2. Geotechnical certification**

- (a) Prior to the issue of the relevant 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.24), confirmation that the works have been undertaken in accordance with the advice.
- (b) If the Department is not the Principal Certifier, the appointed Principal Certifier must provide a copy of the completed and signed Form 3 to the Department with the copy of the occupation certificate.

### **E.3. Rehabilitation**

- (a) Prior to the issue of the relevant occupation certificate, any disturbed ground, including temporary mountain bike trail diversions for the Development, must be rendered erosion resistant and rehabilitated in accordance with the detailed rehabilitation and monitoring plan (Condition C.4) 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.4) 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.4. 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.5. 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.6. 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.7. 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.8. Fire safety certificate**

Prior to the issue of the relevant 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.9. 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 be furnished to the Secretary or nominee.

#### **E.10. 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.4).
- (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.

#### **E.11. 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 these conditions of consent;
  - (ii) certification by a geotechnical engineer or engineering geologist that the completed works are consistent with the geotechnical documentation in Conditions A.2 and any requirements of Condition C.7; and
  - (iii) a statement outlining compliance with all relevant conditions of consent.

A statement of completion for the Development in accordance with this condition must be obtained from the Department within thirty (30) days of works where no construction certificate was required being completed.

#### **E.12. International Mountain Bike Association (IMBA)**

Prior to the use of the mountain bike trail diversions which are part of the Development, the Applicant must provide certification that the trails have been constructed in accordance with Condition A.9 to the Secretary or nominee.

#### **E.13. Accessibility - Building Standards**

Prior to the determination of any occupation certificate, the Principal Certifier must ensure the building work which is part of the Development as complete complies with the approved supporting information per Condition B.9.

---

## **PART F – POST OCCUPATION**

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

Up until the date 5 years after the issue of a final occupation certificate or statement of completion (Condition E.11) 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.4) have been implemented and reported on.

### **F.2. 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.

---



## ADVISORY NOTES

### AN.1 Appeals

The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000* (as amended).

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

The Applicant is solely responsible for ensuring that all additional 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.6 Smoke-free environment legislation

The use and operation of the Subject site must, 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.

### 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.